

THE

Hongkong



Government

# GAZETTE EXTRAORDINARY.

NEW SERIES.

VICTORIA, FRIDAY, 4TH JUNE, 1858.

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## GOVERNMENT NOTIFICATION.

The Contract for publishing this *Gazette*, entered into on the 24th September, 1853, was terminated on the 30th ultimo; and notice is hereby given, that a NEW SERIES of this *Gazette* will be published hereafter, to commence from the 7th instant, under a New Contract, and that "THE HONGKONG GOVERNMENT GAZETTE"

shall, as before, be the only Official Organ for PROCLAMATIONS, NOTIFICATIONS, and PUBLIC PAPERS, of this Government.

By Order,

W. T. MERCER, Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 2d July, 1855.

## HONGKONG.

ANNO VIGESIMO PRIMO VICTORIÆ REGINÆ.

No. 9 of 1858.

By His Excellency SIR JOHN BOWRING, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the Advice of the Legislative Council of Hongkong.

*The Markets' Ordinance, 1858.*

[31st May, 1858.]

Be it enacted and ordained by His Excellency The Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:

- I. Ordinance No. 2 of 1854 is hereby repealed.
- II. All Markets presently established within the District of Victoria shall be subject to this Ordinance; but it shall be lawful for His Excellency the Governor in Executive Council from time to time to alter the same or any of them, and also to establish and continue or close any new Market or Markets within the said District, and to make such Bye-Laws for the letting of Houses, Shops, Stalls, or Standings therein, in any of the said Markets, hereinbefore specified, and the Durations and Conditions of such Lettings, and the Rents to be received for the same, and also for the good government of the said Markets, the repression or prevention of Disorder therein, and the protection of the Traffic thereof, as to His Excellency in Council shall seem meet: Yet so as that no such Bye-Laws shall be contrary to this Ordinance, and shall be capable of being enforced until the same shall have been in English and Chinese published in the *Hongkong Government Gazette*, and, for the space of Seven consecutive Days, posted in all existing Markets.
- III. No new Market shall be deemed to be established until after Notification made by His said Excellency in Council, in the *Hongkong Government Gazette*, in English and Chinese, that the same is so established and open for Public Use.
- IV. From the passing of this Ordinance, no Market shall be opened or kept open except under the provisions of this Ordinance; and every Market which shall be opened or kept open otherwise than as herein provided shall, together with the Building or Buildings (if any) wherein the same shall happen to be erected, be deemed a Common Nuisance.
- V. No Buildings shall be erected, continued, or maintained, in any Market, save only Houses with Stalls, Standings, Houses for Market Porters, and Lan or Entrepots; and the Surveyor General is hereby empowered and required to see to the execution of all Laws for the time being in force, with respect to Buildings, so far as the same are applicable to the Buildings enumerated in the salvo lastly hereinbefore contained; and all the said Buildings shall be constructed of Stone or Brick, and such of them as are Stalls or Stalls shall be fitted with Stone or Wooden Dressers or Counters, proper for the purposes of the same, and no Stall shall cover a larger surface than Seven lineal Feet.
- VI. Each House and each Stall in every Market shall be numbered, and a Register of the same by its Number shall be kept in the Office of the Surveyor General, which Register shall also contain an Entry of the name of the actual Lessee or Tenant of the same, the Premium therefor, the Rent thereof, and the Term of Lease, and such Entry shall be *prima facie* evidence of the facts thereby appearing.
- VII. Licensed Hawkers may lawfully hawk, for sale, any Green Vegetables, Fruit, Bean Curds, Confectionary, and Soup; and Boatmen may lawfully sell any Fresh Fish from their Boats or Vessels to the Crews or Occupants of other Boats or Vessels, at a distance from the Shore of at least Three lineal Feet; neither shall this Ordinance extend to prohibit *bona fide* Public Sales by licensed Auctioneers, or Sales (not being Sales of Raw Butcher's Meat) in Shops or Stores not kept by Asiatics, nor to prevent any Person from selling on his own Premises any Bread, Milk, Congee, Confectionary or Soup, or Salt Fish by Hawkers as aforesaid, not being less at any one time than the weight of One Picul, nor (if a Licensed Victualler or Keeper of a Boarding, Eating, or Coffee House, or Shop) from supplying any cooked Provisions to a Customer.

Repeal of Ordinance No. 2 of 1854.

Governor in Council empowered to establish and close Markets, and to make Regulations and Bye-Laws.

No Market to be deemed established till notified in the *Gazette*

Prohibition of other Markets.

Buildings in Markets.

Numbering Houses and Stalls, and Registering the same.

Certain marketable Articles may be sold out of Market.

All other sales of marketable Articles out of Market prohibited.

Sales in Markets to take place in Stalls or Shops.

Underletting forbidden.

Wholesale Depots to be provided in each Market.

Modes of letting Buildings in Markets.

Not more than One Building to be holden. New Buildings.

Partnerships and Shop Seals.

Absence from the Colony.

Alterations of or additions to Buildings. False Weights, Coin, &c.

Dangerous substances.

Erection or adaptation of Slaughter-houses.

Slaughtering elsewhere prohibited.

Tariff of Tolls for the use of Slaughtering-houses.

Keeping or selling Food, or slaughtering Cattle, in an unwholesome condition.

Keeping, selling &c., unwholesome Fodder.

Licensed Porters.

Superintendent of Police and his Officers to have free access.

Exaction of other Fees, &c., than as provided under this Ordinance, to be Ex-tortion.

Disqualification of certain Persons in respect of interest.

VIII. All Persons soever within the said District of Victoria or the Harbour thereof (except in the cases specified in Section Seven), are hereby forbidden to sell or expose for Sale in any Place soever, not being a Public Market within the meaning of this Ordinance, any Articles of Food for Man usually sold or exposed for sale in a Public Market.

IX. No Sales within any Market (except in cases to which Section Eleven is applicable) shall take place but in a Stall or in a Shop.

X. No Lessee or Renter of a Stall, or of a Shop or House, within any Market, shall underlet or assign the same, or any part thereof, without the written License of the Surveyor General.

XI. In such Markets as may be by the Governor in Council thereunto specially determined, and which shall be notified as aforesaid, there shall be set apart and numbered by the Surveyor General, Lan or Entrepots, for the sale and purchase by wholesale of Swine, Fish, Fowl (whether alive or dead), Vegetables, and Fruit, whereat Dealers having Stalls or Shops in such Market may purchase their supplies of the same Articles; and such Lan or Entrepots, and the Persons frequenting or using the same, shall be regulated and governed by such of the aforesaid Bye-Laws as shall relate thereunto; and no Person shall be allowed to vend any Articles in any such Lan or Entrepot as a wholesale Trader or Dealer therein, except under License approved by His said Excellency in Council, who is hereby empowered from time to time to grant such Licenses as aforesaid, and make such Regulations for the Duration or Conditions thereof, and the Fees or Taxes to be imposed or levied for the same; and such Licenses shall be granted to all approved Applicants for whom there may be Accommodation, but shall not be transferable.

XII. All Buildings in Markets shall be let by the Surveyor General in manner following, that is to say: the letting of all Houses for One Year certain, and from the end or other sooner determination thereof from Year to Year, and at the highest Yearly Rent that can be reasonably gotten for the same, the First Yearly Rent thereof for the Year commencing on the First Day of July now next coming to be ascertained by way of Public Auction, and the highest Bidder thereof of approved responsibility to be declared the Lessee for the said Term, with right of preference, in the renewal of every such Term, to the actual Tenant thereof: But the letting of all Stalls and Lan to be by the Month, and the Lessees thereof to be ascertained by way of Lot from among the Applicants for the same, with the like right of preference, and at such Rents as shall from time to time be, by His said Excellency in Council, ascertained and fixed and signified unto the said Surveyor General.

XIII. No Person shall occupy or hold, for himself or for another, more than One Building in a Market, without the written Permission of the Surveyor General upon cause shown.

XIV. The Rent reserved in respect of any new or additional Building in a Market shall be after the same rate, and payable at the same time, as the Rents of other Buildings of the same kind in the same Market.

XV. Every Lessee or Tenant, as soon as may be after being accepted as such, and before entering into possession of any such Building, shall furnish the Surveyor General with a written Statement of the Names of all Persons, if any, having any Copartnership interest with him in his business, to be carried on thereon or incidentally thereto, and also the impression of the Seal (if any) of his Shop or Firm.

XVI. No actual Lessee or Tenant of any such Building, registered as the sole Lessee or Tenant thereof, shall be at any one time absent from the Colony for a period of Six consecutive Months.

XVII. No alteration in or addition to any such Building shall be made or commenced by the Lessee or Tenant thereof, without the written Sanction of the Surveyor General being first obtained.

XVIII. False or unlawful Scales, Weights, or Measures, Counterfeit Coin, and Base Cash, are hereby forbidden to be used in any Market by any such Lessee or Tenant, and all such Scales, Weights, and Measures, Coin and Cash, shall be impounded and destroyed by the Superintendent of Police.

XIX. Dangerous explosive or combustible Substances, in a larger quantity than One Catty in all, shall not be kept within any Market by any such Lessee or Tenant.

XX. His said Excellency in Council is further empowered to grant unto any Person or Persons in such Manner, for such Consideration or Rent, upon such Conditions, and for such Period not being less than One Twelvemonth, as shall be from time to time ascertained and fixed by such of the said Bye-Laws as shall relate thereunto, the sole Privilege of slaughtering Cattle, within such Slaughter-houses as shall be from time to time provided or appointed for the said Purpose, for the supply of the said Markets, or for the supply of any Person residing in the said District of Victoria.

XXI. No Person shall within the said District of Victoria slaughter any Cattle or dress any Carcass for Sale as Food for Man, except within the said Slaughter-houses.

XXII. Every Grantee of the said Privilege shall at all Times during such Period of the Day or Night, as shall be from time to time determined by such Bye-Laws as aforesaid, allow any Person (who shall first pay or tender unto him such Toll as in that behalf is provided by a Tariff of Tolls to be from time to time in like Manner determined) to slaughter any Cattle or dress any Carcass for sale within the said Slaughter-houses as Food for Man.

XXIII. No Person shall keep, sell, or expose for sale anywhere, or bring into this Colony or any Market or Slaughter-house, any Article of Food for Man which shall be in an unwholesome Condition or unfit for such Food; or bring, lead, carry, or drive into, or keep or slaughter in this Colony or any Slaughter-house, or permit to be so brought, led, carried, or driven thereto, or kept or slaughtered therein, any Cattle which shall be unfit for slaughter.

XXIV. It is also forbidden to any Person to keep, sell, or expose for Sale in, or bring into this Colony or any Market or Slaughter-house, any Fodder for Beasts which shall be in an unwholesome Condition, or unfit for such Fodder, or to give, or allow to be given, any such Fodder to any Beasts.

XXV. No Person shall act as Porter in any Market, without being thereunto licensed in Writing by the Superintendent of Police.

XXVI. For the performance of the several Duties of the Police Force in enforcing this Ordinance, the Superintendent of Police and his Officers, and the other Members of the said Force, together or singly, shall have at all Times free access to every Part of every Market, and of every Stall and Building therein, and of every Slaughter-house, and may abide therein at the pleasure of the said Superintendent; and none shall presume to impede, obstruct, or resist him, them, or any of them, in the performance of their said Duties respectively.

XXVII. Except where otherwise by this Ordinance provided, it shall be unlawful for any Person soever to demand or receive any Chattel, Money, or other valuable Thing, as, or for, or under pretence of, a Fee, Fine, Toll, Rent, Stallage, or otherwise, for access, or admission to, or buying, or selling, or slaughtering in any Market or Slaughter-house respectively.

XXVIII. No Person in the Public Service, and no Person in the employment or Member of the Family of any Person in such Service, shall, either in his own right or in the right of another, and either for his own benefit or for the benefit of another, and either at Law or in Equity, be directly or indirectly interested in or concerned with any Market, Stall, Building, or Slaughter-house as aforesaid.

XXIX. All Monies payable to the Crown under this Ordinance for Rents, Fees, or Taxes, shall be paid in advance on the First Day of every Month, or within Seven Days next after to the Registrar General, Rents, Fees, and Taxes, how payable. and shall be, within Three Days next after receipt thereof, paid over by him into the Treasury, to the use of the Crown.

XXX. All Sums of Money to be paid under, or by virtue of this Ordinance, or any of its Provisions, to be paid in current Dollars. Monies to be paid in current Dollars.

XXXI. All Violations or Disobediences of, or Defaults in compliance with, the Provisions of the Sections of this Ordinance next hereinafter specified, shall be heard and determined summarily under the Ordinances for the time being in force, touching the Jurisdiction of the Court of Petty Sessions; and on conviction of such Offences, the respective Offenders shall be sentenced to pay the several Penalties, or in Default of payment thereof, to suffer the several Terms of Imprisonment respectively hereinafter specified: Penalties for Offences.

1. For every Offence against Sections Four, Twenty-six, Twenty-seven, or Twenty-eight, a Fine not exceeding Five Hundred Dollars, over and above (in Cases of Nuisance under Section Four) the Expense of, or incident to, abating and removing the same; or, instead of such Fine, Imprisonment for a Term not exceeding Six Months, for every Offence against either of the said Sections. 1. Against Sections IV., XXVI., XXVII., and XXVIII.

2. For every Offence against Sections Eight, Nine, or Eleven, a Fine not exceeding Twenty-five Dollars, or Imprisonment for a Term not exceeding One Month. 2. Against Sections VII., IX., and XI.

3. For every Offence against Sections Ten, Twenty-one, or Twenty-two, a Fine not exceeding One Hundred Dollars, or Imprisonment for a Term not exceeding Three Months. 3. Against Sections X., XXI., and XXII.

4. For every Offence against Section Thirteen, or Sections Sixteen to Nineteen inclusive, the forfeiture of the Lease or Tenancy of the Offender. 4. Against Sections XIII., XVI., XVII., XVIII., and XIX.

5. For every Offence against Section Twenty-three, a Fine not exceeding Two Hundred Dollars, over and above the Expenses of the removal of the Food or Cattle in question; and also (if the Court shall order the Destruction thereof), the Expenses of, or incident to, the same; or, instead of such Fine, Imprisonment for a Term not exceeding Six Months. 5. Against Section XXIII.

6. For every Offence against Section Twenty-four, a Fine not exceeding Fifty Dollars, or Imprisonment for a Term not exceeding One Month. 6. Against Section XXIV.

7. For every Offence against Section Twenty-nine, a Fine not exceeding in Amount the Sum of Money not paid over, and also (if the Offender be a Lessee or Tenant) the forfeiture of his Lease or Tenancy. 7. Against Section XXIX.

XXXII. The Laws relating to Nuisances, Cruelty to Animals, Offences relating to Scales, Weights, Measures, and Coins, and Extortions, and the general jurisdiction of the Supreme Court, are not affected by this Ordinance. Saving as to Nuisances.

XXXIII. The word "Cattle" in this Ordinance shall include Swine, and all graminivorous Beasts, except Horses, Asses, and Mules. Interpretation of "Cattle."

JOHN BOWRING.

Passed the Legislative Council of Hongkong,  
this 31st Day of May, 1858.

L. D'ALMADA E CASTRO,  
Clerk of Councils.

BYE-LAWS,

Made and notified by His Excellency the Governor in Executive Council, pursuant to the "Markets' Ordinance, 1858."

- I. All Disputes arising between Purchasers and Sellers in the Markets, are to be referred in the first instance to the Deputy Inspector of the Market, in which such Disputes shall arise, and shall not be litigated until after such reference.
- II. There shall be a certain number of Shops or Stalls appropriated and set apart by the Surveyor General for the sale of each kind of Flesh Meat,—a certain number of others for the sale of Fowl,—of others for the sale of Fish,—of others for the sale of Fruits and Vegetables, and so on for the sale of every Article usually sold in Markets.
- III. In every Shop or Stall the Signboard and Blinds thereof shall be so set, fastened, and kept, as not to obstruct in any way the adjacent Thoroughfare; and no Lessee or Tenant of a Shop or Stall shall fill up or collect any Commodities outside or around his Shop or Stall, or permit them to project over or beyond the Wall-face of the Premises occupied by him, under pain of a Fine not exceeding Twenty-five Dollars for every such Offence, besides any other Penalty at law recoverable.
- IV. The Markets shall be open to the Public from Gunfire to Sunset each day, but the principal Entrance to each Market shall be kept open under the Charge of a Police Constable, until the hour of Nine o'Clock p.m., for the Egress or Ingress of those resident within such Market; and all Gates and Entrances shall be closed every Night at Nine o'Clock, after which Hour no freedom of Exit or Entry shall be permitted.
- V. The Markets shall be thoroughly scavenged Twice every Day at Ten a.m. and at Four p.m., and all Filth and Refuse deposited in a Dust-bin,—one to be built in each Market; and such Dust-bins are to be emptied and cleansed by the "Contractor for emptying Public Dust-bins" once in the afternoon of each day.
- VI. A certain number (to be fixed from time to time), of Men and Boys shall exercise the calling of "Market Porters" at each Market, such Market Porters to be registered and licensed by the Superintendent of Police, and to bear in Chinese and English a Badge marked "Porter Market;" also to carry a Basket bearing the same inscription, and to be in attendance at the Market during all Market Hours, and to be liable to the revocation of their Licenses by the said Superintendent in case of misbehaviour.
- VII. A sufficient number of Persons is to be employed to perform the work of Market Scavengers, such Scavengers to be registered by the Superintendent of Police, and to wear a Badge marked "Scavenger Market."
- VIII. Twelve Members of the Police Force shall be kept detached from the Police Department by the Superintendent of Police for special duty at the Markets, and shall be under his control; and Two of the said Members shall be Deputy Inspectors of Markets, and the remaining Ten shall be Market Constables under their command.
- IX. Each Lan shall be let by the Surveyor General, at the Rent of Twenty Dollars a Month, payable in advance.
- X. The Lessee or Tenant of such Lan shall be entitled to charge for his Brokerage the Commission of Two per Centum, and no more, under the Penalty of forfeiture of his Lease or Tenancy, besides all other Penalties by law provided.
- XI. There shall be Two Slaughter-houses provided by and at the Expense of Government. The one shall be in the Eastern, the other in the Western, part of Victoria. They shall be leased by the Surveyor General for the Term of one Twelvemonth to the highest approved Bidder for the same, at the highest Rent by him offered,—such Bidder to be ascertained by Tender, duly notified in the *Hongkong Government Gazette*; and the Person to whom the same shall be so leased, shall enjoy during the whole of the said Term the sole Privilege of slaughtering Cattle under the "Markets' Ordinance, 1858."