



THE HONGKONG  
**Government Gazette**  
 EXTRAORDINARY.

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Published by Authority.

No. 15.

VICTORIA, WEDNESDAY, 12<sup>TH</sup> MARCH, 1902.

VOL. XLVIII.

號五十第

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GOVERNMENT NOTIFICATION.—No. 147.

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

R. F. JOHNSTON,  
 Acting Clerk of Councils\*

Council Chamber, Hongkong, 12th March, 1902.

A BILL

ENTITLED

An Ordinance to consolidate and amend the  
 Laws relating to Buildings.

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

*Preliminary.*

1. This Ordinance may be cited for all purposes as The Short title.  
 Buildings Ordinance, 1902. (15 of 1889,  
 s. 1.)
2. The several Ordinances and parts of Ordinances Repeal of  
 mentioned in Schedule A. to this Ordinance are hereby Ordinances.  
 repealed.
3. Any contract, made before the passing of this Contracts.  
 Ordinance, for the erection of any building which shall (15 of 1889,  
 not have been carried higher than the footings at the time s. 4.)  
 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, and the extra cost (if any) of such necessary  
 deviations shall be borne by the party to such contract for  
 whom the building is being erected; provided that such  
 party may within ten days after the passing of this  
 Ordinance cancel any such contract upon paying to the  
 other party the value of the work and labour done and ma-  
 terials supplied thereunder. Whenever any such contract  
 shall be so cancelled, every sub-contract relating thereto  
 shall also be thereby cancelled upon the same terms.
4. The provisions of this Ordinance with reference to Government  
 wells, the construction of buildings, and the carrying out wells, build-  
 of works shall not apply in the case of wells, buildings or ings, and  
 works belonging to the Crown or to the Colonial Govern- works.  
 ment or upon any land vested in any person on behalf (15 of 1889,  
 of the Naval or Military Departments of His Majesty's Service; s. 5 amend-  
 ed.)  
 but all the provisions of this Ordinance in relation to mat-

sheds and other inflammable structures, to hoardings and scaffoldings, and to verandahs, balconies and areas shall apply without exception to all buildings throughout the Colony.

Rights or liabilities between landlord and tenant. (15 of 1889, s. 6.)

5. Nothing herein contained shall vary or affect the rights or liabilities as between landlord and tenant under any contract between them.

Definitions.

6. In this Ordinance and in any Regulations made thereunder, unless the context otherwise requires:—

(New.)

1. "Authorized Architect" means any person whose name appears in the List of authorized architects hereinafter provided for.

(New.)

2. "Balcony" means any stage, platform, oriel or other similar structure projecting from the main wall of any building and supported by brackets or cantilevers.

(15 of 1889, s. 7 amended.)

3. "Building" includes any domestic building, house, verandah, balcony, cook-house, privy, gallery, chimney, bridge, out-house, stable, shed, matshed, warehouse, factory, shop, work-room, distillery, godown, or place of secure stowage.

(New.)

4. "Building Authority" means the Director of Public Works or such other person, persons, or body corporate, as the Governor in Council may, from time to time, appoint to give effect to the provisions of this Ordinance or any Ordinance amending the same.

(New.)

5. "Building line" means the line which shall in every case be determined by the Building Authority, up to which the main wall of a new building including any buttresses or projected party walls abutting on a street may lawfully extend.

(13 of 1901, s. 3.)

6. "City of Victoria" means that portion of Hong-kong 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 drawn from the centre of the nullah crossing the Shaukiwan Road at the southwest corner of Causeway Bay to the Wongnaichong public school-house and produced southward until it meets the southern boundary; and on the west by Mount Davis.

(25 of 1891, s. 3 verbally altered.)

7. "Cross wall" means any wall of brick, stone, concrete or other incombustible material used, or built in order to be used, as a separation of one part of any building (including the yard) from another part of the same building, such parts being accessible through a common entrance.

(13 of 1901, s. 69.)

8. "Cubicle" means any sub-division of a domestic building which has not a window or windows opening directly into the external air and having a total area clear of the window frames of one-eighth of the floor area of such sub-division.

(New.)

9. "Dangerous".—In construing this Ordinance a building shall be deemed dangerous if, in the opinion of the Building Authority, it is in such a condition as to cause risk of injury either to the occupiers of such building or to the occupiers of any neighbouring building or to passengers.

(13 of 1901, s. 3.)

10. "Domestic building" means any building constructed, used, or adapted to be used, wholly or partly, for human habitation, but does not include any building where caretakers only, not exceeding two in number, pass the night.

(15 of 1889, s. 7.)

11. "External wall" means any wall or vertical enclosure of any building, not being a party wall nor the external wall of a verandah.

(15 of 1889, s. 7.)

12. "Floor" includes any horizontal platform forming the base of any storey, and every joist, board, timber, stone, brick, or other substance connected with and forming part of such platform.

(13 of 1901, s. 3.)

13. "Kowloon" includes New Kowloon.

(New.)

14. "Main wall" means either an external or a party wall.

15. "New Kowloon" means that portion of the New Territories which is delineated and shown upon a plan marked "New Kowloon," signed by the Director of Public Works and countersigned by the Governor and deposited in the Land Office of this Colony. (13 of 1901, s. 3.)
16. "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 late Majesty Queen Victoria and His Imperial Majesty the Emperor of China for the enlargement of the limits of this Colony, including the City of Kowloon. (*Ibid.*)
17. "New building" includes any building begun after the commencement of this Ordinance, and any building begun before the commencement of this Ordinance and which is in course of construction at the time of such commencement, and any existing building hereafter altered to such an extent as to necessitate the removal of the roof and the re-construction of at least one half of any two of its main walls, and any existing building raised to such an extent that its total height exceeds one and a half times the original height of the building. It also includes the conversion into a domestic building of any building not originally constructed for human habitation and the conversion into more than one domestic building of a building originally constructed as one domestic building only. (*Ibid.*)
18. "Occupier" means any person in actual occupation of any premises. (*Ibid.*)
19. "Owner" includes any person holding premises direct from the Crown, whether under lease, licence or otherwise, and also any 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; and, where such owner as above defined cannot be found or ascertained or is absent from the Colony or is under disability, the agent of such owner; and if there is no such agent, the occupier; and for the purposes of this Ordinance, every mortgagee in possession shall be deemed an owner. (*Ibid.*, amended.)
20. "Party wall" means any wall used, or built in order to be used, as a separation of any building from any other building, such buildings not being accessible through a common entrance. (15 of 1889, s. 7.)
21. "Public building" includes any building, not in the occupation of the Naval or Military Departments, used for public worship, public instruction, public assembly, or public recreation; and also any building used as a hotel or as a public hall or hospital, or for any other public purpose whatsoever. (15 of 1889, s. 7 as amended by 25 of 1891, s. 3 in part.)
22. "Storey" means 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 floor. (15 of 1889, s. 7.)
23. "Street" includes any square, court or alley, highway, lane, road, or passage whether a thoroughfare or not. (13 of 1901, s. 3.)
24. "Tenement house" means any domestic building constructed, used, or adapted to be used for human habitation by more than one occupier or family. (13 of 1901, s. 3.)
25. "Urban district" includes the City of Victoria and any such other area as the Governor in Council may, from time to time, define and notify in the Gazette as so to be included. (*New.*)
26. "Verandah" means any stage, platform, or portico projecting from the main wall of any building and supported by piers or columns. (15 of 1889, s. 7 amended.)
27. "Width of street."—For the purposes of this Ordinance the width of a street shall be determined by measuring the shortest distance between the building lines as determined by the Building Authority. (15 of 1894, s. 12 amended.)

In the case of streets on land held under lease from the Crown the width of a street shall be the shortest distance measured between the building lines as shown on a block plan of the property, which plan shall extend, on all sides, to the nearest streets over Crown land. Provided that in the case of divided ownership such block plan shall be subscribed to by the several owners and shall be binding upon them, their executors, administrators and assigns, unless and until a further block plan for the laying out of the entire property in some other manner shall have been submitted to and approved by the Building Authority and subscribed to by the respective owners. For the purpose of determining such building lines, the main walls of the buildings, including any buttresses or projecting party walls, shall be taken.

(15 of 1889,  
s. 7.)

28. "Works" includes the partial or total constructing, reconstructing, pulling down, opening, cutting into, adding to, and altering any building, wall, retaining wall, chimney-stack, flue, ground, road, well, drain, sewer, pier, wharf, fence, and any other building operation whatsoever.

List of  
authorized  
architects.  
(*New.*)

7. The Governor in Council shall prepare and publish by notification in the Gazette a List of the names of all such Architects, Engineers and other persons, as he may deem qualified to perform the duties required by this Ordinance to be performed by an authorized architect. The Governor in Council may also, from time to time, add to such List the names of any other persons whom he may deem qualified as aforesaid, and remove from such List any of such names. All such alterations shall be notified in the Gazette. Such List as altered from time to time shall be deemed to be the List of authorized architects.

#### *Building Materials.*

Building  
materials.  
(15 of 1889,  
s. 8 amend-  
ed.)

8. Except as hereinafter provided, the walls of all permanent buildings shall be constructed exclusively of good hard well burnt brick, sound stone, or other hard and incombustible material approved by the Building Authority.

#### *Exceptional Structures.*

Exceptional  
structures.  
(15 of 1889,  
s. 9.)

9.—(1.) Every public building, factory, or building intended for special uses (including the walls, roofs, floors, galleries and staircases) and all works of glass, iron, 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 works is or are used or intended to be used, shall be approved by the Building Authority. The provisions of this section shall apply to any warehouse or godown of upwards of 50 feet in height.

(15 of 1889,  
s. 44.)

(2.) The fire-places, kilns, furnaces, chimneys, flues and shafts of any bakery, opium boiling house, or vermilion or other factory, shall be deemed to be exceptional structures, and shall be subject to the approval of the Building Authority in each particular case.

Structures  
of glass,  
iron, &c.  
(25 of 1891,  
s. 6.)

10. Structures made wholly or partly of glass or iron or other material not provided for in this Ordinance may be designed otherwise than herein provided and shall be subject to the approval of the Building Authority in each particular case.

Buildings  
in districts  
outside an  
urban district  
may be of  
wood.  
(15 of 1889,  
s. 19  
amended.)

11. Notwithstanding anything herein to the contrary provided, where buildings are outside the boundaries of an urban district 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, verandahs and balconies 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 Building Authority in each particular case.

#### *Walls.*

Walls.  
(25 of 1891,  
s. 5.)

12. 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 cement-mortar or good lime-mortar

which must be composed of not less than one part of fresh lime to three parts of red earth, and such red earth must be equal in quality to a sample deposited in the office of the Building Authority. 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. Sound blue bricks may be exclusively used in the walls of the uppermost storey of a building, but blue bricks may not, without the approval of the Building Authority, be used in the walls of the other storey or storeys.

13.—(1.) Every person who shall erect a new building shall construct every external and every party wall of such building in accordance with the following rules and in every case the thickness prescribed shall be the minimum thickness of which such wall may be constructed.

External and party walls  
--thickness  
of.  
(25 of 1891,  
s. 5 amended.)

(a.) Where the wall does not exceed 12 feet in height it shall be 9 inches thick for its whole height.

(b.) Where the wall exceeds 12 feet in height but does not exceed 30 feet in height it shall be 13½ inches thick for its whole height.

(c.) Where the wall exceeds 30 feet in height but does not exceed 40 feet in height, the wall in the lowermost storey shall be 18 inches thick and in the other storey or storeys 13½ inches thick.

(d.) Where the wall exceeds 40 feet in height but does not exceed 50 feet in height the wall in the two lowermost storeys shall be 18 inches thick and in the other storey or storeys 13½ inches thick.

(e.) Where the wall exceeds 50 feet in height but does not exceed 60 feet in height the wall in the lowermost storey shall be 22 inches thick, the wall in the next two storeys shall be 18 inches thick and in the other storey or storeys 13½ inches thick.

(f.) Where the wall exceeds 60 feet in height but does not exceed 70 feet in height the wall in the two lowermost storeys shall be 22 inches thick, the wall in the next two storeys shall be 18 inches thick, and the wall in the other storey or storeys 13½ inches thick.

(g.) Where the wall exceeds 70 feet in height but does not exceed 80 feet in height the wall in the lowermost storey shall be 27 inches thick, the wall in the next two storeys shall be 22 inches thick, the wall in the next two storeys 18 inches thick, and the wall in the other storey or storeys shall be 13½ inches thick.

(2.) If any storey exceeds in height fourteen times the thickness of its walls, as prescribed in sub-section (1.) of this section, the thickness of each external wall and of each party wall throughout that storey shall be increased to one fourteenth part of the height of that storey and the thickness of each external wall and of each party wall below that storey shall be proportionately increased. Such increase of thickness may be provided for by piers, the disposition, width and thickness of which shall be approved by the Building Authority.

14.—(1.) No wall shall exceed 60 feet in length clear of any return or cross wall without the approval of the Building Authority.

Length of walls.  
(25 of 1891,  
s. 5 re-arranged.)

A wall shall not be deemed a cross wall for the purpose of determining the length of any external or party wall unless it is carried up to the top of the topmost storey, and unless in each storey the aggregate extent of the vertical faces or elevations of all the recesses and that of all the openings therein taken together shall not exceed one half of the whole extent of the vertical face or elevation of the wall in such storey.

Cross walls.

(2.) No wall shall exceed 76 feet in height without the approval of the Building Authority.

Walls over 76 feet in height.

The height of every wall shall be measured from the level of the adjacent footpath, or where no footpath exists, from the level of the street to the highest part of such wall or, in the case of a gable, to half the height of such gable.

Measurement of height of walls.

**Thickness of cross walls.** (25 of 1891, s. 5.) **15.** The thickness of every cross wall shall be at least two thirds of the thickness prescribed by section 13 in that behalf for an external wall or party wall of the same height and length and belonging to the same class of building as that to which such cross wall belongs unless, in any particular case, the Building Authority shall specially authorize a less thickness. But if such cross wall supports a superincumbent external wall the whole of such cross wall shall be of the thickness prescribed for an external wall or party wall of the same height and length and belonging to the same class of building as that to which such cross wall belongs.

**Damp proof course.** (25 of 1891, s. 5.) **16.** Every wall of every new domestic building and also every wall of any other building of brick or stone having a timber floor shall have a proper damp course of sheet lead, asphalt, or Portland cement mortar (such asphalt or Portland cement mortar to be not less than half an inch in thickness), or other impermeable material approved by the Building Authority, beneath the lowest timbers and as near the ground as is possible but in no case at an height of less than 6 inches above the surface of the ground adjoining such wall.

**Foundations** (15 of 1889, s. 15.) **17.** The foundations of every wall of a building shall be of footings of sound stone, brick, or other equally hard substance, carried down to a depth of not less than twice the thickness of the wall in the lowest storey of the said building; and the lowest course of every such foundation shall be of not less than twice the thickness of the wall in the said lowest storey, and the thickness of such foundation shall diminish gradually towards the upper surface thereof in regular steps or offsets, provided that on rock or hard ground of an incompressible nature, or in sandy, unstable or soft ground, the Building Authority 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.

**Height of party wall.** (15 of 1889, s. 16.) **18.** Every party wall shall be carried up above the upper surface of 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.

**Opening through party or main wall.** (15 of 1889, s. 17 amended.) **19.** When buildings shall have ceased to be accessible through a common entrance, any openings previously made through any 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 storey 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 a shop front left open to the street the side walls or party walls shall be returned along such front for at least twelve inches where the house has more and for at least nine inches where the house has not more than one storey above the ground storey, and such return walls shall be properly bonded into the side walls or party walls.

Where such shop front is in a corner building, the side wall shall be returned along such front for at least two feet.

**Lath and plaster walls.** (New.) **20.** No lath and plaster wall or other hollow wall shall be hereafter constructed within an urban district without the written permission of the Building Authority.

*Hoop-iron Courses for Domestic Buildings.*

(New.) **21.** Every domestic building hereafter erected, which is not within the European District Reservation area, as defined by Ordinance No. 16 of 1888, or the Hill District, as defined by Ordinance No. 26 of 1888, shall have courses of hoop-iron, tarred and sanded, built into the main walls at the level of the foundations, at the level of each floor and at the level of the eaves. Each such course shall consist of three bands in the case of foundations and of all walls of a thickness of not less than 18 inches, and of two bands in the case of all walls of a less thickness than 18 inches; each hoop-iron band shall measure not less than one inch

and a quarter in width, and not less than one-thirty-second of an inch in thickness, and such bands shall be continuous and lap-jointed wherever practicable. In any case in which continuous bands are not practicable, they shall be arranged as the Building Authority may require.

*Bressummers and Lintels.*

22. Every bressummer and every lintel, exceeding five feet in span, 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, stone or iron, erected on a solid foundation, or upon an external, party, or cross wall, and every such bressummer and lintel having such bearing upon any such 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 or lintel. Every such bressummer and every such lintel shall be of sufficient strength.

Bressummers and lintels. (15 of 1889, s. 20 amended.)

*Floors.*

23. No floor timbers of any one building shall approach nearer than nine inches towards the floor 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.

Distance between floors of contiguous buildings. (15 of 1889, s. 21 amended.)

24. The floors of all buildings including verandahs shall in no case be built into the thickness of any wall, but shall either rest upon the top of the wall or upon corbelling or an offset, so arranged as to give a bearing of at least four and a half inches for the floor.

Floors to rest on corbels of brick-work or stone-work. (25 of 1891, s. 8 amended.)

25.—(1.) In the case of every domestic building hereafter erected, every ground storey shall contain a clear space of at least twelve feet, measured vertically, and every upper storey shall contain a clear space of at least eleven feet measured vertically: provided nevertheless that in the case of any caretaker's quarters, servants' quarters, kitchen, or bath-room, or in the case of any room in which no person sleeps, a clear space of at least nine feet measured vertically shall be sufficient.

Space between floors. (15 of 1889, s. 23 amended.)

(2.) In the case of a top storey, such clear space shall be measured from the level of the floor up to the underside of the tie of the roof, or up to half the vertical height of the rafters or purlins, when the roof has no tie.

(15 of 1889, s. 25.)

26. Every person who shall erect a new building for human habitation shall construct every room in the lowest storey, 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 two feet six inches at the least in every part, and he shall cause such space to be ventilated by means of vents, gratings, or air-bricks.

Ventilation under floors. (15 of 1889, s. 46 amended.)

27. The floors of any building shall be so constructed as to bear safely the maximum load to be carried and the allowance for live load shall be not less than 56 lbs. for each square foot of area.

Strength of floors. (New.)

*Ceilings.*

28. No ceiling shall hereafter be erected within an urban district without the written permission of the Building Authority.

Ceilings. (New.)

29. All wooden floors hereafter constructed shall be properly tongued and grooved or otherwise jointed so as to be reasonably water-tight to the satisfaction of the Building Authority.

Wooden floors to be made reasonably water-tight. (New.)

*Corbelling.*

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

Corbelling. (15 of 1889, s. 26.)

*Roofs.*

Covering of roof. (15 of 1889, s. 27 re-arranged.) **31.** The roof of every building and of any minor superstructure placed above such roof (except the doors, and frames of dormers or sky-lights) shall be externally covered with tiles, glass, metal, or other incombustible substance. All hatchways leading out to 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 zinc or other metal approved by the Building Authority.

Roof-timbers. (15 of 1889, s. 28.) **32.** 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.

Platform. (15 of 1889, s. 29 amended.) **33.** No platform, superstructure, staging, or frame-work, of wood, mats, or other inflammable material shall be erected, maintained, or fixed over or upon the roof of any building; except in cases where the Building Authority grants permission for the erection of a temporary platform, superstructure, staging, or framework of any such material as aforesaid. Provided nevertheless that any frame which is affixed to a roof and which is used or intended to be used for the purpose of drying clothes may be made of bamboo.

Roofs to rest upon brick-work or stone-work. (15 of 1889, s. 30 amended.) **34.** The roofs of all buildings including verandahs, shall in no case be built into the thickness of any wall, but shall either rest upon the top of the wall or upon corbelling or an offset, so arranged as to give a bearing of at least four and a half inches for the roof.

*Wood-work.*

Bond timber or wood-plate. (15 of 1889, s. 31.) **35.** No bond timber or wood-plate shall be built into the thickness of any party or external wall.

Timber or wood-work near flue or chimney-opening. (15 of 1889, s. 32 amended.) **36.** No timber or wood-work shall be placed in any wall or chimney-breast nearer than nine 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.

*Arches.*

Arches. (15 of 1889, s. 33 verbally altered.) **37.** 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 thickness of not less than twelve inches; where its span exceeds ten feet but does not exceed fifteen feet, it shall be of a thickness of not less than 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 Building Authority. 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 Building Authority.

*Projections, &c.*

Material for coping, cornices, &c. (15 of 1889, s. 34.) **38.** Every coping, cornice, fascia, window dressing, portico, verandah, balcony, 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.

Eaves-gutters, &c. (15 of 1889, s. 35 amended.) **39.** The roof of every building (including every verandah and balcony) and the floors of every verandah and balcony shall be so arranged and constructed, and so supplied with eaves-gutters and rain-water down-pipes properly connected with the side channels as to prevent any water being discharged upon or over any foot-path or roadway.



40. Save as by this Ordinance provided, 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, in any street or to the passengers thereon, or so as to cause any encroachment on or over any street or Crown land.

Projections into public thoroughfares. (15 of 1889, s. 66 amended.)

Provided that in the case of theatres and other public buildings the doors may with the consent of the Building Authority be made to open outwards over a public thoroughfare.

*Verandahs, Balconies, and Areas.*

41. No encroachment shall be made on over or into Crown land by any verandah or balcony, or by any area, or by any structure whatsoever—

Encroachments on or over Crown land.

- (1.) Unless with the previous consent of the Governor, on the recommendation of the Building Authority; and
- (2.) Until the applicant for leave to make such encroachment shall have previously signed an undertaking in the form contained in Schedule B. or C. to this Ordinance; and
- (3.) Unless subject to the Regulations contained in Schedule D. to this Ordinance or such other Regulations as may for the time being be in force; and
- (4.) Unless the building to which such verandah, balcony, area or structure appertains shall comply in all respects with every provision of this Ordinance and of any Ordinance relating to Public Health for the time being in force and of all By-laws made thereunder.

(15 of 1889, s. 36 amended.)

42. No balcony shall, except with the consent of the Governor in Council, be hereafter erected or re-erected over any street, whether public or private, which is less than thirty feet in width.

Balconies forbidden in streets less than 30 feet wide. (30 of 1901. amended.)

43. No verandah shall, except with the consent of the Governor in Council, be hereafter erected or re-erected over any street, whether public or private, which is less than fifty feet in width.

Verandahs forbidden in streets less than 50 feet wide. (*Ibid.*)

44. No verandah shall hereafter be erected, except with the consent of the Governor in Council, on any storey higher than the second storey, unless such verandah fronts on a street of not less than seventy-five feet in width.

Limitation on verandahs in streets less than 75 feet wide. (*Ibid.*)

*Restriction on Partitions, Obstructions and Enclosures in Verandahs or Balconies.*

45. No partition (other than such as may, in the opinion of the Building Authority, be necessary for the separation of the verandah or balcony of any building from the verandah or balcony of any adjacent building) shall be erected or maintained in any verandah or balcony over Crown land or over any street, nor shall any such verandah or balcony be obstructed or enclosed, wholly or in part, or used as a bath-room, urinal, water-closet, sleeping apartment, store-room, or cook-room; nor shall any rain or other water be discharged therefrom save in the manner hereinbefore provided.

Verandahs and balconies not to be enclosed. (4 of 1888, ss. 1 and 2 amended.)

Provided that blinds capable of being rolled or drawn up shall not be deemed obstructions or enclosures within the meaning of this section.

Proviso.

*Kitchens, Fire-places and Chimneys.*

46. Every domestic building, and every floor of a domestic building which is separately let, for dwelling purposes, shall be provided with adequate kitchen accommodation to the satisfaction of the Building Authority, and every such kitchen shall be provided with a properly constructed fire-place and shall be properly paved or floored with cement concrete or other non-absorbent material to the satisfaction of the said Authority.

Kitchen accommodation. (*Ibid.*)

- Limitation of extent of kitchens. (New.) 47. No kitchen of any tenement house shall hereafter be constructed so as to extend across more than one half of the external width of such house.
- Construction of chimney of fire-place. (25 of 1891, s. 10 re-arranged.) 48. Every fire-place shall be constructed with a proper chimney or smoke-flue and shall be constructed in such a manner as not to allow the smoke to escape through any window or hole in the walls or roof or through any vent other than the chimney or smoke-flue. The interior surfaces of every brick or masonry chimney or smoke-flue shall be smoothly rendered with mortar, or lined with earthenware pipes, and no such chimney or smoke-flue shall have less than sixty square inches of sectional area unless with the approval of the Building Authority.
- Fire-place adapted for use of charcoal. (25 of 1891, s. 10 amended.) 49. Every fire-place adapted for the use of charcoal shall be provided with a hood of sheet metal of sufficient size connecting with a chimney or smoke-flue carried up above the level of the roof.
- Floor under oven, stove, or fire-place. (25 of 1891, s. 10 re-arranged.) 50. The upper surface of any floor under any oven, stove, or fire-place shall be of incombustible materials, extending over the whole area covered by such oven, stove or fire-place and beyond to a distance of twelve inches at least on every side of such oven, stove or fire-place and such floor shall have hearths of stone, tile or other incombustible material laid before every chimney-opening.
- Chimney not to be fixed near wood-work. (15 of 1889, s. 40 verbally altered.) 51. No chimney or smoke-flue shall be constructed or 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 Building Authority.
- Thickness and height of chimney above roof. (15 of 1889, s. 41 verbally altered.) 52. Every brick or masonry chimney or smoke-flue 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 heights point in the line of junction with such roof.
- Corbelling and foundations of chimneys. (15 of 1889, s. 42 amended.) 53. Chimneys of brick, stone, or other incombustible material, may be corbelled out in the upper storeys 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 in the ground storeys of buildings shall, unless with the consent of the Building Authority, rest upon solid foundations and upon footings similar in every respect to the foundations of the walls against which such chimneys are built.
- Thickness of back of chimney-opening. (15 of 1889, s. 43.) 54. 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.

#### Windows.

- Windows in rooms. (15 of 1894, s. 8 (a.)) 55. Every habitable room in a new building shall be provided with one window, at least, opening directly into the external air, and the total area of such window or windows, clear of the window frame, shall be at least one-eighth of the floor area of every such room.

#### Skylights.

- Skylights. (New.) 56. Every domestic building hereafter erected of a greater depth than fifty feet (such depth to be measured inclusive of the kitchen, except in cases in which such kitchen is separated from the living room or rooms by an open space of not less than 8 feet in depth and extending the entire width of the back of such building) shall be provided by the owner with a glazed skylight in the roof, of a total area of not less than one twenty-fifth of the total floor area of such domestic building, and every upper floor shall be provided with a well-hole which may also be glazed if properly protected corresponding in position and area to such skylight.

Provided that no such skylight shall be required in the case of domestic buildings which are, in the opinion of the Sanitary Board, adequately lit by means of windows opening into a side street, or other open space, of a width of not less than fifteen feet, in addition to being lit from the front.

*Cubicles.*

57. No cubicle shall be constructed or maintained in any storey of any domestic building hereafter erected.

Cubicles in domestic buildings hereafter erected. (New.)

*Privies.*

58. Every privy shall be constructed of brick and shall be at least two feet six inches wide by three feet long internal dimensions, and such privy shall, wherever possible, open into the outer air and not into the building.

Privy. (15 of 1889, s. 47 verbally amended.)

59. Every privy hereafter erected shall have a suitable door and an opening or openings for ventilation into the external air not less than two square feet in aggregate area immediately under the roof. The walls shall also be rendered in cement-mortar or other non-absorbent material to the height at least three feet from the floor level.

Ventilation and walls of privy. (15 of 1889, s. 48 amended.)

60. The floor of every privy hereafter erected on any ground floor, shall be raised at least six inches above the level of the surface outside, and the floor surface of such privy shall be formed of cement rendering, asphalt, or any other impervious material, approved by the Building Authority, laid on a bed of lime concrete not less than six inches thick, and such floor shall have a fall or inclination towards the door of half an inch to the foot. The floor of any privy hereafter erected on an upper floor, shall be formed of cement concrete or brick arching surfaced with cement rendering, asphalt, or other impervious material approved by the Building Authority.

Floor of privy. (15 of 1889, s. 49 amended.)

61. No privy 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 Building Authority.

Privy not to be connected with drain or sewer. (15 of 1889, s. 50 amended.)

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

Receptacle and seat in privy. (15 of 1889, s. 51.)

*Private Streets.*

63. No new street on land held under Lease from the Crown shall be constructed for the purpose of the erection of new buildings fronting thereon until a block plan of the whole of the property concerned drawn to a scale of not less than one-twentieth of an inch to the foot, showing such proposed street and its connections with neighbouring streets together with the proposed levels and any scavenging lanes, as well as the proposed method of surface drainage, shall have been submitted to the Building Authority and approved by such Authority.

New private street. (New.)

64. No new street on land held under Lease from the Crown, within the City of Victoria, shall be of a less width than thirty feet and no new street on land held under such Lease, outside the City of Victoria, shall be of a less width than forty feet. Every such street shall open, at one end at least, upon some existing or projected public street.

Width of new private streets. (New.)

65. No building shall (unless with the written consent of the Governor in Council) be hereafter erected or re-erected fronting any existing street on land held under Lease from the Crown, which has not along its entire frontage an open space of at least ten feet in width as measured from the centre line of such street as it exists at the time of the passing of this Ordinance; provided always, that no building shall hereafter be erected or re-erected fronting any such street so as to reduce its present width.

Space in front of new buildings in private streets. (15 of 1889, s. 52 amended.)

66. No new building shall be erected over any entrance to or any portion of any street on land held under Lease from the Crown, unless with the written consent of the Governor in Council.

Obstruction of streets by buildings. (New.)

*Height of Buildings.*

Height of buildings. **67.** The height of every building shall hereafter be regulated in accordance with the following rules, unless the Governor in Council, on the recommendation of the Sanitary Board, shall otherwise permit:—

(30 of 1901, s. 5, amended.)

(a.) No existing building, which does not at the date of the commencement of this Ordinance exceed in height one and a half times the width of the street upon which it fronts, shall hereafter be raised to a height exceeding one and a half times the width of the street upon which it fronts.

(b.) No existing building, which at the date of the commencement of this Ordinance exceeds in height one and a half times the width of the street upon which it fronts, shall hereafter be increased in height.

(15 of 1894, s. 12.)

(c.) No building shall hereafter be erected or re-erected to a height exceeding one and a half times the width of the street upon which it fronts.

Provided always that in the case of any street existing on the 29th day of December, 1894, where the length of such street does not exceed 420 feet, provided that such street is clear of any obstruction including verandahs and balconies, either vertical or lateral, throughout its entire length as measured from the main thoroughfares on to which it leads, the height of any building hereafter erected shall not exceed 35 feet where the width of such street on which the principal front of such building abuts is under 14 feet. Where the width of such street is 14 feet but does not exceed 20 feet the height of such building shall not exceed 46 feet.

(*Ibid.*)

(d.) No building shall exceed 76 feet in height above the level of the street, without the permission of the Sanitary Board.

Limit of storeys in domestic building. (30 of 1901, s. 6, amended.)

Provided moreover that no domestic building erected or re-erected after the date of the passing of this Ordinance shall, except with the consent of the Governor in Council, exceed four storeys in height including the ground storey.

Determination of height of buildings. (15 of 1894, s. 12.)

**68.**—(1.) 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 heights to the underside of the eaves, and by drawing from the points thus ascertained lines at angles 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.

(*Ibid.*)

(2.) 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 Building Authority shall determine from what point or points the full vertical height as specified in the foregoing clause shall be measured.

*Occupation of New Building.*

Occupation of new building. (15 of 1889, s. 53, amended.)

**69.** No new building shall be occupied except by caretakers only, not exceeding two in number, until an authorized architect shall have reported in writing to the Building Authority that such building complies in all respects with the provisions of this Ordinance, and of any Ordinance relating to Public Health for the time being in force and of all Bye-laws made thereunder, nor until the owner shall have received from the Building Authority a certificate that the requirements of the building laws, for the time being in force, have been complied with, and also, from the Sanitary Board, the certificate required, under the Public Health Ordinance, to be obtained prior to occupation.

Proviso.

Provided that in the event of any contravention of this section, the occupier shall be liable and also the owner, unless such owner proves that such occupation has taken place without his knowledge or consent.

*Dangerous Buildings.*

70. Every owner of a building, which may be declared by the Building Authority, or an officer deputed by such Authority in that behalf, by a notice in writing to such owner, to be dangerous, shall cause the same to be shored or otherwise properly secured, and shall erect, in such manner as may be directed by the Building Authority, or an officer deputed by such Authority in that behalf, a proper fence or hoarding for the protection of passengers.

Shoring and fencing of dangerous building. (15 of 1889, s. 54 amended.)

71. Buildings rendered dangerous by fire, wind, or other cause of whatsoever nature, to such an extent as, in the opinion of the Building Authority, or an officer deputed by such Authority in that behalf, shall necessitate their being taken down partly or wholly shall, upon the receipt by the owner of a notice in writing from the Building Authority, or an officer deputed by such Authority in that behalf, declaring that such building is in a dangerous condition and must be taken down partly or wholly and specifying the time within which the work is to be done, be taken down by such owner accordingly.

Taking down of dangerous building. (15 of 1889, s. 55 amended.)

72.—(1.) If the owner of a dangerous building cannot be found, or if, on such notice in writing as aforesaid from the Building Authority, or an officer deputed by such Authority in that behalf, 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 declared to be dangerous by the Building Authority, or an officer deputed by such Authority in that behalf, such dangerous building or such portion thereof shall, without delay, be shored or otherwise properly secured or taken down by persons employed by the Building Authority who shall be entitled to recover the cost thereof from the owner of such dangerous building.

Shoring or taking down of dangerous building at cost of owner. (15 of 1889, s. 56 amended.)

(2.) In all cases of emergency, the Building Authority may cause the necessary work to be done without any notice whatever, the cost of such work being recoverable from the owner of such dangerous building.

The decision of the Building Authority that the particular case is one of emergency, shall be final and binding on all persons.

*Hoardings and Scaffoldings.*

73. No public pathway or thoroughfare shall, during any building operations or otherwise, be occupied by a hoarding or scaffolding or by any building material whatever except by permission of the Building Authority, who may grant such permission 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 by the person possessing such permission as aforesaid with a hoarding for the protection of passengers, and the side-channel shall be in no way obstructed by such hoarding or by any building debris or building materials. The pavement, side-channel and concrete covering of any public thoroughfare shall not be broken up, or into, by the excavation of holes for the purpose of securing any hoarding or scaffolding poles.

Hoardings and scaffoldings. (15 of 1889, s. 57 verbally amended.)

*Matsheds and other inflammable Structures.*

74.—(1.) It shall not be lawful for any person to erect or maintain, whether for temporary or for permanent occupation, any structure of wood, mats, palm leaves, thatch, or other inflammable material, without previously obtaining permission in writing from the Building Authority, or an officer deputed by such Authority in that behalf, and except subject to the Regulations contained in Schedule E. to this Ordinance or such other Regulations as may for the time being be in force.

Inflammable structures. (15 of 1889, s. 58 verbally amended.)

(2.) No structure shall be erected on any land which is situated within the gathering ground of any public reservoir, nor, without the special permission of the Building Authority, on any hill-slope draining into the City of Victoria.

(3.) Any person who erects or maintains any structure in contravention of the provisions of this section or of any Regulation relating thereto made under this Ordinance shall be liable, upon summary conviction before a Magistrate, to a penalty not exceeding one hundred dollars, and the Magistrate may order any such structure to be removed.

(New.)

*Blasting.*

Blasting  
stone, &c.  
(15 of 1889,  
s. 59 amend-  
ed.)

75. It shall not be lawful for any person to blast any stone, earth, or other material with any explosive substance, unless he shall have fully covered over and weighted down such material with a sufficiently heavy timber shield or taken such other precautions as shall effectually prevent any fragments of such material from being projected in such a manner as to be dangerous, and unless, in addition, he shall previously have 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. 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, or between such other hours as the Governor in Council may, by order, published in the Gazette, at any time appoint in lieu thereof. Provided that in all Government Quarries whether leased or otherwise the blasting of stone shall be subject to any Quarry Regulations made by the Governor in Council for the time being in force.

*Earth Cutting.*

Earth  
cutting.  
(15 of 1889,  
s. 60 verbally  
amended.)

76. It shall not be lawful for any person to cut or remove earth or turf, or to collect, extract, split, blast or remove stones, from any land the property of the Crown, except subject to the Regulations contained in Schedule F. to this Ordinance or such other Regulations as may for the time being be in force, or without the permission in writing of the Director of Public Works, or in such manner as shall undermine or in any way prejudicially affect or endanger the stability of any bank or earth or of any land or property adjoining.

For any contravention of this section there shall be liable not only the labourer doing the work but also the permit-holder, and likewise the contractor or foreman under whom such labourer is working.

*Timber Yards.*

Timber  
yards.  
(15 of 1889,  
s. 61.)

77. Every timber yard for the storage of timber, other than timber in baulk, 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. It shall not moreover be lawful to store more than three hundred cubic feet of timber on any such premises so situate, unless such timber be stored at a distance of at least 50 feet from any building.

*Wells.*

Wells.  
(15 of 1889,  
s. 67 and  
by 5 of 1896,  
amended.)

78. It shall not be lawful for the owner of any building or land to sink any well, or to permit any well to be sunk, within such building or land, without the permission of the Building Authority, who may grant the same on a written application, provided there be no structural, sanitary, or other objection.

Every well shall be so constructed as to exclude surface water as far as possible, and due provision shall be made for the conveyance of the drip or waste water to the nearest drain inlet or other channel into which it may be lawfully discharged.

*Nullahs, Storm Water-channels and Drains.*

Building  
over drains,  
&c. (15 of  
1889 s. 62  
amended.)

79. No building shall hereafter be erected over any drain, nullah, or storm water-channel, whether natural or artificial, without the written consent of the Governor in Council.

Covering  
nullahs, &c.  
(*Ibid.*)

80. No nullah or storm water-channel, whether natural or artificial, shall hereafter be covered over without the written consent of the Governor in Council.

Conditions  
to be  
imposed.  
(*Ibid.*)

81. All work permitted under the two last preceding sections shall only be carried out under all such conditions as may be imposed by the Director of Public Works, and to his entire satisfaction. In framing such conditions, the Director of Public Works shall make due provision for the sub-soil drainage of adjacent land, and for access for the purpose of inspection and cleansing.

82. It shall not be lawful for any person to dig out the foundations 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 drain, nullah, catch-water or water-channel situated on Crown land or within private land, unless such person shall at his sole cost have made previous provision, to the entire satisfaction of the Director of Public Works, for the escape of any waters flowing or which may flow through such drain, nullah, catch-water or water-channel.

Interference with drain, nullah, catch-water or water-channel. (15 of 1889, s. 63.)

*Boundary and Retaining Wall.*

83. No person shall, after the commencement of this Ordinance, construct or reconstruct any boundary wall or enclosure wall, fronting any public road or thoroughfare within an urban district, unless such wall is solid throughout its entire thickness and built of brick or stone properly bedded and bonded together, surmounted by a coping of dressed stone or properly moulded bricks set in cement-mortar or constructed of such other materials as may be approved by the Building Authority.

Construction of boundary or enclosure wall. (15 of 1889, s. 64.)

84. No person shall, after the commencement of this Ordinance, construct or re-construct any retaining wall whether of rubble masonry built dry or in mortar, or of concrete, exceeding twelve feet in height, unless such wall is provided with one or more adequate foundation courses of cement concrete or footing stones cut to flat beds laid on the solid ground, and such footing courses 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 shall be provided with header or bond stones, at least one foot square, or layers of cement concrete one foot thick, extending back at least 2 feet 6 inches into the thickness of the wall. Provided that the Building Authority may in special cases modify the above conditions.

Construction of retaining wall. (15 of 1889, s. 65.)

Whenever such wall is built with mortar, adequate weep holes shall be provided.

*Plans, Drawings, and Notices.*

85.—(1.) It shall not be lawful to commence any building or works, or to repair or re-construct any existing building or works, until proper plans and drawings of the same signed by an authorized architect showing the dimensions and position of all portions of the building or works, shall have been previously submitted to the Building Authority and approved by such Authority as being in conformity with the requirements of this Ordinance and of any Regulations made thereunder, and also of any Public Health Ordinance for the time being in force and of any Bye-laws made thereunder. Every such plan and drawing shall, in the case of repairs or reconstructions, show the old building or works as well as the new building or works in such a way as to clearly differentiate the old from the new, and shall also show the details of any drainage to be constructed. Every such plan and drawing 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 shall also show the position and levels of the surrounding ground and buildings.

Plans, drawings, etc. (15 of 1889, s. 69 amended.)

The Building Authority may also require a block plan showing the neighbouring streets and buildings and drawn to a scale of not less than one inch to forty feet, should he consider such block plan to be necessary.

(2.) A copy of every plan and drawing referred to in sub-section (1) of this section shall be deposited in the Office of the Building Authority, and the copy so deposited, when approved by such Authority, shall be deemed for all purposes to be the plan or drawing approved under the provisions of sub-section (1) hereof.

(3.) There shall also be deposited, at the office of the Sanitary Board, at the same time as such copy is deposited as aforesaid, a copy of every plan and drawing which shows the details of any drainage to be constructed.

(4.) Every inaccuracy in any plan or drawing so deposited and every divergence in the work from such plan or drawing unless such divergence shall have received the written approval of the Building Authority, shall

be deemed to be a contravention of the provisions of this Ordinance, and, in respect of any such divergence which is not so approved, any architect, engineer, contractor or foreman employed in the building or works and also any person on whose building or works such work is being carried out, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding two hundred dollars in respect of every such divergence.

(5.) In the case of any contravention under sub-section (4) a Magistrate shall also have power to order the work or any portion thereof to be forthwith altered or demolished at the expense of the person responsible for the contravention so as to comply with the requirements of this Ordinance and of any Public Health Ordinance in force for the time being, and to the satisfaction of the Building Authority.

(6.) In the case of any inaccuracy in any plan or drawing so deposited, the author of such plan shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding two hundred dollars.

Notice of commencement or resumption of works. (15 of 1889, s. 70 as amended by 7 of 1895 s. 3.)

86. It shall not be lawful to commence any building 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, in or according to the form contained in Schedule G. shall have been given to the Building Authority 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 or works, together with the Land register number of the lot on which it is intended to build or carry on the works, and shall give any special or material particulars in connection with the same which it has not been possible to denote on the plans or drawing. Such notice shall also state the name and address of the owner or occupier of the lot or building, or the name and address of the duly authorized agent of the owner or occupier of the lot or building, and shall be signed by such owner or occupier or agent; and the party signing the said notice shall state whether he signs as owner or occupier or as agent, and the person so signing or, if he be absent from the Colony, any contractor employed on or about the building or works, shall be liable for every act, failure, neglect, omission or refusal whereby any provision of this Ordinance or any Regulation made thereunder is contravened during the progress of such building or works, or pending the issue of the Certificates required by this Ordinance to be obtained prior to occupation.

The person signing such notice shall, in the event of the information contained therein being proved to be materially incorrect, be liable on summary conviction before a Magistrate to a penalty not exceeding one hundred dollars.

In case of emergency notice may be given after commencement of works. (15 of 1889, s. 71.)

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

*Alteration or Addition to existing Building or Works.*

Alterations and additions, &c. (New.)

88. From and after the commencement of this Ordinance no alteration, addition, or other building operation shall be carried out for any purpose in, to, or upon, any existing building or works, unless an authorised architect gives and delivers his Certificate in writing to the Building Authority to the effect that such building or works is or are and will be structurally capable of bearing the weight and strain of such alterations, additions, or other building operation.

*Reference of Plans etc. to the Sanitary Board.*

Plans and drawings respecting building or works to be referred to Sanitary Board. (New.)

89. The Building Authority shall, before he approves of any plan or drawing submitted under this Ordinance, refer the same to some officer of the Sanitary Board duly deputed in that behalf for report as to whether it is in accordance with the provisions of the Public Health Ordinance for the time being in force and with every Bye-law made thereunder, and should any such plan or drawing be found by such officer not to be in accordance with any of such provisions, such plan or drawing shall be



amended accordingly by the person submitting the same, and the plan and drawing as so amended shall be strictly followed in the subsequent carrying out of the work.

*Drain Connections with Government Main Sewers.*

90. Every house-drain on private property shall be laid as may be directed by the Sanitary Board under the provisions of any Ordinance relating to Public Health for the time being in force or of any bye-law made thereunder, and, upon its completion, every such house-drain shall be connected with the Government main sewer by the Director of Public Works, who shall have power to regulate the number and position of the connections to be made.

Drain connections with Government main sewers. (15 of 1889, s. 74 and 11 of 1898 amended.)

*Powers and Duties of the Building Authority as to Entry and Inspection.*

91. The Building Authority or any officer deputed by such Authority for the purpose, may, at any time and from time to time, enter and inspect any building or works for the purpose of ascertaining whether the requirements of this Ordinance or of any regulation made thereunder have been or are being carried out in relation thereto or whether any building is dangerous, and in the event of his discovering during the course of such inspections that the requirements of this Ordinance or of any regulation made thereunder have been contravened in any particular, or that any building is dangerous, the Building Authority or any such officer may stop the continuance of operations upon such building or works until such contravention has been rectified or such building has been taken down or rendered safe. Every person in charge of the erection of any building or works shall provide planks, ladders or other reasonable means of access to every part of such building or works to facilitate the inspection by the Building Authority or by such officer, and the Building Authority or such officer shall have power, for the purposes of such inspection, to do any thing to any such building or works which he may consider necessary for the purpose of making an efficient inspection of the said building or works.

Power to enter and inspect buildings and works. (15 of 1889, s. 75 amended.)

*Stoppage or Diversion of Traffic.*

92. The Director of Public Works shall have power, on his being satisfied of the necessity of the case, to temporarily stop or divert or to temporarily partially stop or divert the traffic along any street, or to block up or occupy or partially block up or occupy such street, for the purpose of carrying out works of a public nature. Provided that, in every instance where a street is temporarily stopped, notice shall, wherever practicable, be given.

Stoppage or diversion of traffic. (25 of 1891, s. 15.)

*Nuisances under this Ordinance.*

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

1. Any verandah, balcony, area, or structure which is not in accordance with the provisions of this Ordinance, or with any Regulation for the time being in force thereunder.
2. Any building or works any part of which is in a dangerous condition.
3. Any unauthorized encroachment on, over, or into any land the property of the Crown.
4. Any building or works whatsoever hereafter commenced, resumed, altered or completed in contravention of any of the provisions of this Ordinance.
5. Any structure erected or maintained in contravention of the provisions of this Ordinance.
6. The use in any building or works of any materials contrary to the requirements of this Ordinance.
7. Any act, failure, neglect, omission, or refusal whereby any provision of this Ordinance is contravened.

Nuisances defined. (15 of 1889, s. 77 amended.)

In respect of any offence against paragraph 6 of this section any person who as architect, engineer, contractor, foreman, or workman is responsible, either alone or jointly with others, for such offence and also the owner of any building or works on which any such improper materials shall be used, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding two hundred dollars.

*Abatement of Nuisances.*

Notice to abate nuisance. (15 of 1889, s. 78 verbally amended.)

94. Whenever the existence of a nuisance under this Ordinance is brought to the attention of the Building Authority or of any officer deputed by such Authority in that behalf, such Authority or such officer shall issue a Notice in the form contained in Schedule *H.* to this Ordinance to the owner of the building or works in respect of which complaint is made, and such Notice shall specify the nature of the nuisance and the manner and the time within which it is to be abated, and, in the case of refusal or neglect to comply with the requirements of such Notice, the Building Authority or any such officer as aforesaid, shall summon 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 :

Proviso. (*New.*)

Provided that nothing in this section shall prevent a conviction, under section 87 of this Ordinance, without service of such Notice in any case in which, in the opinion of the Magistrate, the preliminary service of such Notice ought not reasonably to be required.

Magistrate's order empowering abatement of nuisance. Expenses consequent thereon. (15 of 1889, s. 79 amended.)

95. 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 Building Authority to abate the nuisance; and all expenses incurred by such Authority, in causing such nuisance to be abated as aforesaid, shall forthwith be paid by the owner, without prejudice to any right of such owner to recover the amount of such expenses from any lessee or other person liable for the same.

Recovery of expenses of abatement of nuisance by sale of materials. (15 of 1889, s. 80 verbally amended.)

96. Whenever the demolition of any building or works or any part thereof shall take place under any order made under the preceding section, it shall be lawful for the Building Authority, in case of non-payment of the said expenses by the owner, to sell and dispose of the materials thereof, without prejudice to any other remedy, 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.

Distress in case of non-payment of expenses. (15 of 1889, s. 81, amended.)

97. In case the owner shall not, forthwith, pay all expenses incurred by the Building Authority in the abating of any nuisance as required by this Ordinance, it shall be lawful for a Magistrate, 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.

Saving of other remedies for nuisances not affected. (15 of 1889, s. 82.)

98. Nothing in this Ordinance contained shall affect any other existing remedy for the abatement of nuisances.

*Service of Notice, Summons, or Order.*

Service of notice, summons, or order. (15 of 1889, s. 83.)

99. Any notice, summons, or order, under the provisions hereinbefore contained as to nuisances, may be served on the owner of any premises, personally, or by leaving the same with any occupier of such premises, or with some inmate of the owner's 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 business or 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 business or residence.

*Penalties.*

Penalty for nuisance. (7 of 1895, s. 4 amended.)

100. Any person who as architect, engineer, contractor, foreman, or workman is responsible, either alone or jointly with others, for the existence of any nuisance as defined by this Ordinance, and also the owner of any building or works on which any such nuisance exists shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding two hundred dollars.

Penalty for refusing to obey Magistrate's order or for

101. Any person who refuses to obey the order of any Magistrate, issued under the provisions of this Ordinance, or who, without reasonable cause, refuses to permit the Building Authority, or any officer deputed by such Author-

ity, to enter or inspect any building or works, in the performance of his duties under this Ordinance, and any person who shall obstruct or hinder the Building Authority, or such officer as aforesaid, in the execution of the powers vested in him by this Ordinance or by any order of a Magistrate, shall be liable, upon summary conviction before a Magistrate, to a penalty not exceeding two hundred dollars for every such offence.

obstructing Building Authority or officer. (15 of 1889, s. 86 amended.)

102. Any person who contravenes any of the provisions of this Ordinance or of any Regulation for the time being in force thereunder, in respect of which contravention no special penalty is otherwise provided, by this Ordinance or by any Regulations thereunder, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding two hundred dollars.

Penalty for other contraventions. (New.)

103. Where a contravention of any of the provisions of this Ordinance is committed by any Company or Corporation, the Secretary or Manager thereof for the time being may be summoned and shall be held liable for such contravention and the consequences thereof.

Liability of Secretary or Manager of Company. (34 of 1899, s. 13, amended.)

*Appeal to Governor in Council.*

104. Whenever any person shall be dissatisfied with the exercise of the discretion of the Building Authority in respect of any act, matter, or thing, which is by this Ordinance made subject to the exercise of the discretion of such Authority, the person so dissatisfied may 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. The grounds of such appeal shall be concisely stated in writing.

Appeal. (15 of 1889, s. 87, amended.)

*Regulations.*

105. The Governor in Council may from time to time alter, amend, or revoke the whole or any part of the provisions of Schedules *B. to H.* (inclusive) of this Ordinance and may substitute new Regulations for those therein specified. All such alterations, amendments, or new Regulations, shall be published in the Gazette.

Governor in Council may make regulations.

*Application of Ordinance.*

106. This Ordinance shall not apply to any part of the New Territories, except to New Kowloon, unless and until the Governor shall, by Order in Council notified in the Gazette, otherwise direct.

Application of Ordinance.

SCHEDULE (A.)

*Enactments Repealed.*

Number and Year of Ordinance.	Short Title.	Extent of Repeal.
No. 4 of 1888.	An Ordinance for prohibiting the enclosure of verandahs erected over Crown Land.	The whole.
No. 15 of 1889.	The Buildings Ordinance, 1889.....	The whole.
No. 25 of 1891.	The Buildings (Amendment) Ordinance, 1891.	The whole.
No. 15 of 1894.	The Closed Houses and Insanitary Dwellings Ordinance, 1894.	Sections 1, 2, 12, 18, 19, and 20.
No. 7 of 1895.	The Buildings (Amendment) Ordinance, 1895.	The whole.
No. 5 of 1896.	An Ordinance to amend the Buildings Ordinance, 1889.	The whole.
No. 21 of 1897.	An Ordinance to amend The closed houses and Insanitary Dwellings Ordinance, 1894.	The whole.
No. 11 of 1898.	The Buildings (Amendment) Ordinance, 1898.	The whole.
No. 34 of 1899.	The Insanitary Properties Ordinance, 1899.	Sections 1, 2, 6, 13 and 14.
No. 30 of 1901.	An Ordinance to further amend the Law relating to Buildings.	The whole.

## SCHEDULE (B.)

*Undertaking with regard to Verandah (or Balcony) to be erected on or over Crown Land.*

hereby agree, in consideration of being permitted by His Excellency the Governor to Verandah (or Balcony) over Crown Land adjoining house No. on Lot No. during the construction of the said Verandah (or Balcony)

1. That will in no way deviate from the plans and drawings thereof supplied, signed by

and deposited in the Office of the Building Authority.

2. That will always keep the said Verandah (or Balcony) in good repair and will colour-wash, paint and cleanse the same whenever required by the Building Authority to do so.

3. That will always give free ingress to the Building Authority or any Officer authorized by such authority to enter the premises and examine the Verandah (or Balcony).

4. That should the land over which such Verandah (or Balcony) 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 Building Authority to remove at own expense the whole of the structure within a period of three months from the date of such notice, and without making any claim for compensation on the Government for such removal.

5. That will always comply with all Regulations, from time to time in force, relating to Verandahs and Balconies.

6. And that this Agreement shall be binding also on executors, administrators and assigns.

Dated the day of , 19 .

*Signature of Owner of  
Lot No.*

Witness to Signature.

## SCHEDULE (C.)

*Undertaking with regard to areas for the admission of light and air into basements, to be constructed on Crown Land.*

hereby agree in consideration of being permitted by His Excellency the Governor to construct as an encroachment on Crown Land the following works:—

adjoining house No. on Lot No.

1. That will in no way deviate from the plans and drawings of such works supplied, signed by and deposited in the Office of the Building Authority.

2. That will keep the whole of the said works in good repair, and not permit the accumulation of rubbish therein or the use thereof for storage purposes, or as a smoke-hole or in any way other than as a channel for the admission of light and air.

3. That will always give free ingress to the Building Authority or any Officer authorized by such Authority, to enter the premises for the purposes of inspection.

4. That should the land occupied by such works be at any 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 Building Authority, to remove at own expense the whole of such works within a period of three months from the date of such notice and without making any claim for compensation on the Government for such removal.

5. That will always comply with any Regulations from time to time in force relating to the works specified in this undertaking.

6. And that the Agreement shall be binding on executors, administrators and assigns.

Dated the day of , 19 .

*Signature of Owner of  
Lot No.*

Witness to Signature.

## SCHEDULE (D.)

*Verandah and Balcony Regulations.*

Width of verandahs, &c., from ground storey of buildings. 1. Except as hereinafter mentioned any Verandah projected from the ground storey of any building, shall not be less than 7 feet 9 inches wide, between the face of the wall from which it is projected and the inside face of the base of the piers or columns upon which it is supported.

As far as practicable, unless the Building Authority shall otherwise direct, the external face of the base of the piers or columns shall align with the face of the curb of the side walk.

2. Any such Verandah shall not be less than 12 feet high measured from the top of the curb-stone or, if there is no curb-stone, from the level of the centre of the street to the underside of the bressummers or lintels or, if arches are used, to the soffit of the archways in the centre of the opening of the archway. Height of verandahs from ground floor.
3. Any Verandah, Balcony, or part thereof, projected over Crown land from the first or any higher storey of any building, shall not be less than eleven feet high. Such height shall be measured from the floor of the verandah, or balcony, to the underside of the bressummers or lintels, or, if arches are used, to the soffits in the centres of the openings of the archways. Height of verandahs on first and other floors.
4. The ends of all Verandahs or Balconies over Crown land, which do not abut on any Verandah or Balcony existing at the date of their construction, shall be left open and shall be finished in all respects in a similar manner to the front elevation thereof. Ends of verandahs, &c., construction.
5. The plans and drawings of any Verandah or Balcony submitted to the Building Authority shall be on drawing paper or tracing cloth, and such plans and drawings shall be drawn to an uniform scale of 1/8th of an inch to the foot, and the details of all brackets, mouldings, caps, cornices, balustrades, and similar parts of the proposed structure, shall be drawn to an uniform scale of 1 inch to the foot. Plans of verandahs, &c., requisites of.
6. All such Verandahs or Balconies shall be constructed of iron, stone or brick, except that, within any urban district, the piers of every Verandah shall, on the ground storey of any building be made of iron or of cut stone worked straight, the exposed faces of which shall be extra fine punched. Construction of verandahs.
7. The footpath or roadway underneath any Verandah or Balcony over Crown land, shall be paved with fine cement concrete at least four inches thick or finely dressed granite stones, not more than 18 inches square closely jointed and laid on a bed of lime concrete, or with such other materials as may be approved by the Building Authority, by the party signing the undertaking, who shall maintain the same in good order, to the satisfaction of the Building Authority. Pavement of footway under verandah.
8. All bressummers or lintels, in connection with any such Verandah or Balcony, shall be constructed of granite (fine punched on the exposed face) or of iron. Construction of bressummers.
9. The roofs and floors of all Verandahs and Balconies shall be provided, to the satisfaction of the Building Authority, with gutters and downpipes to carry off water. Verandah roof, to be provided with downpipes, &c.
10. All Balconies projected over Crown land from any building shall be of an uniform width in each street and in no case shall they be of a greater width than three feet six inches. Balconies.
11. No Verandah or Balcony shall hereafter be constructed over Crown land unless the building from which it projects has a clear and unobstructed courtyard, backyard, back lane, or other open space, extending across the entire width of such building and of a minimum depth of eight feet. Open space rear of buildings necessary.
- Provided always, that a bridge or covered way, not exceeding three feet six inches in width, when such is necessary for giving access to buildings in the rear of the property, shall not be deemed an obstruction to such courtyard, backyard, back lane, or other open space, within the meaning of this Regulation.

*Note.*—Regulation No. 11 shall not apply to buildings situated at the corner of two public streets, and having a window or windows of a total area of not less than one-sixteenth of the floor area opening upon each street, nor to any buildings which may, in the opinion of the Sanitary Board, be exempted therefrom without detriment to the health of the persons residing or employed therein.

## SCHEDULE (E.)

### *Matshed Regulations.*

1. *Definition.*—In these rules and regulations, any shed or structure of wood, mats, palm leaves, thatch, or other inflammable material, in which persons other than one caretaker pass the night, shall be deemed to be a matshed erected for occupation as a human habitation.
2. *Permission to erect.*—Every application for the sanction of the Building Authority to erect a matshed, for temporary or permanent occupation as a human habitation, shall specify the proposed dimensions of such matshed and the maximum number of persons it is intended to accommodate at night.
3. *Preparation of Site.*—The site of every matshed erected for occupation as a human habitation shall be levelled, and the site, including the ground surface for a distance of not less than three feet from the outer walls of such matshed, shall be covered with a layer of good lime or cement concrete at least six inches thick and finished off smooth to the satisfaction of the Sanitary Board.
- Provided that in all cases in which the floor of the matshed averages at least 2½ feet above the ground or in which the matshed is erected over water, the foregoing regulations may, with the permission of the Sanitary Board, be dispensed with.
- No matshed which is intended for occupation as a human habitation may be erected in such a manner that any part of any external wall of such matshed is at a less distance than three feet horizontally from any hillside or bank of earth.
4. *Cook-houses.*—The ground surface of every cook-house used in connection with any such matshed shall be covered with good lime or cement concrete at least six inches thick and finished off smooth to the satisfaction of the Sanitary Board.

5. *Latrines*.—Adequate latrine accommodation shall be provided for the occupants of every such matshed and the ground surface of every such latrine shall be covered with good lime or cement concrete at least six inches thick and finished off smooth to the satisfaction of the Sanitary Board.

6. *Drainage*.—Adequate arrangements, to the satisfaction of the Sanitary Board, shall be made for the drainage of every such matshed, and also of every such cook-house and latrine, as well as of the ground immediately surrounding them. Adequate provision shall also be made for conducting all sullage waters into a public sewer, if available, failing which, they shall be disposed of as the Sanitary Board may direct.

7. *Overcrowding*.—Each occupant of any such matshed shall be provided with at least 30 square feet of unobstructed floor area and 400 cubic feet of clear and unobstructed internal air space.

8. *Sleeping accommodation*.—Every matshed erected for occupation as a human habitation upon a site that is concreted shall be provided with suitable beds or bunks for the use of the occupants, and such beds or bunks shall be at least 2 feet above the floor of such matshed.

9. *Exemption*.—In all cases in which a matshed is to be used for occupation as a human habitation, for a period not exceeding three months, and provided the total number of persons housed therein does not exceed 20, the Sanitary Board may, on the receipt of an application from the owner, in its discretion, exempt such owner from complying with any or all of the foregoing provisions; provided always that such exemption shall not be deemed to protect the owner from legal action in the event of a nuisance arising from the erection of such matshed.

10. *Sanitary Maintenance*.—Every matshed used for occupation as a human habitation shall be, at all times, kept in a cleanly condition, and all garbage and other refuse matters shall be removed therefrom, at least once every twenty-four hours and be properly disposed of to the satisfaction of the Sanitary Board.

11. *Proximity to Telegraph and Telephone Wires*.—No part of the structure shall be within 10 feet of any telegraph or telephone wire.

12. The person to whom the Permit from the Building Authority is granted, shall be responsible for any act or omission by which any of these Regulations are contravened.

13. Any contravention of these Regulations will entitle the Building Authority to cancel and withdraw the Permit without notice, and will render the person responsible for any such contravention liable, on summary conviction, to a penalty not exceeding one hundred dollars.

#### SCHEDULE (F.)

##### *Regulations as to obtaining Stone, Earth or Turf from Crown Land.*

1. No person shall cut or remove earth or turf, or collect, extract, split, blast or remove stones from any land the property of the Crown, without having previously obtained a written permit from the Director of Public Works, and such permit must be kept by the head workman on the ground and shall be produced whenever required by the Director of Public Works or any officer deputed by him, or by the Police, and shall have stated in it the period for which it will be available.

2. The place where stone, earth, or turf is to be obtained shall where practicable, be stated in the permit.

3. As each case may require special precautions, the permit holder must obey any special instructions of the Director of Public Works endorsed on the permit.

4. Permits for the obtaining of stone will be limited to the collection of loose boulders.

5. No stone shall be rolled on to, or left deposited upon, any public road or allowed to roll over any hill slope to the danger of life or property or to the detriment of trees.

6. All escarpments caused by the cutting of earth on Crown land must be sloped uniformly and properly turfed upon completion of the excavation.

7. Any infringement of these regulations will entitle the Director of Public Works to cancel and withdraw the permit without notice, and will render the person to whom the permit was granted liable on conviction to a penalty not exceeding one hundred dollars.

8. The Director of Public Works shall have power at any time to cancel and withdraw a permit, without giving any notice or assigning any cause for such withdrawal.

*Note*.—Any contravention of The Buildings Ordinance, 1902, as regards the above matters renders not only the labourer doing the work, but the permit holder, contractor, or foreman under whom such labourer is working, liable to the penalty provided by such Ordinance.

#### SCHEDULE (G.)

##### *Notice of intention to commence or resume any Building or Works.*

To the Building Authority.

hereby give you notice, pursuant to The Buildings

Ordinance, 1902, of      intention to commence (or resume) the following building (or works), viz. :—

in accordance with the accompanying drawing (s) and plan.

*Particulars.*

No. of Lot  
Locality  
Name and Number of Street (if any)  
Width of Street opposite building (if any)  
Purpose for which it is intended to use {  
the building  
Special or Material Particulars (if any)  
Name and Address of Owner and Occu- }  
pier (if any), and of the Agent of  
Owner (if any)

[Signature of Owner, Occupier, or Agent.]

(Statement of capacity in which the party signs.)

**SCHEDULE (H.)**

*Notice to abate Nuisance.*

No.

Office of the Building Authority,  
Victoria, Hongkong,      , 19

To A.B.

It has been brought to my attention that a Nuisance exists  
your      Lot No.      situated  
viz. :—

I have therefore to give you notice under The Buildings Ordinance,  
1902, to abate the nuisance within a period of  
by

(Signed) \_\_\_\_\_,  
*Building Authority.*