

GOVERNMENT NOTIFICATION.—No. 672.

The following Bills which were read a first time at a Meeting of the Legislative Council held this day, are published.

C. CLEMENTI,  
*Acting Clerk of Councils.*

Council Chamber, Hongkong, 6th November, 1902.

THE PUBLIC HEALTH AND BUILDINGS BILL.

ARRANGEMENT OF CLAUSES.

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## A BILL

ENTITLED

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

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

## PART I.

## PRELIMINARY.

- Short title. 1. This Ordinance may be cited for all purposes as The Public Health and Buildings Ordinance, 1902.
- Repeal of Ordinances. 2.—(1.) The several Ordinances and parts of Ordinances mentioned in Schedule A. to this Ordinance are hereby repealed.
- Bye-laws. (13 of 1901, s. 2.) (2.) The bye-laws contained in Schedule B, shall be deemed to have been duly made by the Sanitary Board, approved by the Legislative Council, and gazetted, under this Ordinance, and shall remain in force until altered, amended or revoked.
- Existing officers to continue to hold their appointments. (*Ibid.*) (3.) All persons now holding any office or appointment under any Ordinance repealed by this Ordinance shall continue to hold such office or appointment as if they had been appointed under this Ordinance.
- Contracts. (15 of 1889, s. 4 amended.) 3. Any contract, made before the date of the commencement of this Ordinance, for the erection of any building, [the plans of which shall have been *duly submitted* to the Director of Public Works before such date, but which shall not have been commenced within three months of the date of *his* approval *thereof*], 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, [if the building has not been commenced within the aforementioned period of three months] such party may within ten days after the expiration of such period cancel any such contract upon paying to the other party the value of the work and labour done (if any) and materials supplied thereunder. Whenever any such contract shall be so cancelled, every sub-contract relating thereto shall also be thereby cancelled upon the same terms.
- Government wells, buildings, and works exempt. (15 of 1889, s. 5 amended.) 4. The provisions of this Ordinance with reference to wells, the construction of buildings, and the carrying out of works shall not apply in the case of wells, buildings or works belonging to the Crown or to the Colonial Government or upon any land vested in any person on behalf of the Naval or Military Departments of His Majesty's Service; but all the provisions of this Ordinance in relation to hoardings, scaffoldings, and verandahs, balconies and areas on or over or into Crown Land 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 bye-laws, rules and regulations made thereunder, unless the context otherwise requires:—
- (London Building Act, 1894.) (*Nov.*) 1. "Adjoining owner" means the owner or one of the owners, and "adjoining occupier" means the occupier or one of the occupiers of land, buildings, storeys or rooms adjoining those of the "building owner."
- (17 of 1887, s. 1 as amended by 23 of 1890, s. 2.) 2. "Animal" except where otherwise expressed, means cattle, sheep and goats, and all other ruminating animals, and swine:

3. "Author of a nuisance" means the person by whose act, default, permission, or sufferance the nuisance arises or continues : (13 of 1901, s. 3.)
4. ["Authorized Architect" means any individual whose name appears in the List of authorized architects hereinafter provided for.] (*New.*)
5. "Balcony" means any stage, platform, oriel or other similar structure projecting from the main wall of any building and supported by brackets or cantilevers : (30 of 1901, s. 2.)
6. "Basement" means any cellar, vault, or underground room or any room any side of which abuts on or against the earth or soil : (13 of 1901, s. 57 amended.)
7. "Board" means the Sanitary Board : (13 of 1901, s. 3.)
8. "Building" includes any domestic building, house, [school,] verandah, balcony, kitchen, privy, gallery, chimney, [arch,] bridge, out-house, stable, shed, matshed, warehouse, factory, shop, workshop, [brewery,] distillery, godown, or place of secure stowage. (15 of 1889, s. 7 amended.)
9. ["Building Authority" means the Director of Public Works or such other person, as the Governor in Council may, from time to time, appoint to give effect to the provisions of Part III of this Ordinance or of any Ordinance amending the same.] (*New.*)
10. ["Building line" means *in the case of land sold by the Crown after the date of the commencement of this Ordinance* the line which shall 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 any street may lawfully extend; and, in the case of land held under lease from the Crown at the date of the commencement of this Ordinance, it shall mean the boundary of the lot, except that, where buildings front an existing private street, any new building abutting thereon shall conform to the provisions of this Ordinance.] (*New.*) *cf. s. 181.*
11. "Building owner" means such one of the owners of adjoining land as is desirous of building, or such one of the owners of buildings, storeys or rooms separated from one another by a party wall or party structure as does or is desirous of doing a work affecting that party wall or party structure. (London Building Act 1894.) (*New.*)
12. "Cattle" means bulls, cows, oxen, heifers, calves, and buffaloes : (17 of 1887, s. 1 as amended by 23 of 1890, s. 2.)
13. "City of Victoria" means that portion of Hongkong bounded on the north by the harbour; on the south by a contour of the hillside *seven* hundred feet above the level of the sea; on the east by a line following the western boundary of the Queen's Recreation Ground until it meets the old Shauiwan 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-wei-chung Valley thence to the north-west angle of the Wong-wei-chung School produced until it meets the southern boundary; and on the west by Mount Davis : (13 of 1901, s. 3 amended.)
14. *Common Lodging-house* includes :—
  - (i.) any house or part thereof where usually male persons only are housed—not being members of the same family—to the number of ten persons and upwards ; (13 of 1901, s. 3.)
  - (ii.) any permanent structure in which employers of labour lodge their employees, such employees not being domestic servants or shopmen.
15. "Cross wall" means any wall of brick, stone, concrete or other incombustible material, [other than a partition wall of the height of one storey only,] 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 : (25 of 1891, s. 3 altered.)

- (*New.*)  
*cf.* s. 148.
- (17 of 1897,  
s. 2.)
- (17 of 1897,  
s. 2.)
- (*New.*)
- (*New.*)
- (13 of 1901,  
s. 3.)
- (*Ibid.*)
- (16 of 1888,  
s. 2 amend-  
ed.)
- (15 of 1889,  
s.s. 9 and 44  
amended.)
- (15 of 1889.)
- (*New.*)
16. ["Cubicle" or "Room" includes any sub-division of any storey of a domestic building :]
17. "Dairy" means and includes any farm, farm-house, cowshed, milk-store, milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale :
18. "Dairyman" includes any cowkeeper, purveyor of milk, or occupier of a dairy, and in cases where a dairy is owned by a corporation or company, the secretary or other person actually managing such dairy.
19. ["Dangerous building."—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 :]
20. ["Dangerous trade" means any manufacturing process or handicraft in which lead, arsenic, mercury, phosphorus or any other poisonous substance whatsoever is used.]
21. "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.
22. "Drug" means any medicine for internal or external use :
23. "European Reservation" means that portion of the City of Victoria which is situated on the southern or south-eastern side of a dividing line *beginning* from [a point on the Pokfulam Road at No. 1 Bridge and passing along Pokfulam Road, High Street, Bonham Road and Caine Road, as far as Ladder Street, thence along Ladder Street to Rozario Street, thence along Rozario Street and the northern boundary of Inland Lot 574 and bisecting Inland Lots 523, 423, 157, and 94, thence along the northern boundaries of Inland Lots 100, 1086, 122 and 123, thence along Shelley Street and the northern boundary of Inland Lot 125, thence along Chancery Lane, Arbuthnot Steps, Wyndham Street and Ice House Lane, thence along Queen's Road Central and Queen's Road East to the eastern boundary of War Department land, thence along the western boundary of Inland Lots 47A, 47 and 1211 until it meets the southern boundary of Inland Lot 1210 produced, thence in a straight line to the south-east corner of Inland Lot 1210, thence in a straight line to the north-west corner of Inland Lot 1593, and thence along Wanchai Gap Road and Kennedy Road terminating at the Junction of Kennedy Road with Queen's Road East. The lateral boundaries to be formed by lines drawn southward from the beginning and termination of the aforesaid dividing line until they meet the southern boundary of the City of Victoria ; it also includes 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 :]
24. ["Exceptional building" means any public building, factory, work-shop, pawn-shop, or building intended for special uses, or any building of glass, iron or other material not provided for in this Ordinance, and includes any warehouse or godown and also the fire-places, kilns, furnaces, chimneys, flues and shafts of any bakery, opium boiling house or factory.]
25. "External air" means a clear and unobstructed open space measured in a straight line from and at right angles to the plane of any window and of a width throughout of not less than *thirteen feet*.
26. "External wall" means any wall or vertical enclosure of any building, not being a party wall, [cross wall or other partition,] nor the external wall of a verandah :
27. ["Factory" means any building or part of a building in which machinery is worked by steam, water or other mechanical power, for purposes of trade :]

28. "Floor" includes any horizontal platform forming (15 of 1889  
the base of any storey, and every joist, board, s. 7.)  
timber, stone, brick, or other substance connected  
with and forming part of such platform :
29. "Food" means any article used for food or drink (13 of 1901,  
other than drugs or water : s. 3.)
30. "Hill-side" means the face of the natural hill, or (Ibid.)  
the face of any scarp or retaining-wall built to  
support the same, or any artificial filling in or  
terracing with earth behind such scarp or retain-  
ing wall, made with the object of supporting a  
street or forming a site for a building :
31. "Hill District" means any part of the island of (Ibid.)  
Hongkong above the *seven* hundred feet contour,  
except Chinese villages :
32. "Householder" means the actual tenant or occupier (Ibid.)  
of any building, or in cases where there is no such  
person, then the owner of such building, and, in  
the case of corporations, companies, and associa-  
tions, the secretary or manager thereof.
33. "Keeper of a common lodging house" means any (Ibid.)  
person licensed to keep a common lodging-house :
34. "Keeper of an opium smoking divan" means the (13 of 1901,  
person whose name shall appear in the register, Schedule B.)  
kept by the Registrar General in accordance with  
section 8 of Ordinance 13 of 1888, as the house-  
holder of any building which is occupied or used  
as an opium smoking divan, or where a portion  
only of any building is so occupied or used, and  
is rented for any period not less than one month,  
then the person whose name shall appear in the  
said register as renting such portion of the said  
building.
35. "Kowloon" includes New Kowloon : (13 of 1901,  
s. 3.)
36. ["Main wall" means either an external or a party (New.)  
wall :]
37. "Mezzanine floor" or "Cockloft" includes any (13 of 1901,  
floor, platform, or landing of a greater length s. 71 (e.)  
than seven feet and of a greater breadth than [three] amended.)  
feet, which has a clear space of less than nine  
feet measured vertically, either above or below  
it, and which is not separately provided with  
a window or windows opening directly into the  
external air and having a total glazed area equal  
to at least one-tenth of the floor area :
38. "New building" includes any building begun after (13 of 1901,  
the commencement of this Ordinance, [save and s. 3 amend-  
except such buildings, the plans of which have ed.)  
been *duly submitted* to the Director of Public  
Works before the date of the commencement of this  
Ordinance, and for the erection of which buildings,  
contracts have been entered into before such date,  
and which buildings shall have been commenced  
within three months of the date of the approval  
of the said plans by the Director of Public  
Works] and any existing building hereafter al-  
tered 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,  
*whether at the same time or by instalments at  
different times*, 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 con-  
version into more than one domestic building of  
a building originally constructed as one domestic  
building only.
39. "New Kowloon" means that portion of the New (13 of 1901,  
Territories which is delineated and shown upon s. 3.)  
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 :
40. "New Territories" means the additional territories (Ibid.)  
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 :

- (15 of 1889, s. 7 amended.)  
(*New.*)
41. "Occupier" means any person in actual occupation of any premises :
42. ["Offensive trade" includes the trade of blood-boiler, bone-boiler, fellmonger, scap-boiler tallow-melter, tripe-boiler and any other noxious or offensive trade, business or manufacture whatsoever.]
- (15 of 1889, s. 7 amended.)
43. "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 :
- (15 of 1889 s. 7.)
44. "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 :
- (London Building Act, 1844, amended.)  
(*New.*)
45. ["Party structure" means a party wall, and also a partition floor or other structure separating, vertically or horizontally, buildings, storeys or rooms which are not accessible through a common entrance.]
- (13 of 1901, s. 3.)  
(*Ibid.*)
46. "Person" includes a body corporate and an association :
47. "Premises" includes any land, building, or structure of any kind, footway, yard, alley, court, garden, stream, nullah, pond, pool, paddy-field, marsh, drain, ditch, or place open, covered or enclosed, cesspool or fore-bore, also any vessel lying within the waters of the Colony :
- (15 of 1889, s. 7 as amended by 25 of 1891, s. 3.)
48. "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.
- (13 of 1901, s. 3.)
49. "Public latrine" means any latrine to which the public are admitted on payment or otherwise :
- (32 of 1900, s. 2.)
50. "Resumption for a public purpose" includes—
- (i.) Resumption of insanitary property for the purpose of securing the erection of improved dwellings or buildings thereon or the sanitary improvement of such property ; and
  - (ii.) Resumption of any land upon which any building is erected which, by reason of its proximity to or contact with any other buildings seriously interferes with ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health ; and
  - (iii.) Resumption for any purpose connected with the Naval or Military Forces of the Crown including the Volunteer Force in this Colony ; and
  - (iv.) Resumption for any purpose of whatsoever description, whether *ejusdem generis* with either of the above purposes or not, which the Governor in Council may decide to be a "public purpose."
- (13 of 1901, s. 3.)
51. "Secretary" means the Secretary of the Sanitary Board :
- (15 of 1889, s. 7.)
52. "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 :

53. "Street" includes any square, court or alley, highway, lane, road, or passage whether a thoroughfare or not : (13 of 1901 s. 3.)
54. "Tenant" means any person who holds direct from any householder the whole *or any part* of any floor or floors of any building : (*Ibid.*)
55. "Tenement house" means any domestic building constructed, used, or adapted to be used for human habitation by more than one *tenant* : (*Ibid.*)
56. "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.*)
57. "Verandah" means any stage, platform, or portico projecting from the main wall of any building and supported by piers or columns. (30 of 1901 s. 2.)
58. "Vessel" means any steam or sailing ship, launch, junk, lighter, sampan, or boat : (13 of 1901 s. 3.)
59. "Width of street."—For the purposes of this Ordinance the width of a street on Crown land shall be ascertained by measuring the shortest distance between the building lines [as *defined by this Ordinance* :] (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.]

60. "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. (15 of 1889, s. 7.)
61. ["Workshop" means any building or part of a building in which manual labour is exercised for purposes of trade :] (*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, and such list shall include the names of the Director of Public Works and of such other officers of the Public Works Department as the Governor in Council may think fit. 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; provided that due notice shall be given to any person whose name it is proposed to remove from such List, and he shall be entitled to be heard by the said Council, either in person or by Counsel, before such removal is made. 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.] List of authorized architects. (*New.*)

## PART II.

### PUBLIC HEALTH.

#### *Constitution and General Powers of Sanitary Board.*

8. The Sanitary Board shall consist of the Director of Public Works, the Registrar General, the Captain Superintendent of Police, and the Principal Civil Medical Officer, and not more than six additional members, four of whom (two being Chinese) shall be appointed by the Governor, and two elected by such ratepayers as are included in Constitution of the Sanitary Board. (13 of 1901, s. 4 amended.)



- the Special and Common Jury Lists, and also by such ratepayers as are exempt from serving on juries on account of their professional avocations. Non-official members of the Board shall hold office for three years.
- Rules for election of certain members of the Board. (13 of 1901, s. 5.)
- 9.—(1.) The mode of election, the proceedings incident thereto, and all other matters relating to the election of the said members by the said ratepayers, shall be governed by rules made by the Governor in Council, who may, from time to time, add to, vary, or revoke, any of the said rules.
- (2.) The rules contained in schedule C to this Ordinance shall be in force unless and until altered by the Governor in Council.
- Names of members to be gazetted. (13 of 1901, s. 6.)
10. The Governor shall appoint the President and Vice-President of the Board, and the names of all members appointed to the Board shall be forthwith notified in the Gazette, and any number of the Gazette containing a notice of any such appointment shall be deemed sufficient evidence thereof for all purposes.
- Substitute members. (13 of 1901, s. 7.)
11. If any member of the Board be at any time prevented for more than six months by absence or other cause from acting, the Governor may appoint, or if the member has been elected, the electors may nominate some other person to replace such member, until he shall be able to resume his functions.
- Vacancies on the Board. (13 of 1901, s. 8.)
12. The Board shall be held to be legally constituted, notwithstanding any vacancies occurring therein by the death, absence, resignation, or incapacity of any member.
- Board meetings. (13 of 1901, s. 9.)
- 13.—(1.) The Board shall meet once in every alternate week and oftener if need be, and may adjourn from time to time. The *President* may at any time, and shall, on a requisition signed by three members of the Board, summon a meeting thereof.
- (2.) Any four members shall be a quorum for the despatch of business, and at every meeting, the *President* or *Vice-President* shall preside, or, in *their* absence, the members present shall appoint a Chairman. The *President* or *Vice-President* or in *their* absence the *Chairman* so appointed shall have a deliberative and a casting vote.
- Quorum. (*Ibid.*)
- Standing orders. (13 of 1901, s. 10.)
- 14.—(1.) The Board may from time to time make standing orders for regulating the mode and order of procedure at its meetings, for the conduct of its business between such meetings, and for the guidance of its officers and servants, and may from time to time alter and amend such standing orders.
- (2.) The Board may appoint and when appointed may add to or dismiss by resolution, from time to time, select committees consisting of not less than two of its members or of one of its members and one of its officers.
- Appointment of select committees. (*Ibid.*)
- Delegation of powers to [medical officer of health or to] select committees. (13 of 1901, s. 11 amended.)
- 15.—(1.) The Board may by resolution from time to time delegate any of its powers and functions to [the *medical officer of health* or to] such select committees as aforesaid, with full powers to enforce all or any of the provisions of any Ordinance or bye-law for the time being in force conferring powers on the Board or providing for the more effectual sanitation of the Colony, [and may revoke such delegation at pleasure].
- (2.) Any failure to comply with the orders of [the *medical officer of health* or of] a select committee, duly signed by the secretary of the Board shall be deemed a contravention of the orders of the Board and shall be punishable in the same manner as if such order had been made by the said Board.
- Failure to comply with orders of [the medical officer of health or of] select committees. (*Ibid.*)
- Matters with regard to which the Board has power to make bye-laws. (13 of 1901, s. 13.)
- (*Ibid.*)
16. The Board shall have power to make, and when made, to alter, amend, or revoke bye-laws with regard to the following matters :—
1. The periodical entry and inspection of all buildings and curtilages—
    - (a.) For the purpose of ascertaining whether the same are in an overcrowded condition ;
    - (b.) For the purpose of ascertaining the sanitary condition, cleanliness and good order thereof or any part thereof and of any mezzanine floors, storeys, cocklofts or partitions therein or the condition of any drains therein or in connection therewith.

2. The proper construction, trapping, ventilating, and maintenance of private house-drains. (13 of 1901, s. 13.)
3. The provision of adequate subsoil drainage in order to arrest damp in dwelling-houses. (*Ibid.*)
4. The proper construction, materials and fittings of water-closets on private premises. (*Ibid.*)
5. The erection of public latrines and applications for permission to erect such latrines. (*Ibid.*)
6. The sanitary maintenance of public latrines, urinals, dust-bins, and manure-depôts. (*Ibid.*)
7. Surface scavenging, the removal and disposal of night-soil and of other refuse. (*Ibid.*)
8. The cleansing and removal of refuse and all objectionable matter at stated times from domestic buildings. (*Ibid.*)
9. The provision and proper construction of dust boxes in private premises. (*Ibid.*)
10. The promotion of cleanliness and ventilation in domestic buildings. (*Ibid.*)
11. The cleansing, lime-whiting, and proper sanitary maintenance of all premises. (*Ibid.*)
12. The closing of premises unfit for human habitation and the prohibition of their use as such. (*Ibid.*)
13. The prevention of overcrowding in premises, either in respect of human beings or the lower animals. (*Ibid.*)
14. Fixing from time to time the number of persons who may occupy a domestic building or any part thereof and for marking on the exterior or interior of such buildings the number of persons permitted to occupy the same or any part thereof. (*Ibid.*)
15. Prescribing the conditions under which alone it shall be lawful to live in, occupy or use, or to let or sub-let, or to suffer or permit to be used for habitation or for occupation as a shop, any cellar, vault, underground room, or basement, or any room any side of which abuts on or against the earth or soil. (*Ibid.*)
16. Prescribing the material and the nature and thickness thereof to be used for covering over the floors of areas and basement storeys and the ground surface of all buildings and of any cook houses, latrines, or open surfaces connected therewith, such as back yards, court yards, or other spaces on which slops may be thrown or from which foul waters flow. (*Ibid.*)
17. The licensing, regulation and sanitary maintenance of common lodging-houses, and the sanitary maintenance of [emigration houses or depôts,] opium smoking divans, factories, [work-shops, breweries, distilleries, theatres] and places of public instruction, recreation, or assembly. (*Ibid.*)
18. The prohibition of the establishment within certain limits, and the control of any noxious or offensive trade, business, or manufacture. (*Ibid.*)
19. The regulation of bake-houses, dairies, aerated water manufactories, and food preserving establishments. (*Ibid.*)
20. The regulation of public baths, laundries, and wash houses. (*Ibid.*)
21. Prohibiting the importation or landing of animals otherwise than at such times and places, and subject to such conditions regarding inspection, marking, isolation, subsequent disposal, and payment of such inspection fees as may be prescribed by such bye-laws. (17 of 1887, s. 2 as amended by 23 of 1890, s. 2.)
22. The licensing and regulation of all depôts and pens for cattle, pigs, sheep and goats. (13 of 1901, s. 13.)
23. The construction, licensing, and proper sanitary maintenance of pig-sties in private premises. (*Ibid.*)
24. Providing for the regular inspection of all places where animals are kept. (17 of 1887, s. 2.)
25. The regulation and sanitary maintenance of slaughter houses, including the slaughter of animals therein, the removal of their carcases therefrom, the conveyance of the same through the streets or otherwise and such other matters and things in relation to the management of slaughter houses as may be deemed desirable. (17 of 1887 as amended by 12 of 1894, s. 5.)

- (17 of 1887, s. 2.) 26. The slaughtering or isolating and keeping under observation any animal that may appear to be or may be reasonably suspected of being infected or of having been in contact or in the same herd with animals affected with disease
- (*Ibid.*) 27. Authorising the disposition of the carcase of any animal slaughtered under the provisions of this Ordinance in such manner as it may deem fit.
- (13 of 1901, s. 13.) 28. The mitigation or prevention of epidemic, endemic, or contagious disease among animals.
- (17 of 1887, s. 2 as amended by 10 of 1898, s. 1.) 29. Authorising the declaring of any place or area to be infected with disease and to prohibit or regulate the movement of animals or persons into, within or out of any such infected place or area and the removal of carcasses, fodder, litter, utensils, pens, hurdles, dung or other thing into, within or out of such infected place or area.
- (17 of 1887, s. 2.) 30. Prescribing the modes of cleansing and disinfecting of places which have been occupied by any animal suffering from infectious disease.
- (17 of 1887, s. 27 as amended by 12 of 1894, s. 5.) 31. The regulation and sanitary maintenance of markets including the sale of food and provisions therein, the removal of food, provisions and carcasses of animals thereto or therefrom and such other matters or things in relation to the management of markets as may be deemed desirable.
- (13 of 1901, s. 13.) 32. The protection of the public water supply from pollution.
- (*Ibid.*) 33. The prevention of the manufacture or sale of unsound, adulterated, or unwholesome food.
- (*Ibid.*) 34. The manufacture and sale of poisons and the sale of unsound and adulterated drugs.
- (*Ibid.*) 35. The compulsory reporting of infectious, contagious, or communicable diseases.
- (*Ibid.*) 36. The prevention as far as possible or mitigation of any epidemic, endemic, or contagious disease, including *inter alia* provisions—
- (a.) For the removal of persons suffering from any such disease.
- (b.) For the speedy and safe disposal of the dead.
- (c.) For house visitation, [cleansing and disinfection.]
- (d.) For the [disinfection or] destruction of infected bedding, clothing or other articles.
- (e.) For the compulsory vacating of houses.
- (1 of 1902, s. 3 amended.) (f.) With regard to rats, and the means and precautions to be taken on shore or on board vessels in the waters of the Colony, to minimize their numbers and to destroy them and to prevent them from passing from such vessels to the shore or from the shore to such vessels.
- (1 of 1902, s. 3 amended.) (g.) For the better prevention of the danger of the spreading of infection by rats.
- (13 of 1901, s. 13.) (h.) For such other matters or things as may to the Board appear advisable for preventing or mitigating such diseases.
- (*Ibid.*) 37. The compulsory vacating of infected premises, and the disinfection and purification of the same.
- (*Ibid.*) 38. The disinfection and purification of all infected vessels and public vehicles.
- (*Ibid.*) 39. The breaming of vessels, and the maintenance of cleanliness in the harbour of Victoria, the waters of the Colony, and the foreshores thereof.
- (*Ibid.*) 40. The disposal of the dead, the regulation and sanitary maintenance of cemeteries, the fees to be charged in respect of graves and interments, the keeping of such registers as may be necessary and all other matters connected therewith; also the regulation and sanitary maintenance of mortuaries and the disinfection of dead bodies.

The Board may in any such bye-laws impose penalties for any breach thereof not exceeding [fifty dollars] in each case.

Legislative Council to approve bye-laws. (13 of 1901, s. 14.)

17. All bye-laws made by the Board under the provisions of this Ordinance shall be submitted to the Governor, and shall not take effect until approved by the Legislative Council. And all such bye-laws, when so approved, shall be published in the Gazette in English and Chinese and shall have the same force of law and be as binding and valid as if they had been contained in this Ordinance.

18. The Board may punish any officer or servant whose salary does not exceed \$2,000 or £200 per annum, for misconduct or for neglect or breach of duty by a fine not exceeding ten dollars for every such offence, and the amount of such fine shall be deducted from the pay of such officer or servant.

Power to inflict fines for misconduct or neglect of duty.

The imposition of every such punishment shall be reported without delay to the Governor who shall have power, if he thinks fit, to remit such fine either wholly or partially.

A record of every such punishment shall be entered in a book to be kept for that purpose which shall be called the "Misconduct Book." Such fines shall be applied to the general good of the officers and servants of the Board in such manner as may from time to time be directed by the Governor.

Misconduct book to be kept.

*Sanitary Staff and its Powers.*

19. The Governor may appoint such persons as he shall see fit to be respectively secretary of the Board, medical officer of health, assistant secretary of the Board, assistant medical officers of health, sanitary surveyors, colonial veterinary surgeon, and sanitary inspectors. Such persons shall be officers of the Board. The Governor may also appoint such servants as the Board may from time to time recommend. There shall be paid from the Colonial Treasury to such officers and servants such salaries and allowances as the Governor, with the consent of the Legislative Council, may from time to time determine. Any person or persons appointed to act as assistant secretary or as assistant medical officer of health may be authorised by the Board to perform all or any of the duties of the secretary, or of the medical officer of health, respectively, and all notices, certificates or other instruments signed by such person or persons under the authority of the Board, shall be deemed to have been duly signed by the order of the said Board.

Constitution of sanitary staff. (13 of 1901, s. 15 amended.)

20. Notice in the Gazette of the appointment of any officer under this Ordinance shall be deemed sufficient evidence of such appointment.

Evidence of appointment of any officer of the Board. (13 of 1901, s. 16.)

21. The medical officer of health and any assistant medical officer of health may, with or without assistants as he may deem desirable, at all times between the hours of 6 a.m. and 6 p.m. enter and inspect any house or premises for the purpose of ascertaining the sanitary condition thereof or, of ascertaining whether any infectious or contagious disease exists therein.

Power of medical officers of health to enter and inspect premises. (13 of 1901, s. 17.)

Provided always that unless in the opinion of such officer any delay in entering and inspecting may, or is likely to, prove injurious or detrimental to public health, he shall in each case before entering and inspecting, if the occupants offer any reasonable objection thereto, give to the occupiers two hours' notice in writing of his intention to enter and inspect such premises by leaving such notice with the occupants or at the house or premises which he intends to enter and inspect. In the case of Chinese occupants such notice shall be in the Chinese character.

Proviso. (*Ibid.*)

22. The medical officer of health and any assistant medical officer of health may also enter and inspect any house or premises at any hour of the night or day for the purposes mentioned in the foregoing section without giving any such notice as aforesaid, provided the officer so entering has obtained or holds a special order in that behalf signed by the *President of the Board*.

Power of medical officers of health to enter and inspect without notice. (13 of 1901, s. 18 amended.)

23. The Board shall have power by its officers to enter and inspect, upon reasonable notice to the occupiers or owners, any building and curtilage for the purpose of ascertaining the sanitary condition, cleanliness and good order thereof or of any part thereof, and of the partitions, mezzanine floors, storeys, and cocklofts therein, or of the condition of any drains therein or in connection therewith.

General power of Board's officers to inspect. (13 of 1901, s. 19.)

24. Any select committee [of the Board, or] any officer specially authorised by the Board and subject to such directions as the Board may impose, may enter and inspect at any time any domestic building for the purpose of ascertaining whether such building or any part hereof is in an overcrowded condition.

Special inspections to ascertain breaches of certain sections. (13 of 1901, s. 20 amended.)

*Obstruction of Member or Officer of the Board.*

Penalty for assaulting member or officer of the Board. (13 of 1901, s. 22.)

25. Whoever assaults, obstructs, molests, or hinders any member or officer of the Board in the execution of the duties or exercise of the powers imposed or conferred upon him by this Ordinance, shall be liable to a penalty not exceeding one hundred dollars.

*Nuisances.*

Definition of "nuisance." (13 of 1901, s. 23 amended.)

26. The following shall be deemed to be "nuisances" liable to be dealt with summarily in the manner provided by Part II. of this Ordinance:—

1. Any failure to supply, or any inadequate or defective provision of drain, drain-trap, ventilating-pipe, sub-soil-drainage, or cess-pool accommodation.
2. Any building or part of a building which, is so dark, or so ill-ventilated [or so damp, or in such a condition of dilapidation] as to be dangerous or prejudicial to the health of the inmates.
- (1 of 1902, s. 3 amended.)
- [3. Any building or part of a building which contains rat-holes or rat-runs, or which is infested with rats, or in which the ventilating openings are not protected by gratings in such manner as to effectually exclude rats from such building.]
- (New.)
- [4. Any premises which are in *such* a dirty or in *such* an insanitary condition *as to be dangerous or prejudicial to health.*]
- (13 of 1901, s. 23.)
5. Any street or road, or any part thereof, or any water-course, nullah, ditch, gutter, side-channel, drain, ashpit, sewer, privy, urinal, or cess-pool so foul as to be noxious, or noisome, or unhealthy.
6. Any water-course, well, tank, pool, pond, canal, conduit, or cistern, the water of which, from any cause, is so tainted with impurities, or so unwholesome as to be injurious to the health of persons living near, or using such water, or which is likely to promote or aggravate epidemic disease.
7. Any stable, cow-house, pig-sty, or other premises for the use of animals, [or in which live fish or birds are kept,] which is in such a condition as to be injurious to the health [of man or of such animals.]
8. Any accumulation, or deposit of stagnant water, sullage-water, manure, house-refuse, or other matter, wherever situated, which is unhealthy.
9. Any noxious matter, or waste waters, flowing or discharged from any premises, wherever situated, into any public street, road, or into the gutter or side-channel of any street, or road, or into any nullah, or water-course, or the bed thereof.
10. Any manufacture, trade, or business of a noxious, noisome, or unhealthy nature.
11. Any cemetery, or place of burial, so situated, or so conducted, as to be unhealthy.
12. Any chimney (not being the chimney of a private dwelling house) sending forth black smoke in such quantity as to be a nuisance.
13. Any act, omission, or thing which is, or may be, dangerous to life, or injurious to health or property.

Entry to inspect nuisances. (13 of 1901, s. 24 amended.)

27.—(1.) It shall be lawful for the *medical officer of health* on reasonable presumption of the existence of a nuisance on any premises, by an order in writing, to authorize any officer, with an assistant or assistants, to enter such premises, at any time between the hours of six in the morning and six in the evening, and to inspect the same.

Notice of such entry to be given if objection is raised. (*Ibid.*)

(2.) The inspecting officer shall produce and show the order to any person being, or claiming to be, the occupier of such premises: Provided that the inspecting officer shall not enter any house, or upon any land which may be occupied at the time, [should such occupier object to his entry] without previously giving the said occupier [two] hours' notice in writing of his intention to do so.

Penalty for refusing admission after due notice. (13 of 1901, s. 25.)

28. Any person refusing admittance to the said inspecting officer, after such notice has been given, shall be liable to a penalty not exceeding twenty-five dollars.

Board to serve notice requiring abatement of nuisance. (13 of 1901, s. 26 amended.)

29. On the receipt of any information respecting the existence of a nuisance, the *Board* shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance, the nuisance arises, or continues, or, if such person cannot be found, on the owner, or occupier, of the premises on which the

nuisance arises, requiring him to abate the same, within a *reasonable* time to be specified in the notice, and to execute such works, and do such things as may be necessary for that purpose: Provided—

Firstly—That, where the nuisance arises from the want, or defective construction, of any structural convenience, or, where there is no occupier of the premises, notice under this section shall be served on the owner;

Secondly—That, where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise, or continue, by the act, default, or sufferance of the owner, or occupier, of the premises, the *Board* may abate the same.

30.—(1.) It shall be lawful for the *Board* in any case where there is a contravention of any of the requirements of any of the bye-laws made under this Ordinance, to issue a notice to the offender, stating what is required to be done to carry out the provisions of such bye-laws, and to call upon him to comply with such notice within a reasonable time to be stated in the said notice.

Board may serve notice directing compliance with bye-laws. (13 of 1901, s. 27 amended.)

(2.) The secretary, the medical officer of health, or such other officer as the *Board* may depute, may, however, institute summary proceedings before a Magistrate against any person contravening any of the aforesaid bye-laws without the previous issue of such notice by the [*Board*] and upon conviction for a contravention of any such bye-law the Magistrate may impose a penalty not exceeding [fifty] dollars:

Proceedings without notice. (13 of 1901, s. 27 amended.)

31. If the person served with notice, under section 29 or 30, is dissatisfied with such notice, it shall be lawful for him, within the time therein specified, to apply to the *Board* to review the same, stating the grounds of his application, and the *Board* shall, thereupon, inquire into the matter, and shall confirm, modify, suspend, or discharge the said notice, or extend the time allowed for compliance therewith.

Board may review notice. (13 of 1901, s. 28.)

32. If the person on whom a notice has been served in pursuance of section 29 or 30 has not obtained from the *Board* a modification or withdrawal of the notice, and continues to make default in complying with the requirements of such notice, or, in the case of a nuisance, if the same, although abated since the service of the notice, is, in the opinion of the [*medical officer of health*] likely to recur on the same premises, the [*medical officer of health*] shall cause a complaint relating to the non-compliance with the said notice, or to such nuisance, to be made before a Magistrate; and such Magistrate shall, thereupon, issue a summons, requiring the person on whom the notice was served to appear before him.

On non-compliance with notice complaint to be made to a Magistrate. (13 of 1901, s. 29 amended.)

33.—(1.) If the Magistrate is satisfied that the requirement of the *Board* [or of the *medical officer of health*] is legal, or that the alleged nuisance exists, or that, although the said nuisance is abated, it is likely to recur on the same premises, the Magistrate shall make an order on such person, requiring him to comply with all, or any, of the requisitions of the notice, or otherwise to abate the nuisance, within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance, and directing the execution of the works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

Power of Magistrate to make an order dealing with the nuisance. (13 of 1901, s. 30 amended.)

(2.) The Magistrate may, by his order, impose a penalty not exceeding [fifty] dollars, on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for obeying the requirements of the notice or for abatement or prohibition of the nuisance, as the case may be.

Penalty. (*Ibid.*)

34. Where the nuisance proved to exist is such as to render any building, in the judgment of the Magistrate, unfit for human habitation, the Magistrate may by an order in writing prohibit the use thereof for that purpose, until, in his judgment, it has been rendered fit for that purpose, and may direct that a copy of such order be affixed to the building in question [and may further order that such building, and the approaches thereto (if any), shall be properly

Order of prohibition of use, &c., of building unfit for human habitation. (13 of 1901, s. 31.)

closed and secured by the owner;] and, on the Magistrate being satisfied that it has been rendered fit for that purpose, he may determine his previous order by another, declaring the building habitable, and, from the date thereof, such building may be inhabited or let for habitation.

Penalty for  
contraven-  
tion of order  
of Magistrate  
or for defa-  
cing any  
copy of such  
order.  
(13 of 1901, s.  
32 amended.)

35.—(1.) Any person not obeying an order to comply with the requisitions of the Board, [or of the medical officer of health] 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 [may, by its officers,] 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.

(Ibid.)

(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.

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

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

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

37. Any such notice or order may be served by any officer or servant of the Board by delivering the same to or at the residence of the person to whom it is addressed, and when addressed to the owner of any premises it may, if such owner cannot be found, be served by delivering the same to some person upon such premises, or if there be no person upon such premises who can be served, by affixing the same to some conspicuous part of the premises.

#### Common Lodging-houses.

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

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.

Penalty for  
false state-  
ments.  
(13 of 1901,  
s. 82.)

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.

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

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.

#### Public Washermen.

Regulation  
of public  
washermen.  
(New.)

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.]

#### Factories and Workshops.

Establish-  
ment of dan-  
gerous or  
offensive  
trades.  
(New.)

42. [No person shall, after the date of the commencement of this Ordinance establish, in any premises not so used at such date, any dangerous or any offensive trade in any part of the Colony, without the special permission in writing of the Board, and a Magistrate may, in addition to any penalty which he may inflict for a contravention of this section, order the closing of any such premises for such period as he may deem necessary.]

Definition of  
"to esta-  
blish."

For the purposes of this section any such business shall be deemed to be established, after the date of the commencement of this Ordinance, not only if it is established newly but also

*if it is removed from any set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of twelve months or upwards or if any premises on which it is for the time being carried on are enlarged without the permission of the Board but a business shall not be deemed to be established anew on any premises by reason only that the ownership or occupancy of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been re-constructed without any extension of its area.*

43. [Whenever it appears to the Board that any brewery or distillery or any factory, workshop or workplace is damp, or that it is not adequately lit, or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, or is not maintained in a cleanly condition, or is so overcrowded during the time in which work is carried on, as to be dangerous or injurious to the health of the persons employed therein, the Board may, by written notice, require the owner of such factory, workshop or workplace to take such steps as the said Board may consider necessary to prevent such dampness, or to adequately light or ventilate the same, or to render harmless as far as practicable any gas, vapour, dust or other impurity, or to cleanse the same, or to prevent the same from being overcrowded.]

Nuisances in factories or workshops. (New.)

44. [The Board may by an order in writing prohibit the occupation for domestic purposes of any building in which any dangerous or any offensive trade is carried on.]

Prohibition of occupation for domestic purposes of any building in which a dangerous or offensive trade is carried on. (New.)

*Basements.*

45. It shall not be lawful, without the written permission of the Board, to live in, occupy or use, or to let or sublet, or to suffer or permit to be used, any basement for habitation or for occupation as a shop, [workshop or factory or for the preparation or storage of food, and no basement shall be so used unless it is well lit and ventilated, and is free from damp and is rendered rat-proof to the satisfaction of the medical officer of health.]

Basements, may not be occupied without permission. (13 of 1901, s. 57.)

*Overcrowding.*

46. Every domestic building and any part thereof found to be inhabited in excess of a proportion of one adult for every [fifty] square feet of habitable floor space or superficial area and [five hundred and fifty] cubic feet of clear and unobstructed internal air space shall be deemed to be in an overcrowded condition:

Overcrowding defined. (13 of 1901, s. 75 amended.)

Provided that every domestic building [with the exception of quarters occupied by native servants which shall comply with the foregoing requirements] being within the European Reservation, or within the Hill District, and any part thereof, which is occupied by more than one person to every one thousand cubic feet of clear internal space, shall be deemed to be in an overcrowded condition.

Overcrowding in European Reservation and Hill District. (16 of 1888, s. 3, and 26 of 1888.)

*And provided further that any room of any existing domestic building which has a clear and unobstructed lateral open space of a width of not less than thirteen feet throughout the whole extent of such room may be inhabited in a proportion not exceeding one adult for every thirty square feet of habitable floor space or superficial area and four hundred cubic feet of clear and unobstructed internal air space.*

Overcrowding in houses with lateral open space.

47.—(1.) It shall not be lawful for any householder or tenant to let or sub-let or allow to be used for occupation any domestic building or any part thereof to or by so large a number of persons as to cause the same to be in an overcrowded condition.

Overcrowding prohibited. (13 of 1901, s. 76.)

(2.) The householder or tenant (together, with his family, if any,) if resident in any such domestic building shall be counted in ascertaining whether such building or any part thereof is in an overcrowded condition.

(Ibid.)

(3.) Where any domestic building or any part thereof is ascertained to be in an overcrowded condition between the hours of 11 p.m. at night and 5 a.m. on the following

(Ibid.)



morning such overcrowding shall be deemed to be *prima facie* evidence that such building, or part thereof, was let or sub-let in contravention of this section.

Steps to be taken to abate overcrowding. (13 of 1901, s. 77 amended.)

48.—(1.) If any tenement-house, or other domestic building, or portion thereof, shall be found to be in an overcrowded condition, the [Board] shall, by a written notice, require the tenant of the same, or any portion thereof, and also, if necessary, the householder, to abate such overcrowding, within a period of one week; such notice shall specify the cubic capacity available for habitation in such tenement-house, or other domestic building, and the number of persons which may be legally accommodated therein. If the said notice be not obeyed, it shall be lawful for the [medical officer of health] to apply to a Magistrate, who, on sufficient cause shewn, shall summon before him the tenant or occupier of such dwelling-house, or such householder.

Magistrate may make order for abatement. (13 of 1901 s. 77.)

(2.) If the person summoned admits, or if it be proved to the satisfaction of the said Magistrate that the said house is overcrowded, the Magistrate shall make an order for the abatement *forthwith* of such overcrowding and may inflict a penalty not exceeding twenty-five dollars.

Penalty for disobedience of Magistrate's order.

*Any person not obeying any such order shall if he fails to satisfy the Magistrate that he has used all due diligence to carry out such order be liable to a penalty not exceeding ten dollars per day during such default and any person knowingly and wilfully acting contrary to any such order shall be liable to a penalty not exceeding twenty-five dollars per day during such contrary action.*

Subsequent inspection. (*Ibid.*)

(3.) On the hearing of the said matter, the Magistrate may make such order for the inspection, at any hour of the night or day, of the said house, as the circumstances of the case may require. Such order to continue in force for a period not exceeding one month.

Common kitchen not to be used as a sleeping room. (13 of 1901, s. 78.)

49. Any room of a tenement-house used as a common kitchen shall not be used as a sleeping room, and the householder, or tenant thereof, shall be responsible that such common kitchen is not so used, nor shall any passage, lobby, or other place, partitioned off from any sleeping room to the height of the ceiling, be included in the calculation of the cubic capacity for human habitation.

Calculation of cubic space in case of children. (13 of 1901, s. 79.)

50. In the calculation of cubic space, for the purposes of this Ordinance, two children ten years, or under ten years of age, shall be counted as one person, and every person over ten years of age shall be considered as an adult.

Limit of fittings for sleeping accommodation. (13 of 1901, s. 80.)

51. No room fitted with bunks or beds shall be so fitted as thereby to provide sleeping accommodation for a greater number of persons than are by law permitted to occupy the room.

#### *Keeping of Cattle, Swine, etc.*

Keeping of cattle, swine, &c. requires a licence. (13 of 1901, s. 36.)

52. The keeping of cattle, swine, sheep, or goats without a licence from the Board is hereby prohibited, and any person keeping any such animals, either without a licence from the Board, or in a manner contravening such sanitary conditions as may be endorsed on such licence, shall be liable to a penalty not exceeding [fifty] dollars and, in the discretion of the Magistrate, to forfeit all or any of the animals in respect of the keeping of which he has so offended.

Transport of animals, etc. (17 of 1887, s. 6.)

53. No person shall bring into the Colony, or drive, carry, transport, remove, or have or keep, or knowingly suffer to be had or kept under his control or on his premises any animal or other creature used for human food in any way which may cause needless or avoidable suffering to such animal or creature.

#### *Compensation for Slaughter of Infected Animals.*

Compensation for infected animals slaughtered. (17 of 1887, s. 3.)

54. The Governor in Council shall direct that out of the public revenue of the Colony compensation shall be paid as follows for any [infected] animal slaughtered under the provisions of this Ordinance [or of any bye-law made thereunder]:—

(1.) When the animal has shown no symptoms of disease within three days after importation but has shown symptoms of disease within fourteen days after importation, one third of its value when imported shall be given.

- (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. (22 of 1899, s. 2.)
- (5.) When the animal has shown symptoms of disease on importation or within three days after importation no compensation will be given.

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

*Depôts for Animals.*

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

*Provided that no animal shall be permitted to remain in any Government Depôt for a longer period than twenty-one days and provided also that any animal which is condemned by the colonial veterinary surgeon as unfit to be slaughtered for human food shall be removed forthwith by the owner from any such depôt.*

57. No animals shall be turned out to graze when the Board shall, for sanitary reasons, forbid such grazing by an order in writing. Grazing may be prohibited. (*Ibid.*)

*Slaughter-houses.*

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

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

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

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

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

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

63. 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.

Marking of animals for slaughter. (12 of 1894, s. 2.)

64. The mark known as the "Broad Arrow" shall be used for the purpose of denoting the fitness of animals to be slaughtered for human food.

Only marked animals may be slaughtered for human food. (12 of 1894, s. 3.)

65. No cattle or sheep shall be slaughtered for human food in any slaughter-house unless stamped or impressed with the Broad Arrow.

Forging marks a criminal offence. (12 of 1894, s. 4.)

66. If any person, without lawful authority (proof of which authority shall be on the party accused) stamps, uses, applies or impresses the Broad Arrow or any mark apparently intended to resemble the Broad Arrow on any animal, he shall be liable upon summary conviction before a Magistrate to imprisonment with hard labour for a term not exceeding six months, or to a fine not exceeding two hundred and fifty dollars.

Passing of unmarked animals into a slaughter-house prohibited. (25 of 1895, s. 2.)

67. If any person passes, or attempts to pass into any slaughter-house, any animal which has not been inspected, passed and (in the case of cattle or sheep) marked with the Broad Arrow by an officer duly authorized by the Government to perform such duties, such animal may be detained by any officer on duty at the slaughter-house, and such person and also the owner of such animal shall each be liable, on summary conviction, to a penalty not exceeding one hundred dollars or to imprisonment with hard labour for a period not exceeding three months and the Magistrate may order the animal to be forfeited to the Crown and thereupon it may be dealt with as the Governor may determine.

Stamping of beef and mutton. (Government Notification of February 23rd, 1901.)

68. The colonial veterinary surgeon or other officer authorized by the Governor on that behalf may from time to time cause a stamp or stamps or other instrument or instruments to be made for the purpose of marking or stamping beef and mutton before the carcasses leave a slaughter-house and may from time to time change or alter such mark or stamp and every such mark or stamp for the time being in use at any slaughter-house under the authority of the colonial veterinary surgeon or such officer as aforesaid shall be the official stamp or mark within the meaning of this Ordinance and of any bye-law made thereunder.

Forging stamps a criminal offence. (22 of 1899, s. 4.)

69. No person shall counterfeit or make use of, or attempt to counterfeit or to make use of the official mark or stamp which is used to mark beef and mutton before the carcasses leave any slaughter-house, and which is intended to show that such carcasses are fit for human food. Any person committing an offence against this section shall be liable upon summary conviction before a Magistrate to imprisonment for a period not exceeding six months, with or without hard labour, or upon conviction in the Supreme Court, to imprisonment for a period not exceeding two years, with or without hard labour.

Slaughter-houses open to inspection. (17 of 1887, s. 14.)

70. The Director of Public Works, the Registrar General, and the Captain Superintendent of Police, and their respective officers, as well as members and officers of the Board shall have at all times free access to every part of every slaughter-house.

#### Markets.

Establishment of markets. Prohibiting establishment of unauthorized markets. (17 of 1887, s. 16.)

71. All markets established at the time of the coming into operation of this Ordinance shall be continued and shall be subject to this Ordinance, but it shall be lawful for the Governor in Council from time to time to close any of them, and also to establish or close any new market. No market shall be opened or kept open except under the provisions of this Ordinance; and every market which shall be otherwise opened or kept open shall, together with the building in which the same shall be carried on, be deemed a nuisance.

Buildings in markets limited. (17 of 1887, s. 17.)

72. No buildings shall be erected or maintained in any market except stalls, quarters for market officers, police and porters. Such buildings shall be of stone, brick or other approved impervious material and the stalls shall be fitted with stone, wooden or other approved counters. No

person shall be allowed to pass the night in any market except the police and caretakers recognised by the Government.

**73.** All market buildings shall be let by the Registrar General in such manner and on such conditions as shall from time to time be approved by the Governor in Council. Until such conditions and manner of letting shall be so established or varied they shall be as follows :—

Letting of market buildings by the Registrar General. (17 of 1887, s. 18 amended.)

- (1) All market buildings shall be let without fine or premium, either from month to month, or for a term of years, for the highest rent obtainable, such rent to be ascertained by sealed tenders. In case of equal tenders the tenant in possession, if any, shall have the preference.
- (2.) If the letting is from month to month, a month's notice of its discontinuance shall be given either by the Registrar General or the lessee as the case may be.
- (3.) If the letting is for a year or more, no notice of the expiration of the term shall be necessary.
- (4.) No market building shall be let for more than three years except on a higher rent than can be obtained for a three years' lease, nor for any term exceeding a five years' lease without the approval of the Governor.
- (5.) All rents of market buildings shall be paid to the Registrar General in advance within the first seven days of each month.
- (6.) The Governor may order the forfeiture of any lease of a market building if it shall be proved to his satisfaction that the licensee has used such market building for any other purposes than those pertaining to the business of a market [or if such licensee has been convicted of a contravention of any bye-law for the regulation or sanitary maintenance of markets.]

**74.** No lessee of any market building shall sublet or assign the same or any part thereof without the written permission of the Registrar General, nor shall transfer his lease to any other person. Nevertheless the business of any lessee may be carried on, in case of his death or absence, by his executors, administrators, or agents until the expiration of his lease.

Sub-letting prohibited. (17 of 1887, s. 19.)

**75.** No alteration in or addition to any market building or any fittings thereof shall be made or commenced without the sanction of the Director of Public Works in writing.

Alterations to market buildings require sanction of Director of Public Works. (17 of 1887, s. 20.)

**76.** Whenever the lessee of any market building shall fail to comply with any condition of his holding or grant as to the execution of any repairs to such market building or other works in connection with the same, the Director of Public Works may summon such lessee before a Magistrate, who may summarily order him to execute such repairs or other works within a reasonable time to be specified in such order. Any failure to carry out the terms of such order shall be deemed an offence against this Ordinance.

Repairs to market buildings by lessee may be ordered by Magistrate. (17 of 1887, s. 21.)

**77.** Except as by this Ordinance provided, no person shall within the City or Harbour of Victoria, or in Kowloon, or in the villages of Shaukiwan or Quarry Bay, or in such other villages as shall be named in any [Government Notification] sell or expose for sale in any place not being a public market within the meaning of this Ordinance any articles of food for man usually sold or exposed for sale in a public market; always provided that the [Board] may from time to time grant licences for the sale of articles of food for man elsewhere than in a public market, to such persons, for such considerations, and for such periods as the Board shall think fit.

Sales of certain articles outside market prohibited. (17 of 1887, s. 22. Government Notification No. 59 of 1896.)

**78.** Should any [officer of the Board] at any time discover in any market, any carcase or part of a carcase of beef or mutton, not bearing the official mark or stamp, he is hereby authorized to seize such carcase or part of a carcase and the colonial veterinary surgeon may order the same to be destroyed and no compensation shall be payable to any person in respect of such destruction.

Seizure of unstamped meat by officers of the Board. (22 of 1899, s. 5 amended.)

Exceptions to the prohibition of sales outside markets (17 of 1887, s. 23.)

79. Nothing in this Ordinance shall be so construed as to forbid any of the following sales of food :—

- (1.) Of rice, bread, milk, salt-fish, or confectionery.
- (2.) Of green vegetables, fruit, bean-curd, congee, soup, or other prepared food by licensed hawkers.
- (3.) Of fish, by licensed boatmen at a distance of at least one hundred yards from shore.
- (4.) Of cooked provisions to customers by any licensed victualler or keeper of a boarding house or refreshment room.
- (5.) Of any food commonly sold by chandlers and purveyors not being raw butchers' meat.
- (6.) Public sales by licensed auctioneers.

Unauthorised fees or charges prohibited. (17 of 1887, s. 25.)  
Markets open to inspection. (17 of 1887, s. 26.)

80. Except as provided by 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 selling, or buying in any market.

81. The Director of Public Works, the Registrar General and the Captain Superintendent of Police, and their respective officers, as well as members and officers of the Board shall have at all times free access to every part of every market building.

#### *Unwholesome Food.*

Sale of unwholesome food prohibited. (23 of 1890, s. 4 amended.)

82. No person shall sell or expose for sale or bring into the Colony or into any market, any food for man in a tainted, adulterated, [diseased] or unwholesome state, or which is unfit for use, or any food for any beast or animal which is in an unwholesome state or unfit for their use [and any member of the Board, or any officer of the Board or of the Police may seize any such food, and the *President of the Board* on the recommendation of the medical officer of health or of the colonial veterinary surgeon may order it to be destroyed or to be so disposed of as to prevent it from being used as food.]

Seizure of unwholesome food. (13 of 1901, s. 21 amended.)

83.—(1.) Any member of the Board, or any officer duly authorised by the [*Board*] in writing, may, at any time between the hours of six in the morning and six in the evening, enter any shop or premises used for the sale or preparation for sale, or for the storage of food, to inspect and examine any food found therein which he shall have reason to believe is intended to be used as human food, and, in case any such food appear to such member or officer to be unfit for such use, he may seize the same, and the [*President of the Board*] may order it to be disposed of as in the foregoing section.

Penalty. (*Ibid.*)

—(2.) Any person in whose possession there shall be found any food liable to seizure shall be liable to a penalty not exceeding one hundred dollars. *The proof that such food was not exposed or deposited for any such purpose shall rest with the person charged.*

Inspection of dairies. Power to prohibit supply of milk in certain cases. (17 of 1897, s. 3.)

84. Whenever the medical officer of health or any assistant medical officer of health shall be of opinion or have reason to suspect that any person in the Colony is suffering from an infectious disease, attributable to milk supplied, within the Colony, from any dairy situate within the Colony, or that the consumption of milk from such dairy is likely to cause infectious disease to any person residing in the Colony, he shall have power to inspect such dairy, and to medically examine any person residing or employed therein whom he may suspect to be suffering from an infectious disease (unless such person shall produce a certificate in writing from a duly qualified medical practitioner that he or she is not suffering from an infectious disease), and, if accompanied by the colonial veterinary surgeon, he may inspect and examine the animals therein, and the carcasses of any animals that may have died therein, and if, on such inspection and examination of the dairy or of the animals or carcasses therein, or on examination or analysis of the milk supplied from such dairy, or on examination of any person employed or residing therein, or on investigation of the sources of the milk supplied to such dairy, the medical officer of health is satisfied that infectious disease is caused, or may be caused by the consumption of the milk supplied therefrom, he shall report forthwith to the Colonial Secretary, for the information of the Governor, and the Colonial Secretary shall, thereupon, give notice to the dairyman to show cause in writing within such time, not less than twenty-

four hours, as may be specified in the notice, why an order of the Governor in Council should not be made requiring him not to supply any milk from such dairy, until such order has been withdrawn; and if, in the opinion of the Governor in Council, he fails to show good cause, then the Governor in Council may make such order as aforesaid. A copy of such order shall be furnished to such dairyman and the order shall also be published in the Gazette. An order made by the Governor in Council in pursuance of this Ordinance shall be withdrawn on the medical officer of health reporting to the Colonial Secretary that he is satisfied that the milk supply has been changed or that the cause of the infection has been removed: Provided always, that no dairyman shall be liable to an action for breach of contract, if the breach be due to an order from the Governor in Council made under this Ordinance.

85. Every person who shall refuse to permit any inspection or examination authorised by the foregoing section for refusal or who shall wilfully obstruct any authorised officer in to permit inspection. carrying out the provisions of the said section, or who shall (17 of 1897, s. 4.) refuse or neglect to forthwith comply with or to carry out any order of the Governor in Council made under the said section, shall, on summary conviction before a Magistrate, be liable to a penalty not exceeding five hundred dollars, and, if the offence is a continuing one, to a daily penalty not exceeding fifty dollars a day so long as the offence continues.

86. Any dairyman who shall allow any person suffering Penalty for from an infectious disease, or who has recently been in contact allowing infected persons to milk or with a person so suffering, to milk cows, buffaloes or goats, or to handle vessels used for containing milk for sale, or in animals or any way to take part or assist in the conduct of the trade assist in the conduct of the dairy so far as regards the production, distribution, or conduct of storage of milk, or to reside in any part of the dairy that is the dairy or reside therein. (17 of 1897, s. 5.) used for the housing of the cattle or goats, or for the storage of milk, and any dairyman who, while he himself is so suffering, or has recently been in contact with any person suffering from an infectious disease, milks cows, buffaloes or goats, or handles vessels containing milk for sale, or in any way takes part or assists in the conduct of his trade so far as regards the production, distribution, or storage of milk, or resides in any part of his dairy that is used for the housing of the cattle or goats or for the storage of milk, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred dollars: Provided that it shall be a sufficient defence if such dairyman shall prove that he did not know, and had no reason to suspect, that he, or that such person, was suffering from an infectious disease.

*Removal of Infected Persons.*

87. Where any person is suffering from bubonic plague, Removal of cholera, small-pox or any other contagious or infectious infected disease, and is without proper lodging or accommodation, persons to hospital. or is lodged in a domestic building occupied by more than (13 of 1901, s. 35.) one family, or is on board any ship or vessel, a Magistrate may, on the certificate of any duly qualified medical practitioner, order the removal of such person to such suitable hospital or other like place as may be provided for the purpose.

[88.—(1.) No person who is suffering from bubonic Conveyance plague, cholera or small-pox or any other contagious or infec- of infected persons in public vehicles. tions disease shall enter any public conveyance, or any vessel other than such as may be specially provided for the purpose by the Board, and no owner, driver or person in charge of any public conveyance or of any vessel (except as aforesaid) shall knowingly carry or permit to be carried in such conveyance or vessel any person suffering as aforesaid.] (New.)

[(2.) No public conveyance and no vessel which has been used to carry any person suffering from bubonic plague, Disinfection of infected vehicles. cholera or small-pox or any other contagious or infectious (New.) disease shall be again used until it has been thoroughly disinfected to the satisfaction of the medical officer of health, and any officer of the Board or of the Police may detain any such public conveyance or any such vessel until it has been disinfected as aforesaid.]

[(3.) Any person committing an offence against this section shall be liable to a penalty not exceeding one hundred dollars.] Penalty (New.)

Recovery of cost of disinfection and payment of compensation for damage done.

89. *The Board shall have power by its officers to enter and to cleanse and disinfect any premises where any person suffering from bubonic plague, cholera or small-pox or any other contagious or infectious disease is or has been recently located and the Board may recover the cost of such cleansing and disinfection from the householder and compensation may be given to such householder for any bedding, clothing or other articles which have been destroyed during such cleansing and disinfection.*

#### Cemeteries.

Chinese cemeteries to be appointed. (13 of 1901, s. 37.)

90. It shall be lawful for the Governor in Council from time to time to select and appoint, and, by advertisement in the Gazette, to notify sufficient and proper places to be the sites of, and to be used as cemeteries or burial grounds for the Chinese; and from time to time, to alter, vary, and repeal the said notifications by others, to be advertised in the like manner; and in such cemeteries or places it shall be lawful for the Chinese, in conformity with the provisions of any bye-laws for the time being in force, to bury their dead; provided that any person who shall use for that purpose a grave of less than six feet in depth from the ordinary surface of the ground to the uppermost side of the corpse or coffin therein deposited, shall for every offence be liable to a penalty not exceeding fifty dollars.

Penalty for improper interment. (13 of 1901, s. 37.)

List of authorised cemeteries. (13 of 1901, s. 38.)

91. The cemeteries or burial grounds hereinafter mentioned and such other cemeteries or burial grounds as may from time to time be authorised by the Governor, notice whereof shall be published in the Gazette, shall be deemed authorised cemeteries, and whosoever shall, without the written permission of the Governor on the recommendation of the Board, bury any corpse or coffin in any ground not being an authorised cemetery shall for every such offence be liable to a penalty not exceeding one hundred dollars.

Penalty for burials elsewhere. (13 of 1891, s. 37.)

#### AUTHORISED CEMETERIES.

##### Chinese.

The Mount Caroline Cemetery.  
The Mount Davis Cemetery.  
The Kai Lung Wan Cemetery.  
The Aberdeen Cemetery.  
The Shek O Cemetery.  
The Stanley Cemetery.  
The Chai Wan Cemetery.  
The Mu Tau Wai Cemetery.

##### General.

The Colonial Cemetery  
The Roman Catholic Cemetery  
The Mohammedan Cemetery  
The Hindoo Cemetery  
The Zoroastrian Cemetery  
The Jewish Cemetery  
The Eurasian Cemetery, Mount Davis.  
The Cemetery of the French Mission, Pokfulam.  
The Hindoo Cemetery, Kowloon.  
[The Infectious Diseases Cemetery, Kennedy Town.]  
[The Infectious Diseases Cemetery, Cheung Sha Wan.]

} at Happy Valley.

Closing of cemeteries by the Governor in Council. (13 of 1901, s. 39.)

92. It shall be lawful for the Governor in Council, from time to time, to notify, by advertisement in the Gazette, that any cemetery or burial ground shall, from a time in such notification to be specified, be closed, and the same shall be closed accordingly; and whosoever, after the expiration of the said specified time, shall bury any corpse in the said cemetery or burial ground shall, for every such offence, be liable to a penalty not exceeding one hundred dollars.

Penalty. (*Ibid.*)

#### Recovery of Expenses by the Board.

Reimbursement of expenses to the Board. (13 of 1901, s. 87.)

93. All reasonable expenses incurred by the Board in consequence of any default in complying with any order or notice issued under the provisions of this Ordinance shall be deemed to be money paid for the use and at the requirement of the person on whom the said order or notice was made, and shall be recoverable from the said person in the ordinary course of law at the suit of the secretary. The provisions of this section shall apply to any orders or notices issued by the Board or by any duly appointed committee of the Board, under any bye-laws in force for the time being.

94. The provisions of the Crown Remedies Ordinance, 1875, and of any Ordinance amending the same, shall apply to the recovery of all such expenses, and the certificate required by that Ordinance shall be signed by the secretary. Method of recovery of expenses by the Board. (13 of 1901, s. 88.)

*Certificates.*

95. Certificates and written permissions of the Board under [Part II of] this Ordinance or under any bye-law may be given under the hand of the secretary or such other officer as the Board may appoint in that behalf. Such certificates and permits shall for all purposes be *primâ facie* evidence of the matters therein stated. Granting of certificates, &c. (13 of 1901, s. 95 amended.)

PART III.

BUILDINGS.

*Building Materials.*

96. 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. Building materials specified. (15 of 1889, s. 8 amended.)

*Exceptional Buildings.*

97.—(1.) Every exceptional building (including the walls, roofs, floors, galleries and staircases) 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. Construction of exceptional buildings regulated. (15 of 1889, s. 9.)

98. Buildings 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. Structures of glass, iron, &c. to be subject to approval of Building Authority. (25 of 1891, s. 6.)

99. 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 buildings 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.)

*Walls.*

100. 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 [composed of good cement or lime and clean sharp sand, with red or yellow earth or other suitable material to the satisfaction 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, or, where such storey exceeds fifteen feet in height, in the uppermost fifteen feet of the walls of such storey but blue bricks may not, without the approval of the Building Authority, be used in the walls of the other storey or storeys. Construction of walls regulated. (25 of 1891, s. 5 amended.)

101.—(1.) Every person who shall erect a new building shall construct every external and every party wall of such building not exceeding 40 feet in length clear of cross walls 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. (*Ibid.*)

- (i.) Where the wall does not exceed 12 feet in height it shall be 9 inches thick for its whole height.
- (ii.) Where the wall exceeds 12 feet in height but does not exceed 25 feet in height it shall be 13½ inches thick for its whole height.
- (iii.) Where the wall exceeds 25 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.



- (iv.) Where the wall exceeds 40 feet in height but does not exceed 55 feet in height the wall in the lowermost storey shall be 22 inches thick, the wall in the next storey shall be 18 inches thick and in the other storey or storeys 13½ inches thick.
- (v.) Where the wall exceeds 55 feet in height but does not exceed 70 feet in height the wall in the lowermost storey shall be 27 inches thick, the wall in the next storey shall be 22 inches thick, the wall in the next storey shall be 18 inches thick and in the other storey or storeys 13½ inches thick.
- (vi.) Where the wall exceeds 70 feet in height but does not exceed 80 feet in height the wall in the lowermost storey shall be 31½ inches thick, the wall in the next storey shall be 27 inches thick, the wall in the next storey shall be 22 inches thick, the wall in the next storey 18 inches thick, and the wall in the other storey or storeys shall be 13½ inches thick.

Provided that in cases where the number of storeys is less than that indicated in the foregoing sub-sections the thicknesses specified shall be determined by the Building Authority.

(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 [(except in the case of the gables of an uppermost storey which may not exceed, in height, sixteen times the thickness of the walls of such 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, of the required thickness and of a collective length of not less than one fourth part of the length of the wall.

(3.) If any wall exceeds in length 40 feet but does not exceed 60 feet, clear of cross walls, the thickness of such wall shall be increased by adding 4½ inches to the thicknesses specified in sub-sections (1.) and (2.) of this section.

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

Cross walls:

102.—(1.) No wall, other than a boundary wall, shall exceed 60 feet in length clear of any return or cross wall without the approval of the Building Authority.

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.

Walls over 76 feet in height require approval of Building Authority. (25 of 1891, s. 5 amended.)

Measurement of height of walls. (*Ibid.*)

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

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. [Ornamental towers, turrets or other architectural features or decorations, and parapets not exceeding three feet in height shall not, however, be included in measuring the height of such wall.]

Tie rods required for external walls more than 30 feet in length.

(3.) Any external wall of a building exceeding 30 feet in length, clear of cross walls, shall be secured at the level of each upper floor and at the ceiling or roof with wrought iron tie rods not less than 1¼ inches in diameter, spaced not more than 10 feet apart and extending through such external wall and the nearest parallel wall of such building. The tie rods to have screwed ends with nuts bearing upon wrought iron washer plates not less than 18 inches square by half an inch in thickness or cast iron washer plates to be approved by the Building Authority, and the brickwork of each wall for its full thickness and for an area of 2 square feet round the end of each tie rod to be built in cement mortar.

103. The thickness of every cross wall shall be at least two thirds of the thickness prescribed by section 102 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.

Thickness of cross walls to be two-thirds that of main walls, (25 of 1891, s. 5.)

*Provided that partition walls not exceeding one storey in height may be of a thickness of four and one half inches.*

104. Every wall of every new domestic building and also every wall of any other *new* building of brick or stone having a timber floor shall have a proper damp proof 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.

Damp proof courses must be provided. (*Ibid.*)

105. The foundations of every wall of a building shall be of footings of sound stone, brick, *concrete*, 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.

Construction of foundations. (15 of 1889, s. 15.)

106. 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.

Party walls to be carried up above roof. (15 of 1889, s. 16.)

107. 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.

Openings through party or external wall. (15 of 1889, s. 17 amended.)

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

[103. No lath and plaster wall or other hollow wall shall be hereafter constructed in any building outside the European Reservation or the Hill District, except with the written permission of the Building Authority.]

Lath and plaster walls prohibited. (*New.*)

*Bonding for the Walls of Domestic Buildings.*

[109. Every domestic building hereafter erected, which is not within the European Reservation or the Hill District, shall have courses of hoop-iron, tarred and sanded, or other suitable bonding, built into the main walls at the level of the foundations, *if required by the Building Authority, and* 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

Bonding of walls provided for. (*New.*)

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.*

Bearings of bressummers and lintels. (15 of 1889, s. 20 amended.) **110.** 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.

*Concreting of Ground Surfaces.*

Prohibition of habitation of domestic buildings until impermeable floors have been provided. (13 of 1901, s. 72 amended.) **111.** The ground surface of every domestic building shall be properly covered over with a layer of not less than six inches of good lime or cement concrete finished off smooth, and the ground surface of every basement, area, cook-house, latrine, or open surface connected therewith, such as back-yards, court-yards, [alleyways] or spaces on which slops may be thrown or from which foul waters flow, [and the ground surface of every stable, cowshed or other building in which animals are kept] shall be properly covered over with a layer of good lime or cement concrete not less than six inches thick finished off smooth with not less than two inches of cement concrete or with hard glazed bricks or granite paving or glazed tiles bedded and jointed in cement mortar or with such other material as may be approved by the Board.

The ground surface of every area, cook-house, latrine, back-yard, court-yard, alleyway, or space on which slops may be thrown shall have a fall of not less than one in forty from the walls of the building towards the surface channel or other outlet for the drainage of such surface.

Proviso. (25 of 1891, s. 5 amended.) Provided always that this section shall not apply to any existing domestic building, [the ground surface of] which has been paved to the satisfaction of the Sanitary Board in accordance with any existing law or bye-law and which is so maintained.

Repairs to impermeable material over ground surface. (13 of 1901, s. 73 amended.) **112.** Where the ground surface of any domestic building, or of any cook-house, latrine, or open surface connected therewith, such as back-yards, court-yards, [alleyways] or spaces on which slops may be thrown or from which foul waters flow, [or of any stable, cowshed or other building in which animals are kept] is or has been paved or covered over with impervious material and such material has been subsequently broken, excavated or otherwise disturbed, [or has perished] the landlord or owner shall make good the same to the satisfaction of the sanitary surveyor upon the completion of any work for the execution of which the same has been broken or otherwise disturbed, or within [fourteen] days from the receipt by him of written notice from the Board so to do, and in default thereof he shall be liable to a penalty not exceeding twenty-five dollars for each offence and to a further penalty not exceeding ten dollars for each day after such conviction during which such offence continues.

*Floors.*

Level of ground floors to be above level of ground outside. (New.) **113.** [The level of the ground floor of every domestic building hereafter erected shall be not less than six inches higher than the highest level of the ground outside such building.]

Distance between floor timbers of contiguous buildings. (15 of 1889, s. 21.) **114.** 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.

115. The floors of all buildings including verandahs shall (unless constructed of concrete or other incombustible material) 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.)

116.—(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, bath-room, or latrine a clear space of at least nine feet measured vertically shall be sufficient.

Space to be left between floors defined. (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 [or collar-beam of the roof, when ceiled at such level,] or up to half the vertical height of the rafters or purlins, when the roof has no ceiling.

(15 of 1889, s. 25.)

117. Every person who shall erect a new domestic building 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 concrete with which the ground surface or site of such building may be covered, a clear space of *an average height of not less than two feet six inches* above the level of the ground outside and he shall cause such space to be ventilated by means of vents or air-bricks [protected by gratings in such manner as to effectually exclude rats from such premises.]

Ventilation under boarded floors in the lowest storey. (15 of 1889, s. 46 amended.)

118.—(1.) No mezzanine floor or cockloft shall be *erected or maintained* in any storey of a domestic building other than the ground or the top storey of such building.

Regulations governing mezzanine floors. (13 of 1901, Schedule B amended.)

(2.) No mezzanine floor or cockloft shall extend over more than one half of the floor area of the room and every mezzanine floor or cockloft shall have a clear space below every part of it of not less than nine feet measured vertically. No mezzanine floor or cockloft shall *so* obstruct any doorway or window [opening into the external air] *as to prevent the same being opened to its full extent.*

(3.) [No portion of the] space either above and below any mezzanine floor or cockloft shall be enclosed except by wire netting, lattice work or carved woodwork, arranged in such a way as to leave at least two-thirds open, and as far as practicable evenly distributed.

(4.) No mezzanine floor or cockloft shall be erected, or if already existing be allowed to remain, in any kitchen :

Provided that any existing mezzanine floor or cockloft, for which a permit in writing has been issued by the Sanitary Board shall be allowed to remain, subject to the conditions of such permit.

[119. All wooden floors hereafter constructed shall be properly tongued and grooved or otherwise jointed so as to be reasonably water-tight.]

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

[120. The floors of all domestic buildings hereafter erected outside the European Reservation or the Hill District shall, *unless specially exempted by the Building Authority*, have skirtings of cement, at least twelve inches in height and of a thickness of not less than one inch, or of other impervious material approved by the Building Authority.]

Cement skirtings required. (New.)

#### Staircases.

121. [Every staircase hereafter erected shall be so arranged as to have a minimum tread of eight inches and a maximum rise of eight and a half inches per step.]

Regulations governing tread and rise of stairs. (New.)

#### Ceilings.

[122. No ceiling shall hereafter be erected in any building outside the European Reservation or the Hill District except with the written permission of the Building Authority.]

Ceilings prohibited outside European Reservation. (New.)

#### Corbelling.

123. 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.

Corbels to be of stone or bricks. (15 of 1889, s. 26.)

*Roofs.*

Covering of roof to be of incombustible material. (15 of 1889, s. 27 re-arranged.) **124.** 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.

Space between timbers of contiguous buildings. (15 of 1889, s. 28.) **125.** 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.

Platforms on roof prohibited. (15 of 1889, s. 29 amended.) **126.** No platform, superstructure, staging, or framework 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 [solely] 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.) **127.** The roofs of all buildings including verandahs, *unless wholly constructed of incombustible materials*, 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 timbers or wood-plates not to be built into walls. (15 of 1889, s. 31.) **128.** 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 prohibited. (15 of 1889, s. 32 amended.) **129.** 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 *six* inches from the upper surface of the hearth of such chimney-opening.

*Arches.*

Regulations governing construction of arches. (15 of 1889, s. 33 altered.) **130.** Every arch under any public or private way used as a thoroughfare shall be formed of brick, stone, or other incombustible material. 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 building, 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.) **131.** 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, [the joists, boarding, mouldings and handrails of verandahs and balconies,] and 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, and rain water down pipes to be provided. (15 of 1889, s. 35 amended.) **132.** 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 *public* foot-path or roadway.

133. 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 prohibited. (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 and provided further that mouldings, cornices, or other architectural embellishments and eaves gutters may project over a street or over Crown land to an extent not exceeding eighteen inches :

Proviso in the case of public buildings. (15 of 1889, s. 66 amended.)

*Verandahs, Balconies, and Areas.*

134. No encroachment shall be made on or 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 regulated. (15 of 1889, s. 36 amended.)

- (1.) Unless with the previous consent of the Governor ; and
- (2.) Until the applicant for leave to make such encroachment shall have previously signed an undertaking in the form contained in Schedule E. or F. to this Ordinance ; and
- (3.) Unless subject to the Regulations contained in Schedule G. 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.

135. No balcony shall, except with the consent of the Governor in Council, be hereafter projected over any street whether public or private which is less than twenty-five feet in width.

Balconies forbidden in streets less than 25 feet wide (30 of 1901, s. 7.)

136. No verandah shall, except with the permission of the Governor in Council, be hereafter projected over any street whether public or private which is less than fifty feet in width.

Verandahs forbidden in streets less than 50 feet wide (30 of 1901, s. 8.)

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

Limitation as to height of verandahs in streets less than 60 feet wide (30 of 1901, s. 9.)

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

138. No partition (other than such as may 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 may any blind be hung in any such verandah or balcony, except with the permission of the Board ; 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, in the case of hotels and blocks of offices, such partitions may be erected as may be necessary for the separation of one room or suite of rooms from any adjacent room.

Proviso.

*Kitchens, Fire-places and Chimneys.*

139. Every domestic building, and every floor of a domestic building which is separately let for dwelling purposes, shall be provided with adequate kitchen accommodation, the internal area of which shall in no case be less than 50 square feet, 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 approved by the said Authority. The internal surface of the walls of every such kitchen shall also be rendered in cement mortar, or other non-

Kitchen accommodation must be provided in domestic buildings. (New.)

absorbent material approved by the Building Authority, to the height of at least four feet from the floor level and the thickness of such material shall not be less than half an inch.]

Limitation of extent of kitchens in tenement houses. (New.)

[140. No kitchen of any tenement house shall hereafter be constructed so as to extend across more than one half of the width of such building *except in the case of a corner house abutting laterally on a street or other open space, not less than 20 feet in width, which cannot be built upon.*]

(New.)

The width of a building shall be measured parallel to the principal front and shall be the average distance between the centres of the party walls or the outer faces of the lateral external walls of such building:]

Construction of chimney of fire-place. (25 of 1891, s. 10 re-arranged.)

141. Every fire-place shall be constructed with a proper chimney or smoke-flue and 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 such 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 [internal] sectional area unless with the approval of the Building Authority.

Fire-places adapted for use of charcoal to have hoods.

(Ibid. amended.)

142. 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.

Floors under oven, stove, or fire-place to be incombustible. (Ibid.)

143. 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 *nine* 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.

Chimneys not to be fixed near wood-work. (15 of 1889, s. 40 altered.)

144. 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 defined. (15 of 1889, s. 41 altered.)

145. 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 highest point in the line of junction with such roof.

Corbelling and foundations of chimneys regulated. (15 of 1889, s. 42 amended.)

146. 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 defined. (15 of 1889, s. 43.)

147. 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.

#### Fire Escapes.

Fire escapes to be provided.

148. *Every new building shall be provided, on every storey the floor of which is more than forty feet above the level of the street, with such means of escape in the case of fire for the persons dwelling or employed therein, as the Building Authority may reasonably require.*

*The provisions of this section shall, after the expiry of three years from the date of the commencement of this Ordinance, apply to existing buildings.*

#### Windows, Cubicles and Rooms.

Windows in rooms required. (15 of 1894, s. 8 (a.) amended.)

149. Every storey of every domestic building hereafter erected shall be provided with one window, at least, opening directly into the external air, and the total [glazed] area of such window or windows, shall be at least one-tenth of the floor area of every such storey.

Every storey of every such building shall also be provided with a window of at least ten square feet superficial glazed area opening into the open space in the rear of such building and the area of such window shall not be included in calculating the window area required by this section.

*Not less than one half of every such window shall be made to open.*

[150. No domestic building shall hereafter be erected of a greater depth than forty feet unless every storey of such building is provided with a lateral window or windows opening into the external air, and having a total glazed area equal to not less than one tenth of the floor area of such building, in addition to the window area required by the foregoing section.]

Limitation of depth of buildings. (New.)

Provided always that the provisions of this section shall not apply in any case in which the Crown Lease has specially provided for the erection of buildings of a greater depth than 40 feet and provided further that the Governor in Council may in his discretion grant exemption in any other case from the provisions of this section.

Provide.

*In the event of the refusal of the Governor in Council to grant such exemption, the amount of compensation to be paid to the owner for any land required by this section to be left unbuilt upon in excess of the open spaces required in the front and rear of such building shall be determined by the Board of Arbitrators hereinafter provided for, and such land shall, upon the payment of such compensation, revert to the Crown.*

Compensation.

The depth of a building shall be measured on the ground level from the outer face of the main wall at the centre of the principal front, to the outer face of the wall in the rear of such building: exclusive of any kitchen or out-office attached to the building when such kitchen or out-office does not extend across more than one-half of the width of such building.

Measurement of depth of a building. (New.)

[151. No cubicle or room shall be constructed or maintained in any storey of any domestic building hereafter erected unless such cubicle or room is provided with a window or windows or a skylight having a total glazed area of not less than one-tenth of the floor area of such cubicle or room, and opening directly into the external air. Provided that within the European Reservation and the Hill District any drying-room, cupboard or pantry, shall not be deemed to be a cubicle or room within the meaning of this section.]

Cubicles without windows prohibited in domestic buildings hereafter erected. (New.)

152. The following requirements shall be observed with regard to cubicles or rooms in existing buildings:—

Requirements as to cubicles in existing buildings.

(1.) Any cubicle or room which is provided with a window or windows or a skylight opening directly into the external air and having a total glazed area of not less than one-tenth of the floor area of such cubicle or room, may be erected or maintained in any storey of any domestic building.]

(13 of 1901, s. 70 amended.)

(2.) In domestic buildings fronting streets of a width of less than fifteen feet, no [wall or partition forming a cubicle or room which is not separately lit as aforesaid.] shall be erected, or if already existing shall be allowed to remain, except on the top storey.

(3.) In domestic buildings fronting streets of a width of fifteen feet or over, no [wall or] partition—other than a shop-division—[forming a cubicle or room which is not separately lit as aforesaid,] shall be erected, or if already existing shall be allowed to remain, on the ground storey and in the case of every such shop-division there must be a space between the top thereof and the ceiling or under side of the joists of the storey of not less than four feet, which may be closed in only by wire netting, lattice work or carved wood-work, arranged in such a way as to leave at least two-thirds open and as far as practicable evenly distributed.

(4.) [In no case shall more than two cubicles or rooms be erected or maintained in any storey of any domestic building, unless each additional cubicle or room is lit by a window or windows, or by a skylight, opening directly into the external air, and having a total glazed area of not less than one-tenth of the floor area of such cubicle or room.]



- (5.) No portion of any [wall or partition, *other than a main wall of the building*, forming a cubicle or room which is not separately lit as aforesaid,] shall exceed [six] feet in height, and there must be, in every case, a space between the top of every portion of such wall or partition and the ceiling or under side of the joists of the storey of not less than four feet, which may be closed only by wire netting, lattice work or carved woodwork, arranged in such a way as to leave at least two-thirds open, and as far as practicable evenly distributed.
- (6.) No cubicle or room whatever shall be erected in any storey of a domestic building, or if already existing shall be allowed to remain, unless such storey is provided with a window or windows opening directly into the external air and having a total glazed area of at least one-tenth of the floor area.
- (7.) No portion of [any wall or partition, forming a cubicle or room which is not separately lit as aforesaid,] except the *main walls of the building and the necessary corner posts* shall be nearer than two inches to the floor of such cubicle or room, and no structure shall be erected, or if already existing shall be allowed to remain, within any such cubicle or room which is of a greater height than six feet or which provides a cover or roof to such cubicle or room.
- (8.) No partition shall be erected, or if already existing shall be allowed to remain, in any kitchen.
- (9.) No cubicle or room used for sleeping purposes shall have a less floor area than [one hundred] square feet, and a less length or width than seven feet.

*Provided that in the case of existing buildings the Governor in Council shall have power, in special cases, to modify the requirements of this section in respect to the external air.*

Obstruction of windows prohibited. (13 of 1901 : Schedule B amended.)

153. No window of any *tenement house* shall be obstructed by the erection of any structure or fitting whatsoever, or by any household goods or merchandise.

*Privies, Water-closets and Latrines.*

Construction and dimensions of privies regulated. (15 of 1889, s. 47 amended.)

154. Every privy, and latrine shall be constructed of brick or stone and shall have a clear internal area of not less than [ten square feet,] and such privy, or latrine shall open into the outer air and not into the building.

Ventilation of privies and latrines and rendering of walls with cement. (15 of 1889, s. 48 amended.)

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

Construction of floor of privies and latrines specified. (15 of 1889, s. 49 amended.)

156. The floor of every privy and latrine 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 or latrine 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 *outlet* of half an inch to the foot. [The floor of every privy or latrine hereafter erected on an upper floor or on a roof shall be formed of cement concrete or brick arching surfaced with cement rendering, asphalt, or other impervious material approved by the Building Authority.]

Privies and latrines not to be connected directly with drain or sewer. (15 of 1889, s. 50 amended.)

157. No privy or latrine shall have any [direct] communication by means of any pipe, drain or grating, with any underground private drain or public sewer, and any existing privy or latrine having such communication shall have the same completely cut off by the owner when so required by the [Board.]

Direct connection of water service with privies, &c., prohibited. (13 of 1901 : Schedule B amended.)

[158. No water pipe or water tap shall be led to, or fixed in or over, any privy, water-closet, latrine or urinal, without the intervention of a cistern or tank between such water pipe or water tap and the water service pipe.]

159. Every privy and latrine shall be provided with a moveable water-tight receptacle of non-absorbent material and seat for the reception of excreta, and such receptacle shall have a capacity not exceeding two cubic feet, and every privy and latrine 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 or latrine.

160. No person shall construct, except in a hospital, any water-closet or urinal having any communication with any public sewer or private drain, without the permission of the Board, and any existing water-closets or urinals so communicating [for which no such permission has been given]: shall be removed by the owner upon his being required by the [Board] to effect such removal.

Receptacle and seat in privy required. (15 of 1889, s. 51.)  
Construction of water-closets, and urinals without permission prohibited. (13 of 1901, s. 58.)

161. Every factory, refinery, distillery, godown, or other industrial establishment whatsoever, employing [not less than twenty] persons, shall be provided by the owner thereof with proper privy accommodation on the premises, [for the separate use of persons of each sex] to the satisfaction of the [Board].

Privies to be provided in factories and other industrial establishments. (13 of 1901, s. 59.)

162. [Every block of tenement houses hereafter erected shall be provided by the owner or owners with an adequate private latrine for the use of the tenants thereof, to the satisfaction of the Building Authority and the said latrine shall be cleaned and the night soil removed daily and disposed of as the Board may direct.

Latrines to be provided for tenement houses. (New.)

163. If it appears to the Board that any building is without a privy or latrine, and that a privy or latrine is necessary for the use of the occupants of such building or for the use of the persons employed in such building, or that the existing privy or latrine available for use by the occupants of any building or by the persons employed therein is insufficient, inefficient or for sanitary reasons objectionable the Board shall, by written notice, require the owner of such building to provide a privy or latrine, or additional privies or latrines, to its satisfaction.]

Inadequate provision of latrines to be dealt by Sanitary Commissioner. (New.)

*Public Latrines.*

164. No public latrine shall be erected until the previous sanction of the Board in writing has been obtained.

Sanction of the Board to be obtained before erection of a public latrine. (13 of 1901, s. 60.)

The Board shall not incur any legal liability in respect of having granted such sanction, nor shall such sanction protect the owner of any public latrine from any liability to an injunction or other legal proceedings should the latrine be at any time so conducted as to become a nuisance, or its erection be contrary to agreement or be otherwise wrongful.

165. When, in the opinion of the Board, additional public latrine accommodation is required in any locality, the Board may apply in writing through its secretary to the Governor, through the Colonial Secretary, specifying the site (upon Crown land) upon which it desires the erection of a public latrine, and the accommodation to be provided by such latrine.

Application by Board to Government for additional public latrines. (13 of 1901, s. 61.)

166. If such application shall be approved of by the Governor a notification shall be published, in English and Chinese, in three successive numbers of the Gazette, specifying the site and that the Government proposes to erect thereon a public latrine.

Notification of intention to erect latrine. (13 of 1901, s. 62.)

167. If any owner or occupier of property in the immediate vicinity of such site objects to such erection, such objection must be sent in writing to the Colonial Secretary so as to reach his office not later than one week after the publication of the last of such notifications.

Objections to such erection. (13 of 1901, s. 63.)

Such objection must state the reasons and specify the property with regard to the ownership or occupation of which such objection is made and the interest therein of the objector.

168. If such objection is so duly made and is not withdrawn, the Government shall not be entitled to claim the immunity conferred by [the following] section, unless, after such objection has been considered, a resolution of the Legislative Council is passed approving of the site and the erection thereon of such latrine.

Resolution of the Legislative Council necessary where objection is made (13 of 1901, s. 64.)

No injunction to be granted or suit to be brought in certain cases. (13 of 1901, s. 65.)

169. Where such resolution as is mentioned in the preceding section has been passed or where no objection has been so duly made or has been withdrawn, no injunction shall be granted against the erection, continuance or use of such latrine nor shall any suit be brought for damages or compensation in respect of such erection, continuance or use.

Existing Government public latrines protected from injunctions. (13 of 1901, s. 66.)

170. The immunity with regard to injunctions and suits, conferred by the foregoing section is, hereby, extended to all the Government public latrines existing at the date of the commencement of this Ordinance, as fully as if the resolution in the said section referred to had been passed in their case.

Board to control Government public latrines. Saving of bye-laws. (13 of 1901, s. 67.)

171. The Board shall have the control and management of all Government public latrines erected under the provisions of this Ordinance, or protected thereby, and any bye-laws relating to public latrines, for the time being in force, shall apply to all Government public latrines including any which may be erected under the provisions of this Ordinance.

Saving clause preserving existing rights. (13 of 1901, s. 68.)

172. Nothing in this Ordinance contained relating to public latrines shall, in any way, be deemed to derogate from any existing rights or powers of the Government.

*Open Spaces, Scavenging Lanes, etc.*

Open spaces to be provided for existing buildings. (13 of 1901, s. 55.)

173.—(1.) Every existing domestic building shall be provided by the owner with an open space in the rear, by opening out on each storey one-half of the entire space intervening between the principal room or rooms and the main wall at the back of such building as well as the corresponding portion of roof, unless such building is already provided with an open and unobstructed back-yard of at least fifty square feet in area, and the building must be provided on every storey with a window of at least ten square feet superficial area opening into such open space. The area of such window shall not be included in calculating the window area required by section 152 (6) of this Ordinance.

Buildings with two main frontages. (*Ibid.*)

(2.) For the purposes of this section any domestic buildings (other than corner houses) having two main frontages in different streets shall be regarded as two domestic buildings if the entire depth from frontage to frontage exceeds fifty feet.

Modifications in special cases. (*Ibid.*)

(3.) The Board with the consent of the Governor in Council shall have power, in special cases, to modify the foregoing requirements of this section where such modification may appear necessary.

Obstructions in such open spaces prohibited. (*Ibid.*)

(4.) In no case may any obstruction whatever be placed or erected in the open spaces [provided in accordance with the provisions of any Ordinance,] with the exception of a bridge or covered way on each storey not exceeding three feet six inches in width when such bridge is necessary as a means of access to any part of the domestic building.

Open space on area between new building and hill-side. (13 of 1901, s. 51 amended.)

174. No person who shall erect a new domestic building on a site excavated out of a slope or declivity, within an urban district shall permit such new building to abut against the hill-side, but a clear intervening space or area of [a width of not less than one-fourth of the height of such new building shall be left between such new building, along its whole extent, and the toe of the slope of the hill-side: Provided that such intervening space or area shall in no case be of a less width than eight feet in any part as measured on the ground level of such building, and shall not encroach in any way upon any street and provided further that the Governor in Council may grant exemption in any case in which the provisions of this section may appear to him to be inapplicable.]

*This section shall not apply where the basement storey of a shop is lit by a window of at least ten square feet superficial area in the front wall of such shop and above the level of the foot-path.*

Sub-soil drainage of such open spaces. (13 of 1901, s. 52 amended.)

175. Every person who shall, under the provisions of the foregoing section leave a clear intervening space or area between a new domestic building and the hill-side, shall make the surface of the floor of such area at least six inches lower than the level of the lowest floor of such new building,

and he shall *if so required by the Building Authority* lay, to the full extent of such area, along the toe of the slope of the hill-side, and to a depth of at least twelve inches below the surface, a line of hard, sound, stone-ware field-pipes, of not less than three inches diameter, for the purposes of effectually draining the subsoil of such area, and he shall not cause such subsoil drain to be passed out under the floor of any building, unless any other mode of outlet may be impracticable; and, in such case, he shall cause the subsoil drain to be so laid under the ground floor of such new building, that there shall be a distance of at least nine inches between the top of such drain and the surface of such ground floor. The floor of every such area shall have a fall of not less than *one in forty towards the outlet for the drainage of such area* and shall be covered with a layer of impervious material, as provided for in this Ordinance [and shall be channelled.]

176. Every area shall be kept, at all times, free and unobstructed by structures of any kind other than a bridge or flight of steps [not exceeding three feet six inches in width] nor shall such area be roofed in, or covered over with glass or other material. No bridge or flight of steps shall be placed over any window opening into such area. Every area *abutting on or adjacent to a street* shall be provided with a suitable parapet wall, or safe iron railing, or fence, along its upper edge.

Structures in areas prohibited. (13 of 1901, s. 53 amended.)

[177. Every domestic building erected on land obtained from the Crown after the date of the commencement of this Ordinance shall be provided by the owner with an open space in the rear exclusively belonging to such building, equal in area to not less than one-half of the roofed over area of such building, and a portion of such open space shall be specially set apart to provide a scavenging lane, of a width of not less than six feet, (half of which may be provided by the adjacent owner) in the rear of such building, unless such a lane already exists in the rear of such building. *Provided that a scavenging lane shall not be required in the case of any detached or semi-detached domestic building, which has a side lane extending the entire depth of the building and of a width throughout of not less than four feet.*]

Open spaces in the rear of new buildings to be erected on land not yet sold by the Crown. (New.)

178. Every domestic building hereafter erected or re-erected on land held under lease from the Crown at the date of the commencement of this Ordinance shall be provided by the owner with an open and unobstructed space in the rear exclusively belonging to such building equal in area to not less than one-third of the roofed over area of such building, and a portion of such open space shall be specially set apart to provide a *public* scavenging lane of a width of not less than six feet (half of which may be provided *either at the same or at some future time*, by the adjacent owner) in the rear of such building, unless such a lane already exists in the rear of such building, or unless the Board shall grant exemption from the provision of such a lane.

Open spaces in the rear of buildings on land already sold by the Crown. (New.)

*Provided that a public scavenging lane shall not be required in the case of any detached or semi-detached domestic building which has a side lane extending the entire depth of the building and of a width throughout of not less than four feet and provided further that the Governor in Council shall have power to modify the foregoing requirements in any case in which the Crown Lease has specially provided for an open space in the rear of any such building of a less area than is hereby required and in any other case where such modification may be recommended by the Board.*

Public scavenging lanes not required in case of detached or semi-detached buildings.

*The amount of compensation to be paid to the owner for any such public scavenging lane shall be determined by the Board of Arbitrators hereinafter provided for.*

Compensation for scavenging lanes.

Kitchens, bath-rooms and latrines not exceeding ten feet in height may be erected in the open spaces required by the two foregoing sections, but such *buildings* shall not cover more than one-third of the said open spaces and the said open spaces shall not be enclosed except by boundary walls of a height not exceeding ten feet.

Erection of kitchens, bath-rooms and latrines in open spaces in rear of buildings.

No portion of any street, on land held under Lease from the Crown, upon which any domestic building fronts, shall be included in calculating the area of open space required by the two foregoing sections.

Scavenging lanes to be continuous and to open on public thoroughfares.

179. The Building Authority shall have the power to require that the scavenging lanes referred to in the two foregoing sections shall be so placed as to communicate throughout their entire width with similar lanes or open spaces in the rear of adjacent properties and such scavenging lanes shall wherever possible open upon public thoroughfares at both ends and shall be in all cases free from obstruction throughout. They shall also be, in all cases, continuous with the open spaces to be provided as aforesaid, but may be enclosed by boundary walls of a height not exceeding ten feet.

*Private Streets.*

New private streets to be approved by the Building Authority.  
(New.)

[180. 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 and approved by the Building Authority.]

Width of new private streets regulated.  
(New.)

[181. No new street on land held under Lease from the Crown, within the City of Victoria, in which domestic buildings front shall be of a less width than thirty feet and no such street 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.]

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

182. Every person who shall erect fronting a private lane any new domestic building other than a godown inhabited by such caretakers as are necessary for the protection of the property shall so place the said building that along its entire frontage there shall be an open space of at least seven and a half feet in width, measured from the centre line of such lane.

Obstruction of streets by buildings prohibited.  
(New.)

[183. No building shall hereafter be erected or re-erected over any entrance to or over any portion of any street on land held under Lease from the Crown upon which domestic buildings abut, unless with the written consent of the Governor in Council.]

Compensation in case of refusal to allow re-erection.

*The amount of compensation to be paid to the owner of any such existing building, in the event of the refusal of the Governor in Council to consent to its re-erection shall be determined by the Board of Arbitrators hereinafter provided for.*

Maintenance and lighting of private back streets and lanes.  
(13 of 1901, s. 85.)

184. Every street on land held under Lease from the Crown in the rear of domestic buildings, shall be and shall be kept concreted, channelled, and drained, and may if the Building Authority thinks fit, be provided with lighting apparatus, by the Government, at the expense of the owners of the land abutting on such street, and the several owners of such land shall bear the cost of such concreting, channelling, draining and providing with such apparatus, in proportion to the width of their respective land at the place where it abuts on such street, and the Government may recover such proportionate cost together with interest thereon at the rate of eight per cent. per annum from the date of demand for payment of such proportionate cost made by the Building Authority from any such owner, by a suit in the name of the Building Authority in the Summary Jurisdiction of the Supreme Court. The cost of the illumination of such street shall, however, be borne by the Government.

All household refuse shall be regularly removed by the Government from every such street.

Maintenance and lighting of private front streets and lanes.  
(13 of 1901, s. 86.)

185. Every street on land held under Lease from the Crown upon which domestic buildings front shall, if it does not fall within the provisions of the immediately preceding section of this Ordinance, be and be kept surfaced, channelled, and drained, and may, if the Building Authority thinks fit, be provided with lighting apparatus, by the Government at the expense of the owners of the land abutting on such street, and the several owners of such land shall bear the cost of such surfacing, channelling, draining, and providing with lighting apparatus, in proportion to the width of their respective land at the place

where it abuts on such street, and the Government may recover such proportionate cost, together with interest thereon at the rate of eight per cent. per annum from the date of demand for payment of such proportionate cost made by the Building Authority from any such owner by a suit in the name of the Building Authority in the Summary Jurisdiction of the Supreme Court. The cost of the illumination of such street shall, however, be borne by the Government.

*Height of Buildings.*

186. 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 Board,] shall otherwise permit :—

Limitation of height of buildings. (30 of 1901, s. 5.)

(1.) 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.

(2.) 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.)

(3.) [No building on land held under Lease from the Crown at the date of the commencement of this Ordinance 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.]

*New.*

Provided that in the case of any street existing on the 29th day of December, 1894, *which opens at both ends into main thoroughfares, if* the length of such street does not exceed 420 feet, *and if* 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 [may be equal to the height of the existing building, if such building does not exceed in height twice the width of such street, but any existing building in any such street shall comply with the provisions of sub-sections (1) and (2) of this section.]

(15 of 1894, s. 12 amended.)

*And provided that the owner of any such land, who is aggrieved by the foregoing provisions of this sub-section, may if he so elect and within twelve months from the date of the commencement of this Ordinance require the Governor in Council to resume such land and to cancel such lease, and the Governor in Council shall thereupon resume such land and forthwith cancel such lease. The amount of compensation to be paid to such owner shall be determined by the Board of Arbitrators hereinafter provided for, and shall be based on the rental which would be obtainable for a building of a height not exceeding that allowed by this Ordinance.*

Resumption when owner is aggrieved.

[(4.) No building on land obtained from the Crown after the date of the commencement of this Ordinance shall be erected to a height exceeding the width of the street on which it fronts.]

Height of buildings on land not yet sold. *New.*

(5.) No building shall exceed 76 feet in height above the level of the street, without the permission of the Board *and no domestic building hereafter erected shall, except by permission of the Governor in Council, exceed four storeys in height including the ground storey.*

Limitation of number of stories. (15 of 1894, s. 12.)

187.—(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 allowed by the foregoing section, 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, [or any ornamental tower, turret, or other architectural feature or decoration, or any parapet not exceeding three feet in height,] falling outside such lines, shall be deemed illegal.

Method of determination of height of buildings. (21 of 1897, s. 2.)

(21 of 1897,  
s. 2  
amended.)

(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, [the height shall be measured from the central point of the frontage of such building, and] 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.

*Drainage Works.*

Drains must be provided in new buildings. (13 of 1901, s. 40.)

188. Every owner of a new building erected within the building of Victoria shall construct the ground floor of such building at such sufficiently high level as will allow of the construction of a drain and of the provision of the requisite communication with any public sewer into which such drain may lawfully empty, at a point in the upper half-diameter of such sewer.

All drainage works to be carried out by the Board or by persons approved by the Board (13 of 1901, s. 41.)

189. All works connected with the construction, [repair, amendment,] disconnexion, trapping, and ventilating of house-drains, shall be carried out at the cost and charges of the owner of the building, either by officers of the Board or by persons approved of by the Board, under the supervision of officers of the Board, and to the satisfaction of the *Board*.

Drains in existing buildings to be amended or reconstructed if defective. (13 of 1901, s. 42 amended.)

190. The *Board* may, by a written notice, require the owners of existing buildings, the drains of which are, in *its* opinion in a defective or insanitary condition, to construct, within a reasonable time, new house drains in accordance with the provisions of this Ordinance or of any bye-law for the time being in force, or to make such other improvements in the existing defective drainage of such buildings as may be necessary to meet the requirements of this Ordinance or of any bye-law made thereunder.

Groups of buildings shall be drained in combination if so required by the Board. (13 of 1901, s. 43 amended.)

191. If *the Board be advised* that a group of contiguous buildings may be drained more advantageously in combination than separately, *it* may order that such group be drained upon some *combined* plan to be approved by *it*, and the cost thereof, together with the expenses of maintenance, shall be apportioned by *the Board* between the different owners of such group of contiguous buildings.

Owner's liabilities as to drains. (13 of 1901, s. 44 amended.)

192. If any building be without a sufficient drain, and if a public sewer of sufficient size be within one hundred feet of the premises or outermost boundaries of the lot on which such building is situated, and if such public sewer be on a lower level, it shall be lawful for the *Board* to require the owner of such building to construct a drain in such a manner as shall allow of the requisite communication with such public sewer and such drain shall be adequately trapped and ventilated, to the satisfaction of the *sanitary surveyor* :

Provided always that, if any owner, by order of the said *Board* drains his building into a public sewer, he shall not be required to drain such building, at his own expense, into any other public sewer.

Suspected drains to be opened by an officer of the Board. (13 of 1901, s. 45 amended.)

193. Whenever the *Board* shall have reason to believe that the drains of any building are defective and in a condition injurious to health, it shall be lawful for *the Board* to order an inspecting officer to enter the premises and to inspect such drains, and, if requisite for the purpose of such inspection, such officer shall cause the ground to be opened in any place or places he may deem fit, doing as little damage as may be, and should such drains be found in a satisfactory condition, they shall be reinstated and made good at the public expense, but should such drains prove to be defective, *the Board* shall cause them to be properly reconstructed, [repaired, or amended by the owner] in accordance with the provisions of this Ordinance.

House drains required in villages and rural districts. (13 of 1901, s. 46.)

194. Every owner of a new building in the villages and rural districts of Hongkong and Kowloon shall construct the ground floor of such building at such sufficiently high level as will allow of the construction of a drain, and of the provision of the requisite communication with any public sewer into which such drain may lawfully empty or with any other means of drainage with which such drain may lawfully communicate.

195. Whenever feasible, every house-drain in the villages and rural districts of Hongkong and Kowloon shall hereafter be an open drain, consisting of a semi-circular channel of glazed stoneware jointed in cement mortar or of cement rendering of a thickness of not less than half an inch and laid to adequate falls on a bed of good lime or cement concrete, to the satisfaction of the Board.

Open drains to be provided in rural districts wherever feasible. (13 of 1901 s. 47.)

196. In isolated places not connected with any public drainage system, every such open drain shall lead and empty into a covered sump or cesspit built of brick or lime concrete rendered smooth in good Portland cement mortar in such manner as to be water-tight or shall be otherwise provided for as the Board may approve.

Sumps to be provided where there is no public drainage system. (13 of 1901 s. 48.)

197. Every house-drain on private property shall be laid as may be directed by the Board under the provisions of this Ordinance 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 to be regulated by the Director of Public Works. (15 of 1889, s. 74 and 11 of 1898 amended.)

*Design of Buildings.*

198. After the date of the commencement of this Ordinance it shall not be lawful to erect any Chinese [domestic building] other than quarters occupied by native servants, within the European Reservation or the Hill District, and no non-Chinese [domestic building] whether now built or hereafter to be built within such European Reservation or Hill District shall be divided, with the object of providing for its occupation by more than one person to every one thousand cubic feet of clear internal space.

Erection of Chinese domestic buildings within European Reservation or Hill District prohibited. (16 of 1888, s. 3. amended.)

199. Upon the complaint of any person—whether such person be aggrieved or not—that a Chinese [domestic building] has been built within the European Reservation or Hill District or that any [domestic building] in such district is sub-divided, in contravention of the provisions of this Ordinance, the Building Authority or any officer deputed by him for the purpose, shall inspect such building and any person in any way obstructing such inspection shall be deemed to be acting in contravention of this Ordinance.

Building Authority to inspect any such building in respect of which a complaint is received. (16 of 1888, s. 4 amended.)

200. Nothing in the two foregoing sections shall be held to prevent the owners of Chinese [domestic buildings] now existing within the European Reservation or Hill District from repairing such buildings in accordance with their present structure nor shall anything in this Ordinance be held to preclude any Chinese or other person from owning or occupying or residing in any lawful [domestic building] in the European Reservation or Hill District, nor shall the said sections apply to any land in the occupation of the War Department, but they shall apply to any land now in the occupation of the War Department whenever any such land ceases to be in such occupation.

Restriction does not apply to the residence of Chinese within the European Reservation or Hill District. (16 of 1888, ss. 6 and 7.)

201. Nothing contained in the foregoing sections shall be held to affect the right, which has hitherto been exercised by the Government, of forbidding the erection in any part of the Colony (whether in the European Reservation or the Hill District or elsewhere) of buildings of a different character from those previously existing on the same site. [The Building Authority shall have the power to refuse his approval of the plans of any building which differs in design or character from those in the immediate neighbourhood and may prescribe the class of buildings which shall be erected on any land not occupied by buildings at the date of the commencement of this Ordinance.] The Governor may however in his discretion permit the erection within the European Reservation or the Hill District of buildings of any type of architecture if he be satisfied that they are intended for a useful public purpose, other than habitation.

Preserving existing rights of the Government to regulate type of buildings to be erected. (16 of 1888, s. 8.)

*Occupation of New Buildings.*

202. 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 all Bye-laws made thereunder,] nor until the owner shall have received

Occupation of new building without a certificate prohibited. (15 of 1889, s. 53 amended.)



from the Building Authority a certificate [countersigned by the *medical officer of health* that the requirements of this Ordinance have been complied with.

Proviso.  
(*Ibid.*)

[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.*

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

203. Every owner of a building, which may be declared by the Building Authority, [or an officer deputed by the Governor in Council in that behalf, by an *order* 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 as aforesaid, a proper fence or hoarding for the protection of passengers.

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

204. 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 the Governor in Council in that behalf,] shall necessitate their being taken down partly or wholly shall, upon the receipt by the owner of an *order* in writing from the Building Authority, or an officer deputed as aforesaid, 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.

Recovery of  
expenses  
where build-  
ing is proved  
not to be  
dangerous.

*Any owner who has obeyed any such order may appeal to a Magis rate within three days from the execution of the work required by the order to be done, to determine whether such order was necessary and if he shall prove to the satisfaction of the Magistrate that the building in respect of which the order was made was not in such a dangerous condition as to justify such order it shall be lawful for such Magistrate to award to such owner such reasonable expenses as may have been incurred by him in complying with such order and the Crown shall thereupon pay to such owner the sum so awarded.*

Shoring or  
taking  
down of a  
dangerous  
building  
at cost of  
owner.  
(15 of 1889,  
s. 56 amend-  
ed.)

205.—(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 the Governor in Council 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 as aforesaid, 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.

(*Ibid.*)

(2.) In all cases of emergency, the Building Authority or an officer deputed as aforesaid, 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.

(*Ibid.*)

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

#### *Hoardings and Scaffoldings.*

Hoardings  
and scaffold-  
ings in  
thoroughfare  
require per-  
mission of  
Building  
Authority.  
(15 of 1889,  
s. 57  
amended.)

206. 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.

*Matsheds and other inflammable Structures.*

207.—(1.) It shall not be lawful for any person to erect or maintain, whether for temporary or for permanent occupation, any building 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 *H.* to this Ordinance or such other regulations as may [from time to time be made by the Governor in Council.]

Inflammable structures may not be erected without permission. (15 of 1889, s. 58 amended.)

(2.) No *such* building 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.

Such structures prohibited within gathering ground of a public reservoir. (*Ibid.*)

(3.) Any person who erects or maintains any building 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 building to be removed.

Penalty.

*Blasting.*

208. 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.

Precautions to be adopted when blasting stone, &c. (15 of 1889, s. 59 amended.)

*Earth Cutting.*

209. 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 *J.* to this Ordinance or such other regulations as may [from time to time be made by the Governor in Council,] 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.

Regulations as to earth cutting etc. (15 of 1889, s. 60 amended.)

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.*

210. 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, *other than timber in baulk*, on any such premises so situate, unless such timber be stored at a distance of at least 50 feet from any building.

Timber yards to be enclosed. (15 of 1889, s. 61.)

*Wells and Pools.*

Wells may only be sunk with permission of Building Authority. (15 of 1889, s. 67 as amended by 5 of 1896.)

211. 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.

Excavation allowing stagnant water prohibited. (13 of 1901, s. 49 amended.)

212. No premises shall be so excavated as shall admit of the formation, on the surface thereof, of pools of stagnant or other foul waters, and it shall be lawful for the *Board* to call upon the owner of any premises whereon such pools may exist, to fill up the same with good clean earth to the level of the surrounding ground, or to drain off such pools by means of surface-drains into any channel with which such surface-drains may lawfully communicate.

Closing of wells which are insanitary. (13 of 1901, s. 50 amended.)

213. Where it is made to appear to the *Board* that any well is in an insanitary condition, or is likely to prove injurious to health, and that it is expedient that it should be closed and filled up he may call upon the owner, by notice in writing under the hand of the secretary, to close and fill up the same within the time limited in such notice.

Penalty and costs.

If such notice is not complied with, the *Board* may cause the owner to be summoned before a Magistrate, and the Magistrate may make such order in the matter and as to costs as he may deem right. Should the Magistrate order the well to be closed and filled up he may impose a penalty not exceeding five dollars for each day his order is not complied with.

*Nullahs, Storm Water-channels and Drains.*

Building over drains without permission prohibited. (15 of 1889, s. 62 amended.)

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

Covering in of nullahs prohibited. (*Var.*)

[215. No nullah or storm water-channel, whether natural or artificial, shall hereafter be covered over except by a bridge not exceeding fifty feet in length, without the written consent of the *Director of Public Works*.]

Conditions to be imposed by the Director of Public Works. (15 of 1889, s. 62 amended.)

216. 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.]

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

217. 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 whether situated on Crown land or upon land held under lease from the Crown, 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.

*Boundary and Retaining Walls.*

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

218. No person shall, after the commencement of this Ordinance, construct or re-construct 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.

219. 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.

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

*Plans, Drawings, and Notices.*

220.—(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 [figured] dimensions and the position of all portions of the building or works, [and the purpose for which such works are intended,] 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 all bye-laws and Regulations made thereunder. [Every such plan and drawing shall, in the case of repairs or re-constructions, show *such portions* of the old building or works as the *Building Authority may require* 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-tenth*] 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.

[A block plan showing the neighbouring streets and buildings and drawn to a scale of not less than one inch to sixty feet, shall also be deposited with such plans and drawings and the Building Authority may require any other information concerning the proposed building and the uses to which it is to be put that he may deem 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 material misrepresentation in any plan or drawing so deposited and every *material* 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. In respect of any such divergence which is not so approved, any architect, engineer, or clerk of works who knowingly condones such divergence, and any contractor employed in the building or works who carries out such divergence 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 so as to comply with the requirements of this Ordinance and to the satisfaction of the Building Authority.]

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

Plans, drawings, etc. to be submitted in connection with all new works. (15 of 1889, s. 69 amended.)

Block plan to be submitted. (New.)

Copy of plans, etc., to be deposited with Building Authority. (15 of 1889, s. 69.)

Copy of plans, etc., showing drainage works to be deposited with Sanitary Board. (New.)

Misrepresentations in plans, etc., punishable. (New.)

Power of Magistrate to require compliance with Ordinance. (New.)

Penalty.  
(*New.*) [(6.) In the case of any material misrepresentation in any plan or drawing so deposited, the authorized architect who has signed 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.) **221.** It shall not be lawful to commence any building or works or to resume any building or works if they have been suspended for a period exceeding three months until [seven] days' notice in writing of the intention to commence or resume the same, in or according to the form contained in Schedule K, shall have been given to the Building Authority by leaving such notice at his office, [nor until such plans and drawings have been amended (if necessary) to the satisfaction of the Building Authority so as to comply with any Ordinances, Bye-laws and Regulations for the time being in force.] 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 drawings. 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 of any Bye-law or Regulation made thereunder is contravened during the progress of such building or works, or pending the issue of the certificate required by this Ordinance to be obtained prior to occupation.

Penalty. 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.) **222.** 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.*

Certificate of authorized architect required before alteration or addition to existing building or works.  
(*New.*) **[223.** 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, *in his opinion*, 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 Commissioner.*

Plans and drawings respecting building or works to be referred to medical officer of health.  
(*New.*) **[224.** The Building Authority shall, before he approves of any plan or drawing submitted under this Ordinance, refer the same to the *medical officer of health who shall indicate in what respect, if any, such plan or drawing does not conform with the sanitary requirements of this Ordinance and of the bye-laws made thereunder.*

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

Power to enter and inspect buildings and works.  
(15 of 1889, s. 75 amended.) **225.** 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 may *by an order in writing*, 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 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.]

*Stoppage or Diversion of Traffic.*

226. 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, public notice shall, wherever practicable, be given.

Director of Public Works may stop or divert traffic. (25 of 1891, s. 15.)

*Building Nuisances.*

227. The following shall be deemed to be nuisances under Part III of this Ordinance:—

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

In respect of any offence against paragraph 5 of this section any person who as architect, engineer, or clerk of works, specifies or knowingly condones the use of improper materials, or, as contractor, makes use of improper materials, 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.

Penalty.

*Abatement of Nuisances.*

228. Whenever the existence of a nuisance under this Part of 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 L. to this Ordinance (with such modifications, if any, as may be necessary) 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 [if specially authorized by the Building Authority] 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:

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

Proviso. (New.)

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

229. 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 amended.)

230. 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.)

231. 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. (15 of 1889, s. 82.)

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

#### *Service of Notice, Summons, or Order.*

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

233. Any notice, summons, or order, under the provisions hereinbefore contained in Part III 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.

### PART IV.

#### RIGHTS OF BUILDING AND ADJOINING OWNERS.

Provision concerning buildings on line of junction when adjoining lands are unbuilt on. (London Building Act, 1894.) (New.)

234 [Where lands held under lease from the Crown by different owners adjoin and are unbuilt on at the line of junction, and either owner is about to build on any part of the line of junction, the following provisions shall have effect:—

- (1.) If the building owner desire to build a party wall on the line of junction he may serve notice thereof on the adjoining owner describing the intended wall:
- (2.) If the adjoining owner consent to the building of a party wall, the wall shall be built half on the land of each of the two owners, or in such other position as may be agreed between the two owners:
- (3.) The expenses of the building of the party wall shall from time to time be defrayed by the two owners in due proportion, regard being had to the use made and which may be made, of the wall by the two owners respectively:
- (4.) If the adjoining owner do not consent to the building of a party wall, the building owner shall not build the wall otherwise than as an external wall placed wholly on his own land:
- (5.) If the building owner do not desire to build a party wall on the line of junction but desires to build an external wall placed wholly on his own land, he may serve notice thereof on the adjoining owner describing the intended wall:

- (6.) Where in either of the cases aforesaid the building owner proceeds to build an external wall on his own land, he shall have a right at his own expense at any time after the expiration of one month from the service of the notice to place on the land of the adjoining owner below the level of the lowest floor, the projecting footings on the external wall with concrete or other solid substructure thereunder, making compensation to the adjoining owner or occupier for any damage occasioned thereby, the amount of such compensation, if any difference arises, to be determined in the manner in which differences between building owners and adjoining owners are hereinafter directed to be determined :

Where an external wall is built against another external wall or against a party wall, it shall be lawful for the Building Authority to allow the footing of the side next such other external or party wall to be omitted.]

235. [The building owner shall have the following rights in relation to party structures (that is to say) :—

Rights of building owner in relation to party structures. (*Ibid.*)

- (1.) A right to make good, underpin, or repair any party structure which is defective or out of repair :
- (2.) A right to pull down and re-build any party structure which is so far defective or out of repair as to make it necessary or desirable to pull it down :
- (3.) A right to pull down any timber or other partition which divides any buildings, and is not conformable with the regulations of this Ordinance, and to build instead thereof a party wall conformable thereto :
- (4.) In the case of buildings having rooms or storeys the property of different owners intermixed, a right to pull down such of the said rooms or storeys, or any part thereof as are not built in conformity with this Ordinance, and to re-build the same in conformity with this Ordinance :
- (5.) In the case of buildings connected by arches or communications over streets belonging to other persons, a right to pull down such of the said buildings, arches or communications or such parts thereof as are not built in conformity with this Ordinance, and to re-build the same in conformity with this Ordinance :
- (6.) A right to raise and underpin any party structure permitted by this Ordinance to be raised or underpinned, or any external wall built against such party structure, upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof, and of carrying up to the requisite height all flues and chimney-stacks belonging to the adjoining owner on or against such party structure or external wall :
- (7.) A right to pull down any party structure which is of insufficient strength for any building intended to be built, and to re-build the same of sufficient strength for the above purpose upon condition of making good all damage occasioned thereby to the adjoining premises, or to the internal finishings and decorations thereof :
- (8.) A right to cut into any party structure upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (9.) A right to cut away any footing or any chimney breasts, jambs or flues projecting, or other projections from any party wall or external walls, in order to erect an external wall against such party wall, or for any other purpose upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (10.) A right to cut away or take down such parts of any wall or building of an adjoining owner, as may be necessary in consequence of such wall or building overhanging the ground of the building owner, in order to erect an upright wall against the same on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down :
- (11.) A right to perform any other necessary works, incident to the connection of a party structure with the premises adjoining thereto. But the above rights shall be subject to this qualification, that any build-



ing which has been erected previously to the date of the commencement of this Ordinance shall be deemed to be conformable with the provisions of this Ordinance, if it be conformable with the provisions of the Ordinances regulating buildings before the date of the commencement of this Ordinance :

(12.) A right to raise a party fence wall, or to pull the same down and re-build it as a party wall.]

Requirements of adjoining owner in relation to party structures. (London Building Act, 1894.)

236.—[(1.) Where a building owner proposes to exercise any of the foregoing rights with respect to party structures, the adjoining owner may by notice require the building owner to build on any such party structure such chimney copings, jambs, or breasts, or flues, or such piers or recesses, or any other like works as may fairly be required for the convenience of such adjoining owner, and may be specified in the notice, and it shall be the duty of the building owner to comply with such requisition in all cases where the execution of the required works will not be injurious to the building owner, or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his right.

(2.) Any difference that arises between a building owner and an adjoining owner in respect of the execution of any such works shall be determined in the manner in which differences between building owners and adjoining owners are hereinafter directed to be determined.]

Notice to be given by building owner before works are commenced. (*Ibid.*)

237.—[(1.) A building owner shall not, except with the consent in writing of the adjoining owner, and of the adjoining occupiers, or in cases where any wall or party structure is dangerous (in which cases the provisions of Part III of this Ordinance shall apply), exercise any of his rights under this Ordinance in respect of any party fence wall unless at least one month, or exercise any of his rights under this Ordinance, in relation to any party wall or party structure other than a party fence wall, unless at least two months before doing so he has served on the adjoining owner of a party wall or party structure notice stating the nature and particulars of the proposed work and the time at which the work is proposed to be commenced.

(2.) When a building owner in the exercise of any of his rights under this Part of the Ordinance lays open any part of the adjoining land or building he shall at his own expense make and maintain for a proper time a proper hoarding and shoring or temporary construction for protection of the adjoining land or building and the security of the adjoining occupier.

(3.) A building owner shall not exercise any right by this Ordinance given to him in such manner or at such time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier.

(4.) A party wall or structure notice shall not be available for the exercise of any right, unless the work to which the notice relates is begun within six months after the service thereof, and is prosecuted with due diligence.

(5.) Within one month after receipt of such notice the adjoining owner may serve on the building owner a notice, requiring him to build on any such party structure any works to the construction of which he is hereinbefore declared to be entitled.

(6.) The last mentioned notice shall specify the works required by the adjoining owner for his convenience, and shall, if necessary, be accompanied by explanatory plans and drawings.

(7.) If either owner do not within fourteen days after the service on him of any notice, express his consent thereto, he shall be considered as having dissented therefrom, and thereupon a difference shall be deemed to have arisen between the building owner and the adjoining owner.]

Differences between building owner and adjoining owner. (London Building Act, 1894.)

238.—[(1.) In all cases not specially provided for by this Ordinance where a difference arises between a building owner and adjoining owner in respect of any matter arising with reference to any work to which any notice given under this Part of this Ordinance relates unless both parties concur in the appointment of one authorized architect they shall each appoint an authorized architect, and the two authorized architects so appointed shall select a third authorized architect, and such one authorized architect, or three authorized architects, or any two of them, shall settle any matter from time to time during the continuance of any

work to which the notice relates in dispute between such building and adjoining owner, with power by his or their award to determine the right to do, and the time and manner of doing any work, and generally any other matter arising out of or incidental to such difference, but any time so appointed for doing any work shall not, unless otherwise agreed, commence until after the expiration of the period by this Part of this Ordinance, prescribed for the notice in the particular case.

(2.) Any award given by such one authorized architect, or by such three authorized architects, or by any two of them shall be conclusive, and shall not be questioned in any court, with this exception, that either of the parties to the difference may, within fourteen days from the date of the delivery of the award, appeal therefrom to a *Judge of the Supreme Court, in chambers*, and such *Judge* may, subject as hereafter in this section mentioned, rescind the award or modify it in such manner as he thinks just.

(3.) If either party to the difference make default in appointing an authorized architect for ten days after notice has been served on him by the other party to make such appointment the party giving the notice may make the appointment in the place of the party so making default.

(4.) The costs incurred in making or obtaining the award shall be paid by such party as the authorized architect or authorized architects determine.

(5.) If the appellant from any such award on appearing before *such Judge as aforesaid* declare his unwillingness to have the matter decided by *such Judge* and prove to the satisfaction of *such Judge* that in the event of the matter being decided against him he will be liable to pay a sum, exclusive of costs, exceeding five hundred dollars and gives security, to be approved by *such Judge* duly to prosecute *an action in the Supreme Court* and to abide the event thereof, all proceedings *before such Judge* shall thereupon be stayed, and the appellant may bring an action in the Supreme Court of the Colony against the other party to the difference.

(6.) The plaintiff in such action shall deliver to the defendants an issue whereby the matters in difference between them may be tried, and the form of such issue in case of dispute or in case of the non-appearance of the defendant shall be settled by the Supreme Court, and such action shall be prosecuted and issue tried in the same manner and subject to the same incidents in and subject to which actions are prosecuted and issues tried in other cases within the jurisdiction of the Supreme Court, or as near thereto as circumstances admit.

\* (7.) If the parties to any such action agree as to the facts a special case may be stated for the opinion of the Supreme Court, and any case so stated may be brought before the Court in like manner and subject to the same incidents in and subject to which other special cases are brought before such Court, or as near thereto as circumstances admit, and any costs that may have been incurred *before the Judge in chambers* by the parties to such action as is mentioned in this section shall be deemed to be costs incurred in such action and be payable accordingly.

(8.) Where both parties to the difference have concurred in the appointment of one authorized architect for the settlement of such difference then if such authorized architect refuse or for seven days neglect to act, or *if he* die, or become incapable to act before he has made his award the matters in dispute shall be determined in the same manner as if such single authorized architect had not been appointed.

(9.) Where each party to the difference has appointed an authorized architect for the settlement of the difference and a third authorized architect has been selected, then, if such third authorized architect refuse, or for seven days neglect to act, or before such difference is settled, die, or become incapable to act, the two authorized architects shall forthwith select another third authorized architect in his place, and every third authorized architect so selected as last aforesaid, shall have the same powers and authorities as were vested in his predecessor.

(10.) Where each party to the difference has appointed an authorized architect for the settlement of the difference, then, if the two authorized architects appointed refuse, or for seven days after request of either party, neglect to select a third authorized architect, or another third au-

thorized architect for the time being, the Governor may, on the application of either party, appoint the Director of Public Works or some other fit person to act as third authorized architect, and every person so selected shall have the same powers and authorities as if he had been selected by the two authorized architects appointed by the parties.

(11.) Where each party to the difference has appointed an authorized architect for the settlement of the difference, then, if before such difference is settled, either authorized architect so appointed die, or become incapable to act, the party by whom such authorized architect was appointed may appoint in writing some other authorized architect to act in his place, and if for the space of seven days after notice served on him by the other party for that purpose, he fail to do so, the other authorized architect may proceed *ex parte*, and the decision of such other authorized architect shall be as effectual as if he had been a single authorized architect in whose appointment both parties had concurred, and every authorized architect so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former authorized architect, at the time of his death or disability as aforesaid.

(12.) Where each party to the difference has appointed an authorized architect for the settlement of the difference, then if either of the authorized architects refuse, or for seven days neglect to act, the other authorized architect may proceed *ex parte*, and the decision of such other authorized architect shall be as effectual as if he had been a single authorized architect in whose appointment both parties had concurred.]

Right of entry of building owner.  
(London Building Act, 1894.)

239. [A building owner, his servants, agents and workmen, at all usual times of working, may enter and remain on any premises for the purpose of executing, and may execute any work which he has become entitled or is required, in pursuance of this Ordinance to execute, removing any furniture or doing any other thing which may be necessary, and if the premises are closed, he and they may, accompanied by a constable or other officer of the peace, break open any fences or doors in order to effect such entry :

Provided that before entering on any premises for the purposes of this section the building owner shall, except in the case of emergency, give fourteen days' notice of his intention so to do to the owner and occupier, and in case of emergency shall give such notice as may be reasonably practicable.

Underpinning or strengthening of foundations of adjoining building.  
(*Ibid.*)

240. [Where a building owner intends to erect within ten feet of a building belonging to an adjoining owner a building any part of which within such ten feet extends to a lower level than the foundations of the building belonging to the adjoining owner, he may, and if required by the adjoining owner shall (subject as hereinafter provided) underpin or otherwise strengthen the foundations of the said building so far as may be necessary, and the following provisions shall have effect :—

- (1.) At least two months' notice in writing shall be given by the building owner to the adjoining owner stating his intention to build, and whether he proposes to underpin or otherwise strengthen the foundations of the said building, and such notice shall be accompanied by a plan and sections, shewing the site of the proposed building, and the depth to which he proposes to excavate :
- (2.) If the adjoining owner shall, within fourteen days after being served with such notice, give a counter notice in writing that he disputes the necessity of or require such underpinning or strengthening, a difference shall be deemed to have arisen between the building owner and the adjoining owner :
- (3.) The building owner shall be liable to compensate the adjoining owner and occupier for any inconvenience, loss or damage which may result to them by reason of the exercise of the powers conferred by this section :
- (4.) Nothing in this section contained shall relieve the building owner from any liability to which he would otherwise be subject in case of injury caused by his building operations to the adjoining owner.]

241. [An adjoining owner may, if he think fit, by notice in writing, require the building owner (before commencing any work which he may be authorized by this Part of this Ordinance to execute) to give such security as may be agreed upon, or in case of difference may be settled by a *Judge of the Supreme Court, in chambers*, for the payment of all such expenses, costs and compensations in respect of the work as may be payable by the building owner.

Adjoining owner may require security to be given. (London Building Act, 1894.)

The building owner may, if he think fit, at any time after service on him of a party wall or party structure requisition by the adjoining owner, and before beginning a work to which the requisition relates, but not afterwards, serve a counter requisition on the adjoining owner, requiring him to give such security for payment of the expenses, costs, and compensation for which he is or will be liable, as may be agreed upon, or in case of difference, may be settled as aforesaid.

If the adjoining owner do not within one month after service of that counter requisition give security accordingly, he shall at the end of that month be deemed to have ceased to be entitled to compliance with his party wall or party structure requisition, and the building owner may proceed as if no party wall or party structure requisition had been served on him by the adjoining owner.]

242.—(1.) As to expenses to be borne jointly by the building owner and the adjoining owner:—

Expense to be borne jointly by building owner and adjoining owner. (*Ibid.*)

(a.) If any party structure be defective or out of repair the expense of making good underpinning or repairing the same shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner makes or may make of the structure;

(b.) If any party structure be pulled down and re-built by reason of its being so far defective or out of repair as to make it necessary or desirable to pull it down, the expense of such pulling down and re-building shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of the structure;

(c.) If any timber or other partition, dividing a building, be pulled down in exercise of the right by this Part of this Ordinance vested in a building owner and a party structure be built instead thereof, the expense of building such party structure and also of building any additional party structures that may be required by reason of the partition having been pulled down, shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of the party structure and to the thickness required for the support of the respective buildings parted thereby;

(d.) If any rooms or storeys or any parts thereof, the property of different owners, and intermixed in any building, be pulled down in pursuance of the right by this Part of this Ordinance vested in a building owner and be re-built in conformity with this Ordinance, the expense of such pulling down and re-building shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of such rooms or storeys.

(e.) If any arches or communications over public ways or over passages belonging to other persons than the owners of the buildings connected by such arches or communications, or any part thereof, be pulled down in pursuance of the right by this Part of this Ordinance vested in a building owner, and be re-built in conformity with this Ordinance, the expense of such pulling down and re-building shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner makes of such arches or communications.

(2.) As to expenses to be borne by the building owner:—

Expenses to be borne by the building owner.

(a.) If any party structure or any external wall built against another external wall be raised or underpinned in pursuance of the power by this part of this Ordinance vested in a building owner, the expense of raising or underpinning the same and of making good all damage occasioned thereby, and of carrying up to the requisite height all such flues and chimney-stacks

belonging to the adjoining owner on or against any such party structure or external wall as are by this Part of this Ordinance required to be made good and carried up shall be borne by the building owner :

- (b.) If any party structure which is of proper materials and sound or not so far defective or out of repair as to make it necessary or desirable to pull it down, be pulled down and re-built by the building owner, the expense of pulling down and re-building the same and of making good any damage by this Part of this Ordinance required to be made good, and a fair allowance in respect of the disturbance and inconvenience caused to the adjoining owner shall be borne by the building owner :
- (c.) If any party structure be cut into by the building owner, the expense of cutting into the same, and of making good any damage by this Part of this Ordinance required to be made good shall be borne by such building owner :
- (d.) If any footing, chimney-breast, jambs or floor be cut away in pursuance of the powers by this Part of this Ordinance vested in a building owner, the expense of such cutting away and making good any damage by this Part of this Ordinance required to be made good shall be borne by the building owner :
- (e.) If any party fence wall be raised for a building, the expense of raising such shall be borne by the building owner :
- (f.) If any party fence wall be pulled down and built as a party wall, the expense of pulling down such party fence wall and building the same as a party wall shall be borne by the building owner.

If at any time the adjoining owner make use of any party structure or external wall (or any part thereof) raised or underpinned as aforesaid, or of any party fence wall pulled down and built as a party wall (or any part thereof) beyond the use thereof made by him before the alteration, there shall be borne by the adjoining owner from time to time a due proportion of the expenses (having regard to the use that the adjoining owner may make thereof :—

- (i.) Of raising or underpinning such party structure or external wall, and of making good all such damage occasioned thereby to the adjoining owner, and of carrying up to the requisite height all such flues and chimney-stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this Part of this Ordinance required to be made good and carried up ;
- (ii.) Of pulling down and building such party fence wall as a party wall.]

Statement of expenses to be submitted by building owner. (London Building Act, 1894.) 243. [Within one month after the completion of any work which a building owner is by this Part of this Ordinance authorized or required to execute, and the expense of which is in whole or in part to be borne by an adjoining owner, the building owner shall deliver to the adjoining owner an account in writing of the particulars and expense of the work, specifying any deduction to which such adjoining owner or other person may be entitled in respect of old materials, or in other respects, and every such work shall be estimated and valued at fair average rates and prices according to the nature of the work, and the locality and the market price of materials and labour at the time.]

Difference between building owner and adjoining owner as to expenses. (*Ibid.*) 244. [At any time within one month after the delivery of the said account the adjoining owner, if dissatisfied therewith, may declare his dissatisfaction to the building owner by notice in writing served by himself or his agent, and specifying his objection thereto, and thereupon a difference shall be deemed to have arisen between the parties, and shall be determined in manner hereinbefore in this Part of this Ordinance provided for the settlement of differences between building and adjoining owners.]

Failure by adjoining owner to express dissatisfaction to be deemed acceptance. (*Ibid.*) 245. [If within the said period of one month the adjoining owner do not declare in the said manner his dissatisfaction with the account, he shall be deemed to have accepted the same, and shall pay the same on demand to the party delivering the account, and if he fail to do so, the amount so due may be recovered as a debt.]

246. [Where the adjoining owner is liable to contribute to the expenses of building any party structure, then, until such contribution is paid, the building owner at whose expense the same was built shall stand possessed of the sole property in the structure.]

Failure by adjoining owner to contribute to expenses leaves building owner possessed of sole property. (*Ibid.*)

247. [The adjoining owner shall be liable for all expenses incurred on his requisition by the building owner, and in default payment of the same may be recovered from him as a debt.]

Adjoining owner liable for expenses incurred on his requisition. (*Ibid.*)

248 [Nothing in this Ordinance shall authorize any interference with any other easements in or relating to a party wall, or take away, abridge, or prejudicially affect any right of any person to preserve or restore any other thing in or connected with a party wall in case of the party wall being pulled down or re-built.]

Preserving all other easements and rights in regard to party wall structures. (*Ibid.*)

#### PART V.

##### RESUMPTION.

249.—(1.) Whenever the Governor in Council shall decide that the resumption of any land including buildings (if any) erected on such land or on any part or section thereof, is required for a public purpose it shall be lawful for the Governor to enter into negotiations with the person whose name, for the time being, is registered in the Land Registry Office of the Colony, as the owner of such land, or with any other person having any proprietary interest therein, for the purchase of such land and all the right, title and interest therein, and in case of the failure (in the opinion of the Governor) of such negotiations or in case it is not known who the owner is, to give notice that such land will be resumed on the expiration of four months from the publication of such notice, and that thereupon such compensation in respect of such resumption will be paid as may be awarded in the manner hereinafter provided.

Power of resumption by the Crown defined. (32 of 1900, s. 3 verbally amended.)

(2.) Such notice shall be published in the Gazette in English and Chinese and copies thereof shall be affixed upon a conspicuous part of the land to be resumed, and such publication shall be deemed to be notice to the owner and to every person interested in the land or having any right or easement therein.

(3.) On the expiration of four months as aforesaid, the land shall revert to the Crown and all rights of the owner, his assigns or representatives, or of any other person in or over the land or any part thereof shall absolutely cease.

250. After the expiration of four months as aforesaid, a Board of Arbitrators shall be appointed to determine the amount of compensation to be paid in respect of such resumption, and such Board shall in each case consist of three members and be constituted in manner following, viz.:—

Constitution of Board of Arbitrators. (32 of 1900, s. 4.)

(1.) The Chairman of the Board shall be *the Puisne Judge of the Supreme Court.*

(2.) The two other members of the Board shall consist of one member to be nominated by the Governor and the other by the owner of the land resumed: Provided always that the member nominated by the Governor may be the Director of Public Works or any public officer.

(3.) Notice in writing of the nomination by the Governor of a member of the Board shall be forthwith given to the owner by publication in the Gazette, and if he shall not nominate a member of the Board within seven days from the date of such publication it shall be lawful for the Chairman to nominate and appoint any person other than a member of the Colonial Civil Service on behalf of such owner.

(4.) The Governor may also appoint some person to act as clerk to the Board at such remuneration as he may think fit.

251. The constitution of such Board of Arbitrators shall be notified in the Gazette and within fourteen days from such notification the Board shall commence its sittings at such time and place as the Chairman may in and by such notification or by any other notification in the Gazette appoint.

Notification of constitution of Board of Arbitrators. (33 of 1900, s. 5.)

No suit to lie but claims to be sent in writing to the Board of Arbitrators. (32 of 1900, s. 6.)

252. No suit or action shall lie either against the Crown or against any other person for any loss or damage resulting to any person from any resumption of any land as aforesaid, but any person claiming compensation whether as owner or otherwise by reason of such resumption shall, before the commencement of the sittings of the Board of Arbitrators, transmit to the clerk of such Board if appointed or, if no clerk be appointed, to the Colonial Secretary for transmission to such Board, a written claim stating the nature of his right or interest in the land and the amount which he seeks to recover.

Consideration of claims. (32 of 1900, s. 7.)

253. Every claim shall be separately considered and adjudicated upon unless the parties otherwise agree.

Powers of Board of Arbitrators. (32 of 1900, s. 8.)

254. The Board of Arbitrators when constituted shall have the following powers and authorities, viz.:—

- (1.) To determine the compensation to be paid in respect of such resumption or in respect of the extinction of any right or easement caused by such resumption, regard being had not only to the value of the land taken and any buildings thereon but also to any damage or injury resulting to the owner of the land resumed by reason of the severance of such land from other land of such owner contiguous thereto, and to award compensation in respect of such resumption or extinction to all persons claiming compensation to whom the Board may find compensation to be due.
- (2.) To award costs in their discretion either for or against the Crown, or for or against any parties claiming compensation, such costs in case of difference to be settled by the Registrar of the Supreme Court.
- (3.) All such powers as are now or may be hereafter vested in the Supreme Court of the Colony or in any judge thereof on the occasion of any suit or action in respect of the following matters:—
  - (a.) The enforcing the attendance of witnesses and examining them on oath or otherwise as they may think fit.
  - (b.) The compelling the production of any documents.
  - (c.) The punishing persons guilty of contempt.
  - (d.) The ordering an inspection of premises.
  - (e.) The entering upon and viewing of any premises.

Assessment of compensation where property is resumed. (32 of 1900, s. 9.)

255. When any property is resumed under this Ordinance, the Board of Arbitrators, in determining the compensation to be paid and in estimating the value of the land resumed and of any buildings thereon, may—

- (a.) take into consideration the rental of the building or premises during the preceding three years, as furnished by the owner in pursuance of the Rating Ordinance 1888 or of any Ordinance amending the same, the nature and the condition of the property and the probable duration of the buildings in their existing state and the state of repair thereof;
- (b.) decline to make any compensation for any addition to or improvement of the property made after the date of the publication in the Gazette of the notice of intended resumption (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repair);

Proviso. (*Ibid.*)

Provided that, in the case of any interest acquired after the date of such publication, no separate estimate of the value thereof shall be made so as to increase the amount of compensation.

Evidence that may be received.

The said Board may also receive evidence to prove:—

- (1.) that the rental of the building or premises was enhanced by reason of the same being used as a brothel, or as a gaming house, or for any illegal purpose; or
- (2.) that the house or premises are in such a condition as to be a nuisance, within the meaning of this Ordinance, or are not in reasonably good repair; or

(3.) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation.

And if the said Board is satisfied by such evidence, then the compensation—

Basis of assessment of compensation.

(a.) shall, in the first case, so far as it is based on rental, be based on the rental which would have been obtainable if the house or premises had not been occupied as a brothel or as a gaming house or for any illegal purpose; and

(b.) shall, in the second case, be the amount estimated as the value of the house or premises if the nuisance had been abated or if they had been put into reasonable good repair, after deducting the estimated expense of abating the nuisance, or putting them into such repair, as the case may be; and

(c.) shall, in the third case, be the value of the land, and of the materials of the buildings thereon:

Provided also that, where insanitary property is resumed for the purpose of securing the erection of improved dwellings or buildings thereon, or the sanitary improvement of such property, no additional allowance shall be made in respect of compulsory purchase. A certificate signed by the Colonial Secretary to the effect that the property was resumed as being insanitary and for the purpose mentioned in this proviso shall be conclusive evidence thereof.

Proviso where insanitary property is resumed. (*Ibid.*)

*Notwithstanding the provisions of this section, the owner of any land, including buildings (if any) erected on such land or on any part or section thereof, proposed to be acquired by the Crown for the sanitary improvement of the property, may within three months from the date of such notice as aforesaid give a counter notice to the Governor, through the Colonial Secretary, that he shall give up to the Crown so much of his said land as may be required to carry out the said sanitary improvement of the property and that he shall consent to the removal by the Crown of any building or part thereof upon such portion of such land to be given up by him as aforesaid, and that he shall become bound to reconstruct at his own expense any building upon the portion of the said land remaining in his possession according to the line and level fixed by the Crown for such property, and upon such counter notice being duly served upon the Governor, such portion only of the said land actually required to carry out the proposed sanitary improvement of the property shall be acquired by the Crown.*

Right of an owner to retain such portion of his land as is not required to carry out the proposed sanitary improvement of the property. (*New*).

256. Every notice under the hand of the Chairman of the Board of Arbitrators may be substituted for and shall be equivalent to any form of process capable of being issued in any suit or action for enforcing the attendance of witnesses, or compelling the production of documents; and any warrant of committal to prison issued for the purpose of enforcing any such powers as aforesaid shall be under the hand of the Chairman and shall not authorise the imprisonment of any offender for a period exceeding three months; and every notice, order or warrant of the said Board may be served and executed in the same manner as notices, orders and warrants of the Supreme Court may be served and executed under the procedure for the time being in force relating to civil suits or actions.

Notices by Board of Arbitrators. (32 of 1900, s. 10.)

257. If in the discharge of the duties devolving upon the Board of Arbitrators there shall occur a difference of opinion between the members, the decision of any two of them shall have the same force and effect as if all the members had concurred therein, and any decision arrived at by the said Board or a majority thereof shall not be subject to appeal and shall be final as regards all parties interested, and no award of compensation made with respect to the resumption of any land shall be liable to be set aside for irregularity or error in matter of form.

No appeal from decision of majority. (32 of 1900, s. 11.)

258. During the pendency of any proceedings before the Board of Arbitrators if any member of the said Board shall from any cause be or become unable to act, his place if he be a judge shall be filled by another judge or if he be a person appointed by the Governor or owner by some other person appointed by the Governor or owner as the case may require.

Vacancies on Board of Arbitrators. (32 of 1900, s. 12.)



- Re-grant of lands, &c. (32 of 1900, s. 13.) 259. All lands resumed under the provisions of this Ordinance may be demised and granted by the Governor upon such terms and conditions and at such price whether by way of rent, premium, or otherwise and either by public auction or private contract as the Governor may determine.
- Compensation to bear interest until paid. (32 of 1900, s. 14.) 260. All sums of money awarded and all costs against the Crown, if any, shall as soon as practicable after the award is published, be paid by the Governor out of the public revenues, and all sums awarded exclusive of costs shall bear interest at the rate of seven dollars per cent. from the date of the resumption of the land until payment.
- Notice of resumption to be conclusive evidence of a resumption for a public purpose. (32 of 1900 s. 15.) 261. In any notice to resume any land, it shall be sufficient to state that the resumption of such land is required for a public purpose without stating the particular purpose for which the land is required, and a notice containing such statement shall be conclusive evidence that the resumption is for a public purpose.
- Arrangement with owner to re-construct buildings. (32 of 1900, s. 16.) 262. Whenever the buildings or dwellings on any land are of insanitary construction as regards conditions of light and air, the Governor may, notwithstanding any of the powers of resumption herein contained or prior to the exercise of any such powers, permit the owner of such buildings or dwellings to re-construct or re-build the same or any part thereof upon such terms and conditions and subject to such security being given for the proper carrying out of such re-construction or re-building as the Governor may in his discretion think fit.
- Power for Board of Arbitrators to regulate proceedings. (32 of 1900, s. 17.) 263. Any Board of Arbitrators constituted under this Ordinance may make such rules and regulations as may be deemed necessary for the conduct of all proceedings before it.
- Saving of rights of resumption under Crown Leases. (32 of 1900, s. 18.) 264. *Nothing herein contained* shall be deemed to prevent the exercise by His Majesty, His heirs, or successors, of any power of resumption contained in any Crown Lease.

## PART VI.

## CONTRAVENTIONS AND PENALTIES.

- Contra-ventions. (13 of 1901, s. 89.) 265. Every act, failure, neglect, or omission whereby any requirement or provision of this Ordinance or of any bye-law, or regulation for the time being in force thereunder, is contravened, and every refusal to comply with any of such requirements or provisions shall be deemed a contravention of this Ordinance.
- Recovery of penalties. (13 of 1901, s. 91.) 266. All penalties imposed by Part II of this Ordinance or by any bye-laws made thereunder may be recovered in a summary manner before a Magistrate at the suit of the secretary, or of the medical officer of health, or of such other officer as the Board may depute.
- Penalty for building nuisance. (7 of 1895, s. 4 amended.) 267. Any person who [as architect, engineer, clerk of works, contractor, foreman, or workman] is responsible, either alone or jointly with others, for the existence of any nuisance as defined by Part III of 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 obstructing Building Authority or officer. (15 of 1889, s. 86 amended.) 268. Any person who refuses to obey the order of any Magistrate, issued under the provisions of Part III of this Ordinance, or who, without reasonable cause, refuses to permit the Building Authority, or any officer deputed by such Authority, 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.
- Penalty for other contra-ventions. (7 of 1895, s. 2.) [269. Any person who contravenes any of the provisions of this Ordinance or of any bye-law or 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 bye-law or by any regulation

made thereunder, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred dollars.]

270. A Magistrate may order that, in default of payment of any penalty imposed by him under this Ordinance, the person so in default shall be imprisoned with or without hard labour for a period not exceeding that provided by the scale contained in section fifty-seven of the Magistrates Ordinance, 1890. Imprisonment in default of payment of penalties. (13 of 1901, s. 91.)

271. 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 a Company. (13 of 1901, s. 90.)

272. Where proceedings under this Ordinance are competent against several persons in respect of the joint act or default of such persons, it shall be sufficient to proceed against one or more of them without proceeding against the others. Proceedings against several persons. (13 of 1901, s. 92.)

*Special Powers of Magistrate.*

273. It shall be lawful for a Magistrate in his absolute discretion to order the whole or any portion of any building, or of any storey containing a cubicle or partition, *which is contrary to the provisions of this Ordinance* to be forthwith closed by or under the direction of the Captain Superintendent of Police and to remain closed until the alterations or removal required by sections 152 and 173 of this Ordinance have or has been certified in writing by the secretary to have been made and completed to the satisfaction of the Board. Any person found living in any building or portion thereof so closed as aforesaid, shall be deemed to have acted in contravention of this Ordinance and shall be punishable accordingly. Closure of premises by order of a Magistrate. (13 of 1901, s. 93.)

274. It shall be lawful for a Magistrate in any case in which it is proved to his satisfaction that any mezzanine floor, cockloft, cubicle, partition or *shop-division* is not in accordance with the provisions of this Ordinance to order either in addition to or in substitution for any penalty specified in this Ordinance, the immediate demolition, removal, and destruction by any officer of the Board of any such mezzanine floor, cockloft, cubicle, partition or *shop-division*, or any portion thereof, and no compensation whatever shall be payable to any person in respect of any damage done to such mezzanine floor, cockloft, cubicle, partition or *shop-division* by such demolition, removal, and destruction. Power of Magistrate to order removal of illegal structures. (13 of 1901, s. 94.)

PART VII.

MISCELLANEOUS PROVISIONS.

*Appeal to Governor in Council.*

275. Whenever any person shall be dissatisfied with the exercise of the discretion of the *Sanitary Board* or of any person to whom discretionary power is given under this Ordinance in respect of any act, matter, or thing, which is by this Ordinance made subject to the exercise of the discretion of such *Authorities*, or whenever the provisions of this Ordinance are, owing to special conditions or unforeseen circumstances, inapplicable 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 to the Governor in Council against decision of any person to whom discretionary power is given under this Ordinance. (15 of 1889, s. 87 amended.)

*Regulations.*

276. The Governor in Council may from time to time alter, amend, or revoke the whole or any part of the provisions of Schedules C, D, E and J of this Ordinance and may substitute new rules or regulations for those therein specified. All such alterations, amendments, or new rules or regulations, shall be published in the Gazette. Governor in Council may make regulations.

*Application of Ordinance.*

277. Parts II, III and IV of 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, and the provisions of sections 111 and 112 shall not apply to any domestic building which existed on the 29th December, 1894, Ordinance not to apply to New Territories except New Kowloon unless Order in

Council shall unless such building is situated within the City of Victoria, so direct. or at Kowloon, or at Quarry Bay, or at Shaukiwan, or at (13 of 1901, s. Aberdeen, or within such other districts or places as may 98 amended.) from time to time be specified by the Governor in Council and notified in the Gazette.

Limitation of personal liability of members or officers of the Sanitary Board. (New).

278. No matter or thing done by the Sanitary Board and no matter or thing done by any member or officer of such Board or other person whomsoever acting under the direction of such Board shall, if the matter or thing were done bona fide for the purpose of executing this Ordinance subject them or any of them personally to any action liability claim or demand whatsoever.

Notice of action and service of writ. (New).

279. No writ or process shall be sued out against or served upon the Sanitary Board or any member or officer of such Board or other person acting in his aid for anything done or intended to be done or omitted to be done under the provisions of this Ordinance until the expiration of one month after notice in writing has been served on such Board, member, officer or person clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his attorney or agent in the cause and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served and unless such notice is proved the Jury shall find for the defendant. Every such action shall be commenced within six months next after the accruing of the cause of action and not afterwards.

#### SCHEDULE (A.)

##### Enactments Repealed.

Number and Year of Ordinance.	Short Title.	Extent of Repeal.
No. 17 of 1887.	The Cattle Diseases, Slaughter houses and Markets Ordinance.	The whole.
No. 4 of 1888.	An Ordinance for prohibiting the enclosure of verandahs erected over Crown Land.	The whole.
No. 16 of 1888.	The European District Reservation Ordinance.	The whole.
No. 15 of 1889.	The Buildings Ordinance, 1889.....	The whole.
No. 12 of 1890.	The Cattle Diseases, Slaughter Houses and Markets Ordinance, 1890.	The whole.
No. 23 of 1890.	Do. Do.	The whole.
No. 25 of 1891.	The Buildings (Amendment) Ordinance, 1891.	The whole.
No. 12 of 1894.	The Cattle Diseases, Slaughter Houses and Markets Ordinance, 1894.	The whole.
No. 15 of 1894.	The Closed Houses and Insanitary Dwellings Ordinance, 1894.	Sections 1, 2, 12, 19, and 20.
No. 7 of 1895.	The Buildings (Amendment) Ordinance, 1895.	The whole.
No. 17 of 1895.	The Cattle Diseases, Slaughter Houses and Markets Ordinance, 1895.	The whole.
No. 25 of 1895.	Do. Do.	The whole.
No. 5 of 1896.	An Ordinance to amend the Buildings Ordinance, 1889.	The whole.
No. 17 of 1897.	The Infected Milk Ordinance.	The whole.
No. 21 of 1897.	An Ordinance to amend The Closed Houses and Insanitary Dwellings Ordinance, 1894.	The whole.
No. 10 of 1898.	An Ordinance to amend the Cattle Diseases Slaughter houses and Markets Ordinance.	The whole.
No. 11 of 1898.	The Buildings (Amendment) Ordinance, 1898.	The whole.
No. 22 of 1899.	The Cattle Diseases, Slaughter houses and Markets Ordinance, 1899.	The whole.
No. 34 of 1899.	The Insanitary Properties Ordinance, 1899.	Sections 1, 2, 6, 13 and 14.
No. 32 of 1900.	The Crown Lands Resumption Ordinance.	The whole.
No. 13 of 1901.	The Public Health Ordinance, 1901.	The whole.
No. 23 of 1901.	The Public Health Amendment Ordinance.	The whole.
No. 30 of 1901.	An Ordinance to further amend the Law relating to Buildings.	The whole.
No 1 of 1902.	The Rats Ordinance, 1902.....	The whole.

## CATTLE-SHEDS, PIG-STIES, ETC.

1. Annual licences expiring on the 31st day of December of the year in which they are granted shall be issued for the keeping of cattle, swine, sheep and goats.
2. Any person desirous of obtaining a licence to keep cattle, swine, sheep or goats shall make application to the Board by means of a properly filled-in form, for which purpose blank forms can be obtained from the secretary of the Board at his office.
3. No building in which cattle, swine, sheep and goats are housed shall be situated nearer than six feet to any dwelling-house and shall not in any way connect with a public or private sewer except with the special permission of the Board. Such building shall be [built of brick or stone or of other material to be approved by the Board] and shall be lighted and ventilated to the satisfaction of the [colonial veterinary surgeon] and the flooring thereof shall be of granite slabs, concrete, or other impervious material and provided with water-tight channels for draining all urine and fluid noxious matters into a water-tight covered sump or such other place as may be approved of by the [Board]. The sump shall be constructed to the satisfaction of the [sanitary surveyor] and shall be emptied and the contents thereof together with solid manure in the building removed daily.
4. Each cow shall have at least twenty-four square feet nett area of standing room and three hundred and sixty cubic feet of air-space; but in no case shall the building be less than twelve feet in height.
5. Each sheep and goat shall have at least eight square feet of standing room and ninety cubic feet of air space.
6. Each pig shall have at least eight square feet of standing room, and every pig-sty shall be not less than four feet in height at its lowest part.
7. The buildings shall be at all times kept in a cleanly condition and the walls be scraped and lime-washed [during the months of January and July of each year.]
8. A building for which a licence is held to house cattle, swine, sheep or goats shall not be used for any other purpose than the housing of such animals except the storage of fodder, and the space occupied by such fodder shall not be included in the cubic air-space laid down in bye-laws 4, 5 and 6.
9. Buildings in which cattle, sheep, goats and swine are housed shall be at all times open to inspection by any member or officer of the Board.
10. Every licensee or, in his absence, the person in charge of the animals shall, with all possible speed, report to the [colonial veterinary surgeon or to the] officer in charge of the nearest Police Station any and every case of disease occurring amongst his animals. In the event of an animal dying the carcass shall not be removed or buried without an order in writing from the colonial veterinary surgeon or from some person authorized by him.
11. The Board may, in its discretion, cancel any licence to keep animals on the holder of such licence being a second time convicted before a Magistrate for a breach of these bye-laws.
12. In the calculation of cubic space under No. 4 of these bye-laws, two calves—under one year—shall be counted as one cow.
13. In the calculation of cubic space under Nos. 5 and 6 of these bye-laws, two lambs, two kids and two young pigs—under four months—shall be counted as one sheep, one goat, and one pig respectively.
14. Any person desirous of obtaining a licence for a building in which animals are to be housed shall make adequate provision that such building shall have a suitable supply of good wholesome water for the use of the animals to be housed therein, and such supply of water shall be within such distance of such building as shall in each case be determined by the [Board.]

## CEMETERIES.

## A.

*Cemeteries other than Chinese Cemeteries.*

1. Every cemetery shall be at all times open to inspection by any member of the Board or by any officer who may be directed to make such inspection.
2. Each grave shall bear a number.
3. A register shall be kept by the person or persons in charge of each cemetery, at or near each cemetery and the date of burial, name, sex, age and registered cause of death of each person shall be entered therein against the number of the grave in which the corpse is interred; such register shall be open to inspection by any member of the Board, or by any officer who may be directed to make such inspection, at any reasonable hour.
4. Each grave shall be dug to at least a depth of seven feet throughout.
5. Except as regards the corpses of children under five years of age, only one corpse shall be placed in one grave. In the case of the corpses of children under five years of age two corpses may be placed in one grave.
6. The interspace between any two graves at any point shall be at least eighteen inches.
7. Each grave on being filled in shall be properly covered with turf or chunam or such other material as may be approved of by the Board.
8. No grave may be re-opened after a corpse has been interred therein, without the written permission of the medical officer of health or other officer duly appointed by the Board for that purpose.
9. The person in charge of each cemetery shall give not less than two hours' notice to the overseer, or other officer of the Board duly appointed for the purpose, of intention to inter a corpse and the hour at which it is proposed that such interment shall take place.

B

*Chinese Cemeteries.*

10. Each cemetery shall be laid out in sections of such size and arranged in such manner as may be directed by the Board.
11. A plan of the cemetery or a tracing thereof as laid out shall be on view at or near to the cemetery and at the offices of the Board.
12. The plan shall show the position of each grave-space in each section and every such grave-space shall bear a number.
13. A register shall be kept in the English and Chinese languages at or near each cemetery and the date of burial, name, sex, age and registered cause of death of each person shall be entered therein against the number of the grave in which the corpse is interred.
14. *Each grave shall be dug to at least a depth of seven feet throughout.*
15. Except as regards the corpses of children under five years of age, only one corpse shall be placed in one grave. In the case of the corpses of children under five years of age two corpses may be placed in one grave.
16. Each grave on being filled in shall be covered with turf, chunan or such other material as may be approved of by the Board.
17. No grave may be re-opened after a corpse has been interred therein, without the written permission of the medical officer of health or other officer duly appointed by the Board for that purpose.
18. The following fees will be charged for each grave-space and interment in the various sections of the cemeteries:

Section A. Free.	Fifty cents for digging, filling in and covering each grave.	
.. B. \$ 1 and a dollar	}	for digging, filling in and covering each grave.
.. C. \$ 2 do.		
.. D. \$ 10 do.		
.. E. \$ 15 do.		

COMMON LODGING-HOUSES.

1. A register of all common lodging-houses shall be kept by the Registrar General in accordance with Form (a) appended to these bye-laws.
2. Before a house can be registered as a common lodging-house, an application must be made to the Registrar General in accordance with Form (b) hereunto appended, setting forth the situation of the house, the number of the rooms to be set apart for lodgers and the cubic capacity of each room so set apart, and for this purpose the schedule or form will be furnished by the Registrar General.
3. The Registrar General shall transmit each application for the registration of a house as a common lodging-house to the [Board] and the Board shall then cause the house specified in such application to be inspected by one or more of its officers who shall submit a report on the sanitary condition of such house and its suitability for use as a common lodging-house.
4. Any house to be registered as a common lodging-house must be substantially built and in a good state of repair, [and must be adequately lit and ventilated to the satisfaction of the medical officer of health,] and all the rooms which are to be used as sleeping rooms must be on all sides above the level of the ground immediately surrounding the house. The house-drains must be in good order and constructed in accordance with the bye-laws regulating house drainage, and there must be adequate kitchen, ablution, privy, urinal and ash-bin accommodation; and unless when the supply of water is constant, there must be a proper cistern for the storage of water.
5. When the [Board] is satisfied that a house sought to be registered as a common lodging-house is suitable for such a purpose, the Registrar General shall be informed accordingly and he may then register such house as a common lodging-house.
6. Before any person can be licensed as a keeper of a common lodging-house, an application must be made to the Registrar General, and such application must be accompanied by a certificate of character from one or more house-holders—to be approved of by the Registrar General,—who shall give security for the carrying out of the regulations by the licensed keeper.
7. When the Registrar General is satisfied with the character of an applicant for a licence to keep a common lodging-house he may issue a licence to such applicant accordingly.
8. The keeper of a common lodging-house shall reduce the number of lodgers in any room of his common lodging-house upon receiving notice in writing from the [Board] stating the cause for making such reduction, and the period for which it shall continue in force.
9. The keeper of a common lodging-house shall not permit his premises to be occupied, between the hours of 11 p.m. and 5 a.m., by a greater number of persons than that specified on the licence issued to him by the Registrar General.
10. The keeper of a common lodging-house shall not permit males and females above ten years of age respectively to occupy the same sleeping apartment except in the cases of husband and wife, and parents and children, and he shall not allow any person to occupy his house for immoral purposes.
11. The keeper of a common lodging-house shall not knowingly permit persons of bad character to lodge in his house and he shall maintain and enforce good order and decorum therein.
12. The keeper of a common lodging-house shall cause the windows of each of the sleeping rooms to be kept open to their full width for at least four hours each day, unless prevented by inclement weather or by the illness of any person occupying any of the rooms.
13. The keeper of a common lodging-house shall cause the internal walls and ceilings of every part of his house to be thoroughly cleansed and lime-washed during the months of January, [April,] July [and October] of each year.
14. The keeper of a common lodging-house shall at all times keep his premises in a clean and wholesome condition, and the fittings of the sleeping rooms shall be maintained by him in a thorough state of repair. He shall cause every room, passage and stair to be thoroughly swept at least once a day.

15. The keeper of a common lodging-house shall cause all filth and house refuse or other offensive matter to be removed from his premises daily.

16. If any person in a common lodging-house becomes ill from any infectious, contagious, or communicable disease, the keeper of such common lodging-house shall forthwith give notice thereof to the sanitary inspector in whose district the lodging-house is situated, or to the nearest Police Station or to the Registrar General, and the keeper of such common lodging-house shall cause the house to be vacated and shall allow the bedding, clothing, and other articles used by the infected person to be destroyed or disinfected and the house to be fumigated, disinfected and lime-washed, at the public expense.

*Form (a).*

*Form of Common Lodging-house Register.*

Date.	Register Number.	Situation of Lodging-house and Street Number thereof.	No. of Sleeping Rooms.	No. of Kitchens.	No. of Closets.	Nature of Water-Supply.	Maximum No. of Lodgers which can be received.	Name of Keepers.	Signature of Registering Officer.

*Form (b).*

*Application for a House to be registered as a Common Lodging-house.*

I, the undersigned, hereby make application to have the under-mentioned premises registered as a common lodging-house.

Signature of Applicant, .....  
Address, .....

Hongkong, \_\_\_\_\_ 19 \_\_\_\_\_

Situation of premises sought to be registered as a common lodging-house. .... }  
The number of floors to be used as a common lodging-house, ..... }  
The number of rooms set apart for lodgers, .....  
Cubic capacity of room No. 1..... cubic feet.  
Do. do. No. 2..... do.  
Do. do. No. 3..... do.  
Do. do. No. 4..... do.  
Do. do. No. 5, ..... do.  
Do. do. No. 6, ..... do.

To the Registrar General.

DAIRIES.

1. Any building used as a dairy shall be registered annually, during the month of January, at the office of the Board, and every application for registration shall be made in the form attached to these bye-laws.

2. [Every dairy shall be adequately lit and ventilated to the satisfaction of the medical officer of health and] the ground surfaces shall be paved with good lime or cement concrete laid down at least six inches thick, and the surface thereof shall be rendered smooth and impervious with asphalt, Portland cement, or such other material as the Board may approve of.

3. No person shall use any dairy as a sleeping room or for domestic purposes.

4. No animal shall be kept in any room which is used as a dairy.

5. Every dairy shall be so drained as to be in accordance with the requirements of the Public Health and Buildings Ordinance, and the bye-laws made thereunder, and all inlets to the drains shall be placed outside the [building.]

6. No water-closet, dry-closet, earth-closet, or urinal shall be within, or be in direct communication with any dairy.

7. Every dairy and all articles used therein shall be kept at all times in a cleanly condition and free from all noxious matter. The whole of the interior walls (unless tiled) and the ceilings of the rooms of the dairy shall be properly lime-washed during the months of January and July of each year.

8. Every dairy shall be at all times open to inspection by [any member or officer of the Board.]

9. No building or part of a building shall be used as a dairy until such premises have been approved by the [Board] as being in accordance with the bye-laws for the time being in force relating to the regulation of dairies and have been registered.

*Form of Application.*

I, the undersigned, hereby notify the Sanitary Board that I propose to <sup>commence</sup>~~continue~~ the business of a dairy on the premises known as No. \_\_\_\_\_ Street, \_\_\_\_\_ floor.

Lot No. \_\_\_\_\_, and I beg leave to request that the said premises may be duly registered as a dairy.

*Signature of Applicant.*

DEPÔTS FOR CATTLE, PIGS, SHEEP AND GOATS.

*A.—Within the Limits of the City of Victoria.*

1. The fee payable for each head of cattle housed for [removal] in a Government Depôt within the limits of the City of Victoria shall be fifty cents, and the fee payable for each pig, sheep or goat similarly housed shall be *ten* cents.

*B.—Outside the Limits of the City of Victoria.*

2. The fee payable for each head of cattle housed for slaughter in a Government Depôt outside the limits of the City of Victoria shall be two cents for the day of entry and a further sum of two cents for every additional day that each head of cattle remains in such depôt.

3. The fee payable for each head of cattle housed for [removal] in a Government Depôt outside the limits of the City of Victoria shall be fifty cents, and the fee payable for each pig, sheep or goat similarly housed shall be *ten* cents.

*C.—General.*

4. The Board provides water only for the use of the cattle, pigs, sheep and goats housed in the Government Depôts. The owners of such animals must provide proper and sufficient food, and must send men in sufficient numbers, to look after, feed, and water such animals.

Accommodation for such men is provided on the premises.

5. Neither the Government nor the Board will be responsible for the safe custody of any cattle, pigs, sheep or goats housed in the Government Depôts.

D. DISINFECTION OF INFECTED PREMISES.

1. In the following bye-laws the words "infected premises" mean and include any premises in which any person suffering from any contagious or infectious disease is or has been recently located.

The words "infectious disease" mean and include Bubonic Plague, Cholera, Small-pox, Diphtheria, Scarlet Fever, Typhus Fever, Enteric Fever, Relapsing Fever, Puerperal Fever, Measles and Whooping Cough and such other diseases as may from time to time be defined by the Board by resolution for the purpose.

2. When any person suffering from any infectious disease has been removed from any premises or has recovered or has died the medical officer of health shall take such steps as he may deem necessary for the disinfection and purification of the said premises.

3. Any building or part of a building in which any person attacked by bubonic plague, cholera, small-pox, or such other epidemic, endemic or contagious disease as may be, from time to time, notified in the Gazette, or in which the body of any person who has died of any such disease shall have been, or shall be found, shall forthwith, after the removal therefrom of the diseased person or of the dead body, be thoroughly cleansed and disinfected, to the satisfaction of the medical officer of health; and—if in the opinion of the medical officer of health or of any legally qualified and registered medical practitioner it is necessary, in the interests of the public health—the persons residing in such building or part of a building shall be detained therein or shall be removed to such buildings or vessels as the Board may direct and there isolated and kept under observation until such time as they may, in the opinion of the said medical officer of health or other medical officer in charge of such buildings or vessels, be safely released; and it shall not be lawful for any person to re-occupy any such building or part of a building until it has been thoroughly cleansed and disinfected as aforesaid.

4. If any article of clothing or bedding or any other article which has been in contact with any person or any dead body in any way affected by any such disease can, in the opinion of the medical officer of health or of a sanitary inspector be preserved without danger to the public health and can be effectively disinfected, then any such article shall be removed from any premises in which it shall be found by coolies hired by any person acting under the instructions of the Board, or of one of its duly authorized officers, with such precautions and in such manner as the [Board] shall from time to time direct, and shall be effectively disinfected and then returned to the owner or owners thereof. No person, save as aforesaid, shall handle any such article until it has been disinfected.

5. If, however, in the opinion, duly certified in writing, of a sanitary inspector or of any other duly authorized officer of the Board, or of a legally qualified and registered medical practitioner, any bedding, clothing, or other article which has been in contact with any person or any dead body in any way affected by any such disease, or which shall have been found upon any premises recently occupied by such person or body cannot be effectively disinfected or ought, in the interests of the public health, to be destroyed then it shall, if the medical officer of health or other officer of the Board duly authorized to act on his behalf, concurs, be destroyed in such manner and in such place and with such precautions as the [Board] may from time to time direct.

## DOMESTIC CLEANLINESS AND VENTILATION.

1. The occupier of any domestic building shall at all times cause such building to be kept in a cleanly and wholesome condition and see that the drains, traps, gratings, fall-pipes and other sanitary fittings and appliances are kept free from obstruction and in an efficient state of repair; and he shall keep the windows and ventilating openings at all times free from obstruction unless prevented by inclement weather or by the illness of any person occupying such building.

2. Every occupier or householder of a domestic building shall cause all excremental matter to be removed daily from such building, to one of the public conservancy boats, by a duly registered night-soil carrier.

3. Every occupier or householder of a domestic building shall cause all domestic waste, refuse or other objectionable matter other than excremental matter to be removed daily from such building and taken to a public dust-cart or dust-bin.

4. The Board shall, if satisfied that any domestic building is in a dirty condition, give notice to the [owner, or occupier to have such building, in respect of which the notice is given, thoroughly cleansed and limewashed within a period of one week from the date of receipt of such notice, and such [owner, or occupier shall cleanse and lime-wash such premises in accordance with such notice.

5. Any domestic building, or part of such building, which is occupied by members of more than one family shall, unless specially exempted by the Board, be cleansed and lime-washed throughout by the owner, to the satisfaction of the Board not less than twice in every year, namely, during the months of January and February and of July and August in the eastern division of the City and in the eastern division of Kowloon; during the months of March and April and of September and October in the central division of the City and in the western division of Kowloon; and during the months of May and June and of November and December in the western division in the City; and notice of such intended cleansing and lime-washing shall be sent to the secretary of the Board three clear days before the work is commenced.

NOTE.—The western boundary of the eastern division of the City is Graham Street and Endicott Street; the western boundary of the central division of the City is Morrison and East Streets; the western division of the City lies to the west of Morrison and East Streets. Kowloon is divided into eastern and western divisions by Robinson Road and a straight line drawn from the north end thereof through the Yaumati service reservoir to the Northern boundary of Kowloon.

## DRAINAGE.

*Preliminary Explanatory Notes to By-Laws.*

A. The following notes convey, in general terms, the principles that should guide the design and construction of house-drains. Before proceeding to lay down in detail the instructions which should be attended to, in order to apply the same satisfactorily, it must be observed that no code of instructions can possibly embrace every case that will occur. It must be remembered that no system of house-drainage that has yet been devised, or probably will ever be devised, does away with the necessity for care in use. The real remedy for the inconveniences which are too often experienced from house-drains lies, not in any elaboration of appliances, but in careful construction, careful use, and a reasonably liberal water supply. Without the co-operation of the public, the Sanitary Authority is almost powerless to effect improvement. It is therefore to be hoped that the public will assist, by insisting on good construction and the proper use of house-drains.

B. The object of a house-drain is to carry off, from the dwelling to the street-sewer, water fouled by use, together with all the solid or semi-solid refuse which is usually associated therewith, such as refuse from cooking and the like; in short, the foul liquid usually known as sewage or sullage-water.

C. The house-drain must be "self-cleansing." The sewage as produced in the daily life of the inmates must flow through the drain with a current sufficiently rapid to sweep along with it all suspended matter, so that no permanent deposit can take place. A drain in which deposit takes place is a cesspool in disguise, from which offensive emanations find their way into the dwelling; and from which putrid sewage flows into the street-sewers, making them exceedingly offensive. A badly constructed or badly kept house-drain is, therefore, not only a source of danger to the inmates of the house that it drains, but a public nuisance also. Unless house-drains are well made and properly used, no system of street-sewers, however perfect, can work in a satisfactory manner.

D. Water being the agent which cleanses the house-drains, its liberal use by the inmates of the dwelling is essential to the proper maintenance of house-drains. The sewage must be well diluted. Nevertheless the quantity of water necessary for the proper cleansing of house-drains is not excessive. The water normally used by the inmates of a dwelling for washing and cooking is sufficient for this purpose, provided that it is readily obtainable at all times, either in the dwelling or in close proximity thereto.

E. The principal point to be attended to, in the design of house-drains, is so to arrange matters that the sewage, as produced, shall flow through them in the most rapid current practicable; so that all suspended matter shall be swept away at once and completely.

F. The speed of a stream flowing through a pipe or channel, of given size and shape, depends upon the following conditions:—

- (a) The inclination of the channel.
- (b) The smoothness of its surface.
- (c) The volume of the stream.

The steeper the slope and the smoother the sides of the channel, the swifter will be the current. The greater the volume of the stream, inclination being the same, the greater the speed.



Thus if a 12" and a 3" pipe have the same inclination the velocity in the 12" pipe would be about twice as great as in the 3" pipe, provided that *both were half full*. But to fill the two pipes to this extent, the quantity of water passing through the 12" pipe would be about thirty-two times that passing through the 3" pipe. But if the *same* quantity flowed through both pipes, then the current in the 3" pipe, being more concentrated, would flow more rapidly than that in the partially filled 12" pipe.

G. These considerations would lead to the conclusion that the best size, to be used for any house-drain, would be that which would just suffice to carry off the sewage with the pipe not less than half full. Within certain limitations, this is the case.

H. In the case of street-sewers draining large districts, from which the flow of sewage is comparatively regular and capable of estimation, the proper size of sewer may be calculated with some approach to precision. In the case of house-drains, however, such precision is impracticable. The rate of flow is irregular and the quantity of sewage depends upon the habits of the inmates. Were the size of a house-drain calculated to carry off even a most liberal water supply, which is, for practical purposes, the measure of the sewage, it would be found, in the vast majority of cases, to be much less than that which experience has shown to be applicable in practice. It has been found that a house-drain less than a certain size is inconveniently liable to stoppages, caused by extraneous matters, such as rags, paper and the like, which occasionally find their way into the best managed house-drains.

I. The minimum size of house-drain is usually fixed at from four to six inches in diameter. A four-inch drain, constructed in the usual manner, is probably somewhat small as a minimum; and a six-inch somewhat large. A diameter of five inches, were this size readily obtainable, would be a better minimum.

J. Whenever the minimum size will suffice it should be used. Indeed, subject to the limit laid down in the preceding paragraph, and to certain conditions to be set forth later on, the smaller the house-drain the better. The use of unnecessarily large house-drains amounts to an abandonment of the self-cleansing principle. If a drain is so large that the normal flow of sewage cannot fill it to a sufficient depth to establish a self-cleansing velocity, deposit takes place and goes on, either till the pipe is choked and the sewage escapes, through leaks, to the sub-soil, or until the deposit has accumulated sufficiently to reduce the area of the sewage-way to that which will establish a current sufficiently rapid to prevent further deposit.

K. In order that the size of house-drains may be reduced to the minimum practicable, in each instance, rain-water should be excluded from them as far as possible. Rain-water cannot, however, be wholly excluded from house-drains. Many uncovered surfaces, such as back-yards, receive slops and foul-water in the course of daily use and this must be carried off by the house-drains. A duplicate set of drains for such areas, one for sewage and the other for rain-water, would be a costly complication and there would be no security that each set would be used for its proper purpose only. Some sewage would almost inevitably find its way into the rain-water drain, which, being of large size, would be imperfectly flushed and therefore offensive.

L. Rain-water should be diverted from house-drains to the full extent that is possible by the use of surface-channels. As a general rule, when surface-channels cannot be used to divert rain-water, it must be admitted to the house-drain. Hence in the majority of cases, the amount of rain-water to be carried off determines the size of the house-drain. In providing for the removal of rain-fall, from a given surface, it is to be remembered that it is not sufficient to provide a pipe of ample size to carry off the rain-fall. Traps and gratings must be provided in sufficient numbers and of sizes to admit the rain-water freely to the drain and the surface must have a fall to carry it to the openings. In many cases neglect of these precautions has caused flooding. This has been put down to the size of the pipes, whereas the inlets were really at fault.

Rain-water cannot be looked upon as a legitimate agent for cleansing house-drains from deposit. Firstly, there should be no deposit to remove from well constructed and properly managed drains; and secondly, because there are long intervals in which no rain falls so that this flushing agent fails when most wanted.

M. The irregularity and uncertainty of the flow of sewage, which precludes an accurate determination of size, makes it impracticable to calculate definitely the proper inclination of house-drains. Experience shews that, under the normal conditions of use, an inclination of one in thirty is desirable to ensure a self-cleansing drain; especially when the drain conveys the sewage from a single trap or inlet. An inclination of one in thirty, therefore, should, as a rule, be given to house-drains. Drains laid at much flatter gradients can be made to work perfectly, with care, provided that the flow of sewage is copious, *i.e.*, sufficient to fill the pipe nearly half full. The designer of house-drains, having no control over their subsequent usage, will do well to give them, in every case, the greatest practicable fall.

N. The ordinary "trap" or syphon is not a perfect preventive against the escape of sewage-tainted air from house-drains, although it is the only appliance available for the purpose. The water which seals the trap may evaporate during disuse, or a piece of fibrous matter may act like a syphon and draw off the water sufficiently to leave a free passage for the escape of sewage-tainted air. Again, if there be a series of inlets connected to a drain which is unprovided with any free outlets, a sudden rush of water through one trap will force the air contained in the drain through the other traps or unseal them by drawing off their contents, and open a passage for the escape of sewage-tainted air into the dwelling, or into some confined space in its neighbourhood. Consequently, house-drains must be "ventilated," or rather provided with vents, to prevent the accumulation of sewage-tainted air therein, and to secure the efficiency of the traps. To effect this thoroughly, the drain must have, at or near its extre-

mities, openings giving a free escape to the air within it, and between these openings, there should be no trap or other obstruction to the free passage of air.

*O.* These ventilating openings should be so placed that any sewer-tainted air which may escape from them shall be as little offensive as possible. With this object the inner ventilating opening should be placed above the roof of the dwelling. This is usually done by carrying up a pipe, having a free opening at the top, above the roof and at a distance from any window. The second opening is usually made on the house-side of the trap which severs the direct communication between the drain and the public sewer. If, however, there be no trap between the house-drain and the sewer then there is no necessity for a second opening, the sewer itself serving the purpose. With a well constructed system of self-cleansing street-sewers this arrangement may be adopted with safety, even with advantage. Then every house-drain ventilator serves as a sewer ventilator also; and when this is done universally, no accumulation of sewer-tainted air can take place in any part of the system.

*P.* Care must be taken in selecting the position of the lower ventilating opening because the elevated ventilating pipe by no means secures a permanent upward current of air. According to the relative temperature of the air within and without the drain, to the direction and force of the wind, so an upward or downward current will obtain.

*Q.* Complete ventilation is especially important when any part of the house-drain system is in communication with the interior of the dwelling; or where the system is extensive and has numerous inlets. It is essential where water-closets are used, or where the drains receive excrementitious matter. In the case of a short length of drain, leading from a single inlet, placed in an open space, such as a back-yard, though desirable, it is less necessary and may be omitted without serious danger.

*R.* Any direct communication between the interior of the house and the house-drain should be avoided. Pipes carrying water from baths or sinks, within the dwelling, should therefore deliver their effluent above trapped galleys in the open air. The effluent from baths or sinks, on upper storeys should, whenever practicable, be received by open-topped pipes, delivering freely above trapped gulleys at or a little below the ground-level. If, as in the case of water-closets, a direct communication has to be made between a fitting inside the house and the drain, then there must be complete ventilation by means of a pipe carried up outside and to the top of the building.

#### *Drainage Bye-laws.*

1. Any owner or occupier of private premises about to construct, re-construct, alter or amend any drain shall give at least seven days' previous written notice of such intention to the Board, and such notice shall be delivered at the office of the Board, in a form of which printed blank copies may be obtained *gratis* in English and Chinese on application at the office of the Board, or, in the case of the villages, at any village Police Station between the hours of 10 a.m. and 4 p.m.

2. Every such notice shall specify the name of the street, the number of the lot and the number of the house, if any, which it is intended to drain, and shall be accompanied by a plan of the premises drawn on a scale of not less than twenty feet to the inch, and such plan must show the whole of the drains with their proposed sizes figured thereon, and a section or sections showing the proposed falls or inclination and drawn to the same scale and to a vertical scale of not less than ten feet to the inch. The plan must also show the position and course of all proposed surface gutters.

Except that in case of suburban lots which cannot be conveniently included within a plan of ordinary dimensions, the lot and the out-fall drain may be shown on a scale of not less than one hundred feet to the inch.

3. Within seven days after receipt of the notice, the sanitary surveyor shall, by means of a written communication, in English or Chinese as may be necessary, inform the person who has given the said notice whether his designs and proposed mode of construction are approved or disapproved, and in case of disapproval such modifications or improvements as may be requisite in order to comply with the provisions of The Public Health and Buildings Ordinance, and of any bye-laws made thereunder shall be indicated in detail to such person by the sanitary surveyor, and it shall not be lawful for such person to commence the drainage works until the approval thereof by the sanitary surveyor shall have been previously obtained by him, and in the case of such approval one copy of the deposited plan shall be returned to him, and the remaining copy shall be filed in the office of the sanitary surveyor.

NOTE. The approval of plans by the sanitary surveyor under this bye-law certifies simply to the fact that the plans are in accordance with the Public Health and Buildings Ordinance and with the bye-laws made thereunder, but signifies no approval of the sufficiency or otherwise of the plan and throws no responsibility on the Board.

4. Any person carrying out excavations for drainage works on any premises contiguous to a public thoroughfare, whereby the safety of the public may be jeopardized, shall light such excavations by means of a lantern or lanterns kept lighted through the night, and he shall further provide watchmen, erect hoardings and otherwise take such precautions as may be necessary for securing the safety of the public and the protection of adjoining properties.

5. House-drains shall be made of impervious materials with smooth internal surfaces, such as well glazed earthen-ware pipes or cast-iron pipes protected against rust or corrosion by suitable asphaltic coating. The drains shall be so constructed as to be water and air-tight. In jointing pipes with cement, tarred-hemp shall be caulked into the joint before the cement is applied, and care shall be taken that no cement or other jointing material projects from the joints into the interior of the pipes; and any such projecting material or other irregularities in the bore of the drain shall be carefully removed.

6. House-drains shall be firmly bedded in selected material free from large stones and well rammed into place.

7. All stoneware pipes shall be well glazed and free from cracks and flaws and shall have a thickness of not less than one-twelfth of their diameter.

8. Disconnecting chambers shall be red brick manholes fitted with stoneware traps and ventilating grates of iron or stone.

9. Lime mortar used for the building of manholes shall be composed of three parts of sand or red earth and one part of good lime.

10. Lime concrete used for encasing drains shall be composed of four parts of good sound clean stone, broken to half inch cubes, two parts of red or yellow earth and one part of lime thoroughly well mixed and well rammed into place.

11. Cement mortar used for the jointing of pipes or any other work shall be mixed in the proportions of three parts of clean sharp sand and one part of good Portland cement and used fresh.

12. No main house-drain shall be less than six inches in clear internal diameter.

13. Subject to the limitation mentioned in the preceding bye-law, no main house-drain shall be larger than is necessary in the opinion of the [sanitary surveyor] to carry off the sewage of the dwelling, or the sewage with the rain-water, which, under conditions herein-after specified in Nos. 37, 38, 39 and 40 of these bye-laws shall be admitted to the house-drain.

14. Every house-drain shall have the maximum fall, throughout its length, that the relative levels of the public sewer and of the most remote inlet, will admit of:

Provided always—

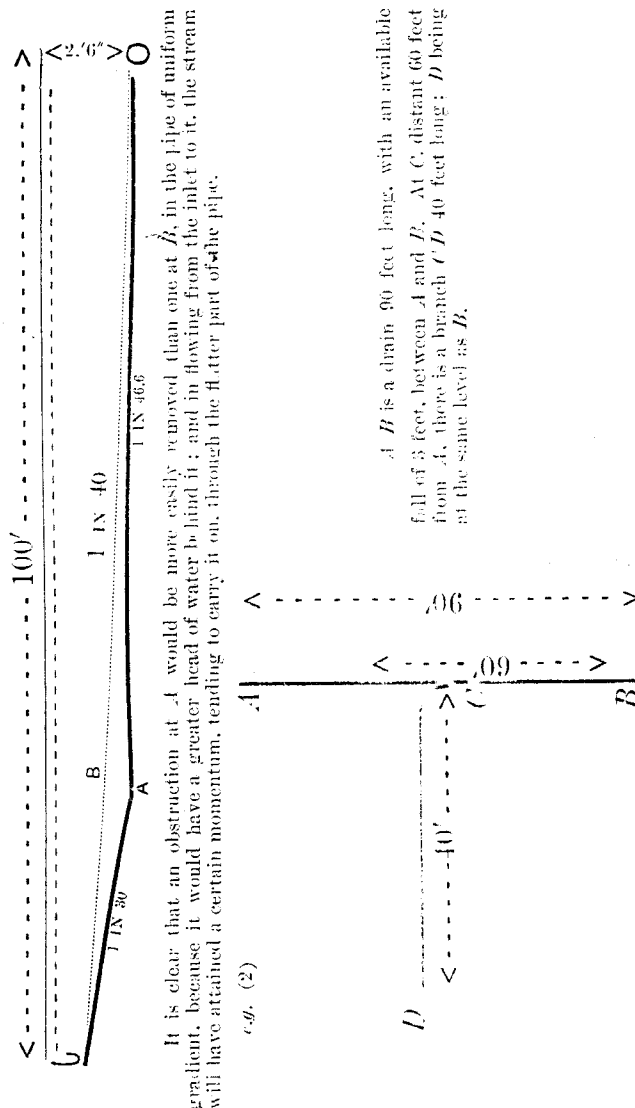
(a) That the maximum available fall does not exceed one in thirty (or 4 inches in 10 feet). If it does, then the part of the drain, more remote from the public sewer, may be laid with a fall of one in thirty; and the remainder, with such greater fall as may be necessary to connect with the public sewer.

(b) That the excavation, necessary to obtain the maximum available fall, is not of such a nature as to endanger the stability of the adjoining or neighbouring property.

In these and similar cases the gradient may be reduced subject to the approval of the [sanitary surveyor].

15. Whenever a reduction of fall (below the standard grade 1 in 30) is necessary or permissible, it shall, wherever practicable, be made in the portion of the drain nearest to the outlet, rather than in the part nearest to the inlet, and in the main trunk of the drain rather than in the branches.

NOTE.—The available fall in a house-drain, 100 feet long, is 2 feet 6 inches or one in forty. It will be better to make the first thirty feet from the inlet, with a fall of 1 foot, or 1 in 30; and the remaining length of 70 feet with a fall of 1 in 46.66, than to give an uniform fall throughout.



It is clear that an obstruction at A would be more easily removed than one at B, in the pipe of uniform gradient, because it would have a greater head of water behind it; and in flowing from the inlet to it, the stream will have attained a certain momentum, tending to carry it on, through the flatter part of the pipe.

ex. (2)

A B is a drain 90 feet long, with an available fall of 3 feet, between A and B. At C, distant 60 feet from A, there is a branch C D 40 feet long; D being at the same level as B.

If the main-drain AB were given an uniform fall of 1 in 30, then C would be 1 foot below B and D, and DC would have a fall of 1 in 40 only. The proper course to pursue would be to give DC a fall of one in thirty, or 1 in 4 in all. AC would then have a fall of 1' 4" in 30, or 1 in 22½, and CB a fall of 1' 8" in 60 feet; or one in thirty-six.

16. Whenever the gradient of any portion of a drain is less than one in thirty, the *Board* may in its discretion require an automatic flush tank or any other suitable contrivance for attaining an effective flush to be used.

17. All changes of direction in house-drains shall be made by means of properly curved pipes or by half channels in manholes and between the points at which any change of direction occurs, all house-drains shall be laid in straight lines and regular grades from point to point.

*NOTE.*—(Inasmuch as changes of direction are the points at which obstructions most frequently occur, and for the purpose of removing obstructions generally, house holders will do well to provide, at each change of direction, a manhole, giving access to the drain. For this purpose the manhole should be made 3 feet by 1 foot 6 inches to the surface or to a depth of five feet above the drain. Beyond this depth the manhole may be narrowed to 1 foot 6 inches by 1 foot 6 inches. But such a manhole should not be found in cook-houses or in places where they may be opened and used as receptacles for the disposal of solid rubbish.)

18. No drain shall be so constructed as to pass under any *domestic* building except when any other mode of construction is impracticable. Any drain passing under a building shall be of cast iron coated inside with Dr. Angus Smith's patent composition or other material approved of by the sanitary surveyor and all such pipes shall be of a quality to be approved by the sanitary surveyor, and the joints shall be properly caulked and run with lead, and (unless the written permission of the [*Board*] has first been obtained to lay it otherwise) shall be laid in one straight line for the whole distance beneath such building, and shall be imbedded and incased throughout its entire length in four inches of good concrete.

Whenever a drain traverses soft or yielding ground, or where water may make its appearance in the trench, the drain shall be surrounded throughout its entire length with four inches of good concrete.

The stones composing the matrix of the concrete in both cases shall be of a size to pass through a half-inch ring.

19. No drain shall be constructed in such manner as to allow any inlet to such drain to be placed inside any building.

20. The aggregate area of the openings in any grating fixed on inlets to waste-pipes from baths or sinks shall not be less than four square inches and the waste-pipe shall not have a less internal diameter than 1½ inches.

*NOTE.*—The object of this is to secure an efficient flush.

21. Traps or gulleys for the removal of rain-water shall be provided with gratings having the nett area of the openings not less than twice the area of the trap or pipe. Such gratings shall be sunk to a depth of at least one inch below the surrounding pavement, with a slope round them equal to half the width of the grating.

*NOTE.*—It is not sufficient to provide pipes of ample diameter; there must be openings of sufficient size to admit the rain to them.

22. Traps at the inlets to drains shall be placed so that the water-level in them is not less than one foot below the ground, and such traps shall be placed as low down as the level of the house-drain or branch will permit of; provided that the depth be not more than two feet.

23. Traps shall have not less than two inches of water seal and shall be securely fixed to the drain. All stoneware traps shall be surrounded with a thickness of four inches of lime concrete.

24. No person shall construct or fix in connection with any drain or waste-pipe the form of trap of the kind known as the Bell-trap or any trap of the kind known as the D trap, and all traps connected with any private drains shall be properly jointed in cement mortar to the satisfaction of the [sanitary surveyor.]

*NOTE.*—Bell-traps and D traps from their form give rise to deposit of filth difficult to remove by flushing.

25. Every main house-drain shall be ventilated at its upper end by carrying up an iron ventilating pipe of a diameter of not less than four inches to a height of not less than three feet above the eaves of the building, and clear of all windows, skylights or other openings. The joints of all such pipes shall be properly caulked and run with lead.

26. Every main house-drain shall have a ventilating opening near to its lower end, and no trap or other obstruction to the free circulation of air shall exist between this opening and the one described in the preceding bye-law.

If there be a trap between the house-drain and the public sewer, then an opening shall be made on the house-side of the trap, and the said opening shall be so arranged as to give access to the trap for inspection, cleansing or repair.

If there be no trap between the public sewer and the house-drain no special opening need be provided at the lower end.

27. Drains leading from a single trap and not being more than sixty feet long, need not be provided with a ventilating pipe at their upper end [unless such drains are laid, partly or wholly, under a building;] but, if this be omitted, they shall be provided with a trap, disconnecting them from the public sewer, and shall have a ventilating opening at the lower end on the house-side of the trap.

28. Rain-water pipes and waste-pipes from baths, sinks and other similar appliances on the upper floors of buildings shall be of cast iron socketted pipes jointed with cement, or wrought iron pipes, with screwed joints, coated with bituminous composition, or galvanised, or of well glazed stoneware socketted pipes, or other approved materials, securely fixed outside the wall, [by means of wrought iron bands fitted round the pipe, or in the case of iron pipes by means of ears, made fast with wrought iron spikes not less than four inches long,] and provided, at each point of connection, with a suitable head, and at their lower extremity with a bend, shoe or pedestal pipe [and every opening in the wall of a building for the discharge of sullage water shall be provided with a fixed grating to the satisfaction of the sanitary surveyor.]

Provided that in the case of rain-water pipes and waste-pipes abutting on any street, cast or wrought iron pipes only shall be used, properly jointed as above described, (unless permission has been granted by the Board to use pipes of other material), and wherever

practicable rain-water pipes shall be carried under the foot-path and discharge into the side channel. All joints of stoneware pipes shall be made in the manner provided by No. 5 of these bye-laws.

*NOTE.*—Zinc, tin-plate, rivetted or lap-jointed sheet-iron will not be approved.

29. Waste-pipes, as well as down-pipes from roofs, shall not be connected direct with any drain but shall discharge in the open air near to or over a trap and they shall be brought down to within one foot or less from the ground.

30. No rain water-pipe from the roof of a building shall be used as a ventilating shaft to any drain which communicates or is designed to communicate with a public sewer.

*NOTE.*—Rain-water pipes terminate at the eaves of the house a point not high enough above windows to be a safe ventilating outlet.

31. Any person who may have laid any drain or constructed drainage works connected therewith shall not cover up such drain or works until the same shall have been previously inspected and passed by the [sanitary surveyor] and such person shall give three clear days' written notice to the Board that such drain or works are ready for inspection, and such notice shall be delivered at the office of the Board in a form of which printed blank copies may be obtained *gratis* in English and Chinese on application at the office of the Board, or, in the case of villages, at any village Police Station between the hours of 10 a.m. and 4 p.m.

32. Before any drain is covered in, it shall be inspected and tested by the *sanitary surveyor* to ascertain whether it is water and air-tight; and no drain that fails in this respect shall be passed. *A fine of ten dollars shall be paid for every inspection after the first if the Board is satisfied that such further inspection has been necessitated by the negligence of the contractor or by bad workmanship or the use of improper materials.* After a drain has been passed, the earth shall be carefully filled in, above and around the drain, and thoroughly rammed and consolidated. For a depth of at least six inches, above the summit of the sockets of the pipe, selected material, free from stones larger than will pass through a 2-inch ring, shall be used in filling in the trench.

33. The floors of cook-houses, stables, cow-sheds and the like, where practicable, shall be elevated above the ground outside the dwelling, and be provided with surface channels, passing out through the wall, and delivering above a trapped-gulley, outside. When new drains are being laid and where the floor is at the level of the ground outside, the surface-channel of the cook-house shall be connected to a trap, outside the house, by a straight open pipe, terminating above the water-level of the trap, which shall be accessible and in free communication with the air. Every such opening in the wall shall be provided with a fixed grating, at its upper end, to the satisfaction of the sanitary surveyor.]

34. All surfaces of back-yards and paved areas of premises wherever practicable shall have a fall, towards the trap or inlet of the drain, of not less than *one in forty* and such inlet shall be placed as far from the walls as practicable.

35. Open surfaces such as back-yards, court-yards or other spaces, on which slops are thrown, or from which foul waters flow, shall be provided with trapped connections to the house-drains, for the removal of such waters as well as some of the rain-water. But such surfaces shall be properly paved, in the manner prescribed for back-yards and cook-houses, so that no sand or silt may be washed into the drains from them.

36. Wherever an outlet is available, surface channels shall be provided to carry excessive rain-fall from premises, and these channels shall be properly connected with the storm-water channel in the street. Traps not less than 4 inches in diameter in connection with the house-drain shall be placed in this surface channel, which will carry off slops or sewage, as well as some rain-fall.

37. Rain-water shall be diverted from house-drains by means of surface channels or otherwise to the fullest extent practicable.

38. The rain-water from roofs, which slope towards enclosed court-yards, or back-yards, may, if diversion to the surface channel is impracticable, be received into the house-drain. But no ventilating pipe shall be used for the conveyance of rain-water from the roof.

39. No person shall, where it can possibly be avoided, lay any pipe for conveying sub-soil drainage in such manner or in such position as to communicate direct with any sewer, cess-pool or drain used for the conveyance or reception of sewage.

*NOTE.*—It is important to exclude sewage-tainted air from the sub-soil. The connection of sub-soil drains to sewers even if a trap is used is objectionable, because in dry weather the flow of the drain may cease and the water of the trap may dry up and leave a free communication between the sewer and the sub-soil drain. The object of sub-soil drainage is not only the removal of water, but the aeration of the sub-soil. The mouths of such drains therefore should be so placed that pure air can enter freely—a condition incompatible with direct connection with sewers or house-drains.

40. In every case where the course of a drain shall be diverted, any cesspool previously existing and into which such drain may have previously emptied, shall be cleansed, deodorized and filled with clean earth.

41. All drains, or drainage works, shall be built and carried out in all respects in accordance with the provisions of the Public Health and Buildings Ordinance, and of these bye-laws and of any that may be made hereafter, and if no written notice as provided by No. 1 of these bye-laws shall have been given to the Board by any [owner or occupier] about to construct, re-construct, alter or amend any drain on his premises, and if by such default the [sanitary surveyor] shall have had no opportunity of inspecting and approving or disapproving of any such drain actually built and already covered in, it shall be lawful for the [Board] on discovering the existence of such

drain or drainage works to call upon the owner to open and uncover the same for the purpose of inspection, and should such drain or works prove upon inspection to be defective either in respect of design, workmanship or materials they shall be deemed a nuisance and dealt with as such. [Any owner or occupier who constructs, re-constructs, alters or amends any drain without such written notice as aforesaid, shall be deemed to have contravened these bye-laws.]

42. All works connected with the construction of drains and drain-connections shall be carried out in strict accordance with the plans and sections previously submitted to and approved by the sanitary surveyor or with such amendments to such plans and sections as may have been required by him, *to make them comply with the provisions of this Ordinance* and such works shall be carried out in a proper and workmanlike manner with the best materials of their respective kinds and shall be subject during their progress to the continuous control and supervision of the officers of the Board appointed in that behalf and shall be completed to the entire satisfaction of the *sanitary surveyor*.

43. Whenever any private house drain is about to be constructed or re-constructed the [Board] shall have power to require the provision of a surface channel of approved materials and design, in lieu of a covered drain, in any position in which a covered drain, may appear to be undesirable.

Waste pipes from buildings and surface channels from cook-houses stables, cow-sheds, and the like shall discharge into such surface channel without the intervention of a trap; but any communication between such surface channel and a covered drain shall be by means of a trap.

#### ENTRY AND INSPECTION OF BUILDINGS.

1. The secretary of the Board shall furnish the sanitary inspectors with general authority in writing, in English and Chinese, to enter, between the hours of 8 a.m. and 6 p.m. and inspect, upon reasonable notice to the occupiers or owners, any building and curtilage in their respective districts for the purpose of ascertaining the sanitary condition, cleanliness and good order thereof or of any part thereof, and of any partitions, mezzanine floors, stories and cocklofts therein, or of the condition of any drains therein or in connection therewith. If it shall be requisite for the purpose of ascertaining the sanitary condition of any domestic building or curtilage, to open the ground surface of any part thereof any sanitary inspector in possession of authority in writing signed by the secretary or by the medical officer of health after giving not less than forty-eight hours' notice in writing signed by either of the aforesaid officers to the occupier or owner of such domestic building or curtilage of his intention to enter the same for the purpose of opening up the ground surface thereof, may so enter, with such assistants as may be necessary, and open the ground surface of any such premises in any place or places he may deem fit, doing as little damage as may be. Should the material which has been used for covering such ground surface and the nature and thickness thereof, be found satisfactory and in accordance with law, such ground surface shall be reinstated and made good by the said Board at the public expense.

2. The secretary shall, upon the requisition of the medical officer of health authorise in writing, in English and Chinese, one or more of the Board's officers to enter any domestic building at any hour between 6 p.m. and midnight for the purpose of ascertaining whether such building or any part thereof is in an overcrowded condition.

3. No officer of the Board shall, between the hours of midnight and 8 o'clock the following morning, enter any domestic building for the purpose of ascertaining whether such building or any part thereof is in an overcrowded condition, without the written permission, in English and Chinese, of the [President of the Board.]

#### IMPORTATION OF ANIMALS.

1. No animal shall be landed at Peddar's Wharf, [Flake Pier, Queen's Statue Wharf or Murray Pier and no animal shall be landed at any Wharf in Kowloon except the Police Wharf at Yaum'ati. No animal shall be landed at any Wharf whatever between the hours of 6 p.m. and 6 a.m.

*The arrival of all animals imported into the Colony by water shall be at once reported by the owner or consignee to the colonial veterinary surgeon and such report shall be accompanied by a statement showing the nature and the number of such animals, the port of embarkation and the occurrence of any deaths among the animals during the voyage.*

2. All animals imported into the Colony by land shall be driven direct to the cattle market at the village of Yaum'ati, and their arrival reported forthwith at the Yaum'ati Police Station. *The officer in charge of such Station shall forthwith report every such arrival to the colonial veterinary surgeon together with such other particulars as may be ascertainable concerning such animals.*

*Animals brought into the City of Victoria, for sale or slaughter shall be at once conveyed or driven to the Government depôts at Kennedy Town.*

3. All animals imported into the Colony shall be forthwith inspected and duly marked by the colonial veterinary surgeon and any animal which he finds to be diseased or which he may suspect to be suffering from disease shall be placed in segregation and under observation at the depôts set apart for the purpose at Kennedy Town and Yaum'ati.

4. The colonial veterinary surgeon shall in every instance, with all practicable speed, report to the [Board] the whole of the ascertainable particulars concerning the animals he places in segregation.

5. The owner of each animal placed in segregation shall pay ten cents per day for the keep of such animal until it is either passed as being free from disease or destroyed.

6. If it appears to the colonial veterinary surgeon that an animal placed in segregation is suffering from a dangerously infectious disease, the [Board] may cause such animal to be forthwith slaughtered and the carcase thereof to be disposed of in such manner as he may deem fit.

7. If it appears to the colonial veterinary surgeon that any animal has been in contact or in the same herd with animals suffering from disease, the [Board] may in its discretion cause such animal to be slaughtered and the carcase thereof to be disposed of in such manner as he may deem fit.

8. The carcase of any animal slaughtered under the provisions of rules 6 and 7 shall be the exclusive property of the Government.

9. No person shall knowingly bring into the Colony any animal suffering from disease.

10. Such fee as may from time to time be determined by the Governor in Council will be charged for each head of cattle and for each head of sheep imported into the Colony.

11. The colonial veterinary surgeon shall visit, at such times as the Board may direct, all places where animals are kept and inspect them, and he shall immediately report to the [Board] all cases of infectious disease which he may detect during such inspection.

12. Where it appears to the colonial veterinary surgeon that disease exists or has within 56 days existed in any place where animals are kept, the [Board] may declare such place to be infected and take such steps to prevent the spread of disease as he may deem fit.

13. When a place has been declared to be infected a placard shall be posted there to that effect and the removal therefrom, without the sanction of the colonial veterinary surgeon of any animal, carcase, fodder, litter, utensil or other thing therein is prohibited, and any persons residing upon or visiting such infected premises may be detained thereon by any officer of the Board, pending the disinfection of such persons and of their clothing to the satisfaction of the [Board].

14. Every person having in his premises or under his charge an animal affected with disease shall, with all practicable speed, report the same to the officer in charge of the nearest Police Station.

15. The Police shall forthwith report to the colonial veterinary surgeon all cases of animal disease coming under their notice.

16. The digging up of the carcase of an animal which has been buried, by any person other than an officer of the Board acting under the instructions of the [Board], is prohibited.

17. The [Board] shall cause all places where a diseased animal has been kept to be cleansed and disinfected in such manner as he deems fit at the public expense.

#### LATRINES.

1. Every public latrine together with its fittings shall be kept at all times in a thorough state of repair.

2. Every public latrine shall be kept, at all times, in a cleanly condition.

3. While open to the public, every latrine shall have at least one able-bodied adult constantly on duty therein.

4. All the partitions, seats, floors and channels of every public latrine as well as all utensils therein, shall be thoroughly scrubbed at least once every day with a detergent and deodorant of such a strength as the [Board] may from time to time approve.

5. The whole of the interior walls of every public latrine shall be lime-washed and any fittings made of wood shall be tarred at least once every month.

6. Fumigants of such description as may be approved of by the [Board] shall be kept burning in every latrine while it is open to the public.

7. The contents of soil pans in public latrines shall be kept covered with either earth, saw-dust, opium-packing or such other suitable material as the [Board] may approve of.

8. The soil and urine collected in public latrines shall be removed therefrom daily by the public conservancy contractor as provided for by the terms and conditions of his contract.

9. Every latrine open to the public before sunrise or after sunset shall be at such times adequately lighted.

10. Any building used as a public latrine shall not be used as a dwelling.

#### LAUNDRIES.

1. Every public laundry shall be registered at the office of the Board, and every application for registration shall be made in the form attached to these bye-laws.

2. Every public laundry shall be [adequately lit and ventilated to the satisfaction of the medical officer of health and shall be paved with good lime or cement concrete laid down at least six inches thick and the surface thereof shall be rendered smooth and impervious with asphalt Portland cement or such other material as the Board may approve of.]

3. [Every public laundry shall be so drained as to be in accordance with the requirements of the Public Health and Buildings Ordinance and the bye-laws made thereunder and all inlets to the drains shall be placed outside the building.]

4. Every public laundry shall be at all times kept in a cleanly condition and the inside surfaces of the walls thereof shall be lime-washed [during the months of January and July of each year.]

5. No persons, other than two caretakers, may occupy any building or part of a building which is registered as a public laundry, between the hours of 11 p.m. and 5 a.m., unless such persons are actively engaged in carrying on the work of the laundry.

6. Every public laundry shall be at all times open to inspection by any member or officer of the Board.

*Form of Application.*

I, the undersigned, hereby notify the Sanitary Board that I propose to carry on the business of a public laundry on the premises known as No. \_\_\_\_\_ street, \_\_\_\_\_ floor, and request that the said premises be duly registered as a public laundry.

*Signature of Applicant.*

Hongkong,

19 \_\_\_\_\_

## MARKETS.

1. Market buildings shall be classified and set apart by the Board for the sale of meat, fowls, fish, fruit, vegetables, and such other perishable goods.
  2. The *Director of Public Works* shall cause all market stalls to be numbered.
  3. A Register of all market buildings shall be kept by the Registrar General in the form (A) appended to these bye-laws. Every entry in such Register shall be *prima facie* evidence of the facts therein appearing.
  4. The Registrar General shall cause to be conspicuously exhibited on a notice board in each market a list of all market stalls let by the month, and of those shortly to become vacant, and notice shall, in the case of stalls about to become vacant, be exhibited at least three weeks before the vacancy and a time fixed for the reception of tenders.
  5. Every occupied stall shall have a sign-board in front showing in full, both in English and Chinese, the name of the stall-holder.
  6. The sign-boards and blinds of every market stall shall be so arranged as not to obstruct any thoroughfare in such market, and no lessee of any market stall shall permanently place or store any goods outside such market stall or allow them to project beyond it.
  7. No person shall make use of any avenue or thoroughfare of any market for the conveyance of merchandise not intended for sale or exposure for sale in such market.
  8. No person shall sell, offer or expose for sale any article in any part of the market other than the part thereof which is appropriated for the sale of such article.
  9. No sales within any market shall be carried on except in a market building.
  10. No person shall hawk or cry any article whatever for sale in any market.
  11. Every holder of a market stall shall cause his stall to be properly cleansed immediately before the reception, deposit or exposure for sale therein or thereon and immediately after the removal therefrom of any marketable commodities or articles.
  12. Every butcher and dealer in flesh meat shall thoroughly wash and cleanse his stall, block, stall-board and any fittings or utensils belonging thereto at least once a day.
  13. No flesh meat, (salted and tinned meats excepted), other than that which has been slaughtered in the Government slaughter-houses maintained and regulated under the provisions of the Public Health and Buildings Ordinance shall be exposed for sale in any of the markets of the Colony.
- The Board may, however from time to time, grant permission in writing, revocable at the discretion of the Board, to any person being a holder of a shop or stall in any public market, to expose for sale in such shop or stall, fresh flesh meat which has been imported from Shanghai, Japan, Canada or Australia or from such other localities as the Board may from time to time approve; such permission shall state the name of the person to whom it is granted, the class or description of meat permitted, and the shop or stall on which such meat is to be exposed for sale.
- It is further provided that the holder of a shop or stall to whom such permission has been granted, shall cause a board to be posted on the shop or stall, in a conspicuous position, stating in English and Chinese that he deals in imported meat, and he shall also make a true return to the Board every month of the quantity of meat imported by him specifying from what place.
14. Every butcher and dealer in flesh meat who exposes for sale flesh meat which has not been slaughtered in the slaughter-houses of the Colony, shall put up a notice on the front of his stall in English and Chinese stating the place from whence such flesh meat was imported, and the letters and characters of such notice shall be at least one and a half inches long.
  15. An Inspector of Markets shall make a weekly return showing the weight of fresh flesh meat imported into the Colony during the week.
  16. No person shall cleave any carcass or part of a carcass elsewhere than upon a cleaving block or chopping board or upon the hooks provided for the purpose.
  17. Every fishmonger shall thoroughly wash and cleanse his stall and any fittings and utensils belonging thereto at least *twice* a day.
  18. Every poulterer shall thoroughly cleanse his stall, pens and any fittings belonging thereto at least *twice* a day, and shall provide a supply of fresh drinking water for any live birds that may be kept in such pens.
  19. No person shall pluck or clean any poultry or game except in the places appropriated for the purpose.
  20. Every stall-holder shall provide himself with a portable dust-bin in accordance with one or other of the patterns on view in the markets.
  21. Every stall-holder shall cause all dust, garbage and solid refuse of any kind which may be produced or may accumulate in the course of his business or in the cleaning of poultry or fish to be immediately placed in his portable dust-bin, and he shall, as often as may be necessary, but never less than *twice* a day, cause such dust-bin to be removed, emptied, and cleansed at the place set apart for the reception of dust and garbage.



22. No stall-holder shall suffer any garbage or refuse to remain or be under or about his stall and he shall keep the avenue or passage in front thereof in a cleanly condition.

23. No person shall throw any vegetable substance, offal, garbage, or offensive matter or thing on to any market avenue or thoroughfare.

24. The market avenues or thoroughfares shall be thoroughly cleansed by public scavengers as often as required but never less than three times every day.

25. No stall-holder shall keep any dog in any market, nor shall any person knowingly permit any dog to follow him into a market.

26. A sufficient number of Police shall be detached from the Police Department by the Captain Superintendent of Police for the maintenance of order in the markets, and shall be subject to such control as may be ordered by the Governor in Council.

27. Copies of the market bye-laws shall be at all times posted in conspicuous positions in the markets.

28. The Board shall, from time to time, fix the hours during which each market shall be open to the public. The hours during which a market will be open to the public shall be posted on a board placed in a conspicuous position at the market. In every instance at least one month's notice shall be given of any alteration in the hours during which any of the markets will be open to the public.

29. Stall holders who require additional light in their stalls shall only use electric lamps or smokeless oil lamps of a pattern to be approved by the Inspector of Markets.

30. All market stalls shall be let without fine or premium either from month to month or for a term of years for such rent as shall appear to the Registrar General just and reasonable. Appeals from the Registrar General's decision shall be decided by the Governor in Council.

31. If the letting is from month to month, a month's notice of its discontinuance shall be given either by the Registrar General or the lessee as the case may be.

32. If the letting is for a year or more, no notice of the expiration of the term shall be necessary.

33. No market building shall be let for any term exceeding five years without the approval of the Governor.

34. All rents of market stalls shall be paid to the Registrar General in advance within the first seven days of each month.

35. No lessee of any market stall shall, without the lessor's consent in writing, use such stall for any purpose other than that for which it is let, nor shall he assign, underlet, or part with the possession of such stall nor in any way alter or add to it, or suffer it to fall into disrepair.

36. Any breach of regulations 34 or 35 shall render the lessee liable to the forfeiture of his lease.

#### NIGHT-SOIL CARRIERS.

1. The removal of excretal matters from premises other than those from which such matters are removed by the night-soil contractor, shall be carried out by night-soil carriers registered by and holding a licence from the Board.

2. Licences shall be issued in the first instance to the existing private night-soil carriers, and no additional licences shall be granted unless and until the necessity for their issue shall have been shewn to the satisfaction of the Board.

3. Licences to night-soil carriers shall be issued annually and shall expire on the 31st of December of the year in which they are issued.

4. Licences shall be issued free of charge. In the event of the loss of a licence a duplicate shall be issued on payment of a fee of 25 cents.

5. Every night-soil carrier licensed under these bye-laws shall, for the purposes of his work, use a bucket of such pattern as may from time to time be approved by the [Board.]

6. Every night-soil carrier licensed under these bye-laws shall remove at least once in every 24 hours all excretal matters from the premises from which he shall have undertaken to remove such matters.

7. No night-soil carrier shall convey excretal matters along any public street or road except between the hours of 1 a.m. and 6 a.m.

8. Any licensed night-soil carrier, being convicted of a second offence against these bye-laws, shall forfeit his licence in addition to any penalty inflicted under the Public Health and Buildings Ordinance.

#### NOTIFICATION OF INFECTIOUS DISEASE.

1. If any inmate of any premises be suffering from bubonic plague, cholera, small-pox, diphtheria, scarlet fever, typhus fever, enteric fever, relapsing fever, or puerperal fever, and if such inmate be under the care of a legally qualified and registered medical practitioner the said medical practitioner shall forthwith furnish the medical officer of health with a notification thereof in writing stating the name of such inmate and the situation of such premises.

Such legally qualified medical practitioner shall be entitled to receive, on application to the secretary of the Board, the sum of \$1 for each and every such notification.

2. If any inmate of any premises be suffering from bubonic plague, cholera or small-pox, and if such inmate be not under the care of a legally qualified and registered medical practitioner, the occupier or keeper of such premises or part of such premises, or in default of such occupier or keeper the nearest male adult relative living on such premises, or in default of such relative, occupier, or keeper any person in charge of or in attendance on the sick person shall, on the nature of the disease becoming known to him or on suspicion of the existence in such inmate of any such disease, forthwith notify the same to the medical officer of health, or the officer in charge of the nearest Police Station, who shall, immediately on receipt thereof, transmit the information to the medical officer of health.

3. No notification which contains any false information shall be deemed a notification as required by these bye-laws unless the person notifying proves that he believed and had reasonable grounds for believing such false information to be true.

4. The secretary of the Board shall upon application furnish every medical practitioner in the Colony and every officer in charge of a Police Station with the printed forms of notification to be used.

5. All persons knowing or having reason to believe that any person has been attacked by, or is suffering from, bubonic plague, cholera, small-pox or from such other epidemic, endemic or contagious disease as may be from time to time duly notified in the Gazette, shall notify the same without delay to any officer on duty at the nearest Police Station, or to some officer of the Sanitary Board, and any such officer receiving any such notification whether verbal or written or discovering any such case, shall notify the same with the least possible delay to the medical officer of health, and may detain such person or remove him to a public hospital, and may cause such person to be examined by the medical officer of health or by some legally qualified and registered medical practitioner.

#### OVERCROWDING.

1. The medical officer of health, or such other officer as the Board may appoint for this purpose, shall, within such limits as the said Board may from time to time define, cause to be measured the floor area and cubic capacity of all domestic buildings or parts thereof, and shall cause to be calculated the number of occupants that may lawfully pass the night in such buildings or any parts thereof in accordance with the provisions of the Public Health and Buildings Ordinance, and shall cause such number in English and Chinese to be fixed to such buildings or parts thereof in such manner as the Board may from time to time direct.

#### OFFENSIVE TRADES.

1. It shall not be lawful to carry on any offensive trade in any premises not hitherto used for carrying on any such trade until such premises have been approved by the Board as being situated in a suitable locality, and as being suitable for the purpose of such trade.

2. Offensive trades shall only be carried on in premises that are substantially built, and such premises shall be [adequately lit and ventilated to the satisfaction of the Medical Officer of Health, and shall be] drained in accordance with the provisions of the Public Health and Buildings Ordinance, and the bye-laws made thereunder. The ground surfaces of such premises shall be paved with good concrete laid down at least six inches thick and the surface thereof shall be rendered smooth and impervious with asphalt, Portland cement, or such other material as the Board may approve of. The interior surfaces of all walls, which must be substantially built of brick or stone, as well as the surfaces of the brick or stone supports for the pans, etc. shall be rendered smooth and impervious to the height of at least seven feet from the floor level with asphalt, Portland cement, or such other material as the Board may approve of.

Every such premises shall be provided to the satisfaction of the [Board] with proper and adequate urinal and privy accommodation for the use of the workmen employed therein.

3. Every person in charge of such premises shall cause all materials, which have been received upon the premises where his trade is carried on, and which are not immediately required for boiling, melting or extracting, to be stored in such manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

4. Every person in charge of such premises shall cause such portions of the internal surface of every wall upon the premises, where his trade is carried on as have not been rendered impervious with suitable material, to be thoroughly cleansed, and, after being so cleansed, to be thoroughly washed with hot lime-wash during the months of January, [April,] July [and October] of each year.

5. Every person in charge of such premises shall, at the close of every working day, cause all fat, tallow, grease, refuse or filth which has been spilled or splashed, or has fallen or been deposited upon any floor, pavement, or wall upon the premises where his trade is carried on to be collected therefrom by scraping or some other effectual means of cleansing and, unless it is intended to be subjected to further trade processes on the premises, forthwith removed from the premises. All apparatus must be kept in a cleanly and wholesome condition.

6. Every person in charge of such premises shall cause every part of the internal surface of the walls and every floor or pavement upon the premises where his trade is carried on to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid filth, or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

7. Every person in charge of such premises shall adopt the best practicable means of rendering innocuous all vapours emitted during the process of boiling, melting or of extracting fat, etc., upon the premises where his trade is carried on.

He shall, in every case, either cause the vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the vapour without noxious or injurious effects, or he shall cause the vapour to pass directly from the pan or press through a fire, or into a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the vapour or to deprive the same of all noxious or injurious properties.

8. No person other than a caretaker shall be allowed to pass the night in any of the rooms used as work rooms unless actually engaged in carrying on work connected with the trade.

9. Every person in charge of such premises shall cause every drain or means of drainage upon or in connection with the premises where his trade is carried on to be maintained at all times in good order and efficient action. He shall, where it is necessary in the opinion of the [Board] provide the drains on his premises with the appliance known as a "grease-trap" and shall not pass or permit to be passed any hot liquid refuse (*i.e.*, above 110° Fahr.) into the drains and sewers.

10. Every person in charge of such premises shall, at all times, afford free access to every part of the said premises to any member or officer of the Board.

11. The owners of all premises at present used for the purpose of carrying on an offensive trade, and intended to be so used in future, shall register annually, during the month of January, such premises, at the offices of the Board, in the form required, and no person will be permitted to carry on any such trade, within the said premises, without a certificate from the Board that the requirements of the foregoing bye-laws have been complied with.

12. In the case of all premises, other than those hitherto used for the purpose of carrying on an offensive trade, no person shall carry on any such trade, in such premises, without the sanction in writing of the Board, and the owners shall duly register at the offices of the Board, in the form required, such premises annually in the month of January, during the period in which it is intended to carry on any such trade.

#### OPIUM DIVANS.

1. [Every opium smoking divan shall be adequately lit and ventilated to the satisfaction of the medical officer of health and shall be paved with good lime or cement concrete laid down at least six inches thick, and the surface thereof shall be rendered smooth and impervious with asphalt, Portland cement or such other material as the Board may approve of.]

2. [Every opium smoking divan shall be so drained as to be in accordance with the requirements of the Public Health and Buildings Ordinance and the bye-laws made thereunder, and all inlets to the drains shall be placed outside the building.]

3. Every opium smoking divan shall be at all times open to inspection by any officer or member of the Board.

4. The keeper of an opium smoking divan shall not permit his premises to be occupied [at any time, by] a greater number of persons than such as will allow for each adult not less than [fifty] square feet of habitable floor space or superficial area, and [five hundred and fifty] cubic feet of clear and unobstructed air space unless such opium smoking divan comes within the exemption contained in the second proviso to section 46 of the Public Health and Buildings Ordinance.

5. The keeper of an opium smoking divan shall cause the windows and ventilating openings of his premises to be kept at all times free from obstruction, and shall daily open the windows to such an extent and at such times as may be necessary for the efficient ventilation of the premises unless prevented by inclement weather or by the illness of any person occupying the said premises.

6. The keeper of an opium smoking divan shall cause the internal walls and ceilings of every part of his premises to be thoroughly cleansed and lime-washed during the months of January, [April,] July [and October] of each year.

7. The keeper of an opium smoking divan shall at all times keep his premises in a clean and wholesome condition, and shall cause all filth and house refuse or other offensive matter to be removed from his premises daily.

8. The keeper of an opium smoking divan shall, without delay report at the office of the Board, every case of serious illness which shall occur upon his premises, and should such case prove to be of a contagious nature, he shall afford every facility for the removal of the sick person and shall adopt all such precautions as the medical officer of health or other duly authorized officer of the Board shall direct. For the purposes of this bye-law any officer in possession of instructions in writing signed by the secretary of the Board or by the medical officer of health shall be deemed to be duly authorized.

#### POISONS.

1. All the articles named or referred to in the list hereto annexed, both in Part I and Part II, are poisons within the meaning of these bye-laws.

##### *Sale by Retail.*

2. No poison mentioned in either Part of the list hereto annexed shall be sold by retail, unless such poison or the vessel, wrapper, or cover, in which it is contained, be distinctly labelled with the name of the article, the word "Poison" in both English and Chinese characters, and the name and address of the seller.

##### *Additional Bye-laws concerning the Poisons contained in Part I only of the List.*

3. No poison included in Part I of the list shall be sold by retail, to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book, to be kept for that purpose, of—

- (1.) The date of sale;
- (2.) The name and address of the purchaser;
- (3.) The name and quantity of the article sold; and
- (4.) The purpose for which it is stated to be required; to which the signature, chop or mark of the purchaser, and of the person, if any, who introduced him, shall be affixed.

NOTE.—These requirements are in addition to those contained in No. 2 of these bye-laws.

*Special Bye-laws applying only to Arsenic  
and its preparations.*

4. No arsenic or any of its preparations shall be sold by retail unless the following provisions be also observed:—

- (1.) That the poison, if colourless, be mixed with soot or indigo, so as to colour it.
- (2.) That the person to whom the poison is sold or delivered be apparently not less than sixteen years of age.
- (3.) That the occupation, as well as the name and address of the purchaser be entered in the "Poison-book."
- (4.) That when the purchaser is not known to the seller, and is introduced by some person known to both, this person shall be present as a witness to the transaction, and shall enter his name and address in the "Poison-book."

NOTE.—These requirements are in addition to those contained in Nos. 2 and 3 of these bye-laws.

*Entries, etc., in Foreign Languages.*

5. In the case of persons who cannot write or speak English the entries, labels and signatures required as above may be made in the language with which such persons are acquainted, provided always, that the word "Poison" as required in No. 2 of these bye-laws must appear upon the label in both English and Chinese characters.

*Exemption.*

6. None of the foregoing Bye-laws apply to any article when forming part of the ingredients of any medicine dispensed by—

- (a) any chemist and druggist duly qualified under the English Pharmacy Act of 1868; or
- (1) any person who shall have previously proved to the satisfaction of the Governor that he possesses a similar qualification or has passed through a course of study and examination as thorough and sufficient as the minimum course of study and examination required for registration under the said Pharmacy Act; or
- (c) any person at present in practice as a chemist and druggist who shall have previously proved to the satisfaction of the Governor that he is competent to dispense poisons; or
- (2) a medical practitioner duly registered under the Medical Registration Ordinances in force for the time being in this Colony, or entitled to the benefit of section 20 of Ordinance 6 of 1884:

Provided that, if the medicine contain a poison included in either part of the list, the ingredients of the medicine together with the name of the person to whom it is sold or delivered, be entered in a book kept for that purpose ("Prescription-book"), and that the name and address of the seller be attached to the medicine.

*List of Poisons within the meaning of these Bye-laws.*

*Part I.*

Not to be sold unless the purchaser is known to or is introduced by, some person known to the seller;

also

Entry to be made in "Poison-book" of

1. Date of Sale;
2. Name and address of purchaser;
3. Name and quantity of article;
4. Purpose for which it is wanted;

Attested by signature;

and

Must be labelled with

1. Name of article.
2. The word "Poison."
3. Name and address of seller.

*Arsenic*, and its preparations (see also special regulations under No. 4 of these bye-laws).

*Aconite*, and its preparations;

*Alkaloids*.—All poisonous vegetable alkaloids and their salts;

*Atropine*, and its preparations;

*Cantharides*;

*Corrosive Sublimate*;

*Cyanide of Potassium*, and all metallic cyanides and their preparations;

*Emetic Tartar*;

*Ergot of Rye*, and its preparations;

*Prussic Acid*, and its preparations;

*Savin*, and its oil;

*Strychnine*, and its preparations;

*Vermin Killers*, if preparations of poisons, the preparations of which are in Part I of this schedule.

*Datura Alba*, and its preparations;

*Gelsemium Elegans*, and preparations;

*Orpiment*.

*Part II.*

Must be labelled with

1. Name of article.
2. The word "Poison."
3. Name and address of seller.

*Almonds, Essential Oil of* (unless deprived of Prussic Acid);

*Belladonna*, and its preparations;

*Cantharides*, Tincture and all vesicating liquid preparations of ;  
*Carbolic Acid* ;  
*Chloroform* ;  
*Chloral Hydrate*, and its preparations ;  
*Corrosive Sublimate*, preparations of ;  
*Morphia*, preparations of ;  
*Nux Vomica*, and its preparations ;  
*Oxalic Acid* ;  
*Precipitate, Red* (Red Oxide of Mercury) ;  
*Precipitate, White* (Ammoniated Mercury) ;  
*Vermin Killers* (see Part I) compounds containing "Poisons" prepared for the destruction of vermin, if not subject to the provisions of Part I are in Part II.

PREVENTION OR MITIGATION OF EPIDEMIC, ENDEMIC OR  
 CONTAGIOUS DISEASE.

1. The [Board] may at any time with a view to the prevention or mitigation of any epidemic, endemic or contagious disease (even when any such disease is not known to exist in the Colony) direct any officer of the Board to make house to house visitations [in any district or districts in which the Board may deem such visitations to be necessary] and any officer so directed may, with such assistance as may be necessary, cleanse and disinfect any premises within such [districts] under the directions of the medical officer of health, or of any assistant medical officer of health, or of such other officer as may be appointed for that purpose by the Board, with the approval of the Governor, and during such cleansing and disinfection he may, if he thinks fit, have all furniture and goods removed from such premises; and whenever in the opinion of the medical officer of health, or of any assistant medical officer of health, or of such other officer appointed as aforesaid, it is necessary for the thorough cleansing and disinfection of such premises to do any or all of the following acts, namely, to take down, remove from the premises or destroy any mezzanine floor, cockloft, partition, screen, ceiling or other similar structure or fitting, or any portion thereof, or when in his opinion any mezzanine floor, cockloft, partition, screen, or other similar structure, or fitting prevents the free access of light or air to the said premises, he shall forthwith have the same taken down, and if he considers the removal from the premises or the destruction thereof, or both, necessary in the interests of the public health, he shall forthwith cause the same to be removed from the premises or destroyed or both. Such destruction shall be carried out with such precautions and in such manner and in such place as the [Board] may from time to time direct.

For the purposes of this bye-law any member or officer of the Board may enter any premises without notice between the hours of 5 A.M. and 6 P.M.

*The Board may recover the cost of such cleansing and disinfection from the householder, and compensation may be given to such householder for any bedding, clothing or other articles which have been destroyed during such cleansing and disinfection.*

2. During such cleansing and disinfection of premises any officer of the Board or any Police officer may prevent the removal (except under the directions of the officer in charge of the cleansing and disinfection) of any furniture, clothing, bedding or other household goods to or from any premises within [such districts as aforesaid,] unless the person so removing them has obtained, and produces to such officer, a permit in writing from the medical officer of health or any assistant medical officer of health, authorising such removal. The medical officer of health or any assistant medical officer of health may, as a condition of granting any such permit require the articles in respect of which the permit is applied for, to be first cleansed and disinfected to his satisfaction.

Any person removing any such article to or from any premises within [such districts] without such directions or permit as aforesaid, shall be deemed to be guilty of a breach of this bye-law.

3. Any building or part of any building certified in writing by the medical officer of health or by any legally qualified and registered medical practitioner, to be unfit for human habitation, even although the same may have been cleansed and disinfected, as provided in No. 1 of these bye-laws, may be closed by order of the Board until such time as the Board shall be satisfied that the said premises have been rendered fit for human habitation; and the occupants of the said premises may be removed, after twenty-four hours' notice has been given to the householder or occupier to vacate the premises, by the service of a notice, duly signed by the secretary or by posting of such notice upon any portion of the premises.

In no case shall such premises be re-occupied except under a certificate of the Board signed by the secretary that such premises are fit for human habitation.

Subject to the approval of the Governor, the Board may, when necessary, erect matsheds, or hire buildings or charter vessels and use them for the accommodation of the persons so removed.

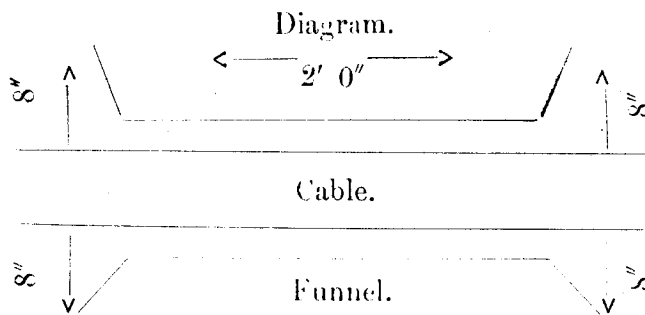
4. All receptacles, whether public or private, for excremental matter shall be kept thoroughly disinfected by the owner thereof to the satisfaction of the medical officer of health or other duly authorized officer of the Board, by causing to be thrown into such receptacle after use a sufficient quantity of any such disinfectant as may be approved by [him.] All floors and channels as well as all partitions, seats and other fittings of every latrine shall be frequently washed and cleansed with water to which some such disinfectant has been added.

## PREVENTION OF THE DISSEMINATION OF PLAGUE BY RATS.

In these bye-laws, unless the context otherwise requires the word "ship" means any description of vessel used in navigation not propelled by oars, except Junks or Lorchas not propelled by steam and except launches plying within the waters of the Colony.

To prevent rats on board ship coming on shore, and the shore rats from getting on board ship—

1. All cables, hawsers, and ropes used for mooring ships alongside any wharf, or passing between the ship and the shore, and all shores used for securing ships in dock, must (when such shores are within a distance of twelve inches from any open port or other opening in the ship's side or within twelve inches of the gunwale or rail) have fastened on them a funnel-shaped appliance consisting of a tube of iron or other metal about two feet in length, with a trumpet-like flange. This trumpet-like flange must be double, in order to prevent the rats from passing either way along the cable, and each flange must extend at least eight inches clear of the rope or cable. The rope or cable must be passed through the tube and the intervening space filled up.



2. All openings through which ropes pass from the ship to the wharf, or shore, must be stopped up, and all such ropes must be daily tarred to a distance of six feet from the ship and the shore respectively.
3. Brows or gangways for cargo, are to be disconnected from the ship while cargo is not being worked over them; all other brows or gangways must also be kept disconnected between sunset and sunrise, except when required to be used by persons coming on board or leaving the ship.
4. From sunset to sunrise, a bright light must be kept burning at each end of every brow or gangway, so long as it connects the ship with the shore or wharf.

## REMOVAL OF PATIENTS.

*(Infectious Diseases.)*

1. The Board by its officers may provide for the removal of, and may remove to the *Hygeia*, the Government Civil Hospital, the Kennedy Town Hospital, or other appointed place, any person suffering from bubonic plague, cholera, small-pox or such other epidemic, endemic or contagious disease as may be from time to time duly notified in the Gazette, and no removal shall take place except under the orders of the [Board] or of one of the Board's officers or of a legally qualified and registered medical practitioner, and then only in such manner and with such precautions as the [medical officer of health may deem necessary.] No such removal, however, shall take place if the medical officer of health or any legally qualified and registered medical practitioner certifies that such person is being lodged and cared for without danger to the public health.

2. The Board by its officers may remove or cause to be removed for burial or cremation all bodies found in the Colony of persons who have died from any of the diseases specified in the foregoing bye-law and may bury or cremate or cause the same to be buried or cremated in accordance with the custom of the race to which the deceased belonged in such place and in such manner and with such precautions as the Board may from time to time direct, and no persons, unless acting under the written sanction or direction of the secretary or of the medical officer of health to bury or cremate, shall remove or bury or cremate any such bodies.

3. On receipt of a certificate from a duly qualified medical practitioner that any person suffering from diphtheria, scarlet fever, [typhus fever,] enteric fever, relapsing fever, puerperal fever, measles, whooping cough, or such other infectious disease as may from time to time be defined by the Board, by resolution, for this purpose, is improperly lodged, the medical officer of health shall, in case the said person is unwilling to be removed forthwith, apply to a Magistrate for an order for the removal of such person under the provisions of the Public Health and Buildings Ordinance.

4. When any person suffering from any of the diseases specified in the foregoing bye-law is willing to be removed to a hospital or other suitable place the medical officer of health shall take such measures as he may deem necessary for the safe and convenient removal of the said patient.

## SCAVENGING AND CONSERVANCY.

1. The general surface scavenging of the City of Victoria, the Hill Districts and the larger villages in the Colony and the removal of night-soil and cognate matters from the Hill Districts, public buildings and free and licensed latrines shall be carried out by contractors in accordance with the terms and conditions of the contracts for the time being in force.

2. The servants of the various public sanitary contractors shall, while at work, wear such distinguishing badge as shall from time to time be directed by the Board.

3. Except between the hours of 1 a.m. and 6 a.m. the conveyance of excretal matters along any public road or street is prohibited.

4. Except between the hours of midnight and 9 a.m. the conveyance of pig-wash or other noxious or offensive waters along any public road or street is prohibited.

5. Except in strong substantial buckets with closely fitting covers the conveyance of excretal matters, pig-wash, or offensive waters along any public road or street is prohibited.

6. The occupier of any premises, or if there be no occupier the immediate landlord shall make due provision for the daily removal of all excretal matters and house refuse from their premises to the conservancy-boats, and dust-carts, dust-bins or dust-boats.

7. Occupiers shall provide themselves with strong substantial movable dust-bins for the reception of the day's house refuse.

#### SLAUGHTER HOUSES.

##### *Outside the Limits of the City of Victoria.*

1. The lessee of the privilege of slaughtering animals shall provide all persons necessary for the purpose of slaughtering animals and dressing the carcasses thereof, together with a sufficient supply of hot water, and shall have the same in readiness at all times for the service of persons making use of the slaughter-houses.

2. The lessee of the privilege of slaughtering animals shall at all times allow any person to slaughter any animal or dress any carcase for sale on payment to him of a fee not exceeding twenty cents for each animal weighing less than one picul or forty cents for each animal weighing more, besides the blood of such animal which the lessee may retain.

3. The weight of each animal for the purposes of the preceding rule shall be ascertained before it is slaughtered.

4. Each slaughter-house shall be provided with a hanging shed, in which the carcase of every animal slaughtered shall be hung as soon as it is dressed. Such carcasses shall continue hanging in such shed until they are removed to the markets, which removal shall be by means of a wheeled and covered vehicle or in a boat in either of which the carcasses shall be hung.

5. The lessee of the privilege of slaughtering animals shall cause the means of ventilation and drainage provided in or in connexion with the slaughter-houses to be kept, at all times, in proper and efficient action.

6. The lessee of the privilege of slaughtering animals shall cause the means of water-supply provided in or in connexion with the slaughter-houses to be kept, at all times, in proper order.

7. The lessee of the privilege of slaughtering animals shall provide a sufficient number of vessels, or receptacles, properly constructed of some non-absorbent material, and furnished with closely fitting covers, for the purpose of receiving and conveying from the slaughter-houses all blood, manure, garbage, filth, or other refuse products of the slaughtering of animals or the dressing of any carcase therein. He shall forthwith upon the completion of the slaughtering of animals or the dressing of any carcase in the slaughter-houses cause such blood, manure, garbage, filth, or other refuse products to be collected and deposited in such vessels or receptacles and he shall cause all the contents of such vessels or receptacles to be removed from the slaughter-houses at least once in every twenty-four hours. He shall cause every such vessel or receptacle to be thoroughly cleansed immediately after it shall have been used for such collection and removal, and shall cause every such vessel or receptacle when not in actual use to be kept thoroughly clean.

8. The lessee of the privilege of slaughtering animals shall provide the proper instruments, appliances, and utensils required for the purpose of slaughtering and he shall cause all such articles to be thoroughly cleansed immediately after the completion of the process of slaughtering in which they have been used, and he shall also cause every such utensil when not in actual use to be kept thoroughly clean.

9. The lessee of the privilege of slaughtering animals shall cause every part of the internal surface of the walls and every part of the floor of the slaughter-houses to be kept, at all times, in good order and repair, so as to prevent the absorption therein of any blood or liquid refuse or filth which may be spilled or splashed thereon, or any offensive or noxious matter which may be deposited thereon or brought in contact therewith. He shall cause every part of the internal surface of the slaughter-houses above the floor to be either thoroughly washed with hot limewash or tarred, at least four times in every year. He shall cause every part of the floors of such slaughter-houses, and every part of the internal surface of every wall on which any blood or liquid refuse or filth may have been spilled or splashed, or with which any offensive or noxious matter may have been brought in contact during the process of slaughtering or dressing in such slaughter-houses, to be thoroughly washed and cleansed within three hours after the completion of such slaughtering or dressing.

10. The owner of any animal that is slaughtered shall cause the hide or skin, fat, and offal of such animal to be removed from the slaughter-houses within twenty-four hours after the completion of the slaughtering of such animal.

11. The lessee of the privilege of slaughtering animals shall not at any time keep any dog or cause or suffer any dog to be kept in any of the slaughter-houses. He shall not at any time keep, or cause, or suffer to be kept in any of the slaughter-houses any animal of which the flesh may be used for the food of man, unless such animal be so kept in preparation for the slaughtering thereof upon the premises,

and he shall not keep such animal or cause or suffer such animal to be kept in any of the slaughter-houses for a longer period than may be necessary for the purpose of preparing such animal for the process of slaughtering. He shall cause animals kept in preparation for slaughtering to be confined in the stalls, pens, or lairs provided on the premises for this purpose.

12. The lessee of the privilege of slaughtering animals shall cause every animal brought to any of the slaughter-houses, and confined in any stall, pen, or lair upon the premises previous to being slaughtered, to be provided during such confinement with a sufficient quantity of wholesome water.

13. Animals confined in the stalls, lairs, or pens, attached to the slaughter-houses shall have at least the following space allotted to them, *viz.* :—

Every ox or cow (8 feet by 2 feet)...16 superficial feet.  
Every sheep or pig (4 feet by 1 foot)... 4 superficial feet.

14. No person shall convey or cause to be conveyed or attempt to convey any dead carcase of any animal into any of the slaughter-houses for any purpose whatsoever.

15. The colonial veterinary surgeon, or other officer authorized by the Governor in that behalf, may from time to time cause a stamp or stamps or other instrument or instruments to be made for the purpose of marking or stamping beef and mutton before the carcasses leave the slaughter-houses, and may from time to time change or alter such mark or stamp; and every such mark or stamp, for the time being in use at any slaughter-house under the authority of the colonial veterinary surgeon or such officer as aforesaid, shall be the official stamp or mark within the meaning of the Public Health and Buildings Ordinance and of every bye-law made thereunder.

#### *Slaughter-houses within the Limits of the City of Victoria.*

1. Each slaughter-house shall be provided with a hanging shed, in which the carcase of every animal slaughtered shall be hung as soon as it is dressed. Such carcasses shall continue hanging in such shed until they are removed to the markets, which removal shall be by means of a wheeled and covered vehicle or in a boat in either of which the carcasses [shall] be hung.

2. The lessee of the privilege of collecting blood and hair shall forthwith upon the completion of the slaughtering of any animal or the dressing of any carcase, cause such blood and hair to be collected and deposited in a sufficient number of receptacles, properly constructed of non-absorbent material and furnished with closely fitting covers, and he shall cause the contents of such receptacles to be removed from the slaughter-house at least once in every twenty-four hours. He shall cause every such receptacle to be thoroughly cleansed immediately after it shall have been used for such collection and removal, and shall cause every such receptacle when not in actual use to be kept thoroughly clean.

3. The owner of any animal to be slaughtered shall provide the proper instruments, appliances and utensils required for such purpose, and shall cause all such articles to be thoroughly cleansed immediately after the completion of the process of slaughtering in which they have been used, and shall cause every such article when not in actual use to be kept thoroughly clean.

4. The owner of any animal that is slaughtered shall cause the hide or skin, fat and offal of such animal to be removed from the slaughter-house within twenty-four hours after the completion of the slaughtering of such animal.

5. The owner of any animal shall not keep such animal in any slaughter-house for a longer period than *twelve hours*.

6. No person shall convey or cause to be conveyed or attempt to convey any dead carcase of any animal into any of the slaughter-houses for any purpose whatsoever.

7. The colonial veterinary surgeon, or other officer authorized by the Governor in that behalf, may from time to time cause a stamp or stamps or other instrument or instruments to be made for the purpose of marking or stamping beef and mutton before the carcasses leave the slaughter-house, and may from time to time change or alter such mark or stamp; and every such mark or stamp, for the time being in use at any slaughter-house under the authority of the colonial veterinary surgeon or such officer as aforesaid, shall be the official stamp or mark within the meaning of the Public Health and Buildings Ordinance and of every bye-law made thereunder.

8. Fees in accordance with the following scale shall be paid by the owner of any animal to be slaughtered :—

Cattle (including Calves) .....	40 cents per head.
Sheep and Goats, .....	20 " "
Swine, .....	30 " "

The fee shall in all cases be payable on admission.

#### WATER CLOSETS.

1. Every person who shall construct a water-closet in a building shall construct such water-closet in such a position that one of its sides, at least, shall be against an external wall.

2. Every person who shall construct a water-closet shall furnish such water-closet with a separate cistern or flushing box. Such cistern or flushing box shall be so constructed, fitted and placed as to admit of a supply of water to such closet, pan, basin, or other receptacle of not less than two gallons or more than three gallons each time such pan, basin, or other receptacle is used.

Such cistern or flushing box shall in all cases, except where it is in connection with a valve closet, be of the type known as the Water Waste Preventor.



Such cistern shall be provided with a suitable ball-cock fixed on the supply-pipe, and it shall be furnished with an overflow pipe carried through the external wall of the water-closet and terminating in a conspicuous place.

3. Every person who shall construct a water-closet shall furnish such water-closet with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual removal therefrom of any solid or liquid filth which may from time to time be deposited therein.

He shall furnish such water-closet with a pan, basin, or other suitable receptacle of non-absorbent material, and of such shape, capacity and mode of construction as to receive and contain a sufficient quantity of water, and to allow of all filth which may from time to time be deposited in such pan, basin, or other receptacle to fall directly into the water received and contained in such pan, basin, or receptacle. Such pan, basin, or receptacle shall be provided with a suitable trap, having a water seal of not less than one and a half inches.

He shall not construct or fix under such pan, basin, or receptacle any container or other similar fitting.

He shall not construct or fix in or in connection with the water-closet apparatus any trap of the kind known as the D trap.

4. No water-closet apparatus, pan, basin, or other receptacle shall be directly connected with any water service pipe.

5. No flush-pipe connecting any water-closet apparatus with the cistern shall be less than one and a quarter inches in diameter.

6. All water-closet apparatus, pan, basin, or receptacle shall be so fixed as to require no casing in and shall not be so cased in.

7. Every person who shall construct a water-closet shall provide an efficient soil-pipe of cast [or wrought] iron securely fixed to the wall in the manner described for ventilating and fall pipes; and such soil-pipe shall be at least four inches in diameter; and shall be properly connected to the drain at the foot, and it shall be carried up without diminution and terminate in an open end at least three feet in height above the eaves of the building and ten feet distant from any window.

Such soil-pipe, shall be securely jointed with yarn and lead.

Every soil-pipe shall be provided with proper junctions for connecting with the water-closet pan, basin, or receptacle, the trap of which shall be connected in a sound and substantial manner. No soil-pipe shall receive any waste-pipe other than that from a water-closet apparatus or urinal, and no trap shall be fixed in any portion thereof.

Every soil-pipe, shall be fixed throughout its entire length outside the building.

8. When more than one water-closet pan, basin, or receptacle is connected with a soil-pipe, the trap of each and every such pan, basin, or receptacle shall be provided with an air-pipe not less than one and a quarter inches in diameter which shall be carried up throughout its entire length outside the building and connected to the soil-pipe above the uppermost connection or finish three feet above the eaves of the building.

9. All joints, pipes, fittings and apparatus in connection with any water-closet shall be perfectly water and air tight, and fixed to the satisfaction of the sanitary surveyor.

#### SCHEDULE (C.)

##### *Rules for the Election by the Ratepayers of Members of the Sanitary Board.*

1. Elections shall take place at such time and place as shall be previously notified by command of the Governor in the Gazette.

2. The Registrar of the Supreme Court hereinafter termed The Registrar, shall in accordance with any such notification summon to an election the persons by law entitled to vote at such election and shall preside at the election.

3. The name of every candidate must be proposed in writing by one elector and seconded by another.

4. No elector shall give more than one vote.

5. The voting shall be by ballot.

6. The name of every elector voting must be recorded.

7. The ballot box must be opened and the votes counted in the presence of the electors present.

8. Candidates, as such, are not disqualified from voting.

9. In the event of two candidates having an equal number of votes only one of whom can be elected, their names must be submitted to another ballot.

10. As to any matters connected with the order of proceeding not hereby provided for, the Registrar shall take such order as he thinks fit.

11. The Registrar shall make a return of the electors to the Governor as soon as conveniently may be after the election. The return must be accompanied, for the Governor's information, by:—

(a.) A list of the electors present at the meeting.

(b.) A list of the candidates with the names of their proposers and seconders.

(c.) A list of voters.

(d.) A statement of the number of votes given for each candidate.

## SCHEDULE (D.)

*Notice to abate a Public Health Nuisance.*

Sanitary Board Office,  
Hongkong, 19 .

To  
NOTICE is hereby given to you on behalf of the Sanitary Board that the nuisance specified hereunder is found to exist in your premises No. , and that you are therefore hereby required within \* from the time of service upon you of the present notice to abate such nuisance in the manner hereunder set forth.

By Order of the Sanitary Board.

\_\_\_\_\_  
*Secretary.*

*Nature of Nuisance* .....  
*Action to be taken for the abatement of the nuisance* .....

\* Note.—Here insert period of time allowed.

## SCHEDULE (E.)

*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 erect a 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 (F.)

*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 (G.)

#### *Verandah and Balcony Regulations.*

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. Width of verandahs, &c., from ground storey of buildings.
- 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 a 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 a 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 a 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-tenth 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 (H.)

#### *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 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 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 [eight] 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 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 Board.

6. *Drainage.*—Adequate arrangements, to the satisfaction of the 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 Board may direct.

7. *Overcrowding.*—Each occupant of any such matshed shall be provided with at least [50] square feet of unobstructed floor area and [600] 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 twenty, the 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 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 (J.)

### *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 Public Health and Buildings Ordinance, 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 (K.)

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

Hongkong, \_\_\_\_\_, 19 \_\_\_\_

To the Building Authority.

\_\_\_\_\_ hereby give you notice, pursuant to The Public Health and Buildings Ordinance, 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 (L.)

*Notice to abate a Building Nuisance.*



No. \_\_\_\_\_

Office of the Building Authority,  
 Hongkong, \_\_\_\_\_, 19 \_\_\_\_

To A.B.

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

which contravenes section \_\_\_\_\_ of The Public Health and Buildings Ordinance, I have therefore to give you notice under the said Ordinance, to abate the nuisance within a period of \_\_\_\_\_ by

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

*Objects and Reasons.*

This Ordinance is intended to consolidate and amend the existing laws on the subject of Public Health and Buildings. The Ordinance consolidates and amends a number of existing Ordinances and introduces some new matter adopted from Imperial legislation on kindred subjects. In the early part of this year Messrs. CHADWICK and SIMPSON were sent out to report on the sanitary condition of the Colony with a view to stamping out Plague. The result of their labours is the present Ordinance based upon their recommendations.

H. S. BERKELEY,  
 Attorney General.

## A BILL

ENTITLED

## An Ordinance to amend the Law relating to Employers and Servants.

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

Repeal.

1. The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column thereof.

Interpretation.

2. In this Ordinance the following words and expressions shall have the meaning assigned to them respectively unless there be something in the context repugnant thereto namely :—

“Contract of service” shall mean any contract, whether in writing or verbal, to work personally for any period of time.

“Employer” shall include any person, firm, corporation or company who, or which, enters into any contract of service with any servant as next hereinafter defined, and the agent of every such person, firm, corporation, or company.

“Servant” shall include every person above the age of sixteen years being a mechanic artificer or other handicraftsman, engine-driver, fireman ; sailor, boatman or other person engaged for service on any launch or cargo boat or on any fishing or trading junk ; messenger, lift attendant, godown-keeper, tallyman, watchman, labourer, servant in husbandry or manufacture ; coachman, groom or other stable servant ; gardener or other garden servant, bearer of private chair, puller or propeller of private jinricksha, water carrier ; domestic menial or other house servant whether ordinarily employed in or out of doors ; who enters into a contract of service with an employer.

“Magistrate” shall mean a Police Magistrate.

Person over 16 years of age may contract.

3. Any person over the age of sixteen years may enter into a contract of service under this Ordinance.

Contract if verbal to be monthly unless within exceptions.

4. In the absence of any agreement in writing to the contrary every contract of service (except in the case of hire by the day, job, or journey) shall be deemed to be a contract for one month renewable from month to month and every such contract shall be deemed to be so renewed unless such contract shall be determined in the manner prescribed in the section next succeeding.

Every servant under such contract shall, in addition to any service which he may have specially contracted to perform, be deemed to have contracted to perform all such additional light duties as he may reasonably be called upon by his employer to perform.

Determination of monthly contract.

5. Every such contract may be determined (1) by either party thereto giving to the other notice to determine such contract at the termination of one calendar month from the date of such notice ; or (2) at any time without notice by the employer paying to the servant in lieu of such notice the wages, if any, due to him for the time he has served and a further sum of money equal to one month's wages from the date of the determination of such contract.

Contract for more than one month to be in writing.

6. A contract of service for more than one month shall be in writing and shall be executed in the manner hereinafter prescribed.

To be executed in duplicate—servant entitled to duplicate.

7. Every such contract shall be executed in duplicate in the presence of a Magistrate, or in the case of any sailor boatman or other person engaged for service on any cargo boat or fishing or trading junk before the European Police Officer in charge of the Police Station of the District in which such contract is made, who shall before the execution thereof explain to the servant the nature of such contract and upon the execution thereof shall endorse thereon his certificate that such contract has been duly explained by him to such servant and thereafter shall deliver such duplicate to such servant.

Limitation of duration of contract.

8. No such contract shall be for a longer period than (five) years if made beyond the Colony nor for a longer period than (three) years if made within the Colony.

9. Any person beyond the Colony desiring to enter into a contract to serve within the Colony may do so in writing in the presence of two witnesses who shall certify as such witnesses that the contract was, before the execution thereof, duly explained to the party or parties executing the same.

Contract made beyond Colony for execution within.

10. Every such contract shall clearly express therein the time for which it is to endure; the wages to be paid; the nature of the service to be performed; the sum of money (if any) to be chargeable against and deducted from the wages; and that the employer is bound to provide regular work at stipulated wages for the servant.

What conditions shall be stated therein.

11. Any Magistrate, upon proof that such contract has been duly executed, may, if so desired by the parties thereto, endorse such contract as acknowledged before him and thereupon such contract shall be valid and binding within the Colony as a contract of service in writing executed within the Colony.

Endorsement of contract by Magistrate.

12. Every question between the parties to any contract of service respecting wages or alleged disobedience of lawful orders, negligence, carelessness, injury to property, insolence, abusive or insulting language or other alleged misconduct in the course of service under such contract; and every question respecting any alleged refusal or neglect to enter upon or commence service under any such contract, or respecting alleged unlawful absence from service under any such contract, or other alleged failure to fulfil the terms thereof; and every question respecting any alleged wrongful determination of any such contract shall be heard and determined by a Magistrate in a summary manner in accordance with procedure for the time being prescribed by law.

Questions between parties to be determined by Magistrate in a summary manner.

13. If it be made to appear to a Magistrate that there is good ground for believing that any party against whom a complaint has been made under this Ordinance, has absconded or is about to abscond, such Magistrate may issue a warrant to apprehend such party and detain him in custody until the hearing of such complaint, unless such party shall give security to the satisfaction of such Magistrate for his appearance to answer such complaint.

Magistrate may issue warrant to arrest absconding party to contract.

14. On the hearing of any complaint for the recovery of wages the Magistrate may order that the whole or any part of any wages claimed be withheld or that the whole or any part of any wages, with such an amount not exceeding ten days' wages in addition as may seem just, shall be paid by way of compensation to the servant for unpaid wages.

Power of Magistrate over wages.

15. On the hearing of any complaint for wrongful determination of any contract of service the Magistrate may order any wages due on the contract to be paid or withheld either wholly or in part and may, if he sees fit, order the party in default to pay to the other party any sum not exceeding one month's wages by way of compensation for the wrongful determination of the contract.

Power of Magistrate in cases of wrongful determination of contract.

16. On the hearing of any complaint for refusal to enter upon or commence service under any contract of service or for unlawful absence from service or for disobedience to lawful orders, negligence, carelessness, injury to property, insolence, abusive or insulting language or other misconduct the Magistrate may order the party complained against to pay a fine not exceeding fifty dollars or in default to be imprisoned with or without hard labour for any term not exceeding three months and may order that the whole or any part of such fine be paid by way of compensation to the party complaining.

Power of Magistrate to fine or imprison.

17. On any complaint by a party to a written contract of service that the other party neglects or omits to fulfil the contract or omits or refuses to enter on or commence service, or absents himself from service the Magistrate may, in addition to any other penalty authorised by this Ordinance, order the party complained against to fulfil the contract, and may, if he thinks fit, order such party to find security for the fulfilment of such contract and in default of such security to pay a fine not exceeding fifty dollars or in default of payment to be imprisoned with or without hard labour for any term not exceeding three months.

Power of Magistrate to order security for fulfilment of written contract.

- Power to Magistrate to punish for wilful breach of contract causing or likely to cause serious loss.
18. Every servant whether in combination with others or not who wilfully breaks a contract of service under this Ordinance knowing or having reasonable cause to believe that the probable consequences of doing so, will be to cause the stoppage of work in any factory, field or place in such a manner as may be attended with serious loss to the owner of the factory, field or place or serious inconvenience to the public shall on conviction before a Magistrate in a summary manner be liable to a penalty not exceeding one hundred dollars or in default of payment to imprisonment with or without hard labour for any term not exceeding six months.
- Wages ordinarily payable monthly. Forfeiture of wages.
19. The wages of a servant shall, in the absence of agreement to the contrary, be payable monthly.
20. No wages shall be payable to any servant for any period of his term of service during which he has undergone sentence of imprisonment.
- Absence while in prison or without leave not deemed part of period of service under written contract.
21. If any servant under a written contract of service shall, during the continuance of such contract, have been sentenced to imprisonment or shall have been convicted for having absented himself without leave such period of imprisonment or absence shall be endorsed on the contract by the Magistrate by whom such servant may be sentenced to imprisonment or before whom such servant shall be proved to have been absent without leave and the period of such imprisonment or absence shall not be deemed to be a part of the service of such servant and he shall be compellable at the option of his employer to serve for the full period for which he had contracted to serve and shall for such extended period continue to be under the provisions of this Ordinance.
- Parties, their husbands and wives competent as witnesses.
22. On the hearing of any complaint under this Ordinance the parties to the contract of service and their husbands and wives shall be competent as witnesses.
- Existing contracts.
23. Every contract of service though in force at the coming into operation of this Ordinance shall nevertheless be subject to the provisions thereof and the parties thereto shall be entitled to the benefit of such provisions.
- Saving civil remedy in cases of breach or non-performance of contract.
24. Nothing in this Ordinance shall be construed to deprive an employer of his right to dismiss a servant summarily for cause nor to deprive an employer or a servant of his civil remedy for the breach or non-performance of any contract of service in any case where proceedings for such breach or non-performance are not instituted by him under this Ordinance.
- Saving of criminal proceedings in certain cases.
25. Nothing in this Ordinance shall prevent the application of the Criminal Law of the Colony to the parties to a contract of service provided that no person be punished twice for the same offence: and any prosecution commenced under this Ordinance may be withdrawn before judgment and a fresh prosecution be instituted under the Criminal Law of the Colony applicable to the circumstances.
26. This Ordinance may be cited for all purposes as *The Employers and Servants Ordinance, 1902.*

## SCHEDULE.

*Ordinances Repealed.*

Number and Year of Ordinance.	Short Title.	Extent of Repeal.
14 of 1845.	An Ordinance to repeal Ordinance 5 of 1844 entitled An Ordinance for the Preservation of Good Order and Cleanliness within the Colony of Hongkong and its Dependencies and to make other Provisions in lieu thereof.	Section 3 (3).
2 of 1902.	The Private Coolie Ordinance, 1902.	The whole.



*Objects and Reasons.*

This Bill is designed to remedy defects in the Law of Master and Servant as it exists in Hongkong.

Much inconvenience has been experienced by, and loss entailed upon, employers by servants after engagement refusing to enter upon service or having entered thereon leaving their employers without notice; absenting themselves without leave; carelessly or negligently performing their work; behaving insolently, or otherwise misconducting themselves during the period of service: while employers have been without any practical remedy.

This Bill supplies the needed remedy by affording employers a summary means of enforcing a contract of service while it safeguards servants in respect of their wages, and rights generally thereunder.

H. S. BERKELEY,  
*Attorney General.*

A BILL

ENTITLED

An Ordinance with reference to Collisions between Junks and Ships.

WHEREAS it is expedient that a junk which does not comply with the International Collision Regulations concerning Lights, and thereby occasions a collision outside the waters of this Colony with a vessel bound to comply with such Regulations, should not, in the event of litigation in the Courts of this Colony in respect of such collision, be in a more advantageous position than such vessel: Preamble.

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

1. This Ordinance may be cited as the Junks (Collision) Ordinance, 1902. Short title.

2. In this Ordinance, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them, that is to say:— Interpretation.

“Ship” includes any description of vessel used in navigation not propelled by oars, except junks or lorehas not propelled by steam;

“Junk” includes “Loreha”, and any sea going sailing vessel of Chinese or other Asiatic build, construction, and rig;

“Loreha” includes any sea going sailing vessel of European build and construction, but of Chinese or other Asiatic rig, or of Chinese or other Asiatic build and construction, but of European rig;

“International Collision Regulations” means the Regulations for preventing collisions at sea made by Order in Council of Her late Majesty, Queen Victoria, dated the 27th day of November, 1896, under the provisions of section 418 of the Merchant Shipping Act 1894; and if any amendments thereof shall hereafter be made, such expression shall include such amended Regulations.

3. Where in any action brought in any Court in the Colony in respect of a collision occurring, between sunset and sunrise, outside the territorial waters of this Colony, between a junk and a ship, it is proved to such Court that either such junk or such ship has failed in fact to comply with all or any of the Rules concerning Lights contained in the International Collision Regulations, the junk or the ship which has so failed to comply with such Rules or Rule shall be deemed to be in fault, unless it is shown to the satisfaction of the Court that the circumstances of the case made non-compliance with such Rules or Rule necessary. Junk or ship infringing Rules concerning lights to be deemed in fault.

*Objects and Reasons.*

The International Collision Regulations have been very generally adopted and have been most useful for the purpose for which they were framed.

It is to be regretted that Chinese junks cannot be compelled to observe at least that portion of the Regulations which relates to Lights. In the waters of the Colony, junks are required, by section 25 (1) of Ordinance No. 36 of 1899, when under way between sunset and sunrise, to exhibit, at a height not less than 20 feet above the hull, a bright white light visible all round the horizon at a distance of at least one mile. Beyond such waters they seem to carry a light or not as they please.

Although the Legislature of this Colony cannot compel the observance of the International Rules concerning lights by junks outside the territorial waters, there can be no injustice in refusing to allow successful resort to the Colonial Court by junks neglecting to carry proper lights themselves, while claiming damages for a collision with some ship which is subject to the International Regulations.

Often, in such cases, the collision would never have occurred had the junk carried lights indicating, even in the smallest degree, the course she was taking. Not infrequently evidence is adduced to show that no light at all was visible on the junk except perhaps just immediately before the collision, when a lantern was suddenly hoisted.

This Ordinance puts junks and ships on the high seas on an equality before the Court as regards lights in collision cases.

It will be seen that section 2 follows the wording of the Interpretation clause of the Merchant Shipping Consolidation Ordinance, 1899, (section 2 of Ordinance No. 36 of 1899), while provision is made in the interpretation of the "International Collision Regulations" for any future amendments therein.

Section 3 follows the wording of sub-section (4) of section 419 of the Merchant Shipping Act, 1894, as closely as practicable.

This course was deemed advisable, as much of the language of the Imperial Act, has formed the subject of definite judicial interpretation in England, to the advantage of the Colonial Courts and shipping community.

Should the Secretary of State decide that not only the Rules concerning lights, but also the International Collision Regulations generally, should be applied, the Ordinance can be very easily amended by the omission of a few words; but I gather that the complaints so far have usually been confined to the non-observance of that portion of the Regulations which deals with lights.

W. MEIGH GOODMAN,  
*Attorney General.*

## A BILL

ENTITLED

## The New Territories Titles Ordinance, 1902.

WHEREAS it is expedient to declare the law relating to rights in customary land in the New Territories and to make provision for the transfer of the right of use and occupancy in customary lands in the New Territories and for the registration of mutations in titles thereto:

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

1. This Ordinance may be cited as the New Territories Titles Ordinance, 1902, and shall apply only to the New Territories and to land therein.

2. In this Ordinance, unless the context otherwise requires:—

- Definitions.
- (a.) "Customary land" means land as to which a claim has been allowed by the Land Court constituted under Ordinance 18 of 1900 or land expressly granted to be held from the Crown under local customary tenure: but shall not include land as to which a Crown Lease has been issued.
- (b.) A "Customary Mortgage" means a mortgage redeemable at any time by the mortgagor on repayment of the loan—the rents and profits of the estate being received in the meantime by the mortgagee in satisfaction of the interest without account.
- (c.) "Customary Land-holder" means any claimant whose claim to land has been allowed by the Land Court constituted under Ordinance 18 of 1900 and every person to whom land is expressly granted to be held from the Crown under local customary tenure and includes any person deriving title by transfer or transmission from such claimant or grantee from the Crown but shall not be deemed to include any person who shall have surrendered his rights to the Crown under section 22 of this Ordinance, nor any person deriving title through such person.
- (d.) "Titles Register" means the Register kept under the provisions of this Ordinance.
- (e.) "Transfer" used in connection with land or any interest therein means the passing of such land or interest by the act of the parties: but does not include mortgage.
- (f.) The "Titles Office" means the branch of the Land Office established for the New Territory.
- (g.) The "Registrar" means the Registrar of Titles appointed for the purpose of carrying into effect the provisions of this Ordinance.
- (h.) "Transmission" used in connection with land or any interest therein means the passing of such land or interest by the operation of law.
- (i.) "Land" includes buildings thereon and also land covered with water or within the flow of the sea.
- (j.) "New Territories" means the additional territories acquired by this Colony under the Convention dated the 9th day of June, 1898, between Her late Majesty Queen Victoria and His Majesty the Emperor of China for the enlargement of the limits of this Colony, but does not include that portion of the Territories which is defined as New Kowloon by Ordinance 30 of 1900.

3. Every customary land-holder at the time of this Ordinance coming into force shall be entitled to have issued to him an extract from the Titles Register. Such extract to be in the form prescribed in Form *H* in the Schedule to this Ordinance under the seal of the Titles Office and signed by the Registrar.

4. A customary land-holder shall be deemed to have a permanent heritable and transferable right of use and occupancy in his customary land subject only:—

- (a.) to the payment of all such Crown rent, land tax, or assessment as may from time to time be imposed in respect of customary land;

- (b.) to the reservation in favour of the Crown of all mines and mineral products and of all buried treasure: with full liberty to work and search for the same, paying to the customary land-holder such compensation for any damage occasioned thereby as may be assessed by the Registrar;
- (c.) to the reservation in favour of the Crown of the right of making roads, drains and sewers and laying down water-pipes and gas pipes, carrying electric, telephone and telegraph wires and using, repairing and maintaining the same paying to the customary land-holder such compensation for any damage occasioned thereby as may be assessed by the Registrar;
- (d.) to the payment to any persons of such rent charge if any as the Land Court shall have decided to be payable out of such customary land;
- (e.) to the right of the Crown to take possession of such land upon paying to the customary land-holder full and fair compensation: such compensation to be fixed by the Registrar: should the land-holder be dissatisfied with such compensation he may appeal to the Supreme Court in the manner provided in section 20 hereof;
- (f.) to the enjoyment by any persons of all rights of way or other easements or profits to which the Land Court may have decided the land to be subject.

**Registration of mutations in title.** 5. All mutations in titles to customary land in the New Territories whether by transfer, or mortgage, shall be effected and registered and all mutations to such titles by transmission shall be registered in accordance with the provisions of this Ordinance and not otherwise.

**Transfers.** 6.—(1.) The parties to any transfer shall attend at the Titles Office either in person or by an agent authorised in writing attested by at least two witnesses whose addresses shall be stated in the attestation, and shall make application for registering the transfer producing the extract from the Titles Register issued in respect of the land which is the subject of transfer or accounting to the satisfaction of the Registrar for its non-production.

(2.) As security against personation and fraud the Registrar may decline to register any transfer unless an elder of the division or district in which the customary land is situate or two other respectable witnesses shall attend and identify the parties.

(3.) The Registrar, on proof being made to his satisfaction that the transferee is entitled to be registered shall enter particulars of the transfer in a Register of Transfers and shall draw up and sign a declaration in the form prescribed in Form B in the Schedule hereto and shall cause the same to be signed in his presence by the transferor (or his agent authorised as aforesaid) and shall deposit the same in his office and shall also deposit the extract from the Titles Register if produced.

(4.) As soon as the necessary entries have been made in the Register of Transfers the Registrar shall proceed to note the transfer in the Titles Register and shall issue to the transferee an extract from the said Titles Register showing him to be the registered holder of the land transferred.

**Mortgages.** 7.—(1.) Every customary land-holder may charge his interest in such land by way of customary mortgage with the payment of any principal sum of money or by way of mortgage with the repayment at an appointed time of any principal sum of money with interest.

(2.) For the purpose of effecting such a mortgage the registered holder and the proposed mortgagee shall attend at the Titles Office either in person (or by an agent authorised in writing attested by two witnesses whose addresses shall be stated in the attestation) and shall make application for registering the proposed mortgage producing the extract from the Titles Register issued in respect of the land which is to be charged or accounting to the satisfaction of the Registrar for its non-production.

(3.) As security against personation and fraud the Registrar may decline to register any mortgage unless an elder of the District in which the customary land is situate or two other respectable witnesses shall attend and identify the registered holder.

8.—(1.) The Registrar on being satisfied that the proposed mortgagee is entitled to have the charge registered as a mortgage, shall draw up and sign a declaration in the form prescribed in Form *D* in the Schedule hereto and shall cause the same to be signed in his presence by the registered holder of the land (or his agent authorised in writing) and deposit the same in his office and shall enter the particulars of the mortgage in the Titles Register.

Registration of mortgages.

(2.) As soon as the necessary entries have been made the Registrar shall endorse on the extract from the Titles Register the particulars of the mortgage and shall hand the extract so endorsed to the mortgagee.

9. In every customary mortgage the following covenants shall be implied between the parties :—

Implied covenants in customary mortgage.

- (1.) that the mortgagee shall be at liberty to enter into possession of the land immediately the transaction has been registered ;
- (2.) that the mortgagee shall while in possession be entitled to receive and retain for his own use all the rents and profits of the said land without account ;
- (3.) that the mortgagor may at any time give six months' notice of his intention to repay on an appointed day the principal mortgage money.
- (4.) that no interest shall be receivable by the mortgagee in respect of the principal mortgage money.

10. In every mortgage other than a customary mortgage the following covenants shall be implied between the parties :—

Implied covenants in ordinary mortgage.

- (1.) that the mortgagor shall be at liberty to retain possession ;
- (2.) that the mortgagor will on the appointed day pay to the mortgagee the stated principal mortgage money and will in the meantime and thereafter if and so long as the principal mortgage money or any part thereof remains unpaid pay to the mortgagee the interest as provided for in the said mortgage ;
- (3.) that should the mortgagor make default in payment of principal or interest the mortgagee shall be at liberty to enter upon the land and receive the rents and profits thereof.

11. In case default be made in payment of the principal sum due by virtue of a mortgage other than customary registered under this Ordinance or in the payment of any interest or periodical sum agreed to be paid in respect thereof the mortgagee may apply to the Registrar for a summons calling upon the mortgagor on a day named therein to show cause why the mortgaged property or any part thereof should not be sold for the payment of the mortgage debt. If without reasonable excuse the mortgagor fails to show cause as aforesaid the Registrar may if he thinks fit make an order for the sale of the mortgaged property or any part thereof : Provided always that no such order shall be made unless and until—

Sale of mortgaged property.

- (i.) notice requiring payment of the principal mortgage money has been served on the mortgagor or one of any joint or several mortgagors and default has been made in payment of the mortgage money or any portion thereof for three months after such service ; or
- (ii.) some interest or periodical sum under the mortgage is in arrear and unpaid for three months after becoming due.

Summons and notices under this section may be served either personally or by leaving the same at the last known residence of the mortgagor.

12.—(1.) For the purposes of this Ordinance the Registrar shall have powers similar to those vested in the Supreme Court of this Colony in any suit or action in respect of the following matters, viz. :—

Powers of Commissioner.

- (a.) Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise.
- (b.) Compelling the production of documents.
- (c.) Punishing persons guilty of contempt of any order of the Registrar.
- (d.) Ordering inspection of property.
- (e.) Making and enforcing any order which may be necessary to the proper hearing and determination of any question before the Registrar.

(2.) If it shall appear to the Registrar that any witness has made on oath a statement which is false, the Registrar may commit such witness to prison for any period not exceeding three months with or without hard labour or may fine such witness in any sum not exceeding one hundred dollars.

**Sale to take place at the Titles Office.** 13. Every sale of customary land under an order of the Registrar for the payment of a mortgage debt shall be held at the Titles Office or at such other convenient place and at such time and after such notice as the Registrar may direct.

**Satisfaction to be recorded.** 14. The Registrar shall on due proof of the satisfaction of the mortgage, record such satisfaction on the Titles Register and thereupon the mortgage shall be deemed to have been extinguished.

15. No sale or mortgage of any interest in any customary land in the New Territories shall be valid unless made in accordance with the provisions of this Ordinance.

**Transmission.** 16.—(1.) Any person claiming to be entitled to any customary land by transmission shall attend at the Titles Office either in person or by his agent authorised in writing attested by at least two witnesses whose addresses shall be stated in the attestation and shall make application to be registered as the customary holder of such land and shall produce the extract from the Titles Register last issued in respect of the land claimed or account to the satisfaction of the Registrar for its non-production.

The Registrar, if it appears to him, after a notice of such application has been published for such period and in such manner as he may prescribe and after such enquiry as he may think fit to make, that the applicant is so entitled, shall make an order to that effect and furnish the applicant with a copy of such order.

(2.) Every application for registration on transmission by way of inheritance shall be accompanied by a statutory declaration in the form prescribed in Form *E* in the Schedule hereto and the order of the Registrar shall be in the form prescribed in Form *F* in the said Schedule.

Every transmission shall be noted in the Titles Register and an extract from the said Register shall be issued to every person entitled thereto.

**Leases.** 17.—(1.) When any land is intended to be leased for a life or lives or for any term exceeding one year, the registered holder and the proposed lessee shall attend at the Titles Office either in person (or by an agent authorised in writing attested by two witnesses whose addresses shall be stated in the attestation) and shall make application for registering the proposed lease producing the extract from the Titles Register issued in respect of the land which is to be leased or accounting to the satisfaction of the Registrar for its non-production. As security against personation and fraud the Registrar may decline to register any transfer unless an elder of the Division or District in which the customary land is situate or two other respectable witnesses shall attend and identify the parties.

(2.) The Registrar on being satisfied that the proposed lessee is entitled to have the lease registered, shall draw up and sign a declaration in the form prescribed in Form *I* in the Schedule hereto and shall cause it to be signed in his presence by the lessor and the lessee or his agent authorised as aforesaid and shall deposit the same in his office and shall make a note of the particulars of the lease in the Titles Register.

(3.) As soon as the necessary entries have been made the Registrar shall endorse on the extract from the Titles Register the particulars of the lease and shall hand the extract so endorsed to the lessee.

**Covenants implied in lease.** (4.) In every lease there shall be implied the following covenants by the lessee with the lessor, that is to say:—

(i.) that he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the demised property, during the continuance of the lease;

(ii.) that he will keep and yield up the demised property in good and tenantable repair, reasonable wear and tear excepted;

and similarly there shall also be implied the following powers in the lessor, that is to say :—

- (iii.) power to distrain according to law ;
- (iv.) that he may, by himself or his agents, at all reasonable times, enter upon the demised property, and view the state of repair thereof ;
- (v.) that in case the rent, or any part thereof, shall be in arrear for the space of three months, although no demand shall have been made thereof, or in case default shall be made in the fulfilment of any covenant, whether expressed or implied in such lease, on the part of the lessee, and shall be continued for the space of three months, it shall be lawful for the lessor to re-enter upon and take possession of the leased premises ;

18. The Registrar upon proof to his satisfaction of re-entry by the lessor, in manner prescribed by the lease, or under the power in the last sub-section of the last preceding section provided for, or of recovery of possession by a lessor, by any proceeding in law, shall note the same by entry in the Titles Register and the estate of the lessee in such land shall thereupon determine, but without releasing him from his liability in respect of the breach of any covenant in such lease expressed or implied, and the Registrar shall cancel such lease if delivered up to him for that purpose.

19.—(1.) The registration of all mutations in title to customary land effected and registered in accordance with this Ordinance shall be conclusive evidence that the person whose name is entered on the Titles Register is absolutely and indefeasibly entitled to be registered and the title of such person shall not be subject to be questioned on the ground of adverse possession or otherwise except in the case of fraud or misrepresentation to which such person is proved to have been a party.

Registration to be conclusive evidence of title.

(2.) A certified extract from the Titles Register if signed by the Registrar and sealed with the seal of his office shall be received in evidence in the same manner as the original.

20. Every order or award and every entry in the Register made by the Registrar under this Ordinance shall be binding on all parties and shall not be set aside, varied or expunged except in the manner in this Ordinance expressly provided.

Appeals.

Provided always that any person who is aggrieved by any order, award or entry in the Register made by the Registrar, may move the Supreme Court within one month after the registration of such order or the making of any such award or entry to set aside, vary or expunge the same.

Except as in this Ordinance expressly provided no Court shall exercise jurisdiction as to any matter relating to land within the jurisdiction given by this Ordinance to the Registrar of Titles.

21. Subject to the provisions of this Ordinance the Governor in Council may from time to time make Rules in respect of all or any of the following matters :—

Rules.

- (a.) the form of the Titles Register.
- (b.) the form of the Register of Transfers and the mode in which such Registers are to be kept ;
- (c.) the mode in which registration is to be conducted ;
- (d.) the fees to be taken by the Registrar ;
- (e.) the custody of the Registers and other documents connected with the business of registration ;
- (f.) generally in relation to any matters whether similar or not to those above-mentioned as to which it may be expedient to make Rules for carrying into effect the provisions of this Ordinance.

All such Rules shall be published in the Gazette.

22. It shall be lawful for any customary land-holder to notify to the Registrar his desire to surrender his rights in his customary land to the Crown : and to receive in exchange a Crown lease. Such notification shall be in the form prescribed in Form G in the Schedule hereto : and on receipt of such notification duly signed by the applicant the Registrar shall forward the same to the Colonial Secretary with a report : and it shall then be

Issue of Crown lease.

lawful for the Governor to order that a Crown lease for such period and on such terms as he shall think fit be issued to the applicant in respect of such land: and such land shall from the date of the issue of such Crown lease be exempt from the provisions of this Ordinance and shall become subject to the general law in force in the Colony with regard to land held upon lease from the Crown.

**Boundary marks.**

23. The Registrar may by a notice in writing duly served in the manner prescribed in Rule 3 of the Rules made under section 21 of this Ordinance require any customary land-holder to erect boundary marks where necessary for the purpose of defining the limits of his customary land or to repair any boundary marks already existing; and if such land-holder fails to comply with this requisition within a period to be specified in the notice may cause the work to be done and recover the cost thereof as if it were an arrear of revenue due in respect of the land.

**Easements.**

24.—(1.) Nothing contained in this Ordinance shall derogate from any Rights of Way or other Easements now or hereafter acquired by the public in over along or across any customary land or shall be deemed to confer on the registered holder of any customary land a right to interfere with or obstruct the public use of any way or other easement so acquired or enjoyed as aforesaid.

(2.) In case the registered holder of any customary land shall interfere with or obstruct the public use of any way or any easement now or hereafter acquired or enjoyed by the public in over along or across the land of which he is the registered holder any person aggrieved or damaged by such interference or obstruction may apply to the Registrar for a summons calling upon such registered holder on a day named therein to show cause why an order shall not be made requiring him to abate such interference or remove such obstruction.

In case the registered holder shall fail to show cause as aforesaid the Registrar may if he thinks fit make an order requiring him to abate the interference or remove the obstruction within such limit of time as the Registrar may deem reasonable and if the registered holder fails to comply with the terms of the order within the specified period the Registrar may cause the necessary steps to be taken to that end and recover the cost thereof as if it were an arrear of Revenue due in respect of the land.

**Caveats.**

25.—(1.) Any person claiming to be interested at law or in equity, whether under an agreement, or under an unregistered instrument, or otherwise however in any land may lodge a caveat with the Registrar forbidding the registration of any dealing with such land, either absolutely or unless such dealing shall be expressed to be subject to the claim of the caveator, or to any conditions conformable to law expressed therein:

A caveat may be in the form prescribed in the Form J in the Schedule hereto, and shall be under the hand and verified by the declaration of the caveator or an agent duly authorised in writing as aforesaid, and shall contain an address to which notices may be sent or at which proceedings may be served.

Upon the receipt of a caveat the Registrar shall make a memorandum thereon of the date and hour of the receipt thereof and shall enter a memorandum thereof in the Titles Register and shall forthwith send a notice of such caveat to the person against whose title such caveat shall have been lodged.

So long as any caveat shall remain in force the Registrar shall not, contrary to the requirements thereof, register any dealing with the land in respect of which such caveat shall have been lodged.

(2.) The registered proprietor or any other person claiming estate or interest in the land may, by summons, call upon any caveator, to attend before the Registrar to show cause why the caveat should not be removed; and the Registrar may upon proof that the caveator has been summoned, and upon such evidence as the Registrar may require, make such order in the premises, either *ex parte* or otherwise, as shall seem just.

**Fees.**

26.—All fees payable under this Ordinance or under any Rules or Regulation made thereunder may be recovered in a summary manner before a Police Magistrate.





## FORM D.

*Mortgage.*

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ appeared before me A.B. (*or* X.Y., the duly constituted Agent of A.B.) of \_\_\_\_\_ and C.D. (*or* Y.Z. the duly constituted Agent of C.D.) of \_\_\_\_\_. And thereupon the said A.B. (*or* the said X.Y. on behalf of A.B.) declared that he (*or* that the said A.B.) is the registered holder of the customary lands described in the Titles Register Book folio \_\_\_\_\_. And that he the said A.B. has mortgaged to C.D. his interest in the said land (*or* in part of the said land) that is to say (*here describe the land mortgaged*) as security for the re-payment to the said C.D. \* (on the \_\_\_\_\_ day of \_\_\_\_\_) of the principal sum of \_\_\_\_\_ \* (with interest thereon at the rate of \_\_\_\_\_ per cent. per mensem,) which said principal sum has been actually advanced to him the said A.B. by the said C.D.

And the said C.D. (*or* the said Y.Z. on behalf of C.D.) declares that he agrees to accept the mortgage above-mentioned as security for the said sum of \$ \_\_\_\_\_ \* (and interest.)

(Signed.)

*Registrar.*

[\* Omit when the mortgage is customary.]

## FORM E.

*Statutory Declaration under Section 16.*

In the goods of \_\_\_\_\_

1. I \_\_\_\_\_ do solemnly and sincerely declare that to the best of my knowledge and belief \_\_\_\_\_ of \_\_\_\_\_ died on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ and that at the time of \_\_\_\_\_ death the deceased was the registered holder of the customary lands described in the Titles Register Book folio \_\_\_\_\_.

2. I further solemnly and sincerely declare that the following persons are the heirs of the deceased and entitled to share in the inheritance, that is to say:—

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of \_\_\_\_\_

Declared before me at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*Justice of the Peace, Notary Public or other person authorised to administer declarations.*

## FORM F.

*Declaration by the Registrar of Titles.**Transmission by Inheritance under Section 16.*

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ appeared before me \_\_\_\_\_ who thereupon declared that they are entitled (by law) to share in the inheritance of \_\_\_\_\_ deceased in respect to the following customary lands described in the Titles Register Book folio \_\_\_\_\_:—

(a.) And the said heirs agreed to be registered jointly as customary land-holders in respect to the said land.

*or*

(b.) And the said heirs agreed before me that \_\_\_\_\_ shall be recognized as the customary land-holder in respect to the said land.

*or*

(c.) And the said heirs agreed to have the said land partitioned among them in the following shares that is to say:—

*or*

(d.) And whereas the said heirs disputed how the said land should be partitioned I have duly enquired into the matter and have assigned the shares as follows:—

(Signed.)

FORM G.

I, A.B., being entitled as customary land-holder to the land described in the Titles Register Book folio do hereby notify my desire to surrender all my rights in such customary land to the Crown and to receive in return a Crown lease on the terms of and at a Crown rent of

(Signed.)

FORM H.

Book No.  
Folio No.  
Demarcation District  
Lot No.  
Crown Rent  
Name of Holder  
Area  
General description

FORM I.

*Memorandum of Lease.*

I, A.B., of being registered as the customary holder of the land situated at do hereby lease to C.D. of all the said land to be held by him the said C.D. as lessee for the space of years from the day of at the yearly rental of payable subject to the following covenants, conditions, and restrictions.

I, the above-named C.D., do hereby accept this Lease of the above-described lands to be held by me as lessee, and subject to the conditions, restrictions, and covenants above set forth.

Dated this day of 19 .

Signature of Registrar.

Signatures of Lessor & Lessee.

FORM J.

*Caveat forbidding Registration of Dealing with Estate or Interest.*

To the Registrar of Titles, New Territories.

Take notice that I, A.B., of claiming in forbid the registration of any dealing with the estate or interest of C.D. in the said land.

[Address for service of notices and proceedings:]

Dated this day of , 19 .

A.B.

I, the above-named , agent for the above-named A.B., make oath and say that the allegations in the above Caveat are true in substance and in fact.

Sworn by the said A.B. at this day of 19 .

Before me,

)

## RULES.

1. The register mentioned in section 5 of the Ordinance shall be in the form prescribed in Form *A* given in the Schedule thereto and shall be separate parts or volumes corresponding to territorial sub-divisions; it shall be kept in the English language.

2. On the receipt of an application under section 16 the Registrar shall publish a notice in the form prescribed in Form *H* given in the Schedule calling upon all persons who object to an order being made declaring the applicant to be entitled to the customary land claimed by him, to make such objections within thirty days from the date of the publication of such notice, or within such longer period as the Registrar may in such notice prescribe.

The notice shall be in triplicate and shall be published in the following manner:—One copy shall be posted on the land, one at the house of the headman of the nearest village, and one shall be retained by the Registrar with an endorsement stating the date on which the notice was posted.

3. The notice mentioned in section 23 of the Ordinance shall be served either personally upon the person named therein or by fixing a copy upon the land in respect of which such notice is issued, or upon the door of the house, or upon the wall of a temple, police station or other conspicuous buildings in the town or village in which such person last resided.

4. The order of the Registrar under section 16 of the Ordinance shall be in the form prescribed in Form *H* in the Schedule thereto.

5. The Register of Transfers under section 5 of the Ordinance shall be kept in the form prescribed in Form *C* in the Schedule thereto. The particulars of each Transfer shall be registered under a serial number and such serial number shall be entered in the Titles Register.

### *Objects and Reasons.*

It is desirable to provide a system of Land Tenure for the New Territories (exclusive of New Kowloon).

In the rest of the Territories there are some quarter of a million holdings often of a very low value.

The transfer of these and their transmission by inheritance is governed by custom of patriarchal origin. Society in general in the New Territories is not suited for the introduction of English Real Property Law.

Every original holder of land is to be treated as a customary landholder.

Dealings with customary land by transfer or by way of charge, and its transmission by inheritance are regulated by means of a system adapted from that known as "The Torrens Systems."

Provision is made by which a customary landholder desirous of obtaining a Crown Lease may do so upon the surrender to the Crown of his customary rights in the land to be leased.

Persons taking up land from the Crown in the New Territories may at their option become customary landholders or they may obtain a Crown Lease and come under the general law of the Colony.

H. S. BERKELEY,  
*Attorney General.*

## A BILL

### ENTITLED

An Ordinance relating to the Naturalization of Aliens.

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 as The Naturalization Ordinance, 1902.

2. Any alien who has continuously resided in Hongkong or been in the service of the Crown for a term of not less than five years immediately preceding his application, and who intends if naturalized to reside permanently in Hongkong, may apply to the Governor for a Certificate of Naturalization as a British subject in Hongkong. Certificate of naturalization.

3. The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside, as the Governor may require; and the Governor may, on consideration of the evidence adduced, grant or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision. Evidence in support of application.

4. Every such certificate shall contain the condition that the grantee shall continue to reside permanently in Hongkong and that the certificate shall be determinable on the grantee ceasing so to reside. No Certificate of Naturalization shall be issued nor take effect until the applicant has taken the oath of allegiance. Conditions.

5. Any alien who has been naturalized previously to the passing of this Ordinance may apply to the Governor for a Certificate of Naturalization under this Ordinance, and it shall be lawful for the Governor to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in Hongkong. Certificate to alien previously naturalized.

6. Any alien to whom a Certificate of Naturalization is granted shall while in Hongkong be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural born British subject is entitled or subject in Hongkong. Rights, etc. of naturalized alien.

7. The Governor may revoke any Certificate of Naturalization which may have been granted to any alien if he shall be satisfied that such certificate was obtained by misrepresentation; and thereupon such Certificate of Naturalization shall become null and void. Revocation of Certificate of Naturalization.

A notification of the revocation of any Certificate of Naturalization shall be published in the Gazette.

8. There shall be paid for every Certificate of Naturalization and before the issue thereof such fee as the Governor in Council may from time to time direct. Fee payable.

9. This Ordinance shall come into operation on such day as the Governor by notice in the Gazette may fix. Commencement of Ordinance.

FORM OF CERTIFICATE OF NATURALIZATION.

*Governor.*

By His Excellency .....  
..... Governor of Hongkong.

WHEREAS .....  
of .....  
a subject of .....  
has applied to me for a Certificate of Naturalization as a British Subject;

AND whereas the said .....  
has satisfied me that he has before making such application continuously resided in Hongkong (or been in the service of the Crown) for the space of ..... years,\* and that he intends if naturalized to reside permanently in Hongkong;

\* The term must not be less than 5 years.

NOW, therefore, I, the said .....  
as Governor aforesaid Do hereby under the powers vested in me in that regard by the Naturalization Ordinance, 1902, certify that the said .....  
of .....  
is a Naturalized British subject entitled in Hongkong to all political and other rights, powers and privileges and subject to all obligations to which a natural born British subject is entitled or subject in Hongkong.

Given under my hand this ..... day of ..... 19 ..  
By Command,

*Objects and Reasons.*

To obviate the necessity for constant recourse to the legislative enactment for the purpose of naturalizing Aliens.

H. S. BERKELEY,  
*Attorney General.*

GOVERNMENT NOTIFICATION.—No. 673.

His Excellency the Governor has been pleased to recognize H. KIRINO as Acting Consul for Japan during the absence on leave of MASAICHI NOMA.

By Command,

F. H. MAY,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 5th November, 1902.

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GOVERNMENT NOTIFICATION.—No. 674.

His Excellency the Governor has been pleased, with the approval of the Secretary of State for the Colonies, to recognize ALBERT RIVERA LABARCA as Consul of Chile in Hongkong.

By Command,

F. H. MAY,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 7th November, 1902.

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GOVERNMENT NOTIFICATION.—No. 675.

His Excellency the Governor has been pleased to appoint the undermentioned to be members of the Committee for the Wong-nei-chong & Queen's Recreation Grounds, in place of the two separate Committees formerly existing :—

<i>Representative.</i>	<i>Name.</i>
Naval, .....	Surgeon W. L. MARTIN, R.N.
Military, .....	Captain P. F. R. ANLEY.
Polo Club, .....	Hon. F. H. MAY, C.M.G.
Golf Club, .....	Mr. W. T. SAUNDERS.
Cricket Club, .....	Mr. E. A. RAM.
Football Club, .....	Mr. F. BROWNE.
Hockey Club, .....	Mr. J. BARTON.
Jockey Club, .....	Mr. A. S. ANTON.
Victoria Recreation Club, ....	Mr. W. ARMSTRONG.

By Command,

F. H. MAY,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 6th November, 1902.

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GOVERNMENT NOTIFICATION.—No. 676.

The following Regulations, made by His Excellency the Governor in Council, for the Management of the Queen's Recreation Ground, in supersession of the Regulations contained in Government Notification No. 705 of 20th November, 1901, which have been repealed, are published.

By Command,

F. H. MAY,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 6th November, 1902.

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REGULATIONS

*Made on the 6th November, 1902, by the Governor in Council, under Ordinance No. 15 of 1898, for the maintenance of good order in and for the preservation, management, use, and enjoyment of the Queen's Recreation Ground.*

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1. These Regulations shall apply to the Queen's Recreation Ground as defined in Ordinance No. 15 of 1898.