

such premises and the approaches thereto (if any) shall be properly closed and secured by the owner; and on the Magistrate being satisfied that such works have been carried out, he may determine his previous order by another, declaring that the premises may, from the date thereof, be again used for such purpose.]

35.—(1.) Any person not obeying an order to comply with the requisitions of the Board, [or of the Sanitary Commissioner,] and failing to satisfy the Magistrate that he has used all due diligence to carry out such order, shall be liable to a penalty not exceeding ten dollars per day, during his default; and any person knowingly and wilfully acting contrary to an order of prohibition, shall be liable to a penalty not exceeding twenty-five dollars per day, during such contrary action; moreover, the Board's officers [may, by direction of the Sanitary Commissioner,] enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover, in a summary manner, the expenses incurred by them from the person on whom the order is made.

Penalty for contravention of order of Magistrate or for defacing any copy of such order. (13 of 1901, s. 32 amended.)

(2.) Any person defacing any copy of a Magistrate's order, which has been affixed to any building or premises, shall be liable to a penalty not exceeding fifty dollars.

(*Ibid.*)

36. Notices issued by the [Sanitary Commissioner] relating to a nuisance shall be in the form contained in schedule F to this Ordinance, with such modifications, if any, as may be necessary.

Form of notices. (13 of 1901, s. 33 amended.)

37.—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, every such notice, summons, or order shall be left at such place of business or residence.

Manner of serving notices. (13 of 1901, s. 34 amended.)

Common Lodging-houses.

38. No person shall open, or keep open, a common lodging-house, unless the house is registered and the keeper thereof is licensed by the Registrar General. If any person, who opens or keeps open any common lodging-house contrary to the provisions of this Ordinance, cannot be found, or if the keeper of any common lodging-house which is opened or kept open contrary to the provisions aforesaid is absent from the Colony, the householder as defined by this Ordinance shall be deemed to be the person who opens or keeps open such house and shall be liable accordingly.

Common lodging-houses to be registered and the keeper licensed. (13 of 1901, s. 81.)

39. Any person who shall, in making application for the registration or licensing of a common lodging house, knowingly make any false statement regarding any of the particulars required to be stated in such application, shall be liable to a penalty not exceeding twenty-five dollars.

Penalty for false statements. (13 of 1901, s. 82.)

40. The keeper of a common lodging-house shall keep a register of the name, occupation and native place of each lodger [and the dates of his arrival and departure] and shall at all times, when required by any officer of the Board, give him free access to such house, or any part thereof, [and shall allow him to inspect such register,] and any such keeper, who refuses such access [or such inspection as aforesaid] shall be liable to a penalty not exceeding twenty-five dollars.

Inspection of common lodging-houses. (13 of 1901, s. 83 amended.)

Public Washermen.

41. [The Board may by public notice prohibit the washing of clothes by washermen in the exercise of their calling except at public wash-houses or at such other places as it may appoint for the purpose.]

Regulation of washermen. (*New.*)

Factories and Workshops.

42. [No person shall without the previous written consent of the Board newly establish in any premises any brewery or distillery, or any factory or workplace in which it is intended to employ steam, water or other mechanical power.

Establishment of factories or work places. (*New.*)

No. 2.

Pensions of Judges.

1. Subject as aforesaid, every Judge of the Supreme Court who has served as a Judge for seven years or upwards may on his retirement be awarded a pension at the rate of fifteen-sixtieths of his salary, with an addition of two-sixtieths in respect of each year of such service in excess of seven, until twenty-nine-sixtieths is reached, and with the further addition of one-sixtieth in respect of each year of such service in excess of fourteen, until the maximum of forty-sixtieths is reached.

2. A Judge of the Supreme Court who, before being made a Judge, has served the Government of the Colony in another capacity and who has not less than ten years' service in the Colony in all (including his service as a Judge), may claim either a pension at the rate of one-thirtieth of his salary as such Judge for each year of his service as such Judge together with one-sixtieth of the salary received by him previous to his becoming a Judge for each year of his service in that other capacity with an addition to such service which shall bear the same proportion to five years as such service bears to his total service in the Colony or a pension at ordinary rates in accordance with clauses 1 and 3 of these Regulations; provided that in no case shall the pension under the former alternative exceed the maximum pension which could be claimed under clause 2 (1), viz., forty-sixtieths of his salary as Judge.

No. 3.

Officers enjoying private practice.

1. (a) Except in cases where a right to pension has been previously acknowledged or sanctioned by the Secretary of State or the Governor in Council, officers whose whole time is not given to the public service and professional officers who are allowed the private practice of their professions, may not be awarded pensions under these Regulations.

(b) Save as in this clause excepted, such officers as in this clause are referred to may not in the case of abolition of office be awarded the pension provided for the case of abolition of office, but every such officer may receive a pension at such reduced rate as the Secretary of State may see fit in each case to prescribe.

No. 4.

Public Officer appointed to be Governor.

1. Every Public Officer borne on the Fixed Establishment of the Colony who is appointed either directly or after intermediate service under the Crown outside the Colony to be Governor of the Colony shall on his retirement be entitled to the same pension as if he had continued to hold the office which he held in this Colony previous to such appointment and as if his retirement were occasioned by ill-health.

2. If there is offered to any such ex-Governor being under the age of fifty-five years any office under the Crown either in the Colony or elsewhere which, regard being had as well to the state of his health as to his previous services such ex-Governor may be properly called upon to accept, the Secretary of State for the Colonies may suspend either wholly or in part as he in his absolute discretion may think fit the pension of such ex-Governor during his tenure of such office in case of acceptance or in case of non-acceptance until he attains the age of fifty-five years.

No. 5.

Pensions not of right.

No Judge or other officer shall have an absolute right to compensation for past services, or to any pension or other allowance under this Minute, nor shall anything herein contained limit the right of the Crown to dismiss any Judge or other officer without compensation.

No. 6.

Certificates required as to conduct, &c.

No pension or allowance shall be granted to any Public Officer who has not attained the age of fifty-five years (other than a Governor) without a certificate from the Head of his Department and from two qualified medical practitioners that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office, and that such infirmity is likely to be permanent, nor in any case without a certificate from the

Head of his Department that he has discharged the duties of his office with such diligence and fidelity as to justify the grant to him of a pension or allowance. When the officer applying for a pension or allowance is himself the Head of a Department, or is a Judge, the certificates required by this clause from the Head of a Department must be given by the Governor.

No. 7.

It shall be lawful for the Secretary of State for the Colonies, in cases of peculiar or extraordinary merit, in which special services have been rendered altogether in excess and beyond the usual scope of those which the officer is paid to perform, to sanction the grant by the Governor in Council of pensions or retiring allowances at higher rates and on more favourable conditions than those which may for the time being be authorised by this Minute. Cases of extraordinary merit.

No. 8.

In ordinary cases, the maximum pension or retiring allowance grantable to an officer under this Minute, or to an officer entitled to pension or retiring allowance also in respect of service not under this Government from all sources combined shall not exceed two-thirds of the highest salary drawn by such officer at any time in the course of his service. Such ordinary pensions need not be reported to the Secretary of State except— Ordinary cases.

- (a) in the case of pensions payable in Great Britain, when the amount awarded should be simply reported to the Colonial Office, and at the same time instructions given to the Crown Agents to issue the pensions; and
- (b) in the case of officers who have served in more than one Colony, in which case it is desirable that the usual pension paper of particulars should be sent to England inasmuch as the amount awarded may affect the amount payable by other Colonial Governments.

In no case shall any pension granted under this Rule exceed £1,000 per annum.

No. 9.

Pensions granted under the Police Pension Regulations need not be reported to the Secretary of State except in the cases indicated in (a) and (b) of Rule 8. Police Pensions.

No. 10.

The Colonial Treasurer should furnish the Comptroller and Auditor General with the usual paper of particulars of every pension, whether granted under the ordinary pension minute or under the Police Pension Regulations, as soon as possible after the pension has been awarded, in support of the first payment of such pension. Colonial Treasurer to furnish paper of particulars.

No. 11.

1. Pensions, gratuities, and allowances computed at the rates before-mentioned will only be granted in cases of decidedly faithful and meritorious service. Good conduct required.
2. Where the fidelity and diligence of the officer fall short of the first degree of merit, the computation may be made at lower rates.
3. Where the officer has been guilty of gross negligence, irregularity, or misconduct, no grant will be made.

No. 12.

1. The service in respect of which pensions, retiring allowances or gratuities will be granted must be unbroken, except in cases where the service has been interrupted by abolition of office, or other temporary suspension of employment not arising from misconduct or voluntary resignation. Also service prior to a break of service may be allowed to count for pension together with service subsequent to such break if the whole intervening period has with the previous sanction of the Governor in Council been spent in some other employment under the Crown. What service entitles for pensions.

- (2.) When the animal has shown symptoms of disease after being over fourteen days in the Colony, one half its value immediately before it became affected shall be given.
- (3.) When the animal has shown no symptoms of disease but has been in contact or in the same herd with diseased cattle, compensation shall be given.
- (4.) Provided that the sum to be allowed as compensation for one animal shall in no case exceed one hundred dollars.
- (5.) When the animal has shown symptoms of disease on importation or within three days after importation no compensation will be given.

(22 of 1899,
s. 2.)

Value to be fixed by the colonial veterinary surgeon.
(17 of 1887,
s. 5.)

57. The amount of compensation for animals slaughtered and articles destroyed in connection with the disinfection of premises infected with animal diseases, shall be fixed by the colonial veterinary surgeon, and any person dissatisfied with his valuation may appeal therefrom to the Governor in Council.

Depôts for Animals.

Cattle depôts to be provided by the Government.
(17 of 1887, s. 7 as amended by 17 of 1895, s. 2.)

58. All animals brought to the Colony for the purpose of being slaughtered shall be kept, except when they may be turned out to graze, in a properly constructed Government depôt licensed by the Board.

Grazing may be prohibited.
(*Ibid.*)

59. No animals shall be turned out to graze when the Board shall, for sanitary reasons, forbid such grazing by an order in writing.

Slaughter-houses.

Establishing of slaughter-houses and the letting thereof.
(17 of 1887, s. 8.)

60. A sufficient number of fit and proper slaughter-houses to meet the requirements of the Colony shall be provided by the Government and it shall be lawful for the Governor in Council to grant to any person or persons the sole privilege of slaughtering animals within the Colony or within any particular district or locality therein, for such rent, premium, or consideration and for such period and upon such conditions as shall be deemed expedient; always provided that the Governor in Council may at discretion lease the privilege of slaughtering animals by private contract or appoint any [officer of the Board or other] person to manage [any or all of] the public slaughter-houses. All contracts entered into for the leasing of the privilege of slaughtering animals within the Colony before the passing of this Ordinance shall continue in force until such contracts shall expire.

Prohibition of the establishment of private slaughter-houses.
(17 of 1887, s. 9.)

61. No slaughter-house shall be opened or kept open except under the provisions of this Ordinance; and every slaughter-house which shall be otherwise open or kept open shall, together with the building in which the same shall be carried on, be deemed a nuisance [and the Magistrate may, by an order in writing, prohibit the use of such building for that purpose, and may impose a penalty not exceeding fifty dollars.]

Privilege of slaughtering animals.
(17 of 1887, s. 10.)

62. The lessee of the privilege of slaughtering animals shall enjoy, during the whole of the term of his lease, the sole and exclusive privilege of slaughtering animals in the Colony, [or in such part thereof as his lease may relate to] and shall give such security for the payment of the rent thereof and for the due observance of the bye-laws regulating slaughter-houses as the Governor in Council may direct.

Sub-letting prohibited.
(17 of 1887, s. 11.)

63. The lessee of the privilege of slaughtering animals in the Colony [or in any part thereof] shall not sublet or assign any part thereof without the written permission of the [Board].

Slaughtering except in slaughter-houses prohibited.
(17 of 1887, s. 12 amended by 22 of 1899, s. 3 amended.)

64. No person shall slaughter any animal or dress any carcase thereof except within a slaughter-house appointed for that purpose under this Ordinance; always provided that goats or sheep may be slaughtered or dressed elsewhere, by or for any Indians, Indian Troops or Indian Police quartered in the Colony.

Unauthorised fees or charges prohibited.
(17 of 1887, s. 13.)

65. Except as provided in this Ordinance no person shall demand or receive any money or other valuable consideration as a fee, fine, toll, rent or otherwise for access or admission to or for slaughtering any animal in any slaughter-house.

No. 15.

1. Where a public officer has been permanently injured—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) by some injury specifically attributable to the nature of his duty,

Additional allowance grantable in cases of retirement in consequence of injuries received.

and his retirement is thereby necessitated or materially accelerated, an annual allowance may be granted to him in addition to any pension which he may be awarded not exceeding the undermentioned portion of his salary and emoluments at the date of the injury, viz.:—

When his capacity to contribute to his support is—

Slightly impaired,	Five-sixtieths.
Impaired,	Ten-sixtieths.
Materially impaired,	Fifteen-sixtieths.
Totally destroyed,	Twenty-sixtieths.

Provided that no such allowance shall together with the pension exceed fifty-sixtieths of his salary and emoluments at the date of the injury.

2. Such allowance shall be less than the above-mentioned maximum by such amount as the Governor in Council shall think reasonable in the following cases:—

- (a) Where the injured man has continued to serve for not less than one year after the injury in respect of which he retires;
- (b) Where the injured man is fifty (50) years of age or upwards at the date of the injury; or
- (c) Where the injury is not the sole cause of retirement, *i.e.*, the retirement is caused partly by age or infirmity.

3. When the public officer so injured has less than ten years' service and he is not entitled to an ordinary pension he may receive in lieu of a gratuity an annual allowance of so many sixtieths as the years he has actually served in addition to the number of sixtieths that may be awarded to him under paragraphs (1) and (2) of this clause.

No. 16.

If any pensioner under this Minute is appointed to an office under the Crown either in the Colony or elsewhere, then, during his tenure of such office, so much only, if any, of his pension or compensation allowance shall be paid to him as with the emoluments of such office makes up an amount equal to the emoluments of the office which he held at the date of the grant of his pension or compensation allowance.

In calculating such amount in connection with Colonies having a different currency the standard dollar of this Colony shall be taken as equivalent to three shillings sterling.

No. 17.

1. Subject to the provisions of this Minute, every public officer (other than a Judge of the Supreme Court) who, having been borne on the Fixed Establishment of the Colony for a period of at least twelve calendar months, leaves the service of the Colony for other service under the Crown and who in respect of his aggregate service in the Colony and elsewhere might have been awarded, had it been wholly in the Colony, a pension or retiring allowance under this Minute, may, on his ultimate retirement from the service of the Crown, be awarded a pension at the rate of one seven hundred-and-twentieth of the amount of his annual salary at the date of his so leaving the service of the Colony as aforesaid for each calendar month of his service in the Colony, and in calculating such service in the Colony an addition may be made thereto which shall bear a like portion to five years as his service in the Colony bears to the whole period of his employment in tropical climates; provided that no such addition shall be made unless such officer has been employed for ten years in all in tropical climates; provided also that such addition shall in no case be greater than would make his total service under the Crown forty years.

2. Subject as aforesaid, every public officer (other than a Judge of the Supreme Court) who, having been in the service of the Crown elsewhere than in the Colony, is transferred from such service to the Fixed Establishment of the Colony and who in respect of his aggregate service in the Colony and elsewhere might have been awarded, had it been wholly in the Colony, a pension or retiring allowance under this Minute,

may, on his retirement from the service of the Colony, if he at the same time retires from the service of the Crown, and if he had served for a period of at least twelve months in the Colony, be awarded a pension at the rate of one seven-hundred-and-twentieth of the amount of his annual salary at the date of such retirement for each calendar month of his service in the Colony, and in every such case there may be added, at the discretion of the Governor in Council, in computing the period of the retiring officer's service in the Colony, a number of months not exceeding—

- (a) One-third of the aggregate of his service elsewhere than in the Colony; nor
- (b) Two-thirds of his service in the Colony; nor
- (c) In any case eighty-four months.

3. Subject as aforesaid, every Judge of the Supreme Court who is transferred to or from the service of the Colony from or to other service under the Crown and is not entitled to a pension under clause 2 of these Regulations shall, if his aggregate service under the Crown in this Colony and elsewhere would have entitled him had it been wholly in this Colony to a pension under that clause, be entitled on his ultimate retirement to a pension at the rate of two seven-hundred-and-twentieths of the amount of his annual salary at the date of his retirement (if he ultimately retires as a Judge of the Supreme Court of this Colony) or at the date of his being so transferred from the service of this Colony for each month of his service as a Judge in this Colony together with a pension for his service in any other capacity in this Colony calculated as under paragraphs 1 or 2 of this clause.

Service in Straits Settlements and in Malay States to be continuous for calculation of pension.

4. Subject as aforesaid, every officer (other than a Judge of the Supreme Court), who is transferred to or from the service of the Colony from or to the service of the Straits Settlements or of a Ruler of any Native State in the Malay Peninsula which is or was while such officer served there under the protection of the British Government and administered by an officer appointed by the Governor of the Straits Settlements and whose aggregate service in the Colony and in the Straits Settlements or such Native State or States would have entitled him had it been wholly in the Colony to a pension under this Minute, shall on his ultimate retirement from service if he has served for a period of at least twelve months in the Colony be entitled to a pension of such an amount as shall bear the same proportion to the amount of pension to which he would have been entitled had his service been wholly in the Colony as the aggregate amount of the salary drawn by him from the Colonial Treasury during his service in the Colony shall bear to the total sum made up of such aggregate amount as last aforesaid and the aggregate amount of the salary drawn by him from the Treasury or Treasuries of the Straits Settlements or any such Native State or States during his service therein: Provided always that such transfer was made with the approval of the Governor in Council and that the salary so drawn by him whilst in the service of any such Native Ruler was fixed with the approval of the Governor of the Straits Settlements.

No. 18.

Allowance to officers who have served fifteen years on the temporary establishment.

In the case of an officer who is not qualified for a pension or retiring allowance under this Minute but has continuously served on the temporary establishment of the Colony for fifteen years or upwards, and is at the date of his retirement in receipt of a salary exceeding \$240 per annum, a monthly allowance may be granted to such officer not exceeding three-fourths of the pension which might have been awarded to him had he been employed on the Fixed Establishment; provided that when an officer has been transferred from the Fixed to the Temporary Establishment he shall be entitled, either (a) to count his service on the temporary establishment as though it were service on the Fixed Establishment, at the salary which he received immediately prior to such transfer, or (b) to count his service on the Fixed Establishment as though it were service on the temporary establishment, and to take the benefit of this clause accordingly. And in the case of an officer on the temporary establishment whose salary does not exceed \$240 per annum, or of an officer paid out of an open vote who is not on either the Fixed or Temporary Establishment of the Colony, a compassionate allowance may be granted as under clause 1, paragraph 2, but such compassionate allowance shall not exceed one half of the rate of pension grantable under clause 1, paragraph 1.

No. 19.

Pension may be capitalised.

In lieu of any pension or compassionate allowance granted under this Minute there may be paid to an officer, with the approval of the Secretary of State, a capital sum equal to five years' payments of such pension or compassionate allowance, but no such capital sum shall ordinarily be paid in the case of retirement on the ground of ill-health.

No. 20.

Nothing contained in this Minute shall interfere with the pension rights of persons ^{Existing claims.} who entered the service of the Colony before the date of the Minute, or shall restrict or diminish any superannuation allowance, compensation, or gratuity which, if this Minute had not been issued, might have been granted to any such person, but except as aforesaid, the provisions of the Minute shall apply as well to persons who have already entered the Public Service as to those who may hereafter enter the Public Service of Hongkong.

No. 21.

The Governor in Council may (subject as regards officers appointed under ^{Compulsory retirement at sixty.} instructions received from or through the Secretary of State for the Colonies to the approval of such Secretary of State) require any Judge or other Public Officer to retire from the Public Service of the Colony at any time after he attains the age of sixty years.

No. 22.

No pension granted under this Minute shall be assignable or transferable or liable to ^{Pensions not to be assignable.} be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever.

No. 23.

If any person to whom a pension has been granted under this Minute is convicted ^{Pension to cease on bankruptcy or conviction.} before any Court in His Majesty's dominions of any crime or offence for which he is sentenced to death or penal servitude or transportation or any term of imprisonment with hard labour not exceeding twelve months, and does not within two months after such conviction receive His Majesty's free pardon, or if any such person becomes a bankrupt, then in every such case such pension shall forthwith cease: provided always that in any case where a pension ceases by reason of the bankruptcy of the pensioner it shall be lawful for the Secretary of State for the Colonies or if such pensioner is resident in the Colony then for the Governor in Council from time to time during the remainder of such pensioner's life or during such shorter period or periods either continuous or discontinuous as such Secretary of State or Governor in Council shall think fit to pay all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become a bankrupt or to apply the same for the maintenance and personal support or benefit of all or any exclusive of the others of the following persons, namely, such pensioner and any wife, child or children of his in such proportions and manner as such Secretary of State or Governor in Council from time to time thinks proper.

GOVERNMENT NOTIFICATION.—No. 433.

It is hereby notified that His Excellency the Officer Administering the Government has been pleased to provisionally appoint FRANCIS WILLIAM CLARK, M.D., to be a Member of the Legislative Council from this date until further notice, *vice* FRANCIS JOSEPH BADELEY resigned.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 17th July, 1902.

GOVERNMENT NOTIFICATION.—No. 434.

It is hereby notified that His Majesty the King has been pleased to approve of the appointment of CHARLES STEWART SHARP to be an Un-official Member of the Legislative Council of Hongkong, in succession to JOHN THURBURN resigned.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 17th July, 1902.