

GOVERNMENT NOTIFICATION.—No. 556.

The following Bills, which were read a first time at a Meeting of the Legislative Council held this day, are published.

R. F. JOHNSTON,
Acting Clerk of Councils.

Council Chamber, Hongkong, 4th October. 1899.

A BILL

ENTITLED

An Ordinance to apply a sum not exceeding Two million Six hundred and Eighty-one thousand Six hundred and Fifty-one Dollars to the Public Service of the Year 1900.

WHEREAS the expenditure required for the service of this Colony for the year 1900 has, apart from the contribution to the Imperial Government in aid of Military Expenditure, been estimated at the sum of Two million Six hundred and Eighty-one thousand Six hundred and Fifty-one Dollars: Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. A sum not exceeding Two million Six hundred and Eighty-one thousand Six hundred and Fifty-one Dollars shall be and the same is hereby charged upon the Revenue and other funds of the Colony for the service of the year 1900, and the said sum so charged may be expended as hereinafter specified, that is to say:—

EXPENDITURE.	\$
Charge on account of Public Debt, - - -	160,808.00
Pensions, - - - - -	170,000.00
Governor and Legislature, - - - -	42,303.00
Colonial Secretary's Department,- - -	40,563.00
Audit Department, - - - - -	10,000.00
Treasury, - - - - -	26,564.00
Public Works Department, - - - -	91,402.00
Post Office, - - - - -	259,124.00
Registrar General's Department, - - -	13,471.00
Harbour Master's Department, - - -	76,248.00
Lighthouses, - - - - -	13,670.00
Observatory, - - - - -	13,676.00
Botanical and Afforestation Department, -	18,914.40
Legal Departments, - - - - -	71,182.00
Ecclesiastical, - - - - -	2,200.00
Education, - - - - -	74,807.00
Medical Departments,- - - - -	114,137.00
Magistracy, - - - - -	18,400.00
Police, - - - - -	495,876.60
Sanitary Department,- - - - -	124,746.00
Charitable Allowances, - - - - -	5,260.00
Transport, - - - - -	3,000.00
Miscellaneous Services, - - - - -	201,999.00
Contribution towards "Barrack Services," -	45,000.00
Colonial Defences,—Expenses of the Volunteers,	30,000.00
Contribution towards Defence Works, - -	20,000.00
Public Works, Recurrent, - - - -	207,200.00

Carried forward, \$2,350,551.00

Brought forward, \$2,350,551.00

Public Works, Extraordinary, viz. :—

(Chargeable to General Revenue.)

New Law Courts, - - - -	\$20,000	
Public Works Department Store,	3,000	
No. 7 Police Station, and Branch at Kennedytown, - - - -	12,000	
Disinfector Station and Quarters,	7,000	
Public Latrines, - - - -	5,000	
Electric Lighting, Government House, - - - -	3,000	
Forming and Kerbing Streets, -	10,000	
Extensions of Gas Lighting, -	1,500	
Improvement of Gas Lighting,	2,000	
Governor's Peak Residence, -	15,000	
Laying out Farm Lot No. 1, &c., Yaumati, - - - -	6,000	
Stores Account, - - - -	100	
Pokfulam Conduit Road, - -	5,000	
Praya Reclamation, - - - -	10,000	
Praya Reclamation, — Govern- ment Piers, - - - -	10,000	
Gaol Extension, - - - -	12,000	
Sewerage of Victoria, - - -	5,000	
Drainage Works, Miscellaneous,	10,000	
Quarters for Gaol Staff, - -	41,500	
Swine Depôt, Kennedytown, -	5,000	
Police Station, Sai-kuug, - -	5,000	
Do., Sha-tin, - - - -	5,000	
Do., Tsun Wan, - - - -	5,000	
Do., Starling Inlet, - - -	5,000	
Taipo Road, - - - -	30,000	
Pier in Deep Water Taipo, -	5,000	
Survey of New Territory, -	20,000	
		258,100.00
(Chargeable to Water Account.)		
Taitam Waterworks Extension,	15,000	
City of Victoria and Hill District		
Waterworks, - - - -	27,000	
Water Supply, Kowloon, - -	20,000	
Water Account, (Meters, &c.), -	5,000	
Waterworks, Miscellaneous, -	6,000	
		73,000.00
Total, -		\$2,681,651.00

A BILL

ENTITLED

An Ordinance to make further provision for the sanitation of the Colony and to repeal certain enactments of the closed houses and insanitary dwellings Ordinance, 1894.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Insanitary Properties Ordinance, 1899, and shall apply to the whole Colony except the Hill District and the New Territories. Short title, and application.

2. In this Ordinance unless the contrary intention appears,— Interpretation.

The expression "Hill District" means any part of the island of Hongkong above the 600 feet contour, except Chinese villages:

The expression "New Territories" means the additional territories acquired by this Colony under the provisions of a Convention, dated the 9th day of June, 1898, between Her Majesty Queen Victoria and His Imperial Majesty the Emperor of China for the enlargement of the limits of this Colony:

The expression "Street" includes any square, court or alley, highway, lane, road, or passage whether a thoroughfare or not:

The expression "Domestic Building" means any human habitation or building where persons, other than two caretakers, pass the night:

The expression "Owner" means any house-owner, or any person, company, or corporation 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.

3. No room fitted with bunks or beds shall be so fitted as thereby to provide sleeping accommodation for a greater number of persons than are by law permitted to occupy the room. Limit of fittings for sleeping accommodation in a room.

4. The following requirements shall be observed with regard to cubicles and partitions:— Requirements as to cubicles.

(a.) In domestic buildings fronting streets of a width of less than 15 feet, no cubicles or partitions shall be erected, or if already existing shall be allowed to remain, except on the top floor.

(b.) In domestic buildings fronting streets of a width of 15 feet or over, no cubicles or partitions other than [屏風] "p'ing fung" (i.e., shop divisions) shall be erected, or if already existing shall be allowed to remain, on the ground floor, and in the case of every such "p'ing fung" there must be a space between the top thereof and the ceiling or under side of the joists of the room of not less than four feet, which may be closed in only by wire netting, lattice work or carved woodwork, arranged in such a way as to leave at least two-thirds open and as far as practicable evenly distributed.

(c.) No cubicles or partitions shall be erected, or if already existing shall be allowed to remain, in any kitchen.

(d.) Where one cubicle only is hereafter erected or already exists in any room of a domestic building, no portion of the structure of such cubicle shall exceed eight feet in height; where two cubicles only are so erected or exist, no portion of the structure of either of such cubicles shall exceed seven feet in height; where more than two cubicles are so erected or exist, no portion of the structure of any such cubicles shall exceed six feet in height. In all cases, however, there must be a space between the top of every portion of the structure of such cubicles and the ceiling or under side of the joists of the room of not less than four feet, which may be

closed only by wire netting, lattice work or carved woodwork, arranged in such a way as to leave at least two-thirds open, and as far as practicable evenly distributed.

(e.) No cubicles whatever shall be erected in any room of a domestic building, or if already existing shall be allowed to remain, unless such room is provided with a window or windows opening directly into the external air and having a total area clear of the window frames of at least one-tenth of the floor area.

(f.) No portion of the structure of any cubicle except the necessary corner posts shall be nearer than two inches to the floor of such cubicle, and no structure shall be erected, or if already existing shall be allowed to remain, within any cubicle, which is of a greater height than the maximum height allowed by this section for any portion of the structure of such cubicle or which provides a cover or roof to the cubicle.

(g.) No partition shall be erected, or if already existing shall be allowed to remain, nearer than four feet to any window the area of which is included in calculating the window area specified in sub-section (e.).

(h.) No cubicle used for sleeping purposes shall have a less floor area than sixty-four square feet.

For the purposes of this section every sub-division of a domestic building, unless such sub-division has a window or windows opening directly into the external air and having a total area clear of the window frames equal to one-tenth of the floor area of such sub-division, shall be deemed to be a cubicle.

Mezzanine
floors and
cocklofts.

5.—(a.) It shall not be lawful to erect, or if already existing to allow to remain, in any room of any domestic building, any mezzanine floor or cockloft whatsoever, except under such regulations as may be made by the Sanitary Board with the consent of the Governor-in-Council and published in the Government Gazette, and the Sanitary Board with the consent of the Governor-in-Council shall have full power to vary, alter and repeal any such regulations, and to substitute new regulations therefor.

(b.) Every intermediate floor, platform, or landing of a greater length than six feet and of a greater breadth than two feet, which has not a clear space of at least nine feet, measured vertically, both above and below it, and which is not separately provided with a window or windows opening directly into the external air and having a total area clear of the window frames of at least one-tenth of the floor area, shall be deemed to be a mezzanine floor or cockloft.

Height of
buildings:

6.—No building erected on land acquired from the Crown after the passing of this Ordinance shall exceed in height one and a half times the width of the street upon which such building fronts.

The width of any street shall be measured from the building lines, as defined by the Director of Public Works, on either side of the street and at right angles to such line or lines.

No building shall exceed seventy-six feet in height without the permission of the Sanitary Board: Provided that in any special case in which, in the opinion of such Board, a departure from this rule will not be detrimental to the public health, the Board may in writing authorize such departure.

The height of any building shall be determined by measuring on the line of the main walls (both back and front) from the level of the street on which the principal front of such building abuts the full vertical height allowed by the preceding rules and by drawing from the points thus ascertained lines at an angle of thirty degrees with the horizontal, and any part of the building (except any chimney or party-wall) falling outside such lines shall be deemed illegal.

In the event of the street on which the principal front of a building abuts not being level throughout the extent of such building, or in the event of a building having two or more principal fronts respectively abutting on streets which are dissimilar in width or level, the Sanitary Board shall determine from what point or points the full vertical height, as specified in the foregoing clause, shall be measured.

7.—(a.) Every existing domestic building must be provided with an open space in the rear, by opening cut on each floor one-half of the entire space intervening between the principal room or rooms and the main wall at the back of such building as well as the corresponding portion of roof, unless such building is already provided with an open and unobstructed backyard of at least fifty square feet in area.

Open spaces.

(b.) For the purposes of this section any domestic buildings having two main frontages in different streets (other than corner houses) shall be regarded as two domestic buildings.

(c.) The Governor-in-Council shall have power, in special cases, to modify the foregoing requirements where such modification may appear necessary.

(d.) In no case may any obstructions whatever be placed or erected in these open spaces, with the exception of a bridge or covered way on each storey not exceeding three feet six inches in width when such bridges are necessary as a means of access to any part of the domestic building.

8.—(a.) Every domestic building hereafter erected in this Colony, (except in cases provided for by section 66 of the Public Health Ordinance, 1887, or coming within the terms of Articles of Agreement under the Praya Reclamation Ordinance, 1889) shall be provided with an open space in the rear in accordance with the following scale:—

An open space not less than

Houses not exceeding 40 feet in depth, for each foot of width	8 square feet.
Houses exceeding 40 feet but not exceeding 50 feet in depth, for each foot of width	10 square feet.
Houses exceeding 50 feet but not exceeding 60 feet in depth, for each foot of width	12 square feet.
Houses exceeding 60 feet in depth, for each foot of width	14 square feet.

In no case may any obstructions whatever be placed or erected in these open spaces, with the exception of a bridge or covered way on each storey not exceeding three feet six inches in width when such bridges are necessary as a means of access to any part of the domestic building:

Provided always that when the owners of a block of buildings agree to make and do make a lane opening at either end upon a public street, and free from obstruction throughout both vertically and horizontally, the foregoing requirements shall be modified as follows:—

Houses not exceeding 40 feet in depth: a lane not less than	6 feet wide.
Houses exceeding 40 feet but not exceeding 50 feet in depth: a lane not less than.....	8 feet wide.
Houses exceeding 50 feet but not exceeding 60 feet in depth: a lane not less than.....	11 feet wide.
Houses exceeding 60 feet in depth: a lane not less than	13 feet wide.

(b.) In computing the depth of a domestic building for the purposes of this section the depth of the kitchen shall be included in the computation of such depth in every case except when such kitchen is separated from the principal room or rooms of such building by an open backyard of at least six feet in depth extending the entire width of the back of such building and unobstructed except by a bridge on each floor not more than three feet six inches wide.

9. Every street on private land, in the rear of domestic buildings, shall be and shall be kept concreted, channelled, drained, and provided with lighting apparatus by the Government, at the expense of the owners of the land abutting on such street, and the several owners of such land shall bear the cost of such concreting, channelling, draining and providing of such apparatus in proportion to the width of their respective land at the place where it abuts on such street, and the Government may recover such proportionate cost, together with interest thereon at the rate of eight per cent. per annum from the date of demand for payment of such proportionate cost made by the Director of Public Works from any such owner, by a suit in the name of the Director of Public Works in the Summary Jurisdiction of the Supreme Court. The cost of the illumination of such street shall, however, be borne by the Government.

Maintenance and lighting of private back streets.

All household refuse shall be regularly removed by the Government from every such street.

Private streets and lanes.

10. Every street on private land, upon which domestic buildings front shall, if it does not fall within the provisions of the immediately preceding section of this Ordinance, be and be kept surfaced, channelled, drained, and provided with lighting apparatus by the Government, at the expense of the owners of the land abutting on such street, and the several owners of such land shall bear the cost of such surfacing, channelling, draining, and providing of lighting apparatus, in proportion to the width of their respective land at the place where it abuts on such street, and the Government may recover such proportionate cost, together with interest thereon at the rate of eight per cent. per annum from the date of demand for payment of such proportionate cost made by the Director of Public Works, from any such owner by a suit in the name of the Director of Public Works in the Summary Jurisdiction of the Supreme Court. The cost of the illumination of such street shall, however, be borne by the Government.

Time within which alterations, &c. are to be made.

11.—(a.) In the case of any alterations to existing buildings being required for the purpose of complying with the provisions of section 7 of this Ordinance, a period of six months from the date of the coming into force of this Ordinance shall be allowed to the owner or owners of such buildings within which to make such alterations, and, in the event of any of such alterations not being made and completed within the said period of six months, such owner, or if there be more than one such owner, every such owner shall be liable upon summary conviction before a Magistrate to a fine of ten dollars for each and every term of twenty-four hours beyond the said period of six months, during which any of the provisions of the said section 7 shall remain uncomplied with either wholly or in part.

(b.) In the case of any alterations to or removal of any cubicles or partitions being required for the purpose of complying with any of the provisions of this Ordinance, a period of three months from the date of the coming into force of this Ordinance shall be allowed to the owner or owners of the building in which such cubicles or partitions are situated to make such alterations or removal as aforesaid, and, in the event of any of such alterations or of any such removal not being made and completed within the said period of three months, such owner, or, if there be more than one such owner, every such owner shall be liable upon summary conviction before a Magistrate to a fine of five dollars for each and every term of twenty-four hours beyond the said period of three months during which any of the provisions of this Ordinance with regard to any alteration to or removal of any cubicles or partitions shall remain uncomplied with either wholly or in part.

Power to close premises.

(c.) If upon the expiration of the respective periods of six or three months allowed under sub-sections (a.) and (b.) of this section, the alterations or removal referred to in such sub-sections have or has not been made and completed as directed in such sub-sections, then, in addition to the penalties that may be incurred by the owners under such sub-sections, it shall be lawful for a Magistrate in his absolute discretion to order the whole or any portion of any building or of any room containing a cubicle or partition to be forthwith closed by or under the direction of the Captain Superintendent of Police and to remain closed until the alterations or removal required by this Ordinance have or has been certified in writing by the Sanitary Board to have been made and completed to the satisfaction of the said Board. Any person found living in any building or room or portion thereof so closed as aforesaid, shall be deemed to have committed an offence against this Ordinance and shall be punishable accordingly.

Power to order removal of illegal structures.

12. It shall be lawful for a Magistrate in any case in which it is proved to his satisfaction that any mezzanine floor, cockloft, cubicle, partition or "ping fung" is not in accordance with the provisions of this Ordinance to order, either in addition to or in substitution for any penalty specified in this Ordinance, the immediate demolition, removal, and destruction by any officer of the Sanitary Board of any such mezzanine floor, cockloft, cubicle, partition or "ping fung", or any portion thereof, and no compensation whatever shall be payable to any person in respect of any damage done to such mezzanine floor, cockloft, cubicle, partition or "ping fung" by such demolition, removal, and destruction.

13. Every act, failure, neglect, or omission whereby any requirement or provision of this Ordinance is contravened, and every refusal to comply with any of the requirements or provisions of this Ordinance, shall be deemed an offence against this Ordinance, and any owner of any premises, in connection with which any such act, failure, neglect, omission, or refusal as aforesaid has occurred, shall be deemed to have committed an offence against this Ordinance and shall be punishable accordingly.

Offences.

The secretary or manager for the time being of any company or corporation may be summoned and shall be held liable for any offence committed by such company or corporation against this Ordinance.

Liability of secretary or manager of company.

14. Every person, company, or corporation committing an offence against this Ordinance in respect of which no penalty is otherwise provided by this Ordinance shall be liable, upon summary conviction, to pay a fine not exceeding fifty dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding one month, and in any case where in the opinion of the Magistrate the offence is likely to be continued, the Magistrate may require the offender to comply with this Ordinance within such time as he may direct and may inflict a further penalty not exceeding five dollars for every day after such date, during which the offender shall fail so to comply.

Penalties.

Every fine or penalty imposed under this Ordinance shall be recoverable summarily under the provisions of The Magistrates Ordinance, 1890.

15. The enactments specified in the schedule to this Ordinance are hereby repealed.

Repeal.

SCHEDULE.

Table of Enactments Repealed.

Number and Year of Ordinance.	Title or Short Title and Date of Ordinance.	Extent of Repeal.
Ordinance 15 of 1894.	The closed houses and insanitary dwellings Ordinance, 1894.	Section 7, and sub-section (b.) of section 8.

Objects and Reasons.

The object of this Bill is to improve the sanitation of houses in this Colony by making *minimum* open spaces of certain dimensions compulsory at the rear of every building in the Colony, no matter at what date such building was erected.

Hitherto the difficulty in the way of the Health Authorities has been that the beneficial sanitary provisions of recent Health Ordinances have had no retrospective effect, but have only applied to buildings erected since the passing of such Ordinances.

The provisions of this Bill are based to a certain extent upon the Report, dated the 9th March, 1898, of the Insanitary Properties Commission which was appointed by the late Governor, Sir WILLIAM ROBINSON, but whilst in some respects this Bill effects a compromise between the views of the different Commissioners, in other respects it goes beyond their recommendations.

With reference to sub-section (a.) of clause 4 of this Bill, which forbids cubicles or partitions in houses fronting streets of a width of less than 15 feet except on the top floor, it will be noted that two out of the five Commissioners were of opinion that in such houses no cubicles should be allowed on the ground floors, while the remaining three Commissioners recommended that in such houses no cubicles should be allowed on any floor.

With reference to sub-section (*b.*) of clause 4 of this Bill, it will be observed that two out of the five Commissioners were of opinion that in houses fronting on lanes and streets of over 15 feet in width no cubicles should be allowed on the ground floor without the permission of the Sanitary Board.

Sub-section (*c.*) of clause 4 of the Bill needs no arguments to recommend it.

Sub-section (*d.*) of clause 4 of the Bill stands in place of sub-section (*b.*) of section 8 of Ordinance 15 of 1894, which latter sub-section (repealed by this Ordinance) provided that the partition walls should not be of a greater height than 8 feet and that a space of 4 feet should be left between the top of the partitions and the ceiling or underside of the joists.

Sub-section (*e.*) of clause 4 of the Bill lays down similar requirements with regard to window area to those which are laid down by sub-section (*a.*) of section 8 of Ordinance 15 of 1894.

The first part of sub-section (*f.*) of the same clause is intended to provide for a free current of air circulating underneath the bottom of the boards forming the cubicle, and the latter part of the sub-section provides that no structure shall be permitted in a cubicle of a greater height than the maximum height allowed for the cubicle itself and that no cover or roof shall be allowed to a cubicle.

Such provisions for securing the free circulation of air are obviously desirable.

Sub-section (*g.*) of clause 4 has been rendered necessary by the fact that it is not an uncommon practice to so arrange the cubicles in Chinese dwellings that one cubicle is built up against a window and thus appropriates almost the whole of the air coming in through that window to the detriment of the ventilation of the other cubicles on the same floor. It will be noted that two out of the five Commissioners recommended that no cubicles erected or to be re-erected in future should be placed nearer than six feet to any window the area of which is included in calculating the required window area of one-tenth of the floor area.

Sub-section (*h.*) of clause 4 imposes a minimum limit on the floor area of cubicles.

Clause 5 of the Bill dealing with mezzanine floors and cocklofts appears to require no special comment. It takes the place of section 7 of Ordinance 15 of 1894 which is repealed by this Bill.

Clause 6 of the Bill embodies the recommendations of the Sanitary Board with respect to the height of buildings erected on land acquired from the Crown after the passing of this Bill, and is more stringent in this respect than the provisions of section 12 of Ordinance 15 of 1894 as amended by Ordinance 21 of 1897.

Clause 7 contains the recommendations of the Sanitary Board with regard to the minimum area of backyard in existing buildings. It goes a little further than the report of the Insanitary Properties Commission in that it aims at securing a minimum open space in the rear of fifty feet instead of forty feet.

Sub-section (*e.*) allows for the Governor-in-Council making exceptions in certain special cases and is rendered necessary owing to the peculiar construction of certain back-to-back houses the floors of which overlap one another and under the provision of an open space in the rear practically impossible.

Clause 8 contains the recommendations of the same Board with respect to open spaces, or in the alternative lanes, at the rear of buildings erected after the passing of this Bill.

Clauses 9 and 10 of the Bill do not appear to require any special comment.

Clause 11 of the Bill lays down a definite time within which the alterations required by this Bill must be made.

Clause 12 confers power upon a Magistrate to order the removal of an illegal structure.

Clause 13 lays down what are to be deemed to be offences under the Bill, and clause 14 provides penalties for offences in respect of which no penalty is otherwise provided for by the Bill.

Clause 15 and the schedule deal with repeals.

HENRY E. POLLOCK,
Acting Attorney General.