

CHAPTER 12. No. 14.

MALARIA ABATEMENT.

AN ORDINANCE TO AUTHORISE THE EXECUTION OF SANITARY WORKS FOR THE ABATEMENT OF MALARIA IN CONNECTION WITH CERTAIN MAIN DRAINAGE CHANNELS AND SWAMPY AREAS. Ordinance
No. 6—1932.

[26th March, 1932.]

Commencement.

1. This Ordinance may be cited as the Malaria Abatement Ordinance. Short title.

2. In this Ordinance—

Interpreta-
tion.

“construction officer” means any person appointed by the Governor as a construction officer for the purposes of this Ordinance;

“owner” includes the owner, lessee, or occupier of any land, and the receiver, attorney, agent, manager, guardian, or committee of any such owner, lessee, or occupier; and includes any other person in charge or having the control or possession of any land in right of the owner, or having the possession of any such land in right of his wife;

“Rural Sanitary Authority” means a Rural Sanitary Authority constituted under the Public Health Ordinance.

3. This Ordinance shall apply to such main drainage channels and swampy areas as may be proclaimed by the Governor to be main drainage channels or swampy areas for the purposes of this Ordinance; and the Governor is hereby authorised in his absolute discretion to proclaim, by publication in the *Royal Gazette*, any such main drainage channel or swampy area. Application of
Ordinance.

Power to enter and construct works.

4. (1) It shall be lawful for a construction officer with all necessary workmen and other servants at any time to enter upon any land for the purpose of grading, paving, clearing, improving or filling in or draining any main drainage channel or swampy area.

(2) The construction officer shall give at least fourteen days' previous notice in writing to the owner of such land of his intention to carry out any work under this Ordinance.

Powers of Rural Sanitary Authorities.

5. Each Rural Sanitary Authority within its district shall have full power and authority with all necessary workmen and other servants at all reasonable times to enter upon any land for the purpose of cleaning, preserving, maintaining, repairing and keeping in proper order and under proper control any main drainage channel or any swampy area.

Cost of work.

6. The cost of any work carried out under the authority of this Ordinance shall be paid out of moneys to be voted for the purpose by the Legislative Council.

Protection of officers, etc., against actions.

7. No matter or thing done by any construction officer or Rural Sanitary Authority or by any officer of such Authority or other person whomsoever acting under the direction of such Authority or of any construction officer, shall if the matter or thing were done *bonâ fide* for the purpose of executing this Ordinance subject them or any of them personally to any prosecution, action, liability, claim or demand whatsoever.

Assault or obstruction of officers, etc.

8. If any person shall assault or hinder or obstruct or cause or procure to be hindered or obstructed a construction officer or a Rural Sanitary Authority or any of their workmen, servants or agents while employed in doing any works by this Ordinance authorised to be done or in the exercise of any of the powers and authorities in this Ordinance contained, every such person shall be liable, on summary conviction, to a fine of one hundred and twenty dollars.

Penalty for damaging a main drainage channel.

9. Every person who wilfully damages or injures or in any manner blocks or obstructs or diverts the bed or the flow of

any main drainage channel shall be liable, on summary conviction, to a fine of two hundred and forty dollars for each offence; and in the case of a continuing offence to a further fine of ten dollars for each day during which such offence shall continue after written notice from a Rural Sanitary Authority.

10. (1) The Governor in Council may make regulations for all or any of the following purposes,—

Power to make regulations.

(a) for ensuring and regulating the use of main drainage channels as fit and proper channels for the passage of surface water; and to control the irrigation of any swampy area;

(b) specifying and defining the rights, duties and obligations of such person or persons as may be appointed in relation to all such acts and things in or over or upon the beds of main drainage channels and swampy areas as may be deemed necessary for placing or keeping them in proper order and under proper control;

(c) forbidding absolutely or regulating the drainage from any public or private sewer or drain into any main drainage channel or swampy area;

(d) for the prevention of the deposit of filth or rubbish in the beds or on the banks of main drainage channels or in swampy areas;

(e) for the regulation and maintenance of main drainage channels in such a manner as to prevent any nuisance arising therefrom; and

(f) generally for the more effective carrying out of the provisions of this Ordinance.

(2) Regulations made under this section shall have no force or effect until they have been approved by the Legislative Council.

11. Any person who shall contravene or fail to comply with any of such regulations shall be liable, on summary conviction, to a fine of forty-eight dollars for each offence, and in the case of a continuing offence to a further fine of five dollars for each day during which such offence shall continue after written notice thereof from a Rural Sanitary Authority.

Penalties—
recovery of.

Saving powers
of Central
Board of
Health
and local
authority.

12. This Ordinance shall not in any manner curtail or affect the powers of the Central Board of Health or of any Local Authority under the Public Health Ordinance.

Use of water
in main
drainage
channels.

13. (1) Nothing herein contained shall prevent the user or supply, whether pursuant to the provisions of the Oil and Water Board Ordinance, or otherwise, of water in a main drainage channel for all lawful purposes.

(2) The term "watercourse" as defined by the Oil and Water Board Ordinance shall include any main drainage channel maintained under this Ordinance.