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would develop certain parts of this area for warehouse and industrial purposes.

- (4) A residential area in the extreme north of the Island (edged in blue) which will be further developed under the scheme.
- (5) An unbordered area on the north-east which is in government or G.M.S. hands, and is intended for hospital and other special purposes.
- (6) The interior part of the Island which is fully sold or leased out except for comparatively small blocks of Crown land, and on which development has been held up for many years firstly, owing to ^{consideration of the} ~~the Government's~~ policy of segregation, and secondly, owing to the absence of roads for development purposes. ^{There has been some} An exception ^{development;} ~~in this is,~~ of course, where roads already exist, particularly along the belt running east and west from the southern part of the old town and to the south of the Kilindini road (broad yellow).

For the development of this internal part of the Island it is necessary not only to lay-out and construct roads, but also to align them so as to interfere to the least possible extent with the boundaries of the estates already allocated. This consideration has determined the proposed lay-out which is such that it is hoped that any reduction or alteration of areas will be counterbalanced by the increased value of the land, which has at present only an agricultural value.

X | In the first instance only the broad (brown) roads would be laid out and metalled. The rest would, owing to the nature of the soil, be unmetalled tracks which would keep themselves in repair under any traffic which would be likely to go along them.

The scheme is thus a very modest one, and we cannot afford anything more ambitious at this stage. It would, however, it is hoped form the basis of any further development of the Island as a town (which it must eventually be) without money being wasted.

At a discussion which has already been held with representatives of the Colonial Government, the question of the water carriage of sewage was discussed. The lay-out proposed will be appropriate to any such scheme when it can be adopted, but, at present, we have not the water, nor could we afford a system of main drainage. It is understood that the limit of the coral area (within which no difficulty has been experienced with cesspits owing to the rapid percolation) may be taken roughly as the Salim road, the broad uncoloured road running across the Island and bordering the old town on its west side. West of this, the same rapid percolation would not exist but it was expected that for many years no sewage problem would arise.

L. S. J. H. ...

X This requires cover from
The broad (yellow) road on
existing roads which would
be widened & metalled.
Metalling for 15 feet wide
only in the first instance

22 7 11

These Memoranda (prepared by
 Strimbridge - Kenya Sanitation
 Dept) constitute a 2^d draft
 of the printed scheme. The
 main point as regards principle
 is that the 2^d draft
 incorporates the decision that
 the property owners will not
 be charged with the cost of
 making the road.

WCS

Suggested Amendments and Additions
to the Scheme.

Section 1.

A. Amend the definition of the words "NEW STREET" by substituting the word "lands" for the word "areas" where the latter occurs.

B. Insert the following new expression and definition: "INCIDENTAL WORKS" means any slopes, approaches, embankments, cuttings, retaining walls, bridges, arches, girders, culverts, drains, or other works necessary and incidental to the construction of a street, and includes any works required for fencing the street.

Section 2.

Delete the words "the area" where they occur after the word "excluding" in the first line and substitute therefor the words "that part of the Island"

Section 3.

After the word "ordinance" in the second line insert the following words "and hereinafter referred to as the Responsible Authority,"

Section 4.

Delete the word "areas" in the first line and substitute the word "lands".

After the words "streets and" in the second line insert the words "such streets".

After the word "constructed" in the second line insert the words "by the Responsible Authority".

Section 5.

Entirely delete this Section and substitute the following:

"5. The existing streets coloured yellow on the map shall be constructed, and shall be widened in such manner as to include as parts of such streets the lands abutting thereon which are coloured yellow on the map, and such construction and widening may be carried out by the Responsible Authority from time to time as developments require under and in accordance with this Scheme and in the lines and of the widths indicated on the map."

Sections 6, 7, 8 and 9.

Entirely delete Sections 6, 7, 8 and 9 and substitute the following two new Sections:

6. (a) The purposes of this Scheme shall include the execution by the Responsible Authority of incidental works upon land adjoining the streets to be constructed upon the lands coloured yellow and burnt sienna on the map

(b) The Responsible Authority may, after giving not less than three calendar months' notice to the owners of any land which adjoins any of the land coloured yellow or burnt sienna on the map and which is required for the purpose of executing any incidental works, enter upon such land and execute such works, and so far as may be necessary for the purpose of executing such incidental works the Responsible Authority may, in the manner as provided in Section 17 of this Scheme, cause any

building to be removed, pulled down or altered.

(c) The responsible authority may at any time, after giving reasonable notice to the owner, enter upon land forming the site of any incidental works for the purpose of maintaining such works.

(d) Any person whose property is injuriously affected by any action taken by the Responsible Authority under the provisions of this Section shall be entitled to compensation in accordance with the provisions of the Ordinance."

7. The Responsible Authority shall upon the completion of the construction by them of any street or any part thereof upon any of the lands coloured yellow or burnt sienna on the map, by notice fixed in such street or part of such street, declare the whole of such street or part of such street to be a high way repairable by the inhabitants at large, and thereupon such street or part of such street so declared.

The notice shall become a high way repairable by the inhabitants at large."

Sections 10 and 11.

Entirely delete Section 11 and substitute the following section which shall be numbered "Section 8"

8. all the costs and expenses of, and incidental to, the widening of existing streets and the construction of streets upon any of the lands coloured yellow or burnt sienna on the map including the expenses of incidental works, compensation for any buildings required to be altered, demolished or removed or for any incidental works, and the construction of the carriageway or footway, shall be borne and paid by the Responsible Authority."

Amend ~~Section~~ 10 as follows: -

"Section 10" shall now read "Section 9".

After the word "street" in the second line insert the words "within the area" and delete the fullstop after the word "Authority" in the third line.

Section 12.

Entirely delete Section 12 and substitute the following, as "Section 10".

10. No person shall name any street, or street within the area, and no person shall set up any name to any street or road within the area until such name has been given or approved by the Responsible Authority.

Section 12.

In Section 13 read Section 11.

Insert an entirely new section, to be Section 12.

12. No person shall erect or cause to be erected any building, or erection or cause to be erected or work on any land coloured yellow or burnt sienna on the map attached, for the purpose of enabling a street to be constructed thereon, and require to be removed, pulled down or altered, except with the consent of the Responsible Authority and upon such terms and conditions with regard to such removal, pulling down or alteration, or otherwise as the Responsible Authority may require.

Section 14.

For Section 14 read "Section 13".

Sections 15, 16, 17 and 18

The numbers,) these Sections be cancelled
to read "14, 15, 16 and 17".

Section 19.

For Section 19 read "Section 18".

Substitute the words "the land" for the words "the
area" wherever the latter words occur in lines
three and four. Sub section (1)(I)(a).

Section 20

For Section 20 read Section 19

Substitute the words "the land" for the words
"the area" where the latter words occur in line three.

Section 21

For Section 21 read Section 20.

Delete the remainder of the Section after the word
"underlying" in the fifth line and add the
following re-paragraph to this Section:

Provided that where the estimated cost of the
works required to be constructed or provided shall exceed
the sum of \$h. the Responsible Authority shall
not approve the plan of the proposed subdivision until
such security shall have been given.

Section 14.

For "Section 14" read "Section 13".

Sections 15, 16, 17 and 18

The numbers,) these Sections to be numbered
to read "14, 15, 16 and 17".

Section 19.

For Section 19 read "Section 18".

Substitute the words "the land" for the words "the
area" wherever the latter words occur in lines
three and four of this section (1)(1)(2)

Section 20

For Section 20 read "Section 19".

Substitute the words "the land" for the words
"the area" where the latter words occur in line three.

Section 21

For Section 21 read "Section 20".

Retain the remainder of the Section after the word
"and stating" - the fifth line and add the
following re-paragraph to this section:

Provided that where the estimated cost of the
works required to be ~~substantiated~~ ^{substantiated} or provided shall exceed
the sum of \$5. - the Responsible Authority shall
not approve the plan of the proposed subdivision until
such security shall have been given."

Section 22.

For "Section 22" read "Section 21".

Section 23.

For "Section 23" read "Section 22".

Delete the words "the estate at the time owned by him" in the third line of the first paragraph of Sub-section (a) and substitute the words "such land".

Delete the words "on such estate" in the fifth line of the first paragraph of Sub-section (a) and substitute the word "thereon".

Delete the words "in the area" in the first line of the third paragraph of Sub-section (a) and substitute the words "on such land".

After the word "erected" in the fifth line of the third paragraph of Sub-section (a) insert the words "on such land".

Delete the words "in the area" in the seventh line of the third paragraph of Sub-section (a) and substitute the words "on such land".

After the words "or to be set apart" in the eighth line of the third paragraph of Sub-section (a) insert the words "or, and".

Delete the words "lands in question" in the ninth line of the third paragraph of Sub-section (a) and substitute the words "said land".

Deleted Delete the words "the area" in the ninth line of the third paragraph of Sub-section (a) and substitute the words "such land".

Section 24.

For "Section 24" read "Section 23".

Section 25

For "Section 25" read "Section 24".

Delete the words "the area" in the seventh line of Sub-section (a) and substitute the words "that part of the plot".

Section 26

For "Section 26" read "Section 25".

Section 28.

For "Section 28" read "Section 26".

Delete the words "in the area" in the first line of Sub-section (1) and substitute the words "on the lands".

Delete the words "in the area" in the third line of Sub-section (2) and substitute the words "on the lands".

Section 29.

For "Section 29" read "Section 27".

Section 30.

For "Section 30" read "Section 28".

Delete the words "unless it can be shown to stop or impede" in the fifth line and substitute the words "that any tree stops or impedes".

Section 31.

For "Section 31" read "Section 29".

Delete the whole of this Section and substitute the following:

"29. No person shall erect any close boundary wall or fence upon any land abutting upon any street or the site of any proposed street of a greater height than 6 ft., measured from the level of the centre of such street.

Provided that in the case of lands abutting upon more than one street or proposed street as aforesaid a person may erect upon such lands a close boundary wall or fence to a height not exceeding 7 ft., measured from the level of the centre of such street, where such wall or fence when erected will front upon a street or site of a proposed street upon which any buildings erected or to be erected on such lands do not or will not front.

Provided further that the provisions of this Section shall not apply to lands on which buildings of the warehouse class are permitted to be erected."

Insert an entirely new Section here, "Section 30".

30. (a) If at any time the Responsible Authority are of opinion that, for the purpose of securing the safety of traffic, the height of close fences and walls, the growth of hedges, trees and shrubs, and the creation of other obstructions upon any land adjoining any street or the site of any proposed street ought to be regulated, the Responsible Authority may prescribe a line upon the land, and shall thereupon give notice of the line prescribed to the owner and occupier of the land.

Provided that where a building line is shown on the map or has been fixed by the Responsible Authority under this Scheme in respect of the street or proposed street, any line prescribed under this Section shall be between that building line and the boundary of the street.

(b) Where a line is prescribed by the Responsible Authority under this ~~Section~~ Section, no wall, fence, hedge, tree or shrub or other obstruction (other than temporary structures erected in connection with building operations) shall be erected or be permitted to grow between that line and the boundary of the street or proposed street so as to cause danger to traffic by obscuring the view.

(c) The Responsible Authority may from time to time vary any line so prescribed, and shall give notice of the variation in writing to the owner and occupier of the land.

(d) No proceedings in respect of any contravention of this Section shall be taken until 14 days after notice in writing has been given to the person in default.

Sections 32, 33, 34, 34^a, 35 and 36.

The numbering of these Sections now to
read — 31, 32, 33, 34, 35 and 36.

Explanatory Memorandum
with regard to
Suggested Amendments and Additions to
The Kambusa Farm Planning Scheme.

It would be necessary, at the least, to comment upon the difficult conditions under which this work has been attempted. In the first place it has not been possible to refer to any of those Kenya Ordinances or Regulations which bear or may have some bearing upon the Kambusa Farm Planning Scheme. Secondly I have none of those papers (aside one containing notes, comments and references upon the Scheme which I read and made from time to time and collected together among my last letters from this residence in Nairobi) under the circumstances it has not been possible to approach this subject in the manner I would wish. The few references, notes and comments made are for guidance.

The suggested draft is submitted without the conditions under which it has been prepared. A few short reason collections as drawn to the matter should circumstances permit I should be, too, of the opportunity of reviewing the Scheme on my return to Nairobi.

In approaching this work I have endeavored as far as possible to avoid intruding matters which might give rise to local controversy. So far as I can foresee, the new matters introduced will not raise any new issues of moment.

Where, in reviewing the Scheme, I have haltered upon matters which appeared might require modification or amendment but which, for lack of facilities of reference, I did not feel justified in

in attempting to have left such matters in abeyance in the hope that further opportunity for comment would occur in the near future. As examples of such matters I would draw attention to the probable need for a definition of the words "to construct a street," and also the probable need of a definition of the word "lot" in Section 25. It would be unwise, however, to act in this matter without first consulting relevant legislation such as the Town Planning Ordinance itself, the Private Streets Bill now (I believe) before the Legislative Council, the New Town Building Regulations etc.

Purpose of the Amendments and Additions Suggested.

Section 1.

The words "the area" have a specific meaning assigned to them by this Section. It is desirable, therefore, to avoid, in far as possible the use of these words except where it is intended to convey the specific meaning assigned to them. By this means possible litigation or confusion of thought may be avoided.

With this object in view, the word "lands" has been substituted for the word "areas" in the definition of "new street".

The words "incidental works" having been introduced in the redrafting of the Bill, the need for a definition of these words arises as well to avoid any doubts as to their meaning and also to obviate vagaries and controversy and litigation.

The definition is taken from the Town Planning (Miscellaneous Provisions) Bill prepared by the English Ministry, etc. etc.

in attempting, I have left such matters in abeyance in the hope that further opportunity for comment would occur in the near future. As examples of such matters I would draw attention to the probable need for a definition of the words "to construct a street" and also the probable need for a definition of the word "plot" in Section 25. It would be unwise, however, to act in this matter without first consulting relevant legislation such as the Town Planning Ordinance itself, the Private Streets Bill now (I believe) before the Legislative Council, the Motor Bus Building Regulations etc.

Purpose of the Amendments and Additions Suggested.

Section 1.

The words "the area" have a specific meaning assigned to them by this Section. It is desirable, therefore, to avoid, insofar as possible, the use of these words except where it is intended to convey the specific meaning assigned to them. By this means possible ambiguity or confusion of thought may be avoided.

With this object in view, the word "lands" has been substituted for the word "areas" in the definition of "new street".

The words "incidental works" having been introduced in the redrafting of the Section, it is desirable for a definition of these words areas as well to avoid any doubts as to their meaning and also to obviate any controversies and litigation.

The definition is taken from the Town Planning House Bill prepared by the English Ministry, etc. etc.

Section 2.

The words "the area" have again been deleted where they have been used to convey a meaning contrary to that given in Section 1.

Section 3.

Seeing that the words "Responsible Authority" frequently occur throughout the Scheme without being defined it appears desirable to regularise the use of these words with the object of removing any doubts as to their meaning.

Section 4.

The alterations suggested are made with the object of removing any misconceptions as to the meaning of this Section.

The introduction of the words "by the Responsible Authority" arises from the issue of the draft Order by His Excellency the Governor in Council which provides that the cost of construction of new streets shall be borne by the Responsible Authority.

Section 5

It would appear necessary that the implication with regard to the widening of certain existing streets should be made explicit. The new Section has been substituted for the old one with this object in view.

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Sections 6, 7, 8 and 9

153

The issue of the draft Order by His Excellency the Governor in Council providing that the cost of construction of new streets shall be borne by the Responsible Authority appears to necessitate the deletion of Sections 6, 7, 8 and 9, which all deal with the machinery necessary where the cost of the construction of such streets falls upon the owners of adjoining lands, etc. These Sections have therefore, been deleted and a new Section introduced which, was added to the terms of the draft Order referred to above.

See Section, No. 6.

This is an entirely new Section introducing entirely new matters. This new Section makes provision for the execution of incidental works in connection with the construction of a street. It is adapted from Clause 6 of the Town Planning Model Clauses prepared by the English Ministry of Health.

Experience has proved that in the construction of streets it is often necessary if a street is to be constructed in an efficient manner to encroach upon adjoining lands for the purpose of executing such works as are enumerated in the definition of incidental works. This new Section has been introduced to simplify and regularise the procedure in such cases. Its adoption will better enable the Responsible Authority to carry out the intentions of the Act, and claims for compensation with respect to property injuriously affected are provided for.

New Section, No. 7.

This is simply a modification of Sub section (c) of Section 6 providing for the maintenance of streets.

Sections 10 and 11.

Section 11 This Section has been redrafted as as to give effect to the terms of the draft. Order issued by His Excellency the Governor in Council providing that the costs of the construction of new streets shall be borne by the Responsible Authority. It includes all the provisions of Section 11 with regard to the widening of such existing streets as are to be widened and also provides for the costs of incidental works and compensation in respect of any widening or incidental works, being borne by the Responsible Authority.

The new section is numbered, No. 8.

Section 12.

This Section has been renumbered, No 10, and has been redrafted.

In the event of an unintentional breach of the provisions of this Section it would be necessary to give effect to such provisions, by bringing an action against some person or persons. It may be argued that such intention is implied since the provisions are without force. If this be so it were better to be explicit on the subject and state "no person shall etc." instead of relying upon an implication. In the case of a Magistrate within my own experience, two

refused to ~~visit~~ where an action was brought against a person under a Regulation framed similar to the one in question.

The new Section has been redrafted on the lines suggested and the provisions further extended to include any "street" as well as any "new street".

New Section, No. 12.

An entirely new section has been inserted here, No. 12. The reasons for inserting this new Section are as follows:

It is essential that nothing should be allowed to be done on those lands forming the sites of new streets or widenings of existing streets which would add to the difficulty or increase the cost of construction when the time comes for the construction of such streets. At the same time it is probable that in some cases a considerable period of time may elapse before a new street is constructed or an existing street widened and there may be reasonable grounds for permitting temporary buildings to be erected on the ~~sites~~ sites of such new streets or widenings until such time as the land may be required for the purpose for which it is reserved under the Scheme.

The new Section prohibits development on any of the lands referred to except with the consent of the Responsible Authority and upon such terms as they may prescribe. Land may, therefore, be used as and when the Responsible Authority may think fit without incurring any risk of a subsequent increase in cost as the terms prescribed may provide adequate safeguards against claims for compensation, and may also provide for removal

refused to consent where an action was brought against a person under a Regulation framed similar to the one in question.

The new Section has been redrafted on the lines suggested and the provisions further extended to include any "street" as well as any "new street".

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The new Section prohibits development on any of the lands referred to except with the consent of the Responsible Authority and upon such terms as they may prescribe. Land may, therefore, be used as and when the Responsible Authority may think fit without incurring any risk of a substantial increase in cost as the terms prescribed may provide adequate safeguards against claims for compensation, and may also provide for renewal

of building or works etc etc.

This new Section is adapted from clause 9 of the Town Planning Model clauses prepared by the English Ministry of Health.

Sections 19 and 20.

The words "the area" have again been deleted where they have been used to convey a meaning contrary to that given in Section 1.

Section 21.

It appears to me only reasonable and equitable that the Responsible Authority should be relieved of an onerous responsibility, and that the interests of the ratepayers should be safeguarded, where the estimated cost of required works exceeds a certain sum, which is to be specified. For costs below the sum to be specified discretionary powers could, with advantage, be vested in the Responsible Authority.

I would suggest that the Responsible Authority be invited to recommend a suitable sum to be inserted in this Section.

Sections 23, 25, 28 and 30.

The words "the area" have again been deleted where they have been used to convey a meaning contrary to that given in Section 1.

Other slight amendments have been made to Sections 23 and 30 with the object of removing any misconceptions as to the meaning of these Sections.

Section 31.

This Section appears to have been unhappily worded. It provides that "no close boundary wall or fence shall be erected on the boundary next to any street. By setting back six inches or any other distance from the boundary next any street and then erecting a wall or fence no contravention of the provisions of the Section would result but the intention would be evaded.

The Section has been redrafted with the object of giving force to the intention of its provisions.

New Section, No. 30.

This is an entirely new Section adopted from clause 37 of the Town Planning Model clauses prepared by the English Ministry of Health.

The matter introduced is new but it would not appear to be likely to raise any cause of moment or controversy. The provisions are distinctly helpful and desirable and I venture to include them in the hope that they may be acceptable.

F. T. B. B. B.

21/7-
24.

THE ISLAND OF MOMBASA.
TOWN PLANNING ORDINANCE No. 30 OF 1919.
MOMBASA TOWN PLANNING SCHEME.

Definitions

1. In this Scheme the several words and expressions following shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

"THE ORDINANCE" means the Town Planning Ordinance, 1919.

"THE MAP" means the maps, plans and drawings which have been prepared in duplicate by the Mombasa Town Planning Authority, and which "map" referred to in the Mombasa Town Planning Scheme and of which duplicates one is deposited in the office of the Colonial Secretary at Nairobi, and the other in the Land Office at Mombasa.

"THE TOWN PLANNING AUTHORITY" means the body appointed by the Governor under Government Notice No. 129 of 1921 and any amendment thereof.

"THE AREA" means that portion of the Island of Mombasa which is described in section 2 of this Scheme.

"STREET" includes any road, lane, footpath, square, court, alley, or passage, whether a thoroughfare or not.

"NEW STREET" for the purposes of this Scheme means any of those lands coloured burnt sienna on the map.

"OWNER" means any person or corporation who is enabled to sell or convey lands, and includes all lessors or mortgagees of any lands or premises, except persons holding or entitled to the rents or profits of such premises under a lease the original term whereof is less than 21 years.

"BUILDING" includes any structure whatsoever for whatever purpose used.

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"BUILDING" includes any structure whatsoever for whatever purpose used.

"PUBLIC BUILDING" means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a place of public workshop, or as a hospital, college, school, theatre, public hall or as a place of assembly for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose.

"BUILDING OF THE WAREHOUSE CLASS" means a godown, warehouse, factory, manufactory or similar building.

"DWELLING HOUSE" means a building used or constructed or adapted to be used wholly for human habitation by one family only, whether detached, semi-detached or separated by party walls, or by floors from adjoining buildings, together with such out buildings as are reasonably required to be used or enjoyed therewith.

"DOMESTIC BUILDING" means a building used or constructed or adapted to be used in part for human habitation, or a store or shop, or an office, or any combination thereof, or any other building not being a dwelling house, public building or building of the warehouse class.

"WIDTH" applied to a new street, means the extent of space between the boundaries on one side of the street and the boundaries on the opposite side of the street.

"INCIDENTAL WORKS" means any slopes, approaches, embankments, cuttings, retaining walls, bridges, arches, girders, culverts, drains, or other works necessary and incidental to the construction of a street, and includes any works required for fencing the street.

Area of Scheme.

2. The area to which this Scheme shall apply shall be the Island of Macao excluding that part of the Island edged black and hatched in black lines on the map, and any reference in this Scheme to land is limited to land in the area.

"PUBLIC BUILDING" means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a place of public workshop, or as a hospital, college, school, theatre, public hall or as a place of assembly for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose.

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2. The area to which this Scheme shall apply shall be the Island of the base excluding that part of the Island edged black and hatched - black lines on the map, and any reference to this Scheme to land is limited to land in the area.

Responsible Authority.

3. The Authority which is to be responsible for enforcing the Scheme as required by Section 8 (1) of the Ordinance, and hereinafter referred to as the Responsible Authority, shall consist of - The Town Planning Authority as appointed by the Governor-in-Council or any such body as may supersede it.

New Streets.

4. The lands coloured burnt sienna on the map shall be reserved as new streets and such streets may be constructed by the Responsible Authority from time to time as developments require under and in accordance with this Scheme and in the lines and of the widths indicated on the map.

Widening of Existing Streets.

5. The existing streets coloured yellow on the map shall be widened and shall be widened in such manner as to include as parts of such streets the lands abutting thereon which are coloured yellow on the map and such construction and widening may be carried out by the Responsible Authority from time to time as developments require under and in accordance with this Scheme and in the lines and of the widths indicated on the map.

Incidental Works.

6. (a) The purposes of this Scheme shall include the execution by the Responsible Authority of incidental works upon land adjoining the streets to be constructed upon the lands coloured yellow and burnt sienna on the map.

Responsible Authority.

3. The Authority which is to be responsible for enforcing the Scheme as required by Section 8 (1) of the Ordinance, and hereinafter referred to as the Responsible Authority, shall consist of — The Town Planning Authority as appointed by the Governor-in-Council or any such body as may supersede it.

New Streets.

4. The lands coloured burnt sienna on the map shall be reserved as new streets and such streets may be constructed by the Responsible Authority from time to time as developments require under and in accordance with this Scheme and in the lines and of the widths indicated on the map.

Widening of Existing Streets.

5. The existing streets coloured yellow on the map shall be constructed and shall be widened in such manner as to include as parts of such streets the lands abutting thereon which are coloured yellow on the map and such construction and widening may be carried out by the Responsible Authority from time to time as developments require under and in accordance with this Scheme and in the lines and of the widths indicated on the map.

Incidental Works.

6. (a) The purposes of this Scheme shall include the execution by the Responsible Authority of incidental works upon land comprising the streets to be constructed upon the lands coloured yellow and burnt sienna on the map.

(b). The Responsible Authority may, after giving not less than three calendar months' notice to the owners of any land which adjoins any of the land coloured yellow or burnt sienna on the map and which is required for the purpose of executing any incidental works, enter upon such land and execute such works, and so far as may be necessary for the purpose of executing such incidental works the Responsible Authority may, in the manner as provided in Section 17 of this Scheme, cause any building to be removed, pulled down or altered.

(c). The Responsible Authority may at any time, after giving reasonable notice to the owner, enter upon land forming the site of any incidental works for the purpose of maintaining such works.

(d). Any person whose property is injuriously affected by any action taken by the Responsible Authority under this provision in the exercise shall be entitled to compensation in accordance with the provisions of the Ordinance.

Maintenance of Streets By Responsible Authority

7. The Responsible Authority shall upon the completion of the construction by the ... of any street or any part thereof upon any of the lands coloured yellow or burnt sienna on the map, by notice placed in such street or part of such street, declare the whole of such street or part of such street to be a high way repairable by the inhabitants at large, and thereupon such street or part of such street as defined in the notice shall become a high way repairable by the inhabitants at large.

Costs of Constructing New Streets and Existing Streets and Widening Existing Streets

8. All the costs and expenses of, and incidental to, the widening of existing streets and the construction of streets upon any of the lands coloured yellow or burnt sienna on the map including the execution of incidental works, compensation for

(b). The Responsible Authority may, after giving not less than three calendar months' notice to the owners of any land which adjoins any of the land coloured yellow or burnt sienna on the map and which is required for the purpose of executing any incidental works, enter upon such land and execute such works, and so far as may be necessary for the purpose of executing such incidental works the Responsible Authority may, in the manner as provided in Section 17 of this Scheme, cause any building to be removed, pulled down or altered.

(c). The Responsible Authority may at any time, after giving reasonable notice to the owner, enter upon land forming the site of any incidental works for the purpose of maintaining such works.

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Costs of Constructing New Streets and Existing Streets and Widening Existing Streets

8. All the costs and expenses of, and incidental to the widening of existing streets and the construction of streets upon any of the lands coloured yellow or burnt sienna on the map including the execution of incidental works, compensation for

any buildings require to be altered, demolished or removed or for any incidental works, and the construction of the carriageway or footway, shall be borne and paid by the Responsible Authority.

Taking over of Streets by Responsible Authority.

9. The Responsible Authority may, if they think fit, take over and maintain as a high way repairable by the inhabitants at large any street within the area which has been constructed to the satisfaction of the Responsible Authority notwithstanding that such street may not be of the full width prescribed by, or may not be otherwise in accordance with, the Ordinances and Regulations for the time being in force in the area.

Names of Streets.

10.

10. No person shall name any street or new street within the area, and no person shall set up any name to any street or new street within the area until such name has been given or approved by the Responsible Authority.

Laying Out of Streets by Responsible Authority.

11. The Responsible Authority may ^{lay} out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may maintain or renew or alter the same as they think fit. Provided that the Responsible Authority shall not reduce the part of any such street available for traffic whether the carriageway or the footway, to a less width than that required by this section, or by any Ordinance or Regulation in force in the area.

Provided always that nothing contained in this section shall empower the Responsible Authority to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and

any buildings required to be altered, demolished or removed or for any incidental works, and the construction of the carriageway or footway, shall be borne and paid by the Responsible Authority.

Taking over of Streets by Responsible Authority.

9. The Responsible Authority may, if they think fit, take over and maintain as a high way repairable by the inhabitants at large any street within the area which has been constructed to the satisfaction of the Responsible Authority, notwithstanding that such street may not be of the full width prescribed by, or may not be otherwise in accordance with, the Ordinances and Regulations for the time being in force in the area.

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Provided always that nothing contained in this Section shall empower the Responsible Authority to prevent any person residing on any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and

to the metalled paved portion of such streets

Restrictions upon Street Sites.

12. No person shall erect or cause to be erected any building, execute or cause to be executed any work on any land coloured blue or burnt sienna on the map which, for the purpose of enabling a street to be constructed thereon, would require to be removed, pulled down or altered, except with the consent of the responsible authority and upon such terms and conditions with regard to such removal, pulling down or alteration, or otherwise as the responsible authority may require.

Adjustment of Holdings.

13. In exercise of powers conferred upon them by section 17 of the Ordinance the responsible authority, may, in the name and in the said section, readjust the boundaries, areas, shapes and features of the plots and holdings within the area shown on the map, and from the date of approval of this scheme, the boundaries, areas, shapes and features of the said plots and holdings shall be the boundaries, areas, shapes and features shown on the map.

Survey and Registration.

14. In every case in which any plot has been readjusted under the provisions of section 13 of this Section, and in which the same has not yet been surveyed under the provisions of section 17 (4) of the Ordinance the responsible authority may call upon the owner of such plot to take up and surrender, with those readjustments the monuments or title of such plot or cause to be surveyed the monuments of title to such readjusted plot as may be required in this behalf under the Registration of Titles Act of 1913.

To the metalled or paved portion of such streets.

Restrictions upon Street Sites.

12. No person shall erect or cause to be erected any building, execute or cause to be executed any work on any land coloured blue or burnt sienna on the map which, for the purpose of enabling a street to be constructed thereon, would require to be removed, pulled down or altered, except with the consent of the Responsible Authority and upon such terms and conditions with regard to such removal, pulling down or alteration, as otherwise as the Responsible Authority may require.

Adjustment of Holdings.

13. In exercise of powers conferred upon them by section 17 of the Ordinance the Responsible Authority may, in the name and on behalf of the said Section, readjust the boundaries, areas, shapes and portions of the plots and holdings shown thereon in the map, and from the date of approval of the said plan, the boundaries, areas, shapes and portions of the plots and holdings shall be the boundaries, areas, shapes and portions shown in the map.

Survey and Registration.

14. In every case in which any plot has been created or altered under the provisions of section 13, this Section shall apply as if the said Section were to be read as if the words "in section 17 (3) of the Ordinance" were substituted therefor by "and shall apply as if the said Section were to be read as if the words 'in section 17 (3) of the Ordinance' were substituted therefor". The boundaries of title to such new plot may be shown in blue thereon under the Registration of Titles Ordinance of 1910.

all costs and expenses incurred in, and incidental to the survey and registration of any plot shall be borne by Government, and the muniments of title to the new plot shall be issued free of charge by Government.

Public Open Spaces

15. The lands coloured green on the map shall be deemed to be set apart for the purpose of open spaces.

Laying Out of Public Open Spaces.

16. All public open spaces or any of them shall be laid out when and as desired by the Responsible Authority as public square grounds, ornamental grounds, grassy or recreation grounds. No buildings shall be erected on such lands other than lodges, bandstands, lavatories, pavilions, refreshment rooms, shelters, sheds, and buildings of a like nature.

Demolition or Alteration of Buildings.

17. Whenever it appears to the Responsible Authority that in order to carry this Scheme into effect any building should be removed, pulled down or altered, they shall serve a notice upon the owner requiring him to remove, pull down or alter, the said building within a period of 6 calendar months.

If any person fails to comply with the requirements of any notice served under this Section, the Responsible Authority may cause the building to be removed, pulled down or altered, and may recover from the owner the expense incurred in so doing in a manner hereinafter provided.

Provided that any person whose property is injuriously affected by any action taken by the Responsible Authority,

all costs and expenses incurred in, and incidental to the survey and registration of any plot shall be borne by Government, and the proprietors of title to the said plot shall be relieved free of charge by Government.

Public Open Spaces

15. The lands coloured green on the map shall be deemed to be set apart for the purpose of open spaces.

Laying Out of Public Open Spaces.

16. All public open spaces or any of them shall be laid out upon land as desired by the Responsible Authority as public pleasure grounds, ornamental grounds, gardens or recreation grounds. No buildings shall be erected on such lands other than lodges, bandstands, lavatories, pavilions, refreshment rooms, shelters, sheds, and buildings of a like nature.

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Provided that any person whose property is injuriously affected by any action taken by the Responsible Authority,

under the provisions of this Section shall be entitled to compensation in accordance with the provisions of the Ordinances.

Division of Land for Building Purposes.

18. (1) No land within the area shall be divided, divided and let, or divided and sold for building sites until: -

(I) Plans shall have been deposited with the Responsible Authority: -

(a) A plan in triplicate showing the situation and boundaries of such land, the manner in which it is intended to divide the land, the buildings thereon if any, the width and position of roads to be made over and through such land, the intended position of surface drains, the land if any to be reserved for dwelling houses only, the land if any to be reserved for other buildings and the land if any to be reserved for open spaces.

(b) A statement in writing by the owner of the land as to the provisions which have been made or will be made for the construction of any road or of any drain shown on the plan.

(c) Such other documents, statements, information, plan, map or thing as the Responsible Authority may demand and: -

(II) The approval of the Responsible Authority has been notified to the owner in the manner hereinafter provided.

(2) The Responsible Authority shall as soon as conveniently may be after the receipt of such plans and statements consider the same and may request the owner of the land or his representative to attend before them and lay before them or explain any facts relating to the matter, and in the event of such plan being approved the Responsible Authority shall forward one copy thereof

under the provisions of this Section shall be entitled to compensation in accordance with the provisions of the Code.

Division of land for Building Purposes.

18. (1) No land within the area shall be divided, divided and let, or divided and sold for building sites until:—

(I) There shall have been deposited with the Responsible Authority:—

(a) A plan or triplicate showing the situation and boundaries of such land, the manner in which it is intended to divide the land, the buildings thereon if any, the width and position of roads to be made over and through such land, the intended position of surface drains, the land of any to be reserved for dwelling houses only, the land of any to be reserved for other buildings and the land of any to be reserved for open spaces.

(b) A statement in writing by the owner of the land as to the provisions which have been made or will be made for the construction of any road or of any drain shown on the plan.

(c) Such other documents, statements, information, plan, map or thing as the Responsible Authority may demand and:—

(II) The approval of the Responsible Authority has been notified to the owner in the manner hereinafter provided.

(2) The Responsible Authority shall as soon as conveniently may be after the receipt of such plans and statements consider the same and may request the owner of the land or his representative to attend before them and lay before them or explain any facts relating to the matter, and in the event of such plan being approved the Responsible Authority shall forward one copy thereof.

To the owner of the land to which it relates with a certificate that the plan has been approved, and upon receipt thereof such owner may proceed to divide, divide and let, or divide and sell (as the case may be) the land referred to in accordance with such plan, and in the event of such plan not being approved the Responsible Authority shall thereupon communicate their decision in writing to the owner of such land who may within 28 days after the receipt of such communication appeal to the Governor-in-Council whose decision shall be final.

(3) Any person dividing or dividing and letting, or dividing and selling any land for building sites before such plan has been approved as aforesaid or, except with the consent in writing of the Responsible Authority, otherwise than in accordance with such approved plan shall be liable to a penalty not exceeding thirty shillings for every day or part of a day during which the provisions of this Section or any of them have not been complied with.

(4) The erection of more than one building upon any land, whether such buildings are erected on account of the owner of the land or otherwise, shall constitute division of such land for the purposes of this Section. Provided that outbuildings of or appurtenances to any building shall not be deemed buildings for the purposes of this Section.

10. Whenever the Responsible Authority shall consider that any road or drain shown in a plan deposited with them under the last preceding Section should be constructed, or that a proper and sufficient water supply should be provided for the land to be divided, they shall before approving the plan require the owner of the land to give an undertaking in writing that he will, upon receipt of a notice from the Responsible Authority requiring him

to the owner of the land to which it relates with a certificate that the plan has been approved, and upon receipt thereof such owner may proceed to divide, divide and let, or divide and sell (as the case may be) the land referred to in accordance with such plan, and in the event of such plan not being approved the Responsible Authority shall thereupon communicate their decision in writing to the owner of such land who may within 28 days after the receipt of such communication appeal to the Governor-in-Council whose decision shall be final.

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10. Whenever the Responsible Authority shall consider that any road or drain shown in a plan deposited with them under the last preceding Section should be constructed, or that a proper and sufficient water supply should be provided for the land to be divided, they shall before approving the plan require the owner of the land to give an undertaking in writing that he will, upon receipt of a notice from the Responsible Authority requiring him

to do so, construct such road or drain or provide such water supply to the satisfaction of the Responsible Authority within such time as the said Responsible Authority shall determine. Provided however, that any owner who is refused to give such undertaking may appeal to the Governor-in-Council whose decision shall be final.

20. The owner of any land who shall be required to give any undertaking under the last preceding Section may be required to give or procure to be given to the Responsible Authority security, by bond with one or more sureties approved by the Responsible Authority or by an equitable mortgage over any of his property in such sum not exceeding the estimated cost of the works required to be constructed or provided as the Responsible Authority may determine for the faithful and punctual fulfillment of such undertaking.

Provided that where the estimated cost of the works required to be constructed or provided shall exceed the sum of \$100. The Responsible Authority shall not approve the plan of the proposed subdivision until such security shall have been given.

21. Whenever any person shall give a bond under the last preceding Section and it shall appear to the Responsible Authority that a condition of such bond has been broken, the Responsible Authority may sue for and recover for the use of the Responsible Authority the amount or moneys in respect of the breach of the said condition of the said bond together with costs. Any sum recovered in respect of the breach of a condition of a bond under this Section shall be devoted to such purposes in connection with the land in relation to which the bond shall have been given as the Responsible Authority shall determine.

22. (a) On an application submitted for the approval of the Responsible Authority plans with respect to the division for building purposes of any land at the time owned by him, the Responsible Authority may ascertain from such owner the total acreage of such land, and may by resolution fix the maximum number of dwelling houses which may at any time be built thereon, always provided that the average number of dwelling houses per acre shall not exceed twenty, and that there shall not be upon any acre a greater number than twenty.

In coming to their determination they shall take regard to the open spaces reserved or agreed to be reserved and to the number of dwelling houses built or sanctioned in the vicinity, and to any provision for streets or open spaces or a reduced number of dwelling houses or to any other contribution to the amenities of the area which any owner affected by the resolution has made or agreed to make.

By consent of the Responsible Authority but not otherwise, there may be erected on such land such shops or buildings other than dwelling houses as the Responsible Authority may think fit. Provided always that shops or other buildings shall conform in all respects to the Ordinances and Regulations in force for the time being in the area, and that in the event of any such approved shops or other buildings being erected on such land the above maximum number of dwelling houses shall be reduced in such manner as the Responsible Authority may think fit and just. No buildings or erections except those above sanctioned shall at any time be built on such land, and in reckoning the limit of buildings prescribed to an acre, roads and private open spaces constructed and set apart and to be set apart on, and by the owner of, the said lands, shall be included in the measurement of such land,

but no account shall be taken of public open spaces acquired or leased by the Responsible Authority.

(b) Any person aggrieved by the determination of the Responsible Authority under this Section may within 28 days after such determination give notice in writing of his objection to the Responsible Authority whereupon the Responsible Authority shall submit such objection to arbitration.

Height of Buildings.

28. No building (not being a public building nor a building of the warehouse class) shall:—

(1) where it abuts on a street the width of which is less than 40 ft. be built or increased to a greater height than 25 ft. nor contain more than one storey. Or:—

(2) where it abuts on a street the width of which is 40 ft. or more but less than 75 ft. be built or increased to a greater height than 35 ft. nor contain more than two storeys. Or:—

(3) where it abuts on a street the width of which is 75 ft. or more be built or increased to a greater height than 50 ft. nor contain more than three storeys.

Provided that where a building will abut on two or more streets of different widths the building may be built to a height in accordance with the provisions laid down for the street of greater width.

The height of a building shall be measured from the level of the crown of the street in front thereof to the eaves or parapet or to half the height of the gable whichever is the higher.

but no account shall be taken of public open spaces acquired or leased by the Responsible Authority.

(b) Any person aggrieved by the determination of the Responsible Authority under this Section may within 28 days after such determination give notice in writing of his objection to the Responsible Authority whereupon the Responsible Authority shall submit such objection to arbitration.

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(2) where it abuts on a street the width of which is 40 ft. or more but less than 75 ft. be built or increased to a greater height than 35 ft. nor contain more than two storeys. Or:—

(3) where it abuts on a street the width of which is 75 ft. or more be built or increased to a greater height than 50 ft. nor contain more than three storeys.

Provided that where a building will abut on two or more streets of different widths the building may be built to a height in accordance with the provisions laid down for the street of greater width.

The height of a building shall be measured from the level of the crown of the street in front thereof to the eaves or parapet or to half the height of the gable whichever is the higher.

of Plot to Be Built On

24. (a) No dwelling house shall be erected, added to, or altered so that more than one half of the plot on which it stands or is to stand (as the case may be) shall be built over, and no building or erection of any kind whatever shall be erected, added to, or altered upon any plot on which a dwelling house stands so that more than one half of such plot shall be built over. Provided that notwithstanding anything contained in this Section any dwelling house erected prior to the date of approval of this Scheme and occupying more than one half of the plot on which it stands may be added to or altered provided that such additions or alterations shall not extend beyond that part of the plot enclosed by the external walls of such dwelling house on the date of the approval of this Scheme.

(b) Any building other than a dwelling house may be erected or subsequently increased to cover such area of the plot upon which it stands, or is to stand, as may be consistent with the Ordinances and Regulations for the time being in force in the area, provided always, that in any building any storey or storeys used or to be used wholly or in part for human habitation shall not be built over nor subsequently increased to cover a greater area than one half of the plot on which the said building stands or is to stand.

Building Line

25. Every building shall be erected according to a building line to be laid down by the Responsible Authority.

Character of Buildings.

26. (1) No building of the warehouse class shall be erected except on the lands edged Payne's grey on the map.

(2) No building constructed for the purpose of, or adapted to be used as, a shop, business premises or for any trade shall be erected or converted for use or used as a shop, business premises, or for any trade on the lands edged Russian blue on the map.

Provided that for a period of five years from the date of the Scheme coming into force the plot (No. 62 of Section VII) occupied by the East Africa Power and Lighting Company may be used for the purpose of a generating station.

27. If having regard to the nature and situation of the site of any building or buildings proposed to be erected or altered, or to the character of any buildings erected or in course of erection in the neighbourhood of such site, the Responsible Authority are of opinion, that the character of the building or buildings proposed to be erected or altered, would be injurious to the amenity of the neighbourhood, whether on account of the design or the materials to be used, the Responsible Authority may require such reasonable alterations to be made in regard to the design and materials as they may think fit and may require the plans to be amended accordingly.

penalties.

25. No person shall without the consent of the Responsible Authority destroy any tree the trunk of which already has or hereafter shall have attained a girth exceeding 36 in. measured at a height of 4 ft. above the ground.

Provided that when any person can show that any tree interferes with the erection, convenience or maintenance of any building, other than fences, or that any tree stops or impedes ventilation to existing or proposed buildings, the Responsible Authority shall not withhold their consent to the destruction of the said tree.

Height of Fences.

20. No person shall erect any close boundary wall or fence upon any land abutting upon any street or the site of any proposed street of a greater height than 6 ft., measured from the level of the centre of such street.

Provided that in the case of lands abutting upon more than one street or proposed street as aforesaid a person may erect upon such lands a close boundary wall or fence to a height not exceeding 7 ft., measured from the level of the centre of such street, where such wall or fence when erected will front upon a street or site of a proposed street upon which any buildings erected or to be erected on such lands do not or will not front.

Provided further that the provisions of this Section shall not apply to lands on which buildings of the warehouse class are permitted to be erected.

Amenities.

25. No person shall without the consent of the Responsible Authority destroy any tree the trunk of which already has or hereafter shall have attained a girth exceeding 36 in. measured at a height of 4 ft. above the ground.

Provided that when any person can show that any tree interferes with the erection, convenience or maintenance of any building, other than fences, or that any tree stops or impedes ventilation to existing or proposed buildings, the Responsible Authority shall not withhold their consent to the destruction of the said tree.

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Provided that in the case of lands abutting upon more than one street or proposed street as aforesaid a person may erect upon such lands a close boundary wall or fence to a height not exceeding 7 ft., measured from the level of the centre of such street, where such wall or fence when erected will front upon a street or site of a proposed street upon which any buildings erected or to be erected on such lands do not or will not front.

Provided further that the provisions of this Section shall not apply to lands on which buildings of the warehouse class are permitted to be erected.

Safety of Traffic.

30. (a) If at any time the Responsible Authority are of opinion that, for the purpose of securing the safety of traffic, the height of close fences and walls, the growth of hedges, trees and shrubs, and the erection of other obstructions upon any land adjoining any street or the site of any proposed street ought to be regulated, the Responsible Authority may prescribe a line upon the land, and shall thereupon give notice of the line prescribed to the owner and occupier of the land:

Provided that where a building line is shown on the map or has been fixed by the Responsible Authority under this Section in respect of the street or proposed street, any line prescribed under this Section shall be between that building line and the boundary of the street.

(b) Where a line is prescribed by the Responsible Authority under this Section, no wall, fence, hedge, tree or shrub or other obstruction (other than temporary structures erected in connection with building operations) shall be erected or be permitted to grow between that line and the boundary of the street or proposed street so as to cause danger to traffic by obscuring the view.

(c) The Responsible Authority may from time to time vary any line as prescribed and shall give notice of the variation in writing to the owner and occupier of the land.

(d) No proceedings in respect of any contravention of this Section shall be taken until 14 days after notice in writing has been given to the person in default.

Safety of Traffic.

30. (a) If at any time the Responsible Authority are of opinion that, for the purpose of securing the safety of traffic, the height of close fences and walls, the growth of hedges, trees and shrubs, and the erection of other obstructions upon any land adjoining any street or the site of any proposed street might to be regulated, the Responsible Authority may prescribe a line upon the land, and shall thereupon give notice of the line prescribed to the owner and occupier of the land:

Provided that where a building line is shown on the map or has been fixed by the Responsible Authority under this Section in respect of the street or proposed street, any line prescribed under this Section shall be between that building line and the boundary of the street.

(b) Where a line is prescribed by the Responsible Authority under this Section, no wall, fence, hedge, tree or shrub or other obstruction (other than temporary structures erected in connection with building operations) shall be erected or be permitted to grow between that line and the boundary of the street or proposed street so as to cause danger to traffic by obscuring the view.

(c) The Responsible Authority may from time to time vary any line so prescribed and shall give notice of the variation in writing to the owner and occupier of the land.

(d) No proceedings in respect of any contravention of this Section shall be taken until 14 days after notice in writing has been given to the person in default.

Prohibition of Advertisements.

31. No person shall in the area erect, fix, place or use or permit to be used any building, hoarding, framework, structure or device for the purpose wholly or in part of advertisement without first obtaining the written consent of the Responsible Authority, and then subject to such conditions as the Responsible Authority may prescribe, but this prohibition shall not apply to the exhibition of traders names and businesses on shops or factories, or to any notices exhibited on Public Buildings. It shall be lawful for the Responsible Authority to remove or pull down any advertisements displayed in contravention of this Section and to enter on any land or premises for the purpose.

Penalties.

32. Any person who shall contravene or fail to comply with any of the provisions of this scheme shall be guilty of an offence and shall, unless otherwise stated be liable to a fine not exceeding \$1,000/- for the first offence and not exceeding \$10,000/- for any subsequent offence of a like nature.

Any person who shall fail to comply with the requisitions of any notice served under this scheme within the time specified by such notice shall be guilty of an offence and shall be liable to a fine not exceeding \$100/- for every day in which he shall be in default.

Prohibition of Advertisements.

31. No person shall in the area erect, fix, place or use or permit to be used any building, hoarding, framework, structure or device for the purpose wholly or in part of advertisement without first obtaining the written consent of the Responsible Authority, and then subject to such conditions as the Responsible Authority may prescribe, but this prohibition shall not apply to the exhibition of traders names and businesses on shops or factories, or to any notices exhibited on Public Buildings. It shall be lawful for the Responsible Authority to remove or pull down any advertisements displayed in contravention of this Section and to enter on any land or premises for the purpose.

Penalties

32. Any person who shall contravene or fail to comply with any of the provisions of this Section shall be guilty of an offence and shall, unless otherwise stated be liable to a fine not exceeding \$1,000/ for the first offence and not exceeding \$10,000/ for any subsequent offence of a like nature.

Any person who shall fail to comply with the requisitions of any notice served under this Section within the time specified by such notice shall be guilty of an offence and shall be liable to a fine not exceeding \$1.00/ for every day in which he shall be in default.

Arbitration.

33. Where it is provided or agreed that any matter arising under this Scheme shall be referred to arbitration then such reference shall be to two arbitrators one to be appointed by the Responsible Authority and one by the other party to the Arbitration and an umpire to be appointed by such Arbitrators; -

(1) If either party shall fail to appoint an arbitrator within 21 days after being requested in writing to do so by the other party, then the arbitrator appointed by the other party shall alone conduct the arbitration and his decision shall be final and binding on both parties.

(2) If the said arbitrators shall fail to agree upon the matter referred to them within sixty days of the same having been so referred, then the matter so referred shall be decided by an umpire to be appointed by the said arbitrators, or in the event of such arbitrators being unable to agree as to the umpire, to be appointed by a judge of the High Court, whose decision shall be final and binding between the parties.

(3) Every such arbitration shall be carried on in the manner prescribed by the Arbitration Ordinance 1913 and be subject to such last mentioned Ordinance in the same manner as if reference to such arbitration had been made by consent of parties under a written agreement.

(4) Every party shall pay his or its costs of such reference, and any costs incidental to the appointment of an umpire shall be paid equally by the parties to the arbitration.

Claims for Compensation.

34. Every person who under the terms of Section 12 of the Ordinance shall make any claim for compensation on account of any property injuriously affected by the provisions of this Scheme shall make such claim within a period of three calendar months from the date of notice calling on the owner or his accredited agent to have his beacons pointed out. Provided that the Responsible Authority shall have power at their discretion to accept applications for compensation after the period prescribed above.

Any claim for betterment made by the Responsible Authority shall be made within the same period as prescribed above for claims for compensation.

Recovery of Expenses.

35. All expenses recoverable by the Responsible Authority under this Scheme may be recovered as a civil debt in a court of competent jurisdiction.

Short Title.

36. This Scheme shall be cited as the Mombasa Town Planning Scheme 1923.



Arthington Keir,
Hunslet,
Leeds.

21st July, 1924.

The Under Secretary of State,
Colonial Office,
London, S.W.1.

Sir,

⁸⁰⁰
Your No. 23449/1924 dated 2-7-24.
Kenya.

With reference to your communication referred to above I have the honour to submit herewith, in accordance with your request, a redraft I have prepared of the Mombasa Town Planning Scheme.

The papers submitted are in three sections:—

- A. The suggested amendments and additions to the Scheme.
- B. An explanatory memorandum with regard to the suggested amendments and additions.
- C. A redraft of the Scheme embodying the amendments and additions suggested.

I return herewith the printed copy of the Mombasa Town Planning Scheme.

I have the honour to be,
Sir,

Your obedient servant,

J. Strawbridge

Senior Sanitary Inspector,
Medical Department,
Kenya Colony

Enclosures:— 4.

M.I.

36720

218

Kemp 12 August, 1926

C. D.
R 5 - AUG
D 6

Sir

I am re. to ack. receipt of your letter of the 21st. of July and to ~~thank you for~~ convey to you an expression of his thanks for the ~~receipt~~ ~~which you have~~ forwarded satisfactory manner in which you have re-dept. the ~~Members~~ Town Planning Scheme.

DRAFT.

Stambridge Esq

MINUTE.

Mr. Whitaker & S.

Mr. Calder 5.8

Mr.

Sir C. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith.

Lord Arnold.

Mr. Thomas.

2. The C.A. for the Col. have been instructed to pay you a fee of £10.

I am re.

(Signed) H. J. READ

3 J.C.

M. I.

30720/4

219

Kenya 12 August 1922

Sir:

DRAFT.

SV

I am to request you
to pay to Mr. F. Standish
Senior Sanitary Inspector

C. A.

Kenya the sum of ten
pounds (£10) representing
a fee for special work in
connection with the main tank planning
which he has undertaken

MINUTE.

Mr. Whitaker 6.0

Mr. Cash 5.8

Mr.

Sir O. Paine

Sir G. Brindle

Sir H. ...

Sir J. ...

Lord ...

Mr. Thomas

during his leave &

absence in this country.

I am etc.

(Signed) H. J. READ

3 576

2. A duplicate copy of the
print of the "Mombasa Town
Planning Scheme" is enclosed
for reference but I am to
request you to return this print
to the C.O. at your earliest
convenience.

I am etc.

(Signed) H. J. READ

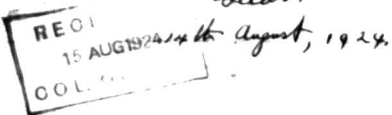
2. A duplicate copy of the
print of the "Mombasa Town
Planning Scheme" is enclosed
for reference but I am to
request you to return this print
to the P.O. at your earliest
convenience.

I am,

(Signed) H. J. READ

Under Secretary of State,
Colonial Office,
London.

11, Arthington View,
Hants,
Hants.



Your No. 24720/1924 dated 12-8-24.

My dear Sir,

I have the honor to acknowledge the receipt
of the thanks of your letter referred to above.

I have the honor to be,

Sir,

your obedient servant.

F. B. ...

Mr. ...

attached

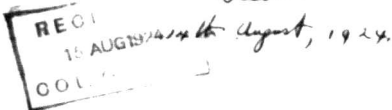
15/8

15/8

Yes 15/8

11, Arthington Hall,
 Burnley,
 Leeds.

Under Secretary of State,
 Colonial Office,
 London.



Your No. 24720/1924 dated 12-8-24.

Dear Sir,

I have the honor to acknowledge the receipt
 of the thanks of your letter referred to above.

I have the honor to be,

Sir,

your obedient servant,

F. B. [Signature]

Mr. [Name]

attached

15/8

821A

Yours c/o 15/8

REGISTERED NO. 41808

NOTICE TO BINDER

PLEASE LEAVE SPACE HERE FOR INSERTION OF 6 SHEETS

From *Shantz H.L.* *Kenya*
Date *28 July 1954*
Subject *Agriculture*

(Paper not available at time of binding)