

(No. 177.) *LAND REGULATIONS and Bye-laws for the British Concession, Amoy.* Amoy, 1877.*

CONTENTS.

	PAGE
1. Boundaries	1125
2. Roads, jetties, &c. Assessment on land and houses, rates, dues and taxes. Consul to convene meeting of renters, &c.	1125
3. Land-renters and others to appoint a Committee or Council. Authority to sue for taxes, &c.	1126
4. Making of new bye-laws	1126
5. Audit of Accounts	1126
6. Recovery of penalties under bye-laws	1127
7. Consul may at any time call meeting of ratepayers	1127
8. Election of Council. Persons entitled to vote	1128
9. Qualified voters may nominate five persons for Council	1128
10. Qualification for members of Council	1128
11. Vacancies	1128
12. Tenure of office	1128
13. Officers	1128
14. Funds	1128
15. Persons acting in execution of these Regulations not to be personally liable	1129
Consular Veto	1095
Municipal Police	1105
BYE-LAWS	1129

Boundaries.

1. That the limits wherein these regulations are binding be the British Concession, Amoy.

Roads, Jetties, &c., Assessment on Land and Houses, Rates, Dues, and Taxes. Consul to convene a Meeting of Renters and other Persons entitled to vote.

2. In order that due provision should be made for the making of roads, building public jetties and works, and keeping them in repair, and for cleansing, lighting, watering and draining the Settlement generally, establishing a watch or police force therein, establishing sanitary regulations, paying the persons necessarily employed in any municipal office or capacity, and for raising money by way of loan for any of the purposes aforesaid, Her Britannic Majesty's Consul shall, in the first week of December of each year, or on the requisition hereinafter mentioned, convene a meeting of all persons entitled to vote as hereinafter provided to devise ways and means of raising the requisite funds for these purposes;

* For Land Regulations and Bye-laws for the Foreign Settlement at Kulangsu, Amoy, see No. 147, page 774.

[Land Regulations. Amoy.]

and at such meeting it shall be competent for the said persons, or a majority of those present, to declare an assessment in the form of a rate to be made on land or buildings within the said limits ; and it shall also be competent for the said persons, or a majority of them as aforesaid, to impose other rates and taxes for the purposes aforesaid in the shape of wharfage dues, licence fees, &c.

Land-renters and others to appoint a Committee or Council. Authority to sue for Taxes, &c.

3. It is further provided that said land-renters and others as aforesaid shall appoint, in the mode hereinafter described, an executive Committee or Council to consist of not more than five or less than three persons for the purpose of levying the rates, dues, and taxes hereinbefore mentioned, and applying the funds realised from the same for the purposes aforesaid, and for carrying out the Regulations now made ; and such Committee, when appointed, shall have full power and authority to levy and apply such rates, dues and taxes, and recover the same from all defaulters in the court under whose jurisdiction such defaulter may be.

Making of New Bye-laws.

4. When in pursuance of these Regulations the above-mentioned Committee and Council shall be duly elected, all the power, authority and control conferred by the Bye-laws now sanctioned and annexed to these Regulations and all the rights and property which by such Bye-laws are declared to belong to any Committee or Council as aforesaid, shall vest in and absolutely belong to such Committee or Council, and to their successors in office ; and such Committee shall have power and authority from time to time to make other Bye-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter, or amend any such Bye-laws, provided such other Bye-laws be not repugnant to the spirit of these Regulations, and be duly confirmed and published ; and provided also that no Bye-law or amendment made by the Committee under the authority of these Regulations, except such as relate solely to their Council, or their officers or servants, shall come into operation until passed and approved by Her Britannic Majesty's Consul and the ratepayers in special meeting assembled, of which meeting, and the object of it, 10 days' notice shall be given.

Audit of Accounts.

5. And whereas it is also expedient that due provision should be made for the auditing of the accounts of the said Committee or Council, and for the obtaining the approval and sanction of them by the ratepayers in public meeting duly assembled, it is provided that the said audit and the said sanction and approval shall be made at the annual public meeting convened as hereinbefore mentioned.

[Land Regulations. Amoy.]

Recovery of Penalties under Bye-laws.

6. It is further provided that any penalty or forfeiture or fees on licences, provided for in the Bye-laws framed under the authority of these Regulations, and imposed in pursuance of such Bye-laws, may be recovered by summary proceedings; and it shall be lawful for Her Britannic Majesty's Consul, upon conviction, to judge the offender to pay the penalty or incur the forfeiture as well as such costs attending the conviction, as the Court may think fit. All fines and penalties levied under these Regulations, and the Bye-laws framed and to be framed under them, shall be carried to the credit of the Committee or Council.

Consul may at any time call Meeting of Ratepayers.

7. It is further provided that it shall be competent for Her Britannic Majesty's Consul, at any time when it may appear to him needful or upon the requisition of ten of the ratepayers, to call a public meeting, giving 10 days' notice of the same, setting forth the business for the consideration of which it is convened. All resolutions passed by a majority of two-thirds of the qualified voters present at any such public meeting, on all such matters aforesaid, shall be valid and binding on the whole of the ratepayers. At such meeting Her Britannic Majesty's Consul shall take the chair, and in his absence then such ratepayer as the majority of voters present may nominate, who shall report to Her Britannic Majesty's Consul the resolutions passed at such meeting for his concurrence and approval, and unless such approval be officially given, such resolution shall not be valid and binding, provided always that a term of 10 days shall elapse between the date of the resolution and the signification of approval by the Consul. In all cases in which ratepayers in public meeting assembled, as herein provided, decide upon any matter of a municipal nature not already enumerated, affecting the general interest, or impose any new or extraordinary tax, any person considering himself prejudiced in property or interest by the resolution may, within the period of 10 days aforesaid, represent his case to the Consul for his consideration. After the expiration of the term of 10 days, the Consular approval, if signified, shall be binding.

Election of Council. Persons entitled to Vote.

8. It is provided that members of the Municipal Council shall be elected by ballot at a place appointed by Her Britannic Majesty's Consul, 14 days previous to the annual meeting, and that at all meetings the following persons shall alone be entitled to vote, viz.: Land-renters, recognized agents acting for firms who are land-renters and persons holding formal authority to act as proxies for absent land-renters, and all taxpayers of \$5 and upwards per annum.

[Land Regulations. Amoy.]

Qualified Voters may Nominate Five Persons for Council.

9. It is provided that on or before the 15th November in each year it shall be competent for every person entitled to vote for the election of Council to send in writing, to Her Britannic Majesty's Consul, the names of five duly qualified persons accompanied by their agreement to serve, if elected, attaching his signature to the memorandum. The names of all the persons proposed will then be circulated and exhibited in the Consulate. On the day appointed for the election, should the members proposed exceed the required number, a ballot will take place as set forth in the foregoing Regulation.

Qualification for Members of Council.

10. All ratepayers of six months' residence in the Settlement, having paid all taxes due, and whose annual payment shall amount to the sum of \$20 and upwards, shall be qualified to be members of the Municipal Council.

Vacancies.

11. In case of a vacancy or vacancies occurring in the Committee or Council during the municipal year, the Council shall be authorized to fill up such vacancy or vacancies as they occur.

Tenure of Office.

12. The Council shall enter upon their office immediately after the annual meeting, and at their first meeting the new Council shall elect a Chairman, Secretary and Treasurer. In the temporary absence of the Chairman, the members present at any meeting of the Council shall elect their Chairman for such meeting.

Officers.

13. The Council may from time to time appoint such officers and servants as they think necessary for carrying out these Regulations, and fix the salaries and allowances of such officers and servants, and may pay the same out of the municipal funds, and make Bye-laws for the government of such officers and servants, and may discontinue or remove any of them, from time to time, as they shall think fit.

Funds.

14. The Council shall administer the municipal funds for the public use and benefit at their discretion, in accordance with the object and view expressed at the general meeting, and within the limits of the budget passed thereat, and a statement shall be drawn up by them at the end of each year for which the Council has been elected, showing the nature and amount of the receipts and disbursements of the Municipal Council fund for that year, and the said statement shall be circulated for the general information at least 10 days before the general meeting is convened.

[Land Regulations. Amoy.]

Persons acting in execution of these Regulations not to be personally liable.

15. No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member thereof, or person whomsoever, acting under the direction of the Council, shall, if the matter or thing were done, or entered into, *bonâ fide* for the purpose of executing these Regulations, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense, properly and with due authority incurred by the Council, member thereof, or person acting as last aforesaid, shall be borne and repaid out of rates levied under the authority of these Regulations.

BYE-LAWS

Annexed to the Land Regulations for the British Concession, Amoy.

1. The entire control and management of the roads, jetties, public buildings, sewers and drains within the limits of these Regulations, and all sewers and drains in and under the roads, and all the works and materials thereunto belonging, whether made at the time of the passing of these Regulations, or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

2. The Council and none other shall be surveyor of all highways within the limits of the aforesaid Regulations, and within those limits shall have all such powers and authorities as such surveyors of highways are ordinarily invested with.

3. The management of the roads, streets, bunding and jetties, and the laying out and repairing thereof, shall be vested in the Council; and all materials, implements, and other things provided for laying out and repairing said roads, streets, bunding and jetties shall belong to the Council.

4. The Council may stop up any road or street, and prevent all persons from passing along and using the same during the construction, alteration, repair or demolition of any sewer or drain in or under such road or street, but must allow access to houses.

5. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials, of any streets, bunding, or jetties, under the management of the Council, without their consent in writing, shall be liable to a penalty not exceeding \$25, together with the cost of replacing same.

6. When any building materials or other things are laid, or any hole made in any of the roads, whether the same be done by the Council or not, the person or persons causing such hole to be made, shall, at his own expense, cause a sufficient light to be fixed in a proper place on or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed, or the hole filled up, or otherwise made secure. And every such person who fails so to light, fence, or enclose the same shall for every such offence be liable to a penalty not exceeding \$25.

7. If any building, wall, or hole, or other place near any street be, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such street, the owner shall repair the same, or in default the Council shall cause the necessary repairs to be made, and the expenses of the same shall be recoverable as damages from the owner.

8. The Council may give notice to the owner or occupant of any house or other building to remove or alter any porch, shed, projecting window, step, or any other obstruction or projection, erected or placed against, or in front of, any house or other building within the limits of these Regulations, and which is an obstruction to the safe and convenient passage along any road or street; and such owner or occupant shall, within fourteen days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been

[Extradition of Chinese.]

directed by the Council, and in default thereof shall be liable to a penalty not exceeding \$10, and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the owner or occupant so making default, and shall be recoverable as damages.

9. No person shall obstruct the public roads or footpaths with any kind of goods or building materials under a penalty of \$10 for every twenty-four hours of continued obstruction; and after the first twenty-four hours that notice of removal shall have been given to the owner of the same, or in the absence of any such person, or inability on the parts of the agents of the Council to find him, the Council shall remove and retain the same until the expense of such removal shall have been paid, or may recover the expense of such removal as damages.

10. In the case of any stagnant pool, ditch, or pond of water, pig-stye, cow-house, stable, privy, or any other building, construction, or thing, being proved a nuisance to the occupiers of adjacent lots, or to the public, the Secretary of the Council shall forthwith give notice to the owner, or reputed owner, agent, or occupant, that such nuisance must be removed; and if the same be not removed within a time considered reasonable by the Council, the Council may abate such nuisance at the expense of the owners of such property, the same being recoverable as damages.

11. No spirit shop, or house of entertainment of any kind, shall be opened within the limits of the Settlement, without a licence first obtained from the Council, countersigned by Her Britannic Majesty's Consul under a penalty not exceeding \$100, recoverable from the person committing such offence.

12. All persons causelessly creating a noise or disturbance, and all persons guilty of furious and improper riding or driving, or leading horses upon the roads, to the endangerment of passers-by, or obstructing the fairway to or from the landing steps, or who shall commit any act which may legitimately come within the meaning of the term nuisance, shall be liable to a penalty not exceeding \$10.

13. No cattle or horses shall be allowed to go loose at any time, or to be tethered in the roads of the Settlement, under a penalty not exceeding \$5.

14. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these Bye-laws, and hand him over to the proper authority, provided also that no person shall be arrested or detained in custody further than may be necessary to prevent disturbance or to secure the identification of the offender to prevent his escape.

15. Every penalty or forfeiture imposed by these Bye-laws, made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding, and upon conviction the offender shall pay the penalty or forfeiture incurred, as well as such costs attending the conviction as the Court shall think fit.

16. The discharge of firearms beyond the limits of persons' own premises is prohibited under penalty not exceeding \$10 for each offence, unless specially sanctioned by the Council.

(No. 178.) *ORDINANCE of the Government of Hong Kong to amend the Law relating to the Extradition of Chinese Criminals.**

[No. 26.]

[July 3, 1889.]

(L.S.) G. WILLIAM DES VŒUX.

WHEREAS by Article XXI of the Treaty between Her Majesty and the Emperor of China, done at Tientsin on the 26th June, 1858 (No. 6), it was agreed and concluded that if criminals,

* "Hertslet's Commercial Treaties." Vol. 18. Page 649. This Ordinance, with Ordinance No. 23 of 1897 (No. 184) incorporated, appears as "Ordinance No. 7 of 1889" in the "Ordinances of Hong Kong" (Revised Edition, Vol. I, page 658), published at Hong Kong in 1904.