Good order and cleanliness.

No. 5 of 1844.

Title.

An Ordinance for the preservation of good order and cleanliness within the Colony of Hongkong.

[20th March, 1844.]

Preamble.

WHEREAS it is expedient to provide for the preservation of good order and cleanliness within the Colony of Hongkong, be it therefore enacted by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, that if any person, after the passing and publication of this Ordinance, shall throw, or lay, or cause, or knowingly permit to be thrown or laid any carrion, dirt, soil, straw, or dung, or any other filth, rubbish, or noisome or offensive matter whatsoever on any of the roads, streets, ways or public passages, or into any of the drains or sewers made or to be made within the said Colony, or shall permit or suffer any such noisome or offensive substance as aforesaid to remain exposed in any drain, sewer, or elsewhere, opposite to or within the immediate neighbourhood of his house, or shall allow any accumulation of filth or offensive substances within the premises occupied by him, or shall commit any nuisance by easing himself, or otherwise, in the neighbourhood of any dwelling house or place of public passage, or shall set out or leave, or cause to be set out or left, any scaffolding, carriages, bricks, lime, barrels, bales or cases of merchandize, or any other matter or thing which shall obstruct, incommode, or endanger any person or carriage in any public passage or road, or shall erect any shed, or house of matting, or other easily inflammable material, so as in case of fire to endanger any neighbouring building, or shall encroach on any public way or Crown land, by erecting any building, either on or projecting over the same, or shall construct any spout which shall project the rain water thereon, or shall neglect to repair or remove any building, erection, or bank of earth in a ruinous or unsafe state, and which shall endanger any person on any public passage or road, or shall cast or throw any ballast, rubbish, or other substance, either from the shore or from any vessel into the harbour of Victoria, or shall neglect, within a reasonable time, to remove any sunken vessel in the said harbour, belonging to him, or in his charge or keeping, or shall ride or drive on any foot-path without obvious necessity, or shall ride or drive in a furious manner in any public road, or in passing or meeting another horse or carriage shall not keep to the customary side of the road, or being a foot passenger shall not keep as much as possible on the foot-path, or shall keep any dog accustomed to annoy passengers by barking or otherwise, or shall not properly confine any dangerous or savage dog or other animal belonging to him, or shall blow any horn, beat any gong or drum, or explode any firework or firearm, or shall make any other improper noises likely to endanger, annoy, or terrify any persons or horses in any public road or passage, or shall commit such or other acts anywhere whatsoever in the night-time, so as to create unnecessary alarms, or if any person shall expose or proffer for sale in any market, or elsewhere, any liquor, meat, fish, vegetable, or other article of food in a tainted, noxious, adulterated or unwholesome state, or shall sell any spirituous liquor, without being duly licensed, or to any intoxicated person, or shall commit any act of mischief, by destroying, defacing,

Any person throwing filth into any street or drain;

Neglecting to clean street, drain, or house;

Committing nuisance; Obstructing public road;

Constructing inflammatory buildings;

Encroaching on road or Crown land; Neglecting to remove ruinous buildings;

Throwing ballast into or not removing sunken vessels in the harbour; Riding or driving on a foot-path, or in a furious manner and not keeping the right side; Keeping savage dogs or other animals;

Making improper noises near any road or in the night-time; Exposing for sale unwholesome provisions;

Selling spirits without licence or to drunken person;

removing, or otherwise injuring any property whatsoever, or shall neglect to affix to his house and keep alight during the night, such lamp or lanthorn as may be required and approved of by the Superintendent of Police, or shall keep any house for the occupancy of public prostitutes, or shall keep or be found in any gambling shop whereof notice shall not have been given to the Chief Magistrate of Police, or shall have in his possession any spear, bludgeon, or other offensive weapon, or any crowbar, picklock, skeleton key, or other instrument fit for unlawful purposes, with intent to use the same for such unlawful purpose, or if any persons shall assemble together in the night-time without a lawful reason for so assembling, or if any person seeing any such assemblage, or knowing or having reason to suspect that such assemblage, was about to be or had been made, shall not raise an alarm and give immediate notice thereof to the nearest guard house or police station, or if any person shall behave in a riotous, noisy, or disorderly manner, although no actual breach of the peace shall take place, or shall be seen drunk in any public road or passage, or shall use any profane or indecent language, or insult any female in public, or shall make any offensive jokes, gestures, or threats towards any one present which shall be likely to create a breach of the peace, or shall challenge any one to fight, or if any person shall beg, or expose any sore or infirmity to view with the object of exciting compassion and obtaining alms, or shall lewdly or indecently expose his person by bathing or otherwise near any public road, or shall not be able to give a satisfactory account of himself and of his way of living, or who being abroad at night-time shall not give a satisfactory reason for so being, or if any persons shall pretend to tell fortunes, or to exercise any magic arts, or shall otherwise impose on the credulity or superstition of any one whatsoever, with a view to gain, or shall attempt to defraud any person of any money by pretending that the same is counterfeit, or if any person shall play at any game in any public passage or road so as to obstruct the same or create a noisy assembly therein, or shall resist any Justice of the Peace, constable, peace officer, or policeman in the execution of his duty, or shall neglect to assist such officer therein when called upon so to do, or if any person employed as a domestic servant or otherwise shall quit his employer's service without giving such warning thereof as shall afford reasonable time to his employer to procure another person to act in his stead, or shall neglect or absent himself from his duty without leave, so as to destroy injure or endanger the safety of his employer's property, or shall wilfully disobey such employer's lawful and reasonable orders, or if any person employed as a guard or watchman shall sleep at his post, or be negligent remiss or cowardly in the execution of his duty, or if any person shall want only and cruelly mutilate or otherwise illuse any horse, mule, dog or other animal without necessity: Then and in every such case the person so offending shall forfeit and pay to Her Majesty Her Heirs and Successors for the public purposes of the Colony of Hongkong such sum not exceeding two hundred dollars as shall be adjudged in the manner hereinafter mentioned.

Committing wanton mischief; Neglecting to affix light to house; Keeping house for prostitutes; Frequenting gambling houses; Having unlawful implement in his possession with intent to use the same; Assembling in the night-time;

Not giving notice of such assemblage; Behaving riotously. Being drunk; Using improper language; Insulting females; Provoking a breach of the peace;

Begging or exposing person; Not giving a satisfactory account of himself;

Cheats or impostures; Playing in public roads; Obstructing or refusing to assist officer in his duty;

Servant quitting employ without giving warning or exposing his employer's property to injury or wilfully disobeying orders; Watchmen sleeping being negligent or cowardly; Cruelly injuring animals; &c. Penalty.

2. And be it enacted that after conviction for any offence against this Ordinance, the offender shall be ordered by the convicting Justice or Justices to do such act as

After one conviction offender liable to double penalties.

the subject matter of the case may require and shall be allowed a reasonable time to perform such order, but that at the expiration of such time, if he shall still be an offender against the provisions of this Ordinance, he shall be liable to be convicted in double the penalty formerly inflicted, notwithstanding such double penalty shall amount to more than the sum of two hundred dollars, and if such offender shall still persist in offending against this Ordinance he shall be liable to be repeatedly convicted in such double penalty.

Person refusing to comply with this Ordinance. Superintendent of Police to act for him and charge him double the expense.

3. And be it enacted that it shall be lawful for the Superintendent of Police of the Colony of Hongkong, or other officer duly authorized by the Chief Magistrate of Police of the said Colony, to require any person whose duty it shall be to remove any filth or obstruction, or do any other matter or thing required to be done by this Ordinance, so to do within a certain time to be then fixed by the said Superintendent of Police or other officer, and that in default of such requisition being complied with, the said Superintendent of Police or other officer shall and may cause to be removed such filth or obstruction, or do or cause to be done such other matter or thing as aforesaid, himself, and the person so in default shall, in addition to the penalties hereinbefore mentioned, be liable to pay double the expense thereof which shall be recoverable in the same manner as any penalty provided by this Ordinance.

Recovery of penalties.

4. And be it enacted that the penalties provided by this Ordinance shall be recovered in a summary manner by proceeding to be had before the Chief, Marine, or Assistant Magistrates of Police sitting singly, or before any two Justices of the Peace for the said Colony of Hongkong.

[*Repealed by Ordinance No. 14 of 1845.*]

No. 6 of 1844.

Title.

An Ordinance to authorize His Excellency the Governor of Hongkong to refer all civil actions or suits to arbitration.

[20th March, 1844.]

Preamble.

WHEREAS the accumulation of public business prevents His Excellency the Governor of Hongkong from being able to give his time or attention to the hearing and decision of civil actions and suits, be it therefore enacted by His Excellency the Governor of Hongkong with the advice of the Legislative Council thereof: That his said Excellency the Governor of Hongkong shall have full power and authority by any order of reference, under his hand to refer all civil actions or suits whatsoever, whether now pending, or hereafter instituted and also all matters in difference between the parties thereto to the award, and arbitrament of such persons, and on such terms, or conditions as shall be named, or set forth in the said order of reference.

Governor to make order of reference to arbitration.