

2. The "Star" Ferry Company Limited shall have power to make by-laws for regulating the conditions under which persons may travel in or upon any launch or vessel belonging to them and for the prevention of frauds on the said company. Power to make by-laws. *

3. Any such by-laws shall be submitted for approval to the Governor-in-Council, and shall be published in the Gazette within 2 weeks after the approval thereof. By-laws to be approved and published. †

4. Any such by-laws may impose fines for offences against the same not exceeding 25 dollars for the first offence and not exceeding 50 dollars for any subsequent offence. Fines. §

5. A copy of every by-law clearly printed in English and Chinese in large type shall be posted in a conspicuous place on the company's business premises and on each of the company's wharves and in each launch or other vessel of the company employed in the carriage of passengers. Copies of by-laws to be posted.

[s. 6, rep. No. 1 of 1912.]

No 47 of 1902, repealed by No. 21 of 1903.

— 1903. —

No. 1 of 1903.

To consolidate and amend the laws relating to Public Health and to Buildings. [21st February, 1903.]

PART I.

PRELIMINARY.

1. The Public Health and Buildings Ordinance, 1903. Short title.

2. The by-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. By-laws. †

[s. 3, rep. No. 8 of 1912.]

* As amended by No. 50 of 1911.

† As amended by No. 1 of 1912 and No. 2 of 1912.

§ As amended by No. 30 of 1911 and No. 2 of 1912.

‡ As amended by No. 1 of 1912.

Government wells, buildings, and works exempt.*

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 unleased Crown land shall apply without exception to all buildings throughout the Colony.

Saving as to tenancy contracts.

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

Interpretation of terms.

†

6. In this Ordinance—

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".

2. "Author of a nuisance" means the person by whose act, default, permission, or sufferance the nuisance arises or continues.

3. "Authorised architect" means any individual whose name appears in the list of authorised architects hereinafter provided for.

4. "Bake-house" means any premises on which bread, biscuits or confectionery are baked for sale as food for man, and also includes any premises on which such food is prepared for baking, or on which the materials for the preparation of such food are stored.

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.

6. "Basement" means any cellar, vault, or underground room or any room any side of which abuts on or against the earth or soil.

7. "Board" means the Sanitary Board.

8. "Building" includes any domestic building, house, school, verandah, balcony, kitchen, latrine, gallery, chimney, arch, bridge, out-house, stable, shed, matshed, warehouse, factory, shop, workshop, brewery, distillery, godown, or place of secure stowage, also any wall, roof, covered way, and any sunshade over any street.

§

* As amended by No. 8 of 1912.

† As amended by No. 1 of 1912.

§ As amended by No. 14 of 1908 and No. 43 of 1912.

9. "Building Authority" means the Director of Public Works or such other person as the Governor-in-Council may appoint to give effect to the provisions of Part III of this Ordinance. *

10. "Building line" means, in the case of land leased from the Crown after 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. †

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.

12. "Cattle" means bulls, cows, oxen, heifers, calves and buffaloes.

13. "Cement" means Portland cement.

[para. 14, *rep.* 20 of 1903 : *rep.* No. 31 of 1911.]

15. "Common lodging-house" includes any house or part thereof or other permanent structure where male persons of the labouring artizan or mechanical classes, not being members of the same family, to the number of 10 persons or upwards are housed, but does not include a house or other permanent structure where shopmen or domestic servants are housed by their employers. §

15a. "Colonial Veterinary Surgeon" includes any veterinary surgeon or medical practitioner authorised by the Governor to perform the duties of the Colonial Veterinary Surgeon under this Ordinance. ‡

16. "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

* As amended by No. 50 of 1911 and No. 1 of 1912.

† As amended by No. 1 of 1912 and No. 8 of 1912.

§ As amended by No. 14 of 1908.

‡ As amended by No. 8 of 1912.

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.

* 17. "Cubicle" means any portion of a room which is partitioned off for the purpose of being used as a sleeping place and which is not provided with a skylight, window or windows of its own (independently of the window area of the room in which such cubicle is erected) opening either directly or across a verandah or balcony into the external air and having a total area equal to at least one-tenth of the floor area of such portion of such room and capable of being opened to the extent of one half at least, and having a glazed area equal to one half at least of the total area of such window or windows.

18. "Dairy" means and includes any 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.

19. "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.

20. "Dangerous building" means a building 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.

21. "Dangerous trade" means any manufacturing process or handicraft in which lead, arsenic, mercury, phosphorus or any other poisonous substance whatsoever is used.

† 21a. "Department" means the Sanitary Department.

22. "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.

23. "Drug" means any medicine for internal or external use.

§ 24. "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

* As amended by No. 2 of 1912 and No. 8 of 1912.

† As amended by No. 8 of 1912.

§ As amended by No. 1 of 1912 and No. 8 of 1912.

along Ladder Street to the north-western corner of Inland Lot 398, thence along the north-eastern boundary of the said lot 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, Lower Albert Road, 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 define and notify in the Gazette.

25. "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.

26. "External air" means the air of any space which is vertically open to the sky and unobstructed and which, when measured from and at right angles to the external surface of a wall, or where there is a verandah or balcony when measured from the external surface of such verandah or balcony, has a dimension of not less than 13 feet throughout the extent of any window opening in such wall, and when measured parallel to the external surface of such wall, verandah or balcony and in a horizontal direction has a dimension of not less than 5 feet.

27. "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.

* As amended by No. 23 of 1903.

28. "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.

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

30. "Food" means any article used for food or drink other than drugs or water.

31. "Hill-side" means the face of the natural hill, or 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 retaining-wall, made with the object of supporting a street or forming a site for a building.

32. "Hill District" means any part of the island of Hongkong above the 700 feet contour, except Chinese villages.

33. "Householder" means the actual tenant or occupier 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 associations, the secretary or manager thereof.

34. "Keeper of a common lodging-house" means any person licensed to keep a common lodging-house.

* 35. "Latrine" includes "privy".

[para. 36, *rep.* No. 8 of 1912.]

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

38. "Mezzanine floor", or "Cockloft", includes any floor, other than a ground floor, and any platform or landing, of a greater length than 7 feet and of a greater breadth than 3 feet, which has not a clear space of 9 feet measured vertically, both above and 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.

† 39. "New building" includes any building begun after the commencement of this Ordinance; and any existing building hereafter altered to such an extent as to necessitate the reconstruction of the whole of any two of its main walls or the removal of the roof and the re-construction of at least one half of each of any two of its

* As amended by No. 8 of 1912 and No. 43 of 1912.

† As amended by No. 14 of 1908 and No. 8 of 1912.

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 conversion into more than one domestic building of a building originally constructed as one domestic building only.

[paras. 40, 41, *rep.* No. 8 of 1912.]

42. "Occupier" means any person in actual occupation of any premises.

43. "Offensive trade" includes the trade of blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-melter, tripe-boiler, and any other noxious or offensive trade, business or manufacture whatsoever.

44. "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.

44a. "Partition-wall" means any wall of the height of one storey only, or of a less height, used or constructed to be used for separating one part of a building from another part of the same building, and not coming under the definition of "cross wall", "external wall", "main wall" or "party wall". *

45. "Party wall" means a wall forming part of a building and used or constructed to be used in any part of the height or length of such wall for the separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons. *

46. "Party structure" means a party wall, and also a partition floor or other structure separating, vertically or horizontally, buildings, storeys or rooms which belong to different owners. *

* As amended by No. 14 of 1908.

* 47. "Person" includes a body corporate, a partnership, and an association of persons unincorporated.

48. "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 foreshore, also any vessel lying within the waters of the Colony.

* 48a. "President" means the President of the Sanitary Board.

49. "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.

50. "Public latrine" means any latrine to which the public are admitted on payment or otherwise.

51. "Room" includes any sub-division of any storey of any domestic building other than—

† (i) a cubicle :

(ii) a drying-room, store-room, pantry, lobby or landing which is not used for sleeping purposes.

* 52. "Secretary" and "Assistant Secretary" mean the secretary and assistant secretary of the Sanitary Board respectively.

§ 53. "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, but does not include any space which is provided for the purpose of ventilation or any space which has a less height than 9 feet.

54. "Street" includes any square, court or alley, highway, lane, road, or passage whether a thoroughfare or not.

55. "Tenant" means any person who holds direct from any householder the whole or any part of any floor or floors of any building.

56. "Tenement house" means any domestic building constructed, used, or adapted to be used for human habitation by more than one tenant.

* As amended by No. 8 of 1912.

† As amended by No. 23 of 1903.

§ As amended by No. 14 of 1908.

57. "Urban district" includes the City of Victoria and any such other area as the Governor-in-Council may define and notify in the Gazette. *

58. "Verandah" means any stage, platform, or portico projecting from the main wall of any building and supported by piers or columns.

59. "Vessel" means any steam or sailing ship, launch, motor-boat, junk, lighter, sampan, or boat. †

59a. "Wall" includes "cross wall", "external wall", "main wall", "partition wall", "party wall", and every other kind of wall whether supporting any structure or not. §

60. "Width of street."—For the purposes of this Ordinance the width of a street on unleased Crown Land shall be ascertained by measuring the shortest distance between the building lines as defined by this Ordinance, and shall, unless the Building Authority otherwise decides, be measured at right angles to the direction of the street. †

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 unleased Crown Land. Provided that in the case of divided ownership of leased land 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.

60a. "Window" means a structure placed in an opening in the wall of a building and consisting of glazed sashes hinged to or sliding within a framework of wood, metal, brick or cement, so arranged as to admit light and capable, when opened, of also admitting air. §

61. "Works" includes the partial or total constructing, reconstructing, pulling down, opening, cutting into, adding to, and

* As amended by No. 1 of 1912.

† As amended by No. 2 of 1912.

§ As amended by No. 14 of 1908.

‡ As amended by No. 14 of 1908 and No. 8 of 1912.

altering any building, wall, retaining wall, chimney-stack, flue, ground, road, well, drain, sewer, pier, wharf, fence, and any other building operation whatsoever.

62. "Workshop" means any building or part of a building in which manual labour is exercised for purposes of trade.

[para. 63, *rep.* No. 8 of 1912.]

List of
authorised
architects.
*

7. The Governor-in-Council shall notify in the Gazette a list 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 "authorised architect", which 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 add to such list the names of any other persons whom he may deem qualified as aforesaid, and remove any of such names: Provided that due notice shall be given to any person whose name it is proposed to remove 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 shall be deemed to be the list of authorised architects.

PART II.

PUBLIC HEALTH.

Constitution and General Powers of the Sanitary Board.

Constitution
of the Sani-
tary Board.
†

No. 6 of 1887.

No. 12 of
1908.

8. The Sanitary Board shall consist of the Head of the Sanitary Department (who shall *ex officio* be President of the Board), the Director of Public Works, the Registrar General, the Medical Officer of Health, and not more than six additional members, four of whom (two being Chinese) shall be appointed by the Governor; and two elected by such persons as are included in either of the jurors lists referred to in section 7 (3) of the Jury Ordinance, 1887; and also by the following persons exempted from serving as jurors—unofficial members of the Executive or of the Legislative Council; barristers and solicitors on the roll of the Supreme Court; medical practitioners; dentists in actual practice in the Colony; persons registered under the Pharmacy Ordinance, 1908; clergymen of the Church of England, Roman Catholic priests, ministers of any

* As amended by No. 50 of 1911, No. 1 of 1912 and No. 2 of 1912

† As amended by No. 14 of 1908, No. 60 of 1911 and No. 1 of 1912.

congregation of Protestant dissenters or of Jews functioning in the Colony; masters of any school, other than a vernacular school, in the Colony; professors, lecturers and other academic officers of the University of Hongkong; editors, sub-editors and reporters of any daily newspaper published in the Colony; pilots licensed under the Pilots Ordinance, 1904; and persons of sound mind who have previously been included in either of the said jurors lists but have been removed therefrom on account of age or infirmity. Non-official members shall hold office for 3 years. No. 3 of 1904

The Head of the Department shall give such directions as may be necessary for carrying out and giving effect to the decisions of the Board, and shall be responsible for the administration of the Department.

9. All matters relating to the election of the said members shall be governed by the rules contained in schedule C until they are altered by the Governor-in-Council. Election of members of the Board.
*

10. The Governor shall appoint the vice-president of the Board, and the names of all members appointed to the Board shall be forthwith notified in the Gazette. Names of members to be gazetted.
†

11. If any member of the Board be at any time prevented for more than 6 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 return or be able to resume his functions. Substitute members.
§

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. Vacancies on the Board.

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 3 members of the Board, summon a meeting thereof. Board meetings
‡

(2) Any 4 members shall be a quorum, and at every meeting the President or vice-president shall be chairman, or, in their absence, Quorum

* As amended by No. 14 of 1908, No. 50 of 1911, No. 1 of 1912 and No. 2 of 1912.

† As amended by No. 23 of 1903 and No. 1 of 1912.

§ As amended by No. 8 of 1912.

‡ As amended by No. 1 of 1912 and No. 2 of 1912.

the members present shall appoint a chairman. The chairman shall have a deliberative and a casting vote.

Standing orders.
*

14.—(1) The Board may make standing orders for regulating the procedure at its meetings.

Appointment of select committees.

(2) The Board may appoint, and may add thereto or dismiss therefrom, select committees consisting of not less than two of its members or of one of its members and one of the officers of the Department.

Delegation of powers to medical officers of health or to select committees.
†

15.—(1) The Board may by resolution delegate any of its powers and functions to the medical officer of health or to any assistant medical officer of health, or to such select committees as aforesaid, with full powers to enforce any of the provisions of any Ordinance or by-law conferring powers on the Board or providing for the more effectual sanitation of the Colony, and may revoke such delegation.

Failure to comply with orders of the medical officers of health or of select committees.

(2) Any failure to comply with the orders of the medical officer of health or of any assistant medical officer of health, or of such select committee, duly signed by the secretary of the Board, shall be punishable in the same manner as if such order had been made by the Board.

Matters with regard to which the Board has power to make by-laws.
§

16. The Board shall have power to make by-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.

[paras. 2, 3, 4, *rep* No. 14 of 1908, s. 6.]

5. The erection of public latrines and applications for permission to erect such latrines.

6. The sanitary maintenance of public latrines, urinals, dust-bins, and manure-depôts.

* As amended by No. 23 of 1903, No. 50 of 1911 and No. 1 of 1912.

† As amended by No. 14 of 1908, No. 50 of 1911 and No. 1 of 1912.

§ As amended by No. 14 of 1908, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

7. Surface scavenging, the removal and disposal of night-soil and of other refuse.
8. The cleansing and removal of refuse and all objectionable matter at stated times from domestic buildings.
9. The provision and proper construction of dust boxes in public or private premises.
10. The promotion of cleanliness and ventilation in public or private buildings.
11. The cleansing, lime-whiting, and proper sanitary maintenance of all premises.
12. The closing of premises unfit for human habitation and the prohibition of their use as such.
13. The prevention of overcrowding in premises, either in respect of human beings or animals.
14. Fixing from time to time the number of persons who may occupy a domestic building or any part thereof, and marking on the exterior or interior of such buildings the number of persons permitted to occupy the same or any part thereof.
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.
[para. 16, *rep.* No. 14 of 1908, s. 6.]
17. The licensing, regulation and sanitary maintenance of common lodging-houses, and the sanitary maintenance of emigration houses or depôts, factories, workshops, breweries, distilleries, theatres and places of public instruction, recreation, or assembly.
18. The prohibition of the establishment within certain limits of, and the control of, any noxious or offensive trade, business, or manufacture.
19. The regulation of bake-houses, dairies, aerated water manufacturing, and food-preserving establishments.
20. The regulation of public baths, laundries, and wash-houses.
21. Prohibiting the importation or landing of cattle, swine, sheep, and goats otherwise than at such times and places, and subject to such conditions regarding inspection, marking, isolation, subse-

- quent disposal, and payment of inspection fees, as may be prescribed by such by-laws.
22. The licensing and regulation of depôts and pens for cattle, swine, sheep and goats.
23. The construction, licensing, and proper sanitary maintenance of pig-sties in private premises.
24. Providing for the regular inspection of all places where animals are kept.
25. The regulation and sanitary maintenance of slaughter-houses, including the slaughter of cattle, swine, sheep and goats therein, the removal of their carcasses 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.
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, and the disposition of the carcase thereof.
27. The mitigation or prevention of epidemic, endemic, infectious or contagious disease among animals.
28. Authorising the declaring of any place or area to be infected with disease, and prohibiting or regulating 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.
29. Prescribing the modes of cleansing and disinfecting of places which have been occupied by any animal suffering from epidemic, endemic, contagious, or infectious disease.
30. The regulation and sanitary maintenance of markets, including the sale of food provisions and meat therein, the removal of food provisions and meat thereto or therefrom, and such other matters or things in relation to the management of markets as may be deemed desirable.

[para. 31, *rep.* No. 14 of 1908, s. 6.]

32. The prevention of the manufacture or sale of unsound, adulterated, or unwholesome food.

[para: 33, *rep.* No. 14 of 1908, s. 6.]

34. The compulsory reporting of infectious, contagious, or communicable disease.

35. The prevention as far as possible, or mitigation of any epidemic, endemic, contagious or infectious 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 to 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 ;
- (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, for minimising their numbers and destroying them, and for preventing them from passing from such vessels to the shore or from the shore to such vessels ;
- (g) for the better prevention of the danger of the spreading of infection by rats ; and
- (h) for such other matters or things as may appear to the Board advisable for preventing or mitigating such diseases.

36. The compulsory vacating of infected premises, and the disinfection and purification of the same.

37. The disinfection and purification of all infected vessels and public vehicles.

38. The breaming of vessels, and the maintenance of cleanliness in the harbours, the waters of the Colony, and on the foreshores thereof.

39. 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 by-laws impose fines for any breach thereof not exceeding 50 dollars in each case.

By-laws subject to approval of Legislative Council.
*

17. All by-laws made by the Board shall be submitted to the Governor, and shall be subject to the approval of the Legislative Council; and, when so approved, they shall be published in the Gazette in English and Chinese.

Power to inflict fines on officers or servants for misconduct or neglect of duty.
†

18. The President may punish any officer or servant of the Department 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 10 dollars for every such offence, and the amount of such fine shall be deducted from the pay of such officer or servant.

The imposition of every such fine shall be reported without delay to the Governor who shall have power to remit the same either wholly or partially.

Misconduct Book to be kept.

A record of every such fine 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 Department in such manner as may be directed by the Governor.

Sanitary Staff and its Powers.

Constitution of sanitary staff.
§

19. The Governor may appoint a secretary and an assistant secretary to the Board, a medical officer of health and assistant medical officers of health, sanitary surveyors and sanitary inspectors, and a colonial veterinary surgeon, all of whom shall be officers of the Department; and may also appoint such servants of the Department as the President may recommend.

There shall be paid to such officers and servants such salaries and allowances as the Governor, with the consent of the Legislative Council, may determine.

Any person appointed to act as assistant secretary or as assistant medical officer of health may be authorised by the President to perform all or any of the duties of the secretary or of the medical officer of health respectively, and all notices, certificates and other instru-

* As amended by No. 8 of 1912.

† As amended by No. 23 of 1903, No. 50 of 1911, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

§ As amended by No. 23 of 1903, No. 50 of 1911, No. 1 of 1912 and No. 8 of 1912.

ments signed by any such person under the authority of the President shall be deemed to have been duly signed.

[s. 20, *rep.* No. 8 of 1912.]

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 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. *

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 occupiers offer any reasonable objection thereto, give them 2 hours' notice in writing of his intention, by leaving such notice with them or at the house or premises which he intends to enter and inspect. In the case of Chinese occupiers such notice shall be in the Chinese character.

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 day or night for the purposes mentioned in the foregoing section without giving any such notice as aforesaid, provided the officer so entering has a special order in that behalf signed by the President.

Power of medical officers of health to enter and inspect without notice. †

23. The Board shall have power by officers of the Department 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 officers of the Department to inspect. §

24. Any select committee of the Board, or any officer specially authorised by the President, and subject to such directions as he may impose, may enter and inspect at any time any domestic

Special inspection to ascertain over-crowding. †

* As amended by No. 1 of 1912 and No. 2 of 1912.

† As amended by No. 1 of 1912.

§ As amended by No. 23 of 1903 and No. 1 of 1912.

† As amended by No. 23 of 1903, No. 51 of 1911 and No. 1 of 1912.

building for the purpose of ascertaining whether such building or any part thereof is in an overcrowded condition.

[s. 25, *rep.* No. 31 of 1911, s. 47.]

Nuisances.

Definition of
"nuisance."
*

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:—

[para. 1, *rep.* No. 14 of 1908, s. 7.]

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.

3. Any building or part of a building which contains rat-holes or rat-runs or other similar holes, 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 therefrom.

4. Any premises which are in such a dirty or in such an insanitary condition as to be dangerous or prejudicial to health.

5. Any street or road, or any part thereof, or any water-course, nullah, ditch, gutter, side-channel, drain, ash-pit, 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 water, 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.

* As amended by No. 14 of 1908 and No. 2 of 1912.

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) or any furnace 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.

27.—(1) It shall be lawful for the medical officer of health or any assistant medical officer of health on reasonable presumption of the existence of a nuisance on any premises, by an order in writing, to authorise any officer, with an assistant or assistants, to enter such premises at any time between 6 a.m. and 6 p.m., and to inspect the same.

Entry to inspect nuisances.
*

(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 2 hours notice in writing of his intention to do so.

Notice of such entry to be given if objection raised.

28. Any person refusing admittance to the said inspecting officer, after such notice has been given, shall be liable to a fine not exceeding 25 dollars.

Penalty for refusing admission after due notice

29. On the receipt of any information respecting the existence of a nuisance, the Board shall, if satisfied of its existence, 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 that—

†
Board may serve notice requiring abatement of nuisance.
§

(i) 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;

* As amended by No. 14 of 1908 and No. 51 of 1911.

† As amended by No. 30 of 1911.

§ As amended by No. 2 of 1912 and No. 43 of 1912 Supp. Sched.

(ii) 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.

Board may serve notice directing compliance with by-laws.

*

Proceedings without notice.

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

(2) The secretary, the medical officer of health, any assistant 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 by-law without the previous issue of such notice by the Board, and the Magistrate may impose a fine not exceeding 50 dollars.

Board may review notice.

†

31. If the person served with notice under section 29 or 30, is dissatisfied therewith 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.

On non-compliance with notice complaint to be made to a Magistrate.

§

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

Power of Magistrate to make an order dealing with the nuisance.

‡

33.—(1) If the Magistrate is satisfied that the requirement of the Board is legal, or that the alleged nuisance exists, or that,

* As amended by No. 14 of 1908, No. 30 of 1911 and No. 1 of 1912.

† As amended by No. 2 of 1912.

§ As amended by No. 1 of 1912 and No. 2 of 1912.

‡ As amended by No. 30 of 1911, No. 51 of 1911, No. 1 of 1912 and No. 2 of 1912.

although the said nuisance is abated, it is likely to recur on the same premises, he shall make an order on such person.—(a), 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 (b), prohibiting the recurrence of the nuisance, and directing the execution of the works necessary to prevent the recurrence; or (c), both requiring abatement and prohibiting the recurrence of the nuisance.

(2) The Magistrate may, by his order, impose a fine not exceeding 50 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.

34. Where the nuisance proved to exist is such as to render any building, in the judgment of the Magistrate, unfit for human habitation, he 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 closed and secured by the owner; and, on the Magistrate being satisfied that it has been rendered fit for that purpose, he may, by order, declare the building habitable, and, from the date thereof, such building may be inhabited.

Order prohibiting use, &c., of building unfit for human habitation.
*

35.—(1) Any person not obeying an order to comply with the requisitions of the Board, or of the medical officer of health, or of any assistant medical officer of health, or of any select committee of the Board, 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 10 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 25 dollars per day so long as such action continues; moreover, the Board may, by any officer of the Department, enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover, in a summary manner, the expenses incurred by them from the person on whom the order is made.

Penalty for contravention of order of Magistrate or for defacing any copy of such order.
†

* As amended by No. 1 of 1912 and No. 2 of 1912.

† As amended by No. 23 of 1903, No. 14 of 1908, No. 30 of 1911, No. 1 of 1912 and No. 8 of 1912.

(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 fine not exceeding 50 dollars.

Form of notices.
*

36. Notices issued by the Board relating to a nuisance shall be in the form in schedule D, with such modifications as may be necessary.

Manner of serving notices.
†

37. Any such notice or order may be served by any officer or servant of the Department 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 house to be registered and the keeper licensed.
§

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 such common lodging-house 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 statements in application.
‡

39. Any person who in making application for the registration or licensing of a common lodging-house, knowingly makes any false statement regarding any of the particulars required to be stated in such application, shall be liable to a fine not exceeding 25 dollars.

Inspection of common lodging-houses.
||

40. The keeper of a common lodging-house shall keep a register of the name, occupation, and native place of each lodger, and of the dates of his arrival and departure, and shall at all times, when required by any officer of the Department, 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 shall be liable to a fine not exceeding 25 dollars.

* As amended by No. 50 of 1911 and No. 1 of 1912.

† As amended by No. 23 of 1903 and No. 1 of 1912.

§ As amended by No. 2 of 1912.

‡ As amended by No. 30 of 1911, No. 1 of 1912 and No. 2 of 1912.

|| As amended by No. 23 of 1903, No. 30 of 1911 and No. 1 of 1912.

Public Washermen.

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

Regulation of public washermen.

Factories and Workshops.

42. No person shall, after the commencement of this Ordinance, establish or carry on 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.

Establishment of dangerous or offensive trades. *

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 newly established but also if it is removed from any one 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 12 months or upwards, or if any premises on which it is 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 reconstructed without any extension of its area.

Definition of "to establish."

Provided always that any permission given by the Board under this section shall be revocable at any time by the Board.

43. Whenever it appears to the Board that any brewery or distillery, or any factory, workshop, or work-place 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

Nuisances in factories or workshops. †

* As amended by No. 60 of 1911 and No. 1 of 1912.

† As amended by No. 2 of 1912.

thereof to take such steps as the 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.

Dangerous or offensive trades in domestic premises.

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.

Basements.

Basements not to be occupied without permission.

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 Board.

Overcrowding.

Overcrowding defined.
*

46. Every domestic building and any part thereof found to be inhabited in excess of a proportion of one adult for every 50 square feet of habitable floor space or superficial area, and 550 cubic feet of clear and unobstructed internal air space, shall be deemed to be in an overcrowded condition:

Provided that—

(a) Any room which does not contain a cubicle may be inhabited in the proportion of one adult for every 30 square feet of habitable floor space or superficial area, and 330 cubic feet of clear and unobstructed internal air space.

Overcrowding in European Reservation and Hill District.

(b) Every domestic building within the European Reservation, or within the Hill District, and any part thereof, (with the exception of quarters occupied by servants), which is occupied by more than one adult for every 1,000 cubic feet of clear and unobstructed internal air space shall be deemed to be in an overcrowded condition.

(c) The provisions of this section shall not apply in the case of temporary structures provided for housing workmen during the progress of works.

* As amended by No. 14 of 1908 and No. 1 of 1912.

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.
*

(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.

(3) Where any domestic building or any part thereof is ascertained to be in an overcrowded condition between 11 p.m. and 5 a.m. 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.

48.—(1) If any domestic building or part thereof shall be found to be in an overcrowded condition, any officer of the Department being duly authorised so to do may within 5 days apply to a Magistrate to summon before him each tenant or householder of such building. Steps to be taken to abate overcrowding.
†

(2) If it be proved that the said domestic building or any part thereof was overcrowded within 5 days prior to the issue of the summons the Magistrate may inflict a fine not exceeding 25 dollars on the person summoned, and may further make an order for the abatement forthwith of such overcrowding. Magistrate to make order for abatement.

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 10 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 25 dollars per day so long as such action continues. Penalty for disobedience of order.

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

[Proviso—No. 23 of 1903, s. 14—*rep.* No. 8 of 1912.]

* As amended by No. 51 of 1911 and No. 1 of 1912.

† As amended by No. 23 of 1903, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

Kitchen not
to be used as
a sleeping
room.
*

49. Any room of a tenement-house used as a kitchen shall not be used as a sleeping room, and the householder or tenant thereof shall be responsible that such 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.
†

50. In the calculation of cubic space for the purposes of this Ordinance, two children of 10 years of age or under shall be counted as one person, and every person over 10 years of age shall be considered as an adult.

Limit of
fittings for
sleeping
accommoda-
tion.

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.

Licence
for keeping
cattle, swine,
etc.
§

52. The keeping of cattle, swine, sheep, or goats without a licence from the Board is hereby prohibited, and any person keeping any such animal, 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 fine not exceeding 50 dollars and, further, to forfeit all or any of the animals in respect of the keeping of which he has so offended.

Transport of
animals, etc
‡

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 it needless or avoidable suffering.

Compensation for slaughter of Infected Cattle.

Compensa-
tion for
infected
cattle
slaughtered.
||

54. The Governor-in-Council shall direct the following compensation to be paid out of the public revenue for any infected cattle slaughtered under the provisions of this Ordinance :—

(1) when the animal has shown no symptoms of disease within 3 days after importation but has shown symptoms of disease within 14 days after importation, one third of its value when imported ;

* As amended by No. 14 of 1908.

† As amended by No. 2 of 1912.

§ As amended by No. 30 of 1911, No. 1 of 1912 and No. 2 of 1912.

‡ As amended by No. 1 of 1912 and No. 2 of 1912.

|| As amended by No. 14 of 1908, No. 1 of 1912 and No. 2 of 1912

(2) when the animal has shown symptoms of disease after being over 14 days in the Colony, one half of its value immediately before it became affected ;

(3) when the animal has been bred in the Colony and has shown symptoms of disease, one half of its value immediately before it became affected ;

(4) when the animal has shown no symptoms of disease but has been in contact or in the same herd with diseased cattle, its full value ;

(5) when the animal has shown symptoms of disease on importation or within 3 days after importation no compensation shall be given :

Provided that the compensation for one animal shall in no case exceed 400 dollars.

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.

Depôts for Animals.

56. All cattle, swine, sheep and goats brought to the Colony for the purpose of being slaughtered shall be kept, except when turned out to graze, in a properly constructed Government depôt licensed by the Board.

Cattle depôts to be provided by Government. *

Provided that no such animal shall be permitted to remain in any Government depôt for a longer period than 21 days ; and provided also that any such animal which is condemned by the colonial veterinary surgeon as unfit to be slaughtered for human food shall be removed forthwith by the owner.

57. No cattle, sheep or goats 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.

Slaughter-houses.

58. A sufficient number of fit and proper slaughter-houses to meet the requirements of the Colony shall be provided by the

Establishing of slaughter-houses and the letting thereof. †

* As amended by No. 1 of 1912.

† As amended by No. 23 of 1903, No. 50 of 1911, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

Government ; and it shall be lawful for the Governor-in-Council to grant to any person the sole privilege of slaughtering cattle, swine, sheep and goats 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 ; provided always that the Governor-in-Council may at discretion either lease the privilege of slaughtering such animals by private contract, or appoint any officer of the Department or other person to manage any or all of the public slaughter-houses.

Prohibition
of private
slaughter-
houses.
*

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 further impose on the person opening or keeping open the slaughter-house a fine not exceeding 50 dollars.

Privilege of
slaughtering
animals for
food.

60. The lessee of the privilege of slaughtering cattle, swine, sheep and goats shall enjoy, during the whole of the term of his lease, the sole and exclusive privilege of slaughtering such 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 by-laws regulating slaughter-houses as the Governor-in-Council may direct.

Sub-letting
prohibited.
†

61. The lessee of the privilege of slaughtering cattle, swine, sheep and goats shall not sub-let or assign any part thereof without the written permission of the Board.

Slaughtering
except in
slaughter-
houses
prohibited.
†

62. No person shall slaughter any cattle, swine, sheep or goat, or dress any carcase thereof, except within a slaughter-house appointed for that purpose ; provided always that goats or sheep may be slaughtered or dressed elsewhere by or for any Indians, Indian troops, or Indian police quartered in the Colony.

Unauthorised
fees or
charges
prohibited.

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 cattle, swine, sheep, or goat in any slaughter-house.

* As amended by No. 8 of 1912.

† As amended by No. 1 of 1912.

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

65. No cattle or sheep shall be slaughtered for human food in any slaughter-house unless marked with the Broad Arrow. Only marked animals for human food.
*

66. If any person without lawful authority stamps, uses, applies or impresses the Broad Arrow, or any mark apparently intended to resemble the Broad Arrow, on any cattle or sheep, he shall be liable, on summary conviction, to imprisonment for any term not exceeding 6 months, or to a fine not exceeding 250 dollars. Forging marks.
†

67. If any person passes, or attempts to pass into any slaughter-house, any cattle, swine, sheep or goat which has not been inspected, passed, and (in the case of cattle or sheep) marked with the Broad Arrow by an officer duly authorised by the Government, 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 fine not exceeding 100 dollars, or to imprisonment for any term not exceeding 3 months, and, further, the Magistrate may order such animal to be forfeited, and thereupon it may be dealt with as the Governor may determine. Passing of unmarked animals into slaughter-house prohibited.
§

68. The colonial veterinary surgeon may cause stamps or other instruments to be made for the purpose of establishing a special official mark for beef, mutton, and pork before the carcasses leave a slaughter-house, in order to show that such carcasses are fit for human food, and may change or alter such mark; and every such mark for the time being in use at any slaughter-house under the authority of the colonial veterinary surgeon shall be the official mark within the meaning of this section. Stamping of beef, mutton and pork.
†

69. No person shall counterfeit or make use of, or attempt to counterfeit or to make use of, the official mark which is used for beef, mutton, and pork. Any person committing an offence against this section shall be liable, on summary conviction, to imprisonment for any term not exceeding 6 months, or upon conviction in the Forging stamps.
‡

* As amended by No. 2 of 1912.
 † As amended by No. 30 of 1911, No. 1 of 1912 and No. 21 of 1912.
 § As amended by No. 30 of 1911, No. 1 of 1912 and No. 2 of 1912.
 ‡ As amended by No. 50 of 1911, No. 1 of 1912 and No. 8 of 1912.
 || As amended by No. 30 of 1911, No. 8 of 1912 and No. 21 of 1912.

Supreme Court, to imprisonment for any term not exceeding 2 years.

Seizure of
unstamped
meat.

*

70. If any officer of the Department at any time discovers in any market, any carcase or part of a carcase of beef, mutton, or pork not bearing the official mark aforesaid, he is hereby authorised to seize it, and the colonial veterinary surgeon may order it to be destroyed, and no compensation shall be payable to any person in respect of such destruction.

Slaughter-
house to be
open to
inspection

†

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

Markets.

Establish-
ment of
markets;
unauthorized
markets
prohibited.

§

72. All markets established at the commencement of this Ordinance shall be continued and shall be subject to this Ordinance, but it shall be lawful for the Governor-in-Council 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 is carried on, be deemed a nuisance.

Buildings in
markets
limited.

†

73. No buildings shall be erected or maintained in any market except stalls, and 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 President.

Letting of
market
buildings.

||

74. All market buildings shall be let by the Head of the Department in such manner and on such conditions as shall be approved

* As amended by No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

† As amended by No. 23 of 1903, No. 1 of 1912, No. 2 of 1912, No. 8 of 1912 and No. 43 of 1912 Supp. Sched.

§ As amended by No. 50 of 1911, No. 2 of 1912 and No. 43 of 1912 Supp. Sched.

† As amended by No. 8 of 1912 and No. 43 of 1912 Supp. Sched.

|| As amended by No. 11 of 1909, No. 50 of 1911, No. 1 of 1912, No. 2 of 1912 and No. 43 of 1912 Supp. Sched.

by the Governor-in-Council. Until such conditions and manner of letting shall be so established they shall be as follows :—

(1) They 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 Head of the Department 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 3 years except at a higher rent than can be obtained for a 3 years' lease, nor for any term exceeding a 5 years' lease, without the approval of the Governor.

(5) All rents of market buildings shall be paid to the Head of the Department in advance within the first 7 days of each month.

(6) The Governor may order the forfeiture of any lease of a market building if it is proved to his satisfaction that the lessee has used such market building for any other purposes than those pertaining to the business of a market, or if such lessee has been convicted of a contravention of any by-law for the regulation or sanitary maintenance of markets.

75. No lessee of any market building shall sub-let or assign the same or any part thereof without the written permission of the Head of the Department, nor shall he 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.
*

76. 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.
†

77. Whenever the lessee of any market building fails 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

Repairs to
market
buildings by
lessees may
be ordered
by Magis-
trate.
†

* As amended by No. 11 of 1909, No. 1 of 1912, No. 2 of 1912 and No. 43 of 1912 Supp. Sched.

† As amended by No. 43 of 1912 Supp. Sched.

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.

Sales of certain articles outside markets prohibited.
*

78. Except as by this Ordinance provided, no person shall within the City of Victoria or the Harbour, or in Kowloon or in New 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: Provided always that the Board may 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.

Exceptions to the prohibition of sales outside markets.
†

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 100 yards from shore;
- (4) of cooked provisions 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.

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.

Markets to be open to inspection.
§

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

* As amended by No. 50 of 1911, No. 2 of 1912, No. 8 of 1912 and No. 43 of 1912 Supp. Sched. This section also applies to the villages of Aberdeen and Aplichau *see* G. N. 114 of 1912.

† As amended by No. 1 of 1912.

§ As amended by No. 23 of 1903, No. 11 of 1909 and No. 1 of 1912.

Unwholesome Food.

82. No person shall sell or expose for sale or bring into the Colony or into any market, or have in his possession without reasonable excuse any food for man in a tainted, adulterated, diseased or unwholesome state, or which is unfit for use, or any food for any animal which is in an unwholesome state or unfit for their use, and any member of the Board, or any officer of the Department or of the police may seize any such food, and the President on the recommendation of the medical officer of health or of any assistant 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 for man or animal, as the case may be.

Sale of unwholesome food prohibited.
*

83. Any member of the Board, or any officer of the Department duly authorised by the Board in writing, may, at any time between 6 a.m. and 6 p.m., 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 may order it to be disposed of as in the foregoing section. The proof that such food was not exposed or deposited for any such purpose shall rest with the person charged.

Seizure of unwholesome food.
†

83a. Any person in whose possession there is found any food liable to seizure under section 82 or 83 shall further be liable to a fine not exceeding 100 dollars.

Penalty under ss. 82 and 83.
§

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 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, 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

Inspection of dairies; power to prohibit supply of milk in certain cases.
‡

* As amended by No. 23 of 1903, No. 14 of 1908, No. 11 of 1909, No. 1 of 1912 and No. 2 of 1912.

† As amended by No. 51 of 1911, No. 1 of 1912 and No. 8 of 1912.

§ As amended by No. 8 of 1912.

‡ As amended by No. 14 of 1908, No. 1 of 1912 and No. 2 of 1912.

writing from a medical practitioner that he 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, 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 or any assistant 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 24 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 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 so made shall be withdrawn on the medical officer of health or any assistant medical officer of health reporting that he is satisfied 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 section.

Penalty for refusal to permit inspection.
*

85. Every person who shall refuse to permit any inspection or examination authorised by the foregoing section, or who shall wilfully obstruct any authorised officer in carrying out the provisions of the said section, or who shall refuse or neglect to forthwith comply with or to carry out any order of the Governor-in-Council made thereunder shall, on summary conviction, be liable to a fine not exceeding 500 dollars, and, if the offence is a continuing one, to a daily penalty not exceeding 50 dollars a day so long as the offence continues.

Penalty for allowing infected persons to milk animals or assist in the conduct of the dairy or reside therein.
†

86. Any dairyman who shall allow any person suffering from an infectious disease, or who has recently been in contact with a person so suffering, to milk cows, buffaloes, or goats, or to handle vessels

* As amended by No. 30 of 1911, No. 2 of 1912 and No. 21 of 1912.

† As amended by No. 30 of 1911 and No. 21 of 1912.

used for containing milk for sale, or in any way to take part or assist in the conduct of the trade of the dairy so far as regards the production, distribution, or storage of milk, or to reside in any part of the dairy that is 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, to a fine not exceeding 100 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 plague, cholera, small-pox, or any other contagious or infectious disease, and is without proper lodging or accommodation, or is lodged in a domestic building occupied by more than one family, or is on board any ship or vessel, a Magistrate may, on the certificate of any medical practitioner, order the removal of such person to such suitable hospital or other like place as may be provided for the purpose.

Removal of
infected
persons to
hospital.
*

88.—(1) No person who is suffering from plague, cholera, or small-pox, or any other contagious or infectious 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.

Conveyance
of infected
persons in
public
vehicles.
†

(2) No public conveyance, and no vessel which has been used to carry any person suffering from plague, cholera, or small-pox, or any other contagious or infectious disease, shall be again used until it has been thoroughly disinfected to the satisfaction of the medical officer of health or of any assistant medical officer of health, and any

Disinfection
of infected
vehicles.

* As amended by No. 1 of 1912 and No. 43 of 1912.

† As amended by No. 23 of 1903, No. 14 of 1908, No. 30 of 1911, No. 1 of 1912 and No. 43 of 1912.

officer of the Department 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 fine not exceeding 100 dollars.

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

*

89. The Board shall have power by officers of the Department to enter and to cleanse and disinfect any premises where any person suffering from 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; but compensation may be given to such householder for any bedding, clothing, or other articles which have been destroyed during such cleansing and disinfection.

Provided that where the case of infection has been duly reported no charge shall be made for the cost of such cleansing and disinfection, and reasonable compensation for property destroyed or damaged shall in such case be given.

Cemeteries.

Cemeteries to be appointed.

†

Penalty for improper interment.

90. It shall be lawful for the Governor-in-Council to select and appoint, and to notify in the Gazette, sufficient and proper places to be the sites of, and to be used as cemeteries; and in such cemeteries it shall be lawful thereafter to bury the dead in conformity with the provisions of by-laws made by the Board. Any person who shall be guilty of a breach of any such by-law shall be liable, on summary conviction, to a fine not exceeding 50 dollars.

List of authorised cemeteries.

§

Penalty for burials elsewhere.

91. The cemeteries hereinafter mentioned and such other cemeteries as may be authorised by the Governor-in-Council, 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 in any ground not being an authorised cemetery, shall be liable to a fine not exceeding 100 dollars.

* As amended by No. 1 of 1912, No. 2 of 1912 and No. 43 of 1912.

† As amended by No. 50 of 1911, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

§ As amended by No. 30 of 1911, No. 50 of 1911, No. 1 of 1912, No. 8 of 1912, No. 43 of 1912 and No. 43 of 1912 Supp. Sched.

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 Ma Tau Wai Cemetery.
 * The Kai Lung Wan East Cemetery.
 * The Kai Lung Wan Extension Cemetery.
 †* The Po King Po Cemetery.
 * The Sai Yu Shek Cemetery.
 †* The Sam Shui Po Cemetery.
 * The Christian Chinese Cemetery (Kowloon City).
 * The Tseung Loong Tin Cemetery.
 * The Cheung Chau Cemetery.
 * The Tai Po Cemetery.
 * The Kowloon Tong Cemetery.
 * The Tsun Wan Cemetery.
 * The Kowloon City Cemetery.
 § The Tsun Wan Christian Cemetery.
 § The Chinese Christian Protestant Cemetery (Kowloon Tong).
 § The Chinese Christian Protestant Cemetery (Pokfulam Road).

General.

- The Colonial Cemetery
 The Roman Catholic Cemetery
 The Mahomedan 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.

* Added by No. 43 of 1912.

† This cemetery has been closed.

§ Added by No. 43 of 1912 Supp. Sched.

Permit to
exhume.
*

91a.—(1) Subject to the provisions of section 91*b*, it shall not be lawful to exhume any body or the remains of any body which may have been interred in any authorised cemetery or in any other cemetery, burial ground, or other place without a permit granted in manner hereinafter provided.

(2) Such permit shall be granted only to the legal personal representative or next of kin of the person buried, or to his or their duly authorised agent.

(3) Such permit may be granted—

(*a*) by the Board, under the hand of the Secretary, in respect of any body or the remains of any body interred in any authorised cemetery, and

(*b*) by the Governor, under the hand of the Colonial Secretary, in respect of any body or the remains of any body interred in any other cemetery or burial ground or any other place.

Conditions
of permit
to exhume.

The permitting authority may prescribe such precautions as he may deem fit as the condition of the grant of such permit, and any person who shall exhume any body or the remains of any body contrary to this Ordinance, or who shall neglect to observe the precautions prescribed as the condition of the permit, shall be liable to a fine not exceeding 200 dollars.

Magistrate
may order
exhumation.

Provided always that nothing herein contained shall be deemed to affect the right of a Magistrate to order the exhumation of a body or the remains of any body for the purpose of holding an inquiry into the cause of death of any person.

Graves on
land under
Crown lease.

(4) No such permit shall be granted in respect of any grave on land held under lease from the Crown without the written consent of the Crown lessee or his duly authorised agent.

Exhumation
needed for
execution
of public
works may
be ordered.
†

91b.—(1) It shall be lawful for the Governor whenever he shall deem it expedient for the execution of any public work or any public purpose, to remove any body or the remains of any body from any grave on unleased Crown land, whether in an authorised cemetery or elsewhere, and by order under his hand to direct such removal to be made in such manner as he shall think fit.

(2) No such order shall be made in respect of any grave situated in an authorised cemetery until 6 months notice of the intention to

* As amended by No. 11 of 1909, No. 30 of 1911, No. 1 of 1912, No. 2 of 1912, No. 21 of 1912 and No. 22 of 1912.

† As amended by No. 11 of 1909, No. 50 of 1911, No. 1 of 1912, No. 2 of 1912, No. 8 of 1912, No. 21 of 1912 and No. 43 of 1912 Supp. Sched.

make it shall have been given by notification in the Gazette. Copies of such notice shall be posted at or near the grave aforesaid, and copies shall be sent by post in a registered letter to the legal personal representative or next of kin of the person buried, if his or their address can be ascertained. Such copies shall be accompanied by a translation in the language of the race to which the deceased person belonged.

(3) When an order is made directing a removal from any grave aforesaid elsewhere than in an authorised cemetery, due notice of such order shall, so far as it is possible to do so, be given to the legal personal representative or next of kin of the person buried before the work of removal is undertaken.

(4) The Government shall make proper and fitting arrangements for the re-interment in an authorised cemetery of any body or remains of any body removed under this section, and for the removal and re-erection of any monument, all charges in connection therewith being defrayed out of the public revenue : Provided that, when it is desired otherwise to dispose of the bodies or remains of bodies of persons of Chinese race in accordance with Chinese custom, the necessary permission shall be given, subject to such conditions as the Governor may prescribe, all reasonable expenses in connection with such disposal, if within the Colony, being defrayed out of the public revenue. Re-interment.

91c. There shall be kept at the Sanitary Board offices a record of every permit granted and of every order made under the provisions of the last two sections. Such record shall contain particulars, so far as the same can be ascertained, of the race, nationality, name, sex, and age of the persons buried, date of burial and of the places of original burial, and of re-burial or removal. Such record shall be open during office hours to inspection by any person. Record of permit for exhumation.
*

92. It shall be lawful for the Governor-in-Council to notify 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 said specified time, shall bury any body or the remains of any body in the said cemetery or burial ground, shall be liable to a fine not exceeding 100 dollars. Closing of cemeteries by Governor-in-Council.
†

* As amended by No. 11 of 1909, No. 50 of 1911 and No. 22 of 1912.

† As amended by No. 30 of 1911, No. 50 of 1911, No. 1 of 1912 and No. 2 of 1912.

Recovery of expenses by the Board.

Reimbursement of expenses to the Board.
*

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 request of the person on whom the said order or notice was made, and shall be recoverable from him 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 under any by-law by the Board or by any duly appointed committee of the Board.

Recovery of expenses by the Board.
No. 6 of 1875.
†

94. The provisions of the Crown Remedies Ordinance, 1875, shall apply to the recovery of all such expenses, and the certificate required by that Ordinance shall be signed by the Secretary.

Certificates.

Granting of certificates by Board.

95. Certificates and written permissions of the Board under Part II of this Ordinance or under any by-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 *prima facie* evidence of the matters therein stated.

PART III.

BUILDINGS.

Building Materials.

Authorised 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.

Exceptional Buildings.

Construction of exceptional buildings.

97. 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.

* As amended by No. 1 of 1912 and No. 2 of 1912.

† As amended by No. 1 of 1912.

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., subject to the approval of Building Authority.

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 150 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.

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, or 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 used in the walls of the uppermost storey only of a building, or, where such storey exceeds 15 feet in height, in the uppermost 15 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.

*

101.—(1) Every person who erects 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:—

Thickness of external and party walls.

†

(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 but does not exceed 25 feet in height, it shall be 13½ inches thick for its whole height.

* As amended by No. 14 of 1908.

† As amended by No. 14 of 1908, No. 1 of 1912, No. 2 of 1912 and No. 21 of 1912.

(iii) Where the wall exceeds 25 feet but does not exceed 40 feet in height, the wall in the lowermost storey, and in any space for ventilation underneath such storey, shall be 18 inches thick, and in the other storey or storeys $13\frac{1}{2}$ inches thick.

(iv) Where the wall exceeds 40 feet but does not exceed 55 feet in height, the wall in the lowermost storey, and in any space for ventilation underneath such storey, shall be 22 inches thick, the wall in the next storey 18 inches thick, and in the other storey or storeys $13\frac{1}{2}$ inches thick.

(v) Where the wall exceeds 55 feet but does not exceed 70 feet in height, the wall in the lowermost storey, and in any space for ventilation underneath such storey, shall be 27 inches thick, the wall in the next storey 22 inches thick, the wall in the next storey 18 inches thick, and in the other storey or storeys $13\frac{1}{2}$ inches thick.

(vi) Where the wall exceeds 70 feet but does not exceed 80 feet in height, the wall in the lowermost storey, and in any space for ventilation underneath such storey, shall be $31\frac{1}{2}$ inches thick, the wall in the next storey 27 inches thick, the wall in the next storey 22 inches thick, the wall in the next storey 18 inches thick, and in the other storey or storeys $13\frac{1}{2}$ inches thick.

Provided that—

(a) in cases where the number of storeys is less than that indicated in the foregoing rules, the respective thicknesses of the walls shall be determined by the Building Authority :

(b) in the case of two-storied buildings and of the uppermost two storeys of buildings containing a greater number of storeys, the walls may be $13\frac{1}{2}$ inches thick throughout the height of such two storeys, provided such height does not exceed 25 feet :

(c) no storey shall exceed in height 15 feet without the permission of the Building Authority, who shall in such case prescribe to what extent, if any, the walls shall be increased in thickness. Such increase of thickness may be provided for by piers, of the required thickness and of such collective length, not exceeding one-fourth part of the length of the walls, as the Building Authority may require.

(2) If any wall exceeds 40 feet but does not exceed 60 feet in length clear of cross walls, the thickness of such wall shall, unless the Building Authority otherwise permit, be increased by adding $4\frac{1}{2}$ inches to the thicknesses specified in sub-section (1) of this section.

101a. The provisions of the last section shall also apply, in the case of existing buildings, to any walls or portions of walls hereafter erected or re-erected therein : Provided that in any case where from any cause it is not possible to apply such provisions, the thicknesses shall be determined by the Building Authority.

Sec. 101 to apply to walls hereafter erected or re-erected.
*

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.

Limitation of length of walls.
†

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

Cross walls.

(2) No wall shall exceed 76 feet in height without the approval of the Building Authority. 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 or ground outside, to the highest part of such wall or, in the case of a gable, to half the height of such gable, but shall in no case include any portion of a wall which acts as a retaining wall. Ornamental towers, turrets, or other architectural features or decorations, and parapets not exceeding 3 feet in height shall not be included in measuring the height of such wall.

Walls over 76 feet in height to be approved by Building Authority.

Measurement of height of walls.

(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 12 feet apart and extending through such external wall and the nearest parallel wall of such building. The tie-rods shall 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 feet square round the end of each tie-rod shall be built in cement mortar.

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

* As amended by No. 14 of 1908 and No. 50 of 1911.

† As amended by No. 14 of 1908, No. 1 of 1912 and No. 2 of 1912.

Provided that the Building Authority may modify or dispense with the requirements of this sub-section whenever he may consider such requirements unnecessary.

Thickness
of cross walls
to be two
thirds that of
main walls.
*

103. The thickness of every cross wall shall be at least two thirds of the thickness prescribed by section 101 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 authorise 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
partition
walls.
†

103a. Partition walls may be constructed of brick in cement-mortar of a thickness of $4\frac{1}{2}$ inches, or of re-inforced concrete or of such other material and of such thickness as the Building Authority may permit.

Damp-proof
courses to
be provided.

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 cement-mortar (such asphalt or 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 near the ground, but in no case at a height of less than 6 inches above the surface of the ground adjoining such wall.

Construction
of founda-
tions.
§

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 a width of not less than twice the thickness of the wall in the said lowest storey, and the width 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

* As amended by No. 43 of 1912.

† As amended by No. 14 of 1908.

§ As amended by No. 14 of 1908 and No. 2 of 1912.

and width, and of such materials as shall be approved by him as being in each particular case applicable to such ground.

Any portion of a wall which acts as a retaining wall shall be of such thickness as the Building Authority may require: Provided that in any case where its thickness is in excess of that of the superincumbent wall the Building Authority shall not require such portion to be of greater thickness at the base than one-third part of its height.

Retaining walls.

106. Every party wall shall be carried up above the upper surface of the roof of every building to a height of at least 18 inches, measured at right angles to the slope of the roof, and every such party wall shall be properly coped with a coping composed of cement and sand in the proportion of not less than one part of cement to every two parts of sand, or of such other material as the Building Authority may approve, or shall be otherwise protected in order to prevent water soaking into such wall.

Party walls to be carried up above roof. *

107.—(1) Openings may only be made in party walls to an extent not exceeding two-thirds of their area on each storey.

Openings through party or external walls. †

(2) When it is desired to close any openings previously made through any party wall, such openings shall be solidly stopped up with brick or stone-work of the full thickness of the party wall, and such brick or stone-work shall be built in lime-mortar or cement-mortar and properly bonded with such party wall. Any future openings through any such party wall shall be restricted to the removal, in whole or in part, of such stoppings, unless the previous openings did not extend to two-thirds of the area of such wall, and additional openings shall only be made in such manner as to ensure that the total extent of the openings, inclusive of those previously made, shall not exceed two-thirds of the area of such wall on each storey.

(3) Recesses may be made in party walls and in external walls: Provided 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 13 inches in party walls, and 9 inches in external walls.

Recesses.

(4) 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

Returns to shop fronts.

* As amended by No. 14 of 1908.

† As amended by No. 14 of 1908 and No. 8 of 1912.

12 inches where the house has more, and for at least 9 inches where the house has not more, than one storey above the ground storey, and such return walls shall be properly bonded into the side walls or party walls. Where such shop front is in a corner building, the side wall shall be returned along such front for at least 2 feet.

Openings
and recesses
to be arched
or spanned.

(5) Every opening and every recess in any wall shall either be arched over with brick or stonework in cement-mortar or spanned by a steel girder or ferro-concrete beam of such dimensions and construction as the Building Authority may consider necessary for the support of the superincumbent weight.

Lath and
plaster walls
prohibited.
*

108. 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 permission of the Building Authority as signified by the approval of the plan required under the provisions of this Ordinance.

Bonding for the Walls of Domestic Buildings.

Bonding of
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 3 bands in the case of foundations and of all walls of a thickness of not less than 18 inches, and of two bands in the case of all walls of a less thickness than 18 inches; each hoop-iron band shall measure not less than one inch and a quarter in width, and not less than one thirty-second of an inch in thickness, and such bands shall be continuous and lap-jointed wherever practicable. In any case in which continuous bands are not practicable they shall be arranged as the Building Authority may require.

Bressummers and Lintels.

Bearings of
bressummers
and lintels.
†

110. Every bressummer and every lintel, exceeding 5 feet in span, used in a building, shall have a bearing of at least 6 inches at each end, and shall 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

* As amended by No. 14 of 1908.

† As amended by No. 8 of 1912.

upon any such wall, shall 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.

111.—(1) The ground surface of every domestic building shall be properly covered over with a layer of not less than 6 inches of good lime concrete or not less than 3 inches of cement concrete composed of one part of cement, 3 parts of sand and 5 parts of stone broken to pass through a one-inch ring, finished off smooth, and the ground surface of every basement, area, kitchen, 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 concrete not less than 6 inches thick finished off smooth with not less than 2 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 Building Authority, or with a layer of not less than 4 inches of cement concrete composed of one part of cement, 2 parts of sand and 4 parts of stone broken to pass through a one-inch ring.

Impermeable
floors to be
provided.
*

(2) The ground surface of every area, kitchen, latrine, back-yard, court-yard, alley-way, or space on which slops may be thrown, shall have a fall of not less than 1 in 40 from the walls of the building towards the surface channel or other outlet for the drainage of such surface.

(3) This section shall not apply to any existing domestic building, the ground surface of which has been paved to the satisfaction of the Building Authority in accordance with any existing law or by-law and which is so maintained.

112. Where the ground surface of any domestic building, or of any kitchen, latrine, or open surface connected therewith, such as back-yards, court-yards, alley-ways, 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

Repairs to
impermeable
material over
ground
surface.
†

* As amended by No. 14 of 1908 and No. 8 of 1912.

† As amended by No. 14 of 1908 and No. 30 of 1911.

been subsequently broken, excavated or otherwise disturbed, or has perished, the landlord or owner shall make good the same to the satisfaction of the Building Authority upon the completion of any work for the execution of which the same has been broken or otherwise disturbed, or within 14 days from the receipt by him of written notice from the Building Authority so to do; and in default thereof he shall be liable to a fine not exceeding 25 dollars for each offence, and to a further penalty not exceeding 10 dollars for each day after such conviction during which such offence continues.

Floors.

Level of the ground floor to be above level of ground outside. *

113. The level of the ground floor of every domestic building hereafter erected shall be not less than 6 inches higher than the highest level of the ground outside such building: Provided that the Building Authority may reduce this requirement in any case where in his discretion it may appear desirable.

Distance between floor timbers of contiguous buildings.

114. No floor timbers of any one building shall approach nearer than 9 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.

Floors to rest on corbels of brick or stonework.

115. The floors of all buildings including verandahs shall not (unless constructed of concrete or other incombustible material) 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 $4\frac{1}{2}$ inches for the floor.

Space to be left between floors. *

116.—(1) In the case of every domestic building hereafter erected, the lowest storey used or adapted to be used for human habitation shall contain a clear space of at least 12 feet, measured vertically, and every upper storey shall contain a clear space of at least 11 feet measured vertically: Provided nevertheless that in the case of any caretaker's quarters, servants' quarters, kitchen, bath-room, pantry, drying-room, or latrine, a clear space of at least 9 feet measured vertically shall be sufficient.

(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.

* As amended by No. 14 of 1908.

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 2 feet 6 inches above the level of the ground outside, and he shall cause such space to be properly ventilated, any openings for such purpose being protected in such manner as to effectually exclude rats from such premises.

Ventilation under boarded floors in the lowest storey.
*

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.

Rules as to mezzanine floors or cocklofts.
*

(2) No mezzanine floor or cockloft shall extend over more than one half of the floor area of the room, nor shall it without the permission of the Building Authority exceed 200 square feet in area, and every mezzanine floor or cockloft shall have a clear space below every part of it of not less than 9 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 or 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 Board or Building Authority, 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 watertight.

Wooden floors to be watertight.

120. The floors of all domestic buildings hereafter erected outside the European Reservation or the Hill District shall, unless specially

Cement skirtings required.
†

* As amended by No. 14 of 1908.

† As amended by No. 2 of 1912.

exempted by the Building Authority, have skirtings of cement or of other impervious material approved by the Building Authority, at least 12 inches in height and of a thickness of not less than 1 inch.

Staircases.

Rules as to tread and rise of stairs.
*

121. Every staircase hereafter erected shall be so arranged as to have a minimum tread of 8 inches and a maximum rise of $8\frac{1}{2}$ inches per step.

No staircase erected after 3rd July, 1908, shall be constructed with a soffit so as to form any enclosed space between the treads the risers and such soffit in any building outside the European Reservation or the Hill District, except with the permission of the Building Authority as signified by the approval of the plan required under the provisions of this Ordinance.

Ceilings.

Ceilings prohibited outside European Reservation.
†

122. No ceiling shall hereafter be erected in any building outside the European Reservation or the Hill District except with the permission of the Building Authority as signified by the approval of the plan required under the provisions of this Ordinance.

Corbelling.

Corbels to be of stone or brick.

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, at least 9 inches in length set in cement-mortar. The entire thickness of the walls throughout the height of such corbelling shall also be built in cement-mortar. No one corbelling course if of brick shall project beyond the course immediately beneath it more than $2\frac{1}{4}$ inches.

Roofs.

Covering of roof to be of incombustible material.

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.

* As amended by No. 14 of 1908 and No. 2 of 1912.

† As amended by No. 14 of 1908.

125. No roof-timbers of any one building shall approach nearer than 9 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.

Space between timbers of contiguous buildings.

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.

Platforms on roofs prohibited.

127. The roofs of all buildings, including verandahs, shall not unless wholly constructed of incombustible materials, 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 $4\frac{1}{2}$ inches for the roof.

Roofs to rest upon brick or stonework.

Wood-work.

128. No bond timber or wood-plate shall be built into the thickness of any party or external wall.

Bond timbers or wood-plates not to be built into walls.

129. No timber or wood-work shall be placed in any wall or chimney-breast nearer than 9 inches from the inside of any flue or chimney-opening, nor under any chimney-opening within 6 inches from the upper surface of the hearth of such chimney-opening.

Timber or wood-work near flue or chimney-opening prohibited.

Arches.

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 10 feet, be of a thickness of not less than 12 inches; where its span exceeds 10 feet but does not exceed 15 feet, it shall be of a thickness of not less than 15 inches; and where its span exceeds 15 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

Rules as to construction of arches.

be deemed to be an exceptional building, and shall be constructed in such manner as may be approved by the Building Authority.

Projections, etc.

Material for coping, cornices, etc.

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 30 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. Every projection constructed of incombustible materials other than stone shall be built in cement-mortar, and the entire thickness of that portion of the wall covered by such projection shall also be built in cement-mortar.

Eaves-gutters, and rain water down-pipes to be provided.

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.

Projections into public thoroughfares prohibited.

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 unauthorised 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 unleased Crown land.

Proviso in case of public buildings.

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 unleased Crown land to an extent not exceeding 18 inches.

* As amended by No. 8 of 1912.

Verandahs, Balconies and Areas.

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

Encroachments on or over unleased Crown land regulated.
*

- (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 ; and
- (3) unless subject to the regulations contained in schedule G or such other regulations as may 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.

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 25 feet in width.

Balconies forbidden in streets less than 25 feet wide ;

136. No balcony shall, except with the consent of the Governor-in-Council, be hereafter projected from any building which exceeds in height one and a quarter times the width of the street over which such balcony is intended to project, nor shall any building from which a balcony projects be afterwards increased in height so as to exceed one and a quarter times the width of the street over which such balcony projects.

or when the building exceeds in height one and a quarter times the width of the street.

137. No verandah shall, except with the consent of the Governor-in-Council, be hereafter projected over any street, whether public or private, which is less than 50 feet in width.

Verandahs forbidden in streets less than 50 feet wide.

138. No verandah shall hereafter be erected, except with the consent of the Governor-in-Council, of a greater height than 2 storeys, unless such verandah fronts on a street of not less than 60 feet in width.

Limitation to height of verandahs in streets less than 60 feet wide.

†

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

139. No partition (other than such as may be necessary for the separation of the verandah or balcony of any building from the

Verandahs and balconies not to be enclosed.
§

* As amended by No. 50 of 1911, No. 1 of 1912, No. 8 of 1912 and No. 43 of 1912 Supp. Sched.

† As amended by No. 14 of 1908.

§ As amended by No. 14 of 1908 and No. 8 of 1912.

verandah or balcony of any adjacent building) shall be erected or maintained in any verandah or balcony over unleased Crown land or over any street, nor (except within the European Reservation or the Hill District) 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 kitchen, nor shall any rain or other water be discharged therefrom save in the manner herein-before provided.

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.

Kitchens, Fire-places and Chimneys.

Kitchen accommodation to be provided in domestic buildings.
*

140. 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 not, except with the permission of the Building Authority, as signified by the approval of the plan required under the provisions of this Ordinance, be less than 50 square feet, and every kitchen shall be provided with a properly constructed fire-place, and every kitchen on an upper floor shall be properly paved or floored with cement concrete or other non-absorbent material approved by the Building Authority. The internal surface of the walls of every kitchen shall also be rendered in cement-mortar, or other non-absorbent material approved by the said Authority, to the height of at least 4 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 domestic buildings outside the European Reservation or Hill District.
†

141. No kitchen of any domestic building outside the European Reservation or the Hill District shall, without the permission of the Building Authority as signified by the approval of the plan required under the provisions of this Ordinance, hereafter be constructed so as to extend across more than one half of the width of such building if such building has other buildings abutting against it on both sides or is separated from any adjacent building or from land on which any building may be erected by a less space than 20 feet throughout one side. 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.

* As amended by No. 14 of 1908 and No. 1 of 1912.

† As amended by No. 14 of 1908.

142. 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 28 square inches of internal sectional area, equivalent to a diameter of 6 inches in the case of circular pipes, unless with the approval of the Building Authority. Except when required for heating purposes smoke-flues shall be encased with brickwork properly bonded into the wall in connection with which they are constructed, and when added to existing buildings, such brickwork shall be built in cement-mortar. Provided that in the case of chimneys or smoke-flues requiring to be extended to a greater height than 5 feet above the roof, any extension in excess of that height may consist of iron pipes.

Construction of chimneys or fire-places.
*

143. Whenever any fire-place is adapted for the use of charcoal or wood as fuel, such fire-place shall be provided with a hood of sheet metal or other approved material of sufficient size connecting with a chimney or smoke-flue carried up above the level of the roof.

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

144. 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 9 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.

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

145. No chimney or smoke-flue shall be constructed or fixed nearer than 9 inches to any wood-work or combustible material unless encased in non-conducting and incombustible material to the satisfaction of the Building Authority.

Chimneys not to be fixed near wood-work.

146. 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 4 inches, to a height of not less than 3 feet above the highest point in the line of junction with such roof.

Thickness and height of chimney above roof.

147. 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

Corbelling and foundations of chimneys regulated.

* As amended by No. 14 of 1908.

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.

148. The back of every chimney-opening, from the hearth up to the height of 4 feet above the level of the fire-grate, shall be at least 9 inches thick if in a party wall, or at least $4\frac{1}{2}$ inches thick if not in a party wall.

Fire Escapes.

Fire escapes
to be
provided.
*

149. Every building shall be provided on every storey the floor of which is more than 40 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.

Any means of escape so provided shall be maintained by the owner to the satisfaction of the Building Authority in all respects.

Windows, Cubicles and Rooms.

Windows
in rooms
required.
†

150. Every storey of every domestic building hereafter erected shall be provided with one window, at least, opening either directly or across a verandah or balcony 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 10 square feet superficial glazed area opening either directly or across a verandah or balcony 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.

Limitation
of depth of
buildings.
*

151.—(1) No domestic building shall hereafter be erected of a greater depth than 40 feet unless every storey of such building is provided with windows opening into the external air having a total glazed area (including the window in the rear) equal to not less than one-eighth of the floor area of such storey and so arranged that, in the opinion of the Building Authority, the whole of the storey will be adequately lit.

* As amended by No. 14 of 1908.

† As amended by No. 23 of 1903.

(2) 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 any other case in his discretion grant exemption from or modification of the provisions of this section.

(3) In the event of the refusal of the Governor in Council to grant such exemption or modification, 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 arbitration as hereinafter provided.

152. 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.

153.—(1) No room shall be constructed, maintained, or used for sleeping purposes in any storey of any existing domestic building, or of any domestic building hereafter erected or re-erected, unless such room is provided with a skylight, or with a window or windows opening either directly or across a verandah or balcony into the external air, and having a total area equal to at least one-tenth of the floor area of such room, and capable of being opened to the extent of one half at least, and unless the glazed area of such window or windows is equal to one-half at least of the total area of such window or windows.

Provided that in the case of existing or re-erected domestic buildings the Governor-in-Council shall have power to modify the requirements of this section in respect to the external air upon such conditions, if any, as may be deemed expedient.

(2) No cubicle shall be constructed, maintained, or used in any room of any domestic building erected on any site which on 3rd July, 1908, was either vacant or occupied by a domestic building of the European type or by any non-domestic building; and in the case of any domestic building erected as a tenement house for Chinese

Compensation.

Measurement of depth of a building.

Rooms in existing domestic buildings without windows or skylights prohibited.

*

After 3rd July, 1908, cubicles to be provided with specified windows.

* As amended by No. 14 of 1908, No. 11 of 1909, No. 60 of 1911 and No. 2 of 1912.

tenants on any such site as aforesaid, the Building Authority shall (unless such building is on the reclamation formed under the Praya Reclamation Ordinance, 1889, and is not more than 100 feet deep) require the provision of such windows as shall admit of the subdivision of every storey above the ground storey into rooms each of which shall contain an area not exceeding 100 square feet and of which the least dimension shall not be less than 7 feet.

No. 6 of 1889.
Construction of screens and partitions.

(3) No screens or partitions shall be constructed or maintained in any room on the ground floor of any domestic building with the exception of such as form one "ping fung", one show case, and one accountant's office.

Such structures must comply with the following requirements, namely:—

Structure of ping fung.

(a) A "ping fung" shall be composed of wire netting, lattice work, railings or carved wood-work which shall be arranged in such a manner as to leave at least two-thirds of its area open and as far as possible evenly distributed.

(b) A show case shall not extend more than two-thirds across the width of the room and shall leave a space of not less than 4 feet measured vertically between the top of such show case and the underside of the floor or joists of the floor above.

Structure of accountant's office.

(c) An accountant's office must either:—

(i) have its partitions with the exception of the one formed by a show case composed of wire netting, lattice work, railings or carved wood-work arranged in such a manner as to leave at least two-thirds open and as far as possible evenly distributed; or

(ii) have the whole of its front open with the exception of a counter not exceeding 3 feet 6 inches in height, or in the case of a pawnbroker's shop not exceeding 7 feet 6 inches in height.

(d) An accountant's office shall not be occupied as a sleeping place by more than 2 persons.

(4) All cubicles and partitions referred to in this section shall be constructed of wood, metal or other material approved by the Building Authority, and shall be painted, whitewashed or otherwise kept clean to the satisfaction of the Board.

Conditions under which cubicles may be erected or maintained.
*

154.—(1) No cubicle shall be erected, or if already erected be maintained, in any room unless such room be provided with a sky-

* As amended by No. 23 of 1903, No. 14 of 1908, No. 2 of 1912, No. 43 of 1912 and No. 43 of 1912 Supp. Sched.

light, or window or windows opening either directly or across a verandah or balcony into the external air, and having a total area equal to at least one-tenth of the floor area of such room and capable of being opened to the extent of one half at least, and unless the glazed area of such skylight, window, or windows is equal to one half at least of the total area of such skylight, window or windows.

(2) Not more than two cubicles shall be allowed in any room, and in the event of any room not having a window at the rear opening either directly or across a verandah or balcony into the external air, only one cubicle shall be allowed in such room.

(3) No cubicle shall be erected, or if already erected maintained, on the ground floor of any domestic building.

(4) No cubicle shall be allowed within 4 feet of any window the area of which is included in calculating the window area for the purpose of this Ordinance, and the cubicle or cubicles in a room shall be so placed as to leave at least two-fifths of the width of the window or windows required by this Ordinance without any cubicle partition in front of such two-fifths.

(5) No cubicle shall have a less floor area than 64 square feet, nor a less length or width than 7 feet.

(6) There shall be a space measured vertically between the top of every portion of the partition of every cubicle and the ceiling or undersides of the supports of the floor above, or of the roof, as the case may be, of not less than 4 feet, which space may be closed only by wire netting, lattice work, railings or carved wood-work, arranged in such a way as to leave at least two-thirds open and as far as practicable evenly distributed.

(7) No cubicle or partition shall be erected, or if already existing shall be allowed to remain, in any kitchen.

(8) No portion of the structure of any cubicle shall exceed 6 feet in height.

(9) No portion of the structure of any cubicle except the necessary corner posts shall be nearer than 2 inches to the floor of such cubicle, and no structure shall be erected, or if already existing shall be allowed to remain, within any cubicle which is of a greater height than the maximum height allowed by this section for any portion of the structure of such cubicle or which provides a cover or roof to the cubicle.

(10) All cubicles and partitions referred to in this section shall be constructed of wood, metal or other material approved by the Building Authority and shall be painted, whitewashed or otherwise kept clean to the satisfaction of the Board.

Provided that the Board, with the consent of the Governor-in-Council, shall have power in all cases to grant a modification of or exemption from the requirements of this section upon such conditions, if any, as the Board may deem expedient.

Governor-in-Council on representation of the Board may order demolition of storeys, provision of additional windows, and other works in certain cases, subject to compensation.

*

154a.—(1) Whenever the Board on the representation of the medical officer of health is satisfied that any of the rooms in any block of domestic buildings are so dark as to be dangerous or prejudicial to the health of the inmates, the Board may recommend in writing to the Governor-in-Council the demolition of all storeys above the lowermost storey of every third building in such block, and the provision of additional windows for such of the buildings as are allowed to remain, and the carrying out of such consequential works as the Board may deem necessary to render such buildings healthy and secure, and the Governor-in-Council may thereupon direct that such demolition and such consequential works be carried out, and the amount of compensation to be paid by the Government in respect of such buildings as are demolished wholly or in part shall be determined by arbitration in the manner hereinafter provided. Provided that whatever alteration or reconstruction of buildings may be involved in the carrying out of any such works, it shall not be held to bring such buildings within the scope of sub-section (39) of section 6 or of section 180 of this Ordinance.

Imposition of special improvement rate.

(2) The cost of any works carried out under this section, exclusive of any such compensation as aforesaid, shall be certified by the Building Authority, and the Governor-in-Council may thereafter impose, in such proportions as he may decide, a special improvement rate upon the owners of such of the adjoining houses as are in the opinion of the Governor-in-Council benefited by such works; such rate shall not exceed an annuity for such period not exceeding 30 years, as may be agreed upon, which shall be calculated at the rate of 5 per cent. interest, and of which the present value shall be the cost above referred to. Every such rate may be recovered by the Treasurer in the same manner as if it were a rate imposed under the provisions of the Rating Ordinance, 1901. The owners may,

No. 6 of 1901.

* As amended by No. 14 of 1908, No. 50 of 1911, No. 1 of 1912 and No. 2 of 1912.

however, pay such cost into the Treasury at any time within one month from its being notified to them as certified by the Building Authority, and, further, may at any time, pay into the Treasury the present value of the balance of any annuity unexpired.

(3) The Governor-in-Council may permit any part of any works directed under this section to be carried out by the owner at his own cost, but subject to the satisfaction of the Building Authority and to such conditions and in accordance with such plans and particulars as the Governor-in-Council may direct.

Governor-in-Council may permit owner to carry out work.

155. 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.

Obstruction of windows prohibited.

Water-closets and Latrines.

156. Every latrine shall be constructed of brick, stone, or other impervious material approved by the Building Authority, and shall have a clear internal area of not less than 7 square feet, and such latrine shall open into the outer air and not into the building.

Construction and dimensions of latrines.
*

157. Every latrine hereafter erected shall have a suitable door and an opening or openings for ventilation into the external air of not less than 2 square feet in aggregate area immediately under the roof. The walls of every latrine shall also be rendered in cement-mortar or other non-absorbent material to the height of at least 3 feet from the floor level.

Ventilation of latrines and rendering of walls with cement.
†

158. The floor of every latrine hereafter erected on any ground floor shall be raised at least 6 inches above the level of the surface outside, and the floor surface of such latrine shall be laid and maintained in the manner required by sections 111 and 112. The floor of every 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.

Construction of floor of latrines.
§

159. No 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 latrine having such communication shall have the same completely cut off by the owner when so required by the Building Authority.

Latrines not to be connected directly with drain.
*

* As amended by No. 14 of 1908 and No. 43 of 1912.

† As amended by No. 43 of 1912.

§ As amended by No. 14 of 1908, No. 2 of 1912 and No. 43 of 1912.

- Direct connection of water service with latrines, etc., prohibited. *
- 160.** No water pipe or water tap shall be led to, or fixed in or over, any 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.
- Receptacle and seat in latrine to be provided. †
- 161.** Every latrine shall be provided with a moveable water-tight receptacle of non-absorbent material for the reception of excreta, which shall have a capacity not exceeding 2 cubic feet; and every 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 latrine.
- Construction of water-closets and urinals without permission prohibited. §
- 162.** 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 the consent of the Governor-in-Council, and any existing water-closets or urinals so communicating for which no such permission has been given shall be removed by the owner when so required by the Board.
- Removal of insanitary water-closets and urinals. ‡
- 162a.** Any water-closet or urinal which is in the opinion of the Board and of the Governor-in-Council in an unsanitary condition shall be removed by the owner when so required by the Board.
- Latrines to be provided in factories, etc. *
- 163.** Every factory, refinery, distillery, godown, or other industrial establishment whatsoever, employing not less than 20 persons, shall be provided by the owner thereof with proper latrine accommodation on the premises, for the separate use of persons of each sex, to the satisfaction of the Board.
- Latrines to be provided for tenement houses. ||
- 164.** 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 cleansed and the night-soil removed and disposed of daily by such persons as the Board may direct.
- Inadequate provision of latrines to be dealt with by the Board. **
- 165.** If it appears to the Board that any building is without a latrine, and that a latrine is necessary for the use of the occupants

* As amended by No. 43 of 1912.

† As amended by No. 2 of 1912 and No. 43 of 1912.

§ As amended by No. 14 of 1908 and No. 2 of 1912.

‡ As amended by No. 8 of 1912.

|| As amended by No. 43 of 1912 Supp. Sched.

** As amended by No. 1 of 1912 and No. 43 of 1912.

of such building or for the use of the persons employed in such building, or that the existing latrine available for use by the occupants of any building or by the persons employed therein is insufficient, or for sanitary reasons objectionable, the owner of such building shall, upon receipt of a written notice to that effect from the Board, provide a latrine, or additional latrines, to the satisfaction of the Board.

Public Latrines.

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

Sanction of the Board for erection of public latrines.

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.

*

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

Board may apply to Government for additional public latrines.

†

168. If such application is approved of by the Governor a notification shall be published, in English and Chinese, in 3 successive numbers of the Gazette, specifying the site and notifying that the Government proposes to erect thereon a public latrine.

Notification of intention to erect latrine.

§

169. 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.

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.

170. If such objection is so duly made and is not withdrawn, the Government shall not be entitled to claim the immunity conferred

Resolution of the Legislative Council where objection is made.

* As amended by No. 1 of 1912.
 † As amended by No. 8 of 1912.
 § As amended by No. 2 of 1912.

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.

No injunction to be granted or suit to be brought in certain cases.

171. 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 public latrines protected from injunction.

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

Board to control public latrines.

173. 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 by-laws relating to public latrines shall apply to all Government public latrines.

Saving of existing rights.

174. 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.

175.—(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 50 square feet in area; the building must further be provided on every storey with a window of at least 10 square feet superficial area opening into such open space.

Buildings with two main frontages.

(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 50 feet.

* As amended by No. 1 of 1912 and No. 2 of 1912.

† As amended by No. 50 of 1911 and No. 1 of 1912.

§ As amended by No. 23 of 1903, No. 8 of 1907, No. 14 of 1908, No. 1 of 1912 and No. 2 of 1912.

(3) In no case may any obstruction whatever be placed or erected in the open spaces provided in accordance with the provisions of any Ordinance, or in any verandah or air-space substituted therefor under the provisions of sub-section (4), with the exception of a bridge or covered way on each storey not exceeding 3 feet 6 inches in width, when such bridge is necessary as a means of access to any part of the building.

Obstructions in such open spaces prohibited.

(4) The Board, with the consent of the Governor-in-Council, shall have power in any case to grant a modification of or exemption from the requirements of this section upon such conditions, if any, as the Board may deem expedient.

Modifications in special cases.

176. 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 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 the cutting resulting from such excavation shall be left between such 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 8 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.

Open space between new building and hill-side.
*

The height of the cutting shall be measured on a vertical line drawn from the toe of such cutting, and extending from the finished ground or concreted surface to a point where it meets a line drawn at an angle of 30 degrees with the horizontal from the top of the cutting.

This section shall not apply where the basement storey of a shop is lit by a window of at least 10 square feet superficial area in the front wall of such shop and above the level of the foot-path.

177. 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 6 inches lower than the level of the lowest floor of such building, and he shall, if so required by the Building Authority lay, to the full extent of such area, along the toe of the

Sub-soil drainage of such open spaces.
†

* As amended by No. 14 of 1908 and No. 1 of 1912.

† As amended by No. 1 of 1912.

slope of the hill-side, and to a depth of at least 12 inches below the surface, a line of hard, sound, stone-ware field-pipes, of not less than 3 inches diameter, for the purpose of effectually draining the sub-soil of such area, and he shall not cause such sub-soil 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 sub-soil drain to be so laid under the ground floor of such new building, that there shall be a distance of at least 9 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 1 in 40 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.

Structures
in areas
prohibited.

178. 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 3 feet 6 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.

Open spaces
to be provid-
ed at the rear
or side of new
buildings on
land here-
after leased
by the Crown
*

179.—(1) Every domestic building erected on land leased from the Crown after the commencement of this Ordinance shall be provided by the owner with an open space in the rear, or partly in the rear and partly at the side, exclusively belonging to such building, equal in area to not less than one half of the roofed-over area of such building. In addition to such open space the owner shall provide a scavenging lane in compliance with a plan to be prepared by the Building Authority with a view to promoting uniformity in the laying out of such lanes, unless such a lane has been provided for on the sale plan of such land.

Provided that—

(a) a scavenging lane shall not be required in the case of any detached or semi-detached domestic building, which has a side street extending the entire depth of the building and of a width throughout of not less than 4 feet; but no building shall be deemed to be semi-detached unless it is one of a pair of buildings each of which has a side street as above described;

* As amended by No. 14 of 1908, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

(b) kitchens, bath-rooms and latrines not exceeding 11 feet in height above the highest point of the surface of the open space may be erected in the aforesaid open space ; but such buildings shall not cover more than one third of such open space ;

(c) in the event of the open space being provided partly in the rear and partly at the side, the proportion of such open space shall not in either case be less than one half of the whole area required under this section ;

(d) the open space at the side shall not be required on the ground storey if such ground storey together with the ground storeys of the two adjacent domestic buildings are occupied only as shops ;

(e) the open space in the rear shall not be enclosed except by boundary walls of a height not exceeding 10 feet, containing a doorway communicating with the scavenging lane (if any) ;

(f) in no case shall any obstruction whatever be placed or erected in any scavenging lane or open space provided under this section except as hereinbefore permitted ;

(g) in no case shall the Building Authority require the space for a scavenging lane to be of a greater width than 6 feet.

(2) 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 such open space, but so much of any street upon which no domestic building fronts as is immediately in the rear of any domestic building, and belongs to the owner of such building (whether subject to any rights of way or not) may, if the domestic building has a back-yard of an area of at least 60 square feet exclusively belonging to it, be included with such back-yard in calculating the area of the open space required under this section : Provided that no portion of any such street which has been included as part of the open space provided for one domestic building shall be included in calculating the area of any other open space ; and provided further that before including any portion of any such street as part of an open space a sufficient area shall be deducted from such street to form the scavenging lane required by this section.

180.—(1) Every domestic building hereafter erected or re-erected on land leased from the Crown before the commencement of this Ordinance shall be provided by the owner with an open space in the rear, or partly in the rear and partly at the side, exclusively be-

Open spaces to be provided at the rear or side of buildings on land already leased by the Crown.

* As amended by No. 14 of 1908, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

longing to such building, equal in area to not less than one third of the roofed-over area of such building. In addition to such open space the owner shall provide a scavenging lane in compliance with a plan to be prepared by the Building Authority with a view to promoting uniformity in the laying out of such lanes, unless such a lane already exists in the rear of such building.

Provided that—

(a) The Governor-in-Council may modify the foregoing requirements in any case in which the Crown lease or the agreement for a 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 may, in any other case, make such modifications as may be recommended by the Board upon such conditions, if any, as may be deemed expedient ;

(b) kitchens, bath-rooms, and latrines not exceeding 11 feet in height above the highest point of the surface of the open space may be erected in the aforesaid open space, but such buildings shall not cover more than one third of such open space ;

(c) a scavenging lane shall not be required in the case of any detached or semi-detached domestic building which has a side street extending the entire depth of the building and of a width throughout of not less than 4 feet ; but no building shall be deemed to be semi-detached unless it is one of a pair of buildings each of which has a side street as above described ;

(d) a scavenging lane shall not be required in the case of a group of domestic buildings, every one of which is provided with access to the kitchen by means of an open and unobstructed space extending throughout not less than three-fifths of the depth of such building and of a width throughout of not less than 13 feet ;

(e) in the event of the open space being provided partly in the rear and partly at the side, the proportion of such open space shall not in either case be less than one half of the whole area required under this section ;

(f) the open space at the side shall not be required on the ground storey if such ground storey together with the ground storeys of the two adjacent domestic buildings are occupied only as shops ;

(g) the open space in the rear shall not be enclosed except by boundary walls of a height not exceeding 10 feet, containing a doorway communicating with the scavenging lane (if any) ;

(h) in no case shall any obstruction whatever be placed or erected in any scavenging lane or open space provided under this section, except as hereinbefore permitted;

(i) in no case shall the Building Authority require the space for a scavenging lane to be of a greater width than 6 feet.

(2) 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 such open space, but so much of any street upon which no domestic building fronts as is immediately in the rear of any domestic building, and belongs to the owner of such building (whether subject to any rights of way or not) may, if the domestic building has a back-yard of an area of at least 60 square feet exclusively belonging to it, be included with such back-yard in calculating the area of the open space required under this section: Provided that no portion of any such street which has been included as part of the open space provided for one domestic building shall be included in calculating the area of any other open space; and provided further that before including any portion of any such street as part of an open space a sufficient area shall be deducted from such street to form the scavenging lane required by this section.

(3) The amount of compensation, without reduction in Crown rent, to be paid to the owner for any such public scavenging lane shall be determined by arbitration as hereinafter provided, and such land shall upon payment of such compensation revert to the Crown and shall be deemed to have been resumed.

(4) In every case coming within the scope of provisoes (c) or (d) of sub-section (1), the street or space referred to in such provisoes may be used at any time by any authorised person as a means of approach to any building to which such street or space gives access for the purpose of scavenging or cleansing any part of such building.

181.—(1) The owner of every domestic building provided with a scavenging lane under either of the two preceding sections shall provide means of access to the open space of his domestic building from such scavenging lane, and, if such open space is enclosed, the communicating door or gate shall be opened by the occupier whenever required by any authorised person for the purpose

Means of
access to
open space
of domestic
buildings
from scaveng-
ing lanes.
*

* As amended by No. 14 of 1908, No. 1 of 1912 and No. 8 of 1912.

of inspecting, scavenging, or cleansing any part of such domestic building.

(2) Every scavenging lane provided under either of the two preceding sections may be used at any time by any public officer; and every such scavenging lane may be used at any time by any authorised person for the purpose of inspecting, scavenging, or cleansing any part of any building communicating with such lane.

Private Streets.

New private streets to be approved by Building Authority.

182. 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.

183. No new street on land held under lease from the Crown within the City of Victoria, on which domestic buildings front shall be of a less width than 30 feet, and no such street outside the City of Victoria shall be of a less width than 40 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.
*

184. Every person who shall erect fronting a private lane any new domestic building shall so place the said building that along its entire frontage there shall be an open space of at least 7½ feet in width, measured from the centre line of such lane.

Obstruction of streets by buildings prohibited.
†

185.—(1) No building shall hereafter be erected or re-erected over any entrance to or over or upon any portion of any street on land held under lease from the Crown upon which domestic buildings abut, nor shall any shed, lean-to, shelter, show-case, counter or stall for the sale of food or goods, or any other obstruction of any kind be maintained or placed in, over, or upon any portion of any such street, unless with the written consent of the Governor-in-Council.

* As amended by No. 14 of 1908.

† As amended by No. 14 of 1908 and No. 8 of 1912.

(2) In the event of the refusal of the Governor-in-Council to consent to the re-erection of any building to which this section applies, compensation shall be paid by the Government to the owner of such building, the amount of such compensation to be determined by arbitration as hereinafter provided.

Compensation in case of refusal to allow re-erection.

186. Every street on land held under lease from the Crown on which buildings front, adjoin, or abut, shall be and shall be kept concreted or otherwise surfaced at the discretion of the Building Authority, and shall be 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 fronting, adjoining, or abutting on such street, and the several owners of such land shall bear the cost of such concreting or surfacing, channelling, draining, and providing such apparatus, in proportion to the width of their land respectively at the place where it fronts, adjoins, or abuts on such street; and the Government may recover such proportionate cost together with interest thereon at the rate of 8 per cent. per annum from the date of demand for payment thereof 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.

Maintenance and lighting of private streets.
*

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

Refuse Removal.

[s. 187, *rep.* No. 14 of 1908, s. 56.]

Height of Buildings.

188. 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.
†

(1) No existing building, which does not at 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.

* As amended by No. 14 of 1908, No. 1 of 1912 and No. 2 of 1912.

† As amended by No. 14 of 1908, No. 1 of 1912, No. 8 of 1912 and No. 43 of 1912 Supp. Sched.

(2) No existing building, which at 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.

(3) No building on land leased from the Crown before 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.

Provided that in the case of any street existing on 29th 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 re-erected may be equal to the height of the existing building, if such existing building does not exceed in height twice the width of such street.

If such existing building does exceed in height twice the width of such street, the height of any building hereafter re-erected in place thereof shall not exceed in height twice the width of such street.

The amount of compensation to be paid to the owner of any building re-erected within 10 years after the commencement of this Ordinance for the loss of any storey or storeys necessarily resulting from the operation of this sub-section, shall be determined by arbitration as hereinafter provided; but no compensation shall be paid for the loss of any storey or storeys which were unfit for human habitation.

Height of buildings on land not yet leased.

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

Limitation of number of storeys.

(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 4 storeys in height including the ground storey.

Method of determining height of buildings.

189.—(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 30

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 3 feet in height, falling outside such lines, shall be deemed illegal.

(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.

189a. Where in the opinion of the Building Authority the site on which any domestic building is about to be erected or re-erected is so damp as to require sub-soil drains, adequate provision of such drains shall be made to the satisfaction of the Building Authority.

Sub-soil drains to be provided when required. *

190. Every owner of a new building erected within an urban district 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.

Drains to be provided in new buildings. †

191. All works connected with the construction, repair, amendment, disconnection, trapping, and ventilation of drains shall be carried out at the cost of the owner of the building by persons approved by the Building Authority under the supervision of his officers and in all respects to his satisfaction.

Drainage works to be carried out by persons approved by Building Authority. §

192.—(1) The Building Authority may, by a written notice, require the owners of existing buildings, the drains of which are, in his opinion, in a defective or insanitary condition, to construct, within a reasonable time, new drains in accordance with the provisions of this Ordinance, 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.

Drains in existing buildings to be amended or reconstructed if defective. †

* As amended by No. 14 of 1908 and No. 1 of 1912.

† As amended by No. 43 of 1912.

§ As amended by No. 14 of 1908.

‡ As amended by No. 14 of 1908, No. 1 of 1912 and No. 8 of 1912.

(2) Drainage regulations shall be made by the Governor-in-Council, and shall be included in the schedule M.

Groups of buildings to be drained in combination if required by Building Authority.
*

193. If the Building Authority considers that a group of contiguous buildings may be drained more advantageously in combination than separately, he may order that such group be drained upon some combined plan to be approved by him, and the cost thereof, together with the expenses of maintenance, shall be apportioned by the Building Authority between the different owners of such group of contiguous buildings.

Owner's liabilities as to drains.
†

194. If any building be without a sufficient drain, and if a public sewer of sufficient size be within 100 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 Building Authority 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 Building Authority.

Provided always, that if any owner, by order of the Building Authority, 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 Building Authority.
§

195. Whenever the Building Authority 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 him 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 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 Building Authority shall cause them to be properly reconstructed, repaired, or amended by the owner in accordance with the provisions of this Ordinance.

House drains in places other than urban districts.
‡

196. Every owner of a new building in places other than urban districts shall construct the ground floor of such building at such

* As amended by No. 14 of 1908 and No. 2 of 1912.

† As amended by No. 14 of 1908 and No. 1 of 1912.

§ As amended by No. 14 of 1908, No. 50 of 1911 and No. 2 of 1912.

‡ As amended by No. 8 of 1912.

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.

197. Whenever feasible, every drain in places other than urban districts 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 Building Authority.

Open drains in places other than urban districts. *

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

Sumps to be provided where there is no public drainage system. †

199. Every drain on private property shall be laid as directed by the Building Authority under the provisions of this Ordinance; and, upon its completion, every such 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 main sewers to be regulated by Director of Public Works. §

Design of Buildings.

200. It shall not be lawful to erect any Chinese domestic building other than quarters occupied by 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 1,000 cubic feet of clear internal space.

Chinese domestic buildings within European Reservation or Hill District prohibited. ‡

201. 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 either of such districts is sub-divided, in con-

Building Authority to inspect any such building on complaint. ||

* As amended by No. 14 of 1908 and No. 8 of 1912.
† As amended by No. 14 of 1908.
§ As amended by No. 14 of 1908 and No. 1 of 1912.
‡ As amended by No. 50 of 1911 and No. 21 of 1912.
|| As amended by No. 2 of 1912.

travention 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.

Restriction
not to
apply to the
residence of
Chinese.
*

202. 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 such land ceases to be in such occupation.

Existing
rights of the
Government
to regulate
type of build-
ings to be
erected
preserved.

203. 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. 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.

Occupation of new Buildings.

Occupation
of new
building
without a
certificate
prohibited.
†

204.—No new building, except any matshed, shall be occupied, except by caretakers only not exceeding two in number, until an authorised architect shall have reported in writing to the Building Authority that such building complies in all respects with the provisions of this Ordinance, nor until the owner shall have received from the Building Authority a certificate that the requirements of this Ordinance have been complied with.

* As amended by No. 1 of 1912. For a modification of the provisions of this section by a later Ordinance see No. 4 of 1904.

† As amended by No. 14 of 1908, No. 1 of 1912 and No. 8 of 1912.

Provided that if the Building Authority does not, within 14 days of the receipt of the aforesaid written report, notify the owner or his architect or other representative that the building is not in accordance with the provisions of this Ordinance, such building may be occupied; and provided further that in the event of any contravention of this section, the occupier and also the owner shall be liable for such contravention, unless such owner proves that such occupation has taken place without his knowledge or consent.

Dangerous Buildings.

205. 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.

Shoring and
fencing of
dangerous
building.

206. 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, necessitates their being taken down partly or wholly shall, upon the service on 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.

Taking down
dangerous
building.
*

207.—(1) If the owner of a dangerous building cannot be found, or if, on such notice in writing as aforesaid, 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.

Shoring or
taking down
dangerous
building at
cost of owner.
†

* As amended by No. 2 of 1912.

† As amended by No. 1 of 1912.

Procedure
in cases of
emergency.

(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.

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.

Powers of
Magistrate
in case of
dangerous
building.
*

207a. It shall be lawful for a Magistrate on a representation being made to him by the Building Authority, or by an officer deputed by the Governor-in-Council in that behalf, that the whole or any part of a building, by reason of any crack, settlement or other defect having shown itself in it, or by reason of the materials used or method of its construction having been found by examination to be defective, is liable to become dangerous, to order such building or part of such building to be closed by or under the direction of the Captain Superintendent of Police, and to remain closed until the Building Authority, or an officer deputed as aforesaid, has certified in writing that the defects have been remedied to his satisfaction. Provided that at least 7 days' notice in writing of the intention to make any such representation shall be given to the owner of any building affected thereby or to his representative.

Any person found inhabiting or using any building or part thereof closed as aforesaid shall be liable, on summary conviction, to a fine not exceeding 100 dollars, and to a further penalty not exceeding 50 dollars for every day that such person shall continue to inhabit or use such building after conviction.

Provided always that nothing in this section contained shall be construed as affecting the powers expressly vested in the Building Authority and the officer deputed as aforesaid in the last three sections.

Hoardings and Scaffoldings.

Hoardings
and scaffold-
ings in
thorough-
fares to be
sanctioned
by Building
Authority.
†

208. 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

* As amended by No. 14 of 1908, No. 30 of 1911, No. 50 of 1911, No. 1 of 1912 and No. 21 of 1912.

† As amended by No. 1 of 1912.

and convenience of passengers and the occupiers of adjoining property. In all such cases the ground occupied must be enclosed 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.

209.—(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 permission in writing from the Building Authority, or an officer deputed by him in that behalf, and except subject to the regulations contained in schedule H, or such other regulations as may be made by the Governor-in-Council.

Inflammable structures not to be erected without permission; *

(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.

and prohibited within gathering ground of a public reservoir.

(3) Any person who erects or maintains any building in contravention of the provisions of this section shall be liable, on summary conviction, to a fine not exceeding 100 dollars, and the Magistrate may further order the building to be removed.

Blasting.

210. It shall not be lawful for any person to blast any stone, earth, or other material 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 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 500 feet from the proposed blast by means of red flags and by the beating of a gong continued for at least 5 minutes, previous to the firing off of such blast. No blast shall be fired off except between the hours of 12 and 12.30 in

Precautions to be adopted when blasting. †

* As amended by No. 30 of 1911, No. 50 of 1911, No. 1 of 1912, No. 2 of 1912 and No. 21 of 1912.

† As amended by No. 1 of 1912 and No. 2 of 1912.

the day and 4.30 and 4.45 in the evening, or between such other hours as the Governor-in-Council may, by notification, appoint: Provided that in all Government quarries, whether leased or otherwise, the blasting of stone shall be subject to regulations made by the Governor-in-Council.

Earth Cutting.

Regulations
as to earth
cutting, etc.
*

211. 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 not under lease from the Crown, except subject to the regulations contained in schedule J, or such other regulations as may 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.

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

Timber Yards.

Timber
yards to be
enclosed.

212. 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 10 feet in height and 14 inches thick, and shall have a clear passage not less than 6 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 300 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.

Wells and Pools.

Wells not to
be sunk
or re-opened
without per-
mission of
Building
Authority.
†

213. It shall not be lawful to sink or re-open any well, or to permit any well to be sunk or re-opened, 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.

* As amended by No. 50 of 1911 and No. 8 of 1912.

† As amended by No. 14 of 1908 and No. 1 of 1912.

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.

Exclusion
of surface
water.

214. No premises shall be so excavated as to 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 they may lawfully communicate.

Excavation
allowing
stagnant
water
prohibited.
*

215. 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, the Board may call upon the owner, by notice in writing, to close and fill up the same within the time limited in such notice.

Closing of
insanitary
wells.
†

If such notice is not complied with, the Board may cause the owner to be summoned before a Magistrate, who 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 5 dollars for each day his order is not complied with.

Nullahs, Storm Water-Channels and Drains.

216. 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.

Building
over drains.

217. No nullah, or storm water-channel, whether natural or artificial, shall hereafter be covered over except by a bridge not exceeding 50 feet in length, without the written consent of the Director of Public Works.

Nullahs.

218. All work permitted under the two preceding sections shall only be carried out under such conditions as may be imposed by the Director of Public Works, and to his entire satisfaction. In framing such conditions, he shall make due provision for the subsoil

Powers of
Director of
Public
Works.
§

* As amended by No. 2 of 1912.

† As amended by No. 43 of 1912 Supp. Sched.

§ As amended by No. 1 of 1912 and No. 2 of 1912.

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.
*

219. 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 to cut into, open out, divert, undermine, obstruct, dam, or otherwise interfere with any drain, nullah, catch-water or water-channel, whether situated on leased or unleased Crown land, unless he has provided to the satisfaction of the Director of Public Works for the escape of any waters flowing through such drain, nullah, catch-water or water-channel.

Boundary and Retaining Walls.

Construction of boundary or enclosure walls.
†

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

Construction of retaining walls.
§

221. No person shall construct or reconstruct any retaining wall whether of rubble masonry built dry or in mortar, or of concrete, exceeding 12 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 6 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 1 foot square, or layers of cement-concrete 1 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.

Consent of Building Authority required in connection with all new works.
‡

222.—(1) It shall not be lawful to commence any building or to repair or reconstruct any existing building without the consent

* As amended by No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

† As amended by No. 50 of 1911, No. 2 of 1912 and No. 21 of 1912.

§ As amended by No. 50 of 1911 and No. 21 of 1912.

‡ As amended by No. 14 of 1908, No. 11 of 1909, No. 30 of 1911, No. 51 of 1911, No. 1 of 1912, No. 2 of 1912, No. 8 of 1912, No. 21 of 1912 and No. 48 of 1912 Supp. Sched.

of the Building Authority, and the following procedure shall be adopted:—

(a) Notice in writing, in or according to the form contained in schedule K, of the intention to commence or repair or reconstruct such building shall be given to the Building Authority by leaving the same at his office. Every such notice shall specify the number, if any, and the position or locality of the intended building, together with the number and section or sub-section of the lot on which it is intended to build, and shall give any special or material particulars in connection with the same which it is not possible to denote on the plans. Such notice shall also state the name and address of the lessee or occupier of the lot or of the owner or occupier of the building, or of the duly authorised agent of such persons respectively, and shall be signed by such lessee or owner or occupier or agent; and the person signing such notice shall state whether he signs as lessee or owner or occupier or agent, and the person so signing or, if he be absent from the Colony, any contractor employed on or about the building, shall be liable for every act, failure, neglect, omission, or refusal whereby any provision of this Ordinance is contravened during the progress of such building, or pending the issue of the certificate required by this Ordinance to be obtained prior to occupation.

The person signing such notice shall, in the event of the information contained therein being proved to be materially incorrect, be liable, on summary conviction, to a fine not exceeding 100 dollars.

(b) Proper plans of such building signed by an authorised architect showing figured dimensions and the position of all portions of the building, and the purpose for which they are intended, shall be submitted to the Building Authority with the aforesaid notice and require to be approved by him as being in conformity with the requirements of this Ordinance. Every such plan shall, in the case of repairs or re-construction, show such portions of the old building as the Building Authority may require as well as the new building in such a way as to clearly differentiate the old from the new, and shall also, unless dispensed with by the Building Authority, show the details of any drainage to be constructed. Every such plan 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 con-

Plans to be submitted.

struction, and shall also show the position and levels of the surrounding ground and buildings.

(c) A block plan showing the neighbouring streets and buildings and drawn to a scale of not less than 1 inch to 60 feet, shall also be deposited with such plans.

(d) The Building Authority may also require any other information concerning the proposed building and the uses to which it is to be put that he may deem necessary.

Building Authority to notify if plans are not regular.

(2) The Building Authority shall within 28 days of the submission of such plans notify the person submitting the same or his architect or other representative, of every matter in respect of which they are not in accordance with the requirements of this Ordinance, and if the Building Authority does not within such period so notify any such matter, the building shown in such plans may be commenced in the same manner as if the approval of the Building Authority had been received: Provided that in the event of such plans having been withdrawn for alteration during such period of 28 days by the person submitting the same, or his architect or other representative, the said period shall be calculated from the date of their final submission.

Amendment of plans.

(3) If the Building Authority shall within such period of 28 days notify the person submitting the plans or his architect or other representative of any matter in respect of which they are not in accordance with the requirements of this Ordinance, then if they are amended, the Building Authority shall approve or disapprove of such amendments within a period of 14 days from the time the amended plans are deposited with him, and if he shall not signify his approval or disapproval within such period the building may be commenced in the same manner as if the approval of the Building Authority had been received.

Deposit of plans.

(4) All plans submitted to the Building Authority and not disapproved by him under sub-sections (2) or (3) shall be deposited in his office and filed there.

Misrepresentation in plans punishable.

(5) Every material misrepresentation in any plan so deposited, and every material divergence in the work from such plan unless it has received the written approval of the Building Authority, shall be deemed to be a contravention of this Ordinance. In respect of any such divergence which is not so approved, any owner, architect, engineer, or clerk of works who knowingly condones such

divergence, and any contractor employed in the building who carries out such divergence, shall be liable, on summary conviction, to a fine not exceeding 200 dollars in respect of every such divergence.

(6) In the case of any contravention of sub-section (5) a Magistrate shall also have power to order the building 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.

Power of Magistrate to require compliance with Ordinance.

(7) In the case of any material misrepresentation in any plan so deposited, the person who has signed it shall be liable, on summary conviction, to a fine not exceeding 200 dollars.

Misrepresentation.

(8) In the event of a notice in writing having been given to the Building Authority and of plans having been submitted to him as required by sub-section (1), the Building Authority may refuse to receive any further notice or any further plans in respect of the building to which the former notice and plans relate until he has received from the person by whom, or on whose behalf, the former notice or plans were given or submitted, or from his duly authorised agent, revocation in writing of the former notice or plans.

Further plans to be considered only if former plans withdrawn.

(9) In this section, and in sections 223 to 227, "building" includes "works," and "plan" includes "drawing," and "build" includes "carry on works".

223. It shall not be lawful to resume any building if work has been suspended for a period exceeding 3 months, nor to commence any building if it has not been commenced within 3 months of the date of the approval by the Building Authority of the plans thereof, until 7 days' notice in writing of the intention to resume or commence such building 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 the plans thereof approved under the preceding section have been amended (if necessary) to the satisfaction of the Building Authority so as to comply with this Ordinance. Every such notice shall specify the number, if any, and the position or locality of the intended building together with the number and section or sub-section of the lot on which it is intended to build, and shall give any special or material

Notice of commencement or resumption of works. *

* As amended by No. 14 of 1908, No. 30 of 1911, No. 1 of 1912, No. 2 of 1912, No. 8 of 1912, No. 21 of 1912 and No. 43 of 1912 Supp. Sched.

particulars in connection with the same which it has not been possible to denote on the plans. Such notice shall also state the name and address of the lessee or occupier of the lot or of the owner or occupier of the building, or of the duly authorised agent of such persons respectively, and shall be signed by such lessee or owner or occupier or agent; and the person signing such notice shall state whether he signs as lessee or owner or occupier or agent, and the person so signing or, if he be absent from the Colony, any contractor employed on or about the building, shall be liable for every act, failure, neglect, omission or refusal whereby any provision of this Ordinance is contravened during the progress of such building, or pending the issue of the certificate required by this Ordinance to be obtained prior to occupation.

The person signing such notice shall, in the event of the information contained therein being proved to be materially incorrect, be liable, on summary conviction, to a fine not exceeding 100 dollars.

In case of emergency notice may be given after commencement of works.
*

224. In case any accident or emergency shall render it necessary to commence or resume any building immediately, it shall be lawful so to do, provided due notice of the same be given to the Building Authority within 2 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.

Certificate of authorised architect required before alteration to existing building.
†

225. No alteration, addition, or other building operation shall be carried out for any purpose in, to, or upon, any existing building unless an authorised architect gives his certificate in writing to the Building Authority to the effect that, in his opinion, such building is and will be structurally capable of bearing the weight and strain of such alteration, addition, or other building operation.

[s. 226, *rep.* No. 14 of 1908, s. 71.]

Powers and Duties of the Building Authority as to entry and inspection.

Power to enter and inspect buildings.
§

227.—(1) The Building Authority, or any officer deputed by him for the purpose, may at any time enter and inspect any building

* As amended by No. 8 of 1912.

† As amended by No. 50 of 1911, No. 1 of 1912, No. 8 of 1912 and No. 21 of 1912.

§ As amended by No. 14 of 1908, No. 50 of 1911, No. 51 of 1911, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

for the purpose of ascertaining whether the requirements of this Ordinance are carried out in relation thereto or whether any building is dangerous, and in the event of his discovering that the requirements of this Ordinance have been contravened in any particular, or that any building is dangerous, the owner thereof shall, upon receipt of an order in writing from the Building Authority, stop the operations upon such building 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 shall provide planks, ladders, or other reasonable means of access to every part of such building to facilitate the inspection, and the Building Authority shall have power to do any thing to any such building which he may consider necessary for the purpose of making an efficient inspection thereof.

(2) For the purpose of inspecting any building or wall believed to be in a dangerous condition the Building Authority, or an officer deputed as aforesaid, may cause such openings to be made therein as he may deem fit, provided that at least 24 hours' notice in writing of his intention to make any such openings shall be given to the owner or his representative.

Openings in building may be made.

Stoppage or Diversion of Traffic.

228. The Director of Public Works shall have power, on his being satisfied of the necessity therefor, to temporarily stop or divert or 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, if the traffic in a street is stopped or diverted, or a street is blocked up, notice to the public shall be given, wherever practicable.

Director of Public Works may stop or divert traffic.*

Building Nuisances.

229.—(1) The following shall be deemed to be nuisances under Part III of this Ordinance:—

Building nuisances defined.

1. Any verandah, balcony, area, or structure which is not in accordance with the provisions of this Ordinance.

2. Any unauthorised encroachment on, over, or into any land not under lease from the Crown.

* As amended by No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

† As amended by No. 14 of 1908, No. 30 of 1911, No. 1 of 1912, No. 2 of 1912, No. 8 of 1912 and No. 21 of 1912.

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.

5a. Any failure to supply, or any inadequate or defective provision of drain, drain trap, ventilating pipe, subsoil drainage or cesspool accommodation.

6. Any act, failure, neglect, omission, or refusal whereby any provision of this Ordinance is contravened.

7. Any act, failure, neglect, omission, or refusal whereby any condition or term attached to the grant of any modification of or exemption from any provision of this Ordinance is contravened.

(2) In respect of any offence against paragraph 5 of sub-section 1, 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 are used, shall be liable, on summary conviction, to a fine not exceeding 500 dollars, and to a further penalty not exceeding 50 dollars a day for every day that the nuisance remains unabated.

Abatement of Nuisances.

Notice to
abate build-
ing nuisance.
*

230.—(1) The competent authority to deal with nuisances under this Part of this Ordinance shall, unless the context otherwise requires, be—

(a) the Building Authority, or any officer deputed by him in that behalf;

(b) the Head of the Sanitary Department, or any officer deputed by him in that behalf, but in respect only of nuisances under sections 139, 153, 154 and 161, and of such other nuisances as defined by this Part of this Ordinance as the Governor-in-Council may empower him to deal with.

* As amended by No. 14 of 1908, No. 50 of 1911, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

(2) Whenever the existence of a nuisance under this Part of this Ordinance is brought to the attention of the competent authority as hereinbefore defined, such authority shall serve a notice in the form contained in schedule L (with such modifications, if any, as may be necessary) on the person by whose act, default, or sufferance the nuisance arises or continues, or if such person cannot be found, on 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 such authority shall summon such person or owner before a Magistrate, who either in addition to inflicting or without inflicting a penalty under any section of this Ordinance, may make an order directing such person or owner to abate such nuisance within a time to be fixed by such Magistrate: Provided that nothing in this section contained 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 have been required.

231. 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 person against whom the original order to abate such nuisance was made, or failing him by the owner, without prejudice to any right of such person or owner to recover the amount of such expenses from any lessee or other person liable for the same.

Magistrate's order empowering abatement of nuisance.
*

232. 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 person liable to pay the same 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 the owner.

Recovery of expenses of abatement of nuisance by sale of materials.
*

233. In case the person liable to pay the same shall not forthwith pay all expenses incurred by the Building Authority in the abating

Distress in case of non-payment of expenses.
†

* As amended by No. 14 of 1908.

† As amended by No. 14 of 1908 and No. 1 of 1912.

of any nuisance as required by this Ordinance, it shall be lawful for a Magistrate, by warrant, to cause the same to be levied by distress and sale of the goods and chattels of such person.

Saving of other remedies for nuisances.

*

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

Service of Notice, Summons, or Order.

Method of service of notice, summons or order.

†

235. Any notice, summons, or order given, issued or made under the provisions of this Part of this Ordinance, may be served upon the person affected by the document to be served, either personally or by leaving the same with any occupier of the premises to which such document relates, or by leaving the same with some adult inmate at the usual or last known place of business or residence of the person to be served, or, if there is no occupier of such premises, by putting up the document to be served on a conspicuous part of the premises to which the same relates: Provided that any notice, summons, or order required by this Ordinance to be given, issued or made to the owner of any premises, shall be served either by leaving the same at the place of business or residence within the Colony of such owner or of his authorised agent, or if the whereabouts of such owner or agent be unknown, by posting a registered letter addressed to such owner, or agent, at his last known place of residence or of business in the Colony.

PART IV.

RIGHTS OF BUILDING AND ADJOINING OWNERS.

Provisions concerning buildings on line of junction when adjoining lands are unbuilt on.

§

236. 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 them;

* As amended by No. 1 of 1912.

† As amended by No. 11 of 1909, No. 1 of 1912 and No. 2 of 1912

§ As amended by No. 2 of 1912.

(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 them 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.

237. The building owner shall have the following rights in relation to party structures and adjoining structures :—

(1) to make good, underpin, or repair any party structure which is defective or out of repair ;

(2) 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) to pull down any timber or other partition which divides any buildings, and is not conformable with the provisions of this Ordinance, and to build instead thereof a party wall conformable thereto ;

Rights of building owner in relation to party structures, etc.
*

* As amended by No. 50 of 1911, No. 1 of 1912, No. 2 of 1912, No. 8 of 1912 and No. 43 of 1912.

(4) in the case of buildings having rooms or storeys the property of different owners intermixed,—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 therewith ;

(5) in the case of buildings connected by arches or communications over streets belonging to other persons,—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 therewith ;

(6) 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) to pull down any party structure which is of insufficient strength for any building intended to be built, and to rebuild the same of sufficient strength for the above purposes, upon condition of making good all damage occasioned thereby to the adjoining premises, or to the internal finishings and decorations thereof ;

(8) to cut into any party structure upon condition of making good all damage occasioned to the adjoining premises by such operation ;

(9) to cut away any footing or any chimney breast, jamb or flue projecting, or other projection from any party wall or external wall 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) 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 such operation ;

(11) to raise a party fence wall, or to pull the same down and rebuild it as a party wall ;

(12) to perform any other necessary works incident to the connection of a party structure with the premises adjoining thereto :

Provided always, that these rights shall be subject to this qualification, that any building which has been erected prior to the commencement of this Ordinance shall be deemed to be conformable with the provisions thereof if it be conformable with the provisions of the Ordinances regulating buildings before the commencement of this Ordinance.

Existing
prior
buildings.

238.—(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.

Require-
ments of
adjoining
owner in
relation to
party struc-
tures.

(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.

Differences
between
building
owner and
adjoining
owner.

239.—(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 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 2 months before doing so he has served on the adjoining owner of the party fence wall, the party wall or party structure, as the case may be, notice stating the nature and particulars of the proposed work and the time at which the work is proposed to be commenced.

Notice to be
given by
building
owner before
work
commenced.
*

(2) When a building owner in the exercise of any of his rights under this Part 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 protec-

* As amended by No. 8 of 1912 and No. 43 of 1912 Supp. Sched.

tion of the adjoining land or building and the security of the adjoining occupier.

(3) A building owner shall not exercise any right given to him by this Ordinance 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 6 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 14 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.
*

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

* As amended by No. 1 of 1912, No. 2 of 1912, No. 8 of 1912, No. 21 of 1912 and No. 43 of 1912.

(2) Any award given by such one architect, or by such three 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 14 days from the date of the delivery of the award, appeal therefrom to a Judge in Chambers, who 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 architect for 10 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 architect or architects determine.

(5) If the appellant on appearing before the Judge declare his unwillingness to have the matter decided by him, and prove to his satisfaction that in the event of the matter being decided against him he will be liable to pay a sum, exclusive of costs, exceeding 500 dollars, and gives security, to be approved by the Judge, duly to prosecute an action in the Supreme Court and to abide the event thereof, all proceedings in Chambers shall thereupon be stayed, and the appellant may bring an action in the Supreme Court 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 of the non-appearance of the defendant shall be settled by the Court, and the action shall be prosecuted and the issue tried in all respects as if it were an ordinary action or issue in the Supreme Court, or as near thereto as circumstances admit.

(7) If the parties agree as to the facts a special case may be stated for the opinion of the Court, and such case shall be heard and decided in all respects as if it were an ordinary case stated for the opinion of the Court, or as near thereto as circumstances admit; and any costs that may have been incurred before the Judge in Chambers shall be deemed to be costs incurred in the action and be payable accordingly.

(8) Where both parties have concurred in the appointment of one architect, then, if he refuse, or for 7 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 he had not been appointed.

(9) Where each party has appointed an architect and a third architect has been selected, then, if he refuse, or for 7 days neglect to act, or before such difference is settled, die, or become incapable to act, the two architects shall forthwith select another architect in his place who shall have the same powers and authorities as were vested in his predecessor.

(10) Where each party has appointed an architect, then, if the two architects refuse, or for 7 days after request of either party, neglect to select a third architect, or another third 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 architect who shall have the same powers and authorities as if he had been selected by the two architects appointed by the parties.

(11) Where each party has appointed an architect, then, if before the difference is settled either architect die, or become incapable to act, the party by whom he was appointed may appoint some other architect to act in his place, and if for the space of 7 days after notice served on him by the other party for that purpose, he fail to do so, the other architect may proceed *ex parte*, and his decision shall be as effectual as if he had been a single architect in whose appointment both parties had concurred; an architect so substituted as aforesaid shall have the same powers and authorities as were vested in the former architect at the time of his death or disability.

(12) Where each party has appointed an architect, then, if either of the architects refuse, or for 7 days neglect to act, the other may proceed *ex parte*, and his decision shall be as effectual as if he had been a single architect in whose appointment both parties had concurred.

(13) In Part IV "architect" means "authorised architect," and "Part" means "Part of this Ordinance."

Right of
entry of
building
owner.*

241. 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

* As amended by No. 1 of 1912 and No. 2 of 1912.

be necessary; and if the premises are closed, he and they may, accompanied by a constable, break open any fences or doors in order to effect such entry: Provided that before entering on any premises for the purpose of this section the building owner shall give 14 days' notice of his intention so to do to the owner and occupier; in case of emergency he shall give such notice only as may be reasonably practicable.

242. Where a building owner intends to erect within 10 feet of a building belonging to an adjoining owner a building any part of which within such 10 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:—

Underpinning or strengthening of foundations of adjoining building.
*

(1) At least 2 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 14 days after being served with such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, or that he requires such underpinning or strengthening, then if such counter-notice is not acquiesced in, 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.

243. An adjoining owner may, if he think fit, by notice in writing, require the building owner (before commencing any work

Adjoining owner may require security to be given for payment of expenses.
†

* As amended by No. 8 of 1912.

† As amended by No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

which he may be authorised by this Part to execute) to give such security as may be agreed upon, or in case of difference as may be settled by a Judge 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.

The building owner may, 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, as may be settled as aforesaid.

If the adjoining owner do not within one month after service of the 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.

Expenses to
be borne
jointly by
building
owner and
adjoining
owner.*

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

(a) If any party structure be defective or out of repair the expenses 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 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

* As amended by No. 2 of 1912 and No. 8 of 1912.

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 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 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 :—

(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 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 required to be made good and carried up, shall be borne by the building owner ;

Expenses to
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 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 required to be made good shall be borne by such building owner ;

(d) If any footing, chimney-breast, jamb or floor be cut away in pursuance of the powers by this Part vested in a building owner, the

expense of such cutting away and making good any damage by this Part 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 such raising shall be borne by the building owner ;

(f) If any party fence wall be pulled down and built as a party wall, the expense thereof shall be borne by the building owner.

Proportion of expenses which may be borne by adjoining owner.

(3) 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 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.

*

245. Within one month after the completion of any work which a building owner is by this Part authorised 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 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.

†

246. 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 objections thereto, and thereupon a difference shall be deemed to have arisen between the

* As amended by No. 8 of 1912.

† As amended by No. 1 of 1912 and No. 8 of 1912.

parties, and shall be determined in manner hereinbefore provided for the settlement of differences between building and adjoining owners.

247. 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.

Failure by adjoining owner to express dissatisfaction to be deemed acceptance.

248. 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.

Adjoining owner failing to contribute building owner to become sole owner.

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

Adjoining owner liable for expenses incurred on his requisition.

250. Nothing in this Ordinance shall authorise 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.

* Other easements and rights in regard to party structures preserved.

PART V.

ARBITRATION.

251. No suit, action or other proceeding shall lie in any Court for the recovery by any person of compensation for loss alleged to have been caused by the operation of this Ordinance, but any person claiming any compensation payable under this Ordinance shall, unless the assessment thereof is otherwise provided for by this Ordinance, submit to the Colonial Secretary on the same date as the plans relating to the works in respect of which such compensation is claimed are deposited with the Building Authority, a claim in writing stating the amount which he seeks to recover and the grounds upon which he bases his claim.

Submission of claim. †

In any case in which the claim is in respect of a matter with regard to which powers of exemption or modification are vested in

* As amended by No. 43 of 1912 Supp. Sched.

† As amended by No. 23 of 1903, No. 1 of 1912 and No. 2 of 1912.

the Board or in the Governor-in-Council, the person claiming shall await the decision of the Board or of the Governor-in-Council before proceeding with the works.

Appointment
of arbitrators.
*

252. In the event of dispute, the amount of compensation, if any, payable under this Ordinance shall be determined by arbitration in the manner following :—

(1) There shall be two arbitrators, one of whom shall be nominated by the Governor and the other by the person claiming compensation.

(2) The two arbitrators so nominated shall view the premises, enquire into the claim and endeavour to arrive at a sum which they consider will, in the circumstances of the case, be fair compensation, and if they agree their decision shall be final.

In case of disagreement they shall, and at any stage of the arbitration they may, refer the matter in dispute to a Puisne Judge in Chambers as umpire, and his decision shall be final.

(3) The decision of the arbitrators or umpire shall be forwarded in writing to the Colonial Secretary.

Principles on
which com-
pensation to
be based.
†

253.—(1) The arbitrators and umpire in determining the compensation to be paid and in estimating for such purpose the value of any land resumed or of any building thereon,—

(a) may take into consideration the rateable value and the net rental of the premises as furnished by the owner in pursuance of the Rating Ordinance, the nature and the condition of the premises, the state of repair thereof, and the probable duration of the premises in their existing state ; and

(b) shall not make any compensation for any addition to or improvement of the premises made after the date of the submission of the claim to the Colonial Secretary (unless such addition or improvement was necessary for the maintenance of the premises in a proper state of repair) ; and

(c) shall not make any allowance in respect of the acquisition being compulsory.

Evidence to
be received.

(2) The said arbitrators or umpire shall also receive evidence to prove,—

* As amended by No. 14 of 1908, No. 1 of 1912, No. 2 of 1912 and No. 27 of 1912.

† As amended by No. 14 of 1908, No. 1 of 1912 and No. 2 of 1912.

(a) that the rental of the premises was enhanced by reason of the same being used as a brothel, or as a gaming house, or for any other illegal purpose; or

(b) that the rental of the premises was enhanced by illegal overcrowding; or

(c) that the 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

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

(3) If the said arbitrators or umpire are satisfied by such evidence, then the compensation shall,—

Effect of such evidence on compensation.

(a) in cases (a) and (b), so far as it is based on rental, be based on the rental which would have been obtainable if the premises had not been occupied either as a brothel, or as a gaming house or for any illegal purpose, or had not been illegally overcrowded; and

(b) in case (c), be based on the amount estimated as the value of the premises if the nuisance had been abated or if they had been put into reasonably good repair, after deducting the estimated expense of abating the nuisance, or of putting them into such repair, as the case may be; and

(c) in case (d), be based on the value of the land, and of the materials of the buildings thereon.

254. During the pendency of any proceedings before the arbitrators, if either of them shall from any cause be unable to act, his place, if he be a person appointed by the Governor, shall be filled by some other person so appointed and if he be a person appointed by the claimant shall be filled by some other person so appointed.

Vacancies among arbitrators.

PART VI.

CONTRAVENTIONS AND PENALTIES.

255. Every act, failure, neglect, or omission whereby any requirement or provision of this Ordinance is contravened, and every refusal to comply with any of such requirements or provisions, shall be deemed a contravention of this Ordinance.

Contraventions.

* As amended by No. 1 of 1912.

Recovery of penalties.
*

256. All penalties imposed by Part II of this Ordinance may be recovered summarily at the suit of the secretary, of the medical officer of health or of any assistant medical officer of health, or of such other officer as the Board may depute.

Penalty for building nuisance.
†

257. 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, to a fine not exceeding 200 dollars, and to a further penalty not exceeding 20 dollars for every day that the nuisance remains unabated.

Penalty for refusing to obey Magistrate's order or for obstructing Building Authority.
§

258. Any person who refuses to obey the order of any Magistrate made 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, on summary conviction, to a fine not exceeding 200 dollars for every such offence.

Penalty for other contraventions.
‡

259. Any person who contravenes any of the provisions of this Ordinance in respect of which contravention no special penalty is otherwise provided shall be liable, on summary conviction, to a fine not exceeding 100 dollars.

[s. 260, *rep.* No. 8 of 1912.]

Liability of secretary or manager of company.
||

261. Where a contravention of any of the provisions of this Ordinance is committed by any company or corporation, the secretary or manager thereof may be summoned and shall be held liable for such contravention and the consequences thereof.

Proceedings against several persons.

262. Where proceedings under this Ordinance are competent against several persons in respect of the joint act or default of such

* As amended by No. 14 of 1908, No. 1 of 1912 and No. 2 of 1912.

† As amended by No. 14 of 1908, No. 30 of 1911, No. 1 of 1912 and No. 21 of 1912.

§ As amended by No. 30 of 1911, No. 1 of 1912 and No. 21 of 1912.

‡ As amended by No. 30 of 1911, No. 1 of 1912, No. 21 of 1912 and No. 43 of 1912 Supp. Sched.

|| As amended by No. 1 of 1912.

persons, it shall be sufficient to proceed against one or more of them without proceeding against the others.

Special Powers of Magistrate.

263. 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 154 and 175 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 Magistrate.
*

264. 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 thereof or of any portion thereof by any officer of the Sanitary Department and no compensation shall be payable to any person in respect of any damage done thereto by such demolition, removal, and destruction.

Power of Magistrate to order removal of illegal structures.
†

264a.—(1) If admission to premises for any of the purposes of this Ordinance is refused, any Magistrate on complaint thereof on oath by any officer authorised by this Ordinance to enter and inspect premises (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises, if such person there be) may, by order under his hand, require the person having the custody of the premises to admit any officer entitled under this Ordinance to inspect the same into the premises during the hours prescribed by this Ordinance, and if no such person can be found the Magistrate shall, on oath before him of that fact, by order under his hand, authorise any such officer to enter the premises during the prescribed hours.

Power of Magistrate to authorise officer to enter and inspect premises.
§

* As amended by No. 1 of 1912.

† As amended by No. 1 of 1912, No. 2 of 1912, No. 43 of 1912 and No. 43 of 1912 Supp. Sched.

§ As amended by No. 14 of 1908, No. 1 of 1912 and No. 2 of 1912.

(2) After a Magistrate's order has been obtained under this section any officer authorised to inspect premises under this Ordinance may, if necessary, break into the premises named in the order.

(3) Any order made by a Magistrate under this section shall continue in force until the nuisance has been abated or the work for which the entry was necessary has been done.

Power of Building Authority to grant modification or exemption in certain cases. *

264b. Every application for modification of or exemption from any of the provisions of sections 151, 153, 175, 176, 180, 188 and 216 which the Governor-in-Council or the Board is by any of such sections empowered to grant, shall be made to the Building Authority in the first instance, and may be granted by him either wholly or in part and with or without conditions; and a certificate under the hand of the Building Authority to the effect that any such modification or exemption has been granted by him shall be as valid and effectual for all purposes as if such modification or exemption had been granted by the Governor-in-Council or the Board.

PART VII.

MISCELLANEOUS PROVISIONS.

Appeal to the Governor-in-Council.

Appeal to Governor-in-Council against decision of any person entrusted with powers under this Ordinance. †

265. Whenever any person is dissatisfied with the exercise of the discretion of the 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 authority, or with any action or decision of the Board or of any such person either as to the carrying out of or the meaning of any of the provisions of this Ordinance, or whenever any of the provisions of this Ordinance are, owing to special conditions, undesirable, the person so dissatisfied may, unless proceedings have already been taken before a Magistrate in relation thereto, appeal to the Governor-in-Council, who, if in his opinion the exercise of such discretion or such action or decision requires modification, revocation, or setting aside, or such special conditions exist as render any such provision undesirable, may make such order in respect thereof as may be just.

* As amended by No. 14 of 1908, No. 1 of 1912 and No. 43 of 1912 Supp. Sched.

† As amended by No. 14 of 1908 and No. 2 of 1912.

The grounds of such appeal shall be concisely stated in writing, and the appellant may, if he so desire, be present at the hearing of such appeal and be heard in its support either by himself or by his representative, and the Governor-in-Council shall thereafter determine the matter in the absence of, and without further reference to, the Building Authority.

The Clerk of the Councils shall give the appellant 7 days notice of the hearing of the appeal, and shall at the same time furnish the appellant with a copy of the evidence and documents submitted by the respondent for the consideration of the Governor-in-Council.

Provided that nothing herein contained shall be deemed to prevent any person from applying to the Supreme Court for a *mandamus*, injunction, prohibition, or other order, should he elect so to do, instead of appealing to the Governor-in-Council under this section.

265a. In any appeal under the provisions of the last section the Governor-in-Council may at any time in his discretion, direct a case to be stated for the opinion of the Full Court on any question of law involved in any appeal submitted to him. The terms of such case shall be agreed upon by the parties concerned, or in the event of their failure to agree shall be settled by the Full Court. The Full Court shall hear and determine the question of law arising on any case stated as aforesaid, and shall remit the matter to the Governor-in-Council who shall give effect by order to the finding of the Court. The costs of such hearing shall be in the discretion of the Court.

Governor-in-Council empowered in any appeal to state case for the opinion of Full Court on question of law. *

Any party to the appeal shall be entitled to be heard by counsel on the hearing of any case so stated.

No proceedings by way of *mandamus*, injunction, prohibition, or other order shall be taken against the Governor-in-Council in respect of anything arising out of this section.

265b. Every order of the Governor-in-Council on any appeal shall be final and may be enforced by the Supreme Court as if it had been an order of that Court.

Order of Governor-in-Council enforced by the Court. †

265c. The breach of or failure to perform any term or condition attached to any modification of or exemption from any provision of

Breach of condition of modification or exemption. *

* As amended by No. 14 of 1908 and No. 1 of 1912.
† As amended by No. 14 of 1908.

this Ordinance shall entitle the authority by whom such modification or exemption was granted, to cancel such modification or exemption, and thereafter the said provision shall apply to the property affected as if no such modification or exemption had been granted.

Registration of modification and cancellation thereof.
*

265d. A memorandum stating the effect of any modification of or exemption from any provision of this Ordinance and of any terms or conditions attached thereto, signed by or on behalf of the authority granting it, and by or on behalf of the owner, may be registered in the Land Office against the property affected on payment by such owner of a fee of \$3 (such fee to be paid in stamps), and in the event of the cancellation of any modification or exemption a memorandum thereof signed by or on behalf of the cancelling authority shall be registered by the Land Officer against the property affected without fee.

Regulations.

Governor-in-Council may make regulations.
†

266. The Governor in Council may alter, amend, or revoke the whole or any part of the provisions of schedules C, E, F, G, H, J, K, L, and M, and may substitute new regulations therefor.

Application of Ordinance.

Application of Ordinance to New Territories, etc.
§

267.—(1) Parts II, III, and IV of this Ordinance shall not apply to any part of the New Territories, except to New Kowloon, unless the Governor-in-Council shall by order otherwise direct; and the provisions of sections 111 and 112 shall not apply to any domestic building which existed on 29th December, 1894, unless such building is situated within the City of Victoria, or at Kowloon, New Kowloon, Quarry Bay, Shaukiwan, or Aberdeen, or within such other districts or places as may be notified by the Governor-in-Council.

Application of ss. 204, 222, and 225 limited: type-plans.

(2) The provisions of sections 204, 222, and 225, so far as they relate to authorised architects shall not apply in any case in which the Building Authority shall so decide, and the Governor-in-Council may direct the Building Authority to prepare type-plans

* As amended by No. 14 of 1908, No. 1 of 1912, No. 2 of 1912 and No. 43 of 1912 Supp. Sched.

† As amended by No. 14 of 1908, No. 50 of 1911, No. 1 of 1912, No. 2 of 1912 and No. 21 of 1912.

§ As amended by No. 14 of 1908, No. 50 of 1911, No. 1 of 1912, No. 2 of 1912, No. 8 of 1912 and No. 43 of 1912 Supp. Sched. The Governor-in-Council has applied sections 90 and 211 to the New Territories see G. N. 119 of 1909 and G. N. 689 of 1909.

and may make regulations in regard to such type-plans if approved, and domestic buildings may, notwithstanding anything to the contrary in this Ordinance contained, be erected in accordance with such type-plans and regulations in any part of the Colony outside an urban district.

268. Nothing in this Ordinance shall be deemed in any way to derogate from or lessen the validity or effect of any certificate or written permission of the Board granted before the commencement of this Ordinance under the authority of or in accordance with any Ordinance in force at the date of the issue of such certificate or written permission.

Certificates granted under Ordinances repealed preserved.
*

269. No matter or thing done by the Board or Building Authority or by any member of the Board, or by any officer of the Department or other person whomsoever acting under the direction of the Board or Building Authority shall, if it was 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: Provided that nothing herein contained shall exempt any person from any proceeding by way of *mandamus*, injunction, prohibition, or other order unless it is expressly so enacted.

Limitation of personal liability of members of the Board, Building Authority, and others.
†

270. The provisions of section 48 of the Interpretation Ordinance, 1911, shall apply to actions or prosecutions commenced against the Board or Building Authority or any person acting under their or his direction or any member of the Board or officer of the Department, 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.

Protection of persons acting under the Ordinance. [No. 31 of 1911.]
§

271. Nothing herein contained shall be deemed to prevent or limit the exercise by His Majesty of any powers of resumption contained in any Crown lease.

Preserving rights of the Crown.
‡

[schedule A, rep. No. 43 of 1912 Supp. Sched.].

* As amended by No. 43 of 1912 Supp. Sched.

† As amended by No. 23 of 1903, No. 14 of 1908, No. 1 of 1912, No. 2 of 1912 and No. 8 of 1912.

§ As amended by No. 8 of 1912.

‡ As amended by No. 50 of 1911.

SCHEDULE B.

BY-LAWS.

[s. 16.]

Bake-houses.

[21st February, 1903.]

1. All premises now used or hereafter used as a bake-house 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 by-laws.

* 2. Every bake-house shall be adequately lit and ventilated to the satisfaction of the Board, and the ground surfaces shall be paved with a layer of not less than 6 inches of good lime-concrete or not less than 3 inches of cement concrete composed of one part cement, 3 parts of sand, and 5 parts of stone broken to pass through a one inch ring, and the surface thereof shall be rendered smooth and impervious with a layer of asphalt or cement-mortar of not less than $\frac{1}{2}$ inch in thickness, or such other material as the Board may approve of.

3. Every bake-house shall have an ample supply of good potable water and, except with the special permission of the Board, this water shall be laid on to the bake-house from the public water mains.

† 4. Every bake-house shall be so drained as to be in accordance with the requirements of the Public Health and Buildings Ordinance, and all inlets to the drains shall be placed outside the building.

5. No water-closet, dry-closet, earth-closet, or urinal shall be within or in direct communication with any bake-house.

6. Every bake-house shall be kept at all times in a cleanly condition and free from all noxious matter. The troughs, tables and utensils in use in the bake-house shall be thoroughly cleansed and the floors properly swept at least once in every 24 hours. The whole of the interior walls and the ceilings of the rooms of the bake-house shall be properly limewashed and the woodwork thoroughly scrubbed with soap and water during the months of January and July of each year.

* 7. No animals except cats shall be kept in a bake-house.

8. No person suffering from any infectious or contagious disease shall be permitted to take part in the manufacture or sale or delivery of bread or biscuits.

§ 9. Every bake-house shall be, during the hours at which baking operations are-carried on, open to inspection by any member of the Board or officer of the Department.

* As amended by G. N. 942 of 1908.

† As amended by No. 1 of 1912.

§ As amended by No. 23 of 1903 and No. 1 of 1912.

10. No person other than one caretaker shall occupy between the hours of 11 p.m. and 5 a.m. any premises used as a bake-house, except such person be at the time actively engaged in carrying on the work of the bakery. *

11. No premises shall be used as a bake-house until such premises have been approved by the Board as being in accordance with the by-laws relating to the regulation of bake-houses, and have been registered. †

Form of Application.

I, the undersigned, hereby notify the Sanitary Board that I propose to commence/continue the business of a public bakery 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 public bakery.

Signature of Applicant.

Basements.

[15th May, 1908.]

1. 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 any basement shall be—

(i) that such basement is provided with one window at least opening into the external air, and that the total glazed area of such window or windows is at least one-tenth of the floor area of such basement; and §

(ii) that no side of such basement abuts against the earth or soil to an average height exceeding 4 feet above the floor level; and

(iii) that throughout the remainder of the height of such basement the ground outside is at least 8 feet distant horizontally from the external wall of such basement; and

(iv) that the area formed between such ground outside and such external wall is not obstructed or covered over either wholly or partially by the erection of structures, coverings or fixtures of any kind whatsoever:

Provided always that the Board may, if it thinks fit, grant permission in writing to obstruct or cover such area in any manner which may be previously approved by the Board.

2. The conditions under which alone it shall be lawful to occupy or use, or to let or sub-let, or to suffer or permit to be used for occupation as a shop, workshop or factory any basement shall be that such base-

* As amended by No. 51 of 1911.

† As amended by No. 1 of 1912.

§ As amended by No. 2 of 1912.

ment complies with the provisions of the preceding by-law, or that such basement does not exceed 30 feet in depth, as measured from the front wall to the back wall, and is lit, ventilated, and maintained in a sanitary condition to the satisfaction of the Board.

Such shop, workshop, or factory may not be used for habitation except by such number of persons as the Board may authorise in writing, and in every case in which the Board authorises any person or persons to use for habitation any such shop, workshop, or factory, sleeping accommodation shall be provided by the erection of a cockloft or bunks which shall have a clear space of at least 4 feet between it or them and such side or sides of the basement as abuts or abut against the earth or soil.

Cattle-sheds, Pig-sties, etc.

[21st February, 1903.]

1. Annual licences, expiring on 31st 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 at his office.

† 3. No building in which cattle, swine, sheep or goats are housed shall be situated nearer than 6 feet to any dwelling-house, nor shall such building 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 Board, and the flooring thereof shall be of granite slabs, concrete, or other impervious material and provided with watertight channels for draining all urine and fluid noxious matters into a watertight covered sump or such other place as may be approved of by the Board. The sump shall be constructed to the satisfaction of the Board and shall be emptied and the contents thereof together with solid manure in the building removed daily. The Board may however waive any of these conditions, provided that in the opinion of the Board such can be done without danger to the public health.

† 4. Each cow shall have at least 32 square feet nett area of standing room, and 360 cubic feet of air-space. In no case shall the building be less than 12 feet in height.

5. Each sheep and goat shall have at least 8 square feet of standing room and 90 cubic feet of air-space.

6. Each pig shall have at least 8 square feet of standing room, and every pig-sty shall be not less than 4 feet in height at its lowest part.

* As amended by No. 1 of 1912.

† As amended by G. N. 874 of 1908.

7. The buildings shall be at all times kept in a cleanly condition, and the walls scraped and limewashed 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 by-laws Nos. 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 of the Board or officer of the Department. †

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 carcase shall not be removed or buried without an order in writing from the Colonial Veterinary Surgeon or from some person authorised by him.

11. The Board may, in its discretion, cancel any licence to keep animals if the holder of such licence is a second time convicted before a Magistrate for a breach of these by-laws. §

12. In the calculation of cubic space under No. 4 of these by-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 by-laws, two lambs, two kids and two young pigs under 4 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. [4th December, 1908.]

Cemeteries other than Chinese Cemeteries.

1. Every cemetery shall be at all times open to inspection by any member of the Board or by the Head of the Department or any officer of the Department directed by him 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 such cemetery, and the date of burial, name, sex

* As amended by No. 1 of 1912.

† As amended by No. 23 of 1903 and No. 1 of 1912.

§ As amended by No. 2 of 1912.

and age 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 public, at any reasonable hour.

4. Each grave shall be dug to a depth of at least 5 feet, with the exception of the graves of children under 10 years of age which need not exceed 4 feet in depth.

5. Except in the cases hereinafter specified only one corpse shall be placed in one grave. Exceptions: (A) In the case of the interment of children under 10 years of age more than one corpse may be interred in one grave, provided the top of the uppermost coffin is at least 30 inches below the ground surface; (B) More than one member of the same family may be interred in one grave, provided the top of the uppermost coffin is at least 30 inches below the ground surface.

* 6. The interspace between any two coffins (except when buried in a single grave under by-law No. 5) at any point shall be at least 18 inches.

7. Each grave shall be properly covered with turf or such other material as may be approved by the Board, within 12 months of the grave being filled in.

8. Except for the purpose of further interment under by-law No. 5, no grave may be re-opened after a corpse has been interred therein without the written permission of the Board for that purpose, and the written consent of the next of kin of the person buried.

† 9. Any person proposing to inter a corpse shall give not less than 2 hours' notice to the Inspector of Cemeteries at the Head or Branch Office of the Department, and the hour at which it is proposed that such interment shall take place.

* 10.—(1) The fees to be charged in the Colonial Cemetery shall be as follows:—

For each grave space of 15 superficial feet, ...	\$10.00
Grave digging,	1.00
Exhumation of corpse,	5.00

Exceptions.

For each grave space for children under 10 years of age,	5.00
Grave digging,	1.00
Second burial in the same grave,	free.
Pauper interment,	free.

Monuments.

A monument over any grave space or any enclosure of a grave space not occupying more than 15 superficial feet,	free.
--	-------

(2) No monument over a grave space or enclosure of the surface of a grave space occupying more than 15 superficial feet shall be erected or

* As amended by G. N. 767 of 1909.

† As amended by No. 1 of 1912 and No. 2 of 1912.

made without permission from the Board, which may, if it thinks fit, grant such permission upon payment of a fee of \$2 for each superficial foot to be occupied by the monument or enclosure in excess of 15 superficial feet.

11.—(1) There shall be set aside special sections in the Colonial Cemetery for the burial of Naval and Military commissioned officers, civil servants, residents of more than 20 years' standing, residents of more than 7 years' standing, children and destitutes. The President or in his absence the Vice-President may, however, grant permission for the interment of any person in any of the above mentioned sections. A map of the Cemetery showing the above sections shall be kept in the office of the Board and be available for inspection by any member of the public. *

(2) Application for permission to inter a corpse in any special section, not already provided for, shall be made in writing to the Secretary and shall be decided upon by such person or persons as the Board may appoint; if no such application is made every corpse shall be buried in such position as the President shall direct.

12. The burning of joss sticks and firing of crackers is prohibited in that portion of the Colonial Cemetery set apart under Ordinance No. 38 of 1909 for the burial of persons professing the Christian religion. †

B.

Chinese Cemeteries.

13. Each cemetery shall be laid out in sections of such size and arranged in such manner as may be directed by the Board.

14. A plan of each cemetery showing the various sections shall be on view at or near to the cemetery and at the offices of the Board.

15. A monthly register shall be kept in the Chinese language at or near each cemetery, and the date, name, sex and age of each person shall be entered therein against the number of the grave in which the corpse is interred. These registers shall be deposited at the office of the Board after a period of 2 years, and shall be filed there.

15a.—Each grave shall be dug to a depth of at least 5 feet, with the exception of the graves of children under 10 years of age which need not exceed 4 feet in depth. §

16. Except as regards the corpses of children under 10 years of age only one corpse shall be placed in one grave. In the case of the corpses of children under 10 years of age two corpses may be placed in one grave.

17. Each grave shall be filled in to the satisfaction of the Board.

18. No grave may be re-opened after a corpse has been interred therein without the written permission of the Board, nor (except where

* As amended by G. N. 767 of 1909, No. 1 of 1912 and No. 2 of 1912.

† As amended by G. N. 768 of 1909 and No. 43 of 1912 Supp. Sched.

§ As amended by G. N. 62 of 1912.

no charge has been made for the grave space) without the written consent of the next of kin of the person buried, if such next of kin can be found.

19. The following fees will be charged for each grave space and interment in the various sections of the cemeteries:—

section A. free	} 50 cents for digging and filling in each grave. and \$1 for digging and filling in each grave.
„ B. \$ 1	
„ C. \$ 2	
„ D. \$20	

20. The areas of the grave spaces in the various sections shall not exceed the following dimensions:—

section A.	7	feet long by	2½	feet wide with 18 inches interspaces
„ B.	7½	„	2¾	„ „ 18 „ „
„ C.	8	„	3	„ „ 18 „ „
„ D.	10	„	8	„ „ 18 „ „

Common Lodging-Houses.

[21st February, 1903.]

1. A register of all common lodging-houses shall be kept by the Registrar General in accordance with form (a) appended to these by-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 the officers of the Department 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 Board, 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 by-laws regulating house drainage, and there must be adequate kitchen, ablution, privy, urinal and ash-bin accommodation; and unless the supply of water is constant, there must be a proper cistern for the storage of water.

* As amended by No. 23 of 1903 and No. 1 of 1912.

† As amended by No. 1 of 1912.

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 householders—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 10 years of age respectively to occupy the same sleeping apartment except in the cases of husband and wife, and parents and children.

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 4 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 limewashed during the months of January and July 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.

* As amended by No. 8 of 1912.

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 limewashed, 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 Latrines.	Nature of Water Supply.	Maximum No. of Lodgers which can be received.	Name of Keeper.	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.

* As amended by No. 43 of 1912 Supp. Sched.

Dairies.

[21st February, 1903.]

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 by-laws.

2. Every dairy shall be adequately lit and ventilated to the satisfaction of the Board, and the ground surfaces shall be paved with a layer of not less than 6 inches of good lime-concrete, or not less than 3 inches of cement-concrete composed of one part of cement, 3 parts of sand, and 5 parts of stone broken to pass through a one inch ring, and the surface thereof shall be rendered smooth and impervious with a layer of asphalt or cement-mortar of not less than $\frac{1}{2}$ inch in thickness, 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 animals except cats 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 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 limewashed during the months of January and July of each year.

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

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 by-laws relating to the regulation of dairies and have been registered. †

10. No receptacle used for the reception or storage of milk in any dairy shall be used for any other purpose whatsoever. †

11. Every dairy shall have an ample supply of good potable water and shall be connected with the Government Water Works, unless the Board shall expressly sanction the obtaining of water from another source. *

* As amended by G. N. 943 of 1903.

† As amended by No. 1 of 1912.

§ As amended by No. 23 of 1903 and No. 1 of 1912.

† As amended by G. N. 844 of 1903.

Form of Application.

I, the undersigned, hereby notify the Sanitary Board that I propose to commence/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.

[3rd December, 1909.]

1. The fee payable for each head of cattle housed in a Government Depôt shall be 50 cents when cattle so housed are removed to any place other than the slaughter-house adjoining such Depôt or another Government Depôt, and the fee payable for each pig, sheep and goat similarly housed and removed shall be 10 cents. No fee is payable on admission.

2. No cattle, pigs, sheep or goats shall be removed from a Government Depôt for any purpose except on a removal order signed by the Inspector in charge. Such order shall be granted on the production and deposit of the receipt given on the admission of the animals and in favour of the person therein named or of any other person on his order.

* 3. The Department 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, but no other unauthorised person may be or remain on the premises during such hours as the Depôts are closed to the public.

† 4. Neither the Government nor the Board will be responsible for the safe custody of any cattle, pigs, sheep or goats housed in a Government Depôt.

5. The drenching of any animal with any substance whatever, or the administration of salt in any form, in a Government Depôt, except with the permission of the Colonial Veterinary Surgeon or of the Inspector on duty, is prohibited.

Disinfection of Infected Premises.

[4th December, 1908.]

1. In the following by-laws the words "epidemic, endemic, contagious or infectious disease" shall mean and include plague, cholera, small-pox, diphtheria, scarlet fever, typhus fever, enteric fever, relapsing fever, puerperal fever, and such other diseases as may from

* As amended by No. 1 of 1912.

† As amended by No. 43 of 1912 Supp. Sched.

time to time be defined by the Board by resolution. The words "infected premises" shall mean and include any premises in which any person suffering from any epidemic, endemic, contagious or infectious disease is or has been recently located, and any premises in which any animal infected with plague or dead from the same has been found. *

2. When any person suffering from any epidemic, endemic, contagious or 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. All infected premises shall forthwith after the removal therefrom of the infected person or animal 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 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 be isolated and kept under supervision 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. Such cleansing and disinfection may, with the approval of the Medical Officer of Health, be done in whole or in part by the inmates or by persons engaged by them. And further if in the opinion of the Medical Officer of Health it is necessary for the thorough purification and disinfection of such premises to take down any lath and plaster or other hollow partition wall or any partition, screen, panelling, wainscoting, skirting, stairlining, ceiling or other similar structure, or any fittings or any portion of such wall, structure or fitting the Medical Officer of Health shall forthwith have the same taken down, and if he considers their 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 as he may deem proper, and compensation for such removal or destruction shall be given by the Board unless it is proved on behalf of the Board that the wall, structure or fitting removed or destroyed had been unlawfully erected or maintained. †

The provisions of this by-law shall apply to all premises which became infected after the 31st day of March, 1912, or shall hereafter become infected.

4. If any article of clothing or bedding or any other article which has been in contact with any person or 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 in the opinion of the Medical Officer of Health be preserved without danger to the public health, and cannot be effectively disinfected, then such article shall be

* As amended by No. 43 of 1912.

† As amended by G. N. 203 of 1912.

destroyed in such manner and such place and with such precautions as the Board may from time to time direct, and compensation for such article or articles destroyed shall be given as provided in section 89 of the Public Health and Buildings Ordinance.

* 5. If any article of clothing or bedding or any other article which has been in contact with any person or 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 can in the opinion of the Medical Officer of Health or of a Sanitary Inspector specially authorised by the Head of the Department be preserved without danger to the public health, and can be effectively disinfected, then such article shall be removed from any premises in which it may be found by any person acting under the instruction of or with the sanction of the Board or of one of the duly authorised officers of the Department 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.

6. The term Medical Officer of Health includes any assistant medical officer of health.

Domestic Cleanliness and Ventilation.

[21st February, 1903.]

1. The occupier of any domestic building shall at all times cause such building to be kept in a cleanly and wholesome condition and shall 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, 3, *rep.* G. N. 179 of 18.3.1904.]

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 limewash 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 limewashed throughout by the owner, to the satisfaction of the Board not less than once in every year, namely, during the months of October and November in the eastern division of the City and in the eastern division of Kowloon and of New Kowloon; during the months of December and January in the central division of

* As amended by No. 1 of 1912.

† As amended by G. N. 878 of 1908, No. 1 of 1912, No. 8 of 1912, No. 23 of 1912 and No. 43 of 1912.

the City and in the western division of Kowloon and New Kowloon; and during the months of February and March in the western division of the City; and notice that such cleansing and limewashing has been completed shall be sent to the Secretary within 3 days after the date of completion. Provided always that the provisions of this by-law shall not apply in the case of domestic buildings within the European Reservation, nor to domestic buildings in Kowloon south of Austin Road, except Haiphong and Canton Roads, nor to such parts of domestic buildings as are used as shops, offices or godowns.

Note:—The western boundary of the eastern division of the City is Gilman Street and Peel Street; the western boundary of the central division of the City is Tank Lane and Cleverly Street; the western division of the City lies to the west of Tank Lane and Cleverly Street. Kowloon, together with New Kowloon, is divided into eastern and western divisions by Nathan Road and a straight line drawn from the north end thereof through the Yaumati service reservoir to the northern boundary of New Kowloon.

Drainage.

[now dealt with by Regulations, in Schedule M: cf. s. 192.
The By-laws *rep.* by Regulations, G. N. 51 of 9.2.10.]

Entry and Inspection of Buildings.

[21st February, 1903.]

1. The Secretary 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, storeys 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 48 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

* As amended by No. 1 of 1912.

with law, such ground surface shall be reinstated and made good by the 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 officers of the Department 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 Department shall, between the hours of midnight and 8 a.m., 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.

Importation and Inspection of Animals.

[21st February, 1903.]

§ 1. No cattle, swine, sheep or goats shall be landed at Blake Pier, Queen's Statue Pier or Murray Pier, and no such animal shall be landed at any wharf in Kowloon or New Kowloon except the Police Wharf at Yaumati and the Government Wharf at Ma Tau Kok. No such animal shall be landed at any wharf whatever between the hours of 6 p.m. and 6 a.m.

The arrival of all such 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 such animals during the voyage.

2. All cattle imported into the Colony by land shall be driven direct to the cattle market at the village of Yaumati, and their arrival reported forthwith at the Yaumati 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.

Cattle, swine, sheep or goats 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 cattle, swine, sheep and goats imported into the Colony shall be forthwith inspected, and in the case of cattle and sheep duly marked by the Colonial Veterinary Surgeon, and any such animal which he finds to be diseased or which he may suspect to be suffering from dis

* As amended by No. 23 of 1903 and No. 1 of 1912.

† As amended by No. 23 of 1903, No. 51 of 1911 and No. 1 of 1912.

§ As amended by G. N. 944 of 1908, No. 8 of 1912 and No. 43 of 1912 Supp. Sched.

† As amended by G. N. 112 of 1908.

ease or which has been in contact or in the same herd with an animal suffering from disease, shall be placed in segregation and under observation at the Depôts set apart for the purpose at Kennedy Town and Yaumati or at such other place as the Board may appoint.

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 10 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 the Board 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 the Board may deem fit.

8. The carcase of any animal slaughtered under the provisions of by-laws Nos. 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 premises 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 premises where animals are kept, the Board may declare such premises to be infected and take such steps to prevent the spread of disease as the Board may deem fit. †

13. When any premises have been declared to be infected a placard shall be posted there to that effect, and the removal therefrom, without the sanction of the Board, 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 Department, pending the disinfection of such persons and of their clothing to the satisfaction of the Board. §

* As amended by No. 2 of 1912.

† As amended by G. N. 112 of 1908.

§ As amended by G. N. 112 of 1908 and No. 1 of 1912.

14. Every person having in his premises or under his charge an animal affected with infectious 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 Department acting under the instructions of the Board, is prohibited.

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

Latrines.

[21st February, 1903.]

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 attendant 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.

5. The whole of the interior walls of every public latrine shall be limewashed, 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.

* As amended by No. 1 of 1912.

† As amended by G. N. 112 of 1908.

§ As amended by G. N. 879 of 1908.

Laundries.

[21st February, 1903.]

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 by-laws.

2. Every public laundry shall be adequately lit and ventilated to the satisfaction of the Board, and the ground surfaces shall be paved with a layer of not less than 6 inches of good lime-concrete, or not less than 3 inches of cement-concrete composed of one part of cement, 3 parts of sand, and 5 parts of stone broken to pass through a one inch ring, and the surface thereof shall be rendered smooth and impervious with a layer of asphalt, or cement-mortar of not less than $\frac{1}{2}$ inch in thickness, 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 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 limewashed 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 of the Board or officer of the Department.

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.

[8th October, 1909.]

1. Market stalls shall be classified and set apart by the Board for the sale respectively of meat, poultry, game, fish, fruit, vegetables, and other such perishable goods.

* As amended by G. N. 880 of 1908.

† As amended by No. 1 of 1912.

§ As amended by No. 23 of 1903 and No. 1 of 1912.

‡ As amended by No. 43 of 1912 Supp. Sched.

2. All market stalls shall be numbered.

* 3. A register of all market stalls shall be kept by the Head of the Department in the form A appended to these by-laws. Every entry in such register shall be *prima facie* evidence of the facts therein appearing. The person or persons whose name or names is or are entered in such register as the lessee is or are hereinafter referred to as the "Stall-holder".

4. Copies of the Market By-laws shall be at all times posted in conspicuous positions in the markets.

5. The Board shall, from time to time, fix the hours during which each market shall be open to the public. The hours during which any market is open to the public shall be posted on a board placed in a conspicuous position at such market. At least one month's previous notice in writing shall be given to each stall-holder of any alteration in the hours during which any market is open to the public.

6. No stall-holder shall use such stall for any purpose other than that for which it is let.

* 7. Every stall-holder, who absents himself from the Colony for a period exceeding one month, shall notify such fact to the Head of the Department, and report to him the name of the agent responsible for his stall during his absence.

* 8. Every occupied stall shall have a sign-board in front showing in full, both in English and Chinese, the name or names of the stall-holder or holders, and his or their photograph or photographs shall be affixed thereto. All photographs shall be renewed from time to time as the Head of the Department may direct.

9. No sign-board or blind of any market stall shall be so arranged as to obstruct any thoroughfare in such market, and no stall-holder shall place or store any goods outside such market stall or allow them to project beyond it.

10. 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.

11. 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.

12. No person shall hawk or cry any article whatever for sale in any market.

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

* 14. Stall-holders who require additional light in their stalls shall use only electric lamps or smokeless oil lamps of a pattern to be approved by the Head of the Department.

* As amended by No. 1 of 1912.

15. No flesh meat, (salted meat excepted), other than that which has been slaughtered in the Government slaughter-houses maintained and regulated under the provisions of the Public Health and Building 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 stall-holder to expose for sale in his stall, fresh flesh meat which has been imported from Shanghai, Japan, Canada and 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.

The stall-holder to whom such permission has been granted, shall cause a board to be posted on his stall, in a conspicuous position, stating in English and Chinese that he deals in imported meat, and stating also the place from whence such meat was imported; the letters and characters of such notice shall be at least one and a half inches long. He shall also make a true return to the Board, quarterly, of the quantity of meat imported by him, specifying whence such meat has been imported.

16. Every stall-holder shall cause his stall to be properly cleansed as often as may be necessary to maintain such stall in a sanitary condition.

17. Every dealer in flesh meat shall thoroughly wash and cleanse all fittings or utensils belonging thereto at least once a day.

18. No person shall cleave any carcase or part of a carcase elsewhere than upon a cleaving block or chopping board or upon the hooks provided for the purpose.

19. Every fishmonger shall thoroughly wash and cleanse his stall and any fittings and utensils belonging thereto at least twice a day.

20. 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.

21. No person shall pluck, scald or clean any poultry or game except in the places appropriated for the purpose.

22. Every stall-holder, if called upon to do so, shall provide himself with a portable dust-bin in accordance with one or other of the patterns on view in the office of the Secretary. *

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

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

25. No person shall wash or bathe in any fish tank or in any receptacle which is used for the storage of food.

* As amended by No. 1 of 1912.

* 26. Begging for alms and loitering in any market are prohibited.

FORM A.

MARKET REGISTER.

Stall No. Market.

Name of Lessee and partners if any.	Date of entry.	For the sale of	Monthly rent.	Term of Lease.	Seal.	Agreement of Lease.	Signature of Lessee.	Photo of Lessee.
			\$ c.					

Night-Soil Carriers.

[rep. G. N. 33 of 22.1.04.]

Notification of Infectious Disease.

[21st February, 1903.]

1. If any inmate of any premises be suffering from 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 the sum of \$1 for each and every such notification.

2. If any inmate of any premises be suffering from 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,

* As amended by G. N. 331 of 1911.

† As amended by No. 1 of 1912 and No. 43 of 1912.

§ As amended by No. 43 of 1912.

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 by-laws unless the person notifying proves that he believed and had reasonable grounds for believing such false information to be true.

4. The Secretary 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, 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 Department, 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 until he can be examined by the Medical Officer of Health or by some legally qualified and registered medical practitioner. †

Offensive Trades.

[17th November, 1911.]

1. "Offensive Trade", for the purpose of these by-laws, means and includes the trades of blood-boiling, tripe-boiling, soap-boiling, tallow-melting, bone-boiling, bone-crushing, bone-burning, bone-storing, rag-picking, rag-storing, manure manufacture, blood-drying, fellmongery, leather dressing, tanning, glue-making, size-making, gut-scraping, hair-cleaning, feather-storing, feather-cleaning, and any other noxious or offensive trade, business or manufacture whatsoever.

2. It shall not be lawful to carry on any offensive trade in any premises unless a licence has been issued by the authority of the Governor in accordance with the terms of the Crown lease of the lot upon which such premises are situate, where such licence is required, nor unless a licence has been issued by the Board under by-law No. 3.

3.—(1) Every application for a licence shall be made in the form attached to these by-laws. The person so applying shall receive a licence from the Board in the form attached to these by-laws, and such person is hereinafter referred to as the licensee and shall be responsible for the due performance of the provisions of these by-laws. Every licence shall expire on 31st December and shall be for a period not exceeding one year.

* As amended by No. 1 of 1912.

† As amended by No. 23 of 1903, No. 1 of 1912 and No. 43 of 1912.

* (2) A licence shall not be required until 1st January, 1912, for any premises which have been duly registered under the by-laws hereby repealed, nor for any premises which the Board would not have required to be licensed under the said repealed by-laws.

(3) Each applicant shall produce either a licence issued by the authority of the Governor under the Crown lease of the premises to be registered or a certificate signed by the proper officer to the effect that no such licence is required.

† 4. Licences under these by-laws shall be issued only in respect of premises that are substantially built, adequately lit and ventilated to the satisfaction of the Board, and drained in accordance with the provisions of the Public Health and Buildings Ordinance. The ground surfaces of such premises shall be paved with good concrete laid down at least 6 inches thick and the surface thereof shall be rendered smooth and impervious with asphalt, 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 of the pans, and other utensils, shall be rendered smooth and impervious to the height of at least 7 feet from the floor level with asphalt, cement, or such other material as the Board may approve of.

All such premises shall be provided to the satisfaction of the Board with proper and adequate urinal and latrine accommodation for the use of the work-people employed therein.

5. Every licensee shall cause all materials which have been received upon the premises where his trade is carried on and which are not immediately required for use, to be stored in such manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

6. Every licensee 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 limewash during the months of January and July of each year.

7. Every licensee shall, at the close of every 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.

8. Every licensee 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 pre-

* The by-laws repealed by G. N. 349 of 17.11.11 were those contained in schedule B of the Ordinance.

† As amended by No. 43 of 1912 Supp. Sched.

vent 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.

9. Every licensee shall adopt the best practicable means of rendering innocuous all vapours or dust emitted during the process of manufacture upon the premises where his trade is carried on.

He shall in every case where boiling is a necessary part of the process of manufacture 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.

10. No persons (other than two caretakers in respect of each block of buildings) shall be allowed to pass the night in any of the rooms used as work rooms unless actually engaged in carrying on works connected with the trade.

11. Every licensee 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 in the opinion of the Board necessary so to do, 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 or sewers.

12. Every licensee shall, at all times, afford free access to every part of the said premises to any member of the Board, or officer of the Department. *

13. No person under the age of 10 years shall be permitted upon any premises used for the trade of rag-picking, rag-storing, hair-cleaning, feather-storing, or feather-cleaning.

14. The Board may require, in the case of dusty offensive trades, the adoption of such special measures or appliances for mitigating as far as possible the danger and nuisance arising from the dissemination of dust through the atmosphere of such premises, as may seem to them to be necessary.

15. The licensee shall cause a duly authenticated copy of these by-laws in English and Chinese to be hung up in a conspicuous position in his premises.

Form of Application.

I, the undersigned, hereby notify the Sanitary Board that I propose to commence/continue the business of an offensive trade namely _____ on the premises known as No. _____ Street

* As amended by No. 1 of 1912.

floor Lot No. and I beg leave to
request that the said premises may be duly registered for such purpose.

Signature of Applicant.

Form of Licence.

is hereby authorised by the Sanitary Board to carry
on the trade of at the premises known as
Lot No. during the year 19 .

Dated this day of , 19 .

Secretary of the Board.

Overcrowding.

[21st February, 1903.]

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.

Opium Divans.

[rep. No. 23 of 1909, s. 93—Opium.]

Poisons.

[rep. No. 12 of 1908, s. 14—Pharmacy.]

**Prevention and Mitigation of Epidemic, Endemic, Contagious,
or Infectious Disease.**

[4th December, 1903.]

1. The Board may at any time with a view to the prevention or mitigation of any epidemic, endemic, contagious or infectious disease direct that a periodical cleansing shall be made of all the premises in

any district or districts in which the Board may consider such cleansing necessary. Such periodical cleansing shall be carried out either by the staff of the Department or by the inmates under the supervision of an officer of the Department to the satisfaction of the Medical Officer of Health or of such other officer as may be appointed for that purpose by the Board, and due notice of such cleansing shall be given to the inmates of such premises, and such inmates may have all the furniture and goods removed from such premises. *

All care shall be taken to prevent unnecessary interference with business and the cleansing shall be discontinued if the weather is unfavourable or carried out in such a way as shall not expose the inmates and their effects and furniture to the weather.

2. The Board may declare any epidemic, endemic, contagious or infectious disease to exist in any district or districts, and may direct that in such district or districts or any portion thereof a special general cleansing and disinfection of the premises shall be carried out under the direction of any officer of the Department and to the satisfaction of the Medical Officer of Health. Such cleansing and disinfection may include the removal or destruction or both of any lath and plaster or other hollow partition wall, or any partition, screen, panelling, wainscoting, skirting, stair-lining, ceiling or other similar structure or any fittings or any portion of such wall, structure or fitting, if in the opinion of the Medical Officer of Health such removal and destruction are necessary. Compensation for such removal or destruction shall be given by the Board unless it is proved on behalf of the Board that the wall, structure or fitting removed or destroyed had been unlawfully erected or maintained. †

The provisions of this by-law shall apply to the premises in any district in respect of which a special general cleansing and disinfection has been directed by the Board since the 31st day of March, 1912, or shall hereafter be directed.

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 for in No. 2 of these by-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 48 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 the posting of such notice upon any portion of the premises. In no case shall such premises be re-occupied except under the 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 for the accommodation of the persons removed.

* As amended by No. 1 of 1912.

† As amended by G. N. 204 of 1912 and No. 1 of 1912.

4. In any district in which the Board has declared any epidemic, endemic, contagious or infectious disease to exist, the Board may order all public latrines, their receptacles and the contents thereof to be treated with disinfectants or other materials as the Board may direct and in such manner as the Board may deem expedient.

* 5. For the purpose of these by-laws any member of the Board or officer of the Department may enter premises without notice between the hours of 8 a.m. and 6 p.m.

6. In these by-laws the term Medical Officer of Health includes any assistant medical officer of health.

† 7. No ceiling shall hereafter be erected in any building outside the European Reservation and the Hill District unless the consent of the Building Authority has first been obtained under section 122 of the Ordinance, and unless the following conditions are complied with:—

(a) The ceiling must be immediately under a pitched roof supported by trusses with no storey, floor, mezzanine floor or cockloft above the ceiling.

(b) The ceiling shall be constructed of tongued and grooved boarding or of rebated boarding and shall be supported by substantial timber bearers.

(c) The ceiling shall have one opening only, of an area of not less than 2 feet by 1 foot and 6 inches in the clear, placed in such a position as to afford ready access to the space between the roof and the ceiling, and such opening shall be fitted with a hinged and closely fitting trap-door.

† 8. Every ceiling shall be maintained at all times in a thoroughly sound and clean condition.

Prevention of the Dissemination of Plague by Rats.

[21st February, 1903.]

* In these by-laws, 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:—

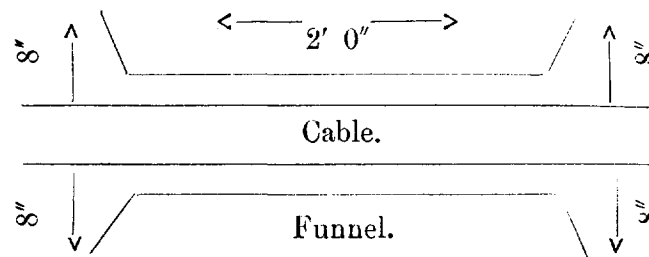
1. All cables, hawsers, and ropes used for mooring ships alongside any wharf, or passing between the ship and the shore, and all shores used for securing ships in dock, must (when such shores are within a distance of 12 inches from any open port or other opening in the ship's side, or within 12 inches of the gunwale or rail) have fastened on them a funnel-shaped appliance consisting of a tube of iron or other metal

* As amended by No. 1 of 1912.

† As amended by G. N. 298 of 1912.

about 2 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 8 inches clear of the rope or cable. The rope or cable must be passed through the tube and the intervening space filled up.

Diagram.



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 6 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.

Prevention of the Dissemination of Disease by Mosquitoes.

[12th November, 1909.]

When larvæ of mosquitoes are found on any premises the Board may, on the advice of the Medical Officer of Health or any assistant medical officer of health, give notice to the owner or occupier of such premises to remove all accumulations of water from such premises or to take steps to prevent the recurrence of the breeding of mosquitoes in any such accumulations of water, and such owner or occupier shall comply with such notice forthwith.

Removal of Ceilings and Stair Linings, &c.

[4th October, 1912.]

1. If in the opinion of the Board any area or block or blocks of buildings is or are specially liable to encourage the spread of epidemic, endemic, infectious or contagious disease, the Board may, subject to

* the approval of the Governor-in-Council, with a view to the prevention as far as possible of such disease, and whether any such disease exists within such area, block or blocks of buildings or not, declare that such area, block or blocks is or are subject to the provisions of these by-laws, and a notification of such declaration shall be published in the *Gazette*, and notice of such declaration shall be posted in a conspicuous position in English and Chinese upon each building in the area, block or blocks affected by such declaration, and such notice shall be served on each owner of the property affected in manner provided by Section 37 of the Ordinance.

2. Within a period of one month from the date of the publication in the *Gazette* of the declaration as aforesaid the owner of every part of every building affected by the declaration shall (unless exemption has been granted in manner hereafter mentioned) remove from such building every ceiling and every lath and plaster or other hollow partition wall, and every hollow partition, screen, panelling, wainscoting, stair-lining and other similar structure or fitting, and every skirting not constructed in accordance with Section 120 of the Ordinance.

3. The Board may, on the application of the owner or occupier of any building affected by any such declaration as aforesaid, grant to such owner or occupier exemption from compliance with all or any of the provisions of by-law 2 if in the opinion of the Board the granting of such exemption will not be prejudicial to the public health.

† 4. If no such exemption as aforesaid has been granted, and the owner shall make default in complying with the provisions of by-law 2 within the prescribed period of one month, any officer of the Department, who has been authorised by the Head of the Department to carry out these by-laws, may enter the premises in respect of which default has been made, and may with such assistance as may be necessary remove the ceilings, walls and other structures and fittings to which by-law 2 applies.

§ 5. The Board shall pay to the owner or occupier of any premises affected by these by-laws compensation, to be fixed by the Board, for the removal of every ceiling, wall and other structure and fitting removed under these by-laws, unless it is proved on behalf of the Board that the ceiling, wall, structure or fitting removed had been unlawfully erected or maintained in contravention of the Public Health and Buildings Ordinance. Such compensation shall be calculated so as to cover the cost of making good the portions of the building damaged by such removal, including the limewashing of any exposed surface and the rebuilding of any necessary wall in materials approved by the Board, but no compensation shall be payable for any loss of rent or deterioration in the value of the property occasioned or alleged to be occasioned by the operation of these by-laws. In any case in which the amount claimed for compensation exceeds \$250 an appeal shall lie from the decision of the Board as to the amount of the compensation to the Governor-in-Council whose decision thereon shall be final and conclusive provided however that no such appeal shall lie unless notice

* As amended by No. 50 of 1911.

† As amended by No. 1 of 1912.

§ As amended by No. 43 of 1912 Supp. Sched.

thereof shall have been given to the Clerk of Councils within fourteen days from the date upon which the appellant shall have been notified by the Board of any such decision as aforesaid.

6. The Board shall decide in each case whether the compensation, if any, is to be paid to the owner or to the occupier, and payment in accordance with the decision of the Board shall bar any further claim to compensation by owner or occupier, provided that nothing in these by-laws shall affect the rights of the owners or occupiers *inter se* as to the ultimate apportionment of any compensation awarded.

Removal of Patients.

[4th December, 1908.]

1. The Board by officers of the Department may provide for the removal of, and may remove to the Government Civil Hospital, the Kennedy Town Hospital, or other appointed place, any person suffering from any epidemic, endemic, contagious or infectious disease, and no removal shall take place except under the orders of the Board 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, or that such person is too ill to be removed.

2. The Board by officers of the Department may remove or cause to be removed for burial or cremation all bodies of persons who have died from any of the diseases mentioned in the foregoing by-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 direct, and no person, 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 any epidemic, endemic, contagious or infectious disease is improperly lodged, the Medical Officer of Health may, 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 epidemic, endemic, contagious or infectious disease is willing to be removed to a hospital or

* As amended by No. 1 of 1912 and No. 8 of 1912.

† As amended by No. 50 of 1911 and No. 1 of 1912.

- * other suitable place, the Medical Officer of Health or any duly authorised officer of the Department shall take such measures as he may deem necessary for the safe and convenient removal of the said patient.
- † 5. For the purpose of these by-laws, the words " epidemic, endemic, contagious or infectious disease " shall mean and include plague, cholera, small-pox, diphtheria, scarlet fever, typhus fever, enteric fever, puerperal fever, relapsing fever, and such other diseases as may be defined by the Board by resolution.
6. The term " Medical Officer of Health " includes any assistant medical officer of health.

Scavenging and Conservancy.

[22nd November, 1912.]

1.—(1) The President shall employ contractors for the general surface scavenging of the following districts :—

- (a) The City of Victoria.
- (b) The Hill District.
- * (c) The Villages of Shaukiwan, Shaukiwan West, Sai Wan Ho, Wong Kok Tsui, Quarry Bay, Tsat Tsz Mui, Chuen Lung, Ma Shan Ha, Fo Tau Fat, Tsin Shui Ma Tau, A Kung Ngam, Aberdeen, Aplichau, Stanley and Taitam.
- (d) Such portions of Kowloon (including New Kowloon) as are situated to the South of a line drawn from a point on the sea-shore North of the Village of Ma Lung Kung to a point South of the Village of Kak Hang and thence in a South-easterly direction to the sea-shore, as shown on a plan deposited at the Sanitary Board Offices and dated the 17th May, 1910.

Such contractors are hereinafter referred to as Scavenging Contractors.

(2) The President shall also employ contractors for the removal of excretal matters from the following buildings :—

- (a) All buildings in the Hill District.
- (b) All Government buildings (including Government latrines) and all privately owned public latrines in the following districts :—
- (i) The City of Victoria.
- (ii) The Villages of Shaukiwan, Shaukiwan West, Sai Wan Ho, Wong Kok Tsui, Quarry Bay, Tsat Tsz Mui, Chuen Lung, Ma Shan Ha, Fo Tau Fat, Tsin Shui Ma Tau, A Kung Ngam, Aberdeen, Aplichau, Stanley and Taitam.
- (iii) Such portions of Kowloon (including New Kowloon) as are situated to the South of a line drawn from a point on the sea-shore

* As amended by No. 1 of 1912.

† As amended by No. 50 of 1911 and No. 43 of 1912.

North of the village of Ma Lung Kung to a point South of the village of Kak Hang and thence in a South-easterly direction to the sea-shore, as shown on a plan deposited at the Sanitary Board Offices and dated the 17th May, 1910.

Such contractors are hereinafter referred to as Conservancy Contractors.

(3) The terms and conditions of the contracts shall be settled by the Board subject to the approval of the Governor.

2. The servants of the contractors shall, while at work, wear such distinguishing badge as shall from time to time be directed by the Board.

3.—(1) The occupier of any premises which are situated within any of the districts specified in By-law No. 1 (2) (b), or if there be no occupier, the owner or immediate landlord, shall, unless such premises are a Government building or a privately owned public latrine, make due provision for the daily removal of all excretal matters from such premises to the conservancy boat at the nearest Conservancy Boat Station and for the delivery thereof to the servants of the Conservancy Contractor at such station, and shall not dispose of any such excretal matters in any other manner.

(2)—(a) The occupier of every privately owned public latrine which is situated within any of the districts specified in By-law No. 1 (2) (b) shall provide not less than one bucket per seat for the storage of excretal matters in rough weather and for the removal of excretal matters by the Conservancy Contractor. Such buckets shall be of a pattern approved by the Board.

(b) The occupier of every privately owned public latrine which is situated within any of the districts specified in By-law No. 1 (2) (b) shall allow the Conservancy Contractor for that district to remove all excretal matters from such latrine, and shall pay to such Conservancy Contractor for the removal of the excretal matters from the latrine to Kwai Chung Bay at the rate of ten cents per picul of nightsoil (tai fo) and five cents per picul of urine (shui fo).

(c) The occupier of every privately owned public latrine which is situated within any of the districts specified in By-law No. 1 (2) (b) shall make due provision for the reception of such excretal matters at the conservancy boats anchorage in Kwai Chung Bay.

(d) No excretal matters shall be removed from any privately owned public latrine which is situated within any of the districts specified in By-law No. 1 (2) (b) except by the Conservancy Contractor for that district.

4. All conservancy boats, that is to say, all vessels used for the conveyance of excretal matters whether in the employ of the contractors or privately owned, shall be registered annually at the offices of the Sanitary Board and no vessel not so registered shall convey excretal matters.

5.—(a) All conservancy boats shall be completely decked and provided with closely fitting hatches and shall at all times be kept in a

thorough state of repair and in a seaworthy and cleanly condition to the satisfaction of the Board.

(b) The decks of every conservancy boat shall be washed down immediately after the transshipment of any excretal matters.

(c) No conservancy boat shall be loaded above the under side of the hatch coaming.

(d) No conservancy boat shall enter the waters of the Colony except with its holds clean and its bilges pumped dry.

6. All conservancy boats shall fly such distinguishing flag as shall from time to time be directed by the Board.

7. No conservancy boat shall unless otherwise provided for under the terms of the contracts for the time being in force anchor or lie at any place within the waters of the Colony other than the conservancy boats anchorage in Kwai Chung Bay.

8. The occupier of any premises situate within any of the districts specified in By-law No. 1 (1) (a) (c) (d) or if there be no occupier the owner or the immediate landlord shall make due provision for the daily removal from his premises of all ashes, domestic waste, refuse and other objectionable matters to the dust carts, dust baskets, dust-bins or dust boats provided by the Sanitary Board, or by the Scavenging Contractors.

9. The occupier of any premises which are situated within any of the districts specified in By-law No. 1 (1) shall provide himself with a strong substantial movable dust-bin constructed of impervious materials with closely fitting cover to the satisfaction of the Sanitary Board and sufficient for the reception of the day's house refuse.

10. The occupier of any premises upon which any water closet or urinal has been or hereafter shall be constructed, or if there be no occupier the owner or immediate landlord, shall provide a constant and adequate supply of water, stored in accordance with the Drainage Regulations from time to time in force, for the flushing of every such water closet and urinal and shall maintain every such water closet and urinal in a thoroughly efficient and cleanly condition.

11. No excretal matters shall be placed in or upon or conveyed along or across any street or open space situated within any of the districts specified in By-law No. 1 (1) except between the hours of midnight and 6 a.m. and except in strong substantial buckets with closely fitting covers, and of such pattern as may from time to time be approved by the Board.

12. No pigwash shall be placed in or upon or conveyed along or across any street or open space situated within any of the districts specified in By-law No. 1 (1) except between the hours of midnight and 9 a.m. and except in strong substantial buckets with closely fitting covers, and of such pattern as may from time to time be approved by the Board; and no such pigwash shall be conveyed in any boat or vessel except in such buckets as aforesaid or if in bulk in watertight tarred holds with closely fitting hatches. Pigwash, if not placed in such a boat or vessel, must be conveyed direct to a licensed pigsty.

13.—(a) No excretal matters or pigwash shall be emptied, discharged, deposited or placed in, or conveyed to, over, or upon any gully, drain, sewer or any inlet thereto.

(b) No excretal matters removed from any premises situated within the districts specified in By-law No. 1 (2) shall be emptied, discharged, deposited or placed in or conveyed to any place other than the conservancy boats provided for that purpose.

(c) No excretal matters shall be brought from any premises or place situated outside the districts specified in By-law No. 1 (2) to any premises or place situated within the said districts.

(d) No pigwash shall after removal from any premises be emptied, discharged, deposited or placed in or conveyed to any place except a licensed pigsty.

14. Excretal matters which have been placed in a conservancy boat shall not be landed at any place within the Colony including New Kowloon but excluding the rest of the New Territories.

15. In these By-laws the term "excretal matters" shall include nightsoil and urine.

Slaughter-houses.

[12th November, 1909.]

PART I.

Slaughter-houses at Sham Shui Pu, Shaukiwan, and Aberdeen.

1. The respective lessees of the privilege of slaughtering swine in the slaughter-houses at Sham Shui Pu, Shaukiwan, and Aberdeen shall provide all persons necessary for the purpose of slaughtering such 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 persons making use of the slaughter-houses.

2. Each of the said lessees shall at all times allow any person to slaughter any such animal or dress any carcase for sale on payment to him of a fee not exceeding 30 cents for each animal, besides the blood of such animal which the lessee may retain.

[No. 3, *rep.* G. N. 61 of 25.2.10.]

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. Each of the said lessees shall cause the means of ventilation and drainage provided in or in connection with his slaughter-houses to be kept, at all times, in proper and efficient action.

* As amended by G. N. 60 of 1910.

6. Each of the said lessees shall cause the means of water supply provided in or in connection with his slaughter-houses to be kept, at all times, in proper order.

7. Each of the said lessees 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 his slaughter-houses all blood, manure, garbage, filth, or other refuse products of the slaughtering of such animal or the dressing of any carcass therein. He shall forthwith upon the completion of the slaughtering of such animal or the dressing of any carcass 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 24 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. Each of the said lessees 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. Each of the said lessees shall cause every part of the internal surface of the walls and every part of the floor of his 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 lime-wash, or tarred, at least 4 times in every year. He shall cause every part of the floors of his 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 3 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 24 hours after the completion of the slaughtering of such animal.

11. None of the lessees shall at any time keep any dog or cause or suffer any dog to be kept in his slaughter-houses. He shall not at any time keep, or cause, or suffer to be kept in any of the slaughter-houses any such 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. Each of the said lessees shall cause every animal brought to his 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. Swine confined in the stalls, pens or lairs, attached to the slaughter-houses shall have at least the following space allotted to them, *viz.* :—

for every pig, 4 superficial feet.

14. No person shall convey or cause to be conveyed or attempt to convey any dead animal into any of the slaughter-houses for any purpose whatsoever.

PART II.

Slaughter-houses in the City of Victoria and at Ma Tau Kok.

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 24 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 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 24 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 12 hours.

* As amended by No. 2 of 1912.

6. No person shall convey or cause to be conveyed or attempt to convey any dead animal into any of the slaughter-houses for any purpose whatsoever.

7. 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 to the slaughter-house.

PART III.

Slaughter of Animals.

All animals killed for food in a Government slaughter-house shall be killed in the following manner:—

(1) All cattle (except buffaloes) shall be killed with a pole axe of a pattern to be approved by the Colonial Veterinary Surgeon.

(2) All buffaloes shall be killed with a rifle of a size and pattern to be approved by the Colonial Veterinary Surgeon. All rifles used for this purpose shall be kept by the Inspector in charge of each slaughter-house and used by him alone.

(3) All sheep, goats, and swine shall be killed with a knife in the usual manner, except in the case of pigs which, in the opinion of the Inspector in charge of the slaughter-house, are too large to be killed in this way. Such pigs shall be killed in the same manner as cattle.

Provided always that nothing in this by-law shall affect Jews, Mahomedans or other peoples holding religious beliefs which compel them to kill animals for food in a particular manner.

Water-Closets.

[Now included in the Drainage Regulations—*cf.* Schedule M.]

REGULATIONS AND FORMS.

SCHEDULE C. [ss. 9 and 266.]

RULES FOR THE ELECTION OF MEMBERS OF THE SANITARY BOARD.

[8th January, 1909.]

1. Elections for members to serve on the Sanitary Board shall take place at such time and place as shall be previously notified by command of the Governor in the Gazette.

* As amended by No. 43 of 1912 Supp. Sched.

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.

3. The name of every candidate shall be nominated in writing by one elector and seconded by another, and the said nominations delivered to the Registrar not less than 4 clear days before the day fixed for the election. Every nomination shall be personally handed to the Registrar by the candidate or by his nominator or seconder.

4. Should the number of candidates duly nominated and seconded not exceed the number of members to be elected, the Registrar shall make a return to the Governor of the names of the candidates and the names of their nominators and seconds, and the Governor may thereupon declare such candidates duly elected.

Should the number of candidates duly nominated and seconded exceed the number of vacancies to be filled the following further rules shall be observed:

5. The Registrar, or such other person as the Governor may appoint, shall preside at the election (the person presiding is hereinafter called "the Presiding Officer").

6. No elector shall give more than one vote in respect of each seat declared vacant.

7. The voting shall be by ballot.

8. The name of every elector voting shall be recorded by the Presiding Officer.

9. The ballot box shall be opened and the votes counted in the presence of the candidates or the duly authorised agent of each candidate.

10. Candidates, as such, shall not be disqualified from voting.

11. In the event of two or more candidates having an equal number of votes, only one of whom can be elected, their names shall be submitted within a period of not less than 7 days to another ballot to be publicly notified by the Presiding Officer, who shall state the time and place.

12. As to any matters connected with the order of proceeding not hereby provided for, the Presiding Officer shall take such order as he thinks fit.

13. The Presiding Officer shall make a return of the election to the Governor as soon as conveniently may be after the election. The return shall be accompanied, for the Governor's information, by:—

(a) a list of the candidates with the names of their nominators and seconds;

(b) a list of the voters who have recorded their votes;

(c) a statement of the number of votes given for each candidate;

(d) a statement as to the objections, if any, that may have been taken to the vote of any elector.

14. On the receipt of the return by the Presiding Officer the Governor shall, if satisfied that the foregoing rules have been complied with, cause the candidate who has received the largest number of votes (and if there be more than one vacancy the candidates who have received the next largest number of votes, in order according to the number of vacancies) to be informed that he has (or they have) been duly elected; and a notification of the election shall likewise be made to the President.

SCHEDULE D.

[s. 29.]

NOTICE TO ABATE A PUBLIC HEALTH NUISANCE.

[21st February, 1903.]



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.

[ss. 134, 266.]

UNDERTAKING WITH REGARD TO VERANDAH (OR BALCONY) TO BE ERRECTED ON OR OVER UNLEASED CROWN LAND. [12th February, 1910.]

§hereby agree in consideration of being permitted by His Excellency the Governor to erect a Verandah (or Balcony) over unleased Crown Land adjoining house No. on Lot No.

* † As amended by No. 2 of 1912 and No. 43 of 1912 Supp. Sched.
 § As amended by No. 8 of 1912.

1. That during the construction of the said Verandah (or Balcony) 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 authorised by such Authority to enter the premises and examine the Verandah (or Balcony).

4. That should the land on or 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.

4a. That in the event of street being hereafter raised, hereby undertake on receipt of a notice in writing signed by the Building Authority to raise within a period of three months from the date of such notice and at own expense the whole of the ground floor surfaces to such levels as shall be determined by the Building Authority and further undertake to make no claim for compensation on the Government in respect of such raising. *

5. That will always comply with all regulations 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 ..

Witness to signature.

Signature of Owner of Lot No.

SCHEDULE F. [ss. 134, 266.]

UNDERTAKING WITH REGARD TO AREAS FOR THE ADMISSION OF LIGHT AND AIR INTO BASEMENTS TO BE CONSTRUCTED ON UNLEASED CROWN LAND.

[12th February, 1910.]

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

* As amended by G. N. 381 of 1910.

† As amended by No. 1 of 1912.

§ As amended by No. 8 of 1912.

.....
.....
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 authorised by such Authority, to enter the premises for the purpose 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 all regulations in force relating to Areas.

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

Dated the day of 19 .

Witness to signature.

Signature of Owner of Lot No.

SCHEDULE G. [ss. 134, 266.]

VERANDAH AND BALCONY REGULATIONS.

[12th February, 1910.]

† Provided that notwithstanding anything contained in the schedule G published hereunder no structural alteration shall be required to be made in any verandah, balcony or basement already constructed in compliance with the regulations hitherto in force.

1. Except as hereinafter mentioned any verandah projected over any street from the ground storey of any building shall not be less than 7

* As amended by No. 43 of 1912 Supp. Sched.

† As amended by G. N. 51 of 1910.

feet 9 inches wide, between the face of the wall from which it is projected and the inside face of the base of the piers or columns upon which it is supported.

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

2. Any such verandah shall not be less than 12 feet high measured from the top of the kerb-stone or, if there is no kerb-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 highest point of the underside of each arch.

3. Any balcony projected over any street shall have a clear height underneath every part thereof of at least 12 feet measured from the top of the kerb-stone or, if there is no kerb-stone, from the level of the centre of such street.

4. Any such verandah, balcony, or part thereof, projected over any street from any storey higher than the ground storey of any building, shall not be less than 11 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 highest point of the underside of each arch.

5. The ends of all such verandahs or balconies, 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.

6. Special plans and drawings of any such verandah or balcony shall be submitted to the Building Authority and shall be on tracing cloth, and such plans and drawings shall be drawn to a scale of not less than one-tenth 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. Such plans and drawings shall clearly show the lines and levels of existing kerbs and any proposed alterations to such lines or levels, figured dimensions being given of such proposed alterations.

7. Any such verandah or balcony 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.

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.

9. The roof and floors of any such verandah or balcony shall be provided, to the satisfaction of the Building Authority, with gutters laid to a proper fall and with downpipes to carry off water.

* As amended by No. 43 of 1912.

10. In the case of balconies any bracket which is not built into any party or cross wall or main wall other than the wall from which it projects, shall have its top member extended for a length of at least 3 feet underneath the floor joists.

* 11. The footpath or roadway underneath any verandah or balcony over unleased Crown land or projecting beyond any such verandah or balcony out to the kerb-stone, shall be paved with fine cement-concrete at least 4 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 owner for the time being of the property from which such verandah or balcony projects, who shall maintain the same in good order, to the satisfaction of the Building Authority: Provided that wherever the Building Authority may consider it expedient to do so he may lay or repair any such footpath or roadway at the expense of the owner, as aforesaid, who shall pay into the Treasury, within 7 + days of the date of notice, the amount certified by the Building Authority as being due in respect of the work done, and in default of such payment the Building Authority may recover such amount by an action in the Supreme Court in its Summary Jurisdiction.

12. All balconies projected over any street shall be of an uniform width in each street, and in no case shall they be of a greater width than 3 feet 6 inches.

* 13. No verandah or balcony shall hereafter be constructed over unleased 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 and in the rear of such building and of a minimum depth of 8 feet.

Provided that—

(a) a bridge or covered way, not exceeding 3 feet 6 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;

(b) any building situated at a corner formed by two streets and having on each floor a window or windows of a total area of not less than one-tenth of the floor area opening upon each street shall be exempted from this regulation;

(c) the Building Authority shall have power to modify this regulation in any case in which he may consider it expedient to do so.

SCHEDULE H.

MATSHED REGULATIONS. [ss. 209, 266.]
[9th February, 1910, in force 1st April, 1910.]

General.

1. *Definition.*—In these regulations the expression “matshed” in-

* As amended by No. 8 of 1912.

† As amended by No. 50 of 1911.

cludes buildings of wood, mats, palm-leaves, thatch or other inflammable material.

2. *Proximity to Buildings.*—No matshed shall be erected or maintained within 50 yards of any other building unless with the permission in writing of the Building Authority.

3. *Application.*—Every application for permission to erect a matshed shall specify the proposed dimensions of the matshed, the period of time for which such matshed is required, and, if it is intended for habitation by more than two persons, the maximum number of persons it is intended to accommodate at night; and no matshed shall be used for habitation by more than two persons unless the permission to erect such matshed expressly states that it may be so used.

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

5. *Contraventions.*—The permit-holder shall be responsible for any act or omission by which any of these regulations is contravened, and shall indemnify the Government and the Building Authority from all and every claim that may be brought against the Government or the Building Authority in respect of sanctioning the erection of the matsheds referred to in such permit.

6. *Penalty.*—Any contravention of these regulations and any breach of the conditions of a permit will entitle the Building Authority to cancel and withdraw the permit without notice, and will render the person responsible for any such contravention or breach liable, on summary conviction, to a fine not exceeding 100 dollars.

7. *Sanitary Maintenance.*—Every matshed shall, at all times, be kept in a cleanly condition, and all garbage and other refuse matters shall be removed therefrom at least once every 24 hours and be properly disposed of to the satisfaction of the Board.

8. *Removal.*—On the expiry of the permit the permit-holder shall remove such matshed without delay and shall clear the site to the satisfaction of the Building Authority.

*Special Regulations for Matsheds used or intended to
be used for Habitation.*

9. The following regulations apply only to matsheds used or intended to be used for habitation (either temporary or permanent) by more than two persons.

10. *Preparation of Site.*—The site of every such matshed shall be levelled, and the site, including the ground surface for a distance of not less than 3 feet from the outer walls of such matshed, shall be covered with a layer of good lime or cement concrete at least 6 inches thick and finished off smooth to the satisfaction of the Building Authority.

* As amended by No. 30 of 1911.

Provided that in all cases in which the floor of the matshed averages at least 2½ feet above the ground and the space below such floor is not enclosed, or in which the matshed is erected over water, the foregoing requirements may with the permission of the Building Authority be dispensed with.

11. *Distance from Hillside.*—No such matshed may be erected in such a manner that any part of any external wall of such matshed is at a less distance than 8 feet horizontally from any hillside or bank of earth.

12. *Notice to be affixed.*—A board shall be exposed on the outside of every such matshed containing the following information:—

- (a) name of permit-holder;
- (b) number of permit;
- (c) date of issue of permit;
- (d) duration of permit;
- (e) maximum number of persons it is intended to accommodate.

13. *Kitchens.*—The ground surface of every kitchen used in connection with any such matshed shall be covered with good lime or cement concrete at least 6 inches thick and finished off smooth to the satisfaction of the Building Authority.

14. *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 6 inches thick and finished off smooth to the satisfaction of the Building Authority.

15. *Drainage.*—Adequate arrangements, to the satisfaction of the Building Authority, shall be made for the drainage of every such matshed, and also of every such kitchen 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 Building Authority may direct.

16. *Overcrowding.*—Each occupant of any such matshed shall be provided with at least 30 square feet of unobstructed floor area and 330 cubic feet of clear and unobstructed internal air space.

17. *Sleeping Accommodation.*—Every such matshed 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.

18. *Exemption.*—In all cases in which any such matshed is intended to be used for occupation for a period not exceeding 3 months, and is occupied by not more than 20 persons, the Building Authority may, in his discretion exempt such matshed from compliance with any or all of the foregoing provisions: Provided always that such exemption shall not be deemed to protect the permit-holder from legal action in the event of a nuisance arising from the erection of such matshed.

19. *Protection of Plantations.*—The Building Authority may require the applicant for permission to erect any matshed intended for the housing of more than 2 persons, to sign an undertaking in the following form, and to make a deposit in the Treasury of a sum to be fixed by the Building Authority, not exceeding \$500 for each matshed, as security for the performance of such undertaking.

Undertaking to Protect Trees &c. near a Matshed.

In consideration of the issue to the undersigned of a permit to erect matshed ... at for the housing of [workmen] hereby undertake to make good any loss or destruction or damage to any trees, shrubs or undergrowth on unleased Crown land within a distance of 500 yards from any part of any matshed erected under such permit, occurring while such matshed stands, unless can prove to the satisfaction of the Building Authority that such loss, destruction or damage has not occurred through the act, neglect or default of any person employed by or any person making use of any such matshed; and hereby agree that the amount of any such loss, destruction or damage for which may be liable under this document, as assessed by the Superintendent of the Botanical and Forestry Department, may be deducted from the sum of \$ which have deposited with the Treasurer as security for that purpose.

As witness.....hand.....this.....day of.....19 .

Witness.

SCHEDULE J. [s. 211.]

REGULATIONS AS TO OBTAINING STONE, EARTH, OR TURF FROM UNLEASED CROWN LAND.

[21st February, 1903.]

1. No person shall cut or remove earth or turf, or collect, extract, split, blast, or remove stones from any land not under lease from 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.

* As amended by No. 50 of 1911 and No. 43 of 1912.

† As amended by No. 50 of 1911 and No. 8 of 1912

§ As amended by No. 8 of 1912.

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 unleased 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 summary conviction, to a fine not exceeding 100 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.

§ 9. The permit-holder is to provide a competent foreman, who is to remain on the ground during the whole of the time the men are obtaining earth or stone, for the purpose of ensuring that the work is carried out without undermining or prejudicially affecting or endangering the stability of any bank or earth or of any land or property adjoining, and to prevent the rolling of stones over any hill slope to the danger of life or property or to the detriment of trees, and to see that all regulations and conditions attached to the permit are properly complied with.

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.

[s. 223.]

NOTICE OF INTENTION TO COMMENCE OR RESUME
ANY BUILDING OR WORKS.

[21st February, 1903.]

Hongkong, , 19

To the Building Authority.

hereby give you notice, pursuant to the Public Health and

* As amended by No. 8 of 1912.

† As amended by No. 30 of 1911 and No. 2 of 1912.

§ As amended by G. N. 481 of 1903.

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 I.

[s. 230.]

NOTICE TO ABATE A BUILDING NUISANCE.

[21st February, 1903.]



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 Ordi-
nance to abate the nuisance within a period of
by

(Signed)

Building Authority.

SCHEDULE M.

DRAINAGE REGULATIONS. [ss. 192, 266.]

[12th February, 1910.]

[The Drainage By-laws originally contained in Schedule B of the Public Health and Buildings Ordinance, 1903, and transferred to Schedule M by the Public Health and Buildings Amendment Ordinance, 1908, and the By-laws relating to Water-closets originally contained in Schedule B of the Public Health and Buildings Ordinance, 1903, are hereby repealed, and the following Regulations are substituted for all such by-laws :

* Provided always that such repeal and substitution shall not affect any existing drain, sewer, water-closet or urinal constructed and maintained in compliance with the by-laws previously in force until such drain, sewer, water-closet or urinal shall become defective:]

In these Regulations :—

“ Drain ” means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed; and “ Main drain ” means the whole of such drain excluding any branches thereof.

“ Sewer ” includes sewers and drains of every description except drains to which the word “ drain ” interpreted as aforesaid applies.

† 1. Any owner or occupier of private premises about to construct, re-construct, alter, or amend any drain shall give the notice and forward the plans required by sections 222 and 223 of the Public Health and Buildings Ordinance. Such plans must show the whole of the drainage works proposed to be carried out, the diameter of the pipes, their gradient and their connection to the main drain, sewer, channel, or nullah, and also the levels and sizes of any existing drains crossed by or adjacent to such new drains. Copies of schedule K, in English and Chinese, may be obtained *gratis* on application at the office of the Building Authority, or, in the case of the villages, at any village police station between 10 a.m. and 4 p.m.

Provided that when drainage works are being carried out in conjunction with other works it shall only be necessary to forward one such form of schedule K, which must however contain particulars of the whole of the works including such drainage works.

NOTE.—The approval of plans by the Building Authority under these regulations certifies simply to the fact that the plans are in accordance with the Public Health and Buildings Ordinance and with the regulations made thereunder, but signifies no approval of the sufficiency or otherwise of the plan and throws no responsibility on the Building Authority.

* As amended by No. 43 of 1912.

† As amended by No. 2 of 1912.

2. 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. Drainage
Regulations.
3. Covered drains and sewers shall be made of impervious materials, to be approved by the Building Authority, with smooth internal surfaces, such as well glazed earthenware pipes, or cast-iron pipes protected against rust or corrosion by suitable asphaltic coating, and shall be so constructed as to be watertight and air-tight. In jointing pipes with cement, tarred-hemp shall be caulked into the joints 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 or sewer shall be carefully removed.
4. All drains and sewers shall be laid so as to have a firm bed throughout their length. Where the bottom of a trench is in rock or similar hard substance the pipes shall be firmly bedded in suitable selected material free from large stones and well rammed into place. Where such drains or sewers are laid under a wall they shall be protected by means of a relieving arch.
5. 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.
6. That portion of the drain of any building which is immediately connected with any sewer shall (unless specially exempted by the Building Authority) be provided with a suitable and efficient intercepting trap at a point situate on the ground of the owner of the drain as distant as may be practicable from such building, and as near as may be practicable to the point at which such drain is connected with such sewer. Adequate means of access shall be provided to every drain by a manhole or disconnecting chamber or other means of access to be approved by the Building Authority for the purpose of cleansing the drain. All manholes and disconnecting chambers shall be constructed of brickwork at least 9 inches in thickness built in cement-mortar so as to be watertight up to the level of adjacent ground, and shall be fitted with manhole covers and frames to be approved by the Building Authority. If placed within a building such covers shall be air-tight.
7. All covered drains and sewers shall be laid in straight lines and regular gradients between the points at which any change of direction occurs, and all changes of direction shall be made by means of properly curved pipes or by half channels in manholes.
8. Concrete for encasing drains or sewers shall be composed of 4 parts of good sound clean stone, broken to pass through a one inch ring, 2 parts of red or yellow earth, and one part of lime thoroughly well mixed and well rammed into place, or of such other materials and in such proportions as the Building Authority may approve.

Drainage
Regulations.

9. Cement-mortar for the jointing of pipes or any other work shall be mixed in the proportions of not more than 3 parts of clean sharp sand to one part of good Portland cement and used fresh.

10. No covered drain or sewer shall be less than 4 inches in clear internal diameter, but the Building Authority may require any covered drain or sewer to be constructed of a larger diameter.

11. Subject to the limitation mentioned in the preceding regulation, no drain or sewer shall be larger than is necessary in the opinion of the Building Authority to carry off the sewage of the premises drained or the sewage with the rain-water, which, under conditions hereinafter specified in Nos. 33, 34 and 35 of these regulations, shall be admitted to the drain.

12. Every drain or sewer 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 if the available fall exceeds 1 in 30 the part of the drain or sewer more remote from the public sewer, may be laid with a fall of 1 in 30, and the remainder, with such greater fall as may be necessary to connect with the public sewer;

(b) that if the excavation, necessary to obtain the maximum available fall, is likely in the opinion of the Building Authority to endanger the stability of the adjoining or neighbouring property the gradient may be modified to such extent as the Building Authority may approve.

13. Whenever the available fall for a covered drain or sewer, is less than 1 in 30 the Building Authority may require the gradient of the drain or sewer to be varied by increasing such gradient in the upper portion of such drain or sewer and by reducing it in the remaining portions.

14. Whenever the gradient of any portion of a covered drain or sewer is less than 1 in 30, the Building Authority may require an automatic flush tank or any other suitable contrivance for attaining an effective flush to be provided to his satisfaction.

15. No drain or sewer shall be so constructed as to pass under any domestic building except when any other mode of construction is impracticable. Any drain or sewer passing under a building shall be of cast-iron pipes coated inside with Dr. Angus Smith's patent composition, or of other material approved by the Building Authority, and all such pipes shall be of a quality to be approved by the Building Authority, and the joints shall be properly caulked and run with lead, and (unless the written permission of the Building Authority has first been obtained to lay the drain or sewer otherwise) shall be laid in one straight line for the whole distance beneath such building, and shall be imbedded and encased throughout its entire length in 4 inches of concrete as specified in regulation No. 8.

* As amended by No. 43 of 1912 Supp. Sched.

16. Whenever a covered drain or sewer traverses soft or yielding ground, or where water may make its appearance in the trench, the drain or sewer shall be surrounded throughout its entire length with 4 inches of concrete as specified in regulation No. 8. Drainage
Regulations.

17. No drain or sewer shall be constructed in such manner as to allow any inlet to such drain or sewer to be placed inside any roofed building, (except such inlet as may be necessary from the apparatus of any water-closet or urinal):

Provided that if in the opinion of the Building Authority it is impracticable to comply with this regulation in respect of any premises without encroaching on unleased Crown land, the Building Authority shall, on payment by the owner of such premises of a fee of 8 dollars, construct an inlet on the said Crown land to receive the drainage of such premises and connect such inlet with a sewer. The cost of cleansing and maintaining such inlet shall thereafter be borne by the owner for the time being of the said premises, and may be recovered by the Building Authority from such owner by an action in the Supreme Court in its Summary Jurisdiction. *

18. The aggregate area of the openings in any grating fixed on the inlet to a waste-pipe from a bath or sink shall not be less than 4 square inches, and such waste-pipe shall not have a less internal diameter than $1\frac{1}{2}$ inches.

19. Every inlet to a drain or sewer shall be provided with a trap of a pattern to be approved by the Building Authority. All surface traps and gulleys shall be provided with hinged gratings having the net 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 surface with a slope round them equal to half the width of the grating.

20. Traps shall have not less than 2 inches of water seal and shall be properly fixed and jointed to the satisfaction of the Building Authority. All stoneware traps shall be surrounded with 4 inches of concrete as specified in regulation No. 8.

21. No person shall construct or fix in connection with any drain or waste-pipe the form of trap of the kind known as the Belltrap, or any trap of the kind known as the **D** trap.

22. Every covered main drain or sewer carrying sewage or sullage water shall be ventilated at its upper end by carrying up in the open air an iron ventilating pipe of a diameter of not less than 4 inches to a height of not less than 3 feet above the eaves of the building to which it is affixed or of any of the immediately adjoining buildings, and clear of all windows, skylights or other openings. The joints of all such pipes shall be properly caulked and run with lead. †

23. Every covered main drain or sewer carrying sewage or sullage water shall have a ventilating opening near to its lower end and in the

* As amended by No. 2 of 1912, No. 8 of 1912 and No. 43 of 1912 Supp. Sched.

† As amended by No. 43 of 1912 Supp. Sched.

Drainage
Regulations.

open air, and no trap or other obstruction to the free circulation of air shall exist between this opening and the one described in the preceding regulation.

When a covered main drain receives the drainage of more than one building the Building Authority may require additional provision for ventilation of the branch drain from each building.

24. All eaves gutters shall be of cast iron or other material approved by the Building Authority, and shall be securely fixed at a proper gradient and connected to rain-water pipes to the satisfaction of the Building Authority.

25. Rain-water pipes and waste-pipes from baths, sinks, and other similar appliances on the upper floors of buildings shall be fixed, as far as may be practicable, vertically, and 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, and in the open air, by means of wrought iron bands fitted round the pipe, and made fast with wrought iron spikes not less than 4 inches long, or in the case of iron pipes by means of ears, made fast as above described and provided, at each point of connection, with a suitable head, and at their lower extremity with a bend, shoe, or pedestal pipe. Every opening in the wall of a building for the discharge of sullage water shall be of a suitable size and entirely protected to the satisfaction of the Building Authority by a fixed grating of cast iron or other material to be approved by the Building Authority.

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 Building Authority to use pipes of other material), and wherever practicable rain-water pipes shall be carried under the foot-path and shall discharge into the side channel. All joints of stoneware pipes shall be made in the manner provided by No. 3 of these regulations.

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

26. No waste-pipe (other than a soil pipe from a water-closet or urinal) and no rain-water pipe shall be connected directly with any covered drain, but every such pipe shall be brought down to within one foot from the ground and shall discharge in the open air near to or over a trap.

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

28. Any person who may have laid any drain or sewer or constructed drainage works connected therewith shall not cover up such drain, sewer, or works until the same shall have been previously inspected and passed by the Building Authority or an officer deputed by him, and every such person shall give 3 clear days' written notice to such Authority that such drain or sewer or works are ready for inspection, and such notice shall be delivered at the office of the Building Authority in a form of which printed copies in English and Chinese

may be obtained *gratis* on application at the office of the Building Authority, or, in the case of villages, at any police station between 10 a.m. and 4 p.m. Provided that in all cases where plans or a notice signed by an authorised architect have been submitted under regulation No. 1, the notice referred to in this regulation shall, if the Building Authority so require, be signed by an authorised architect.

Drainage
Regulations.

29. Before any drain or sewer is covered in it shall be inspected and tested by the Building Authority or an officer deputed by him to ascertain whether it is watertight and air-tight; and no drain or sewer that fails in either of these respects shall be passed. A fee of 10 dollars shall be paid by the person who signs the notice referred to in the preceding regulation for every inspection after the first if the Building Authority is satisfied that such further inspection has been necessitated by negligence or by bad workmanship or the use of improper materials. After a drain or sewer has been passed, the earth shall be carefully filled in, above and around the drain or sewer, and thoroughly rammed and consolidated. For a depth of at least 6 inches above the summit of the sockets of the pipes, selected material, free from stones larger than will pass through a 2-inch ring, shall be used in filling in the trench.

30. Surface channels shall be constructed of impervious materials to be approved by the Building Authority and of such section as the Building Authority may approve, and shall be finished off smooth and laid to regular gradients of not less than 1 in 80 unless the Building Authority shall permit a less gradient.

31. The floors of all kitchens, sculleries, bathrooms, stables, cow-sheds and the like, shall, where practicable, be laid to proper falls, and shall be elevated above the ground outside the building, and shall 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, such surface channel shall be connected to a trap outside the house by a straight pipe terminating above the water-level and below the grating of the trap, which shall be accessible and in free communication with the open air. Every such opening in the wall shall be of a suitable size and entirely protected by a fixed grating at its upper end, to the satisfaction of the Building Authority.

32. 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 1 in 40, and such inlet shall be placed as far from the walls as practicable.

33. 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 covered drains for the removal of such waters as well as some of the rain-water.

34. Whenever an outlet is available, surface channels shall be provided to carry excessive rain-fall from the premises, and these channels shall be properly connected with a storm-water channel or drain. As many 4-inch traps as the Building Authority may approve shall be

Drainage
Regulations.

placed in such surface channels and connected with the covered drains for the purpose of flushing the sewers.

35. The rain-water from roofs which slope towards enclosed courtyards or back-yards may, if diversion to the surface channel is impracticable, be received into the covered drains, but no ventilating pipe shall be used for the conveyance of rain-water from the roof.

36. 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 directly with any sewer, cess-pool, or covered drain used for the conveyance or reception of sewage.

37. In every case where the course of a drain or sewer shall be diverted, any cess-pool previously existing and into which such drain or sewer may have previously emptied, shall be cleansed, deodorized and filled with clean earth.

38. Every water-closet and urinal in a building shall be constructed against an external wall, and all apparatus shall be fixed as near to such external wall as in the opinion of the Building Authority is practicable.

39. Every water-closet and urinal shall be furnished with a separate cistern or flushing box, unless the Building Authority shall otherwise permit. In the case of water-closets 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 2 gallons and not more than 3 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 building into the open air and terminating in a conspicuous place.

Provided that in the case of trough water-closets and urinals such cistern or flushing box shall be of automatic action and of such size and pattern, and discharging at such intervals, as may be approved by the Building Authority.

40. Every water-closet and urinal shall be furnished 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.

Every water-closet and urinal shall be furnished with a pan, basin, or other suitable receptacle or receptacles of non-absorbent material, and of such shape, capacity, and mode of construction as to receive a sufficient quantity of water; and every such receptacle in connection

with a water-closet shall in addition contain a sufficient quantity of water to allow all filth which may from time to time be deposited therein to fall directly into the water. Every such receptacle shall be provided with a suitable trap, having a water seal of not less than $1\frac{1}{2}$ inches. Drainage
Regulations.

No container or other similar fitting shall be constructed or fixed under such receptacle.

No trap of the kind known as the **D** trap shall be constructed or fixed in connection with any such water-closet or urinal apparatus.

41. No water-closet or urinal apparatus or receptacle shall be directly connected with any water service pipe.

42. No flush-pipe connecting any water-closet apparatus with the cistern shall be less than $1\frac{1}{4}$ inches in diameter, and no flush-pipe in connection with any urinal shall be less than three quarters of an inch in diameter.

43. No water-closet or urinal apparatus or receptacle shall be cased in.

44. Every water-closet and urinal shall be provided with an efficient soil-pipe of cast or wrought iron securely fixed to the wall in the manner described for ventilating and waste pipes; and such soil-pipe shall be at least 4 inches in diameter in the case of water-closets, and at least 2 inches in diameter in the case of urinals, and shall be properly connected to the drain at the foot, and shall be continued up in full diameter without bends or angles except where unavoidable, and shall terminate in an open end at least 3 feet in height above the eaves of the building to which it is affixed or of any adjacent building, and not less than 10 feet from any window.

Such soil-pipe shall be jointed with yarn and molten lead and well caulked.

Every soil-pipe shall be provided with proper junctions for connecting with the water-closet or urinal receptacle, the trap of which shall be connected in a sound and substantial manner. No soil-pipe shall receive any 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 in the open air.

45. When more than one trap from a water-closet or urinal receptacle is connected with a soil-pipe, the trap of each and every such receptacle shall be provided with an air-pipe not less than $1\frac{1}{4}$ inches in diameter, which shall be carried up throughout its entire length outside the building, and shall either be connected to the soil-pipe above the connection with the uppermost trap, or shall terminate not less than 3 feet above the eaves of the building and not less than 10 feet from any window.

46. All joints, pipes, fittings and apparatus in connection with any water-closet or urinal shall be perfectly watertight and air-tight, and fixed to the satisfaction of the Building Authority.

Drainage
Regulations.
*

47. All drains, sewers, and 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 regulations and of any that may be made hereafter, and if no written notice provided by No. 1 of these regulations shall have been given to the Building Authority by any owner or occupier about to construct, re-construct, alter, repair, or amend any drain or sewer on his premises, and if by such default the Building Authority shall have had no opportunity of inspecting and approving or disapproving of any such drain, sewer, or drainage works actually built and already covered in, it shall be lawful for the Building Authority on discovering the existence of such drain or drainage works, to call upon such owner or occupier to open and uncover the same for the purpose of inspection, and should such drain, sewer, or drainage works prove upon inspection to be defective either in respect of design, workmanship, or materials, they shall be deemed a nuisance under Part III of the afore-mentioned Ordinance and dealt with accordingly.

† 48. All works connected with the construction of drains, sewers, and connections shall be carried out in strict accordance with plans and sections previously submitted to and approved by the Building Authority, or with such amendments to such plans and sections as may have been required by him, to make them comply with the provisions of the Public Health and Buildings 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 control and supervision of the officers of the Building Authority appointed in that behalf, and shall be completed to the entire satisfaction of the Building Authority.

49. Whenever any drain or sewer is about to be constructed or re-constructed the Building Authority shall have power to require the provision of a surface channel of approved materials and design, in lieu of a covered drain or sewer, in any position in which a covered drain or sewer may appear to him to be undesirable.

Waste pipes from buildings and surface channels from kitchens, sculleries, bathrooms, 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 or sewer shall be by means of a trap.

§ 50. The position and depth of any sewer to which it is proposed to make a connection shall be ascertained by the person submitting any plan or notice relating to any drainage works. The Building Authority shall, on application being made to him by such person, open the road or footway where necessary to enable such information to be obtained, but the cost of such opening and of the re-instatement of the surface shall be borne by the applicant.

51. The Building Authority, or any officer deputed by such Authority, may, with such assistants as may be necessary, enter any building,

* As amended by No. 2 of 1912.

† As amended by No. 1 of 1912 and No. 2 of 1912.

§ As amended by No. 50 of 1911.

curtilage or works, and may open the ground surface or take such other action as he may consider necessary for the purpose of inspecting and supervising the works to be carried out or about to be carried out under these regulations: Provided that any damage caused to the owner by reason of such inspection shall be made good by the Building Authority at the public expense should the work of which inspection is made be found sound and good.

52. In any case in which the Building Authority may consider the provisions of any of these regulations inapplicable or inexpedient he may grant such modifications or exemptions as he may consider necessary.

No. 2 of 1903, incorporated in No. 10 of 1899.

No. 3 of 1903.

To amend the laws relating to the Punishment of Flogging.

[3rd March, 1903.]

WHEREAS it is expedient to regulate sentences of flogging, and to limit the number of strokes which may be awarded by sentences of the Courts or under the regulations in force in the Prisons of the Colony:—

1. The Flogging Ordinance, 1903.
2. In this Ordinance, "flogging" includes whipping, and "flogged" includes whipped.
3. Where any person is convicted before the Supreme Court—
 - (1) of any crime, and was, at the time of the commission thereof, armed with any offensive weapon or instrument; or
 - (2) of any felony not punishable with death, committed after two previous convictions for felony, and the sentence for each of which has been at least 6 months imprisonment with hard labour; or
 - (3) of any crime made punishable under sections 20, 44 or 45 of Ordinance No. 2 of 1865; or
 - (4) of the crime of stealing any chattel, money, or valuable security from the person of any woman or child; or
 - (5) of any crime made punishable under sections 31, 32, 33, 34, 35, or 36 of Ordinance No. 5 of 1865; or

Short title.

Interpretation.

*

Supreme Court may award flogging in certain cases.

†

* As amended by No. 50 of 1911 and No. 43 of 1912 Supp. Sched.

† As amended by No. 12 of 1911, No. 13 of 1911, No. 12 of 1912 and No. 43 of 1912.