



# THE HONGKONG Government Gazette.

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No. 7.

## PROCLAMATION.

[L.S.] G. WILLIAM DES VŒUX.

By His Excellency Sir G. WILLIAM DES VŒUX, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same.

Whereas by section 86 of Ordinance 24 of 1887, entitled—*The Public Health Ordinance, 1887*, it is enacted as follows:—

“This Ordinance shall not come into operation unless and until the Officer Administering the Government notifies by proclamation that it is Her Majesty’s pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other proclamation.”

And whereas it has been intimated to me that it is Her Majesty’s pleasure not to disallow the same:

Now, therefore, I, Sir G. WILLIAM DES VŒUX, Governor of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, in pursuance of the said section and by virtue of the authority in me vested, do hereby under my hand proclaim that Her Majesty the Queen has been pleased to allow and confirm the said Ordinance and that the said Ordinance shall come into force from this date.

By Command,

FREDERICK STEWART,  
*Colonial Secretary.*

GOD SAVE THE QUEEN.

Given at Government House, Hongkong, this 31st day of May, 1888.

## GOVERNMENT NOTIFICATION.—No. 230.

His Excellency the Governor has given his assent, in the name and on behalf of the Queen, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 24 of 1887.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, for amending the Laws relating to Public Health in the Colony of Hongkong.*

By Command,

FREDERICK STEWART,  
*Colonial Secretary.*

Colonial Secretary’s Office, Hongkong, 30th May, 1888.

No. 24 OF 1887.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, for amending the Laws relating to Public Health in the Colony of Hongkong.

(LS) G. WILLIAM DES VŒUX.

[30th May, 1888.]

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| Preamble.             | <b>W</b> HEREAS it is expedient to make provision for preserving and promoting the Public Health in this Colony: Be it therefore enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—  |
| Title.                | 1. This Ordinance may be cited for all purposes as <i>The Public Health Ordinance, 1887.</i>  |
| Ordinances repealed.  | 2. The several Ordinances and parts of Ordinances mentioned in schedule A to this Ordinance appended, are hereby repealed, provided always that all Rules and Regulations made in virtue of any of the said Ordinances or parts of Ordinances and in force at the date of the passing of this Ordinance shall remain in operation, until they shall have been amended or repealed.                        |
| Definitions.          | 3. In this Ordinance and in any Bye-Laws made thereunder, the following words and expressions shall have or shall include the meanings hereinafter respectively set against them, unless such meanings be repugnant to or inconsistent with the context.  |
| Author of a Nuisance. | 1. <i>Author of a Nuisance.</i> —The person by whose act, default, permission, or sufferance the nuisance arises or continues.  |
| Board.                | 2. <i>Board.</i> —The Sanitary Board.   |
| Building.             | 3. <i>Building.</i> —Any building, house, dwelling-house, tenement-house, common lodging-house, verandah, cook-house, privy, gallery, balcony, chimney, bridge, out-house, stable, matshed, ware-house, manufactory, shop, work-room, distillery, and place of secure stowage.  |
| Common Lodging-House. | 4. <i>Common Lodging-House:</i> —<br>(a.) any house or part thereof, where persons are housed—not being members of the same family—at an amount not exceeding five cents a day, or one dollar a month, for each person;<br>(b.) any permanent structure in which employers of labour lodge their employés other than domestic servants, or shopmen, as part of the remuneration given for their services. |
| Domestic Building.    | 5. <i>Domestic Building.</i> —Any human habitation, or building where persons pass the night.   |
| Drug.                 | 6. <i>Drug.</i> —Any medicine for internal or external use.   |
| Food.                 | 7. <i>Food.</i> —Any article used for food or drink other than drugs or water.  |
| Hill-side.            | 8. <i>Hill-side.</i> —The face of the natural hill, or the face of any scarp or retaining-wall built to support the same, or any artificial filling in or terracing with earth behind such scarp or retaining-wall, made with the object of supporting a street or forming a site for a building.   |
| Householder.          | 9. <i>Householder.</i> —For the purposes of this Ordinance, the actual tenant or occupier of any building, or in cases where there shall be no such person, then the immediate landlord of such building, and, in the case of Corporations, Companies, and Associations, the Secretary or Manager thereof shall be deemed the Householder, and shall be liable under this Ordinance.                      |

10. *Keeper of a Common Lodging-House*.—Any person licensed to keep a Common Lodging-House. Keeper of a Common Lodging-House.
11. *New Building*.—Any structure begun after the commencement of this Ordinance or of which the enclosing walls have not been carried higher than the footings, or such old buildings as shall for the purposes of reconstruction be taken down to an extent exceeding one half, such half to be measured in cubic feet. New Building.
12. *Occupier*.—The person in actual occupation of any premises. Occupier.
13. *Owner*.—Any house-owner, or the person for the time being receiving the rent of any premises, solely or as joint-tenant, or tenant in common with others, or receiving the rent of any premises whether on his own behalf or that of any other person, or, where the owner cannot be found or ascertained, the occupier; and for the purposes of this Ordinance every mortgagee in possession shall be deemed an Owner. Owner.
14. *Person* (and words applied in this Ordinance to any individual).—Corporations, Companies, and Associations. Person.
15. *Premises*.—Any land, building, or structure of any kind, footway, yard, alley, court, garden, stream, nullah, pond, pool, paddy-field, marsh, drain, ditch, or place open, covered, or enclosed, cess-pool or foreshore, also any vessel or boat lying within the waters of the Colony. Premises.
16. *Secretary*.—The Secretary to the Sanitary Board duly appointed under the provisions of Section 6 of this Ordinance. Secretary.
17. *Tenant*.—Any person who leases direct from any Householder the whole of any floor or floors of any building or tenement-house. Tenant.
18. *Tenement-House*.—Any domestic building let to and inhabited by more than one occupier or family, as tenants of a common landlord, or as sub-tenants of a tenant of any portion of such domestic building. Tenement-House.
19. *Vessel*.—Any steam or sailing ship, launch, junk, lighter, sampan, or boat. Vessel.
4. The Board shall consist of the Surveyor General, the Registrar General, the Captain Superintendent of Police, the Colonial Surgeon, and not more than six additional members, four of whom, (two being Chinese) shall be appointed by the Governor, and two elected by such rate-payers as are included in the Special and Common Jury Lists, and also by such rate-payers as are exempted from serving on juries on account of their professional avocations. Non-official members of the Board shall hold office for three years. Constitution of the Board.
5. The mode of election, the proceedings incident thereto, and all other matters relating to the election of the said members, by the said rate-payers, shall be governed by Rules made by the Governor in Council, who may, from time to time, add to, vary, or revoke, any of the said Rules. Governor to make Rules for elections.
6. The Governor shall appoint the President, Vice-President, and Secretary of the Board, and the names of all members appointed to the Board shall be forthwith notified in the *Government Gazette*, and any number of the *Government Gazette*, containing a notice of any such appointments shall be deemed sufficient evidence thereof, before any Magistrate or Court of Law. President, Vice-President and Secretary.
7. If any member of the Board be at any time prevented by absence or other cause from acting for more than six months, the Governor, may appoint, or, if the member has been elected, the electors may nominate some other person to replace such member, until he shall be able to resume his functions. Substitute member.
8. The Board shall be held to be legally constituted, notwithstanding any vacancies occurring therein by death, absence, resignation, or incapacity of any member. Vacancies.
9. The Governor may appoint such officers as he shall see fit to be Sanitary Superintendent, Sanitary Surveyors, Inspectors of Nuisances, and such other servants as the Board may from time to time recommend, and there shall Sanitary Staff.

be paid from the Colonial Treasury to such officers, such salaries and allowances as the Governor, with the consent of the Legislative Council, may from time to time determine.

Board  
meetings.

**10.** The Board shall meet once in every alternate week and oftener if need be, and may adjourn from time to time. The President may at any time, and shall, on a requisition signed by three members of the Board, summon a meeting thereof.

Quorum.

**11.** Any four members shall be a quorum for the despatch of business, and at every meeting, the President or Vice-President shall preside, or, in their absence, the members present shall appoint a Chairman. The President or Vice-President or in their absence the Chairman so appointed, shall have a deliberative and a casting vote.

Standing  
Orders.

**12.** The Board may from time to time make Standing Orders for regulating the mode and order of procedure at its meetings, for the appointment of Select Committees, for the conduct of its business between such meetings, and for the guidance of its Officers, and may from time to time alter and amend such Standing Orders.

Power to make  
Bye-Laws.

**13.** The Board shall have power to make, and when made, to alter, amend, or revoke Bye-Laws with regard to the following matters:—

1. The proper construction, trapping, ventilating, and maintenance of private house-drains in the City of Victoria, and the villages, and rural districts of Hongkong and Kowloon.
2. The provision and proper construction of dust boxes in private premises.
3. The provision of adequate subsoil drainage in order to arrest damp in dwelling-houses.
4. The cleansing, lime-whiting, and proper sanitary maintenance of all premises in the Colony.
5. The sanitary maintenance of public latrines, urinals, dust-bins, and manure-depôts.
6. Surface scavenging, the removal and disposal of night soil and of other refuse.
7. The closing of premises unfit for human habitation and the prohibition of their use as such.
8. The protection of the public water supply from pollution.
9. The prevention of the manufacture or sale of unsound, adulterated, or unwholesome food.
10. The regulation of bakehouses, dairies, aerated water manufactories, and food preserving establishments.
11. The prohibition of the establishment within certain limits, and the control of any noxious or offensive trade, business, or manufacture.
12. The sanitary maintenance of Common Lodging-Houses, opium smoking divans, factories, and places of public instruction, recreation, or assembly.
13. The prevention of overcrowding in premises, either in respect of human beings or the lower animals.
14. The licensing and regulation of all depôts and pens for cattle, pigs, sheep, and goats.
15. The sanitary maintenance of markets and slaughter-houses.
16. The construction, licensing, and proper sanitary maintenance of pig-sties in private premises.
17. The breaming of vessels, and the maintenance of cleanliness in the harbour of Victoria, the waters of the Colony, and the foreshores thereof.
18. The disposal of the dead, the disinfection of dead bodies, and the sanitary maintenance of mortuaries and cemeteries.
19. The compulsory vacating of infected premises, and the disinfection and purification of the same.
20. The disinfection and purification of all infected vessels and public vehicles.
21. The mitigation or prevention of epidemic, endemic, or contagious disease among animals.

- 22. The manufacture and sale of poisons and the sale of unsound and adulterated drugs.
- 23. The regulation of public baths, laundries, and wash houses.
- 24. The compulsory reporting of infectious, contagious, or communicable diseases.

14. The President or Vice-President shall give directions for carrying out and giving effect to the decisions of the Board:

Powers of President and Vice-President.

15. All Bye-Laws made by the Board under the provisions of this Ordinance shall be submitted to the Governor, and shall not take effect until approved by the Legislative Council. And all such Bye-Laws, when so approved, shall be published in the *Government Gazette* in English and Chinese and shall have the same force of law and be equally binding and valid, as if they had been contained in this Ordinance.

Legislative Council to approve Bye-Laws.

16. The word *Nuisance* as used in this Ordinance shall include:—

Definition of Nuisance.

- 1. Any failure to supply, or any inadequate or defective provision of drain, drain-trap, ventilating-pipe, subsoil-drainage, or cess-pool accommodation, or any building or part of a building so dark, or so ill-ventilated as to be dangerous, or prejudicial to the health of the inmates.
- 2. Any street or road, or any part thereof, or any water-course, nullah, ditch, gutter, side-channel, drain, ashpit, sewer, privy, urinal, or cess-pool so foul as to be noxious, or noisome, or unhealthy.
- 3. Any water-course, well, tank, pool, pond, canal, conduit, or cistern, the water of which, from any cause, is so tainted with impurities, or so unwholesome as to be injurious to the health of persons living near, or using such water, or which is likely to promote or aggravate epidemic disease.
- 4. Any stable, cow-house, pig-sty or other premises for the use of animals, which is in such a condition as to be injurious to health.
- 5. Any accumulation, or deposit of stagnant water, sullage-water, manure, dirt, house-refuse, or other matter, wherever situated, which is unhealthy.
- 6. Any noxious matter, or waste waters, flowing or discharged from any premises, wherever situated, into any public street, road, or into the gutter or side-channel of any street, or road, or into any nullah, or water-course, or the bed thereof.
- 7. Any manufactory, trade, or business of a noxious, noisome, or unhealthy nature.
- 8. Any cemetery, or place of burial, so situated, or so conducted, as to be unhealthy.
- 9. Any act, omission, or thing which is, or may be dangerous to life, or injurious to health or property.

17. It shall be lawful for the Board, on reasonable presumption of the existence of a nuisance, on any premises, by an order in writing, to authorize any Sanitary Officer, with an Assistant, or Assistants, to enter such premises, at any time between six in the morning and six in the evening, and to inspect the same.

Right of entry.

The Inspecting Officer shall produce and show the order to any person being, or claiming to be, the occupier of such premises. Provided that the Inspecting Officer shall not enter any house, or upon any land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier six hours' notice in writing of his intention to do so.

Notice of entry to be given.

Any person refusing admittance to the said Inspecting Officer, after such notice has been given, shall be liable to a fine not exceeding twenty-five dollars.

Penalty.

18. On the receipt of any information respecting the existence of a nuisance, the Board shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance, the nuisance arises, or continues, or, if such person cannot be found, on the owner, or occupier, of the premises on which the nuisance arises, requiring him to abate the same, within a time to be specified in the notice, and to execute such works, and do such things, as may be necessary for that purpose: Provided,

Sanitary Board to serve notice requiring abatement of nuisance. 38 & 39 Vict. c. 55 s. 94.

*First.* That, where the nuisance arises from the want, or defective construction, of any structural convenience, or, where there is no occupier of the premises, notice under this section shall be served on the owner:

*Secondly.* That, where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise, or continue, by the act, default, or sufferance of the owner, or occupier, of the premises, the Board may themselves abate the same, without further order.

Sanitary Board to serve notice directing compliance with Bye-Laws.

19. It shall be lawful for the Board, in any case where there is a contravention of any of the requirements of any of the Bye-Laws, made under Section 13, to issue a notice to the offender, stating what is required to be done to carry out the provisions of such Bye-Laws; and to call upon him to comply with such notice within a reasonable time to be stated in the said notice.

Board may review notice.

20. If the person served with notice, under Section 18 or 19 is dissatisfied with such notice, it shall be lawful for him, within the time therein specified, to apply to the Board to review the same, stating the grounds of his application, and the Board shall, thereupon, inquire into the matter, and shall confirm, modify, suspend, or discharge the said notice, or extend the time allowed for compliance therewith.

On non-compliance with notice complaint to be made to Magistrate.

21. If the person on whom a notice has been served in pursuance of Section 18 or 19, has not obtained from the Board a modification or withdrawal of the notice, and continues to make default in complying with the requirements of such notice, or, in the case of a nuisance, if the same, although abated since the service of the notice, is, in the opinion of the Board, likely to recur on the same premises, the Board shall cause a complaint relating to the non-compliance with the said notice, or to such nuisance, to be made before a Magistrate; and such Magistrate shall, thereupon, issue a Summons, requiring the person on whom the notice was served to appear before him.

Power of Magistrate to make order dealing with nuisance. [*Ibid.*, sec. 96.]

22. If the Magistrate is satisfied that the requirement of the Board is legal, or that the alleged nuisance exists, or that, although the said nuisance is abated, it is likely to recur on the same premises, the Magistrate shall make an order on such person, requiring him to comply with all, or any, of the requisitions of the notice, or otherwise to abate the nuisance, within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance, and directing the execution of the works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

The Magistrate may, by his order, impose a penalty not exceeding twenty-five dollars, on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for obeying the requirements of the Bye-Law, for abatement or prohibition of the nuisance, as the case may be.

Order of prohibition and use, &c. of house unfit for human habitation. [*Ibid.*, sec. 97.]

23. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the Magistrate, unfit for human habitation, the Magistrate may prohibit the using thereof for that purpose, until, in his judgment, the house or building is rendered fit for that purpose; and, on the Magistrate being satisfied that it has been rendered fit for that purpose, he may determine his previous order by another, declaring the house or building habitable, and, from the date thereof, such house or building may be let or inhabited.

Penalty for contravention of order of Magistrate.

24. Any person not obeying an order to comply with the requisitions of the Board, and failing to satisfy the Magistrate that he has used all due diligence to carry out such order, shall be liable to a penalty not exceeding ten dollars per day, during his default; and any person knowingly and wilfully acting contrary to an order of prohibition, shall be liable to a penalty not exceeding twenty-five dollars per day, during such contrary action; moreover, the Board may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover, in a summary manner, the expenses incurred by them from the person on whom the order is made.

25. Any member, or Officer of the Board duly authorised by the said Board in writing, may, at any time between the hours of six in the morning and six in the evening, enter any shop or premises used for the sale or preparation for sale, or for the storage of food, to inspect and examine any food found therein which he shall have reason to believe is intended to be used as human food, and, in case any such food appear to such member or Officer to be unfit for such use, he may seize the same, and the Board may order it to be destroyed or to be so disposed of as to prevent it from being used as human food.

Seizure of unwholesome food.

26. It shall be lawful for the Governor in Council from time to time to select and appoint, and by advertisement in the *Hongkong Government Gazette*, to notify sufficient and proper places to be the sites of, and to be used as Cemeteries or places of burial for the Chinese: and from time to time, to alter, vary, and repeal the said Notifications by others, to be advertised in the like manner; and in such Cemeteries or places it shall be lawful for the Chinese, in conformity with the provisions of the Notifications actually in force, to bury their dead, yet so as that any person who shall use for that purpose a grave of less than six feet in depth from the ordinary surface of the ground to the uppermost side of the corpse or coffin therein deposited, shall for every such offence forfeit and pay a sum not exceeding fifty dollars.

Chinese Cemeteries.

27. The Governor in Council is authorised from time to time to notify by advertisement in the *Hongkong Government Gazette*, that any Chinese cemetery or burial ground shall, from a time in such Notification to be specified, be closed, and the same shall be closed accordingly; and whosoever, after the expiration of the said specified time, shall bury any corpse in the said cemetery or burial ground shall, for every such offence, forfeit and pay a sum not exceeding one hundred dollars.

Closing of Chinese Cemeteries.

28. Whosoever shall bury any corpse or coffin in any ground not being a cemetery or burial ground authorised under this or any other Ordinance, shall (except in cases provided for by section 27 of this Ordinance) for every such offence forfeit and pay a sum not exceeding one hundred dollars.

Burial elsewhere.

29. Where any person is suffering from small-pox or any other contagious or infectious disease, and is without proper lodging or accommodation, or is lodged in a tenement occupied by more than one family, or is on board any ship or vessel, a Magistrate may, on the certificate of the Colonial Surgeon or any other duly qualified Medical practitioner, order the removal of such person to such suitable hospital or other like place as may be provided for the purpose.

Removal of infected persons.

30. The keeping of cattle, swine, sheep, or goats without a Licence from the Board is hereby prohibited, and any person keeping such animals, either without a Licence from the Board, or in a manner contravening such sanitary conditions as may be endorsed on such Licence, shall be liable, on conviction before a Magistrate, to a fine not exceeding five dollars, and, in default of payment, to imprisonment for any term not exceeding fourteen days, and, in the discretion of the Magistrate, to forfeit all animals in respect of the keeping of which he has so offended.

Keeping pigs, &c.

## PART II.

31. Whenever any part of the Colony appears to be threatened with, or is affected by any formidable epidemic, endemic, or contagious disease, the Governor, with the advice of the Executive Council, may, by Proclamation from time to time, direct that the provisions contained in Sections 32 to 37 of this Ordinance, both inclusive, be put in force in the Colony, or such part thereof, as by such Proclamation may be specified, and may from time to time revoke or renew any such Proclamation; and, subject to such revocation and renewal, every such Proclamation shall be in force for such period as in such Proclamation shall be expressed, and every such Proclamation shall be published in the *Government Gazette*, and such publication shall be conclusive evidence thereof.

Proclamation of epidemic disease.

32. From time to time after the issuing of any such Proclamation as aforesaid, and while the same continues in force, the Board may issue Bye-Laws, as they shall think fit, for the prevention as far as possible, or mitigation of such epidemic, endemic, or contagious disease, and from time to time may revoke, renew, and alter any such Bye-Laws.

Bye-Laws for prevention or mitigation of epidemic.

Any person committing any infraction of the above-mentioned Bye-Laws shall be liable to a fine not exceeding two hundred dollars or to imprisonment not exceeding six months.

Punishment  
for con-  
travention  
of Bye-Laws.

33. The Board by such Bye-Laws may provide:—

1. For the speedy and safe disposal of the dead.
2. For house to house visitation.
3. For the dispensing and distribution of medicines.
4. For providing such accommodation and medical aid as may be required.
5. For the destruction of infected bedding, clothing, or other articles.
6. For the compulsory vacating of houses.
7. For any such matters or things as may to the Board appear advisable for preventing or mitigating such disease.

Bye-Laws to  
be published  
in the *Gazette*.

34. Such Bye-Laws after approval by the Governor in Council, shall be published in the *Government Gazette*.

Board to  
supervise  
execution of  
Bye-Laws.

35. The Board shall, through its Officers, superintend the execution of such Bye-Laws, and shall act, and shall provide all such things as may be advisable for mitigating such disease, or for superintending or aiding in the execution of such Bye-Laws, or for executing the same, as the case may require.

Inspection of  
premises.

36. Any officers or persons authorised in that behalf by the Board may enter at any reasonable time during the day or night, and inspect any premises where they have ground for believing that any person has recently suffered from or died of any such disease, or that necessity may otherwise exist for executing in relation to such premises any of such Bye-Laws.

Premises  
overcrowded.

37. When any such Proclamation is in force, and upon any evidence that the Board may deem sufficient that any premises are so overcrowded as to be injurious to health, the Board shall have power to make such Order as it shall see fit to abate such overcrowding, and the house-holder, tenant, or occupier of such premises who shall permit such overcrowding to continue after such Order shall have been served on him, shall forfeit a sum not exceeding one hundred dollars for every day during which such overcrowding shall continue, and in default of payment he shall be liable to imprisonment for any period not exceeding three months.

Proclamation  
to extend to  
waters of the  
Colony.

38. All Proclamations of the Governor in Council for executing the provisions contained in Sections 32 to 37 of this Ordinance, both inclusive, shall extend to the waters of the Colony, and the Board may issue, under the said Proclamations, by virtue of the provisions of Section 32, Bye-Laws for vacating, cleansing, purifying, and ventilating vessels.

### PART III.

Drains.

39. Every owner of a new building erected within the City of Victoria shall construct the ground floor of such building at such sufficiently high level as will allow of the construction of a drain and of the provision of the requisite communication with any public sewer into which such drain may lawfully empty, at a point in the upper half-diameter of such sewer.

Materials to  
be used for  
drains.

40. Every owner of a new building within the City of Victoria shall, in the construction of every drain of such building, use good sound pipes, formed of cast iron, jointed with lead, or hard, well glazed, stone-ware socketted pipes, jointed water-tight in cement mortar composed of at least one part of good cement to three equal parts of clean sand. Black bricks shall not be used in the construction of any house-drains intended for the conveyance of sewage. Red bricks may be used, provided they are hard and sound, and that they are set in cement mortar of the foregoing description, and that the interior surface of the drain is also smoothly rendered with the same mortar.

Sizes and  
falls of  
drains.

41. Every owner shall cause every such drain to be of adequate size, such size to be approved by the Board, and in no case to be less than six inches internal diameter. Where the ground is soft, such drain shall be laid in a bed of good lime concrete. Every house-drain shall be laid with a proper fall, to the satisfaction of the Board.



42. No drain shall be so constructed as to pass under any building, except in any case where any other mode of construction may be impracticable. Any drain passing under a building shall be laid in one straight line for the whole distance beneath such building, and shall be completely embedded and encased all round in good and solid lime concrete at least four inches thick all round.

Drains under building.

43. Adequate disconnexion and ventilation shall be provided at the end of every house-drain by means of gully-traps, with slop-stone covers, or suitable iron perforated covers or gratings, and ventilating pipes, placed at such points and levels, and in such manner, as shall, in each case, be required by the Board; and every inlet to every house-drain shall be properly trapped, and shall be grated, or covered with a perforated stone or iron cover that shall effectually prevent the introduction of any solid substance into such inlet, and the perforations or apertures of every such grating or cover shall be of not less than the sectional area of the pipe or drain to which it is fitted.

Disconnexion and ventilation of drains.

44. Every drain from a building communicating directly with any public sewer, shall be provided with a suitable trap, ventilating-grating, disconnecting manhole, or other appliance, to the satisfaction of the Board, at such point between such building and such public sewer as shall be pointed out, in each case, by the Board.

Traps and manholes.

45. No house-drains shall be joined in such a manner as to form any right-angled junction, either vertical or horizontal. Every drain shall join another drain obliquely in the direction of the flow of such drain.

Junction of drains.

46. No ventilating-pipe of any drain shall be of a less internal diameter than four inches, and such ventilating pipe shall, in every case, be securely fixed and carried up clear of the eaves or to such height, as shall effectually prevent any escape of foul air into any thoroughfare or building.

Ventilating-pipes.

47. No overflow from any cistern or bath, or ablution, sullage, or refuse waters of any kind, nor the surface-drainage of any yard or back-yard shall be led from any building or premises through any down-pipe or open gutter into, or over any surface-channel of any public street, alley, thoroughfare, or other ground, nor shall such refuse waters be led into, or emptied over the surface of any back-yard, alley, or other ground belonging to such building, or premises, or other adjoining building or premises, but shall be conveyed in a watertight waste-pipe or down-pipe taken through an external wall, and discharged in the open air over a gully-trap covered with a grating, or granite slop-stone cover, and no such waste-pipe or down-pipe, shall be brought down any external wall or retaining wall, when such wall looks upon any public thoroughfare.

Overflows and waste waters.

48. Every kitchen of a dwelling or tenement-house, shall be provided on every floor with a suitably dished and perforated slop-stone, and with a down-pipe securely fixed, trapped, disconnected, and ventilated, to the satisfaction of the Board.

Slop-stones and down-pipes.

49. All works connected with the construction, disconnexion, trapping, and ventilating of house-drains, shall be carried out at the cost and charges of the owner of the house, either by the Board or by persons approved of by the Board under the supervision of the Board or to its satisfaction.

All works to be carried out by Board or by persons approved by same.

50. The Board may, by a written Notice, require the owners of existing buildings, the drains of which are in the opinion of the Board in a defective and insanitary condition, to construct within a reasonable time to be determined by the Board, new house-drains in accordance with the provisions of this Ordinance, or to make such other improvements in the existing defective drainage of such buildings as in the opinion of the Board may be necessary to meet the requirements of this Ordinance.

New house-drains.

51. If it appears to the Board that a group of contiguous tenements may be drained more advantageously in combination than separately, the Board may order that such group be drained upon some combined plan to be approved by it, and the expenses shall be apportioned by the Board between the different owners of such group of contiguous tenements.

Groups of drains.

Owners to connect drains with main-sewers.

52. If any building be without a sufficient drain, and if a public sewer of sufficient size be within one hundred feet of the premises or outermost boundaries of the lot on which such building is situated, and if such public sewer be on a lower level, it shall be lawful for the Board to require the owner of such building to connect with such public sewer by means of a proper drain adequately trapped and ventilated, to the satisfaction of the Board: Provided always that, if, after the passing of this Ordinance, any owner, by order of the Board, connects his building with a public sewer, he shall not be required to connect such building, at his own expense, with any other public sewer.

Suspected drains to be opened by Board.

53. Whenever the Board shall have reason to believe that the drains of any building are defective and in a condition injurious to Health, it shall be lawful for the Board to order an Inspecting Officer to enter the premises and to inspect such drains, and, if requisite for the purposes of such inspection, such Officer shall cause the ground to be opened in any place or places he may deem fit, doing as little damage as may be, and should such drains be found in a satisfactory condition, they shall be reinstated and made good by the Board at the public expense, but should such drains prove in the opinion of the Board defective, it shall cause them to be properly reconstructed in accordance with the provisions of this Ordinance.

House drains in Villages and Rural Districts.

54. Every owner of a new building in the villages and rural districts of Hongkong and Kowloon shall construct the ground floor of such building at such sufficiently high level as will allow of the construction of a drain, and of the provision of the requisite communication with any public sewer into which such drain may lawfully empty or with any other means of drainage with which such drain may lawfully communicate.

Open drains.

55. Wherever feasible, every house-drain in the villages and rural districts of Hongkong and Kowloon shall hereafter be an open drain consisting of a semi-circular channel, of glazed stoneware jointed in cement mortar and laid to adequate falls on a bed of good lime or cement concrete, to the satisfaction of the Board.

Sumps.

56. In isolated places not connected with any public drainage system, every such open drain shall lead and empty into a covered sump or cesspit built of brick or lime concrete rendered smoothly in good Portland cement mortar in such manner as to be water tight.

Stagnant water.

57. No premises within the City of Victoria or the villages of Hongkong and Kowloon, shall be so excavated as shall admit of the formation, on the surface thereof, of pools of stagnant or other foul waters, and it shall be lawful for the Board to call upon the owner of any premises whereon such pools may exist, to fill up the same with good clean earth to the level of the surrounding ground, or to drain off such pools by means of surface-drains into any channel with which such surface-drains may lawfully communicate.

#### PART IV.

Area.

58. Every person, who shall erect a new building on land obtained from the Crown, after the passing of this Ordinance, and on a site, excavated out of a slope or declivity, shall not permit such new building to abut against the hill-side, but shall leave a clear intervening space or area of at least four feet between such new building, along its whole extent, and the toe of the slope of the hill-side, always provided that—

- (1.) Any kitchen, or out-house, appertaining to such new building, may abut against the hill-side, if not designed, or intended for human habitation; and,
- (2.) Any basement story, designed for cellarage or purposes other than human habitation, may abut against the hill-side, to the extent of the height of such basement story.

Area to be left to land purchased previous to Ordinance.

59. In the case of land obtained from the Crown before the passing of this Ordinance, every person, who shall erect any new building on a site which has been excavated out of a slope or declivity, shall leave a clear intervening space or area of at least four feet, between such new building, along its whole extent, and the toe of the slope of the hill-side, unless,

- (1.) The basement story of such new building is intended for purposes other than human habitation, or,
- (2.) Such building is situated at the intersection of two streets, and the basement story thereof is properly ventilated from both streets, or,
- (3.) The basement wall, abutting on the hill-side, is carried-up to such a height above the level of the ground outside as will admit of the construction in such abutting wall of one or more windows opening from the basement story directly into the external air: or, where this is impracticable, the basement story shall be lighted and ventilated by means of grated openings or areas on Crown land, the permission for the erection of such areas on Crown land to be entirely at the discretion of the Governor in Council, or
- (4.) The basement story of such new building consists of one single shop, the frontage of which shall face on a public thoroughfare, and shall be open to the external air from the floor to the ceiling along the whole extent of such frontage.

Exemptions.

60. It shall not be lawful for any person, who shall have been allowed to erect any new building, kitchen, or outhouse, abutting against the hill-side, under the provisions of Section 58, or Sub-section 1 of Section 59, or for any subsequent owner or tenant thereof, to use, or suffer to be used, at any subsequent period, the basement story of such new building, or such kitchen, or outhouse, for the purposes of human habitation.

Kitchen, &c.

61. Every person who shall, under the provisions of Section 58 or 59, leave a clear intervening space or area between a new building and the hill-side, shall make the surface of the floor of such area at least twelve inches lower than the level of the basement floor of such new building, and he shall lay, to the full extent of such area, along the toe of the slope of the hill-side, and to a depth of at least twelve inches below the surface, a line of hard, sound, stone-ware field-pipes, of not less than three inches diameter, for the purpose of effectually draining the sub-soil of such area, and he shall not cause such sub-soil drain to be passed out under the floor of any building, unless any other mode of outlet may be impracticable: and, in such case, he shall cause the sub-soil drain to be so laid under the ground floor of such new building, that there shall be a distance of at least nine inches between the top of such drain and the surface of such ground floor.

Sub-soil drainage.

62. The floor of every area and of every basement story shall be properly asphalted, paved, or covered over, with a layer of good concrete at least nine inches thick and the floor of such area shall have a fall, from the external wall of such building towards the face of the hill-side, of at least half an inch to the foot.

Paving of area and floors.

63. Every area shall be kept, at all times, free and unobstructed by structures of any kind other than flights of steps, nor shall such area be roofed in, or covered over with glass or other material. No bridge or flight of steps shall be placed over any window opening into such area. Every area shall be provided with a suitable parapet wall, or safe iron railing, or fence, along its upper edge.

Structures in areas prohibited.

64. No person shall construct, except in a Hospital, any water-closet having any communication with any underground public sewer or private drain, nor, without the permission of the Sanitary Board, any urinal having such communication, and any such existing water-closets shall be removed by the owner upon his being required by the Board to effect such removal.

Water-closets.

65. Every factory, refinery, distillery, godown, or other industrial establishment whatsoever, employing a number of persons, shall be provided by the owner thereof with proper privy accommodation on the premises, to the satisfaction of the Board.

Privies in factories or other industrial establishments.

66. Every person who shall erect a domestic building upon land obtained from the Crown after the passing of this Ordinance shall provide along the entire back of such building, if one storied, a clear space forming a back-yard of at least ten feet in width, and if such building be of two or more stories, he shall cause the width of such back-yard to be at least fifteen feet.

Buildings on new Crown Lots.

## PART V.

- Overcrowding.** 67. Every domestic building or portion thereof found to be inhabited in excess of a proportion of one adult to every three hundred cubic feet of clear internal space, shall be considered to be in an overcrowded condition, and shall be deemed a Nuisance. This Section shall apply only to such districts, or portions of districts, as may, from time to time, be designated by an Order of the Governor in Council.
- 300 cubic feet of space to be given each inmate of houses.** 68. It shall not be lawful for any householder or tenant to let or sub-let, for occupation, any Tenement-House or any floor, compartment or portion thereof to so large a number of persons, or families, as shall leave less than three hundred cubic feet of clear space for every adult inmate of such Tenement-House, or portion thereof, including the family of such householder or tenant if resident on the premises, and the presence of any number of persons in excess of this proportion, between the hours of 11 P.M. and 4 A.M., shall be taken as *prima facie* evidence that such Tenement-House, floor, compartment, or portion thereof, has been let in contravention of this section.
- Inspection of Common Lodging-Houses. 38 & 39 V. c. 55. Sec. 85.** 69. The keeper of a Common Lodging-House, and every other person acting in the care or management thereof, shall, at all times, when required by any officer of the Sanitary Board, give him free access to such house, or any part thereof, and any such keeper, or person, who refuses such access shall be liable to a penalty not exceeding twenty-five dollars.
- Steps to be taken to abate overcrowding.** 70. If any tenement-house, or domestic building, or portion thereof, shall be found to be in an overcrowded condition, the Board shall, by a written notice, require the tenant of the same, or any portion thereof, and also, if necessary, the householder, to abate such overcrowding, within a period of one calendar month; such notice shall specify the cubic capacity available for habitation in such Tenement-House, or other domestic building, and the number of persons which may be legally accommodated therein. If the said notice be not obeyed, it shall be lawful for the said Board to apply to a Magistrate, who, on sufficient cause shewn, shall summon before him the tenant or occupier of such dwelling house, or such householder.
- Magistrate may make order.** If the person summoned admits, or if it be proved to the satisfaction of the said Magistrate that the said house is overcrowded, the Magistrate shall make an order for the abatement of the nuisance forthwith.
- Inspection.** On the hearing of the said matter, the Magistrate may make such order for the inspection, at any hour of the night or day, of the said house, as the circumstances of the case may require. Such order to continue in force for a period not exceeding one month.
- Common kitchen not to be used as sleeping rooms.** 71. Any room of a Tenement-House used as a common kitchen, shall not be used as a sleeping room, and the householder, or tenant thereof, shall be responsible that such common kitchen is not so used, nor shall any passage, lobby, or other place, partitioned off from any sleeping room to the height of the ceiling, be included in the calculation of the cubic capacity available for human habitation.
- Children of ten years.** 72. In the calculation of cubic space, for the purposes of the four preceding Sections, two children ten years, or under ten years of age, shall be counted as one person, and every person over ten years of age shall be considered as an adult.
- Lodging-Houses.** 73. No person shall open, or keep open, a Common Lodging-House, unless the house is registered, and the keeper thereof is licensed by the Registrar General.
- Domestic buildings.** 74. No person who shall erect a domestic building shall allow the same or any portion thereof to be occupied, until such building shall have been previously examined by an Officer of the Board, duly authorised by the Board, and certified by such officer as having been built in compliance with the entire provisions of this Ordinance.
- Punishments.** 75. Any person who shall not comply with the requirements of Sections 67, 68, 70, and 71 shall be liable to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment not exceeding one month.

## PART VI.

76. All reasonable expenses incurred by the Board in consequence of any default in complying with any Order or Notice issued under the provisions of this Ordinance shall be deemed to be money paid for the use and at the requirement of the person on whom the said Order or Notice was made, and shall be recoverable from the said person in the ordinary course of law at the suit of the Secretary to the Board duly authorised by the said Board. Reimbursement of expenses to the Board.
77. The provisions of the *Crown Remedies Ordinance*, 1875, shall apply to the recovery of all such expenses, and the certificate required by that Ordinance shall be signed by the Secretary. Recovery of expenses.
78. Whoever assaults, obstructs, molests, or hinders any Member or Officer of the Board in the execution of the duties or exercise of the powers imposed or conferred upon him by this Ordinance, shall be liable to a penalty not exceeding Two Hundred dollars or to imprisonment not exceeding three months. Assaulting Member or Officer of the Board.
79. Every Notice issued by the Board shall be in the form contained in Schedule B to this Ordinance. Schedule B.
80. Every such Notice or Order may be served by any Officer or Servant of the Board by delivering the same to or at the residence of the person to whom it is addressed, and when addressed to the owner of any premises it may, if such owner cannot be found, be served by delivering the same to some person upon such premises, or if there be no person upon such premises who can be so served, by affixing the same to some conspicuous part of the premises. Manner of serving Notices.
81. Any person in whose possession there shall be found any food liable to seizure under Section 25 of this Ordinance shall be liable to a penalty not exceeding One hundred dollars or to imprisonment not exceeding three months. Penalties.
82. Any person or persons who shall, in making application for registration or licensing of a Common Lodging-House, knowingly make any false statements regarding any of the particulars required to be stated in such application, shall, on conviction before a Magistrate, be liable to a penalty not exceeding twenty-five dollars. Do.
83. Any person who shall contravene any provision of this Ordinance or of any Bye-law made thereunder for which no special penalty is provided shall be liable to a penalty not exceeding fifty dollars, or, in default of payment, imprisonment not exceeding three months. Do.
84. All penalties imposed by this Ordinance or by any Bye-Laws thereunder may be recovered in a summary manner before a Magistrate at the suit of the Secretary. Do.
85. Where proceedings under this Ordinance are competent against several persons in respect of the joint act or default of such persons, it shall be sufficient to proceed against one or more of them without proceeding against the others. Proceeding against several persons.
86. This Ordinance shall not come into operation unless and until the Officer Administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other proclamation. Suspended clause.

Passed the Legislative Council of Hongkong, this 23rd day of September, 1887.

J. M. GUTIERREZ,  
*Acting Clerk of Councils.*

Assented to by His Excellency the Governor, the 30th day of May, 1888.

FREDERICK STEWART,  
*Colonial Secretary.*

## Schedule A.

The following Ordinances or parts of Ordinances and all Rules made thereunder are repealed:—

- No. 12 of 1856, sections 2, 3, 4, 5, 12, and 13.  
 No. 8 of 1858, sections 19, and 28, sub-section 6.  
 No. 10 of 1872, sections 6, and 7.  
 No. 7 of 1883.

## Schedule B.



Hongkong.

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To

NOTICE is hereby given to you on behalf of the Sanitary Board that the Nuisance specified hereunder is found to exist in your premises No.

and that you are therefore hereby required within a delay of from the time of service upon you of the present Notice to abate such Nuisance in the manner hereunder set forth.

By Order of the Sanitary Board.

Secretary.

Nature of Nuisance.

Action to be taken for the Abatement of the Nuisance.

## GOVERNMENT NOTIFICATION.—No. 231.

The following Despatch is published for general information.

By Command,

FREDERICK STEWART,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 30th May, 1888.

HONGKONG,  
 No. 70.

DOWNING STREET,  
 27th April, 1888.

SIR,—I have the honour to convey to you Her Majesty's gracious confirmation and allowance of the Ordinance No. 24 of 1887 of the Legislature of Hongkong, entitled *An Ordinance for amending the Laws relating to Public Health in the Colony of Hongkong* a transcript of which accompanied General CAMERON'S despatch No. 331 of the 27th of September last. I have already informed you of the confirmation of this Ordinance by my telegram of the 26th instant.

2. I request you to inform the Petitioners against this Ordinance, whose Memorial was transmitted with your despatch No. 9 of the 11th of January last, that I have carefully considered their Memorial, but that I do not think that there is any reason to fear that the Ordinance, which I consider to be necessary for the preservation of the health of the inhabitants of Hongkong, will lead to any of the evils which they anticipate.

3. I transmit to you, for your consideration, copies of correspondence with the Local Government Board, as noted in the margin, and have to express my regret for the delay in sanctioning the Ordinance, which was owing to the fact that I have only just received the observations of that Department upon it.

C. O. to L. Govt. Board, 10th Nov., 1887.

C. O. to L. Govt. Board, 18th Feb., 1888.

L. Govt. Board, 26th April, 1888.

4. I will only add that I rely upon you to enforce the provisions of this important measure with discretion and forbearance, so as to avoid as far as possible any conflict with those who are inclined to view its operation with some alarm and anxiety.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

KNUTSFORD.

Governor Sir G. W. DES VŒUX, K.C.M.G.,

§c.,

§c.,

§c.

(Enclosures not printed.)