第二号

第四　二三家ニ區分シタル家屋或ハ一二ノ分壁ヲ以テ區分シタル家屋ニテハ其両端家屋ノ床ノ外端ハ互ニ其両端家屋ノ外壁ヨリ九インチ寸（約我七寸五分）ノ餘地ヲ残シテ止マルベキ事

第五　家屋及ヒ縁側ノ床及ヒ屋根ハ総テ堅実ナル煉火石或ハ石ノ上ニ少クモ九インチ（我七寸五分）載セ懸ケテ作ルベキ事

第三　凡ソ工事ヲ起シ或ハ一旦起シタル工事ヲ三ヶ月以上廃棄シテ後更ニ再興スルニハ其工

事ヲ為サント欲スル者又ハ之ヲ為サシメン
ト欲スル者ヨリ測量方総官役所ヘ書面ヲ以
テ其工事ヲ起サント欲スル趣或ハ廃棄ノ工
事ヲ再興セント欲スル趣ヲ届ケ出テ、後四ヶ
日ヲ待タズシテ工事ヲ起シ或ハ一旦廃棄ノ
工事ヲ再興スル者ハ曲事タルベキ事
但シ右届書ニハ其工事ニ用ユル建築ノ材
料ヲ書加フベキ事
右届書ヲ上ニ言ヘル如ク測量方総官江差出サス
或ハ届後四ヶ日ヲ経スシテ工事ヲ起シ或ハ廃棄
ノ工事ヲ再興スル者ハ以過失ノ度毎ニ五十圓
以下十圓以上ノ過科ヲ英國女王江納メシノ取上
グベキ事
但シ避クベカラサルノ災禍或ハ不時ノ天
災ニテ餘儀ナク工事ヲ起シ或ハ廃棄ノ工
事ヲ再興セサルヲ得サル者ハ此例ニアラ
ス斯ノ如キ時ニ限リ直ニ工事ヲ起シ或ハ
廃棄ノ工事ヲ再興スル旨曲事ニアラス併
ナガラ右工事ノ届書并其材料ノ種類共其
工事ヲ起シ或ハ廃棄ノ工事ヲ再興シテヨ

リ二日ノ内ニ測量方総官役所差出スベキ
支

第四　此上款ニ記スル條例ニ従ヒ過料ヲ出スベキ時又ハ測量方総官或ル者ノ境内ニ於テ工事ヲ起シ或ハ廃棄ノ工支ヲ再興シ或ハ工支ヲ為ス所ヲ測量シ又ハ檢査スルノ免許ヲ出スヿヲ拒ムベキ時ハ則チ其工事ハ妨害ノ者トシテ破却サルベキ支

第五　向後此條例ノ款條ニ背キテ取結ビタル工支ノ約定ハ総テ廃棄スベキ支又工支ノ為メ既ニ取結ビタル約定ト雖モ是ヨリ以前測量方総官ノ可許ヲ受ケタル者ノ外此條例ニ背ケル者ヲ施行シ且此條例布告ノ後廃棄セザレハ曲支タルベキ支

第六　以上載スル所ノ外総テ此條例ニ従テ過料ヲ出ス可キ者ハ此條例ニ背テ造営シ又ハ再建シ又ハ変化シタル建物ノ持主其過料トシテ當分ノ内取締入費割合ノ倍高ヲ出スベシ然レトモ此過料ハ右建物ノ失錯ニ由テ出ス可キ者ナレハ若シ此條例ニ従ヒ其建物ヲ廃棄シ又ハ減却

シ又ハ取除ク時ハ其持主取締入費割合ノ倍高ヲ出スヿヲ止ムベキ事

第七　國王ヨリ爵位ヲ賜リタル者又ハ國王或ハ其士官ニ屬スル者約定ヲ破ル時其償方ノ事ハ此條例ヲ裁斷スベカラズ

第三号

第八　凡テ家ヲ建テ或ハ再建スル者ハ火ヲ焚キ食物ヲ煮ル為メニ安穩ノ場所ニ全備シタル雪隱及ヒ適應ノ蓋ヲ具ヘタル竈窟ヲ附ケズシテ成就スルハ曲事タルベシ此等ノ事ハ總テ測量方總官ノ許諾ヲ受ケ且時々測量方總官ノ指揮次第掃除スベキ事若シ此條ニ記ス所ノ箇條ニ違背スル者アラハ其都度々々五十圓以下十圓以上ノ過科ヲ國王ニ出サシメ之ヲ取上ク可キ事

第九　在來ノ家屋ニ向後取建或ハ再建スベキ

家屋共右第八條ニ記ク所ノ工事ヲ缺キ或ハ全具セサル力又ハ其家屋ニ屬スル所ノ溝渠少クモ直徑六インチ（約我五寸）ナル者ヲ適當ニ造營セサル時ハ其不足ノ廉々一々ニ測量方総官ヨリ其家屋ノ持主或ハ住人（江）書面ヲ遣シ測量方総官ノ見込ヲ以テ至當ノ期限ヲ定メ其缺所ヲ全具シ或ハ其不足ヲ補備スルヿヲ需ムベシ而テ其持主或ハ住人此需ニ應セサレハ測量方総官右ノ工事ヲ成サシメ其諸入費并取扱雜費トモ総テ書面認メ過代取立方或ハ二人ノ裁判役（江）出シテ其費ヲ購フベシ若シ持主或ハ住人其拂方ヲ怠ル時ハ過代取立方或ハ裁判役ノ者ハ双方ノ申立ヲ糺問セス且拂方金高ヲ增減セスシテ直ニ其持主或ハ住人所有ノ物品ヲ取上ケ賣販スルノ免許狀ヲ出シテ諸費用ヲ償フニ足ルベキ金高ヲ取立ツベキ事

第十　測量方総官ハ適宜ノ位地ヲ撰ミテ諸民互用ノ大小便所其外諸民ノ便宜ニ供スベキ者ヲ設ケ置クベシ且又泥水尿糞、培穢、塵芥、灰燼、瓦石碎片、等ヲ取集メ一時溜メ置ク可キ為メ適宜

ノ建物、坑穴、置場、箱等ノ物ヲ用意スベシ但シ妨害ヲ引起サヾルヲ注意スベシ斯ノ如ク取集ノ一時溜ノ置キタル諸般ノ穢物ハ測量方総官ニ委任シ其勘考ニ従テ所置スベシ但シ之ヲ所置スルニ妙策アリテ若シ利益ヲ生スレハ之ヲ國王ニ附與シ植民國ノ會計局ニ拂フベキ事

第十一　何物ニ限ラス向後此條例ニ背キテ起シ或ハ爰シ或ハ成シタル工事ハ総テ妨害ノ物ニ属スベキ事

第十二　凡テ建物又ハ建物ノ一部零落シテ瓦解ニ及フ可キ姿ノ物ハ妨害ニ属スベキ事

第十三　燃焼スベキ材料ヲ取建テタル建物或ハ此後取建ツベキ建物ニテ近隣ノ建物ノ危嶮トナルベキ者ハ妨害ノ物タルベキ事

第十四　構内或ハ王土、道路、水中、溝渠、泥溝等ニ人生ノ損害トナルベキ汚物ヲ溜ノ置キテ英國人民ノ健康ヲ害スル者ハ妨害ニ属スベキ事

第十五　建物或ハ其上ヨリ外ニ突出シテ道路或ハ往来ノ者ノ妨碍トナリ又ハ道路若シクハ王土ノ上下ニ横領スル者ハ妨害ノ物ニ属スベ

キ事

第十六　英國ニ於テ妨害ニ屬スル事ヲ起シ或ハ成ス者ハ此植民國ニ於テモ妨害物ニ屬スベキ事

第四号

第十七　測量方総官ハ若シ此前ノ數條ニ抜挙スル所ノ妨害ノ罪ヲ犯シタル者アラハ之ヲ過代取立方又ハ平常ノ裁判役二人ノ方ニ屆ケ出ス可シ然ル時ハ過代取立方或ハ裁判役重罪吟味ノ法ヲ以テ探索ヲ遂ケ他ノ重罪吟味ノ法ノ如ク前ニ屆ケタル書面ヲ以テ裁断シ一廉ノ妨害ヲ吟味シテ一人ノ罪ニ歸シ総テ測量方総官ノ願ニ從ヒ本人或ハ其筋ノ官員ニ令シテ其妨害物ヲ破壊シ或ハ分裂シ或ハ取除カシノ其材料アラハ之ヲ賣拂ヒ其代價ヲ得レハ其金ヲ以

テ其破却分裂或ハ取除ノ諸入費ヲ拂フベシ而
テ右過代取立方或ハ二人ノ裁判役又ハ一人ノ
裁判役ヨリ右ノ如キ妨害ノ罪ヲ犯シタル諸人
ニ命シ上ニ言ヘル如キ裁判ヲ以テ破却又ハ分
裂又ハ取除ノ諸入費或ハ償金総高ヲ出サシム
ベシ若シ斯ノ如ク金ヲ出サシノテ猶入費其外
ニ引足ラサレハ過代取立方或ハ裁判役其姓名
ヲ手記シ且調印シタル免許状ヲ出シ過料ヲ出
スベキ罪ヲ犯シタル人々ノ家財道具ヲ賣拂ヒ
其代價ヲ取上ケテ不足ノ金高ヲ補ハシムベシ

第十八　右條例ニ従ヒ家財ヲ取上ケ猶不足ナ
ル時ハ犯罪人ノ家屋モ取上ケテ不足ヲ補フベ
シ而テ過代取立方或ハ裁判役測量方総官ノ願
次第免許状ヲ出シ其筋ノ官員ニ指揮シテ彼ノ
家ヲ取上ケシノ償金不足ノ間取上ケ置キ其家
ノ賃貸及ヒ利得ノ金ヲ引揚ケ過代取立方或ハ
裁判役ノ者右不足ノ拂方ニ用ユベシ
第十九　測量方総官及ヒ附属ノ官員ハ諸人用
ユル所ノ水桶或ハ水溜ノ内ニ道具ヲ突入レタ
ルヲ見レハ其物ヲ取押ヘクルノ權アリ又公ケ

ノ道路及ヒ路傍ノ溝邊ニ在ル材料ヲ発見スレハ之ヲ取押ヘタルノ權アリ斯ノ如ク取押ヘタル道具或ハ材料ハ測量方総官ニテ取上置キテ其差圖次第ニ取計フヲ例トス

第二十　総テ妨害物ヲ防キ或ハ破却スル為ニ改正シタル物及ヒ妨害ノ罪ヲ犯シタル者ノ罰方ハ此條例ニ拘ラス永久施行スベキ事

ジョン、ボーリング　手記

一千八百五十六年第四月十六日香港ノ議事官閲

議事官附主記官

エル、デ、アルマーダ、イ、カストロ

Copy-

Hongkong

Anno decimo nono Victoriæ Reginæ.

No 8 of 1856

大正十一年四月
大隈侯爵邸寄贈

By His Excellency Sir John Bowring Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the advice of the Legislative Council of Hongkong.

An Ordinance for Buildings and Nuisances. — Title

Whereas further Provision hath been found necessary for the better Regulation of Buildings and prevention of nuisances. — Preamble

Be it therefore enacted and ordained by His Excellency the Governor of Hongkong with the advice of the Legislative Council thereof in manner following, that is to say:-

1st. The following words and expressions in this Ordinance contained shall be construed in manner hereinafter appearing, that is to say:- — Definitions:

The word 'Wall' shall extend to and include every external Wall and party Wall. — Wall

The word 'Floor' shall extend to and include every horizontal Platform forming the base of any Story, and every Joist, Board, Timber, Stone, and Brick, or other substance constituting the said Platform. — Floor

The word 'Story' shall extend to and include the full thickness of every floor, — Story

and the space between the under surface thereof and the upper surface of the floor or (if there be no such Floor) the ground next below the said first-mentioned Floor.

Works

The word 'Works' shall extend to and include the constructing, reconstructing, pulling down, opening, cutting into, adding to, and altering any building, Wall, Chimney, Stack, Flue, Drain, Sewer, Cesspool, or any work whatsoever.

Building

The word 'Building' shall extend to and include every House, Outhouse, or Shed.

House

The word 'House' shall extend to and include every Dwelling House, Warehouse, Shop, Manufactory, Workroom, Distillery, and Place of secure storage or custody.

Guilty of a Nuisance

The expression 'guilty of a Nuisance' shall apply to and denote any person guilty of committing or continuing any Nuisance whatsoever, and any person guilty of permitting or suffering any nuisance whatsoever, and any person guilty of omitting to take all proper and reasonable means for procuring the abatement of a nuisance committed and continuing within his tenement, or upon or over some way or public place in the immediate neighborhood of his tenement, for the space of twelve hours after the said nuisance shall have been committed.

2nd Rules to be observed as to Works.

All works henceforward shall be under the survey and inspection of the Surveyor General, and shall be commenced, resumed, prosecuted and completed with due observance of this Ordinance and particularly of the Rules next following, that is to say:-

Walls of Houses.

1. The Walls of all Houses shall be solidly built of bricks or Stones throughout, and shall be of the thickness of not less than nine inches at the upper Story, thirteen and a half inches at the Story immediately below the upper Story, and eighteen inches at the Story (if any) immediately below the said 2 Stories.

Foundations of Walls of Houses.

2. The Foundations of every Wall of a House shall be of the depth of not less than twice the thickness of the Wall of the lowest Story of the said Building; and the lowest course of every such Foundation shall be of not less than twice the thickness of the Wall at the said lowest Story; and the height and thickness of the upper courses of such Foundation shall diminish gradually towards the upper surface thereof.

Floors in General.

3. The Floors of any one House shall not approach nearer than nine inches' length towards the Floor of any house separated by a party Wall from the House first-mentioned; and the space intervening between the said two floors shall be properly and substantially built up with Bricks or Stones as the case may be.

Floors of outside Houses.

4. In the case of two or more houses separated from each other, or others, by one or more party Walls, the external ends of the Floors of the first and last of the said houses shall be carried to and terminate at the space of not less than nine inches from the Outside of the external Walls of the said first and last Houses ~~respectively~~.

Supports of Floors and Roofs.

5. The floors and roofs of houses or verandahs shall in all cases abut upon and rest against at least nine inches of solid brick or stone work, as the case may be.

3rd. It shall not be lawful for any person to commence or (in the case of any works, the progress whereof shall have been for a period exceeding three months suspended) to resume any works, until four days written notice of the intention to commence or resume the same shall have been given unto the Surveyor General at his office by the person by or for whom such works are intended to be commenced, or resumed, and every such notice shall specify the material particulars of the said intended Works, and any person commencing or resuming any works without having first given such notice as aforesaid to the Surveyor General, or before the expiration of four days from the giving thereof, shall for every such default forfeit and pay to Her Majesty a sum not exceeding Fifty Dollars nor less than Ten Dollars; except

4 Days' Notice to be given before commencing or (in the case of works suspended for above 3 months) resuming works.

Penalty for every default.

where any inevitable accident or emergency shall have occurred to make it necessary to commence or resume any works immediately, in which case only it shall be lawful to commence or resume the same, yet so as that written notice thereof and of the material particulars of such works shall within two days after commencing or resuming the same be given by the person by or for whom the same were so commenced or resumed unto the said Surveyor General at his Office aforesaid.

Except in case of inevitable necessity.

In which case notice to be given within Two Days after commencing or resuming the works.

4th. In cases where any penalty shall have been incurred under the provisions of the Section next immediately preceding, or where the Surveyor General shall be refused admittance to any tenement for the purpose of surveying or inspecting any works thereon or therein commenced, resumed, or in progress, the said works shall be liable to be abated as a Nuisance.

Works to be liable in certain cases to be abated as a Nuisance.

5th. All contracts hereafter to be made for works contrary to the provisions of this Ordinance shall be null and void, and it shall not be lawful to execute in contravention of the said Provisions any contracts heretofore made for works and in force at the passing of this Ordinance, unless the same have heretofore received the sanction of the Surveyor General.

Contracts to be made or executed to the contrary of this Ordinance.

6th. Over and above all other penalties and liabilities by this ordinance imposed, the owner of every building constructed,

Double Police Rates to be paid for Buildings illegally constructed &c, until abatement

6th. reconstructed, or altered in contravention of this Ordinance shall pay in respect of the same a periodical Police Rate of double the amount to which, but for such contravention he would have been liable in respect of the said Building, yet so as that if the same shall be abated, diminished, or removed under the provisions of this Ordinance, the said owner shall cease to be liable to pay any such police rate in respect thereof.

Saving of Crown remedies.

7th. No remedies for breaches of contract committed by the Crown lessees or others now vested in the Crown or its officers shall be prejudiced by this Ordinance.

Every House to have a Cooking Place and Privy.

8th. It shall not be lawful to construct, reconstruct, or (if now in the course of construction or reconstruction) to complete any House without a sufficient and safe Place for lighting of fires and cooking of Food; and also a sufficient Watercloset or Privy, and a sufficient Ashpit furnished with proper Doors and Coverings; All which shall be provided to the satisfaction of the Surveyor General, and from time to time emptied and cleansed at such periods as the Surveyor General may direct; and every person offending against any of the enactments in this Section contained shall for every such offence forfeit and pay to the Crown a penalty not exceeding Fifty Dollars nor less than Ten Dollars.

Penalty

The Surveyor General shall require the owner or occupier of any house to make good all deficiencies in works of that kind and cause them to be made good.

9th. The Surveyor General shall in case any house whether now existing or hereafter to be constructed or reconstructed shall not be provided or shall be imperfectly provided with any of the works in the last immediately preceding section specified, or with one or more proper drain or drains to the said House of at least six inches in diameter, give written notice of every such deficiency, to the owner or occupier of the said House, thereby requiring him to provide for and make good the said deficiency forthwith or within some specified or reasonable term to the satisfaction of the Surveyor General: and in case the said owner or occupier shall not obey or comply with the said requirement, the said Surveyor General shall cause the said works to be executed, and may recover the charges and expenses thereof together with his costs of procedure by summary application to a Stipendiary Magistrate, or any two Justices, who shall, in case of default in payment thereof, levy the amount so recovered by warrant of distress and sale upon the goods and chattels of such owner or occupier, without prejudice to the right of either party to recover over, retain, or deduct

against the other the amount so paid or recovered.

Public and Common Privies, sewage places, &c., may be provided.

10th. The Surveyor General may provide and maintain in proper and suitable situations common Waterclosets, Privies, Urinals, and other like conveniences for public accommodation; and also proper buildings, Pits, Places, Boxes or other conveniences for the temporary reception and collection of Sewage, Dung, Soil, Filth, Dust, Ashes, and rubbish, yet so as not to occasion annoyance or nuisance; And all such matters so received or collected therein shall be vested in and may be disposed of at the discretion of and by the Surveyor General; And all the proceeds (if any) of such as shall in any wise be so disposed of shall be paid into the Colonial Treasury on account of the Crown.

Works contravening this Ordinance to be deemed a Nuisance

11th. Every work whatsoever hereafter to be commenced, resumed, prosecuted, or finished in contravention of this Ordinance shall be deemed a nuisance.

Ruinous Buildings to be deemed Nuisances

12th. Every Building, or Part of a Building, being in a ruinous or dangerous condition, shall be deemed a nuisance.

Buildings erected of inflammable materials to be deemed nuisances.

13th. Every Building erected or to be hereafter erected of any inflammable material, in such wise as to endanger any neighbouring Building, shall be deemed a nuisance.

Deposits or accumulations of decaying matter &c. to be deemed nuisances.

14th. Every deposit or accumulation of decaying, noisome, noxious, or offensive matter, in, on, or under any tenement, Crown land, or way, or water, or Drain or Sewer, whereby the health of the Queen's Subjects may be endangered, shall be deemed a nuisance.

Projections from Buildings to be deemed nuisances.

15th. Every projection from or over any Building which shall cause annoyance or obstruction to any way or to the Passengers thereon, and every encroachment on, over, or under any way, or any Crown land shall be deemed a nuisance.

Nuisances by the Law of England shall be deemed nuisances here.

16th. Every work which would be deemed a nuisance in England if begun, conducted, or completed there, shall within this Colony be deemed a nuisance.

Summary proceedings in cases of nuisance

17th. The Surveyor General shall summon every person guilty of any of the nuisances hereinbefore enumerated before a Stipendiary Magistrate, or any two Justices of the Peace who shall thereupon, proceed in a summary way to enquire into and adjudicate upon the premises after the manner of other summary proceedings before Justices of the Peace; And where he or they shall adjudicate any one person to have been guilty of any one of the said nuisances, he or they or any other Justice of the Peace shall, upon the application of the Surveyor General, order him or any other proper officer to abate, demolish

17th or remove the said Nuisance, and to sell or dispose of the Materials thereof (if any) and out of the monies arising by such sale or disposition (if any) to retain or pay the charges and expenses of or incident to such abatement, demolition, or removal; And the said Magistrate, Justices, or Justice shall order and compel all Persons who shall have been found guilty of any such Nuisance, after such adjudication as aforesaid, to satisfy all charges and expenses of or incident to the abatement, demolition, or removal thereof, and for which no other or no sufficient satisfaction is hereby provided, and shall thereupon, by warrant under his or their Hand and Seal, or Hands and Seals, cause the same to be levied by distress and sale of the goods and chattels of the said persons respectively in case of default in payment.

18th In the event of the insufficiency of any distress to be made under this Ordinance, the house of the defaulter shall be subject and liable to defray the deficiency; and a stipendiary Magistrate or Justice of the Peace upon the application of the Surveyor General shall by warrant authorize and direct a proper officer to seize and take possession of the said house, and to hold the same until such deficiency shall be defrayed, and all the accruing rents and profits of the said house shall be applied by the said Magistrate or Justice in payment of the said deficiency.

House Property to be liable for deficiency of distress.

19th The Surveyor General and his officers are authorised to seize any utensil, which he or they shall detect any person in the act of dipping into a public Tank, or Reservoir; and also all building materials found by him or them deposited or lying upon any public road, or in the side channels thereof; and all Utensils or Materials so seized may be lawfully confiscated by the Surveyor General, and disposed of as he shall direct.

Tanks, Reservoirs, and building materials.

20th All existing remedies for the prevention or abatement of nuisances, and the punishment of those guilty thereof shall continue to be in force notwithstanding this Ordinance.

Saving of existing remedies.

(sgd) John Bowring

Passed the Legislative Council of Hongkong this 16th day of April 1856

L. D'Almada e Castro
Clerk of Councils