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CONTENTS.

Notifi- cation No.	Subject Matter.	Page.	Notifi- cation No.	Subject Matter.	Page.
511	Appointment of His Honour A. G. Wise as President and F. J. Badeley as Member of the Squatters' Board.	1583	522	Registration of Trade Mark by Jardine, Matheson & Co.,	1602
512	Ordinance passed and assented to:— Water Supply (No. 29).	1583	523	Sanitary measures against Hongkong.	1602
513	Rules dated 15th April, 1902, to apply to Tai Po Survey District No. VI.	1590	524	Statement of quarantine restrictions.	1602
514	List of Copyright Works.	1590	<i>Notifications repeated.</i>		
515	Auction sale of sites for piers.	1591	348	Description and terms of proposed leases of certain Crown lands.	1603
516	Notices to mariners.	1593	349	Objections to the granting of leases of certain Crown lands.	1605
517	Mortality returns—July.	1601	<i>Miscellaneous.</i>		
518	Tenders for Winter Clothing—Sanitary Department.	1601	—	Unclaimed Telegrams.	1605
519	Tenders for Boots—Sanitary Department.	1601	—	Unclaimed Letters, &c.	1606
520	Tenders for a Temporary Market opposite Sailors' Home.	1601	—	Advertisements.	1615
521	Tenders for a Temporary Market near the Harbour Office.	1601	—		

GOVERNMENT NOTIFICATION.—No. 511.

His Excellency the Officer Administering the Government has been pleased, under section 2 of Ordinance No. 27 of 1900, to appoint His Honour ALFRED GASCOYNE WISE, Puisne Judge, to be Chairman, and FRANCIS JOSEPH BADELEY, Captain Superintendent of Police, to be a member of the Squatters' Board, which now consists of the following:—

His Honour ALFRED GASCOYNE WISE, (*Chairman*).
 The Honourable WILLIAM CHATHAM, (Director of Public Works).
 CHARLES McILVAINE MESSER, (Acting Registrar General).
 FRANCIS JOSEPH BADELEY.
 JOSEPH HORSFORD KEMP, (*Secretary*).

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 21st August, 1902.

GOVERNMENT NOTIFICATION.—No. 512.

His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of His Majesty the King, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 29 of 1902.—An Ordinance to provide for and regulate the Supply of Water in the Colony of Hongkong and for the Maintenance and Repair of the Works in connection therewith.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 18th August, 1902.

No. 29 OF 1902.

An Ordinance to provide for and regulate the Supply of Water in the Colony of Hongkong and for the Maintenance and Repair of the Works in connection therewith.



W. J. GASCOIGNE,
Officer Administering the Government.

[15th August, 1902.]

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

Short title. **1.** This Ordinance may be cited for all purposes as The Water-works Consolidation Ordinance, 1902.

Interpretation. **2.** In this Ordinance and in any Regulations made thereunder unless there be something in the context repugnant to or inconsistent with such construction, the following words and expressions shall have or shall include the meanings respectively set against them, viz.:—

Colony.—The Colony of Hongkong and its dependencies, including the New Territories as defined by section 2 of Ordinance 30 of 1900.

City of Victoria.—That portion of the Colony which is comprised within the following boundaries:—

North.—The Harbour.

South.—A contour of the hillside seven hundred feet above the level of the sea.

East.—A line following the western boundary of the Queen's Recreation Ground until it meets the old Shaukiwan Road, thence to the south-east angle of Inland Lot 1018, thence along the southern boundary of Inland Lot 1018, produced until it meets the road on the east side of Wong Nei Chung Valley, thence to the north-west angle of Wong Nei Chung School, produced until it meets the southern boundary.

West.—Mount Davis.

Water-works.—All reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, steam engines, and all other structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water which are so used or have been constructed by or on behalf of the Government and are the property thereof or which shall hereafter be used or constructed by the Water Authority.

Water Authority.—The Director of Public Works or such other person or persons or body corporate as the Governor-in-Council may from time to time appoint to manage or supervise the water-works or water supply of the Colony.

Service.—All pipes, valves, cisterns, cocks, fittings, and other appliances (excepting any meter as hereinafter defined) by or through which water flows or is intended to flow from the water-works, or which are or may be used for the purpose of supplying any tenement from the water-works, and which service is the property of the owner or occupier of such tenement.

Public fountain.—Any fountain, stand-post, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from the water-works, and erected or hereafter to be erected by the Water Authority, and which is the property of the Government.

Meter.—Any appliance used to measure ascertain or regulate the amount of water taken or used from the water-works by means of any service, as well as any orifice or gauge or other appliance used in estimating the flow of water in or from any part of the water-works.

Owner.—The holder of any tenement direct from the Crown whether under lease licence or otherwise, or the immediate landlord of any tenement, or the agent of any such holder or landlord who is absent or under disability, or if there is no such agent the occupier of the tenement.

Tenement.—Any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy, or any wharf or pier in the waters of the Colony.

Excess consumption.—In the case of a tenement which is not rated, any quantity of water ascertained by meter as having been used in such tenement.

In the case of a tenement which is rated, any quantity of water ascertained by meter as having been used in such tenement in excess of a quarterly allowance which, at 40 cents per 1,000 gallons, would be equal to one-half per centum on the annual rating valuation of the said tenement.

In the case of hospitals and charitable institutions respectively, any quantity of water ascertained by meter as having been used in excess of 20 gallons and 15 gallons per head per day.

Gathering ground.—Any surface of land or otherwise which collects the rainfall for the purposes of the water-works.

Tenement house.—Any domestic building let to and inhabited by more than one occupier or family as tenants of a common landlord or as sub-tenants of a tenant of any portion of such domestic building.

General rates.—Rates determined pursuant to the Rating Ordinance No. 8 of 1901 or by any Resolution of the Legislative Council under section 31 of such Ordinance.

Custody of Waterworks.

3. The Water Authority shall have the custody and administration of the water-works and of the water therein, and the management of the supply or distribution of such water, subject however to the general authority of the Governor.

Custody and administration of water-works.

4. The Governor-in-Council shall appoint suitable officers to carry out the provisions of this Ordinance, such officers to be under the control of the Water Authority, subject however to the general authority of the Governor.

Appointment of officers.

Powers of Water Authority.

5. It shall be lawful for the Water Authority to disconnect the service to any tenement, and to refuse to re-connect the same unless the owner shall give an undertaking to pay quarterly to the Colonial Treasurer the amount due for excess consumption and for meter rent as ascertained in accordance with the provisions of any Regulations made hereunder. If any owner declines or neglects to give such undertaking within a period of fourteen days from the date of notice in writing having been served on such owner by the Water Authority, or within such extended period as may be conceded by the Water Authority, it shall be lawful for the said Water Authority to disconnect the service of the said tenement as aforesaid: Provided that,—

Power to disconnect services.

(1.) In the case of any tenement house in the City of Victoria, the Water Authority shall disconnect the service within a period of fourteen days from the date of notice in writing having been served on the owner by the Water Authority, or within such extended period as may be conceded by the Water Authority, and shall refuse to re-connect the same, and shall also refuse to connect any new service unless such owner shall have obtained the previous consent of the Governor in Council; and

(2.) In no case shall the Water Authority disconnect any service until in his opinion there shall be established an adequate provision of public fountains.

Powers of entry.

6. It shall be lawful for the Water Authority or any person duly authorized in writing by him at any time between the hours of 6 a.m. and 6 p.m., or in the case of urgency at any other time, for the purposes hereinafter mentioned to enter into and upon any tenement into or upon which any service has been laid, or into or upon which water from the water-works is supplied or flows—

- (1.) To inspect any service and to ascertain whether there is any waste, leakage, obstruction or damage to any service or meter therein and anything in connection therewith.
- (2.) To regulate, repair, alter or make additions to any service or meter.
- (3.) To ascertain the amount of water taken or used.
- (4.) To disconnect the service of water to any tenement or to diminish, withhold or suspend, stop, turn off or divert the supply of water to any tenement through or by means of any service either wholly or in part.

Power to suspend, etc., supply of water.

7. It shall be lawful for the Water Authority to diminish, withhold or suspend, stop, turn off or divert the supply of water through or by means of any service or public fountain either wholly or in part, or whenever such Water Authority may think fit, and without prejudice to any water rate meter rent or other sums due or to become due under this Ordinance or any Regulations made thereunder:—

- (1.) Whenever the available supply of water from the water works shall in the opinion of the Water Authority be insufficient; or
- (2.) Whenever it may be expedient or necessary for the purpose of extending, altering or repairing the water-works or for the purpose of the connection of services; or
- (3.) Whenever any public fountain is damaged or the waters thereof are polluted or wasted and the person by whose act, neglect or default such damage, pollution or waste has occurred cannot be found; or
- (4.) If the construction or laying of any service by the owner of any tenement is not made, altered or readjusted in accordance with the provisions of this Ordinance or any Regulations made thereunder; or
- (5.) If default be made in the payment of any moneys due under this Ordinance, or any Regulations made thereunder, from the owner of any tenement, or so long as such default continues or at the request of the owner of the tenement; or
- (6.) In case of fire; or
- (7.) If any act or thing be done or omitted contrary to the provisions of this Ordinance, or any Regulations made thereunder, in relation to any damage, waste, pollution or abuse of the water-works or any service meter or public fountain.

Power to construct fountains in private streets.

8. It shall be lawful for the Water Authority to construct public fountains and connections with the mains in or over any lane or street over land held under lease from the Crown.

Construction of Services.

Construction and connection of services.

9. Any person owning or occupying any tenement may construct a service thereto for the supply of water from the water-works. The construction of the service and the nature size and quality of the materials and fittings shall be in accordance with the provisions of any Regulations made hereunder, and on the completion thereof to the satisfaction of the Water Authority, it shall be connected by the Water Authority to the water-works subject to payment of the fee specified for such connection in the aforesaid Regulations, and to the owner giving the undertaking required by section 5, and subject to the proviso in section 5 with regard to tenement houses.

Provided always that in the case of Chinese houses situate outside the City of Victoria or situate in Kowloon or the New Territories, the Water Authority shall be under no obligation to connect the service with the water-works where in the opinion of the Water Authority there is an adequate provision of public fountains.

Expenses by whom borne.

10. The expenses of constructing, altering or readjusting all services shall be borne by the owner of the tenement to which such services are laid.

11. The Water Authority may in his discretion construct alter and repair any service at the request of the owner or occupier, and on completion thereof the person so requesting shall pay the cost and expenses thereof at such time and place as may be prescribed by any Regulations made under this Ordinance.

Services may be constructed by Water Authority. Costs thereof.

12. In the case of any existing service or of any service that may hereafter be constructed, the stop-cock and length of piping between such stop-cock and the main shall be the property of the Government.

Stop-cocks and connections to be the property of the Government.

Meters.

13. Water supplied to any tenement through any service shall be measured by meter. Such meter shall be kept in repair by the Water Authority.

Water only supplied by meter.

14. All payments for excess consumption shall be final and no person shall be entitled to set off an excess consumption in one quarter against a less amount used in any other quarter.

Payments for excess consumption to be final.

15. Any sum of money paid by any person before the passing of this Ordinance for connecting to the water-works a service for the supply of water, or for fixing meters, shall be deemed to have been legally and properly paid by such person, and no action or other proceeding whatever shall lie for the recovery of any such sum.

No action to lie for sums previously paid.

Water Account.

16. All moneys received under the authority of this Ordinance or which under the authority of sections 29 and 31 of Ordinance 8 of 1901 may be disposed of to defray the expenses of the water supply, shall be carried to the credit of an account which shall be kept by the Water Authority and be called the Water Account, and such moneys shall be disposed of to defray all or any of the expenses of, or in connection with, or for the maintenance and repair of the water-works, or for the future extension thereof, or in or towards the payment of all or any sums expended and remaining unpaid or to be expended in respect any portion the payment of any existing or future loan or thereof, or in thereof or the interest accruing thereon, or for the formation of a reserve fund for the purpose of meeting the cost of extensions of the water works, or if so resolved by the Legislative Council to purposes connected with sanitation.

Water account. Application thereof. Reserve fund, etc.

All sums so disposed of shall be debited to the Water Account and a balance sheet of the Water Account shall be laid before the Legislative Council and published annually in the Gazette.

Gathering Grounds.

17. As soon as practicable after the passing of this Ordinance the Governor shall cause the limits or areas of all gathering grounds of the then existing water-works to be marked out and defined by boundary stones, or in some conspicuous and permanent manner, and thereafter no land not then already leased by the Crown shall be granted demised or sold within such limits or areas for any purpose whatsoever. A map showing clearly such limits and areas shall be made and kept for public reference in the office of the Water Authority.

Demarcation of gathering grounds.

18. Whenever the Governor in Council decides that a gathering ground is required for the purpose of extending or augmenting the water supply of the Colony, the Water Authority shall cause the limits or area thereof to be marked out defined and mapped as in the last preceding section and thereafter no land not then already leased by the Crown shall be granted demised or otherwise disposed of within such limits or area for any purpose whatsoever, except upon the express condition that such land may be resumed by the Crown at any time without compensation for such resumption, upon three years' notice of such intention having been first given to the owner thereof.

Reservation of gathering ground.

Recovery of Moneys.

19. All moneys other than penalties or fines payable or recoverable under this Ordinance or any Regulations made thereunder shall be recoverable at the suit of the Colonial Treasurer in the summary jurisdiction of the Supreme Court, together with interest thereon at a rate not exceeding eight per centum per annum, and any judgment given or order

Recovery of moneys.

made shall be enforced in the same manner in which any judgment or order may be enforced in any other action in the Supreme Court.

Proof of moneys due. 20. In any such action a certificate under the hand of the Water Authority that any sum of money is due shall, in the absence of evidence to the contrary, be conclusive evidence of such debt and of the non-payment thereof.

Regulations.

Government Regulations. 21. It shall be lawful for the Governor-in-Council from time to time to make alter and repeal Regulations for the better carrying out of the provisions of this Ordinance in respect of all or any of the following matters, viz. :—

- (1.) The price of water supplied by meter, such price not to exceed one dollar per 1,000 gallons.
- (2.) The method and manner in which water may be taken from the public fountains.
- (3.) The amount of rent to be paid for meters.
- (4.) The price to be paid for all services constructed or laid by the Water Authority.
- (5.) The time and place for the payment of all moneys due or to become due under this Ordinance or under any Regulations made thereunder.
- (6.) The suspension of the water supply.
- (7.) The construction, laying, fitting, alteration or readjustment of services, and the nature, quality, size and pattern thereof, and of meters used therewith.
- (8.) The prevention of waste of water.
- (9.) The duties of the officers and servants of the Water Authority, their proper behaviour and conduct, and the means of summarily enforcing the same if necessary by penalties not exceeding in any case \$25.
- (10.) The forms of all notices required to be given or sent under this Ordinance and the issuing and service thereof.
- (11.) In respect of all such other matters not hereinbefore specifically mentioned as may conduce to the better and more effective carrying out of this Ordinance.

No such Regulations nor any alterations or repeal thereof shall have any force or effect until they have been published in the Gazette.

Offences and Penalties.

Injury, pollution, etc. 22. Whoever shall wilfully and negligently injure the water-works, public fountains, services or meters or shall unlawfully draw off, divert or take water from the same or from any streams or waters by which the water-works are supplied and whoever shall pollute any such water or shall allow any foul liquid gas or other noxious or injurious matter to enter into the water-works or any services connected therewith shall for every such offence be liable to a penalty not exceeding \$100, and a further penalty not exceeding \$5 for each day whilst the offence continues.

Waste, etc. 23. Any person who shall wilfully or negligently misuse or waste or cause or allow to be misused or wasted any water passing into, through or upon or near any tenement from the water-works shall be liable to a penalty not exceeding \$25. The liability to such penalty shall not prejudice the remedy by suspension of supply or otherwise as provided by section 7 of this Ordinance.

Altering service. 24. Every person who shall alter or cause or permit to be altered any service without the consent of the Water Authority or contrary to any Regulations made hereunder shall be liable to a penalty not exceeding \$50.

Fraudulent measurement. 25. Whoever shall alter or cause or permit to be altered any service with intent to avoid the accurate measurement or register of water by means of any meter, or to obtain a greater supply of water than he is entitled to and to avoid payment therefor, or who shall wilfully or negligently injure any meter, shall be liable to a penalty not exceeding \$200 and any service so altered or meter so injured shall be replaced or repaired by the Water Authority at the expense of the person convicted, and the cost of replacing or repairing any such service or meter may be recovered upon the order of a Magistrate in the same manner as any penalty herein provided may be recovered upon conviction.

26. Whoever shall put or allow to be put or to remain or to accumulate on any tenement owned or occupied by him, or who shall not remove or cause to be removed or take such steps as may be necessary to prevent upon notice in writing from the Water Authority any foul, noisome or injurious matter or any earth deposit or excavated material in such manner or place that it may be washed, fall or be carried into the water-works or the gathering grounds thereof shall be liable to a penalty not exceeding \$100 and for every day during which such matter, earth, deposits or excavated materials are allowed to remain after notice in writing from the Water Authority requiring the same to be removed, a further penalty of \$10 per diem.

Foul accumulation of earth.

27. Any person—

Bathing, washing, etc.

- (1.) who bathes in any part of the water-works; or
 - (2.) who washes, throws or causes to enter therein any horse, dog, goat, pig or any other animal or any clothes, material or thing; or
 - (3.) who wrongfully opens or closes any cock, valve, sluice belonging to the water works;
- shall be liable to a penalty not exceeding \$100.

28. All breaches of any Regulations made under this Ordinance the penalty for which is not otherwise hereby specially provided shall be punishable by penalties not exceeding \$25.

Penalties for breaches not otherwise provided for.

29. All penalties under this Ordinance or any Regulations made thereunder may be recovered on summary conviction before a Magistrate, and shall be in addition to any other remedy or proceeding whether civil or criminal which may be taken pursuant to any statute Ordinance or law now or hereafter in force in the Colony.

Recovery of penalties.

30. The references to Ordinance No. 16 of 1890 in Ordinance No. 8 of 1901 shall be deemed to be references to this Ordinance.

Explanation.

31. The Ordinances mentioned in the first Schedule hereto to the extent mentioned in the second column of such Schedule are hereby repealed, but such repeal shall not affect anything lawfully done or suffered thereunder nor be taken to revive any Ordinance thereby repealed.

Repeals.

Passed the Legislative Council of Hongkong, this 13th day of August, 1902.

M. J. DRAYSON,
Acting Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 15th day of August, 1902.

F. H. MAY,
Colonial Secretary.

SCHEDULE 1.

Enactments repealed.

Number and Year of Ordinance.	Short Title.	Extent of Repeal.
No. 16 of 1890.	The Waterworks Ordinance, 1890.	The whole.
No. 6 of 1895.	The Waterworks Amendment Ordinance, 1895.	The whole.
No. 19 of 1897.	The Waterworks Ordinance, 1897.	The whole.
No. 30 of 1898.	The Waterworks Ordinance, 1898.	The whole.