

GOVERNMENT NOTIFICATION.—No. 647.

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

Ordinance No. 28 of 1901.—An Ordinance to amend An Ordinance for the better securing the Peace and Quiet of the Inhabitants of the Town of Victoria and its vicinity during the night time, (No. 17 of 1844), and for other purposes.

Ordinance No. 29 of 1901.—An Ordinance for promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary and by making Amendments in various Ordinances.

Ordinance No. 30 of 1901.—An Ordinance to further amend the Law relating to Buildings.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 31st October, 1901.

No. 28 OF 1901.

An Ordinance to amend An Ordinance for the better securing the Peace and Quiet of the Inhabitants of the Town of Victoria and its vicinity during the night time, (No. 17 of 1844), and for other purposes.

(LS)

HENRY A. BLAKE,
Governor.

[31st October, 1901.]

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

1. The Preamble to Ordinance 17 of 1844 is hereby repealed.

Repeal of Preamble of Ordinance 17 of 1844.

2. Section 1 of Ordinance 17 of 1844 is hereby amended by substituting the words "one hundred" for the word "ten".

Amendment of section 1 of Ordinance 17 of 1844.

3. Section 2 of Ordinance 17 of 1844 is hereby amended by substituting the words "one hundred" for the word "fifty".

Amendment of section 2 of Ordinance 17 of 1844.

4. Where in any Ordinance, or in any rules, regulations, or by-laws made under any Ordinance, the expression "the Town of Victoria" or the expression "the City of Victoria" is used and no definition is given of the expression, the expression shall, unless the context otherwise requires, mean that portion of Hongkong bounded on the north by the harbour; on the south by a contour of the hillside six hundred feet above the level of the sea; on the east by a straight line from the centre of the nullah crossing the Shaukiwan Road at the south-west corner of Causeway Bay, to the Wongnaichong public school-house, produced southward until it meets the southern boundary; and on the west by Mount Davis.

Interpretation of expression "Town of Victoria" or "City of Victoria" occurring in Ordinances, rules, etc.

Passed the Legislative Council of Hongkong, this 17th day of October, 1901.

C. CLEMENTI,
Acting Clerk of Councils.

Assented to by His Excellency the Governor, the 31st day of October, 1901.

J. H. STEWART LOCKHART,
Colonial Secretary.

No. 29 OF 1901.

An Ordinance for promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary and by making Amendments in various Ordinances.



HENRY A BLAKE,
Governor.

[31st October, 1901.]

WHEREAS it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by the Legislature, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed, and also that certain amendments should be made in various Ordinances, for the purposes of the new edition of the Statute Laws of the Colony which is being prepared under the authority of the Statute Laws (Revised Edition) Ordinance, 1900:

No. 36 of
1900.

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

Short title.

1. This Ordinance may be cited as the Statute Law Revision Ordinance, 1901.

Repeal of
enactments.
Schedule.

2. The enactments mentioned in the Schedule to this Ordinance are hereby repealed to the extent therein mentioned, subject to the provisions of this Ordinance: Provided as follows:—

- (1.) where any enactment not comprised in the said Schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Ordinance;
- (2.) the repeal by this Ordinance of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to;
- (3.) this Ordinance shall not affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in, or from any enactment hereby repealed; and
- (4.) this Ordinance shall not revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force.

3. Nothing in the last preceding section shall affect the operation of section 10 of the Interpretation Ordinance, 1897. Saving of other provisions relating to repeals. No. 24 of 1897.
4. In the printing of the said new edition of the Statute Laws any fine or penalty which is fixed in sterling money shall be converted into local currency at the rate of two shillings to the dollar. Conversion of certain sterling sums in new edition of Statute Laws.
5. All enactments passed before the commencement of the Magistrates Ordinance, 1890, which—
 (1.) prescribe any mode of procedure for the recovery of any fine or penalty in respect of an offence punishable on summary conviction; or
 (2.) prescribe any period of imprisonment, or of imprisonment with hard labour, or of imprisonment with or without hard labour in default of payment of any fine or penalty imposed in respect of an offence punishable on summary conviction,
 are hereby repealed. Repeal of certain enactments relating to procedure before Magistrates. No. 10 of 1890.
6. In section 52 of the Magistrates Ordinance, 1890, there shall be substituted for the words “the Superintendent thereof” the words “the Superintendent or Assistant Superintendent of the prison.” Amendment of s. 52 of the Magistrates Ordinance, 1890. No. 10 of 1890.
7. In section 82 (1.) (l.) of the Bankruptcy Ordinance, 1891, there shall be substituted for the words “six months” the words “four months”. Amendment of s. 82 of the Bankruptcy Ordinance, 1891. No. 20 of 1891.
8. In sections 37 and 38 respectively of the Liquor Licenses Ordinance, 1898, after the word “second” there shall be added the words “or any subsequent”. Amendment of ss. 37 and 38 of the Liquor Licenses Ordinance, 1898. No. 24 of 1898.
9. In section 1 of the Criminal Procedure Ordinance, 1899, there shall be substituted for the figures “1898” the figures “1899”. Amendment of s. 1 of the Criminal Procedure Ordinance, 1899. No. 13 of 1899.
- 10.—(1.) In section 23 of the Police Force Consolidation Ordinance, 1900, there shall be substituted for the word “and” the word “or” after the words “The Captain Superintendent.” Amendment of ss. 23 and 27 of the Police Force Consolidation Ordinance, 1900. No. 33 of 1900.
 (2.) In section 27 of the same Ordinance there shall be substituted for the words “in like manner as other Crown debts in respect of rent and otherwise as therein mentioned” the words “at the suit of the Captain Superintendent in the Summary Jurisdiction of the Supreme Court.”
11. The Law Amendment Ordinance, 1901, is hereby amended by the insertion in it of the following section, to be called 4A, between section 4 and section 5 :—
 “4A. No claim of a *cestui que trust* against his trustee for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any statute of limitations.” Amendment of the Law Amendment Ordinance, 1901. No. 4 of 1901. 36 & 37 Vict. c. 66 s. 25 (2.)
12. The sub-heading before section 168 of the Code of Civil Procedure and the section itself are hereby repealed and the following sub-heading and section are substituted instead thereof :—
 “*Reply and Subsequent Pleadings.*” Repeal of s. 168 of the Code of Civil Procedure, and substitution of new section. No. 5 of 1901.
- 168.—(1.) The plaintiff shall file in the Registry his reply, if any, within three weeks from the date of the service of the statement of defence or of the last of the statements of defence. Filing of reply and rule as to subsequent pleadings, &c. O. 23 r. 1. *Ib.* r. 2.
- (2.) No pleading subsequent to reply shall be pleaded without the leave of the Court, and then only on such terms as the Court may think fit.

Amendment of s. 168 of the Code of Civil Procedure. No. 5 of 1901. Close of pleadings on default.

(3.) If the plaintiff does not file a reply, or any party does not file any subsequent pleading, within the period allowed for that purpose, the pleadings shall be deemed to be closed at the expiration of that period, and all the material statements of fact in the pleading last filed shall be deemed to have been denied and put in issue."

O. 27 r. 13. Amendment of s. 514 of the Code of Civil Procedure. No. 5 of 1901.

13. In sub-section (2.) of section 514 of the Code of Civil Procedure after the words "on the appearance of the party" there shall be added the words "or, in case of non-appearance,".

Amendment of s. 10 of the Law of Libel Amendment Ordinance, 1901. No. 9 of 1901.

14. In section 10 of the Law of Libel Amendment Ordinance, 1901, there shall be substituted for the words "special damages" the words "special damage".

Amendment of the Public Health Ordinance, 1901. No. 13 of 1901.

15. In section 65 of the Public Health Ordinance, 1901, there shall be substituted for the words "as in" the words "as is".

Passed the Legislative Council of Hongkong, this 21st day of October, 1901.

C. CLEMENTI,
Acting Clerk of Councils.

Assented to by His Excellency the Governor, the 31st day of October, 1901.

J. H. STEWART LOCKHART,
Colonial Secretary.

Section 2

SCHEDULE.

TABLE OF ENACTMENTS REPEALED.

Number and Year of Ordinance.	Title or Short Title and Date of Ordinance.	Extent of Repeal.
No. 3 of 1854.	An Ordinance to declare certain Acts of the Imperial Parliament to be in force in this Colony. [31st October, 1854.]	The whole.
No. 12 of 1856.	An Ordinance to regulate Chinese Burials, and to prevent certain Nuisances, within the Colony of Hongkong. [12th January, 1856.]	Sections 8 to 11 inclusive.
No. 7 of 1858.	An Ordinance for amending Ordinance No. 11 of 1844. [5th April, 1858.]	The whole.
No. 8 of 1858.	An Ordinance for Regulation of the Chinese People, and for the Population Census, and for other Purposes of Police. [10th May, 1858.]	Sections 18 and 29 to 31.
No. 5 of 1860.	An Ordinance for repealing Ordinance No. 5 of 1858. [30th April, 1860.]	The whole.
No. 5 of 1862.	An Ordinance to amend Ordinance No. 13 of 1860 by abolishing the Salaries of the Chief Magistrate and Assistant Magistrate, and to make provision for the Salaries of the Judge of the Court of Summary Jurisdiction and of two Police Magistrates. [17th March, 1862.]	The whole.
No. 7 of 1864.	An Ordinance for compiling a New Edition of the Ordinances of this Colony. [30th April, 1864.]	The whole.

TABLE OF ENACTMENTS REPEALED.—*Continued.*

Number and Year of Ordinance.	Title or Short Title and Date of Ordinance.	Extent of Repeal.
No. 9 of 1864.	An Ordinance to authorize the Commissioners appointed to compile a New Edition of the Ordinances to make certain alterations therein. [5th September, 1864.]	The whole.
No. 7 of 1865.	An Ordinance to consolidate and amend the Enactments in force in this Colony relating to Larceny and other similar Offences. [3rd June, 1865.]	Sections 29 and 94 to the words "such last-mentioned inquiry".
No. 1 of 1866.	An Ordinance to amend certain Enactments relating to the Criminal Law. [29th January, 1866.]	The whole, except section 5.
No. 1 of 1868.	The Ordinance for the Suppression of Piracy (Hongkong), 1868. [23rd May, 1868.]	Sections 10 to 31.
No. 7 of 1868.	An Ordinance for amending the Laws relative to Jurors and Juries. [23rd May, 1868.]	The whole.
No. 5 of 1880.	An Ordinance to amend Ordinance 9 of 1857. [31st August, 1880.]	The whole.
No. 9 of 1882.	Bankruptcy Official Assignee Ordinance, 1882. [27th April, 1882.]	The whole.
No. 6 of 1885.	An Ordinance to amend Ordinance 14 of 1870. [21st February, 1885.]	The whole.
No. 4 of 1887.	The Statute Law Revision Ordinance, 1887. [15th February, 1887.]	The whole.
No. 23 of 1887.	An Ordinance to amend Ordinance No. 16 of 1887. [29th August, 1887.]	The whole.
No. 11 of 1888.	The Unclaimed Balances Ordinance, 1888. [27th February, 1888.]	The whole, except section 5.
No. 17 of 1889.	An Ordinance to repeal Ordinance No. 6 of 1889, and to amend the Statute Law Preservation Ordinance, 1886. [14th May, 1889.]	The whole.
No. 29 of 1890.	An Ordinance to repeal Ordinance No. 13 of 1860, for the Establishment of a Civil List. [22nd December, 1890.]	The whole.
No. 9 of 1891.	An Ordinance to give the same validity to Ordinances Nos. 18 and 19 of 1884 as if they had been proclaimed to come into force on the 23rd day of September, 1884. [24th June, 1891.]	The whole.
No. 7 of 1893.	The Praya Wharves and Piers Ordinance, 1893. [11th April, 1893.]	The whole.
No. 1 of 1896.	An Ordinance to prevent doubts as to the validity of documents heretofore sealed with the Seal of the Colonial Court of Admiralty of Hongkong. [17th March, 1896.]	The whole.
No. 10 of 1900.	The Validating Ordinance, 1900. [12th April, 1900.]	The whole.

No. 30 OF 1901.

An Ordinance to further amend the Law relating to Buildings.

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HENRY A. BLAKE,
Governor.

[31st October, 1901.]

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

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| Short title and construction. | 1. This Ordinance may be cited as the Buildings Amendment Ordinance, 1901, and shall be read and construed as one Ordinance with the Buildings Ordinance, 1889, as amended by Ordinances 25 of 1891, 7 of 1895, 5 of 1896, and 11 of 1898. |
| Interpretation. | 2. In the interpretation of this Ordinance the following words shall have the following meanings, that is to say :—
“Verandah” means any stage, platform or portico projecting from the main wall of any building and supported by piers or columns.
“Balcony” means any stage, platform, oriel or other similar structure projecting from the main wall of any building and supported by brackets or cantilevers. |
| Amendment of section 10 of Ordinance 15 of 1889. | 3. Section 10 of Ordinance 15 of 1889 is hereby amended by substituting the words “uppermost story” for the words “two uppermost stories”. |
| Amendment of section 77 of Ordinance 15 of 1889. | 4. Section 77 of Ordinance 15 of 1889 is hereby amended by substituting the words “ruinous or dangerous” for the words “ruinous and dangerous”. |
| Future buildings not to exceed one-and-a-half times the width of street. | 5. From and after the date of the passing of this Ordinance no building, other than such as is in this section hereafter exempted, shall—
(a.) Except with the consent of the Governor in Council, be erected or raised to a height exceeding one-and-a-half times the width of the street upon which it fronts. Such height and width shall be respectively measured in accordance with the rules laid down in section 6 of Ordinance 34 of 1899 ;
(b.) Except with the written permission of the Sanitary Board, exceed seventy-six feet in height. |
| Limit of storeys in future buildings. | 6. No domestic building erected after the date of the passing of this Ordinance shall, except by permission of the Governor in Council, exceed four storeys in height including the ground story. |
| Balconies forbidden in streets less than 25 feet wide. | 7. No balcony shall, except with the consent of the Governor in Council, be hereafter projected over any street, whether public or private, which is less than twenty-five feet in width as computed by section 6 of Ordinance 34 of 1899. |
| Verandahs forbidden in streets less than 50 feet wide. | 8. No verandah shall, except with the permission of the Governor in Council, be hereafter projected over any street, whether public or private, which is less than fifty feet in width as computed by section 6 of Ordinance 34 of 1899. |
| Limitation on verandahs in streets less than 60 feet wide. | 9. No verandah shall hereafter be erected except with the consent of the Governor in Council, on any story higher than the second story, unless such verandah fronts on a street of not less than sixty feet in width as computed by section 6 of Ordinance 34 of 1899. |

The foregoing provisions of this section shall not apply to any building the height of which at the date of the passing of this Ordinance exceeds one-and-a-half times the width of the street upon which it fronts nor to any building erected in substitution for any such building ; but any such building shall not be raised to a greater height than its present height, and any building erected in substitution for any such building shall not be of a greater height than any such building and shall also be subject to the provisions of section 12 of Ordinance 15 of 1894 as amended by Ordinance 21 of 1897.

10. The enactments contained in the Schedule to this Repeals Ordinance are hereby repealed to the extent therein mentioned.

Passed the Legislative Council of Hongkong, this 21st day of October, 1901.

C. CLEMENTI,
Acting Clerk of Councils.

Assented to by His Excellency the Governor, the 31st day of October, 1901.

J. H. STEWART LOCKHART,
Colonial Secretary.

SCHEDULE.

Number and Year of Ordinance.	Title or Short Title and Date of Ordinance.	Extent of Repeal.
No. 15 of 1889.	The Buildings Ordinance. [2nd May, 1889.]	Section 36 sub-section 5.
No. 15 of 1894.	The closed houses and insanitary dwellings Ordinance, 1894. [29th December, 1894.]	Section 18.

GOVERNMENT NOTIFICATION.—No. 648.

The following Notice is published.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 31st October, 1901.

FOR SALE.

Government Steam Launch *Lily*. Length, 48 feet. Beam, 9 feet 6 inches. Depth, 5 feet 2½ inches. Built by Dock Company. Compound non-condensing engines.
For further particulars, apply to Harbour Office.

R. MURRAY RUMSEY,
*Ret. Com., R.N.,
Harbour Master, &c.*

Harbour Department, Hongkong, 30th October, 1901.

GOVERNMENT NOTIFICATION.—No. 649.

The following addition to the Register of Medical and Surgical Practitioners qualified to practise Medicine and Surgery in this Colony, pursuant to Ordinance 6 of 1884, as amended by Ordinance 4 of 1893, is published for general information.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 2nd November, 1901.

PERSON QUALIFIED TO PRACTISE MEDICINE AND SURGERY.

NAME.	ADDRESS.	NATURE OF QUALIFICATION.	DATE OF QUALIFICATION.
Muller, Oskar	16, Queen's Road Central.	Doctor of Medicine of the University of Munich.	10th April, 1897.