

BILL ENTITLED THE STONE CUTTERS' ISLAND ORDINANCE, 1889.—The Attorney General moved the first reading of this Bill.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a first time.

BILL ENTITLED AN ORDINANCE TO AMEND THE CATTLE DISEASES, SLAUGHTER-HOUSES, AND MARKETS ORDINANCE, 1887.—The Attorney General moved the second reading of this Bill.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a second time.

The Council then went into Committee on the Bill.

Bill reported without amendment.

The Attorney General then moved that the Bill be read a third time.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed, and numbered as Ordinance 9 of 1889.

BILL ENTITLED AN ORDINANCE TO AMEND THE REFORMATORY SCHOOLS ORDINANCE, 1886.—The Attorney General moved that the Council do resume consideration in Committee of this Bill.

The Colonial Secretary seconded.

Question—put and passed.

Bill reported with the addition of a clause.

The Attorney General then moved that the Bill be read a third time.

Question—put and passed.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed, and numbered as Ordinance 10 of 1889.

INTERPRETATION SCHEME.—The Colonial Secretary, by direction of His Excellency the Governor, read the following clause in substitution for clause I in Schedule II of the Interpretation scheme laid before the Council at the last meeting :—

“The Governor to appoint 3 Student Interpreters, each to be attached to such Department of the Public Service as to the Governor may seem fit, selection to be made from Residents in the Colony under 16 years of age, who have shown an aptitude for acquiring the Chinese language, and who have distinguished themselves in the higher examinations of any of the Public Schools of the Colony, especially as regards the English Language.”

The Colonial Secretary then moved the following resolution on the subject :—

That the Scheme of Interpretation indicated in the Governor's Message of the 10th January, 1889, and contained in the Minutes of Council confirmed on the 17th January, 1889, be approved by the Council.

Mr. RYRIE seconded.

Question—put and passed.

ADJOURNMENT.—The Council then adjourned to Thursday, the 24th instant, at 4 P.M.

G. WILLIAM DES VŒUX.
Governor.

Read and confirmed, this 28th day of January, 1889.

ARATHOON SETH,
Clerk of Councils.

GOVERNMENT NOTIFICATION.—No. 40.

The following Bill, which was read a first time at a Meeting of the Legislative Council held on the 17th ultimo, is published for general information.

ARATHOON SETH,
Clerk of Councils.

Council Chamber, Hongkong, 2nd February, 1889.

A BILL

ENTITLED

An Ordinance for amending the Laws relating to the construction of Buildings in the Colony of Hongkong.

WHEREAS it is expedient to amend the Laws relating to Buildings in this Colony: Be it therefore enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. Ordinance No. 8 of 1856 is hereby repealed except as to legal Proceedings commenced before the passing of this Ordinance, and except also as to buildings in course of construction of which the enclosing walls shall have been carried higher than the footings at the time of the commencement of this Ordinance. Every such building may be completed as if this Ordinance had not been passed. A building shall be deemed to be completed after the roof shall have been covered in.

2. The provisions relating to the construction of buildings except as hereinafter specially provided shall apply only to buildings which are begun after the commencement of this Ordinance, or of which the enclosing walls have not been carried higher than the footings, or to such old buildings as shall for the purposes of reconstruction be taken down to an extent which in the opinion of the Surveyor General exceeds one half (such half to be measured in cubic feet) and all buildings described in this section shall be deemed to be new buildings.

3. Any Contract, made before the passing of this Ordinance, for the erection of any building which shall not have been carried higher than the footings at the time of the passing of this Ordinance, shall be carried into effect in the same manner as if this Ordinance had been passed at the time of the making thereof, and the necessary deviations from the terms of such contract may be made accordingly: Provided that the extra cost (if any) of such necessary deviations shall be borne by the Party to such contract for whom the building is erected who may nevertheless in lieu thereof within Ten Days after the passing of this Ordinance cancel such contracts upon paying to the other Party, the value of the Work and Labor done and Materials supplied thereunder. Whenever any building-contract shall be so cancelled, every sub-contract shall also be thereby cancelled upon the same terms.

4. The provisions of this Ordinance with reference to the rules for the construction of buildings shall not apply to buildings belonging to the Colonial Government, or to buildings upon any Land vested in any Person on behalf of the Naval or Military Departments of Her Majesty's Service, but all the provisions in relation to inflammable structures, to hoardings, and scaffoldings, and verandahs shall apply without exception to all buildings throughout the Colony.

5. Nothing herein contained shall vary or affect the Rights or Liabilities as between Landlord and Tenant under any contract between them.

6. In the construction of this Ordinance (if not inconsistent with the context) the following words and expressions shall have the respective meanings hereinafter set against them, that is to say:—

1. *Building*.—Any domestic building, house, verandah, cook-house, privy, gallery, chimney, bridge, out-house, stable, shed, mat-shed, warehouse, manufactory, shop, work-room, distillery, or place of secure stowage, or any alteration to the same involving new foundations.
2. *City of Victoria*.—The City of Victoria as defined by Ordinance 13 of 1888.
3. *Cross Wall*.—Any wall of brick or stone used or built in order to be used as a separation of one part of any building from another part of the same building, such building being or being designed to be wholly in one occupation.
4. *Domestic Building*.—Any human habitation or building where persons pass the night.
5. *External Wall*.—Any wall or vertical enclosure of any building not being a party wall, nor the external wall of a verandah.
6. *Floor*.—Any horizontal platform forming the base of any story, and every joist, board, timber, stone, brick, or other substance connected with and forming part of such platform.

7. *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. A mortgagee in possession shall also be deemed an owner.
8. *Partition*.—Any division not being a cross wall between two rooms, or between a room and a passage or lobby in the same building, such building being or being designed to be wholly in one occupation.
9. *Party Structure*.—Any party wall, partition, arch, floor, or other structure separating buildings which belong to different owners.
10. *Party Wall*.—Any wall used or built in order to be used as a separation of any building from any other building, with a view to the same being occupied by different persons.
11. *Public Building*.—Any building, not in the occupation of the Naval or Military Departments, used for public worship, public instruction, public assembly, or public recreation; also every building used as a public hall or hospital, or for any other public purpose whatsoever.
12. *Story*.—The space between the upper surface of every floor and the upper surface of the floor next above it, or if there be no such floor, of the roof next above the said first mentioned floor.
13. *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.
14. *Verandah*.—Any projection over Crown Land whether verandah, oriel, portico, flying balcony or other structure.
15. *Wall*.—Any external wall, party wall, and cross wall.
16. *Works*.—The partial or total constructing, reconstructing, pulling down, opening, cutting into, adding to, and altering any building, wall, retaining-wall, chimney, stack, flue, scaffold, ground, road, well, drain, sewer, pier, wharf, fence, or any work whatsoever.

Appeal to Governor in Council.

7. Whenever any person shall be dissatisfied with the exercise of the discretion of the Surveyor General in respect of any act, matter, or thing, which is by this Ordinance made subject to his discretion, the person so dissatisfied may in lieu of reverting to any legal remedy appeal to the Governor in Council who may make such Order in respect thereof, as may be deemed expedient, and such order shall be final for all intents and purposes.

Building Materials.

8. Except as hereinafter provided, all walls of buildings shall be constructed exclusively of good hard well burnt brick, sound stone cut to flat beds, or other hard and incombustible substance.

Exceptional Structures.

9. Every public building, factory, or building intended for special uses including the walls, roofs, floors, galleries and staircases, and every structural work of iron, concrete or other material not provided for in this Ordinance, shall be constructed with such precautions for the safety of the public as having regard to the special purposes for which such building or structural work is intended to be used, shall be approved by the Surveyor General.

Walls.

10. Every wall constructed of brick, stone, or other hard and incombustible substance, shall be solid across its entire thickness, and shall be properly bonded and substantially put together with good lime-mortar or cement-mortar, and except where specially permitted in this Ordinance, no part of such wall shall be thicker than any part underneath it, and all cross-walls and return-walls shall be properly bonded into main walls. In the case of buildings of more than two stories, black bricks, unless specially approved by the Surveyor General, may be used for the construction of only the upper portion to the extent of 36 feet of such building, and,

except with the special approval of the Surveyor General as aforesaid, the remaining or lower portion shall be built of sound stone cut to flat beds or of red brick.

11. When built to a length of fifty feet or any length not exceeding fifty feet, the external walls, and party walls of all buildings shall be of the thickness of not less than thirteen inches for the upper portion to the extent of twenty feet and for the remaining or lower portion the thickness shall increase not less than four inches for each depth of twenty feet.

12. When built to any length exceeding fifty feet, clear of any return-wall or cross-wall, the external walls or party walls of all buildings shall be of the thickness of not less than thirteen inches for the upper portion to the extent of fifteen feet and for the remaining or lower portion the thickness shall increase at least four inches in each depth of fifteen feet.

13. The cross-walls and the chimney-walls of all buildings shall be of the thickness of not less than nine inches for the upper portion to the extent of twenty feet and for the remaining or lower portion the thickness shall increase at least four inches in each depth of twenty feet. No wall subdividing any building shall be deemed to be a cross-wall unless it is carried up the full height of the external or party walls, and unless the recesses and openings therein are less than one half of the vertical surface of the cross-wall in each story.

14. Every wall of brick or stone shall have in it, at the basement floor a damp proof course extending the full thickness of the wall, and placed at least six inches above the level of the ground line, and such damp proof course shall be of slates laid in good cement mortar, lead, pure Portland cement, Portland cement-mortar at least two inches thick or of such other thoroughly impermeable material as may be approved by the Surveyor General.

15. Partitions shall be of brick nogging, lath and plaster, or of boards, and when unsupported by any cross wall from the story next beneath, shall not rest solely upon the floor, but shall be properly framed and trussed and be supported at both ends by being let into the walls and made to rest upon at least nine inches of solid brick or stone work.

16. The foundations of every wall of a building shall be of footings of sound stone, brick, or other equally hard substance carried down to the depth of not less than twice the thickness of the wall at the lowest story of the said building; and the lowest course of every such foundation shall be of not less than twice the thickness of the wall at the said lowest story, and the thickness of such foundation shall diminish gradually towards the upper surface thereof in regular steps or offsets, provided that on rock conglomerate or other hard ground of an incompressible nature, or in sandy, unstable or soft ground the Surveyor General may permit or require the foundations of all works and buildings to be of such special depth and width, and of such materials as being in each particular case applicable to such ground shall be approved by him.

17. Every party wall shall be carried up above the roof of every building to a height of at least eighteen inches, measured at right angles to the slope of the roof, and every such party wall shall be properly coped or otherwise protected, in order to prevent water from soaking into such wall.

18. No opening shall be made into or through any party wall separating any two buildings, unless such buildings are wholly and in every story in the occupation of the same person. When such buildings shall have ceased to be in the occupation of the same person any openings previously made through the party wall shall be solidly stopped up with brick or stone-work of the full thickness of the party wall and properly bonded therewith. Recesses may be made in party walls and in external walls, provided that every recess is arched over, that the aggregate area of such recesses does not exceed one half the whole area of the wall of the story in which they are made, and that the backs of such recesses are of not less thickness than thirteen inches in party walls, and nine inches in external walls. In the case of shop fronts left open to the street the side walls or party walls shall be returned for at least twelve inches along such front, and such return walls shall be properly bonded into the side walls or party walls.

19. Structures made wholly or partly of glass and iron, and which may therefore be designed otherwise than herein provided, shall be deemed to be exceptional buildings, and shall be subject to the approval of the Surveyor General in each particular case.

20. Notwithstanding anything herein to the contrary provided, where buildings are in rural districts and are situated on ground held under rural building leases from the Crown, such buildings if entirely detached from other buildings and separated by a distance of not less than one hundred and fifty feet from any neighbouring building in different ownership, may have walls and verandahs constructed wholly or partly of wood, and such buildings shall be deemed to be exceptional structures and shall be subject to the approval of the Surveyor General in each particular case.

Bressummers or Lintels.

21. Every bressummer used in a building must have a bearing of at least six inches at each end, and must rest upon a sufficient pier of brick or stone, or iron story-post fixed on a solid foundation, or upon an external or party wall and every bressummer bearing upon any external or party wall, must be borne by a template or corbel of stone tailed through at least half the thickness of such wall and of the full breadth of the bressummer.

Floors.

22. The floors of any one building shall not approach nearer than nine inches towards the floors of any other contiguous building separated by a party wall, and the space intervening between the ends of the two floors shall be properly and substantially built up solid with whole bricks or with stone laid in mortar.

23. The floors of all buildings including verandahs shall in all cases rest upon, and abut against, at least nine inches of solid brick-work or stone-work, and in all cases where the wall supporting such floor is of a less thickness than eighteen inches, such wall shall be corbelled out in brick or stone-work immediately below the joists of the floor.

24. A clear space of at least nine feet measured vertically, shall be left between any two floors of any dwelling house.

25. No mezzanine floor or story having less than nine vertical feet of clear space above it, or having less than nine vertical feet of clear space below it, whether extending across the full width of the building, or only a portion of such width, whether supported from the walls of a dwelling house, or by story-posts, or suspended from an upper floor or roof, shall after the passing of this Ordinance be erected in any dwelling house. Where any mezzanine floor shall have been erected, previous to the passing of this Ordinance, under conditions contrary to the provisions of this Section, and it shall appear to the Surveyor General that such conditions affect the safety, or to the Sanitary Board that they affect the health, of the inmates or of the public, it shall be lawful for the Surveyor General to order the removal of such mezzanine floor to such extent as may be approved by the Governor in Council.

26. The height of every uppermost story of any dwelling house shall be measured from the level of its floor up to the under side of the tie of the roof, or up to half the vertical height of the rafters or purlins when the roof has no tie.

Corbelling.

27. All corbelling for the support of floor or of roof timbers, shall be done in stone cut to flat beds or in red brick at least nine inches in length and laid flat. No one corbelling course if of brick shall project beyond the course immediately beneath it more than two and a quarter inches.

Roofs.

28. The roof of every building or of any minor superstructure placed above such roof, shall be externally covered with tiles, glass, metal, or other incombustible substance except the doors, and frames of dormers or sky-lights. All hatchways leading out into the roofs of buildings, shall be provided with hatches or covers which if not composed entirely of metal shall be properly sheathed externally in sheet metal.

29. No roof-timbers of any one building shall approach nearer than nine inches towards the roof-timbers of any other contiguous building and the space intervening between the ends of such timbers shall be properly and substantially built up solid with whole bricks or with stone laid in mortar.

30. No platform, superstructure, staging or frame-work of wood, mats, or other inflammable materials shall be erected or fixed temporarily or permanently, over or upon the roof of any building within the City of Victoria or any of the villages of Hongkong and Kowloon. Frames affixed to house-roofs for the purpose of drying clothes shall be made exclusively of light iron-work.

31. The roofs of all buildings including verandahs, shall in all cases rest upon, and abut against, at least nine inches of solid brick-work or stone-work, and in all cases where the walls supporting such roof are of a less thickness than eighteen inches, such walls shall be corbelled out in brick or stone-work immediately below the rafters of the roof.

Wood-Work.

32. No bond timber or wood-plate shall be built into the thickness of any party or external wall.

33. No timber or wood-work shall be placed in any wall or chimney breast nearer than twelve inches from the inside of any flue or chimney-opening, nor under any chimney-opening within eighteen inches from the upper surface of the hearth of such chimney-opening; nor shall any wooden plugs be driven nearer than six inches to the inside of any flue or chimney-opening.

Arches.

34. Every arch under any public or private way used as a thoroughfare shall be formed of brick, stone, or other incombustible materials. If an arch of brick or stone is used, it shall, in cases where its span does not exceed ten feet, be of a least thickness of twelve inches; where its span does not exceed fifteen feet, it shall be of a least thickness of fifteen inches; and where its span exceeds fifteen feet, it shall be of such thickness and built of such materials as may be approved by the Surveyor General. If an arch bridge or platform of iron, concrete, or other incombustible material not being brick or stone is used, it shall be deemed to be an exceptional structure, and shall be constructed in such manner as may be approved by the Surveyor General.

Projections.

35. Every coping, cornice, fascia, window dressing, portico, balcony, verandah, and balustrade, and every architectural projection and architectural decoration whatsoever, and also the eaves or cornices to any overhanging roof, except the cornices and dressings to the window fronts of shops, and except the eaves and cornices to detached or semi-detached dwelling-houses distant at least thirty feet from any other building or from the land of any adjoining owner, shall be of brick, tile, stone, artificial stone, slate, cement, or other incombustible material.

36. The roof of every building, or verandah, shall be so arranged and constructed, and so supplied with eaves-gutters and rain-water pipes, as to prevent the roof waters therefrom from being projected upon, or running over any public foot-path or side-channel.

Encroachments on or over Crown Land.

37. No encroachment shall be made upon or over Crown Land by any verandah or balcony projected from any building, or by any other structure or part thereof whatsoever,

- (1.) Without the previous consent of the Governor and
- (2.) Until the applicant for leave to make such encroachment shall have previously signed an undertaking in the form contained in Schedules B. or C. and
- (3.) Unless subject to such Rules and Regulations as may be made by the Governor in Council under this Ordinance, and
- (4.) Unless the building from which such verandah or other structure is intended to project, shall comply in all respects with every provision of this Ordinance and of Ordinance 24 of 1887 and of Bye-Laws made thereunder, and
- (5.) Unless the street, lane, or alley into which such verandah is intended to project is twenty or over twenty feet in width from house-wall to house-wall.

Kitchens and Cook-Houses.

38. Every dwelling-house shall be provided with a kitchen or cook-house, and in respect of tenement-houses of more than one story, each story shall be provided with a separate kitchen or cook-house.

39. Every kitchen or cook-house shall be provided with a properly constructed brick fire-place, and smoke flue. Every fire-place adapted for the use of charcoal, shall be provided with a hood of sheet metal or of lath and plaster of sufficient size connecting with a chimney shaft carried up above the level of the roof. The interior surfaces of every flue shall be smoothly rendered with mortar, and no flue shall have less than one hundred square inches of sectional area.

Chimneys and Fire-places.

40. No kitchen or cook-house shall be constructed in such manner as to allow the smoke to escape through any side opening, window, or hole in the walls or roof, or through any vent other than the smoke flue.

41. The upper surface of any floor under any oven, stove, or fire place shall be of incombustible materials, and such floor shall have hearths of stone, tile or other incombustible material laid before every chimney-opening.

42. No pipe or flue for the conveyance of smoke shall be fixed nearer than nine inches to any wood-work or combustible material unless encased in non-conducting and incombustible material to the satisfaction of the Surveyor General.

43. Every chimney-shaft shall be continued up above the roof in brick or cut stone-work of a thickness all round of not less than four inches, to a height of not less than three feet above the highest point in the line of junction with such roof.

44. Chimneys of brick, stone, or other incombustible materials, may be corbelled out in the upper stories of buildings, provided that the work so corbelled out does not project from the wall more than the thickness of such wall, but all chimneys built on the ground floors of buildings shall rest upon solid foundations and upon footings similar in every respect to the foundations of the wall against which such chimneys are built.

45. The back of every chimney-opening from the hearth up to the height of four feet above the level of the fire-grate, shall be at least nine inches thick if in a party wall, or at least four and a half inches thick if not in a party wall.

46. The fire-places, kilns, furnaces, chimneys, flues and shafts, of any bakery, vermilion factory, opium boiling house, or manufactory, shall be deemed to be exceptional structures, and shall be subject to the approval of the Surveyor General in each particular case.

Windows.

47. Every person who shall erect a new domestic building, shall construct in the wall of each story of such building which shall immediately front or abut on any open space a sufficient number of suitable windows, in such a manner and in such a position, that each of such windows shall afford effectual means of ventilation by direct communication with the external air; the suitability for their object and the sufficiency in number of such windows being in the discretion of the Surveyor General.

48. Every person who shall erect a new domestic building shall construct in every habitable room of such building, one window, at the least, opening directly into the external air, and he shall cause the total area of such window, or, if there be more than one, of the several windows, clear of the frames, to be equal at the least to one tenth of the floor area of such room. Such person shall also construct every sash window so that one half, at the least, may be opened, and so that the opening may extend in every case to the top of the window.

Ventilation under Floors.

49. Every person who shall erect a new domestic building shall construct every room in the lowest floor if provided with a boarded floor, in such manner that there shall be, for the purpose of ventilation, between the underside of every joist on which such floor may be laid, and the upper surface of the asphalt or concrete with which, the ground surface or site of such building may be covered, a clear space of three inches at the least in every part, and he shall cause such space to be ventilated by means of vents, gratings, or air-bricks.

Privies.

50. Every person who shall erect a new domestic building shall cause the same to be provided with a suitable privy of brick, at least three feet wide by four feet deep internal dimensions, and such privy shall be so constructed as to open into the outer air and not into the building, and where the latter shall be used as a tenement-house of more than one floor, there shall be a similar privy for the use of each floor or nearly on a level with it.

51. Every privy shall have a suitable door and window as also a ventilating opening into the external air not less than eighteen square inches in area immediately under the ceiling, and the window of such privy shall be of not less dimensions than two feet by one foot, exclusive of the frame, and it shall open directly into the external air.

52. The floor of every privy on the ground floor shall be raised at least six inches above the level of the ground outside, and the floor of every privy shall be paved with smooth stone flags, or with hard tiles, laid in either case on a bed of lime concrete at least six inches thick, or with asphalte, or concrete covered with cement mortar, or other non-absorbent material, and such floor shall have a fall or inclination towards the door of at least half an inch to the foot.

53. No privy in any newly erected building shall have any communication by means of any pipe, drain, grating, or other channel with any underground private drain, or public sewer, and any existing privy having such communication shall have the same completely cut off by the owner when so required by the Surveyor General.

54. Every privy shall be provided with a moveable receptacle of non-absorbent material for the reception of filth, and such receptacle shall have a capacity not exceeding two cubic feet, and every privy shall also be provided with a moveable stand or seat fitted in such manner as shall enable it to be readily removed and adjusted for the purpose of cleansing the floor and sides of the privy, and of voiding the receptacle.

Space in front of Buildings.

55. Every person who shall erect a new domestic building, fronting a private lane shall so place the same, that along its entire frontage, there shall be an open space of at least seven and a half feet in width, measured from the centre line of such lane.

New Buildings.

56. No new building shall be occupied except by a caretaker until such building shall have been certified by the Surveyor General or an Officer deputed by him in that behalf as being in all respects in compliance with the provisions of this Ordinance.

Dangerous Buildings.

57. Every owner of a building which may be declared by the Surveyor General to be in a ruinous or dangerous condition shall cause the same to be shored or otherwise properly secured, and shall erect in such manner as may be directed by the Surveyor General a proper fence or hoarding for the protection of passengers.

58. Buildings rendered dangerous by fire, wind, or other cause, to such an extent as in the opinion of the Surveyor General shall necessitate their being taken down partly or in whole, shall be taken down by the owner thereof upon the receipt by him of a written notice from the Surveyor General, specifying the time within which the work is to be done.

59. If the owner of a dangerous building cannot be found, or if on notice from the Surveyor General he refuses or neglects within the time fixed in such notice to shore or otherwise properly secure, or to take down such dangerous building or such portion thereof as may be deemed dangerous by the Surveyor General, such dangerous building or such portion thereof shall, with all convenient speed be shored or taken down by the Surveyor General, and the attendant cost shall be recoverable by him from the owner of such dangerous building. In all cases of emergency, the Surveyor General may cause the necessary work to be done without notice, the cost of such work being recoverable in like manner.

Hoardings and Scaffoldings.

60. No public pathway or thoroughfare shall, during the erection or repair of a building, be occupied by a hoarding or scaffolding or by any building material whatever except by authority of the Surveyor General who may grant such authority on a written application, and upon such conditions as will provide for the safety and convenience of passengers and the occupiers of adjoining property. In all such cases the ground occupied must be enclosed with a hoarding for the protection of passengers, and due care shall be taken that the side-channel shall be in no way obstructed by such hoarding or by any building debris or building materials; nor shall the pavement, side-channel, or concrete covering of any public thoroughfare be broken up, or into, by the excavation of holes for the purpose of securing any hoarding or scaffolding poles.

Inflammable structures.

61. It shall not be lawful for any person to erect in the Colony of Hongkong whether on private land or land the property of the Crown, or whether for temporary or for permanent occupation, any shed or structure of wood, mats, palm leaves, thatch, or other inflammable material except with the previous sanction of the Surveyor General and except subject to the Rules and Regulations that may be made by the Governor in Council under this Ordinance, and no such shed or structure shall be erected on any private land or land the property of the Crown situated within the drainage area of any public reservoir, nor without the special permission of the Governor in Council on any hill-slope draining into the City of Victoria.

Blasting Stone.

62. It shall not be lawful for any person to blast any stone with any explosive substance, in the Colony of Hongkong, unless he shall have fully covered over and weighted down the stone to be blasted with a sufficiently heavy timber shield or taken such other precautions as shall effectually prevent any fragments of such stone from being projected into the air, and unless in addition, he shall previously fully warned all persons within a radius of five hundred feet from the proposed blast by means of red flags and by the beating of a gong continued for at least five minutes, previous to the firing off of such blast, and no blast shall be fired off except between the hours of twelve and half-past twelve in the day and half-past four and a quarter to five in the evening. Provided that in the Government Quarries the blasting of stone shall be subject to such rules and regulations as may be made by the Governor in Council under this Ordinance.

Earth Cutting.

63. It shall not be lawful for any person to cut earth or turf, or collect, extract or split stones from any land the property of the Crown, except subject to the Rules and Regulations that may be made by the Governor in Council under this Ordinance or without the authority of the Surveyor General, granted by permit in writing nor with such authority to cut earth or to extract stones in such manner as shall undermine any bank or earth, or in any way prejudicially affect or endanger the stability of the same or of any land or property adjoining. For contravention of this section there shall be liable not only the labourer doing the work but the Permit-holder, Contractor or Foreman under whom such labourer is working.

Timber Yards.

64. Every timber yard or other permanent depot of inflammable materials situated within the City of Victoria, shall be enclosed on all sides by a brick wall at least ten feet in height and fourteen inches thick, and shall have a clear passage not less than six feet in width between the exterior face of such wall and the nearest buildings adjoining. After the passing of this Ordinance it shall not be lawful to store more than two hundred cubic feet of timber on any premises within the City of Victoria, unless such premises are enclosed as herein provided.

Miscellaneous Provisions.

65. No person shall erect a new building over any Government drain, nullah, or water-channel situated within his own land, without making at his sole cost and to the entire satisfaction of the Surveyor General, special provision for the reconstruction or strengthening as the case may be,

of the foundations, walls, and arch or covering of such main-drain, nullah, or water-channel, in such manner as shall in the opinion of the Surveyor General enable it to support with safety the weight of such building.

65. It shall not be lawful for any person to dig out the foundation of any building, or to excavate any site, for any purpose whatsoever, in such manner as shall cut into, open out, divert, undermine, obstruct, dam, or otherwise interfere with any Government drain, nullah, catch-water or other water-channel situated on Crown Land or within private land, unless such person shall have made at his sole cost previous provision, to the entire satisfaction of the Surveyor General, for the escape of any waters flowing through such drain, nullah, catch-water or other channel.

67. No person shall, after the passing of this Ordinance, construct or reconstruct any boundary wall or enclosure wall of stone, fronting any public road or thoroughfare within the City of Victoria, unless such stone be cut to flat beds and laid in mortar.

68. No person shall after the commencement of this Ordinance, construct or reconstruct, any stone surcharged retaining-wall or scarp-wall whether of rubble masonry built dry or in mortar, exceeding twelve feet in height, unless such wall is provided with one or more adequate foundation-courses of footing stones cut to flat beds, and bedded on a layer of lime concrete at least six inches thick laid on the solid ground, and such footing stones shall project at least six inches beyond the face of such wall, and shall extend back the full thickness of the wall, and every such retaining-wall or scarp-wall shall be provided at every square yard of surface-area of such wall with a header or bond-stone, at least one foot square, extending back through the full thickness of the masonry.

69. Save as by this Ordinance provided, and except in the case of public buildings, all the doors of which shall open outwards and in the direction of exit, it shall not be lawful for any person to make any door or gate in such manner as to open over a public thoroughfare, nor to project any door step or landing on, to, or across any public foot-path, nor to extend or affix any sun-shade, telegraph-wire, sign-board, lamp, grating, gutter or other unauthorized projection from any building, in such manner as shall cause obstruction, danger, or annoyance to any way or to the passengers thereon, or as shall make any encroachment on Crown Land.

Wells.

70. It shall not be lawful for the owner of any building to sink any well upon his premises, except by the leave of the Surveyor General who may grant the same on a written application, provided such well be not sunk within the curtilage of any building, or provided there be no structural or other objection. Every well shall be steined so as to exclude surface water for a depth of at least twelve feet, below the surface of the ground, and shall be surrounded with a brick and cement parapet-wall, at least two feet high and nine inches thick, and with a properly paved or cemented surface-gutter for the conveyance of the drip or waste water to the nearest drain-inlet or other channel with which such gutter may lawfully communicate.

Piers and Wharves.

71. Except in the case of such piers and wharves as are specially provided for by Ordinance, it shall not be lawful for any person to construct or reconstruct, any iron, timber, or stone pier or wharf projected over any foreshore the property of the Crown, without the previous sanction and authority of the Governor, and unless such person shall have previously signed an undertaking according to the form contained in Schedule D. of this Ordinance; and in case of reconstruction such undertaking shall supersede any other undertaking which may have been previously signed in respect of such pier or wharf at the time of its original erection. The erection and maintenance of all piers and wharves shall be subject to such Rules and Regulations as may be made by the Governor in Council under this Ordinance.

Plans and Notices to Surveyor General.

72. It shall not be lawful to commence any building or work, until proper plans of the same showing the dimensions and position of all portions of the contemplated structure as are mentioned in this Ordinance shall have been previously submitted to the Surveyor General and approved by him as being in conformity with the requirements of this Ordinance,

and such plans shall be drawn to a scale of not less than one eighth of an inch to the foot, and shall contain enlarged details with figured dimensions, of the principal features of construction, and in the case of proposed new buildings, or the repair or reconstruction of old buildings, such plans shall show the position and levels of the surrounding ground and buildings.

A duplicate of any plan referred to herein shall be deposited in the Surveyor General's Office. If such plans contain all the necessary requirements as to drainage it shall not be necessary to furnish any copy of the same to the Sanitary Board. And the plan so deposited with the Surveyor General and signed by him shall be deemed for all purposes as the plan sanctioned under this Ordinance.

Any divergence in the work of the plans so deposited shall be deemed a contravention of this Ordinance unless such diversion shall have received the approval of the Surveyor General as being in conformity with the requirements of this Ordinance.

73. It shall not be lawful to commence any buildings or works, or to resume the same if they have been suspended for a period exceeding three months, until four days' notice in writing of the intention to commence or resume the same, according to the form contained in Schedule A. shall have been given to the Surveyor General, by leaving such notice at his office. Every such notice shall specify the number if any and the position or locality of the intended building, together with the Registry Number of the Lot in which it is situated, and the name and address of the person for whom, or by whose direction the building or work is to be executed and shall also give any special or material particular in connection with the same, which it has not been possible to denote on the plans.

74. In case any accident or emergency shall render it necessary to commence, or resume any building or work immediately, it shall be lawful so to do, provided due notice of the same be given to the Surveyor General within two days thereafter, specifying in addition to the matters hereinbefore mentioned, the nature of the accident or emergency which has occasioned such necessity.

75. Any alteration, addition, or other work made or done for any purpose in, to, or upon any existing building, or work after the commencement of this Ordinance shall, to the extent of such alteration, addition, or work, be subject to the provisions of this Ordinance.

76. If the Surveyor General upon inspection of the plans submitted for any proposed new building or work or for the alteration of any existing building or work shall find anything therein in respect of house-drains in contravention of the provisions of Ordinance 24 of 1887 or the Bye-Laws made thereunder he shall forthwith refer such plans to the Sanitary Board, who shall thereupon deal with the case in the manner provided in such Ordinance, and such plans if amended by such Board shall as amended be strictly followed in the subsequent carrying out of the work.

Drain-connexions with Government Main Sewers.

77. All private house-drains shall be laid as may be directed by the Sanitary Board under the provisions of Ordinance 24 of 1887, and on their completion within private premises, such private house-drains shall be connected with the Government main sewer upon a Permit being obtained for that purpose from the Surveyor General, and every drain-connexion shall be carried out subject to the conditions endorsed on such Permit for securing their satisfactory construction. The holder of such Permit shall be responsible for any damage to persons or property arising out of any negligence or non compliance on his part with the conditions of the Permit and he shall at his own charges defray the cost of restoring to its former condition any public street, place or thoroughfare that may have had to be opened for the purpose of such drain-connexion.

Powers and Duties of the Surveyor General as to Entry and Inspection.

78. Upon receipt of notice of the commencement or resumption of any building or work, the Surveyor General or officers deputed by him for the purpose shall, as often as may be necessary for securing the due observance of the provisions of this Ordinance, enter, inspect, and survey every such building or work during its progress, and on the event of his discovering during the course of such inspections that the provisions of this Ordinance have been contravened in respect of any detail thereof the Surveyor

General or officer whom he may direct on his behalf may stop the continuance of building operations until such contravention has been rectified. Every person in charge of the erection of a building shall provide, planks, ladders or other reasonable means of access to every part of such building to facilitate the inspection of the Surveyor General or his officers.

79. Whenever it shall be necessary for the Surveyor General or any officer whom he may direct on his behalf to enter any house, building, or tenement, in the following cases, viz. :—

1. Whilst any houses, buildings, or tenements are being constructed under the provisions of this Ordinance, or
2. Where upon or after the completion of any houses, buildings, or tenements it is necessary for the Surveyor General to inspect such houses, buildings or tenements for the purpose of ascertaining whether the requirements of this Ordinance have been carried out in relation to such construction or
3. Where the Surveyor General has reasonable grounds for believing that within any houses, buildings, or tenements there are works completed or being carried out in contravention of this Ordinance,

and the owner or occupier shall refuse to allow such entry, the Surveyor General or any officer specially deputed by him in writing for that particular purpose may give one day's notice to such owner or occupier, requiring to be permitted to enter the premises; and in case at the expiration of such notice, admittance shall be refused, it shall be lawful for the Surveyor General or for any officer so specially deputed by him as aforesaid to effect such entry, and to make such inspection, or to execute such work, as may be required for the purposes aforesaid, doing as little damage as may be, in the execution of the powers hereby granted.

Nuisances under this Ordinance.

80. The following shall be deemed nuisances under this Ordinance :—

1. Every verandah over land the property of the Crown, and every pier or wharf over a foreshore the property of the Crown, the owner whereof in each case, shall have neglected or refused to construct, reconstruct, repair, maintain, or occupy the same in accordance with the provisions of this Ordinance, or with the Rules and Regulations framed thereunder by the Governor in Council.
2. Every building or work whatsoever hereafter to be commenced, resumed, prosecuted, finished, or altered, in contravention of any Section of this Ordinance.
3. Every act, failure, neglect, omission or refusal, whereby any Section of this Ordinance is contravened.
4. Every building or work being in a ruinous and dangerous condition.
5. Every unauthorized encroachment on, over, or under any land the property of the Crown.
6. Every building erected or to be hereafter erected in contravention of any law of any inflammable material, and every building within the city of Victoria and the villages of Hongkong and Kowloon whereof the roof contains any platform, superstructure, staging or framework of wood, mats, or other inflammable material.

Abatement of Nuisances.

81. In every case of a Nuisance under this Ordinance, the Surveyor General shall in the first instance serve a Notice in the form contained in Schedule E. to this Ordinance on the owner of the building or work in respect of which complaint is made and such Notice shall specify the nature of the Nuisance and the manner and the time in which it is to be abated, and in the case of refusal or neglect to comply with the requirements of such Notice, the Surveyor General shall summons such owner before a Magistrate, who may make an Order directing such owner, whether he appear or not to the summons, to abate such Nuisance within a time to be fixed by such Magistrate.

82. In case the said nuisance shall not be abated within the time limited it shall be lawful for a Magistrate, to make an order empowering the Surveyor General to abate the nuisance; and all expenses incurred by the Surveyor General in causing such nuisance to be abated as aforesaid, shall be paid by the owner without prejudice (in the case of ruinous or dangerous buildings) to the right of such owner to recover the amount of such expenses from any lessee or other person liable for the same.

83. Whenever the demolition of any building or work shall take place under any such order as provided in the preceding Section, it shall be lawful for the Surveyor General in case of non-payment of the said expenses by the owner, to sell and dispose of the materials thereof, and out of the monies arising from such sale or disposition, to retain or pay the said expenses; and the surplus, if any, shall be paid to such owner.

84. It shall be lawful for a Magistrate to order such owner to pay all expenses incurred by the Surveyor General in the abating of any nuisance in the manner aforesaid, and in case of non-payment, by warrant under his hand and seal, to cause the same to be levied by distress and sale of the goods and chattels of such owner.

85. Nothing herein contained shall affect any other existing remedy for the abatement of nuisances.

Service of Notices, Summons, or Orders.

86. Any Notice, Summons, or Order, under the provisions hereinbefore contained as to nuisances, may be served on the owner of any premises, by leaving the same with any occupier of such premises, or with some inmate of his abode, or if there is no occupier, by putting up such Notice, Summons, or Order on a conspicuous part of the premises to which the same relates. But if the place of residence within the Colony, of the owner, or that of his Agent, be known to the person by whom, or on whose behalf any Notice, Summons, or Order is intended to be served, a copy of every such Notice, Summons, or Order, shall in addition be left at such place of residence.

Penalties.

87. Every person offending against the provisions of Sections 58 to 69 both inclusive, shall be liable on summary conviction thereof before a Magistrate to a fine not exceeding Fifty dollars.

88. Every person committing a Nuisance as defined in Section 80 shall be liable on summary conviction thereof before a Magistrate to a fine not exceeding One hundred dollars.

89. Every person who shall refuse to obey the order of any Magistrate issued under the provisions of this Ordinance, or who shall, without reasonable cause refuse to permit the Surveyor General or officer acting by his direction to enter any house, building, or premises, in the performance of his duties under this Ordinance and every person who shall obstruct or hinder the Surveyor General or any officer acting by his direction in the execution of the powers vested in him by the provisions of this Ordinance, or by any order of a Magistrate, shall be liable upon conviction thereof before a Magistrate, to a fine not exceeding one hundred dollars.

Rules and Regulations.

90. The Governor in Council may from time to time make, and when made add to, alter, or revoke, Rules and Regulations for carrying out the provisions of sections 37, 61, 62, 63, and 71 of this Ordinance.

Commencement of Ordinance.

91. 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.

SCHEDULES.

(A.)

Notice of intention to commence works.

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To the Surveyor General.

I hereby give you notice pursuant to section 73 of Ordinance No. of 1889, of my intention to commence the following works, viz. :—

in accordance with the accompanying plans.

No. of Lot
Name of Street
No. of House

(Signature),
(Address),
Owner or }
Occupier, }

(B.)

Agreement subject to which Verandahs may be erected on or over Crown Land.

hereby agree, in consideration of being permitted by His Excellency the Governor to Verandah over Crown Land adjoining house No. on Lot No. during the construction of the said Verandah in no way to deviate from the plan thereof supplied, signed and deposited herewith in the Office of the Surveyor General.

II. That will always keep the said Verandah in good repair and will colour-wash, paint and cleanse the same whenever required by the Surveyor General to do so.

III. That will always give free ingress to the Surveyor General, or any Officers duly authorized to enter the premises and examine the Verandah.

IV. And that should the land over which Verandah is to be erected be at any future time required by the Government for any Public Work, improvement, or other public purpose, hereby undertake on receipt of a notice in writing from the Surveyor General, given with the sanction of His Excellency the Governor, to remove at own expense the whole of the structure within three months' time from the date of the receipt of such notice, and without making any claim for compensation from the Government for such removal.

Sir,
Your obedient Servant,

Witness to Signature,

Owner of
Lot No.

(C.)

Agreement subject to which areas for the admission of light and air into basements, may be constructed on Crown Land.

Hongkong,

18

Crown Lessee of do hereby covenant and agree for heirs, executors, and assigns in consideration of being permitted by His Excellency the Governor to construct as an encroachment on Crown Land the following work :—

adjoining house No. on Lot No. not to deviate in any detail from the plan or drawing of such encroachment signed by and deposited for record in the Office of the Surveyor General.

2. further agree to keep the whole of the works comprised in such encroachment in good repair, and not to permit the accumulation of rubbish therein or to use such encroachment for storage purposes, or as a smoke-hole or in any way other than a channel for the admission of light and air.

3. That will always give free ingress to the Surveyor General or any Officer duly authorized by him to enter the premises for the purposes of inspection.

4. That should the land occupied by this encroachment be at any time required by the Government for any public work, improvement, or other public purpose, will on receipt of a notice in writing from the Surveyor General given with the sanction of His Excellency the Governor remove at own expense the whole of the structure within a period of three months from the date of the receipt of such notice and without making any claim for compensation on the Government for such removal.

Witness to Signature,

Owner of
Lot No.

(D.)

Agreement subject to which Piers and Wharves may be erected
on or over Crown Foreshores.

1. The Pier must be approved by the Governor. A plan of the proposed Pier or Wharf shall in every case be deposited at the Surveyor General's Office, and no alteration to, or extension of, the said Pier, shall at any time be made by the owner without the previous sanction and approval of the Governor obtained in writing.
2. The foundation, superstructure, landing-steps, roadway and every other portion of the Pier shall at all times be kept in a state of safety and repair by the owner.
3. In the event of the Praya being extended at any future time, or from any other cause which, in the opinion of the Government, shall suffice to render the removal of the Pier or any portion thereof advisable, it shall be either partially or entirely removed by the owner. The Government shall alone be entitled to dictate, in the event of a partial removal of the Pier, what portions of it are to be so removed, and any such removal, whether partial or complete, shall be effected by the owner, within such a period as shall be directed by the Government after due notice has been served on the owner, and such notice shall suffice if it be served in writing by the Surveyor General upon the said owner.
4. The cost of any such removal shall be exclusively defrayed by the owner, and no compensation will be allowed by the Government for any direct or indirect losses which the owner may suffer by such removal or by any partial alteration of the Pier which the Government may deem advisable.
5. The Government shall at any time that it sees fit revoke this concession upon serving the owner with a notice of three months, and in case of such revocation, the holder of this licence shall have no right to claim any compensation or damages from Government.
6. The owner shall have no right of access to the Pier by water other than such as the Government shall think fit to allow.
7. A green light shall be exhibited at the outer end of the Pier and shall be kept lighted between sunset and sunrise.
8. No buoys or moorings shall be placed, other than such as the Government shall permit, under the provisions of Ordinance No. 8 of 1879, Sections 29 and 30.
9. The platform of the Pier shall not be used for the storage of materials, neither shall any articles or materials remain on the Pier, beyond the time actually required for their shipment or landing as the case may be.
10. No warehouse, shed, or building of any kind shall be erected on the Pier.
11. Owners of regular steam-ferries and passenger-boats shall not be entitled to make habitual use of the Pier, but casual passengers and their luggage shall at all times have free access to the Pier for the purpose of landing or disembarking.
12. The present Licence shall not be assigned or transferred without the consent of Government previously obtained in writing.

In Witness whereof _____ have hereunto set
hand this _____ day of _____ 18

Witness to Signature,

(E.)

No. _____

Surveyor General's Office,
Victoria, Hongkong, 18

SIR,—It has been reported to me that a Nuisance exists
your _____ Lot No. _____ situated
viz.:—

I have therefore to request you will abate the nuisance by
so as to render it unnecessary for me to put in force the provi-
sions of the Building Ordinance No. _____ of

I have the honour to be,
Sir,
Your obedient Servant,

Surveyor General.