

GOVERNMENT NOTIFICATION.—No. 716.

The following Bill, which was read a first time at a Meeting of the Legislative Council held this day, is published.

R. F. JOHNSTON,
Acting Clerk of Councils.

Council Chamber, Hongkong, 21st December, 1899.

A BILL

ENTITLED

The Piers Ordinance, 1899.

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 Piers Ordinance, Short title. 1899.

2. The expression "Pier" as used in this Ordinance shall include every pier and wharf of whatever description, except a pier or wharf which belongs to the Government of this Colony or to the Naval or Military Authorities, and except any pier or wharf coming under the provisions of Ordinance 18 of 1884 or Ordinance 19 of 1884. Meaning of "pier."

3. From and including the date of the coming into force of this Ordinance rent in accordance with the scale which is specified in the Schedule to this Ordinance shall (except in cases where rent on a higher scale is now payable to the Government by agreement) be payable to the Colonial Treasurer for the use of the Government of this Colony by the owner for the time being of any Pier, whether already erected or hereafter to be erected or re-erected over Crown foreshore, notwithstanding any agreement or understanding between the Government and the owner of such Pier or any of his predecessors in title to the effect that no rent or rent on a lower scale should be payable in respect of such Pier. Rent chargeable for piers.

Such rents shall be payable in advance by equal monthly instalments and, in the case of a new Pier, shall commence to be payable from the date of the granting of the licence or lease therefor: Provided nevertheless that no rent shall be chargeable in respect of any Pier which is removed before the expiration of one calendar month from the date of the granting of the licence or lease for its erection and that rent for such a Pier, if paid, shall be refunded.

In the case of the extension of an existing Pier the extra rent for the extra land to be covered by such extension shall commence to be payable from the date of the granting of the licence or lease for such extension.

In the case, however, of temporary Piers it shall be lawful for the Governor-in-Council to remit the whole or a portion of any rent which is chargeable under this section.

4. No Pier shall hereafter be erected or re-erected except with the leave of the Director of Public Works, and every such Pier shall be of such design and dimensions and construction and material as shall be approved of by the Director of Public Works. Any new pier to be of approved design, etc.

5. No alteration or extension of any Pier whatever shall at any time be made by the owner thereof except with the leave of the Director of Public Works. Any alteration or extension to be approved.

6. The foundation, superstructure, landing-steps, roadway, and every other portion of the Pier shall at all times be maintained in a state of safety and repair by the owner. Foundation of pier, &c., to be kept in repair.

7. A green light so constructed and of such a character as to be visible from seaward on a dark night with a clear atmosphere at a distance of at least one mile shall be exhibited within six feet of the outer end of every Pier, and such light shall be erected and maintained by the owner of the Pier and at his expense, and shall be kept lighted by such owner between sunset and sunrise. Such light shall be not less than ten and not more than fifteen feet above the level of the upper surface of the Pier. Green light to be exhibited on end of pier.

- Restriction on buoys and moorings. **8.** No buoys or moorings shall be kept or placed by the owner of any Pier otherwise than in accordance with and subject to the provisions of any Merchant Shipping Statute which may from time to time be in force in the Colony.
- Pier not to be used for storage. **9.** No Pier shall be used by any person for the storage of materials of any description except gear required for working the Pier, and no articles or materials or things shall, except as aforesaid, remain on any Pier beyond the time actually required for their shipment or landing as the case may be.
- No building except a shelter to be erected. **10.** No warehouse, shed or building of any kind, other than a shelter against the weather, shall, except with the consent of the Director of Public Works, be erected by any person on any Pier.
- Owners of ferries not entitled to exclusive use of pier. **11.** Steam-ferries and passenger boats shall not be entitled to make habitual use of any Pier not constructed for their sole use, but casual passengers and their luggage shall at all times have free access to any Pier for the purpose of landing or embarking, so long as they do not interfere with the proper working of any craft belonging to the owners of the Pier, or any other craft using the wharf by arrangement with the owners.
- Vessel not to lie along end of pier. **12.** No vessel shall lie alongside the end of any Pier, unless the Pier is specially constructed for that purpose.
- Power to order removal of pier. **13.** In the event of any portion of the land over which a Pier is erected being required for any purpose which the Governor-in-Council decides to be a public purpose, then it shall be lawful for the Governor-in-Council to cancel the licence for or lease of such Pier and to order that such Pier shall be either partially or entirely removed by the owner thereof and at his expense. The Director of Public Works shall alone be entitled to dictate, in the event of a partial removal of such Pier, what portions of it are to be so removed, and any such removal, whether partial or total, shall be effected by the owner within such a period as shall be ordered by the Director of Public Works in a notice in writing served upon the owner.
- Cost of removal. The cost of such removal or partial removal of any Pier shall be defrayed exclusively by the owner thereof, and no compensation will be paid by the Government for, and no action, suit, or other legal proceeding shall lie against the Government in respect of any description of loss or damage, whether direct or indirect, which the owner of such Pier may sustain by reason of any such removal or partial removal.
- The Governor-in-Council will, however, consider upon its merits, and upon such evidence as the Governor-in-Council may think fit any moral claim to compensation which may be brought forward by the owner of any Pier, in respect of the removal or partial removal of his Pier, and if the Governor-in-Council shall consider that compensation in respect of such removal or partial removal ought to be paid to such owner, then compensation shall be paid to such owner accordingly:
- Saving with regard to temporary piers. Provided, nevertheless, that nothing contained in this section shall affect the rights of the Government with regard to any Pier already erected or hereafter to be erected for a temporary purpose only.
- Power to make Regulations. **14.** The Governor-in-Council shall have power to make Regulations for the erection, re-erection, alteration, extension, or maintenance of Piers and generally for the further and better carrying out of the provisions of this Ordinance. Such Regulations shall be published in the Gazette.
- Penalty. **15.** In the event of any person failing to comply with any of the provisions of this Ordinance, or of any Regulation made thereunder, such person shall be liable to pay a fine not exceeding one hundred dollars and in default of payment of such fine to imprisonment for a period not exceeding six months, with or without hard labour, and in the event of a continued breach of any provisions of this Ordinance or of any Regulation made thereunder the person offending shall be liable to pay an additional fine of ten dollars a day for each and every day during which he shall so remain in default, and every such additional fine shall be recoverable summarily under the provisions of any Magistrates Ordinance which may from time to time be in force in the Colony.

16. The following enactments are hereby repealed, Repeals.
namely, section 68 and Schedule (D) of Ordinance 15 of
1889 and section 12 and the Schedule of Ordinance 25 of
1891.

17. From and including the date of the coming into force of this Ordinance, any Pier coming within the operation of this Ordinance shall, notwithstanding the provisions of Ordinance 15 of 1888 or of any Ordinance amending or substituted for the same be exempt from the payment of rates. Certain piers
to be exempt
from rates.

18. This Ordinance shall come into force on the 1st day of January, 1900, and the new rents chargeable under section 3 of this Ordinance and the schedule hereto shall commence to run from and including the 1st day of January, 1900. Commence-
ment of
Ordinance.

SCHEDULE.

*Scale of annual rents chargeable under this Ordinance for
encroachments of Piers over Crown Foreshore.*

(a.) In the City of Victoria :

For encroachments of 500 square feet or less,.....	\$ 120
For encroachments exceeding 500 square feet, but not exceeding 1,000 square feet,	180
For encroachments exceeding 1,000 square feet, but not exceeding 2,000 square feet,	300
For encroachments exceeding 2,000 square feet, but not exceeding 3,000 square feet,	480
For encroachments exceeding 3,000 square feet, but not exceeding 5,000 square feet,	660
For encroachments exceeding 5,000 square feet, but not exceeding 10,000 square feet,.....	900
For encroachments exceeding 10,000 square feet,.....	1,200

(b.) In any other place:
Half the above scale.

Objects and Reasons.

The object of this Bill is to provide for the collection of rent from the owners of piers, according to the increased scale in the schedule.

Owners of piers coming under this Bill, except piers erected for a temporary purpose only, will, as soon as they obtain the concurrence of all necessary parties, receive leases from the Government, in exchange for their present licences, for a term of 50 years, and such leases will be in accordance with the provisions of and the scale of rents in the schedule to this Bill except that they will contain a clause providing for the revision of the rent at the end of 25 years.

Clauses 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Bill are in the main merely re-enactments, with verbal alterations and modifications, of the terms recently inserted in concessions for the erection of a pier, except that clause 13 provides for the Governor-in-Council considering upon its merits any moral claim to compensation for the removal of a pier.

Clause 14 confers a general power upon the Governor-in-Council to make Regulations in furtherance of the objects of this Bill.

Clause 15 lays down the penalty for breach of the provisions of the Bill or any Regulations, while clause 16 effects the necessary repeals.

Clause 17 provides for the exempting of piers coming within this Bill from the payment of Rates, the rents having been considerably increased by this Bill.

Clause 18 provides that the new scale of rent laid down by this Bill shall commence to run from and including the 1st of January, 1900.

HENRY E. POLLOCK,
Acting Attorney General.