

CAP 132

HEALTH AND MUNICIPAL SERVICES ORDINANCE

Long title

To make provision for public health and municipal services.

(Amended 10 of 1986 s. 2)

[11 November 1960] *G.N.A. 132 of 1960*

(Originally 30 of 1960; 15 of 1935)

Part I PRELIMINARY

s 1 Short title

This Ordinance may be cited as the Public Health and Municipal Services Ordinance.

(Amended 10 of 1986 s. 3)

s 2 Interpretation

(1) In this Ordinance, unless the context otherwise requires-

"advertisement" (宣傳、宣傳品) includes any structure or apparatus erected, used, or intended to be used, solely for the display of advertisements;

"analysis" (分析) includes micro-biological assay but no other form of biological assay, and "analyse" (分析) shall be construed accordingly;

"animal" (動物) includes reptiles, but does not include birds or fish;

"aquatic product" (水產) means fish, shellfish, amphibian or any other form of aquatic life other than a bird, mammal or reptile; (Added 5 of 2011 s. 64)

"Authority" (主管當局) means the public officer designated to be the Authority by the provisions of section 3; (Amended 78 of 1999 s. 7)

"bath" (浴、沐浴) includes shower bath and turkish bath;

"billiard establishment" (桌球場所) means any place opened, kept or used for the purpose of playing billiards, snooker, pool or similar games; (Added 53 of 1988 s. 3)

"book" (書籍) includes a document, periodical, magazine, newspaper, pamphlet, music-score, picture, print, engraving, etching, deed, photograph, map, chart, plan or manuscript, and any other article or thing of a like nature provided for the use of the public in any library; (Replaced 50 of 1979 s. 2)

"canopy" (簷篷) means any shade, shelter or other structure not carrying a floor load which-

- (a) projects from a wall of a building and is cantilevered or supported by brackets, posts or other means; or
- (b) is erected on any building or in or over any open space adjacent to or on a building and is supported by posts or other means; (Added 43 of 1972 s. 2)

"cemetery" (墳場) means any place for the time being specified in the Fifth Schedule;

"civic centre" (文娛中心) means any premises and the grounds appurtenant thereto set aside under section 105M as a civic centre; (Added 21 of 1973 s. 2)

"The Commonwealth War Graves Commission" (英聯邦國殤紀念墳場) means The Commonwealth War Graves Commission established by the charter dated 21 May 1917 (read and construed with the supplemental charter dated 8 June 1964) as amended from time to time; (Added 12 of 1994 s. 2)

"corporation" (法團) means any person or body of persons incorporated by virtue of any Ordinance of Hong Kong and also means any company registered under the Companies Ordinance (Cap 32); (Amended 10 of 1986 s. 24)

"court" (法庭) means a magistrate's court;

"cream" (忌廉) means that part of milk rich in fat which has been separated by skimming or otherwise;

"crematorium" (火葬場) means any building or place designed or adapted for the purpose of burning human remains; (Added of 21 of 1973 s. 2)

"dancing establishment" (跳舞場所) means any public dance-hall or dancing school which is required to be licensed under the provisions of the Miscellaneous Licences Ordinance (Cap 114) or the Places of Public Entertainment Ordinance (Cap 172);

"deposit" (棄置), in relation to litter or waste, includes to cast, throw, spray, sweep, place, drop, discharge, spill, dump, tip, scatter or blow such litter or waste; (Added 72 of 1981 s. 2)

"drain" (排水渠) means a drain used for the drainage of one building or any buildings or yards appurtenant to buildings within the same curtilage, and the expression "public drain" (公共排水渠) means a drain which is vested in and maintained by the Government and, for the purposes of this Ordinance, includes any part of a drain from the outlet of any disconnecting trap to its junction with a public drain or sewer, and the expression "private drain" (私家排水渠) means any drain other than a public drain;

"drink" (飲品) does not include water other than-

- (a) aerated water;
- (b) distilled water;
- (c) water from natural springs, either in its natural state or with added mineral substances; and
- (d) water that is placed in a sealed container and is intended for human consumption; (Replaced 5 of 2011 s. 64)

"drug" (藥物) includes any medicine, Chinese herbal medicine or proprietary Chinese medicine for internal or external use by man; (Replaced 47 of 1999 s. 162)

"establishment" (場所) includes premises;

"excretal matter" (排泄物) means excretal matter of human beings;

"exhibit" (展品) means an article intended for display within a museum whether or not the article is displayed to the public at any particular time; (Added 21 of 1973 s. 2)

"fire hazard" (火警危險) means-

- (a)-(b) (Repealed 5 of 1985 s. 2)
- (c) any removal from any building of any fire service installation or equipment which was provided in such building in accordance with plans certified by the Director of Fire Services for the purposes of section 16 of the Buildings Ordinance (Cap 123);
- (d) the presence in any building of any fire service installation or equipment which from lack of proper maintenance or for any other reason is not in efficient working order;
- (e) (Repealed 5 of 1985 s. 2)
- (f) any other matter or circumstance which materially increases the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity, or which would materially hamper the Fire Services Department

in the discharge of its duties in the event of fire or other calamity; (Added 61 of 1974 s. 2)

"fire service installation or equipment" (消防裝設或設備) means any installation or equipment manufactured, used or designed to be used for the purposes of-

- (a) extinguishing, attacking, preventing or limiting a fire;
- (b) giving warning of a fire;
- (c) providing access to any premises for the purpose of extinguishing, attacking, preventing or limiting a fire; (Added 61 of 1974 s. 2)
- (d) facilitating the evacuation from any premises or place in case of fire; (Added 7 of 2003 s. 21)
- (e) providing a stand-by power supply to an installation or equipment the purposes of which are mentioned in paragraphs (a) to (d) in the event of the loss of normal power supply; (Added 7 of 2003 s. 21)

"fish" (魚) means all fish commonly used for human consumption and also means any other fish which is sold or offered for sale for human consumption;

"food" (食物) includes-

- (a) drink;
- (b) ice;
- (c) chewing gum and other products of a similar nature and use;
- (d) smokeless tobacco products; and
- (e) articles and substances used as ingredients in the preparation of food,

but does not include-

- (f) live animals or live birds, other than live aquatic products;
- (g) fodder or feeding stuffs for animals, birds or aquatic products; or
- (h) medicine as defined by section 2(1) of the Pharmacy and Poisons Ordinance (Cap 138) or Chinese herbal medicine or proprietary Chinese medicine as defined by section 2(1) of the Chinese Medicine Ordinance (Cap 549); (Replaced 5 of 2011 s. 64)

"goods vehicle" (貨車) has the same meaning as it has in the Road Traffic Ordinance (Cap 374); (Added 72 of 1981 s. 2)

"grave" (墳墓) means a burial place formed in the ground by excavation and without any internal walls of brickwork or stonework or any other artificial lining;

"hawker" (小販) means-

- (a) any person who trades in any public place-
 - (i) by selling or exposing for sale any goods, wares or merchandise; or
 - (ii) by exposing samples or patterns of goods, wares or merchandise to be afterwards delivered; or
 - (iii) by hiring or offering for hire his skill in handicraft or his personal services; and
- (b) any person who itinerates for the purpose-
 - (i) of selling or exposing for sale any goods, wares or merchandise; or
 - (ii) of hiring or offering for hire his skill in handicraft or his personal services;

Provided that nothing in this definition shall be taken to include-

- (i) any person who sells to or seeks orders from any person who is a dealer in any such goods, wares or merchandise and who buys to sell again; or
- (ii) any person who on request visits in any place the person making such request for the purpose of selling or offering for sale or delivering to him or taking from him orders for any goods, wares or merchandise or of hiring to the person making such request his skill in handicraft or his

personal services; or

(iii) any representative of the press or any photographer;

"health inspector" (衛生督察) means any person appointed by the Chief Executive to be a health inspector and any person for the time being performing the duties of a health inspector; (Amended 59 of 2000 s. 3)

"health officer" (衛生主任) means-

(a) the Director of Health, a Deputy Director of Health or an Assistant Director of Health; or

(b) the Director of Food and Environmental Hygiene, a Deputy Director of Food and Environmental Hygiene or an Assistant Director of Food and Environmental Hygiene,

and includes a person authorized by the Director of Health or the Director of Food and Environmental Hygiene to perform the functions of a health officer; (Added 78 of 1999 s. 7)

"household waste" (住戶廢物) means waste produced by a household and of a kind ordinarily produced by a dwelling when occupied as such; (Replaced 8 of 1980 s. 37)

"latrine" (廁所) includes a water closet, urinal and dry latrine, and all other sanitary equipment or installations designed, intended or used for the reception of excretal matter;

"librarian" (圖書館長) means the Chief Librarian; (Added 21 of 1973 s. 2. Amended 8 of 1980 s. 37)

"library" (圖書館) means any building, or part of a building, designated under section 105K as a library; (Added 21 of 1973 s. 2)

"library material" (圖書館藏件) means any book, film, gramophone record, tape, and any other thing on or in which any information or image is written, recorded, stored or reproduced; (Added 50 of 1979 s. 2)

"licensee" (持牌人) includes a delegate appointed pursuant to a requirement under the provisions of section 125(7);

"litter" (扔棄物) includes-

(a) any earth, dirt, soil, dust, ashes, paper or refuse;

(b) any glass, china, earthenware or tin;

(c) any mud, clay, brick, stone, plaster, sand, cement, concrete, mortar, wood, timber, sawdust, plastic, construction material or excavated material;

(d) any rubble, rubbish or debris;

(e) any filth, manure, dung, excretal matter and any other offensive, noxious or obnoxious matter or liquid; and

(f) any substance likely to constitute a nuisance; (Added 72 of 1981 s. 2)

"market" (街市) means any market to which, by virtue of a declaration by the Authority under section 79(1), this Ordinance applies; (Amended 57 of 1978 s. 2)

"milk" (奶類) means cows milk, buffaloes milk and goats milk, and includes cream and separated milk, but does not include dried milk, condensed milk or reconstituted milk; (Amended 32 of 1963 s. 2)

"mobile library" (流動圖書館) means any vehicle within the meaning of section 2 of the Road Traffic Ordinance (Cap 374) and any vessel maintained by the Authority and used for the conveyance of library material for the use of the public; (Added 21 of 1973 s. 2. Amended 50 of 1979 s. 2)

"mortuary" (殮房) means any premises or place set apart or habitually used for the reception, storage or treatment of human remains;

"motor vehicle" (汽車) means any mechanically propelled vehicle; (Added 72 of 1981 s. 2)

"Municipal Services Appeals Board" (市政服務上訴委員會) means the Municipal Services Appeals Board established under section 3 of the Municipal Services Appeals Board Ordinance (Cap 220); (Added 78 of 1999 s. 7)

"museum" (博物館) means a building, or part of a building, or area designated under section 105G as a museum; (Added 21 of 1973 s. 2)

"offensive trade" (厭惡性行業) means any trade, business, process or manufacture declared under the provisions of section 48 to be an offensive trade;

"owner" (擁有人) includes a person holding premises direct from the Government whether under lease, licence or otherwise, a mortgagee in possession and a person receiving the rent of any premises, solely or with another, on his own behalf or that of any person, or who would receive the same if such premises were let to a tenant; (Added 48 of 1969 s. 2. Amended 29 of 1998 s. 105)

"package" or "packing" (包裝) includes every means by which goods for carriage, sale or deposit are cased, covered, enclosed, contained or wrapped;

"petroleum" (石油) means crude petroleum or any oil made from petroleum or from coal, shale, peat or other bituminous substances;

"poultry" (家禽) means any bird commonly used for human consumption and also any other bird which is sold or offered for sale for human consumption;

"premises" (處所) includes land, buildings, structures and basements and, in relation to any building, includes the curtilage thereof, and, in relation to the internal parts of a building, includes any bedspace, cubicle, room, floor, or portion of a floor, the subject of a separate letting; (Amended 32 of 1963 s. 2)

"prescribed fee" (訂明費用), in relation to any purpose in or under this Ordinance, means the fee prescribed for that purpose under section 124I, 124J or 124L as may be appropriate; (Added 78 of 1999 s. 7)

"private market" (私營街市) means any market other than a public market;

"public analyst" (政府分析員) means the Government Chemist, the Government Pathologist and any analyst appointed by the Chief Executive for the purposes of this Ordinance; (Amended 59 of 2000 s. 3)

"public bowling-alley" (公眾保齡球場) means any place opened, kept or used for the purpose of playing the game of skittles to which the public are admitted with or without payment for admission; (Added 21 of 1973 s. 2)

"public market" (公眾街市) means a market designated as a public market under section 79(3); (Amended 21 of 1973 s. 2)

"public pleasure ground" (公眾遊樂場地) means any place for the time being specified in the Fourth Schedule and delineated on any plan thereof which may, for the time being, have been deposited in accordance with the provisions of section 106(5), and, in the case of a beach, includes the sea and the sea-bed within the limits of the beach;

"public skating rink" (公眾溜冰場) means any place opened, kept or used for the purpose of skating to which the public are admitted with or without payment for admission unless such place is a place of public entertainment licensed as such under the Places of Public Entertainment Ordinance (Cap 172); (Added 21 of 1973 s. 2)

"public swimming pool" (公眾泳池) means a swimming pool designated as a public swimming pool under section 42A; (Amended 21 of 1973 s. 2)

"registered specialist contractor (ventilation works category)" (註冊專門承建商(通風系統工程類別)) means a person whose name is for the time being on the sub-register for the ventilation works category in the register of specialist contractors maintained under section 8A of the Buildings Ordinance (Cap 123); (Added 78 of 1999 s. 7)

"reptiles" (爬蟲) means all reptiles commonly used for human consumption and any other reptiles sold or offered for sale for human consumption; (Added 9 of 1976 s. 2)

"sale" or "sell" (售、售賣、出售) includes disposal by barter or raffling;

"sanitary convenience" (衛生設施) includes latrine, sink, bath, washbasin, slop closet and any similar convenience;

"scheduled offence" (附表所列罪行) means an offence under any of the enactments specified in the First Schedule;

"scheduled premises" (附表所列處所) means any premises of any of the classes of premises specified in the first column of the Second Schedule;

"sealed" (加封) includes closed by means of a stopper or screw top; (Added 26 of 1986 s. 2)

"Secretary for Home Affairs" (民政事務局局長) includes the Director of Home Affairs and any

district officer; (Replaced 10 of 1986 s. 4. Amended L.N. 262 of 1989; L.N. 621 of 1994; L.N. 362 of 1997)

"sewer" (下水道) does not include a drain as defined in this section but otherwise includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings, and the expression "public sewer" (公共下水道) means a sewer which is vested in and maintained by the Government and includes, for the purposes of this Ordinance, any part of a sewer from the outlet of any disconnecting trap to its junction with a public sewer or drain which part lies outside the lot boundary, and the expression "private sewer" (私家下水道) means any other sewer; (Amended 48 of 1969 s. 2) "slaughterhouse" (屠房) and "abattoir" (屠場) mean any premises or place habitually used for the slaughter of animals for human consumption; and the expression "public slaughterhouse" (公營屠房) means a slaughterhouse designated as a public slaughterhouse under section 76A(1); and the expression "private slaughterhouse" (私營屠房) means any other slaughterhouse; (Replaced 21 of 1973 s. 2)

"smokeless tobacco product" (無煙煙草產品) means any product which consists of tobacco, or primarily of tobacco, intended to be taken orally, and includes chewing tobacco (whether looseleaf, firm plug, moist plug, twist or roll chewing tobacco) and moist snuff, but does not include dry snuff taken by inhalation; (Added 62 of 1986 s. 2)

"stadium" (體育場) means any stadium for the time being specified in the Twelfth Schedule and delineated on any plan thereof deposited in accordance with section 105A(4); (Added 21 of 1973 s. 2)

"street waste" (街道廢物) means dust, dirt, rubbish, mud, road scrapings or filth, but does not include excretal matter; (Amended 8 of 1980 s. 37)

"trade waste" (行業廢物) means waste from any trade, manufacture or business, or any waste building or civil engineering materials; (Replaced 8 of 1980 s. 37)

"vault" (墓穴) includes underground burial places of every description, except graves;

"ventilating system" (通風系統) means a system which is either mechanical or electrical, or both, for introducing or exhausting air, and also means an air-conditioning plant which contains a device for reducing or increasing the temperature of the air in any building, or any part thereof, below or above the temperature of the external air; (Replaced 61 of 1974 s. 2)

"vermin" (蟲鼠) includes rodents, and also includes cockroaches, mites, ticks, bugs, fleas, lice and itch mites, and the eggs, larvae, nymphs or pupae thereof;

"vessel" (船隻) means any ship, junk, sampan, boat or other description of craft within the waters of Hong Kong, but does not include registered ocean going ships nor any ships or vessels belonging to any government other than the Government of the Hong Kong Special Administrative Region; (Amended 10 of 1986 s. 24; 23 of 1998 s. 2)

"waste" (廢物) means any substance or article which is abandoned; (Added 8 of 1980 s. 37)

"workplace" (工場) means any premises, vessel or place in which articles are manufactured, altered, cleansed, repaired, ornamented, finished, adapted for sale, broken up or demolished or in which materials are transformed (including shipbuilding), but does not include any notifiable workplace under section 9 of the Factories and Industrial Undertakings Ordinance (Cap 59). (Amended 50 of 1985 s. 9; 10 of 1986 s. 4)

(2) For the purposes of this Ordinance any substance or article which is discarded or otherwise dealt with as waste shall be presumed to be waste until the contrary is proved. (Added 8 of 1980 s. 37)

(3) For the purposes of this Ordinance any substance or article which is discarded or otherwise dealt with as litter shall be presumed to be litter until the contrary is proved. (Added 72 of 1981 s. 2)

(Amended 53 of 1988 s. 3; 78 of 1999 s. 7)

s 3 Designation of Authorities

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) Subject to subsection (2), the Authority for the purposes of each section of this Ordinance specified in the first column of the Third Schedule is the public officer specified opposite to it in the second column of that Schedule. (Replaced 78 of 1999 s. 7)

(2) The Chief Executive in Council may by order designate any public officer to be the Authority for the purposes of any of the sections of this Ordinance in substitution for the public officer specified in the Third Schedule as the Authority for the purposes of that section. (Amended 78 of 1999 s. 7)

(3) The Chief Executive in Council may by order amend, add to or delete from the Third Schedule.

(Amended 59 of 2000 s. 3)

Part II SEWERS AND DRAINS

s 4 Construction and maintenance of public sewers and drains

The Authority shall be responsible for causing the construction, repair and maintenance of all public sewers, drains or drainage works, and may alter or disconnect the connection therewith of any private sewer, drain or drainage works.

s 5 Cleansing of public sewers

The Authority shall be responsible for the proper clearing, cleansing and emptying of public sewers, drains and drainage works, and for the abatement of nuisances arising in connection therewith.

s 6 Protection of public sewers and drains

(1) Any person who-

(a) places or throws any solid matter, mud or waste (except such as is contained in ordinary house sewage) in or into any public sewer or drain or any sewer, drain, inlet or other drainage work communicating with any public sewer or drain, or over any grate communicating with any public sewer and drain;

(b) causes or knowingly permits any such matter, mud or waste to be placed or thrown, or to fall, or to be carried, in or into any public sewer or drain or over any such grate;

(c) causes or knowingly permits any such matter, mud or waste to be placed in such a position as to be liable to fall or be carried as aforesaid;

(d) discharges into any public sewer or drain or into any sewer or drain which, not being a public sewer or drain, communicates therewith, any chemicals, oils, petroleum or petroleum-spirit or any trade waste (not included as aforesaid) or any waste steam, or any heated liquid, which, either alone or in combination with other matter in any sewer or drain, causes or may cause nuisance or danger to persons entering or being in, or near to, any public sewer or drain or danger to any public sewer or drain itself; or

(e) wilfully, except with the permission in writing of the Authority, or negligently damages, alters, disconnects or otherwise interferes with any public sewer or drain or any connection therewith,

shall be guilty of an offence. (Amended 8 of 1980 s. 37)

(2) The Authority may prosecute for an offence under the provisions of subsection (1), and shall not be obliged to prosecute if, in its opinion, the solid or other matter may be received into the public sewer or drain in question without risk of damage to structure or danger to the health of persons employed at

or being near to such sewer or drain: (Amended 78 of 1999 s. 7)

Provided that nothing in this subsection shall be deemed to derogate from the powers of the Secretary for Justice in relation to the prosecution of criminal offences. (Amended L.N. 362 of 1997)

s 7 Prevention of obstruction of sewers and drains by soil or waste

(1) The Authority may cause a notice to be served on the owner or occupier of land adjoining any street or place in which is situated a public sewer, drain or drainage works requiring him, within such time as may be specified in such notice, so to fence off, channel or embank the land as to prevent soil or waste being carried into such public sewer, drain or drainage works. (Amended 8 of 1980 s. 37)

(2) Any person who fails to comply with any of the requirements of a notice served under the provisions of subsection (1) within the time specified therein shall be guilty of an offence.

s 8 Saving in relation to certain Ordinances

Nothing in section 6 or 7 shall be taken or construed to the prejudice of any powers conferred by the Factories and Industrial Undertakings Ordinance (Cap 59) or the Buildings Ordinance (Cap 123).

s 9 Punishment of persons interfering with public sewers or drains

Any person who, without the permission of the Authority-

- (a) enters or attempts to enter any public sewer; or
- (b) raises or covers up any grating, trap or manhole cover, or otherwise interferes with any fitting connected with any public sewer or drain, or inserts any wire, net or other contrivance through any opening in any such grating, trap or manhole cover or through any other opening or vent in any public sewer or drain,

shall be guilty of an offence.

s 10 Notice of existence of disused drains

(1) The owner or, in default of the owner, the occupier of any premises shall, forthwith after it comes to his knowledge that there is any disused sewer or drain in, under or upon the premises, give notice in writing of the existence of such disused sewer or drain to the Authority.

(2) If the owner or occupier, as the case may be, of any premises intends to cease to use any sewer or drain in, under or upon such premises, he shall forthwith give notice in writing of such intention to the Authority.

(3) Any person who fails to comply with any of the provisions of subsection (1) or (2) shall be guilty of an offence:

Provided that in any proceedings against the owner or occupier, as the case may be, in respect of a failure to comply with the provisions of subsection (1), it shall be a defence to prove that-

- (a) in the case of proceedings against the owner, such owner had reasonable cause to believe that the occupier or a previous owner or occupier had given such notice; and
- (b) in the case of proceedings against the occupier, such occupier had reasonable cause to believe that the owner or a previous owner or occupier had given such notice.

s 11 Regulations for the protection of sewers and drains and prevention of nuisance therefrom

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

The Chief Executive in Council may make regulations prescribing or providing for- (Amended 59 of 2000 s. 3)

- (a) the general or particular protection of public sewers, drains or drainage works; and
- (b) the prevention of nuisances arising from public or private sewers, drains or drainage works.

Part III GENERAL, SANITATION AND CLEANLINESS

s 12 Nuisances which may be dealt with summarily

General

(1) The following matters shall, subject as hereinafter provided, be nuisances which may be dealt with summarily under section 127-

- (a) any premises (including any cemetery) or vessel in such a state as to be a nuisance or injurious or dangerous to health;
- (b) any pool, well, ditch, gutter, watercourse, drain, sewer, water tank or container, cesspool, pond, pit, sanitary convenience, soil, waste or rainwater pipe, dust bin or refuse container or other like place or thing so foul, or in such a state, as to be a nuisance or injurious or dangerous to health;
- (c) any accumulation or deposit (including any dead body) which is a nuisance or injurious or dangerous to health;
- (d) any animal or bird kept in such a place, or in such a manner, as to be a nuisance or injurious or dangerous to health;
- (e) the emission of dust, fumes or effluvia from any premises in such a manner as to be a nuisance;
- (f) the emission of dust from any building under construction or demolition in such a manner as to be a nuisance;
- (g) the emission of air either above or below the temperature of the external air, or the discharge of water, whether waste or otherwise, from the ventilating system in any premises in such a manner as to be a nuisance. (Added 61 of 1974 s. 3.)
- (h) (Repealed 75 of 1988 s. 40)

(2) Nothing in subsection (1)(c) shall render a person punishable in respect of any accumulation or deposit necessary for the effectual carrying on of a business or manufacture, if the court is satisfied that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture and that the best available means have been taken for preventing injury thereby to the public health.

(3) Nothing in subsection (1) shall be taken or construed to the prejudice of the provisions of the Factories and Industrial Undertakings Ordinance (Cap 59) or the Air Pollution Control Ordinance (Cap 311). (Amended 17 of 1983 s. 50)

s 13 Cleansing and covering of offensive ditches, drains, etc.

(1) The Authority-

(a) may cleanse, drain, enclose, cover or fill up, or cause to be cleansed, drained, enclosed or covered or filled up, any pond, pool, open ditch, drain, watercourse, cesspool, well, or place containing or used for the collection of any drainage, filth, water, matter or thing of an offensive nature or likely to be prejudicial to health; or

(b) may cause notice to be served on the person causing, or likely to cause, any such nuisance or on the owner or occupier of any premises whereon any such nuisance exists requiring him, within the time specified in the notice, to drain, cleanse, enclose, cover or fill up the pond, pool, ditch, drain, watercourse, cesspool, well or place, as the case may be, or to construct a proper drain, ditch or other means for the discharge of such filth, water, matter or thing, or to execute such other work as the case may require.

(2) If the person on whom a notice is served under the provisions of subsection (1) fails to comply with any of the requirements thereof-

(a) such person shall be guilty of an offence; and

(b) the Authority may execute, or cause to be executed, such work as may be necessary for the abatement of the nuisance, and may recover any expenses thereby incurred from the owner of the premises:

Provided that the Authority may, where it thinks it reasonable, defray all or any part of such expenses.

(3) The owner or, in default of the owner, the occupier of any premises upon which there is any disused cesspool or well which has not been covered in a permanent manner or filled in shall, forthwith after the existence of such disused cesspool or well comes to his knowledge, give notice in writing thereof to the Authority.

(4) If the owner or occupier, as the case may be, of any premises intends to cease to use any cesspool or well situated upon such premises, he shall forthwith give notice in writing of such intention to the Authority.

(5) Any person who fails to comply with any of the provisions of subsection (3) or (4) shall be guilty of an offence:

Provided that in any proceedings against the owner or occupier, as the case may be, in respect of a failure to comply with the provisions of subsection (3), it shall be a defence to prove that -

(a) in the case of proceedings against the owner, such owner had reasonable cause to believe that the occupier or a previous owner or occupier had given such notice; and

(b) in the case of proceedings against the occupier, such occupier had reasonable cause to believe that the owner or a previous owner or occupier had given such notice.

(6) Nothing in this section shall be taken or construed to the prejudice of the provisions of the Buildings Ordinance (Cap 123).

s 14 Power to require limewashing, etc. of premises

(1) If the Authority is of the opinion that any premises or any part of any premises are in such a state as to be-

(a) a nuisance; or

(b) injurious or dangerous to health,

or are in such a state as to affect injuriously or disfigure the amenities of any place or locality, the Authority may cause a notice to be served upon the owner or occupier of the premises requiring him to limewash, paint, cleanse, disinfect or disinfest such premises or any part thereof to the satisfaction of the Authority within such period as may be specified in the notice. (Replaced 58 of 1973 s. 2)

(2) If the person on whom a notice is served under the provisions of subsection (1) fails to comply with any of the requirements thereof-

- (a) such person shall be guilty of an offence; and
- (b) the Authority may execute, or cause to be executed, such work as may be necessary to satisfy the requirements of such notice, and may recover any expenses thereby incurred from such person:

Provided that the Authority may, where it thinks it reasonable, defray all or any part of such expenses.

s 15 Regulations as to cleansing and prevention of nuisances

(1) The Authority may make regulations prescribing or providing for-

- (a) the prevention of nuisance or danger to health or person arising from salt, effluvia, offal, fish, litter, waste or other matter or thing, including the liability of the owner or occupier of any premises, or the driver, registered owner or hirer of any motor vehicle, in relation to the prevention of such nuisance or danger; (Replaced 72 of 1981 s. 3)
- (b) the prevention, control and collection of litter or waste, including the liability of the owner or occupier of any premises, or the driver, registered owner or hirer of any motor vehicle, in relation to such prevention, control and collection; (Amended 72 of 1981 s. 3)
- (c) the cleansing of any premises or place by any person;
- (d) the prevention or restriction of scavenging and of picking over of waste;
- (e) the times during which any excretal matter or offensive or noxious thing may be removed or carried by road or water in or through any district or place, and the construction of vehicles, containers or vessels used for such purpose so as to prevent the escape of any such matter or thing and so as to prevent any nuisance arising therefrom;
- (f) the removal or disposal of street waste, household waste or excretal matter, and the duties of the owner or occupier of any premises in relation to household waste or excretal matter so as to prevent nuisances arising therefrom and to facilitate its removal or disposal by any lawful scavenging or conservancy service;
- (g) the provision, design and construction of containers for the collection and storage of household waste; (Replaced 8 of 1980 s. 37)
- (h) (Repealed 49 of 1994 s. 2)
- (i) the additional sum to be paid on the recovery under the provisions of section 22(3) of any article or thing seized under the provisions of subsection (2) of that section;
- (j) regulating or prohibiting the employment of children in the removal or disposal of waste. (Amended 46 of 1972 s. 2; 8 of 1980 s. 37)

(1A) Regulations made under this section may provide that, where an owner of premises cannot be found or ascertained or is absent from Hong Kong or under disability, the regulations shall apply to an agent of the owner. (Added 48 of 1969 s. 3. Amended 10 of 1986 s. 24)

(1B) Regulations made under this section may provide that the court by which a person is convicted of an offence consisting of a failure to comply with a notice given under the regulations may, in addition to imposing any other penalty, make an order for the payment by such person to the Authority of the whole or part of any expenses incurred by the Authority in carrying out any work necessary to satisfy the requirements of the notice. (Added 58 of 1973 s. 3)

(1C) (Repealed 37 of 1987 s. 2)

(2) (Repealed 8 of 1980 s. 37)

s 15A (Repealed 78 of 1999 s. 7)

s 16 (Repealed 8 of 1980 s. 37)

s 17 (Repealed 8 of 1980 s. 37)

s 18 (Repealed 8 of 1980 s. 37)

s 19 (Repealed 8 of 1980 s. 37)

s 20 Removal of litter or waste and cleaning of area

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) If it appears to the Authority that any litter or waste ought to be removed from any place, the Authority may serve a notice in accordance with subsection (2) on the person who appears to him-

- (a) to be the owner of the litter or waste;
- (b) to have deposited the litter or waste in that place; or
- (c) to be the occupier of the place where the litter or waste is found.

(2) A notice under subsection (1) shall require the person on whom it is served to remove the litter or waste, and may require him also to clean to the satisfaction of the Authority the area in which the litter or waste is found, within such period, not being less than 24 hours after the service of the notice, as may be specified therein.

(3) If a notice served in accordance with subsection (2) is not complied with within the period specified therein-

(a) the litter or waste to which the notice refers shall become the property of the Government and may be removed and destroyed or otherwise disposed of by the Authority which may clean the area in which it was found; and (Amended 59 of 2000 s. 3)

(b) the person on whom the notice was served shall be guilty of an offence and on conviction may, in addition to any other penalty imposed, be ordered by the court to pay the whole or part of the expenses incurred by the Authority in removing and destroying or disposing of the litter or waste and in cleaning the area in which it was found.

(Replaced 46 of 1972 s. 3. Amended 8 of 1980 s. 37; 72 of 1981 s. 4)

s 21 (Repealed 8 of 1980 s. 37)

s 22 Prevention of obstructions to scavenging or conservancy operations

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) If any person obstructs, or causes or permits any article or thing to be so placed as to obstruct or to be likely to obstruct, any scavenging or conservancy operation or any street sweeper acting in the performance of his duty-

- (a) such person shall be guilty of an offence; and
- (b) the court may, in addition to any other penalty imposed, order the forfeiture of such article or thing.

(2) Notwithstanding the provisions of subsection (1)(b), where any article or thing is so placed as, in the opinion of the Authority, to cause or to be likely to cause obstruction to any scavenging operation or to any street sweeper acting in the performance of his duty, the Authority may-

- (a) cause to be served upon the owner of such article or thing, or, where the owner is absent from Hong Kong or cannot be found or ascertained by the Authority, cause to be attached to such article or thing, a notice requiring the owner or some person on his behalf-
 - (i) to remove the same within a period of 4 hours after the notice is so served or attached; and (Replaced 34 of 1996 s. 2)
 - (ii) to prevent the recurrence of such obstruction by the article or thing during such period, as may be specified in the notice; and (Replaced 46 of 1972 s. 4)
- (b) if such article or thing is not removed or is found causing obstruction within the period specified in the notice referred to in paragraph (a)(i) or (a)(ii), seize, carry away and detain such article or thing. (Replaced 46 of 1972 s. 4)

(3) Where any article or thing is seized under the provisions of subsection (2)(b), the owner may, within 7 days after such seizure, recover the same upon payment to the Authority of the expenses (if any) incurred in the seizure, carrying away and detention thereof and of such additional sum as may be prescribed by regulations made under section 15:

Provided that -

- (a) where any article or thing seized under this section is required, or likely to be required, for production in evidence in any proceedings under this Ordinance, the Authority may, notwithstanding anything contained in this subsection, retain such article or thing until such proceedings are either abandoned or determined; and
- (b) where any such proceedings are not instituted within 14 days after such seizure, such proceedings shall be deemed, for the purposes of this subsection, to have been abandoned.

(4) If, within 7 days after the seizure of any article or thing under the provisions of subsection (2)(b), the same has not been recovered in the manner provided by subsection (3), such article or thing shall become the property of the Government, free from all liens, claims or incumbrances whatsoever, and may be sold or otherwise disposed of in such manner as the Authority may think fit. (Amended 59 of 2000 s. 3)

(5) No action, liability, claim or demand whatsoever shall lie against the Authority or the Government, or against any person acting for or on behalf of the Authority or the Government, in respect of any loss or damage arising out of or by reason of the seizure, carrying away or detention of any article or thing, bona fide, under the provisions of this section.

s 22A Prevention of accumulation of litter or waste on canopies

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) If litter or waste of any kind is found on or in any canopy-

(a) the Authority may cause a notice to be served on the occupier of the premises or of that part of the premises for the benefit of which the canopy is erected, requiring the occupier to remove the litter or waste within such time as may be specified in the notice; and

(b) the occupier shall be guilty of an offence if he fails to remove the litter or waste in accordance with the notice served on him under paragraph (a).

(Amended 8 of 1980 s. 37; 72 of 1981 s. 5)

(2) If the Authority is of opinion that litter or waste which is found on or in a canopy- (Amended 8 of 1980 s. 37; 72 of 1981 s. 5)

(a) is or may become injurious or dangerous to health;

(b) is or may become a danger to any persons;

(c) constitutes a nuisance; or

(d) is unsightly,

he may cause a notice to be served on the occupier of the premises or that part of the premises for the benefit of which the canopy is erected or, if the occupier cannot be found or there is no occupier, the owner of the premises, requiring him to remove the canopy within such time as may be specified in the notice.

(3) If a notice served under subsection (2) is not complied with within the time specified in the notice, the Authority may remove the canopy and do whatever is necessary to effect such removal.

(4) The Authority shall not remove a canopy under subsection (3) until 14 days from the date of service of the notice or, in the event of an appeal to the Chief Executive under subsection (7), the determination of such appeal. (Amended 59 of 2000 s. 3)

(5) If a canopy is removed under subsection (3) the Authority may-

(a) recover any expenses incurred in the removal from the person on whom the removal notice was served; and

(b) remove and detain the canopy until the expenses recoverable under paragraph (a) have been paid.

(6) If a canopy is removed under subsection (3), no action, liability, claim or demand shall lie against the Authority or the Government or against any person acting for or on behalf of the Authority or the Government at the suit of any owner or occupier of the premises for the benefit of which the canopy so removed was erected, maintained or used, for any damage done to the canopy or the premises or for any damage or loss arising out of or by reason of the removal of the canopy.

(7) Any person on whom a notice to remove a canopy is served under subsection (2) who considers himself aggrieved by the requirement of the notice, may within 14 days after the service thereof, appeal to the Chief Executive. (Amended 59 of 2000 s. 3)

(8) If an appeal is made under subsection (7), the Chief Executive may confirm, vary or cancel the notice and the decision of the Chief Executive shall be final. (Amended 59 of 2000 s. 3)

(Added 43 of 1972 s. 3)

s 23 Powers of arrest in certain cases

(1) Any public officer authorized in writing in that behalf by the Authority may-

(a) require any person whom he reasonably suspects of having contravened any regulation made under section 15, to give his correct name and address and produce evidence to that effect to the public officer;

(b) arrest any person who, without reasonable excuse, refuses to comply with a requirement under paragraph (a); and

(c) arrest in any public place any person who contravenes any of the

provisions of section 4(2) or (3) of the Summary Offences Ordinance (Cap 228). (Replaced 46 of 1972 s. 5)

(2) In the absence of a police officer, it shall be lawful for any watchman employed by the Government on any waste dump under the control of the Government to arrest any person whom he finds raking, picking over or grubbing in any waste deposited in or upon such dump or removing or scattering any portion of any such waste without, in any such case, lawful authority or excuse.

(Amended 8 of 1980 s. 37)

(3) Any public officer or any watchman who arrests any person under the provisions of subsection (1) or (2) shall forthwith take him to the nearest police station or give him into the custody of a police officer, whereupon the provisions of section 52 of the Police Force Ordinance (Cap 232) or of sections 51 and 52 of that Ordinance, as the case may be, shall apply.

s 23A Notification of convictions in newspaper

The Authority may cause to be published in any newspaper-

(a) the name of any person convicted of an offence under this Part or under any regulation made under section 15;

(b) the nature of the offence; and

(c) the fine, forfeiture or other penalty imposed.

(Added 46 of 1972 s. 6)

s 24 Power to close, etc. polluted wells, etc.

Wells and well water and waste water

(1) Where it appears to the Authority that the water in any spring, well, pool, pond, watercourse, swimming pool or other source-

(a) is used, or is likely to be used, for human consumption or domestic purposes, or for manufacturing food or drink for human consumption; and

(b) is so polluted, or is likely to be so polluted, as to be injurious or dangerous to health, or is otherwise rendered unfit for human consumption or injurious or dangerous to health,

the Authority may cause a notice to be served upon the owner of the premises upon which such spring, well, pool, pond, watercourse, swimming pool or other source exists or, where the owner is absent from Hong Kong or cannot be readily found or ascertained by the Authority or is under disability, upon the occupier thereof requiring him within such time as may be specified in such notice, to close, permanently or temporarily, such spring, well, pool, pond, watercourse, swimming pool or other source, or to take such other steps as may appear to the Authority to be necessary to prevent injury or danger to the health of persons drinking or using such water. (Amended 10 of 1986 s. 24)

(2) If any person on whom a notice is served under the provisions of subsection (1) fails to comply with any of the requirements thereof -

(a) such person shall be guilty of an offence; and

(b) the Authority may execute, or cause to be executed, such work as may be necessary for the purpose of preventing injury or danger to health, and may recover any expenses thereby incurred from the owner of such premises or, where the owner is absent from Hong Kong or cannot be readily found or ascertained by the Authority or is under disability, from the occupier thereof. (Amended 10 of 1986 s. 24)

s 25 Protection of fountains, wells and pumps

Any person who-

- (a) does any wilful act whereby any fountain, well or pump is damaged;
or
- (b) by reason of any act or neglect, causes or permits the water of any fountain, well or pump which is used, or likely to be used, for human consumption or domestic purposes, or for manufacturing food or drink for human consumption, to become polluted or fouled,

shall be guilty of an offence.

s 26 Regulations relating to the use of water from springs, wells, etc.

(1) The Authority may make regulations prescribing or providing for-

- (a) the prohibition or control of the use of water from any spring, well, pool, pond, watercourse, swimming pool or other source, the use of which is likely to be injurious or dangerous to health;
- (b) the disinfecting or purifying and the maintenance in a wholesome condition, of water from any such spring, well, pool, pond, water course, swimming pool or other source.

(2) Nothing in subsection (1) or in section 24 shall be taken to apply to any waterworks within the meaning of the Waterworks Ordinance (Cap 102), or taken or construed to the prejudice of the provisions of the Buildings Ordinance (Cap 123).

s 27 Control of water and article likely to cause mosquito breeding

(1AA) For the purposes of this section-

“the appointed contractor” (獲委任承建商), in relation to any site, means-

- (a) the person who is the registered contractor appointed in respect of the site in accordance with the Buildings Ordinance (Cap 123); or
- (b) where the site is owned by the Government, the person who has been appointed the contractor in respect of the site, if he has entered on the site at the relevant time;

“mosquito-related health hazard” (蚊致健康危害) means any circumstances that-

- (a) create favourable condition for the transmission of mosquito-borne diseases which constitute a danger to human health; or
- (b) are likely to create such a condition if immediate remedial action is not taken;

“the person responsible for the premises” (有關處所的負責人), in relation to any premises, means-

- (a) any one or more of the following persons-
 - (i) the occupier of the premises;
 - (ii) the owner of the premises;
 - (iii) the person responsible for the management of the premises;
- or

(b) where the premises consist of a building site, the appointed contractor of the site. (Added 9 of 2006 s. 2)

(1) Where it appears to the Authority that there is, or is likely to be, upon any premises any accumulation of water, whether waste or otherwise, likely to contain larvae or pupae of mosquitoes, the Authority may, whether such accumulation of water is presently found to exist or not, by a notice served on the person responsible for the premises, require him, within such time as may be specified in the notice- (Amended 9 of 2006 s. 2)

- (a) to remove such accumulation of water, if existing; or
- (b) to take such other steps as may be specified in the notice to prevent any accumulation of water upon the premises; or

(c) to take such other steps as may be specified in the notice to prevent the existence of larvae or pupae of mosquitoes upon the premises. (Amended 32 of 1963 s. 3; 9 of 1976 s. 3; 10 of 1986 s. 24; 9 of 2006 s. 2)

(1A) Where it appears to the Authority that there is upon any premises any article capable of causing accumulation of water which allows the breeding of mosquitoes, the Authority may, by a notice served on the person responsible for the premises, require him to take such steps within such time as may be specified in the notice to prevent the breeding of mosquitoes upon the premises. (Added 9 of 2006 s. 2)

(1B) If the Authority has reasonable cause to believe that upon any premises any accumulation of water or any article poses a mosquito-related health hazard, the Authority may-

(a) take such action as he considers necessary to-

(i) remove such accumulation of water or the article; or

(ii) prevent the breeding of mosquitoes upon the premises; and

(b) where such hazard is attributable to any act, default or sufferance of any person, recover from the person any costs incurred by the Authority in the taking of such action. (Added 9 of 2006 s. 2)

(2) Any person who without reasonable excuse-

(a) fails to comply with the requirements of a notice served on him under subsection (1); or

(b) fails to comply with the requirements of a notice served on him under subsection (1A),

shall be guilty of an offence. (Replaced 9 of 2006 s. 2)

(2A) If a person is charged with an offence under subsection (2) for failure to comply with a notice served on him under subsection (1) in relation to a requirement referred to in subsection (1)(a), it shall be a defence for him to prove that he has taken all reasonable steps to comply with the requirement.

(Added 9 of 2006 s. 2)

(2B) If, in relation to any premises-

(a) any requirement of a notice served under subsection (1) on a person is not complied with, the Authority may-

(i) remove any accumulation of water upon the premises;

(ii) take such other action as he considers necessary to prevent any accumulation of water upon the premises;

(iii) take such other action as he considers necessary to prevent the existence of larvae or pupae of mosquitoes on the premises; and

(iv) recover from the person any costs incurred by the Authority in the taking of the action under subparagraph (i), (ii) or (iii); or

(b) any requirement of a notice served under subsection (1A) on a person is not complied with, the Authority may-

(i) take such action as he considers necessary to prevent the breeding of mosquitoes upon the premises; and

(ii) recover from the person any costs incurred by the Authority in the taking of the action under subparagraph (i). (Added 9 of 2006 s. 2)

(3) If any larvae or pupae of mosquitoes are found on any premises consisting of a building site of which there is the appointed contractor, the appointed contractor of the site shall be guilty of an offence. (Replaced 9 of 2006 s. 2)

(3A) If-

(a) any larvae or pupae of mosquitoes are found on any premises other than those mentioned in subsection (3); and

(b) the existence of such larvae or pupae on the premises is attributable to any act, default or sufferance of any person,

such person shall be guilty of an offence. (Added 9 of 2006 s. 2)

(4) The Director of Health and any public officer, authorized by him in that behalf may, in addition to the Authority, exercise any of the powers vested in the Authority by the provisions of this section.

(Amended L.N. 76 of 1989; 9 of 2006 s. 2)

(5) (Repealed 9 of 2006 s. 2)

(6) A document which purports-

- (a) to be signed by a person authorized by the Building Authority and to certify that a person specified therein was at a time specified therein the registered contractor appointed in respect of a building site specified therein in accordance with the Buildings Ordinance (Cap 123); or
 - (b) to be signed by a person authorized by the Director of Housing or the Director of Lands and to certify that at a time specified therein-
- (Amended L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)
- (i) a building site specified therein was owned by the Government; and (Amended 29 of 1998 s. 105)
 - (ii) a person specified therein was appointed the contractor in respect of that building site,

shall be admitted in evidence in any proceedings for an offence under this section on its production before the court without further proof. (Added 9 of 1976 s. 3. Amended 9 of 2006 s. 2)

(7) On the production of a document under subsection (6)-

- (a) the court before which the document is produced shall, until the contrary is proved, presume that-
 - (i) the signature to the document is genuine;
 - (ii) the person signing it was duly authorized to sign at the time he signed it; and
- (b) such document shall be prima facie evidence of the matters contained therein. (Added 9 of 1976 s. 3)

s 28 Regulations for prevention of mosquitoes

(1) The Authority may make regulations to promote the destruction of mosquitoes or the prevention of the breeding thereof.

(2) Any regulations made under subsection (1) may be of general application or limited to particular districts, areas, premises or types or classes of premises.

s 29 Regulations as to latrine accommodation

Sanitary conveniences

The Authority may make regulations prescribing or providing for-

- (a) the provision and maintenance of suitable and sufficient latrine accommodation in connection with any premises, whether the same were constructed before or after the commencement of this Ordinance;
- (b) the supply of water closets and urinals with sufficient water for their effective action;
- (c) the maintenance in proper working order, repair and cleanly condition of latrines, cesspools and septic tanks, and the provision of proper accessories therefor;
- (d) the hygienic construction of rooms or compartments in which latrines may be installed.

s 30 Obligation to provide latrines

(1) Where it appears to the Authority that any premises, or any part of any premises, whether such premises were constructed before or after the commencement of the Buildings Ordinance (Cap 123) or of this Ordinance, are without, or without sufficient, latrine accommodation or that the latrine

accommodation provided therein is ineffective or of a type which is unsuitable having regard to the circumstances of the case, the Authority may cause a notice to be served upon the owner of such premises or, where the owner is absent from Hong Kong or cannot be readily found or ascertained by the Authority or is under disability, upon the occupier thereof, requiring him, within such time as shall be specified in the notice, to provide such number of latrines, or latrines of such type, or to do such other thing to provide effective and sufficient latrine accommodation, as may be specified in the notice: (Amended 10 of 1986 s. 24)

Provided that, where any such requirement involves the carrying out of building works within the meaning of the Buildings Ordinance (Cap 123), no such notice shall be issued except with the consent in writing of the Building Authority.

(2) If the person upon whom a notice is served under the provisions of subsection (1) fails to comply with any of the requirements thereof-

- (a) such person shall be guilty of an offence; and
- (b) the Authority may execute, or cause to be executed, such work as may be necessary to satisfy the requirements of such notice, and may recover any expenses thereby incurred from such person.

(3) If any person considers himself aggrieved by any notice served upon him under the provisions of subsection (1) or by any act done by or on behalf of the Authority under this section, he may, within 30 days after the service of such notice or the doing of such act, as the case may be, appeal to the Municipal Services Appeals Board, and no offence shall be deemed to have been committed under subsection (2) until after such appeal be abandoned or dismissed. (Amended 58 of 1990 s. 22; 78 of 1999 s. 7)

(4) The provisions of this section shall not apply to any school registered under the Education Ordinance (Cap 279), or to any notifiable workplace under the Factories and Industrial Undertakings Ordinance (Cap 59). (Amended 50 of 1985 s. 9)

s 31 Prevention of nuisances from latrines and sanitary conveniences

Any person who causes, or suffers or permits any person to cause, any septic tank, cesspool, trap, siphon or any sanitary convenience to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging, or by otherwise interfering with, or by improperly using, the same or any water supply, apparatus, pipe or work connected therewith, shall be guilty of an offence.

s 32 Removal or alteration of sanitary conveniences

(1) If any septic tank, cesspool, trap, siphon or any sanitary convenience is, or has been, so constructed, or is so situated, as to be, or to be likely to be, a nuisance or offensive to public decency, the Authority may, whether the same was constructed before or after the commencement of the Buildings Ordinance (Cap 123), or of this Ordinance, cause a notice to be served upon the owner of the premises in question, or where the owner is absent from Hong Kong or cannot be readily found or ascertained by the Authority or is under disability, upon the occupier of the premises in question, requiring him, within such time as may be specified in the notice, to remove, reconstruct, screen or otherwise alter such septic tank, cesspool, trap, siphon or sanitary convenience, as the case may be, in such manner as to abate the nuisance or to remove the offence against public decency or the likelihood thereof. (Amended 61 of 1974 s. 4; 10 of 1986 s. 24)

(2) If the person upon whom a notice is served under the provisions of subsection (1) fails to comply with any of the requirements thereof-

- (a) such person shall be guilty of an offence; and
- (b) the Authority may execute, or cause to be executed, such work as may be necessary to satisfy the requirements of such notice, and may recover any expenses thereby incurred from such person.

(3) If any person considers himself aggrieved by any notice served upon him under the provisions of subsection (1) or by any act done by or on behalf of the Authority under this section, he may, within 30 days after the service upon him of the notice or the doing of the act, as the case may be, appeal to the court, and the court may make such order as may appear to it to be just having regard to all the circumstances.

s 33 Examination of sanitary conveniences by Authority

(1) The Authority may examine any of the following works, that is to say, any septic tank, cesspool, trap, siphon or sanitary convenience, or any water supply, apparatus, pipe or work connected therewith, upon any premises, and for that purpose may cause the ground to be opened in any place which may appear to the Authority necessary, doing as little damage as may be.

(2) If any work referred to in subsection (1) is found on examination to be in proper order, the Authority shall cause the work to be reinstated and made good as soon as may be and shall defray the expenses of the examination and the reinstating and making good of the work, but, if on examination any such work is found not to be in proper order, the Authority may-

(a) recover from the owner of the premises, or where the owner is absent from Hong Kong or cannot be readily found or ascertained by the Authority or is under disability from the occupier thereof, the expenses of such examination; and (Amended 10 of 1986 s. 24)

(b) cause a notice to be served upon the owner of such premises or, in the circumstances specified in paragraph (a), the occupier thereof requiring him to repair or otherwise put in good order such work or to comply, as nearly as may be, with the provisions of the Buildings Ordinance (Cap 123), within such time as may be specified in the notice:

Provided that no such notice shall be issued by the Authority requiring such owner or occupier to carry out any drainage work within the meaning of the Buildings Ordinance (Cap 123), except with the consent in writing of the Building Authority.

(3) If the person upon whom a notice is served under the provisions of subsection (2)(b) fails to comply with any of the requirements thereof -

(a) such person shall be guilty of an offence; and

(b) the Authority may execute, or cause to be executed, any work necessary to satisfy the requirements of such notice, and may recover any expenses thereby incurred from such person.

(4) If any person considers himself aggrieved by any notice served upon him under the provisions of subsection (2)(b) or by any act done by or on behalf of the Authority under the provisions of this section, he may, within 14 days after the service upon him of the notice or the doing of the act, as the case may be, appeal to the court, and the court may make such order as may appear to it to be just having regard to all the circumstances.

(5) Notwithstanding any appeal under the provisions of subsection (4), the Authority may proceed with and carry out any work which, in the opinion of the Authority, ought to be carried out under this section, but, until such appeal is abandoned or determined, no sum of money in respect of any such work shall be recoverable from any person party to such appeal.

s 34 Sanitary conveniences used in common

The following provisions shall have effect in relation to any sanitary convenience used in common by the occupiers of 2 or more premises or by other persons-

(a) any person who injures or improperly fouls any such sanitary convenience or anything used in connection therewith shall be guilty of an offence;

(b) where any such sanitary convenience, or the approaches thereto, or the walls, floors, seats or fittings thereof, is or are, in the opinion of the Authority, in such a state as to be a nuisance for want of proper cleansing, such persons having the use of such sanitary convenience in common as may be in default, or, in the absence of proof satisfactory to the court as to which of such persons is in default, each of such persons, shall be guilty of an offence.

s 35 Regulations as to public latrines and bathhouses

Public latrines and bathhouses

(Amended 78 of 1999 s. 7)

The Authority may make regulations prescribing or providing for-

(a) the maintenance, management and control (including prohibition) of latrines or bathhouses, used or intended for use by the public whether upon payment or otherwise;

(b) registration or licensing of such latrines or bathhouses,

and any such regulations may provide that they shall apply only in relation to such latrines or bathhouses as are specified from time to time by order published in the Gazette.

(Amended 48 of 1969 s. 4; 49 of 1994 s. 4; 78 of 1999 s. 7)

s 35A (Repealed 78 of 1999 s. 7)

s 36 Provision and maintenance of public latrines and bathhouses

(1) The Authority, or any person duly authorized by licence of the Authority, may provide and maintain any latrine or bathhouse for the use of the public in any situation where the Authority shall consider such latrine or bathhouse to be required having regard to the general benefit of the public, and may equip any such latrine or bathhouse with all requisite furnishings, fittings and mechanical or other appliances for the use, convenience or assistance of persons resorting thereto:

Provided that nothing in this section shall authorize the Authority, or any person acting under a licence issued by the Authority, to carry on the business of a launderer, dyer or dry cleaner in any such bathhouse, or to permit any person to use any such furnishings, fittings or mechanical or other appliances as aforesaid for the purpose of a laundry, dyeing or dry cleaning business.

(2) If any person other than the Authority opens or maintains any latrine or bathhouse for the use of the public otherwise than under and in accordance with a licence granted under subsection (1), he shall be guilty of an offence.

(Amended 78 of 1999 s. 7)

s 37 Power to remove members of the public from public bathhouses

The Authority or any person licensed under section 36(1) or any person duly authorized by the Authority or by such person licensed as aforesaid may remove from any latrine or bathhouse maintained, respectively, by it or him for the use of the public any person contravening any regulation made under the provisions of section 35.

(Amended 78 of 1999 s. 7)

s 38 Power to refuse admittance to certain members of the public to public bathhouses

The Authority or any person licensed under section 36(1) may refuse admittance to or remove from any latrine or bathhouse maintained, respectively, by it or him for the use of the public any person who has been convicted of-

- (a) an offence under any regulation made under the provisions of section 35 relating to latrines or bathhouses; or
- (b) an offence against public decency committed in any such latrine or bathhouse.

(Amended 78 of 1999 s. 7)

s 39 Appeals against action taken under section 37 or 38

Any person who considers himself aggrieved by removal from, or refusal of admittance to, any latrine or bathhouse under section 37 or 38 may appeal to the court, and the court may make such direction regarding the use by the appellant of such latrine or bathhouse as may in the circumstances appear to it to be just.

(Amended 78 of 1999 s. 7)

s 40 (Repealed 78 of 1999 s. 7)

s 40A (Repealed 78 of 1999 s. 7)

s 41 (Repealed 78 of 1999 s. 7)

s 42 Regulations relating to swimming pools

Swimming pools

(1) The Authority may make regulations in relation to swimming pools (including the precincts thereof) prescribing or providing for-

- (a) the purity of water contained in any swimming pool, and the adequacy and cleanliness of accommodation provided thereat;
- (b) the prevention of accidents;
- (c) the conduct and standards of decency of persons resorting to swimming pools, including the exclusion or removal therefrom of persons suffering from communicable diseases and, in the case of public swimming pools, of undesirable persons;
- (d) proper design and standard of finishing;
- (e) the proper management and control of swimming pools, including licensing or registration. (Amended 49 of 1994 s. 8)
- (f) (Repealed 49 of 1994 s. 8)

(2) Regulations made under this section may be of general application or restricted to any particular swimming pool or to any class or type of swimming pool.

s 42AA (Repealed 78 of 1999 s. 7)

s 42A Public swimming pools

- (1) The Authority may, by order published in the Gazette, designate any premises and the grounds appurtenant thereto as a public swimming pool.
- (2) The swimming pools specified in the Fourteenth Schedule shall be deemed to have been designated as public swimming pools.
- (3) The Authority may, by order published in the Gazette, amend, add to or delete from the Fourteenth Schedule.

(Added 21 of 1973 s. 3. Amended 9 of 1976 s. 5)

s 42B Management of public swimming pools

The management and control of every public swimming pool shall be vested in the Authority.

(Added 21 of 1973 s. 3)

s 43 Rules relating to public swimming pools

- (1) The Authority may, in relation to any public swimming pool, make rules which are not inconsistent with regulations made under section 42 to provide for the better control of persons in connection with the use of the swimming pool and to provide information relating to the use of the swimming pool.
(Replaced 78 of 1999 s. 7)
- (2) Any person who fails to comply with any rule made under the provisions of subsection (1) shall be guilty of an offence.

s 44 Use of public swimming pools for swimming contests, etc., or by schools or clubs

- (1) The Authority may close temporarily to the public any public swimming pool, or any part of any public swimming pool, and may-
 - (a) grant, either gratuitously or for payment, the exclusive use thereof to schools or clubs, or to persons organizing swimming practices or contests, aquatic sports or similar entertainment; or
 - (b) itself use it for such practices, contests, sports or entertainments.
- (2) The Authority may make, or authorize the making of, charges for admission to, or for the use of, any such swimming pool while it is closed to the public under the provisions of subsection (1).

s 45 Public swimming pools to be public places for certain purposes

Any public swimming pool shall be deemed to be a public place for the purposes of any enactment relating to offences against decency.

s 46 Cleansing and destruction of filthy or verminous articles

Verminous articles and premises

(1) Where it appears to the Authority that-

- (a) any article or thing is in such a filthy, dangerous or unwholesome condition that health is, or is likely to be, injuriously affected thereby; or
- (b) the cleansing, disinfecting or destruction of any such article or thing is necessary in order to prevent risk of injury to health; or
- (c) any such article or thing is infested with vermin or, by reason of having been used by any person infested with vermin, is likely to be so infested,

the Authority may cause the article to be cleansed, disinfected, disinfested or destroyed, as the case may be, and, if the Authority thinks fit, removed for that purpose.

(2) For the purposes of this section, the wrapper or cover of any article or thing shall be deemed to form a part of such article or thing.

(3) Nothing in this section shall be taken or construed to the prejudice of the provisions of the Prevention and Control of Disease Ordinance (Cap 599). (Amended 14 of 2008 s. 18)

s 47 Cleansing of verminous premises

(1) Where it appears to the Authority that any premises or vessel, or any part of any premises or vessel, are or is infested with vermin, the Authority may cause a notice to be served upon the owner or occupier of such premises or vessel, or such part of any premises or vessel, requiring him, within such time as may be specified in the notice, to cleanse such premises or vessel, or such part of any premises or vessel as may be specified in such notice, and to take such other steps for the purpose of destroying and removing any vermin as the Authority may in such notice direct.

(2) If the person on whom a notice is served under the provisions of subsection (1) fails to comply with any of the requirements thereof-

- (a) such person shall be guilty of an offence; and
- (b) the Authority may execute, or cause to be executed, such work as may be necessary to satisfy the requirements of such notice, and, subject to the provisions of subsection (3), may recover any expenses thereby incurred from such person.

(3) In any proceedings under the provisions of subsection (2), the court may inquire whether any requirement contained in any notice served, or any work done, by the Authority under the provisions of this section was reasonable and whether the expenses incurred by the Authority in doing that work, or any part thereof, ought to be borne wholly or in part by the person upon whom the notice was served, and may make such order concerning those expenses or their apportionment as appears to it to be just having regard to all the circumstances.

(4) Notwithstanding anything contained in this section, where it appears to the Authority that any premises or vessel, or any part of any premises or vessel, are or is infested with vermin, the Authority may, without serving a notice under the provisions of subsection (1), forthwith take such reasonable steps as may be required to destroy or remove therefrom any vermin:

Provided that, in carrying out any operation in pursuance of the provisions of this subsection, the Authority shall not make any structural alteration to such premises or vessel or such part of any premises or vessel, nor move any fixture or any fittings, furniture or equipment of a substantial nature, or otherwise cause any unreasonable inconvenience to the occupants of such premises or vessel or such part of any premises or vessel.

(5) Where, in pursuance of the provisions of subsection (4), the Authority has placed in any premises or vessel any trap or bait container or any bait or other substance, any person who, without lawful authority or excuse, knowingly removes or destroys such trap, bait container, bait or substance or otherwise interferes therewith, or knowingly causes, suffers or permits any other person or any domestic animal or bird to remove, destroy or interfere with such trap, bait container, bait or substance, shall be guilty of an offence.

Part IV OFFENSIVE TRADES

s 48 Declaration of offensive trades

The Authority may by notification in the Gazette declare to be an offensive trade any trade, business, process or manufacture which, in the opinion of the Authority, causes offensive or noxious effluvia or dust or is otherwise of an offensive or harmful nature or which involves the slaughtering of animals or birds.

s 49 Regulations relating to offensive trades

Notwithstanding anything contained in the Factories and Industrial Undertakings Ordinance (Cap 59), the Authority may make regulations in relation to offensive trades prescribing or providing for-

- (a) registration or licensing; (Amended 49 of 1994 s. 10)
- (b) the prevention of nuisances;
- (c) the restriction of the carrying on of offensive trades, or groups or classes of such trades, to certain areas or districts or otherwise than in certain areas or districts;
- (d) the construction, size, ventilation, drainage, cleansing, repair or maintenance of any building, yard, pen or other place in which any offensive trade is carried on;
- (e) in the case of any offensive trade involving the slaughtering of animals or birds-
 - (i) the manner in which such slaughtering is to be performed and the control, including prohibition, of the use of any specified instruments or appliances; and
 - (ii) the manner in which the carcass of any animal or bird may be transported or moved from one place to any other place in connection with such offensive trade.

s 49A (Repealed 78 of 1999 s. 7)

Part V FOOD AND DRUGS

s 50 Offences in connection with preparation and sale of adulterated food or drugs

(1) No person shall add any substance to food, use any substance as an ingredient in the preparation of food, abstract any constituent from food, or subject food to any other process or treatment, so as (in any such case) to render the food injurious to health, with intent that the food shall be sold for human consumption in that state.

(2) No person shall add any substance to, or abstract any constituent from, a drug so as to affect injuriously the quality, constitution or potency of the drug, with intent that the drug shall be sold in that state.

(3) Subject to the provisions of this section, no person shall-

(a) sell for human consumption, offer, expose or advertise for sale for human consumption, or have in his possession for the purpose of such sale, any food rendered injurious to health by any operation described in subsection (1); or

(b) sell, offer, expose or advertise for sale, or have in his possession for the purpose of sale, any drug injuriously affected in its quality, constitution or potency by means of any operation described in subsection (2).

(4) Any person who contravenes any of the provisions of subsection (1), (2) or (3) shall be guilty of an offence.

(5) In determining for the purposes of this Part whether an article of food is injurious to health, regard shall be had not only to the probable effect of that article on the health of a person consuming it, but also to the probable cumulative effect of articles of substantially the same composition on the health of a person consuming such articles in ordinary quantities.

(6) In any proceedings for an offence under the provisions of subsection (4) consisting of the advertisement for sale of any food or drug, it shall be a defence for the person charged to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

s 51 Adulteration, etc. of milk

(1) No person shall add any water or colouring matter, or any dried or condensed milk or liquid reconstituted therefrom, to milk intended for sale for human consumption.

(2) No person shall add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for sale for human consumption.

(3) No person shall sell or offer or expose for sale, or have in his possession for the purpose of sale, for human consumption any milk to which any addition has been made in contravention of the provisions of subsection (1) or (2).

(4) No person shall sell, offer or expose for sale, or advertise, under the designation of milk any liquid in the making of which any separated milk, or any dried or condensed milk, has been used.

(5) Any person who contravenes any of the provisions of subsection (1), (2), (3) or (4) shall be guilty of an offence.

(6) For the purposes of subsection (3), a person shall be deemed to retain the possession of milk which is deposited in any place for collection until it is actually collected.

s 51A Adulteration of meat

(1) No person shall, by injection or any other means, introduce or cause the introduction of any water or other liquid into the tissues of the carcass, meat or offal of any animal, bird or reptile sold for human consumption or offered, exposed or intended for sale for human consumption.

(2) No person shall sell for human consumption or offer or expose for sale or have in his possession for the purpose of sale for human consumption, any carcass, meat or offal of any animal, bird or reptile into the tissue of which there has been introduced by injection or any other means anything specified in subsection (1).

(3) No person shall have in his possession whilst on, or bring onto or permit to be brought onto, any premises in which any carcass, meat or offal of any animal, bird or reptile intended for human consumption is kept or stored or is sold or is offered or exposed for sale, any instrument designed or adapted for the introduction into the tissues of the carcass, meat or offal of any animal, bird or reptile of anything specified in subsection (1).

(4) Any person who contravenes any of the provisions of subsection (1), (2) or (3) shall be guilty of an offence.

(5) Where-

(a) any offence is committed under subsection (4); or

(b) any instrument specified in subsection (3) is found,

on any premises on which there is carried on any business in the course of which the carcass, meat or offal of any animal, bird or reptile intended for human consumption is kept or stored or is sold or is offered or exposed for sale, then, in addition to any other person who may be guilty of an offence under subsection (4), and whether or not any other person is convicted for such offence, the person who carries on such business and the manager of the business shall each be guilty of an offence whether or not the persons last mentioned were aware of the commission of an offence under subsection (4) or of the presence of any instrument specified in subsection (3) on those premises.

(6) Any public officer authorized in writing in that behalf by the Authority may seize and remove any instrument specified in subsection (3) which is found on any premises specified in that subsection or in the possession of any person on the premises who is employed on the premises either by the owner of the premises or by the person carrying on the business on the premises of keeping, storing or selling or offering or exposing for sale the carcass, meat or offal of any animal, bird or reptile intended for human consumption.

(7) Subject to subsection (8), any instrument seized under subsection (6) may be destroyed or otherwise disposed of as the Authority thinks fit on the expiration of 7 days after the seizure.

(8) If any person considers himself aggrieved by the seizure of any instrument under subsection (6) he may, within 3 days of the seizure, appeal to the court and on an appeal being so made the court may, after hearing the appellant and the Authority, order the instrument to be forfeited or otherwise dealt with as it thinks fit.

(Added 61 of 1976 s. 3)

s 52 General protection for purchasers of food and drugs

(1) If any person sells to the prejudice of a purchaser any food or drug which is not of the nature, or not of the substance, or not of the quality, of the food or drug demanded by the purchaser, he shall, subject to the provisions of section 53, be guilty of an offence.

(2) Without prejudice to the provisions of subsection (1), any person who for the purpose of sale keeps in any container any liquid which is not of the nature, or not of the substance, or not of the quality, of the alcoholic liquor which, by reason of the labelling or other marking of such container, it appears to be, shall be guilty of an offence.

(3) Where regulations made under section 55 contain provisions prescribing the composition of, or prohibiting or restricting the addition of any substance to, any food or drug, a purchaser of that food or drug shall, unless the contrary is proved, be deemed, for the purposes of subsection (1), to have demanded a food or drug complying with the provisions of such regulations.

(4) In any proceedings for an offence under the provisions of subsection (1), it shall not be a defence to allege that the purchaser bought for analysis or examination and therefore was not prejudiced.

(5) In this section, save in so far as it relates to drugs, any reference to sale shall be construed as a reference to sale for human consumption.

(6) For the purposes of subsection (2), the expression "alcoholic liquor" (酒類) means spirits, liqueurs, wines and Chinese type liquor.

"alcoholic liquor" (酒類)

s 53 Defences available in proceedings under section 52

(1) In any proceedings under section 52 for an offence consisting of the sale of food to which any substance has been added, or in the preparation of which any substance has been used as an ingredient, or from which any constituent has been abstracted, or which has been subjected to any other process or

treatment, other than food thereby rendered injurious to health, it shall be a defence for the person charged to prove that the operation in question was not carried out fraudulently, and that the article was sold having attached thereto a notice of adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation, or was sold in a wrapper or container displaying such a notice.

(2) The provisions of subsection (1) shall apply in relation to an offence consisting of the sale of a drug to which any substance has been added, or from which any constituent has been abstracted, other than a drug thereby injuriously affected in its quality, constitution or potency, as they apply in relation to any such offence as is therein mentioned.

(3) In proceedings under section 52 in respect of any food or drug containing some extraneous matter, it shall be a defence for the defendant to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.

s 54 Offences in connection with the sale, etc. of unfit food or drugs

(1) Subject to the provisions of this section, any person who-

- (a) sells or offers or exposes for sale, or has in his possession for the purpose of sale or preparation for sale; or
- (b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale,

any food intended for, but unfit for, human consumption, or any drug intended for use by man but unfit for that purpose, shall be guilty of an offence.

(2) Subject as aforesaid, where any food or drug in respect of which an offence under subsection (1)(a) has been committed was sold to the offender by some other person, that person also shall be guilty of an offence.

(3) Where a person is charged with an offence under subsection (1)(b), or under subsection (2), it shall be a defence for him to prove either-

- (a) that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food or drug in question that it was not intended for human consumption or for use by man, as the case may be; or
- (b) that, at the time when he delivered or dispatched it to that person, either it was fit for human consumption or for use by man, as the case may be, or he did not know, and could not with reasonable diligence have ascertained, that it was not so fit.

s 55 Regulations as to composition of food and drugs, etc.

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The appropriate authority may, so far as appears to him to be necessary or expedient in the interests of the public health, or otherwise for the protection of the public, make regulations for any of the following purposes-

- (a) for requiring, prohibiting or regulating the addition or extraction of any specified substance, or any substance of any specified class, to food intended for sale for human consumption or to any drug intended for sale for use by man or any class of such food or drug, or the use of any substance as an ingredient in the preparation or preservation of any such food or drug, and generally, for regulating or prescribing the composition of such food or drug or the bacteriological or chemical standard thereof;

(b) (Repealed 80 of 1997 s. 2)

(c) for prohibiting, restricting or regulating the importation or the use of any specified materials, or of materials of any specified class, in the manufacture of apparatus or utensils designed for use in the preparation or preservation of food for human consumption or drugs for use by man and the sale or importation for sale of apparatus or utensils designed for such use and containing any specified materials, or materials of any specified class;

(d) for imposing requirements as to, and otherwise regulating, the labelling, marking or advertising of food intended for sale for human consumption or drugs intended for sale for use by man, and the descriptions which may be applied to such food or drugs;

(e) for prescribing or providing for methods of analysis for the purpose of ascertaining the presence in, or absence from, any food or drug of any specified substance, or the quantity of any such substance which is present in any food or drug.

(f) (Repealed 80 of 1997 s. 2)

(1A) The appropriate authority may, so far as appears to him to be necessary or expedient in the interests of public health, or otherwise for the protection of the public, make regulations for prohibiting, restricting or regulating the importation or manufacture, or the sale, possession for sale, offer or exposure for sale, or consignment or delivery of-

(a) food or drugs or ingredients of food or drugs which do not comply with regulations made under subsection (1)(a), or in relation to which an offence under such regulations has been committed or would have been committed if any relevant act or omission had taken place in Hong Kong; or

(b) any food or drugs (including food or drugs referred to in paragraph (a)) which, in his opinion, are or may be prejudicial to the public health.

(Added 80 of 1997 s. 2)

(1B) The appropriate authority may make regulations for fees to be paid in respect of any analysis or bacteriological or other examination of food or drugs by a public analyst. (Added 80 of 1997 s. 2)

(2) In the exercise of his functions under subsection (1) in relation to the composition of food, the appropriate authority shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods.

(3) Regulations made under subsection (1A) or (1B) may provide in respect of any provision thereof that the appropriate authority may amend that provision by notice in the Gazette. (Added 70 of 1982 s. 2. Amended L.N. 67 of 1985; L.N. 85 of 1990)

(4) Regulations made under subsection (1A) may-

(a) empower a health officer to-

(i) permit the importation subject to such conditions as he may specify of such food as may be prescribed;

(ii) require any imported food as may be prescribed to be submitted or made available for inspection by a health inspector;

(iii) impose any conditions or issue any directions with regard to such imported food as may appear to him desirable for the purpose of ensuring that such food is sound, wholesome or fit for human consumption; and

(b) prohibit the contravention of or non-compliance with any condition, requirement or direction referred to in paragraph (a). (Added 7 of 1989 s. 2)

(5) In this section any reference to "appropriate authority" is to be construed according to subsection

(6). (Added 78 of 1999 s. 7)

(6) The appropriate authority for the purposes of-

(a) subsection (1), in relation to-

- (i) food, is the Director of Food and Environmental Hygiene; and
 - (ii) drugs, is the Director of Health;
 - (b) subsections (1A) and (1B), in relation to-
 - (i) food, is the Secretary for Food and Health; and
 - (ii) drugs, is the Secretary for Food and Health; (Amended L.N. 106 of 2002; L.N. 130 of 2007)
 - (c) subsection (2), is the Director of Food and Environmental Hygiene; and
 - (d) subsection (3), in relation to-
 - (i) regulations made by the Secretary for Food and Health, is the Director of Food and Environmental Hygiene; and
 - (ii) regulations made by the Secretary for Food and Health, is the Director of Health. (Added 78 of 1999 s. 7. Amended L.N. 106 of 2002; L.N. 130 of 2007)
- (Amended 80 of 1997 s. 2; 78 of 1999 s. 7)

s 56 Regulations as to food and drugs hygiene

(1) Without prejudice to the provisions of section 55, the Authority may make regulations for securing the observance of sanitary and cleanly conditions and practices and wholesome methods in connection with-

- (a) the sale of food for human consumption or drugs for use by man;
- (b) the manufacture, preparation, transport, storage, packaging; marking, exposure for sale, service or delivery of food intended for sale or sold for human consumption and drugs intended for sale or sold for use by man, or otherwise for the protection of the public health in connection with any such matters. (Amended 5 of 2011 s. 65)

(2) Without prejudice to the generality of the provisions of subsection (1), regulations made under this section may make provision-

- (a) for prohibiting, restricting or regulating the sale, or storage, possession or exposure for sale, of any specified food or drug, either generally or in any specified district, area or place or by any specified person or class of persons;
- (b) for imposing requirements as to the construction, layout, drainage, equipment, maintenance, cleanliness, ventilation and extraction of fumes or heat, lighting, water-supply and use of premises in, at or from which food for human consumption or drugs for use by man are sold or offered, exposed, stored, prepared or manufactured for sale (including any parts of such premises in which apparatus and utensils are cleansed or in which waste is disposed of or stored); (Amended 8 of 1980 s. 37)
- (ba) for imposing requirements as to the precautions to be taken against fire in any such premises; (Added 20 of 1982 s. 2)
- (c) for imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises, the disposal of waste and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils used in such premises, and in particular for imposing requirements that every sanitary convenience situated in such premises shall be supplied with water through a suitable flushing appliance; (Amended of 1980 s. 37)
- (d) for prohibiting or restricting spitting on premises where food for human consumption or drugs for use by man are sold, or offered, exposed, stored, prepared or manufactured for sale (including any parts of such premises in which apparatus and utensils are cleansed);
- (e) for imposing requirements as to the clothing to be worn by persons

engaged to work in such premises;

(f) for requiring the medical examination of persons engaged in any such premises or class of premises (including any parts of such premises in which apparatus and utensils are cleansed), the immunization of such persons against any specified diseases and the prohibition of the employment of any such person found to be suffering from any specified disease;

(g) for requiring the marking, staining or treating of meat intended for human consumption;

(h) for regulating generally the treatment and disposal of any food which is unfit for human consumption or any drug which is unfit for use by man or any food or drug which does not comply with any of the provisions of any regulation made under section 55 relating to the composition or standard of quality of food and drugs;

(i) for prohibiting or regulating the sale for human consumption, or the possession, offer, exposure, distribution or collection for sale for human consumption, of shellfish.

(3) Regulations made under this section may require or provide for the registration or licensing of premises, businesses or persons engaged in or connected with any of the matters specified in subsection (1)(a) or (b). (Amended 49 of 1994 s. 12)

(3A) Regulations made under this section containing provisions-

(a) requiring the registration or licensing of premises, businesses or persons; or

(b) restricting the sale, possession or use of specified foods,

may empower a specified public officer, by notice in the Gazette, to grant exemptions from such provisions or any of them. (Added 57 of 1978 s. 3. Amended 78 of 1999 s. 7)

(4) Regulations made under this section may make different provisions in relation to different classes of business, and, without prejudice to any other provisions of this section, any such regulations imposing requirements in respect of premises may impose on the occupier of the premises to which such regulations apply responsibility for compliance with those regulations.

(5) The Authority may from time to time take such steps as it may think fit for publishing codes of practice in connection with matters which may be made the subject of regulations under this section, for the purpose of giving advice and guidance to persons responsible for compliance with such regulations.

(6) A failure on the part of any person to observe any provisions of a code published under subsection (5) shall not of itself render that person liable to criminal proceedings of any kind but any such failure may, in any proceedings whether civil or criminal and including proceedings for an offence under this Ordinance, be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

(7) In this section and sections 56A and 56B, "premises" (處所) includes a stall or vessel and in relation to a vessel, "occupier" (佔用人) means the master. (Added 76 of 1988 s. 2. Amended 49 of 1994 s. 12)

s 56A Prescription of fees relating to drugs

The Authority may, by regulation, prescribe the fees to be paid in respect of registration or licensing of premises, businesses or persons engaged in or connected with-

(a) the sale of drugs for use by man;

(b) the manufacture, preparation, transport, storage, packaging, marking, exposure for sale, service or delivery of drugs intended for sale or sold for use by man,

or in respect of any other matter for which the Authority may make regulations under section 56.

(Added 49 of 1994 s. 13)

s 56B (Repealed 78 of 1999 s. 7)

s 57 Live poultry and live reptiles deemed food for purposes of regulations*

Regulations made under section 55 or 56 may include provision for the prohibition, restriction or regulation of the sale, or the possession, offer or exposure for sale or consignment or delivery for sale, of live poultry and live reptiles in the same manner as if such live poultry and live reptiles were food.

(Amended 9 of 1976 s. 6; 68 of 1985 s. 2; 5 of 2011 s. 66)

Note:

*** (Amended 5 of 2011 s. 66)**

s 58 Power to call for information as to composition of substances used in the preparation of food and drugs

(1) The appropriate authority may, for the purpose of exercising the powers conferred on that authority under sections 55 and 56, by order require any person who at the date of the order or at any subsequent time carries on a business which includes the production, importation, or use of substances of any class specified in the order to furnish to such public officer as shall be specified in the order, within such time as may be so specified, such particulars as may be so specified of the composition and use of any such substance sold in the course of that business for use in the preparation of food for sale for human consumption or drugs for sale for use by man or used for that purpose in the course of that business. (Amended 80 of 1997 s. 3; 78 of 1999 s. 7)

(2) Without prejudice to the generality of the provisions of subsection (1), an order made thereunder may require the following particulars to be furnished in respect of any substance, that is to say-

- (a) particulars of the composition and the chemical nature of the substance;
- (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of food or drugs;
- (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to what extent the substance, or any product formed when the substance is used as aforesaid, is injurious to, or in any way affects, health;
- (d) particulars of any investigations or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming or using the substance in ordinary quantities.

(3) No particulars furnished in accordance with an order made under the provisions of subsection (1), and no information relating to any individual business obtained by means of such particulars, shall, without the previous consent in writing of the person carrying on the business in question, be disclosed except-

- (a) in accordance with the directions of the appropriate authority; and (Replaced 78 of 1999 s. 7)
- (b) for the purposes of any proceedings for an offence against the order, or any report of those proceedings.

(4) Any person who discloses any particulars or information in contravention of the provisions of subsection (3) shall be guilty of an offence.

(5) Any person who fails to comply with the requirements of any order made under the provisions of subsection (1) shall be guilty of an offence.

(6) In this section any reference to "appropriate authority" is to be construed according to subsection (7). (Added 78 of 1999 s. 7)

(7) The appropriate authority-

(a) under subsection (1), for powers conferred by sections 55 and 56 in relation to-

(i) food, is the Director of Food and Environmental Hygiene; and

(ii) drugs, is the Director of Health; and

(b) under subsection (3), for particulars and information relating to-

(i) food, is the Director of Food and Environmental Hygiene; and

(ii) drugs, is the Director of Health. (Added 78 of 1999 s. 7)

s 59 Examination and seizure and marking or destruction of food or drugs

(1) Any public officer authorized in writing in that behalf by the Authority may-

(a) examine any food which is, or which appears to him to be, intended for human consumption, or any drug which is, or which appears to him to be, intended for use by man; and

(b) seize and remove such food or drug or any package in which the same was contained if it appears to him that such food or drug is unfit for human consumption or for use by man, as the case may be, or that any of the provisions of any regulation made under section 55 or 56 have been contravened in respect thereof; and

(c) where he is of the opinion that a special procedure is necessary for the examination of any such food which has been imported, or where at the request of the importer he has recourse to such special procedure, direct the importer or any other person in possession of the food to provide all such facilities as may be required for the examination of the food.

(Replaced 29 of 1976 s. 3)

(1A) Any person who fails to provide facilities for the examination of imported food in accordance with subsection (1)(c), after having been duly directed to do so by a public officer authorized in writing in that behalf by the Authority, shall be guilty of an offence. (Added 29 of 1976 s. 3)

(2) If it appears to any public officer authorized in writing in that behalf by the Authority that any food or drug, whether seized under the provisions of subsection (1) or not, is unfit for human consumption or for use by man, respectively, or that any of the provisions of any regulations made under section 55 or 56 have been contravened in respect of any such food or drug, he may-

(a) affix to such food or drug a mark, seal or other designation; or

(b) destroy or otherwise dispose of such food or drug or cause the same to be destroyed or otherwise disposed of.

(3) If any person sells, offers or exposes for sale, or deposits or consigns to any person for the purpose of sale or preparation for sale, or otherwise uses, any food or drug contrary to the purport of any mark, seal or other designation affixed thereto under the provisions of subsection (2), or removes, alters or obliterates any such mark, seal or designation with intent to deceive any person, he shall be guilty of an offence.

(4) Before any food or drug is destroyed or otherwise disposed of under the provisions of subsection (2), there shall be recorded a description and such other details as will suffice to identify such food or drug, and the Authority shall keep such record in its custody for a period of not less than 12 months.

(5) If any person considers himself aggrieved by the seizure and removal, or by the marking, sealing or otherwise designating, or by the destruction or other disposal, of any food or drug under the provisions of subsection (1) or (2) he may, within 72 hours after the doing of such act, complain to the court and the court may confirm or disallow the act, either wholly or in part, and shall, in the case of any act disallowed, or disallowed in part, order the removal of such mark, seal or other designation or the restoration of the food or drug seized and removed, either as to the whole or as to such part in

respect of which the act was disallowed, or, if the food or drug in question, or any part thereof, has been destroyed or otherwise disposed of, or is no longer fit for human consumption or for use by man, as the case may be, or is depreciated in value at the time of making such order by reason of such act, order the Authority, to pay by way of compensation such sum of money, not exceeding the market value of such food or drug at the time of the doing of such act, as the court may, having regard to the circumstances of the case, consider just.

(6) In the case of any conviction for an offence under section 54(1) or (2) or for an offence under any of the provisions of any regulation made under section 55, the court may order that any food or drug to which the conviction relates and any similar food or drug found on the defendant's premises or in his possession at the time of the commission of the offence or of the seizure of the food or drug in question, shall be forfeited, together with all packages containing the same.

(7) Any food or drug, and any package containing the same, forfeited under the provisions of subsection (6) shall be disposed of in such manner as the Authority may direct.

s 60 Food or drugs offered as prizes, etc.

(1) Sections 54 and 59 shall apply in relation to-

(a) any food intended for human consumption, or any drug intended for use by man, which is offered as a prize or reward in connection with any entertainment to which the public are admitted, whether on payment of money or not as if such food or drug were, or had been exposed for sale by each person concerned in the organization of the entertainment;

(b) any food intended for human consumption, or any drug intended for use by man, which is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, as if the food or drug were, or had been, exposed for sale by the person offering or giving it away;

(c) any food intended for human consumption, or any drug intended for use by man, which is exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid, as if the food or drug were, or had been, exposed for sale by the occupier of such premises.

(2) In this section, the expression "entertainment" (娛樂節目) includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

s 61 False labelling and advertisement of food or drugs

(1) If any person gives with any food or drug sold by him, or displays with any food or drug exposed for sale by him, a label, whether or not the same is attached to or printed on the wrapper or container, which-

(a) falsely describes the food or drug; or

(b) is calculated to mislead as to its nature, substance or quality,

he shall be guilty of an offence, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.

(2) Subject to the provisions of subsection (3), if any person publishes, or is partly to the publication of, an advertisement, other than a label to which the provisions of subsection (1) apply which-

(a) falsely describes any food or drug; or

(b) is likely to mislead as to the nature, substance or quality of any food or drug,

he shall be guilty of an offence, and, in any proceedings against the manufacturer, producer or importer of the food or drug, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

(3) In any proceedings for an offence under subsection (2), it shall be a defence for the defendant to prove either-

(a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as is described in that subsection; or

(b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement in the ordinary course of business.

(4) For the purposes of this section, a label or advertisement which is calculated to mislead as to the nutritional or dietary value of any food is calculated to mislead as to the quality of the food.

(5) In any proceedings under this section, the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food or drug shall not preclude the court from finding that the offence was committed.

(6) In this section, save in so far as it relates to drugs, references to sale shall be construed as references to sale for human consumption.

s 62 Power to take samples

(1) Any public officer authorized in writing in that behalf by the Authority may take samples for analysis, or for bacteriological or other examination, of any food or drug, or of any substance capable of being used in the preparation of any food or drug, which appears to him to be intended for sale or to have been sold for human consumption or for use by man, as the case may be, or which is found by him on or in any premises, stall, vehicle, vessel, aircraft or place which he is authorized to enter for the purposes of this Ordinance:

Provided that-

(a) such officer shall pay or tender payment of the market price of any such samples, or, if the market price be unknown or not readily ascertainable, a reasonable price, to the person appearing to have the lawful custody of such food, drug or substance; and

(b) where any such food, drug or substance is kept for retail sale in unopened packages, no such sample shall consist of less than the whole of the contents of any one such package.

(2) When taking any sample under this section, such officer shall take such steps as may be necessary to satisfy himself that the sample taken is a fair sample of the bulk of the food, drug or other substance in question.

(3) Nothing in this section shall be construed as authorizing any purchase or sale of drugs in contravention of the provisions of the Dangerous Drugs Ordinance (Cap 134).

(4) Any person who fails to comply with any demand or requisition made under the provisions of this section shall be guilty of an offence.

s 63 Provisions as to the taking of samples for analysis

(1) An officer who takes a sample under the provisions of section 62 of any food, drug or substance for the purpose of analysis shall forthwith divide such sample into 3 parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall-

(a) with respect to one part of the sample comply with the provisions of subsection (2); and

(b) with respect to the remaining parts of the sample comply with the provisions of subsection (3):

Provided that this subsection shall not apply to any sample taken for bacteriological examination.

(Amended 59 of 1970 s. 3)

(2) (a) If the sample was obtained by purchase from a dealer in the food, drug or substance in question the officer shall give the one part to the vendor, such vendor being permitted to select such part from the 3 parts.

(b) If the sample was obtained by purchase from an automatic machine-

(i) if the name and address (being an address in Hong Kong) of a person stated to be the proprietor of the machine appears on the machine, the officer shall give the one part of the sample to that person;

(ii) in any other case, the officer shall give the one part to the occupier of the premises on which the machine stands or to which it is affixed.

(c) If the sample is of any food, drug or substance consigned from outside Hong Kong and was taken by the officer before delivery to the consignee, the officer shall give the one part of the sample to the consignee.

(d) If the sample is of any food, drug or substance in transit from a consignor within Hong Kong to a consignee (whether within or without Hong Kong), the officer shall give the one part of the sample to the consignor.

(e) If none of the foregoing paragraphs of this subsection apply, the officer shall give the one part of the sample to the person appearing to him to be the owner of the food, drug or substance of which the sample was taken. (Amended 10 of 1986 s. 24)

(3) Of the remaining 2 parts of the sample, the officer shall, unless he decides not to have an analysis made, personally submit one to the public analyst, and retain the other for future comparison.

(4) In every case to which the provisions of subsection (2) apply, the officer shall inform the person to whom the part of the sample is given that the sample was taken for the purpose of analysis by the public analyst.

(5) When any sample which has been taken for analysis consists of the contents of an unopened package, the officer shall retain the packing material and, if he decides to have an analysis made, deliver such sample, together with such packing material and any label which may have been attached thereto at the time when the sample was taken, to the public analyst with the part of the sample submitted in accordance with the provisions of subsection (3).

(6) Any part of a sample which under the provisions of this section is to be given to any person may be given either by delivering it to him or to his agent, or by sending it to him by post in a registered packet:

Provided that where, after reasonable inquiry, the officer is unable to find the person to whom the part of the sample is to be given or to ascertain his name and address, he may, in lieu of giving the part to that person, retain it.

(7) If it appears to the officer that any food, drug or substance of which he has taken a sample for the purpose of analysis was manufactured or put into its wrapper or container by a person (not being a person to whom one part of the sample is required to be given by virtue of the provisions of subsection (2)) having his name, and an address in Hong Kong, displayed on the wrapper or container, the officer shall, unless he decides not to have an analysis made, within 3 days after taking such sample, send to that person a notice informing him that the sample has been taken by him and where the sample was taken or, as the case may be, from whom it was purchased. (Amended 10 of 1986 s. 24)

(8) Where a sample taken under the provisions of section 62 has been analysed by a public analyst, any person to whom a part of the sample was given in accordance with the provisions of subsection (2) shall be entitled, on payment of a fee of \$1, to be supplied with a copy of the certificate given by such public analyst under section 64.

(9) Any person who, for the purpose of advertisement, uses any certificate of analysis obtained under the provisions of subsection (8) shall be guilty of an offence.

s 64 Certificate of analysis

(1) In every case in which a sample for analysis is delivered to the public analyst under the provisions of section 63, the analyst shall cause it to be analysed as soon as practicable and shall give to the officer requesting the analysis a certificate specifying the result of the analysis in the form of Form A prescribed in the Seventh Schedule.

(2) A certificate of the results of an analysis given by a public analyst in pursuance of the provisions of subsection (1) shall be signed by him, but the analysis may be made by any person acting under his directions.

s 65 Evidence of analysis

(1) In any proceedings under this Part, the production by one of the parties of a document purporting to be a certificate of the public analyst in the form of Form A prescribed in the Seventh Schedule, or of a document supplied to him by the other party as being a copy of such a certificate, shall be prima facie evidence of the facts stated therein, unless, in the first mentioned case, the other party requires that the public analyst shall be called as a witness.

(2) In any such proceedings, if a defendant intends to produce a certificate of the public analyst, or, under the provisions of subsection (1), to require that the public analyst shall be called as a witness, notice of his intention, together, in the first mentioned case, with a copy of the certificate, shall be given to the other party not less than 3 clear days before the day on which the summons is returnable, and, if this requirement is not complied with, the court may adjourn the hearing on such terms as it thinks proper.

(3) Where any relevant method of analysis has been prescribed by regulations made under section 55(1)(e), evidence of an analysis carried out by the prescribed method shall be preferred to evidence of any other analysis or test.

s 66 Proceedings in respect of articles or substances sampled

(1) In any proceedings under this Part in respect of an article or substance sampled, the summons shall not be made returnable less than 14 days from the day on which it is served, and a copy of any certificate of analysis obtained on behalf of the prosecutor shall be served with the summons.

(2) In any proceedings under this Part, where a sample has been procured in such circumstances that its division into parts is required by this Ordinance, the part of the sample retained by the person who took it shall be produced at the hearing.

s 67 Presumptions

(1) For the purposes of this Part-

(a) any article commonly used for human consumption, or any drug commonly used by man, shall, if sold or offered, exposed or kept for sale, be presumed, unless there is evidence to the contrary, to have been sold, or as the case may be, to have been or to be intended for sale for human consumption or for use by man;

(b) any article commonly used for human consumption, or any drug commonly used by man, which is found on any premises or in any vessel, vehicle or aircraft used for the preparation, storage, transport or sale of that article or drug, and any article commonly used in the manufacture of products for human consumption or drugs for use by man which is found on any premises or in any vessel, vehicle or aircraft used for the preparation, storage, transport or sale of those products or drugs, shall be presumed, unless there is evidence to the contrary, to be intended for sale, or for manufacturing products for sale for human consumption or for use by man, as the case may be;

(c) any substance capable of being used in the composition or preparation

of any article commonly used for human consumption or any drug commonly used by man which is found on any premises or in any vessel where that article or drug is prepared shall, unless there is evidence to the contrary, be presumed to be intended for such use.

(2) Where any food for human consumption or any drug for use by man is sold, or deposited with or consigned to any person for the purpose of sale for human consumption or use by man, as the case may be, contained in an unopened package, any person who appears from any statement thereon or attached thereto to have imported, manufactured or prepared such food or drug or to have enclosed it in such package shall, unless there is evidence to the contrary, be deemed to have so imported, manufactured, prepared or enclosed the same.

(3) For the purposes of this Part, the expression "for use by man" (供人使用) means for human consumption or for external application to the human body.

(4) The presumptions in subsection (1) do not apply to live aquatic products that are in captivity for the purposes of propagation or promotion of growth. (Added 5 of 2011 s. 67)

(Amended 5 of 2011 s. 67)

s 68 Power to examine food and drugs in course of transit, etc.

(1) Subject to the provisions of subsection (2), any public officer authorized under the provisions of section 59(1), who has reason to suspect that any vehicle, vessel or container contains any food which is intended for human consumption or any drug which is intended for use by man or any food or drug which is in the course of delivery after sale for human consumption or for use by man may examine the contents of such vehicle, vessel or container and may for that purpose, if necessary, detain the vehicle, vessel or container, and, in the case of a vehicle or vessel in motion, may call upon such vehicle or vessel to stop.

(2) Nothing in this section shall authorize the detention of any vehicle, vessel or container used by a carrier of goods for the purposes of his trade as such a carrier.

(3) Any person, being a person in charge of a vehicle or vessel which is called upon a stop under the provisions of subsection (1), who fails to stop when so called upon shall be guilty of an offence.

s 69 Restriction on movement of imported food or drugs

(1) Without prejudice to any power of examining food or drugs conferred by this Part, the Authority or any public officer authorized in writing in that behalf by the Authority may give directions to the person in possession of any food or drug imported with a view to sale for human consumption or for use by man, as the case may be, prohibiting or restricting its removal or delivery- (Amended 78 of 1999 s. 7)

(a) during any period, not exceeding 6 days (exclusive of Saturdays, Sundays and public holidays), which may be reasonably required for the examination of such food or drugs; and (Replaced 29 of 1976 s. 4)

(b) if within that period the Authority or the officer so requires, until that person has notified the Authority or the officer of the name of the person to whom, and the address to or at which, he proposes to send or deliver such food or drug. (Amended 78 of 1999 s. 7)

(2) A person who fails to comply with any direction given under the provisions of subsection (1), or who, in a notification thereunder, knowingly makes any false statement, shall be guilty of an offence.

s 70 Contraventions due to some other person

(1) A person against whom proceedings are brought under this Part shall, upon information duly laid by him and on giving to the prosecution not less than 3 clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings, and, if, after the contravention has been proved,

the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where the defendant seeks to avail himself of the provisions of subsection (1)-

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the Authority that an offence has been committed in respect of which proceedings might be taken under this Part against some person and the Authority is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1), the Authority may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person, and, in any such proceedings, the defendant may be charged with, and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

(4) In proceedings instituted under the provisions of subsection (3), the information or complaint shall set out the facts and state that the Authority concerned is reasonably satisfied that the offence of which complaint is made was due to the act or default of the person against whom the proceedings are brought.

s 71 Conditions under which warranty may be pleaded as defence

(1) Subject to the provisions of this section, in any proceedings for an offence under this Part, being an offence consisting of selling, or offering, exposing or advertising for sale or having in possession for the purpose of sale, any article or substance, it shall be a defence for the defendant to prove-

(a) that he purchased it as being an article or substance which could lawfully be sold or otherwise dealt with as aforesaid, or, as the case may be, could lawfully be sold or dealt with under the name or description or for the purpose under or for which he sold or dealt with it, and with a written warranty to that effect; and

(b) that he had no reason to believe at the time of the commission of the alleged offence that it was otherwise; and

(c) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence in proceedings under this Part if-

(a) the defendant-

(i) has, not later than 3 clear days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it; and

(ii) has also sent a like notice to that person; and

(b) in the case of a warranty given by a person resident outside Hong Kong, the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein. (Amended 10 of 1986 s. 24)

(3) Where the defendant is a servant or agent of the person who purchased the article or substance under a warranty, he shall be entitled to rely on the provisions of this section in the same way as his employer or principal would have been entitled to do if he had been the defendant.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the

hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(5) For the purposes of this section and of section 72, a name or description entered in an invoice shall be deemed to be a written warranty that the article or substance to which the entry refers can be sold or otherwise dealt with under that name or description by any person without contravening any of the provisions of this Part.

s 72 Offences in relation to warranties or certificates of analysis

(1) A defendant who in any proceedings under this Part wilfully applies to any article or substance a warranty or certificate of analysis given in relation to any other article or substance shall be guilty of an offence.

(2) A person who, in respect of any article or substance sold by him, being an article or substance in respect of which a warranty might be pleaded under section 71, gives to the purchaser a false warranty in writing shall be guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate.

s 73 Sale, etc. by servants or agents

For the purpose of this Part, every person shall be deemed to sell, offer, expose or advertise for sale, or have in his possession for sale, any food for human consumption or drug for use by man, who sells, offers, exposes or advertises for sale, or has in his possession for sale, such food or drug either on his own account or as the servant or agent of some other person, and, where such person is the servant or agent of some other person, such other person shall, subject to the provisions of this Part, be under the same liability as if he had himself sold, exposed or advertised for sale, or had in his possession for sale, such food or drug.

s 74 Recovery of expenses incidental to taking of samples

(1) Where a person is convicted of an offence under this Part, the court may order that all expenses incidental to the taking of any sample or the making of any analysis or bacteriological or other examination of any food or drug in respect of which the conviction is obtained shall be paid by the person convicted. (Amended 59 of 1970 s. 4)

(2) All such expenses shall be recoverable in the same manner as a fine is recoverable.

s 75 Notification of convictions in newspapers

If any person is convicted of an offence under this Part relating to the sale or preparation for sale of any food for human consumption or drug for use by man, the Authority may cause to be published in any newspaper circulating in Hong Kong- (Amended 10 of 1986 s. 24)

- (a) the name of the offender;
- (b) the address (if any) of the place at which the offence was committed;
- (c) the nature of the offence; and
- (d) the fine, forfeiture or other penalty imposed.

s 76 Protection of informers

Save as otherwise provided in this section, no information laid in respect of any offence under this Part shall be admitted in evidence and no witness in any proceedings for an offence under this Part shall be obliged or permitted to disclose the name or address of any informer or state any matter which might lead to his discovery, and, if any books, documents or papers which are in evidence or liable to inspection in any such proceedings contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such passages to be concealed from view or

to be obliterated so far as may be necessary to protect the informer from discovery, but no further: Provided that, if the court after full inquiry into the case is satisfied that the informer wilfully made in his information a material statement which he knew or believed to be false, or did not believe to be true, or if it appears to the court that justice cannot otherwise fully be done, it shall be lawful for the court to require the production of the original information and permit inquiry and require full disclosure concerning the informer.

s 76A Public slaughterhouses

(1) The Authority may, by order published in the Gazette, designate any premises as a public slaughterhouse. (Amended 9 of 1976 s. 7)

(2) The abattoirs specified in Schedule 1 to the Abattoirs Regulation (Cap 132 sub. leg. A) shall be deemed to have been designated as public slaughterhouses. (Amended 78 of 1999 s. 7)

(Added 21 of 1973 s. 4)

s 76B Management of public slaughterhouses

The management and control of every public slaughterhouse shall be vested in the Authority.

(Added 21 of 1973 s. 4)

s 77 Regulations as to slaughtering and slaughterhouses

(1) The Authority may in relation to the slaughter of animals or birds for food for human consumption make regulations prescribing or providing for-

- (a) the regulation or control (including prohibition) of slaughtering in any place other than a slaughterhouse;
 - (b) the maintenance and cleanliness of slaughterhouses;
 - (c) the management and operation of slaughterhouses, including the exclusion or removal of persons therefrom;
 - (d) the control of the admission of animals to slaughterhouses;
 - (e) the control of animals in slaughterhouses;
 - (f) the examination, inspection and marking of animals intended for slaughter;
 - (g) the methods, instruments and appliances which may be used when slaughtering is carried out;
 - (h) the inspection and marking as fit for human consumption of the carcasses and offals of animals slaughtered in slaughterhouses and restriction of the use of such marks;
 - (i) the disposal, treatment, and processing of waste and by-products resulting from the slaughter of animals or birds in slaughterhouses;
- (Amended 8 of 1980 s. 37)
- (j) control of the transport of carcasses, parts of carcasses, and offals from any slaughterhouse to any other place;
 - (k) the conferring of powers on public officers to detain animals and the carcasses and other parts of animals, to direct the slaughter of animals, and to dispose of animals and the carcasses and other parts of animals;
- (Added 16 of 1971 s. 2. Amended 78 of 1999 s. 7)
- (l) in the case of public slaughterhouses-
 - (i) (Repealed 49 of 1994 s. 14)
 - (ii) the persons by whom all or any of the activities of any slaughterhouse may be carried on;

- (iii) registration of owners of animals to be slaughtered;
- (iv) the time within which animals shall be slaughtered;
- (v) the maintenance of good order in slaughterhouses; (Amended 16 of 1971 s. 2)

(m) in the case of private slaughterhouses-

- (i) the registration, licensing or prohibition thereof; (Amended 49 of 1994 s. 14)
- (ii) requirements as to construction, lighting, ventilation and drainage, and as to the periodic painting or limewashing, of the premises or any parts thereof;
- (iii) the control of fees or charges levied for the use of any such slaughterhouse or for the use of any facilities provided thereat. (Amended 49 of 1994 s. 14)
- (iv) (Repealed 49 of 1994 s. 14)

(Replaced 17 of 1968 s. 2)

(2) No regulation made under this section relating to any public slaughterhouse shall be so framed or construed as to deny to any religious community reasonable facilities for obtaining as food the flesh of animals or birds slaughtered by the method specially required by their religion.

s 77A (Repealed 78 of 1999 s. 7)

s 78 Power to seize and dispose of unfit carcasses of slaughtered animals

(1) The Authority may seize, and dispose of in such manner as it may think fit, the carcass, or any part of the carcass, of any animals received into a public slaughterhouse for the purpose of slaughter for food for human consumption which on examination is found to be diseased or unfit for human consumption, and no compensation shall be payable to the owner of such carcass or any such part of any such carcass.

(2) Where, in pursuance of the provisions of subsection (1), any carcass or any part of any carcass is seized by the Authority, the Authority shall, before the same is disposed of, cause to be recorded-

- (a) such description or other particulars as will suffice to identify such carcass or such part of such carcass; and
- (b) the grounds upon which the seizure was effected.

(3) If any person considers himself aggrieved by the seizure of any carcass or any part of any carcass under the provisions of subsection (1), he may, within 72 hours after such seizure was effected, complain to the court and the court may confirm or disallow the seizure, either wholly or in part, and shall, in the case of any seizure disallowed, or disallowed in part, order the Authority to restore the carcass, or part of the carcass, which has been seized, either as to the whole or as to such part in respect of which the seizure was disallowed, or, if the carcass or the part of the carcass in question has been disposed of or is no longer fit for human consumption, as the case may be, or is depreciated in value by reason of the seizure, order the Authority to pay by way of compensation such sum of money, not exceeding the market value of such carcass or such part of the carcass at the time of the seizure, as the court may, having regard to the circumstances, consider just.

Part VA (Repealed 5 of 2011 s. 68)

s 78A (Repealed 5 of 2011 s. 68)

s 78B (Repealed 5 of 2011 s. 68)

s 78C (Repealed 5 of 2011 s. 68)

s 78D (Repealed 5 of 2011 s. 68)

s 78E (Repealed 5 of 2011 s. 68)

s 78F (Repealed 5 of 2011 s. 68)

s 78G (Repealed 5 of 2011 s. 68)

s 78H (Repealed 5 of 2011 s. 68)

s 78I (Repealed 5 of 2011 s. 68)

s 78J (Repealed 5 of 2011 s. 68)

s 78K (Repealed 5 of 2011 s. 68)

s 78L (Repealed 5 of 2011 s. 68)

Part VI MARKETS AND HAWKERS

s 79 Markets to which Ordinance applies, etc.

Markets

(1) This Ordinance shall apply to every market, being a market in which food is sold, which is declared by the Authority to be a market to which the Ordinance applies.

(2) (Repealed 78 of 1999 s. 7)

(3) The Authority may, by order published in the Gazette, designate as a public market any market to which the Ordinance applies.

(4) The markets specified in the Tenth Schedule shall be deemed to have been designated as public markets.

(5) The Authority may, by order published in the Gazette, amend, add to, or delete from, the Tenth Schedule.

(Amended 21 of 1973 s. 5; 9 of 1976 s. 8)

s 79A Management of public markets

The management and control of every public market shall be vested in the Authority.

(Added 21 of 1973 s. 6)

s 80 Regulations in relation to markets

(1) The Authority may make regulations in relation to public markets and private markets prescribing or providing for-

(a) the grant by lease, licence or permit to any person, or any group or class of persons, of the right to possess or to use shops, stalls, sheds, pens

or standings therein;

(aa) an appeal to the Municipal Services Appeals Board against a decision to terminate a grant, lease, permit, or decision to adjust the rent of a shop, stall, shed, pen or standing referred to in paragraph (a); (Added 78 of 1999 s. 7)

(b) the control (including prohibition) of the kinds or classes of commodities which may be sold, offered or exposed for sale, and of the kinds of business or occupation for gain which may be carried on, in any market;

(c) the proper management and sanitary maintenance of markets, including the manner of sale, or exposure for sale in, or the transport in, to or from, any market of any kind of commodity;

(d) the prohibition of persons convicted of such offences as may be specified in any such regulation from carrying on any business, or being employed in or taking part in any business, in any market;

(e) such other matters as, in the opinion of the Authority, are necessary for the proper regulation and control of such markets in the public interest.

(2) The Authority may make regulations in relation to private markets prescribing or providing for-

(a) the licensing or registration of the operation of any such market;

(Amended 49 of 1994 s. 16)

(b) the management of any such market and the control and appropriation of the funds derived from or in connection with any such market;

(c) the type and construction of any shop, stall, shed, pen or standing in any such market.

s 80A (Repealed 78 of 1999 s. 7)

s 81 Market rules

(1) The Authority may, in relation to a market, make rules which are not inconsistent with regulations made under section 80 to provide for the better control of persons in connection with the use of the market and to provide information relating to the use of the market. (Replaced 78 of 1999 s. 7)

(2) Any person who fails to comply with any rule made under the provisions of this section shall be guilty of an offence.

s 82 Seizure and forfeiture of articles, etc. in markets

Remarks:

Adaptation amendments retroactively made - see 29 of 1998 s. 105

(1) Without prejudice to the provisions of section 59, where in any market it appears to any police officer or to any public officer authorized in that behalf by the Authority that any of the provisions of any regulation made under section 80 have been contravened in respect of any article or thing sold in such market or any furniture or paraphernalia used in such market, such police officer or such public officer may seize, carry away and detain at the owner's risk such article or thing or such furniture or paraphernalia, whether or not the owner thereof is known or can be found:

Provided that, in the case of any such article or thing which is perishable, the Commissioner of Police or the Authority, as the case may be, may cause the same to be sold or otherwise disposed of forthwith.

(2) Where any article or thing or any furniture or paraphernalia is seized under the provisions of

subsection (1), a notice, written in the Chinese language, declaring the seizure shall be posted in a conspicuous place in the market.

(3) If, within 48 hours of the posting of such notice, the owner of such article, thing, furniture or paraphernalia makes a claim to the Authority for its return, the Authority shall, if it is satisfied that the claimant is the owner thereof and if the same is not detained or otherwise dealt with under the provisions of any other enactment or required as an exhibit in any proceedings, return such article, thing, furniture or paraphernalia to the claimant or, if it has been sold or otherwise disposed of under the provisions of the proviso to subsection (1), pay to the claimant such sum by way of compensation as it may consider just.

(4) If no claim for the return of such article, thing, furniture or paraphernalia is made to the Authority within 48 hours of the posting of such notice, such article, thing, furniture or paraphernalia shall become the property of the Government and may be sold or otherwise disposed of in such manner as the Commissioner of Police or the Authority, as the case may be, shall direct: (Amended 29 of 1998 s. 105)

Provided that-

(a) nothing in this subsection shall be construed to prevent the immediate disposal of perishables under the provisions of the proviso to subsection (1); and

(b) any person who considers himself aggrieved by such seizure may, within 7 days thereafter, complain to the court, and the court shall, if satisfied-

(i) as to the title of the complainant; and

(ii) that no such contravention occurred in respect of the article, thing, furniture or paraphernalia in respect of which the complaint is made, direct either that the same be returned to the complainant or, if it has been sold or otherwise disposed of, that such sum by way of compensation be paid to the complainant as it may consider just.

s 83 Interpretation for the purposes of sections 83A to 86D

Expanded Cross Reference:

83A, 83AA, 83B, 84, 85, 86, 86A, 86B, 86C, 86D

Hawkers

For the purposes of sections 83A to 86D- <* Note - Exp. X-Ref.: Sections 83A, 83AA, 83B, 84, 85, 86, 86A, 86B, 86C, 86D *>

"commodity" (商品) means any goods, wares, or merchandise (including food and drink); and includes any sample of any such goods, wares, or merchandise;

"equipment" (設備) includes any stall, table, stool, chair, utensil, container, bin, or other furniture or paraphernalia used in connection with hawking; but does not include any commodity sold, or offered or exposed for sale, by a hawker;

"hawker offence" (小販罪行) means an offence against section 83B or against any regulations made under section 83A;

"stall" (攤檔) includes any erection, structure, box, cart, barrow, trolley, bicycle, tricycle, van or other vehicle within the meaning of the Road Traffic Ordinance (Cap 374). (Amended 10 of 1995 s. 2)

(Replaced 60 of 1972 s. 2)

s 83A Regulations relating to hawkers

(1) The Authority may make regulations for all or any of the following purposes-

- (a) providing for the licensing of hawkers;
- (b) providing for the classification of hawkers;
- (c) restricting or prohibiting hawkers from carrying on business in any special place or area or otherwise than in any specified place or area;
- (d) regulating or prohibiting the hawking of any specified commodities or services;
- (e) prescribing conditions subject to which licensed hawkers may operate;
- (f) providing for the employment by licensed hawkers of deputies and assistants;
- (g) providing for the allocation of pitches to licensed hawkers, and for the erection by any such hawkers of stalls thereon, subject to such conditions as the Authority may specify (either generally or in any specific case);
- (h) providing for the removal of hawkers and their equipment and commodities;
- (i) providing for the court, on convicting a hawker of a hawker offence, to recommend to the Authority that the licence (if any) of the hawker be cancelled or suspended;
- (j) (Repealed 49 of 1994 s. 18)
- (k) providing for such other matters as may be necessary for the proper regulation and control of hawkers.

(2) Regulations made under subsection (1)(c) may-

- (a) provide that the places or areas to which the restrictions or prohibitions apply may be specified by a specified public officer by order published in the Gazette; and
- (b) provide for other means (in addition to publication in the Gazette) for making those places or areas known to the public. (Replaced 78 of 1999 s. 7)

(Added 60 of 1972 s. 2)

s 83AA (Repealed 78 of 1999 s. 7)

s 83B Commissioner for Transport may set aside streets for hawking purposes

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

- (1) No person shall hawk in any street except in accordance with a licence issued under regulations made under section 83A. (Replaced 28 of 1973 s. 2)
- (2) (Repealed 28 of 1973 s. 2)
- (3) Any person who contravenes subsection (1) shall be guilty of an offence. (Amended 28 of 1973 s. 2)
- (4) The Commissioner for Transport may from time to time, after consultation with the Authority and the Commissioner of Police, declare in writing that the whole or any part of a street may be set aside to be used for hawking purposes, and shall give notice of any such declaration-
 - (a) by publishing it in one issue of the Gazette;
 - (b) by publishing it in 3 consecutive issues of at least one English language newspaper and one Chinese language newspaper;
 - (c) by causing copies of it to be exhibited in one or more conspicuous places in or in the immediate vicinity of the street.
- (5) On the requirements of subsection (4) being satisfied-
 - (a) the Authority may allocate pitches in the street to hawkers (other than itinerant hawkers) licensed under regulations made pursuant to section

83A, subject to such conditions as may be specified by the Authority;
(b) the Commissioner for Transport may, if he thinks necessary, by further notice in the Gazette, order that-

- (i) the street be closed to vehicular traffic; or
- (ii) the street be closed to vehicular traffic travelling in such direction as he specifies in the notice,

either at all times or at such times as he specifies in the notice.

(6) On making an order under subsection (5)(b), the Commissioner for Transport shall cause to be erected pursuant to the Road Traffic Ordinance (Cap 374) at each entrance to the street appropriate signs indicating the closure in accordance with the order.

(7) No action shall lie against the Government, the Commissioner for Transport, the Authority, or any public officer by reason only of the exercise of the powers conferred by this section. (Amended 59 of 2000 s. 3)

(8) Where under subsection (4) only part of a street is set aside, every reference in this section to the "street" (街道) shall be construed as meaning the part of the street so set aside.

(Added 60 of 1972 s. 3)

s 84 Power of authorized public officers to arrest in certain cases

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) Any public officer authorized in writing in that behalf by the Authority may arrest without warrant any person whom he may reasonably suspect of being guilty of any scheduled offence.

(2) If any person forcibly resists the endeavour of any such officer to arrest him or attempts to evade the arrest, such officer may use all means necessary to effect the arrest.

(3) If any such officer who is in pursuit of any person to be arrested has reason to believe that such person has entered into or is in any place, the person residing in or in charge of such place shall on demand of such officer allow him free ingress thereto and afford reasonable facilities for search therein for such person.

(4) The Chief Executive in Council may by order amend, or add any enactment to or delete any enactment from, the First Schedule. (Amended 59 of 2000 s. 3)

(Amended 32 of 1963 s. 4)

s 85 Procedure for dealing with arrested person, etc.

(1) Any person (hereinafter referred to as an arrested person) who is arrested under section 84(1) by a public officer shall forthwith be taken to the nearest police station or given into the custody of a police officer. (Amended 77 of 1979 s. 2)

(2) Whenever an arrested person is brought to the police station the provisions of section 52 of the Police Force Ordinance (Cap 232) shall apply.

(3) (Repealed 77 of 1979 s. 2)

(4) Whenever an arrested person is given into the custody of a police officer, the provisions of sections 51 and 52 of the Police Force Ordinance (Cap 232) shall apply.

(Replaced 32 of 1963 s. 5)

s 86 Seizure of hawker equipment and commodities from alleged offenders

(1) A public officer authorized in writing by the Authority for the purposes of this section or a police officer may seize any equipment or commodity in respect of which he has reason to believe that a hawker offence has been committed, and may cause such equipment or commodity to be removed to

and kept at the risk of its owner at a Government depot or police station, or any other place approved by the Authority, pending its disposal under this Part. (Amended 28 of 1973 s. 3)

(2) Any commodity of a perishable nature seized under subsection (1) may immediately be disposed of by the Commissioner of Police or the Authority, as the case may be.

(3) Where any equipment or commodity has been seized under subsection (1) and a claim is made in respect of the equipment or commodity within 48 hours after the date of the seizure, the Commissioner of Police or the Authority, as the case may be, unless an information is laid within 72 hours after the date of the seizure for a hawker offence in respect of the equipment or commodity, shall, if satisfied that the claimant was entitled to the possession of the equipment or commodity at the time of the seizure-

- (a) return the equipment or commodity to the claimant; or
- (b) in the case of a perishable commodity disposed of under subsection (2), assess its value and pay to him the amount of that value.

(4) Where a claim under subsection (3) is refused, the claimant shall be informed of his rights under section 86C.

(5) Where an information is laid within 72 hours after the date of seizure for an offence in respect of any equipment or commodity seized under subsection (1), the equipment or commodity, or, in the case of a perishable commodity that has been disposed of under subsection (2) by way of sale, the proceeds of sale, shall be retained pending disposal under section 86A.

(Replaced 60 of 1972 s. 4)

s 86A Forfeiture of hawker equipment and commodities by the court

(1) Where any person is convicted of a hawker offence in respect of any equipment or commodity seized under section 86(1), the informant shall inform the court of the seizure and thereupon the court shall, in addition to any other penalty-

- (a) order the forfeiture of the equipment or commodity, or, in the case of a perishable commodity disposed of under section 86(2) by way of sale, the proceeds of sale, if the offence is one designated for the purposes of this subsection by regulations made under section 83A; or (Amended L.N. 244 of 1972)
- (b) unless it finds and specifies special reasons, which reasons shall be special to the facts of the case and not special to the offender as distinct from the offence, shall, in the case of any other hawker offence, make such an order.

(2) Where-

- (a) a person is charged with a hawker offence in respect of any equipment or commodity seized under section 86(1) is acquitted; or
- (b) on the hearing of any such charge the court finds special reasons under subsection (1)(b) of this section,

the court shall, if it is satisfied that the person was lawfully entitled to possession of the equipment or commodity at the time of the seizure, order that it be returned to him or, in the case of a perishable commodity disposed of under section 86(2), assess the value of the commodity and order that the amount of that value be paid to him.

(3) If the court is not so satisfied, it may, on the application of any other person claiming to be entitled to the equipment or commodity or of its own motion, make such other order as it thinks fit disposing of the equipment or commodity, or, in the case of a perishable commodity disposed of by way of sale, the proceeds of sale.

(Added 60 of 1972 s. 4)

s 86B Seizure of abandoned hawker equipment and commodities

(1) A public officer authorized in writing by the Authority for the purposes of this section or a police officer may seize any equipment or commodity found in a public place which he has reason to believe has been abandoned by a hawker in circumstances not appearing to him to involve the commission of a hawker offence, and may cause such equipment or commodity to be removed to and kept at the risk of its owner at a Government depot or police station, or any other place approved by the Authority, pending its disposal under this Part. (Amended 28 of 1973 s. 4)

(2) Any commodity of a perishable nature seized under subsection (1) may immediately be disposed of by the Commissioner of Police or the Authority, as the case may be.

(3) Where any equipment or commodity has been seized under subsection (1) and a claim is made in respect of the equipment or commodity within 48 hours after the date of the seizure, the Commissioner of Police or the Authority, as the case may be, shall, if satisfied that the claimant was entitled to the possession of the equipment or commodity at the time of the seizure and was not guilty of an offence in respect of it-

(a) return the equipment or commodity to the claimant; or

(b) in the case of a perishable commodity disposed of under subsection (2), assess its value and pay to him the amount of that value.

(4) Where a claim under subsection (3) is refused, the claimant shall be informed of his rights under section 86C.

(Added 60 of 1972 s. 4)

s 86C Application to court for return of seized hawker equipment or commodities

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) Where a claim in respect of any equipment or commodity is made under section 86 or 86B within the permitted time and-

(a) the claim is refused; or

(b) the claimant is dissatisfied with the amount of any payment made to him under either of those sections,

an application may be made within 14 days of the refusal or payment to a court for an order for the return of the equipment or commodity or, in the case of a commodity disposed of under section 86(2) or 86B(2), for an assessment of the value of the commodity and for an order for the payment of the amount of that value or, as the case may be, the difference between the amount already paid and the amount of the value.

(2) Where an application is made under subsection (1), the court may, after first having given the person refusing the claim under section 86 or 86B an opportunity of being heard, make the order sought if it is satisfied that the applicant at the time of the seizure-

(a) was entitled to possession of the equipment or commodity; and

(b) intended using the equipment or commodity for a lawful purpose.

(3) If the court makes the order sought, it may award to the applicant such sum against the Government by way of costs as it thinks fair and reasonable. (Amended 59 of 2000 s. 3)

(4) If the court does not make the order sought, it may, of its own motion, make such other order as it thinks fit disposing of the equipment or commodity, or, in the case of a perishable commodity disposed of by way of sale, the proceeds of sale.

(Added 60 of 1972 s. 4)

s 86D Forfeiture by operation of law

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

Where-

(a) no claim is made under section 86 or 86B in respect of any equipment or commodity seized under either of those sections within 48 hours after the date of the seizure; or

(b) such a claim having been made and refused, no application is made under section 86C(1) in respect of the equipment or commodity within 14 days after the date of refusal,

the equipment or commodity, or, in the case of a perishable commodity that has been disposed of under section 86(2) or 86B(2) by way of sale, the proceeds of sale, shall, unless the equipment or commodity has previously been returned to the person lawfully entitled to possession thereof or retained for disposal by the court under section 86A, be deemed on the expiry of the period of 48 hours or 14 days, as the case may be, to be forfeited to the Government.

(Added 60 of 1972 s. 4. Amended 59 of 2000 s. 3)

Part VII TENEMENTS, HOTELS AND BOARDING HOUSES

s 87 (Repealed 78 of 1999 s. 7)

(Repealed 78 of 1999 s. 7)

s 88 (Repealed 78 of 1999 s. 7)

s 89 (Repealed 78 of 1999 s. 7)

s 90 (Repealed 78 of 1999 s. 7)

s 90A (Repealed 78 of 1999 s. 7)

s 91 (Repealed 78 of 1999 s. 7)

s 92 (Repealed 78 of 1999 s. 7)

Part VIIA LICENSING OF CERTAIN ACTIVITIES

(Part VIIA added 21 of 1973 s. 7)

s 92A Prohibition of certain activities without licence

(1) No person shall conduct or open or keep open any place for the purpose of any activity specified in the Eleventh Schedule except under and in accordance with a licence issued by the Authority or a public officer authorized by the Authority for the purposes of this section. (Amended 53 of 1988 s. 4; 78 of 1999 s. 7)

(2) For the purposes of subsection (1) "place" (地方), in relation to a billiard establishment, does not include premises used wholly for residential purposes and constituting a separate household unit to which only persons residing in the premises and their guests are admitted and where no fee is charged for the playing of billiards, snooker, pool or similar games. (Added 53 of 1988 s. 4)

s 92AA Regulations providing for exemption from section 92A

The Authority may by regulation exempt any class or description of billiard establishment from the operation of section 92A.

(Added 53 of 1988 s. 5)

s 92AB Prohibition of any activity specified in Schedule 11A without licence

No person shall conduct, or open or keep open, any place for the purpose of any activity specified in Schedule 11A except under and in accordance with a licence issued by the Authority.

(Added 78 of 1999 s. 7)

s 92B Regulations relating to licensed activity

The Authority may make regulations for any of the following matters-

- (a) the regulation and control of any activity or place in which any such activity specified in the Eleventh Schedule or Schedule 11A may be conducted; (Amended 78 of 1999 s. 7)
- (b) classifying for the purposes of paragraph (a) any place or activity for which a licence may be issued;
- (c) the particulars which an applicant for any licence granted under this Part shall furnish;
- (d) the form and conditions of any licence granted under this Part, the hours during which the activity licensed may be conducted and the period for which such licence shall be issued; (Amended 49 of 1994 s. 22)
- (e) the lighting to be used in any place licensed under this Part and the general specifications and requirements to be satisfied in respect of such lighting, or to empower any specified officer to determine, at the time of the issue or renewal of any licence, the particular specifications and requirements to be satisfied in respect of such lighting in the place to which the licence relates;
- (f) precautions to be taken against fire in any place licensed under this Part;
- (g) maintenance of peace and good order in any place licensed under this

Part;

(h) means of securing hygienic conditions and requiring the maintenance of such conditions in any place licensed under this Part;

(i) entry and inspection of any place licensed under this Part by any officer authorized by the Authority in that behalf.

s 92BA (Repealed 78 of 1999 s. 7)

s 92C Offences

(1) Any person who-

(a) fails to comply with any condition in a licence; or

(b) in an application for a licence, furnishes any information which he knows or has reason to believe to be false in any material particular or by reason of the omission of any material particular or furnishes any information without any belief in the truth or accuracy of the information supplied,

shall be guilty of an offence. (Amended 9 of 1976 s. 9)

(2) Any person who contravenes section 92A or 92AB shall be guilty of an offence. (Added 9 of 1976 s. 9. Amended 78 of 1999 s. 7)

s 92D Liability of agents and servants

Whenever any person to whom any licence or permit or authority has been issued or granted under this Part would be liable to any punishment, penalty or forfeiture for any act, omission, neglect or default, he shall be liable to the same punishment, penalty or forfeiture for every similar act, omission, neglect or default of any agent or servant employed by him in the course of his business, and every such agent or servant shall also be liable to every punishment, penalty or forfeiture prescribed for such acts, omissions, neglects or defaults as fully and effectually as if he had been the person to whom the licence or permit or authority had been issued or granted.

s 92E Saving

The provisions of this Part shall be in addition to and not in derogation of the provisions of any other enactment relating to or affecting any place, trade, business or occupation with respect to which this Part applies.

Part VIII VENTILATION OF CERTAIN PREMISES

s 93 Power of Authority to require provision of ventilating system in scheduled premises

(1) Save as provided in subsection (2) and section 101, where, in the opinion of the Authority, any scheduled premises do not have adequate natural ventilation, the Authority may, by notice in writing served on the owner or on the licensee of the scheduled premises, require such premises to be provided with a ventilating system which will provide for each person who may be accommodated in such premises an amount of outside air not less than that specified in the second column of the Second Schedule in respect of the class of premises to which such premises belong. (Amended 32 of 1963 s. 7)

(2) Where, in the opinion of the Authority, a ventilating system which will provide an amount of air less than that prescribed in subsection (1) will, in conjunction with such natural ventilation as is available in any scheduled premises, adequately ventilate such premises, the Authority may, by notice in writing served on the owner or on the licensee of the scheduled premises, require such premises to be provided with a ventilating system which will provide for each person who may be accommodated in such premises such amount of outside air as may be specified in such notice. (Amended 32 of 1963 s. 7)

(3) Notwithstanding the provisions of any enactment under which such premises are licensed, the licensing authority may revoke the licence issued or granted by it in respect of any scheduled premises, either temporarily or permanently, in the following cases-

(a) in the event of any failure to comply with the requirements of a notice given in respect of such premises under the provisions of subsection (1) or (2) within 6 months from the date thereof or within such further period as the Authority may allow;

(b) in the event of any failure to comply with any conditions imposed under the provisions of section 101. (Added 61 of 1974 s. 5)

(4) Any licensee or owner of any scheduled premises who fails to comply with the requirements of a notice under subsection (1) or (2) within 6 months from the date thereof, or within such further period as the Authority may allow, shall be guilty of an offence. (Added 61 of 1974 s. 5)

(5) For the purposes of this Part, the expression "licensing authority" (發牌當局) means the public officer by whom any scheduled premises are, for the time being, licensed under the provisions of any enactment. (Added 61 of 1974 s. 5. Amended 78 of 1999 s. 7)

s 94 Certificate to be delivered to Authority in respect of new ventilating systems, and prohibition of alteration of ventilating system without permission

(1) Before any new ventilating system is installed in any scheduled premises, the licensee of the premises shall send to the Authority a certificate from the supplier of the ventilating system containing the following particulars in respect thereof-

(a) the capacity of the fan in cubic metres per minute;

(b) the outlet velocity of the fan in metres per minute;

(c) the designed operating static pressure of the fan in pascals;

(d) the speed of the fan pulley in revolutions per minute;

(e) the net area of the air intake;

(f) except where the premises are air-conditioned with positive pressure, the net area of exhaust in square metres; and (Added 48 of 1969 s. 6)

(g) the type of refrigerant (if any) to be used. (Added 61 of 1974 s. 6)

(Amended L.N. 89 of 1979)

(2) Save with the permission in writing of the Authority, no alteration shall be made to any ventilating system in any scheduled premises.

(3) Any supplier who furnishes to the licensee of any such premises, for the purposes of this section, a certificate which is false or misleading shall be guilty of an offence. (Replaced 32 of 1963 s. 8)

(3A) Any licensee of any scheduled premises who contravenes the provisions of subsection (1) shall be guilty of an offence. (Added 61 of 1974 s. 6)

(3B) Any licensee or owner of any scheduled premises who contravenes the provisions of subsection (2) shall be guilty of an offence. (Added 61 of 1974 s.6)

(3C) For the purposes of subsection (3B), "owner" (擁有人) includes any person in control of the scheduled premises whether as tenant thereof or under any licence from a tenant thereof; (Added 61 of 1974 s. 6)

(4) In this section, "supplier" (供應商) means the importer or manufacturer of the ventilation system and his authorized agent. (Added 32 of 1963 s. 8)

s 94A Regulations relating to ventilating systems in scheduled premises

(1) The Authority may make regulations for all or any of the following matters-

- (a) the regulation and control of ventilating systems in scheduled premises;
- (b) imposing requirements as to the design, construction, operation, maintenance and inspection of ventilating systems provided in scheduled premises.

(2) Notwithstanding the provisions of any enactment under which such premises are licensed, regulations made under this section may make provision for the revocation of any licence, issued or granted by a licensing authority in respect of scheduled premises, in the event of-

- (a) a contravention of any such regulation or of any condition imposed thereunder;
- (b) a failure to maintain any standard of safety or efficiency imposed or required thereunder.

(Added 61 of 1974 s. 7)

s 95 (Repealed 61 of 1974 s. 8)

s 96 (Repealed 61 of 1974 s. 8)

s 97 (Repealed 61 of 1974 s. 8)

s 98 (Repealed 61 of 1974 s. 8)

s 99 (Repealed 61 of 1974 s. 8)

s 100 Power of authorized officers to carry out tests

For the purposes of the provisions of this Part, any public officer authorized in writing in that behalf by the Authority and any officer of the Fire Services Department authorized in writing by the Director of Fire Services may carry out such tests of the ventilating system in any scheduled premises as may be necessary to ascertain whether or not the same is in safe and efficient working order.

(Amended 42 of 1961 s. 2)

s 101 Application of Part VIII to premises provided with ventilating systems at commencement of Ordinance, etc.

(1) Where, at the commencement of this Ordinance, any scheduled premises are provided with a ventilating system, the provisions of section 93 and any regulations made under section 94A shall not apply to such premises unless and until-

- (a) the number of persons who may be accommodated in such premises is increased;
- (b) the ventilating system is removed or is altered in any way; or
- (c) the Authority is of opinion that the ventilating system constitutes a danger to health or the Director of Fire Services considers it to be a fire hazard. (Amended 61 of 1974 s. 9)

(2) Upon the application of section 93 and any regulations made under section 94A to any such premises, the Authority may, subject to such conditions as it may specify, grant such exemption from or such modifications of the provisions of this Part as it thinks fit. (Amended 61 of 1974 s. 9)

(3) Any licensee or owner of any scheduled premises who fails to comply with any condition specified under subsection (2) shall be guilty of an offence. (Added 61 of 1974 s. 9)

s 102 Amendment of Second Schedule

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

The Chief Executive in Council may by order add any class of premises to, or delete any class of premises from, the Second Schedule, and may in like manner amend that Schedule.

(Amended 59 of 2000 s. 3)

s 103 Saving in relation to Buildings Ordinance

Nothing in this Part shall be taken or construed to the prejudice of the provisions of the Buildings Ordinance (Cap 123).

Part IX ADVERTISEMENTS, DECORATIONS AND SIGNS

s 104 Regulations for control of advertisements

(1) Without prejudice to any other enactment relating to advertisements, decorations or signs, the Authority may make regulations restricting, regulating or prohibiting the exhibition of advertisements, decorations or signs of any kind whatsoever, and, in particular, may make regulations restricting, regulating or prohibiting the exhibition thereof in such places or in such manner or by such means as, in the opinion of the Authority, may affect injuriously or disfigure-

- (a) the amenities of any place or locality;
- (b) the natural beauty of a landscape;
- (c) the view from any highway, railway, tramway, ferry or from any public place or water;
- (d) the amenities of any village; or
- (e) the amenities of any historic or public building or monument or of any place frequented by the public solely or chiefly on account of its beauty or historic interest.

(2) Regulations made under this section may, in addition to any penalties prescribed, provide for the removal and disposal of any advertisement, decoration or sign exhibited in contravention of any regulation made under subsection (1) and for the recovery of any expenses incurred thereby.

(3) Regulations made under this section may be of general Application or may be restricted to certain areas or to certain types or classes of advertisements, decorations or signs:

Provided that, where the application of any such regulation is restricted certain areas only, such areas

shall be distinctly marked and shown on plan signed by or on behalf of the Authority and deposited in the offices of the Authority, and such plans shall at all reasonable times thereafter be open for inspection by the public without charge.

s 104A Prohibition on display of bills or posters without permission

Remarks:

Adaptation amendments retroactively made - see 29 of 1998 s. 105

(1) No bill or poster shall be displayed or affixed-

(a) on any private land, except with the written permission of the owner or occupier thereof;

(b) on any Government land, except with the written permission of the Authority. (Amended 29 of 1998 s. 105)

(2) A person displaying or affixing a bill or poster in contravention of subsection (1) commits an offence.

(Replaced 7 of 1980 s. 2)

s 104B Duty to maintain bill or poster in clean and tidy condition

Remarks:

Adaptation amendments retroactively made - see 29 of 1998 s. 105

(1) Where a bill or poster is displayed on any private land or on any Government land, the bill or poster shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Authority. (Amended 29 of 1998 s. 105)

(2) A person displaying a bill or poster in contravention of subsection (1) commits an offence.

(3) A person prosecuted for an offence under this section shall not be convicted of that offence unless prior to the commencement of the prosecution the Authority served on him a notice in writing informing him of the condition of the bill or poster and warning him that unless the bill or poster is removed within the period specified in the notice (being not less than 24 hours) he may be liable to be prosecuted.

(Added 7 of 1980 s. 3)

s 104C Power to remove bills and posters

(1) Where-

(a) a bill or poster is displayed in contravention of section 104A(1); or

(b) a bill or poster is not maintained in a clean and tidy condition as required under section 104B(1),

the Authority may remove the bill or poster and may recover the cost of removal from the person displaying the bill or poster as a civil debt.

(2) Where any person is convicted of an offence under section 104A(1) or 104B(1) the court by whom that person is convicted may order him to pay, in addition to or in lieu of any penalty for which he is liable for that offence, the cost or estimated cost of removing the bill or poster in respect of which the offence was committed.

(3) Where a bill or poster to which subsection (1)(a) or (b) applies is displayed on private land, nothing in this section shall derogate from any cause of action or remedy which the owner or occupier of that land may be able to enforce against the person who displays the bill or poster.

s 104D Certain persons also deemed to display bills or posters

(1) Where a person commits an offence against section 104A(1) the following persons shall be guilty of that offence in the same manner and to the same extent as if they had personally committed it-

- (a) any other person who uses the first-mentioned person to display or affix the bill or poster; and
- (b) any person whose goods, trade, business or other concerns are given publicity by the bill or poster:

Provided that a person referred to in paragraphs (a) and (b) shall not be guilty of an offence under section 104A(1) by reason only that he uses the person to display or affix the bill or poster or that his goods, trade, business or other concerns are given publicity by the bill or poster, if he proves that it was displayed or affixed without his knowledge or consent.

(2) For the purposes of sections 104B and 104C a person shall be deemed to display a bill or poster if-

- (a) the bill or poster is displayed on land of which he is the owner or occupier; or
- (b) the bill or poster gives publicity to his goods, trade, business or other concerns:

Provided that a person shall not be guilty of an offence under section 104B or be liable for the cost of removal under section 104C by reason only that the bill or poster is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the bill or poster, if he proves that it was displayed without his knowledge or consent.

s 104E Definitions and saving for other enactments

(1) In sections 104A, 104B and 104C "Authority" (主管當局) means-

- (a) (Repealed 23 of 2002 s. 86)
- (b) during the Concession Period within the meaning of section 2(1) of the Mass Transit Railway Ordinance (Cap 556) and in respect of any land belonging to the Kowloon-Canton Railway Corporation which the MTR Corporation Limited has the right to have access to, use or possess during the Concession Period, the MTR Corporation Limited; (Replaced 11 of 2007 s. 36)
- (ba) at any time outside the Concession Period referred to in paragraph (b) and in respect of any land belonging to the Kowloon-Canton Railway Corporation, the Kowloon-Canton Railway Corporation; (Added 11 of 2007 s. 36)
- (c) in respect of any land managed or controlled by the Housing Authority established by the Housing Ordinance (Cap 283), the Housing Authority;
- (d) in respect of any land within a country park or special area as defined in the Country Parks Ordinance (Cap 208), the Director of Agriculture, Fisheries and Conservation; (Amended L.N. 331 of 1999)
- (e) in respect of any public cargo working area as defined in the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap 81 sub. leg. B) and in respect of any land within the boundaries of any ferry terminal declared under regulation 3 of the Shipping and Port Control (Ferry Terminals) Regulations (Cap 313 sub. leg. H), the Director of Marine; (Replaced 10 of 1986 s. 10. Amended 64 of 1999 s. 3)
- (f) in respect of any land, whether private land or Government land, not

being land referred to in paragraph (b), (c), (d) or (e), the Director of Food and Environmental Hygiene. (Replaced 78 of 1999 s. 7. Amended 23 of 2002 s. 86)

(g) (Repealed 78 of 1999 s. 7)

(2) In sections 104A, 104B, 104C, 104D and in this section, "land" (土地) includes-

- (a) any building or other erection on land, whether a fixture or not;
- (b) any tree, rock or other natural part of land; and
- (c) land covered by water.

(3) In sections 104A, 104C and 104D "occupier" (佔用人) means any lessee, principal tenant or other person having direct control of the land.

(4) In this Part, "bill or poster" (招貼或海報) includes any word, letter, model, sign, placard, board, notice, device or representation and also includes any advertisement painted on any wall, fence, railing, post, rock, road-cutting or tree but does not include any structure, apparatus or hoarding used for the display of a bill or poster.

(5) Nothing in this Part, or in any permission granted under section 104A, shall operate so as to affect any obligation or liability imposed or incurred under any other enactment in relation to the display of any bill or poster.

(Added 7 of 1980 s. 3)

s 105 Provisions as to dangerous advertisement hoardings

(1) Where, in the opinion of the Authority, any hoarding, scaffolding or other structure erected solely for the purpose of exhibiting advertisements is dangerous, or is likely to become dangerous, by reason of its construction, wind, rain, dilapidation, its age or other cause, the Authority shall cause a notice to be served upon the owner of such hoarding, scaffolding or other structure, or upon his servant or agent, requiring him, within such reasonable period as shall be specified in the notice, to remove such hoarding, scaffolding or other structure or to do such work as may be specified in the notice to render the same safe. (Replaced 11 of 1989 s. 2)

(2) If the person upon whom a notice is served under the provisions of subsection (1) fails to comply with any of the requirements thereof, within the time specified therein-

- (a) such person shall be guilty of an offence; and
- (b) the Authority may execute, or cause to be executed, any work necessary to satisfy the requirements of the notice, and dispose of any materials removed in executing any such work, and may recover any expenses incurred thereby from such person. (Amended 11 of 1989 s. 2)

(3) Where-

- (a) the owner of any such hoarding, scaffolding or other structure, or his servant or agent is not known or cannot be readily found; or
- (b) such hoarding, scaffolding or other structure is, in the opinion of the Authority, in such a state that it ought immediately to be removed or rendered safe,

the Authority may forthwith, whether or not a notice has been served under subsection (1), remove it or render it safe. (Replaced 11 of 1989 s. 2)

(4) Where any hoarding, scaffolding or structure is removed by the Authority under the provisions of subsection (3), the Authority may dispose of any materials so removed and may recover any expenses incurred in the removal of the hoarding, scaffolding or structure and in the disposal of the materials from the owner or such hoarding, scaffolding or structure or, where the owner thereof is unknown to, or cannot be readily found or ascertained by the Authority or is absent from Hong Kong, the Authority may sell the materials and, after deducting from the proceeds of such sale such expenses, shall pay the surplus, if any, into the Treasury. (Amended 71 of 1971 s. 3; 10 of 1986 s. 24; 11 of 1989 s. 2)

(5) Any money paid into the Treasury in pursuance of subsection (4) which remains unclaimed for a period of 5 years shall be transferred to the general revenue of Hong Kong. (Added 71 of 1971 s. 3. Amended 10 of 1986 s. 24)

Part IXA STADIA

(Part IXA added 21 of 1973 s. 8)

s 105A Provision for stadia

- (1) The Authority may by order published in the Gazette set aside any premises for use as a stadium.
- (2) The premises specified in the Twelfth Schedule shall be deemed to have been set aside under subsection (1) for use as a stadium.
- (3) The Authority shall, as soon as practicable, arrange for the preparation by the Director of Buildings and Lands of a plan of every stadium. (Amended L.N. 76 of 1982; L.N. 94 of 1986)
- (4) Every plan prepared in accordance with subsection (3) shall be deposited in the Land Registry. (Amended 8 of 1993 s. 2; 20 of 2002 s. 5)
- (5) The Authority may, by order published in the Gazette, amend, add to or delete from, the Twelfth Schedule.

(Amended 9 of 1976 s. 10)

s 105B Management of stadia

- (1) Subject to section 105F, the management and control of any stadium and the right to provide therein facilities of any kind shall be vested in the Authority.
- (2) The Authority may enter into contracts for the purpose of the management of any stadium and the provision of facilities therein.
- (3) The Authority may specify the purposes for which any stadium, or any part thereof, may be used.

s 105C Allocation and granting of stadium or parts thereof

- (1) The Authority may grant to any person the exclusive use of any stadium or any part thereof for such purposes and at such times as the Authority may approve in each case.
- (2) The person to whom the exclusive use of any stadium has been granted under subsection (1) shall determine-

- (a) whether or not the public shall be admitted to the stadium during the period of such exclusive use; and
- (b) the fees, if any, to be paid by members of the public for admission during this period.

s 105D Regulations relating to stadia

The Authority may make regulations for any of the following matters-

- (a) the management and control, including the closing or partial closing, of any stadium;
- (b) the fixing of the times during which any stadium, or any part thereof, may be open to members of the public;
- (c) the preservation of good order and discipline and prevention of nuisance in any stadium;
- (d) the control (including prohibition) of trading, advertising or the erection of structures in any stadium; the removal, storage and sale of any trading, advertising or construction materials that are brought into or remain in a stadium in contravention of any regulations made under this section; the recovery of any costs incurred in respect of such removal,

storage and sale; and the forfeiture of the proceeds of sale. (Replaced 45 of 1981 s. 2)

s 105E Authority may specify conditions for the use of stadia, etc.

The Authority may specify the conditions to be observed in the use of-

- (a) a stadium;
 - (b) a part of a stadium; or
 - (c) any facilities provided in a stadium or part of a stadium.
- (Replaced 78 of 1999 s. 7)

s 105F (Repealed 78 of 1999 s. 7)

Part IXB MUSEUMS, LIBRARIES AND CIVIC CENTRES

(Part IXB added 21 of 1973 s. 8)

s 105G Provision for museums

Museums

The Authority may, by order published in the Gazette, designate any building, or part of a building, or area as a museum.

(Amended 9 of 1976 s. 10)

s 105H Management of museums

- (1) The management and control of every museum and the right to provide therein facilities of any kind shall be vested in the Authority.
- (2) The Authority may enter into contracts for the purpose of the management of any museum and the provision of facilities therein.
- (3) The Authority may specify the purposes for which any museum, or any part thereof, may be used.

(Replaced 66 of 1982 s. 2)

s 105I Regulations relating to museums

The Authority may make regulations for any of the following matters-

- (a) the fixing of days and hours during which the public may be admitted to a museum, or any part thereof;
- (b) the closing or partial closing of a museum;
- (c) the regulation of admission of any person, animal, bird, fish or thing to a museum, or any part thereof; (Amended 66 of 1982 s. 3)
- (d) the regulation of the borrowing, copying, photographing or reproduction of exhibits; (Amended 66 of 1982 s. 3)
- (e) the regulation of the use of any exhibit or facility in a museum;
- (f) the regulation of the conduct of persons and the prevention of

nuisances in a museum; (Amended 66 of 1982 s. 3)

(g) the protection of a museum and the exhibits, fittings and furniture therein, and any other contents thereof, from damage, destruction or loss;

(ga) the assessment and recovery of-

(i) the amount to be paid by way of compensation for any damage or loss sustained by the Government by reason of the fact that any part of, or any fitting, furniture or other thing in, a museum, or any exhibit, has been damaged, destroyed or lost; and (Amended 10 of 1986 s. 12; 78 of 1999 s. 7)

(ii) a surcharge not exceeding 20% of such amount; (Added 66 of 1982 s. 3)

(h) the circumstances in which a person may be refused the use of any facility in a museum; (Amended 78 of 1999 s. 7)

(i) the circumstances under which any person may be refused entry into a museum or directed to leave a museum, or any part thereof; (Amended 66 of 1982 s. 3)

(j) the terms and conditions under which any article may be brought into or used within a museum;

(ja) the terms and conditions under which articles may be deposited in a museum for safe-keeping whilst any person is in the museum; (Added 66 of 1982 s. 3)

(k) the control of the movement and parking of vehicles within a museum;

(ka) the control (including prohibition) of trading, advertising, the bringing of display material or the erection of structures in any museum; the removal, storage and sale of any trading, advertising, display or construction materials that are brought into or remain in a museum in contravention of any regulations made under this section; the recovery of any costs incurred in respect of such removal, storage and sale; and the forfeiture of the proceeds of sale; (Added 66 of 1982 s. 3)

(l) the prevention of obstruction of the staff of a museum in the performance of their duties;

(m) appeal against any decision, direction or requirement made or given by a public officer in accordance with regulations made under this section;

(n) the general regulation and management of a museum.

s 105J (Repealed 78 of 1999 s. 7)

s 105K Provision for and management of libraries

Libraries

(1) The Authority may, by order published in the Gazette, designate any building, or part of a building, as a library. (Amended 9 of 1976 s. 10)

(2) The management and control of every library shall be vested in the Authority.

(3) The Authority may establish and maintain mobile libraries for the use of the public.

(4) The Authority may set aside and use any part of a library for the purposes of study or research, the holding of classes or exhibitions, the viewing or hearing of library material, or for other like purposes of an educational or cultural nature, and in connection therewith may provide the requisite equipment and facilities. (Added 50 of 1979 s. 3)

s 105L Regulations relating to libraries

(1) The Authority may make regulations for any of the following purposes-

- (a) prescribing the powers, duties and functions of the librarian;
- (b) fixing the hours during which any library shall be open to the public;
- (c) regulating admission to any library or any part thereof or the use of any library or any part thereof or any of the equipment, facilities or library material provided in any library;
- (d) regulating the lending and borrowing of library material in any library;
- (e) requiring a guarantee or security to be given by any person borrowing library material from a library;
- (f) regulating the conduct of persons in any library;
- (g) protecting any library and the fittings, furniture, equipment and library material therein, and any other contents thereof, from damage;
- (h) providing for the assessment and recovery of-
 - (i) the amount to be paid by way of compensation for the loss or damage sustained by the Government by reason of the fact that any fitting, furniture, equipment or library material has been lost, damaged or destroyed; and (Amended 10 of 1986 s. 13; 78 of 1999 s. 7)
 - (ii) a surcharge not exceeding 20% of such amount;
- (i) enabling any person to be refused the use of any library or any of the equipment, facilities or library material in any library and the removal from a library of any person;
- (j) stipulating the terms on which articles may be deposited in a library for safe-keeping whilst any person is in the library;
- (k) providing for the penalties to be paid by any person in respect of the borrowing of library material from any library, the use or reservation of library material in any library, the deposit of articles in a library for safe-keeping and the use of rooms, equipment or facilities provided in any part of any library; (Amended 49 of 1994 s. 24)
- (l) providing for the general regulation and management of any library.

(2) (Repealed 78 of 1999 s. 7)

(3) Nothing in this section shall be taken to authorize the infringement of copyright in any library material.

(4) For the purposes of this section and any regulations made hereunder, unless the context otherwise requires, the expression "library" (圖書館) includes a mobile library.

(Replaced 50 of 1979 s. 4)

s 105LA (Repealed 78 of 1999 s. 7)

s 105M Provision for civic centres

Civic Centres

(1) The Authority may, by order published in the Gazette, set aside any premises and the grounds appurtenant thereto for use as a civic centre.

(2) The premises specified in the Thirteenth Schedule shall be deemed to have been set aside under subsection (1) for use as a civic centre.

(3) The Authority shall, as soon as practicable, arrange for the preparation by the Director of Buildings

and Lands of a plan of every civic centre and the grounds appurtenant thereto. (Amended L.N. 76 of 1982; L.N. 94 of 1986)

(4) Every plan prepared in accordance with subsection (3) shall be deposited in the Land Registry. (Amended 8 of 1993 s. 2; 20 of 2002 s. 5)

(5) The Authority may, by order published in the Gazette, amend, add to or delete from, the Thirteenth Schedule.

(Amended 9 of 1976 s. 10)

s 105N Management of civic centres

(1) The management and control of every civic centre and the right to provide therein facilities of any kind shall be vested in the Authority.

(2) The Authority may enter into contracts for the purpose of the management of any civic centre and the provision of facilities therein.

(3) The Authority may specify the purposes for which any civic centre, or any part thereof, may be used.

(Replaced 45 of 1981 s. 3)

s 105O Regulations relating to civic centres

The Authority may make regulations for any of the following matters-

(a) the fixing of the days of the week and the hours of the day during which any civic centre or any part thereof may be open to members of the public;

(b) the regulation of the conduct of persons admitted to any civic centre or any part thereof and for the removal therefrom of any person who infringes any of the provisions of any regulation made pursuant to this section;

(ba) the control (including prohibition) of trading, advertising or the erection of structures in any civic centre; the removal, storage and sale of any trading, advertising or construction materials that are brought into or remain in a civic centre in contravention of any regulations made under this section; the recovery of any costs incurred in respect of such removal, storage and sale; and the forfeiture of the proceeds of sale; (Added 45 of 1981 s. 4)

(c) the general regulation and management of civic centres and any facilities provided therein.

s 105P Authority may specify conditions for the use of civic centres, etc.

The Authority may specify the conditions to be observed in the use of-

(a) a civic centre;

(b) a part of a civic centre; or

(c) any facilities provided in a civic centre or part of a civic centre.

(Replaced 78 of 1999 s. 7)

s 105Q Grant of use of civic centres

Notwithstanding any power to make regulations under section 105O or to specify conditions conferred by section 105P, the Authority may grant, either gratuitously or for payment, to any person the exclusive use of any part of a civic centre for such period or periods and for such purposes as the

Authority may consider fit in each case; and admission by the public to any such part, the exclusive use of which has been so granted, shall be either with or without payment as may be directed either by the Authority or, with the consent of the Authority, by the person to whom the use thereof has been so granted.

s 105R (Repealed 78 of 1999 s. 7)

s 105S (Repealed 78 of 1999 s. 7)

s 105T (Repealed 78 of 1999 s. 7)

Part X PUBLIC PLEASURE GROUNDS

s 106 Provision of public pleasure grounds

(1) The Authority may, from time to time, by order set aside places for use as public pleasure grounds, and may by the same or any subsequent order specify the purpose for which such grounds or any part thereof shall be used.

(2) The places specified in the Fourth Schedule shall be deemed to have been set aside under the provisions of subsection (1) for use as public pleasure grounds.

(3) The Authority shall, as soon as practicable, prepare a plan of every public pleasure ground.

(4) Where the boundaries of any public pleasure ground are so varied, or such pleasure ground is otherwise so changed, as to render any plan deposited in accordance with the provisions of subsection (5) no longer accurate, the Authority shall withdraw the plan so deposited and shall, as soon as practicable, prepare an amended plan or a new plan of such pleasure ground.

(5) Every plan prepared in accordance with the provisions of subsection (3) or (4) shall be deposited in the Land Registry. (Amended 8 of 1993 s. 2; 20 of 2002 s. 5)

(6) The Authority may by order amend, or add to or delete from, the Fourth Schedule.

(Amended 9 of 1976 s. 10)

s 107 Management and control of public pleasure grounds

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) The general management and control of public pleasure grounds, including the exclusive right to provide amenities of any kind, shall be vested in the Authority.

(2) The Authority may provide and demarcate public pleasure grounds for the conduct of games, sports and leisure activities and make such provision for other facilities for physical and other recreation as it may consider fit. (Amended 78 of 1999 s. 7)

(3) Subject to the provisions of section 106(1) and of subsection (4) the Authority may, from time to time, specify the purpose for which any public pleasure ground or any part of any such ground may be used, whether for the provision of facilities for physical or other recreation or otherwise.

(4) The Chief Executive, where he considers it necessary or desirable, may require the Authority to refrain from using, or permitting the use of, any public pleasure grounds or any part of any public pleasure grounds for any purposes which may have been specified by it under the provisions of subsection (3). (Amended 59 of 2000 s. 3)

s 108 Temporary closure of public pleasure grounds, etc.

(1) The Authority may, from time to time and for any purpose, temporarily close to the public the whole or any part of any public pleasure ground.

(2) The Authority may, on the application of any school, club or association or of any individual person, allocate to the same, either gratuitously or on payment of a fee and on such days or for such periods as may be specified, the exclusive use of-

(a) any playing field or playing pitch demarcated under the provisions of section 107 for the conduct of organized games and sports;

(b) any tennis court in any public pleasure ground, any facilities provided under the provisions of section 107 for physical or other recreation or any other part of any public pleasure ground, other than a playing field or playing pitch demarcated under the provisions of that section for the conduct of organized games and sports.

s 109 Regulations relating to public pleasure grounds

The Authority may in relation to public pleasure grounds, make regulations prescribing or providing for-

(a) proper management and control, including closure or partial closure;

(b) preservation of good order and prevention of abuses and nuisances;

(c) the control (including prohibition) of building, trading or advertising;

(d) the control (including prohibition) of fishing at any beach;

(e) the control (including prohibition) of the use of vessels, boats or other means of water transport, including water-skis and models, at any beach;

(f) (Repealed 49 of 1994 s. 26)

(g) the seizure and disposal of any vehicle, vessel, animal or other article or thing in respect of which any regulation made under this section is contravened.

s 109A (Repealed 78 of 1999 s. 7)

s 110 Public pleasure ground rules

(1) The Authority may, in relation to a public pleasure ground, make rules which are not inconsistent with regulations made under section 109 to provide for the better control of persons in connection with the use of the public pleasure ground and to provide information relating to the use of the public pleasure ground. (Replaced 78 of 1999 s. 7)

(2) Any person who fails to comply with any rule made under the provisions of subsection (1) shall be guilty of an offence.

s 111 Appointment and powers of keepers

(1) The Authority may appoint keepers for public pleasure grounds.

(2) Where any person is found by a keeper of any public pleasure ground to be contravening the provisions of any regulation, rule or order relating to such public pleasure ground, such keeper may arrest such person and deliver him into the custody of a police officer or take him to the nearest police station, whereupon the provisions of sections 51 and 52 of the Police Force Ordinance (Cap 232) or of section 52 of that Ordinance, as the case may be, shall apply.

Part XA STREET NAMES

(Part XA added 40 of 1980 s. 2)

s 111A Interpretation of this Part

Remarks:

Adaptation amendments retroactively made - see 29 of 1998 s. 105

In this Part, unless the context otherwise requires-

"private street" (私家街道) means a street on land held under Government lease, licence or otherwise from the Government or on land over which the Government has granted or reserved a right of way; (Amended 29 of 1998 s. 105)

"street" (街道) includes a private street and any area of land declared to be a street by the Director of Highways. (Amended L.N. 76 of 1982; L.N. 127 of 1986)

s 111B Proposal of private street name

(1) Subject to subsection (2), a person may propose-

- (a) a name of a private street that has not been named; or
- (b) a change of name of a private street that has been named,

by notice in writing sent to the Authority.

(2) No person other than the owner of the land that is held under or by virtue of a Government lease and on which the private street is situated may make a proposal under subsection (1) in connection with that private street. (Amended 29 of 1998 s. 105)

(3) The Authority shall, after the receipt of a proposal under subsection (1), consider the application and shall-

- (a) make a declaration under section 111C(1)(a) or (b), as the case may be; or
- (b) refuse to make a declaration.

(4) Where the Authority under subsection (3) has refused to make a declaration, the Authority shall serve notice of its decision, setting out reasons for its decision, upon the person who made application under subsection (1).

(5) A person on whom a notice under subsection (4) is served may, within 30 days of the date of the notice, appeal to the Municipal Services Appeals Board against the decision of the Authority. (Replaced 78 of 1999 s. 7)

s 111C Declaration of street name

(1) Notwithstanding section 111B, the Authority, by declaration in the Gazette, may-

- (a) assign a name to a street that has not been named; or
- (b) change the name of a street that has been named.

(2) The Authority shall, not less than 30 days prior to a declaration under subsection (1)(b), give notice of its intention to change the street name.

(3) A notice under subsection (2) shall-

- (a) contain a brief description of the proposal to change the street name;
- (b) specify an address for service of objections to the proposal;
- (c) specify the time within which objections may be lodged; and
- (d) be published-

- (i) in the Gazette; and
- (ii) by posting it in both the English and Chinese languages in a prominent place in or near the street or part of the street which will be affected by the proposed declaration.

(4) A person may, within 30 days of the date of publication in the Gazette of the notice under subsection (2), object, in writing to the Authority, against the proposed declaration under subsection (1)(b).

(5) The Authority shall consider an objection under subsection (4) and shall, before a declaration is made under subsection (1)(b), serve notice of its decision, setting out reasons for its decision, upon the person who made an objection.

(6) A person on whom a notice under subsection (5) is served may, within 30 days of the date of the notice, appeal to the Municipal Services Appeals Board against the decision of the Authority.

(Replaced 78 of 1999 s. 7)

s 111D Penalty for marking or displaying other street name

Where the Authority has declared a street name under section 111C(1), any person who marks or displays any other street name other than that street name so declared on a building or erection in the street commits an offence.

Part XI DISPOSAL OF THE DEAD

s 112 Restriction upon the keeping of dead bodies in domestic premises

General

(1) Any person who keeps, or causes or permits to be kept, for a longer period than 48 hours the dead body of any person in premises used for the purpose of human habitation shall, unless such dead body is encoffined in a hermetically sealed coffin, be guilty of an offence.

(2) Any person who, without the permission in writing of the Authority, keeps, or causes or permits to be kept, for a longer period than 7 days (inclusive of the period of 48 hours referred to in subsection (1)) any encoffined dead body, notwithstanding that the coffin be hermetically sealed, in any premises used for the purpose of human habitation shall be guilty of an offence.

s 112A Authority may order human remains to be buried or cremated

(1) The Authority may-

- (a) subject to the provisions of section 16(1) of the Births and Deaths Registration Ordinance (Cap 174), cause a notice in the form of Form E specified in the Seventh Schedule to be served on a person who has the right to effect the disposal of any human remains, requiring him to cause them to be lawfully buried or cremated within such period as may be specified in the notice; and

- (b) if the human remains referred to in the notice are not lawfully buried or cremated within the period specified in the notice, take possession of the human remains and arrange for their disposal in any manner it may think fit.

(2) The Authority may take possession of any human remains and arrange for their disposal in any manner it may think fit, if it is satisfied that-

(a) no person who has the right to dispose of the human remains is in Hong Kong or can be readily ascertained or found; or (Amended 10 of 1986 s. 24)

(b) every person who has the right to dispose of the human remains is under disability.

(3) Any person who-

(a) fails to comply with a notice served on him under subsection (1)(a); or
(b) after the expiration of any period specified in a notice under subsection (1)(a), has in his possession without the written permission of the Authority any human remains to which the notice relates,

shall be guilty of an offence.

(4) For the purposes of this section, "human remains" (人類遺骸) does not include skeletal remains.

(5) Nothing in this section shall derogate from any provision in any enactment which permits the use of any human remains or the removal and use of part of any human remains for therapeutic purposes or for purposes of medical education or research.

(Added 48 of 1969 s. 7)

"human remains" (人類遺骸)

s 113 Public and private cemeteries

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

Cemeteries

(1) The places specified in Parts I and III of the Fifth Schedule shall be places set apart for use as public cemeteries.

(2) The places specified in Parts II and IV of the Fifth Schedule shall be places set apart for use as private cemeteries.

(2A) The places specified in Part IVA of the Fifth Schedule shall be places set apart for use by The Commonwealth War Graves Commission as Commonwealth War Graves Commission Cemeteries. (Added 69 of 1976 s. 2. Amended 12 of 1994 s. 3)

(3) The Chief Executive in Council may by order amend, or add any cemetery to or delete any cemetery from, the Fifth Schedule. (Amended 59 of 2000 s. 3)

s 114 Plans and demarcations of cemeteries

(1) The Authority shall, as soon as practicable, prepare a plan of every cemetery and mark the boundaries thereof in such manner as it may think fit.

(2) Subject to subsection (2A), where the boundaries of any cemetery are so varied, or any cemetery is otherwise so changed, as to render any plan deposited in accordance with the provisions of subsection

(3) no longer accurate, the Authority shall withdraw the plan so deposited and shall, as soon as practicable, prepare an amended plan or a new plan of such cemetery and, where necessary, further mark the boundaries thereof in such manner as it may think fit. (Amended 12 of 1994 s. 4)

(2A) The Authority shall, before exercising any power conferred on it under subsection (2) in relation to a Commonwealth War Graves Commission Cemetery, consult with The Commonwealth War Graves Commission. (Added 12 of 1994 s. 4)

(3) Every plan prepared in accordance with the provisions of subsection (1) or (2) shall be deposited in the Land Registry. (Amended 8 of 1993 s. 2; 20 of 2002 s. 5)

s 115 General management and closure of public cemeteries and Commonwealth War Graves Commission Cemeteries

- (1) The general management and control of public cemeteries shall be vested in the Authority.
(Amended 69 of 1976 s. 3; 12 of 1994 s. 5)
- (1A) The general management and control of Commonwealth War Graves Commission Cemeteries shall be vested in The Commonwealth War Graves Commission. (Added 12 of 1994 s. 5)
- (2) The Authority may by notification in the Gazette declare any public cemetery, or any part of such a cemetery, to be closed. (Replaced 69 of 1976 s. 3. Amended 12 of 1994 s. 5)
- (3) Any person who buries, or causes or permits to be buried, any human remains, or deposits, or causes or permits to be deposited, any urn containing any human remains, in any cemetery or any part of any cemetery which has been declared to be closed under the provisions of subsection (2) shall be guilty of an offence.

s 116 Regulations relating to cemeteries

- (1) Notwithstanding anything contained in any deed of appropriation, deed of grant or other instrument relating to any cemetery, the Authority may make regulations prescribing or providing for-
- (a) the marking or otherwise identifying of graves, vaults and urns, and the provision, custody, maintenance and inspection of registers of burials therein;
 - (b) the control of the number of dead bodies which may be buried in any one grave or vault;
 - (c) the interspace between graves and between vaults;
 - (d) the manner of closing, turfing or covering of graves, the materials to be used therefor and the period within which any grave must be so closed, turfed or covered;
 - (e) the re-opening of graves and vaults and the removal of human remains therefrom;
 - (f) the prevention and abatement of nuisances in connection with any cemetery, grave, vault, urn or the burial of any human remains;
 - (g) the entry and inspection of cemeteries and vaults;
 - (h) the proper management of cemeteries;
 - (i) the depth and size of graves and vaults;
 - (j) (Repealed 49 of 1994 s. 28)
 - (k) such other matters as, in the opinion of the Authority, are necessary for the proper regulation and control of cemeteries in the public interest.
- (2) In addition to the purposes specified in subsection (1), the Authority may in relation to any public cemetery make regulations prescribing or providing for-
- (a) the lay-out and use of any such cemetery or any part thereof and matters ancillary thereto;
 - (b) the exhumation of human remains from any grave and the disposal of the same in a decent manner;
 - (c) the size of any monument or enclosure over or round any grave, vault or urn;
 - (d) the orderly and decent conduct of any burial, exhumation or removal of any human remains and the performance of any ceremony, rite, custom or religious practice connected therewith in any such cemetery or in any part of any such cemetery and the orderly and decent conduct of persons resorting to any such cemetery.
 - (e) (Repealed 49 of 1994 s. 28)
- (3) Regulations made under subsection (1) shall not apply in relation to any Commonwealth War Graves Commission Cemetery. (Added 12 of 1994 s. 6)

(Amended 48 of 1969 s. 8; 49 of 1972 s. 2)

s 116A (Repealed 78 of 1999 s. 7)

s 117 Public cemetery and Commonwealth War Graves Commission Cemetery rules

(1) The Authority may, in relation to a public cemetery or Commonwealth War Graves Commission Cemetery, make rules which are not inconsistent with regulations made under section 116 to provide for the better control of persons in connection with the use of the cemetery or Cemetery and to provide information relating to the use of the cemetery or Cemetery. (Replaced 78 of 1999 s. 7)

(2) Any person who fails to comply with any rule made under subsection (1) shall be guilty of an offence.

s 118 Prohibition of unauthorized burials and exhumations

(1) Any person who, without the permission in writing of the Authority, buries any human remains, or deposits any urn or other receptacle containing any human remains, or scatters the ashes of any human remains after cremation, otherwise than in a cemetery, shall be guilty of an offence.

(2) Save in accordance with the provisions of this Part, any person who, without the permission in writing of the Authority, exhumes any human remains or any part of any human remains or any article interred therewith, or removes any human remains, or any part of any human remains, or any article from any urn or other receptacle, or removes or carries away any urn or other receptacle containing any human remains from any place, shall be guilty of an offence.

(3) No permission under subsection (1) or (2) shall be granted to any person other than the legal personal representative or next of kin of the person whose remains are to be buried, deposited, exhumed or removed, its the case may be, or the duly authorized agent of such legal personal representative or next of kin, or failing any such legal personal representative or next of kin or any such agent thereof, a person who, in the opinion of the Authority, has a proper interest in the disposal of the human remains in respect of which such permission is granted:

Provided that the Authority may permit the removal of any human remains from one part of a private cemetery to another part of such private cemetery at the request of the management of such cemetery.

(4) Subject to subsection (4A), any human remains buried, or any urn or other receptacle containing any human remains deposited, otherwise than in accordance with the provisions of subsection (1) or of the provisions of section 119, outside a cemetery may be removed by the Authority and buried or deposited inside a cemetery or otherwise disposed of in such decent manner as the Authority may think fit: (Amended L.N. 18 of 1983; 12 of 1994 s. 7)

Provided that the consent of the Secretary for Home Affairs shall be obtained before such remains are, or such urn or other receptacle is, removed. (Replaced L.N. 18 of 1983. Amended L.N. 262 of 1989)

(4A) The consent of The Commonwealth War Graves Commission shall be obtained before any remains are buried, or any urn or other receptacle is deposited, pursuant to subsection (4) inside a Commonwealth War Graves Commission Cemetery. (Added 12 of 1994 s. 7)

(5) (Repealed 49 of 1994 s. 30)

s 118A (Repealed 78 of 1999 s. 7)

s 119 Power of Chief Executive in Council to direct removal and disposal of human remains

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) Notwithstanding anything contained in the other provisions of this Part but subject to subsection

(2), the Chief Executive in Council may by order direct the removal of any human remains from any grave, urn or other receptacle or of any urn or other receptacle containing any human remains, whether situated within or without a cemetery, and may direct the disposal thereof in such decent manner as he may think fit: (Amended 12 of 1994 s. 8)

Provided that no such order shall be made until 1 month's notice of intention to make such order has been published in the Gazette.

(2) No order shall be made under subsection (1) in relation to any Commonwealth War Graves Commission Cemetery-

(a) unless the removal or disposal referred to in that subsection is, in the opinion of the Chief Executive in Council, necessary in the public interest; and

(b) until 6 months' notice of intention to make such order has been given in writing to The Commonwealth War Graves Commission. (Added 12 of 1994 s. 8)

(Amended 59 of 2000 s. 3)

s 119A Power of Authority to direct removal and disposal of human remains

The Authority may by order direct the removal, from any grave situated within a public cemetery, of any human remains or any urn or other receptacle containing any human remains, which have been interred therein for a period of not less than 6 years, and may direct the disposal thereof in such decent manner as he may think fit:

Provided that no such order shall be made until 1 month's notice of intention to make such order has been published in the Gazette.

(Added 9 of 1976 s. 11)

s 120 Removal of coffins, etc.

When any human remains are moved under the provisions of this Part, it shall be lawful to move also any coffin, urn or other receptacle in which such human remains are contained and any monument or enclosure over or surrounding the same.

s 121 Disposal of exhumed bodies

(1) Where any body, or part of any body, has been exhumed under section 7 of the Coroners Ordinance (Cap 504), the Authority shall provide for the reburial or other disposal of such body in such manner as it may think fit. (Amended 12 of 1994 s. 9; 27 of 1997 s. 64)

(2) The consent of The Commonwealth War Graves Commission shall be obtained before any body, or any part of any body, is reburied or otherwise disposed of under subsection (1) inside a Commonwealth War Graves Commission Cemetery. (Added 12 of 1994 s. 9)

(Replaced 57 of 1967 Schedule)

s 122 Defrayal of expenses of reburial, etc.

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

Whenever, pursuant to any powers conferred by this Part, the Chief Executive in Council, or the Authority, or a magistrate, has caused any human remains to be exhumed or removed, the expenses of exhumation or removal, and of reburial or disposal, shall be defrayed out of the general revenue.

(Replaced 9 of 1976 s. 12. Amended 10 of 1986 s. 16; 78 of 1999 s. 7; 59 of 2000 s. 3)

s 123 Regulations in relation to mortuaries

Mortuaries

- (1) The Authority may make regulations in relation to mortuaries prescribing or providing for-
- (a) registration or licensing and inspection and control (including prohibition) of mortuaries;
 - (b) the reception, treatment and custody of human remains;
 - (c) the maintenance, inspection and custody of registers of human remains received into mortuaries;
 - (d) the regulation and control of the transportation of human remains to or from any mortuary or to or from any other place.
 - (e) (Repealed 49 of 1994 s. 32)
- (2) Regulations made under subsection (1) may be of general application or limited to any class or type of mortuary or to any place, district or area.

s 123A Public funeral halls

The Authority may, by order published in the Gazette, designate any mortuary operated by the Authority as a public funeral hall.

(Added 3 of 1978 s. 2)

s 123AA (Repealed 78 of 1999 s. 7)

s 123B Management of public funeral halls

The management and control of every public funeral hall shall be vested in the Authority.

(Added 3 of 1978 s. 2)

s 123C Regulations as to public funeral halls

The Authority may make regulations in relation to public funeral halls prescribing or providing for-

- (a) the reception, treatment and custody of human remains;
- (b) the management and operation of public funeral halls including the exclusion or removal of persons therefrom;
- (c) (Repealed 49 of 1994 s. 34)
- (d) the persons by whom and the conditions upon which the facilities of public funeral halls may be used;
- (e) the maintenance of good order in public funeral halls.

(Added 3 of 1978 s. 2)

s 123D (Repealed 78 of 1999 s. 7)

s 124 Right of Authority to dispose of unclaimed dead bodies

(1) Where a person who has the right to effect the disposal of the human remains of any person-

(a) within the period of 48 hours after the human remains are received into any mortuary-

(i) has not made to the person having the management or control of the mortuary a claim to possession thereof; or

(ii) abandons the right to effect the disposal thereof; or

(b) having made a claim to possession of the human remains within such period of 48 hours, does not take possession of the human remains and remove them from the mortuary within 48 hours after he has made the claim,

the right to effect the disposal of the human remains shall vest in the Authority, and the Authority may arrange for the disposal of them in any manner it may think fit. (Replaced 48 of 1969 s. 9)

(2) Any person who knowingly disposes of the human remains, or any part of the human remains, of any person from any mortuary otherwise than in accordance with a claim made by a person having a right to make the same or in accordance with a direction, or with the consent, of the Authority shall be guilty of an offence:

Provided that nothing in this subsection shall make it an offence to transfer the human remains of a person into a mortuary belonging to the Government from a mortuary not so belonging.

s 124A Government and private crematoria

Cremation and crematoria

(1) The places specified in Part V of the Fifth Schedule shall be Government crematoria.

(2) The places specified in Part VI of the Fifth Schedule shall be authorized private crematoria.

(3) The places specified in Part VII of the Fifth Schedule shall be Gardens of Remembrance.

(4) The Authority may, by order published in the Gazette, amend, add to or delete from Parts V, VI and VII of the Fifth Schedule. (Amended 9 of 1976 s. 13)

(Added 21 of 1973 s. 9)

s 124B Management of Government crematoria and Gardens of Remembrance

The management and control of Government crematoria and Gardens of Remembrance shall be vested in the Authority.

(Added 21 of 1973 s. 9)

s 124C Use of crematoria

No building or place shall be used as a crematorium other than-

(a) a Government crematorium;

(b) an authorized private crematorium; or

(c) a building or place in respect of which the Authority shall have granted special and written permission, upon such terms and conditions as it thinks fit, to some person, society or institution to use the same for the cremation of the human remains or class of human remains specified in such permit.

(Added 21 of 1973 s. 9)

s 124D Provision for hearing objections where application for crematorium in certain locations or adding facilities in an existing crematorium

(1) Where application is made under section 124C(c) for the permission of the Authority to use for the burning of human remains any building or place nearer to any dwelling house than 200 m or within 50 m of any public highway, or application is made for the permission of the Authority to add any facility which is directly related to the burning of human remains in a building or place referred to in section 124C(b) or (c) the Authority shall cause notice of the application specifying the site and facility to be published, at the expense of the applicant, in English and Chinese in 3 successive numbers of the Gazette. (Amended L.N. 89 of 1979)

(1A) Where the Authority intends to add any facility which is directly related to the burning of human remains in an existing government crematorium, the Authority shall cause notice of such decision, specifying the site and facility to be added, to be published in English and Chinese in 3 successive numbers of the Gazette. (Added 78 of 1999 s. 7)

(2) If any person objects to the grant of permission or to the addition, in any case to which subsection (1) or (1A) is applicable, objection must be sent in writing to the Authority to reach its office not later than 1 week after the publication of the last of such notices.

(3) Every such objection together with any evidence that may be tendered by the objector and the applicant or their representatives shall be considered by the Authority before deciding whether or not to grant the application or make the addition.

(4) The Authority shall give notice in writing of its decision, together with reasons, to the applicant and any objector as soon as practicable after a decision is made. (Replaced 78 of 1999 s. 7)

(5) An applicant under subsection (1) or an objector under subsections (1) and (1A), may appeal to the Municipal Services Appeal Board against the decision of the Authority within 30 days of the date of the notice. (Added 78 of 1999 s. 7)

(Added 21 of 1973 s. 9. Amended 78 of 1999 s. 7)

s 124E Regulations relating to cremation and crematoria

(1) The Authority may make regulations for any of the following matters-

- (a) the maintenance and inspection of crematoria;
- (b) the cases in which and conditions under which the burning of any human remains may take place;
- (c) the disposal or interment of the ashes resulting from any such burning;
- (d) the forms of the notices, certificates and declarations to be given or made before any such burning is permitted to take place, such declarations to be made under and by virtue of the Oaths and Declarations Ordinance (Cap 11);
- (e) (Repealed 49 of 1994 s. 36)
- (f) the registration of the burnings;
- (g) closing of crematoria, other than Government crematoria, and delegation of authority to order such closure.

(2) Any provisions relating to the destruction and falsification of registers of burials contained in any enactment, and the admissibility of extracts therefrom as evidence in courts and otherwise, shall apply to the registers of burnings directed by such regulations to be kept.

(Added 21 of 1973 s. 9)

s 124EA (Repealed 78 of 1999 s. 7)

s 124F Offences

- (1) Any person who knowingly carries out or procures or takes part in the burning of any human remains, except in accordance with the provisions of this Part and the regulations made hereunder, shall (in addition to any liability or penalty which he may otherwise incur) be guilty of an offence.
- (2) Any person who wilfully makes any false declaration or representation, or signs or utters any false certificate, with a view to procuring the burning of any human remains, shall (in addition to any penalty or liability which he may otherwise incur) be guilty of an offence.
- (3) Any person who, with intent to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or, with such intent, makes any declaration or gives any certificate under this Part, shall be guilty of an offence.

(Added 21 of 1973 s. 9)

s 124G Fees and charges to be part of funeral expenses

The prescribed fees, and charges and expenses properly incurred in or in connection with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased.

(Added 21 of 1973 s. 9)

s 124H Saving for coroner

Nothing in this Part shall interfere with any jurisdiction or power of any coroner to order the cremation of a body, and nothing in this Part shall authorize any person to create or permit a nuisance.

(Added 21 of 1973 s. 9)

Part XIA FEES AND CHARGES

(Part XIA added 78 of 1999 s. 7)

s 124I Authority may prescribe fees and charges

(1) The Authority may by regulation provide for the fees and charges payable in connection with the following-

- (a) scavenging or conservancy services;
- (b) the registration or licensing of latrines, bathhouses or the use of latrines or bathhouses;
- (c) the registration or licensing of offensive trades;
- (d) the registration or licensing of swimming pools;
- (e) in relation to food, which for the purposes of this paragraph includes live poultry and live reptiles, the registration or licensing of premises, businesses or persons engaged in or connected with- (Amended 5 of 2011 s. 69)
 - (i) the sale of food for human consumption;
 - (ii) the manufacture, preparation, transport, storage, packaging, marking, exposure for sale, service or delivery of-
 - (A) food intended for sale or sold for human consumption; or
 - (B) (Repealed 5 of 2011 s. 69)

- (iii) any matter in respect of which the Director of Food and Environmental Hygiene may make regulations under section 56;
- (f) the services provided in or in connection with public slaughterhouses;
- (g) the registration or licensing of private slaughterhouses;
- (h) the inspection or examination of animals or carcasses and for anything done in connection with or consequent on any inspection or examination;
- (i) the licensing or registration of the operation of private markets;
- (j) the licensing of hawkers and the allocation and use of hawker pitches or stalls, the issue of a pitch card or a hawker's badge (including the issue of a duplicate of or any endorsement of or amendment to a pitch card or a hawker's badge) or the appointment of a hawker's deputy;
- (k) the licensing of any activity specified in Schedule 11A;
- (l) the burial of human remains;
- (m) in relation to a public cemetery, the setting up of monuments or enclosures over or around graves and construction of vaults or urns or for obtaining a copy of entry in a register of graves in a public cemetery;
- (n) the grant of permission to exhume human remains;
- (o) the registration or licensing of mortuaries;
- (p) the use of a public funeral hall or the use of services provided in or in connection with the use of a public funeral hall;
- (q) the cremation of human remains in any crematorium;
- (r) the disposal or interment of ashes resulting from the cremation of human remains in a crematorium;
- (s) the placing in a crematorium or garden of remembrance of any monument, tablet, inscription, receptacle for flowers or other ornament;
- (t) the insertion of an inscription in a book kept at a garden of remembrance for recording commemorative inscriptions;
- (u) the planting in a crematorium or garden of remembrance of any tree, shrub or plant.

(2) For the avoidance of doubt it is stated that a power under this section to provide for fees and charges payable in connection with registration, licensing, permission or a permit includes a power to provide for the fees and charges payable for the grant, renewal or transfer of a licence, temporary licence, permission or permit, and the issue of a duplicate of or any endorsement of or amendment to a licence, permission or permit or the renewal of a registration.

(3) In providing for fees and charges for any purpose under subsection (1) the Authority may prescribe different fees and charges in relation to persons or cases of different classes or descriptions.

s 124J Authority may prescribe fees and charges for matters specified in Schedule 16

(1) The Authority may by regulation provide for the fees and charges payable by an individual as a member of the public in connection with the matters specified in Schedule 16.

(2) For the purposes of subsection (1) the following is not included-

- (a) fees and charges payable in connection with the admission to a venue or facility specified in Schedule 16-
 - (i) of members of a club, institution, association or other organization as members thereof; or
 - (ii) for a commercial purpose; or
- (b) fees and charges payable in connection with the use of a venue, service or facility specified in Schedule 16-
 - (i) by members of a club, institution, association or other organization as members thereof;
 - (ii) for games, sports or other activity organized or arranged by or on behalf of a club, institution, association or other organization;

- (iii) for trading or advertising; or
- (iv) for a commercial purpose.

(3) The Authority may prescribe different fees and charges for persons or cases of different classes or descriptions under subsection (1).

(4) The Authority may by order published in the Gazette amend Schedule 16.

(5) An order under subsection (4) is subject to the approval of the Legislative Council.

s 124K Authority may determine fees and charges with approval of Financial Secretary

(1) Subject to section 124J(1), any fee or charge payable in connection with the admission to or the use for any purpose of a venue, service or facility relating to a cultural or leisure activity provided by the Authority or which is under the control and management of the Authority may be determined by the Authority with the approval of the Financial Secretary.

(2) Different fees or charges may be determined under this section for any purpose in relation to persons or cases of different classes or descriptions.

(3) The Authority may publish in any manner the Authority considers fit any fees or charges determined under subsection (1), for information.

s 124L Authority may prescribe fees and charges

(1) The Authority may by regulation provide for the fees and charges payable in connection with the licensing of any activity specified in the Eleventh Schedule.

(2) For the avoidance of doubt it is stated that a power under this section to provide for fees and charges payable in connection with licensing includes a power to provide for the fees and charges payable for the grant, renewal or transfer of a licence, temporary licence and the issue of a duplicate of or any endorsement of or amendment to a licence.

(3) The Authority may in relation to any activity referred to in subsection (1) prescribe different fees and charges in relation to persons or cases of different classes or descriptions.

s 124M Financial Secretary may reduce or waive fees or charges

The Financial Secretary or any public officer under his delegated authority may generally or in a particular case reduce or waive a fee or charge prescribed under section 124I, 124J or 124L or determined under section 124K or refund, in whole or in part, any such fee or charge.

Part XIB LICENSING APPEALS BOARD*

Note:

*** (Replaced 78 of 1999 s. 7)**

s 124N Interpretation of Part XIB

In this Part, unless the context otherwise requires-

"Board" (委員會) means the Licensing Appeals Board established under section 125A;

"Chairman" (主席) means the person appointed to that office under section 125A(2);

"secretary" (秘書) means the secretary to the Board appointed under section 125I(1);

"Vice-Chairman" (副主席) means the person appointed to that office under section 125A(2).

(Added 78 of 1999 s. 7)

s 125 General provisions as to licences, etc.

(1) Where, under the provisions of this Ordinance, any public officer (referred to in this section as the licensing authority) is empowered to require registration or to grant any licence or permit, such registration, licence or permit, as the case may be, shall, subject to the provisions of this Ordinance and any regulations made thereunder- (Amended 78 of 1999 s. 7)

(a) be made, granted or renewed subject to such requirements, conditions or restrictions as the licensing authority may think fit to impose for the purpose of carrying out the objects of this Ordinance, and may, for the like purpose, include a declaration by the licensing authority waiving the application of any of the provisions of any regulation made under this Ordinance; (Amended 9 of 1976 s. 14; 69 of 1985 s. 2)

(b) be refused, suspended or cancelled at the sole discretion of the licensing authority for the purpose of carrying out the objects of this Ordinance, but no registration, licence or permit shall be suspended or cancelled for any cause other than the contravention of any of the provisions of this Ordinance or of any requirement, condition or restriction to which such registration, licence or permit was subject.

(Amended 69 of 1985 s. 2)

(1A) Subject to section 124M, subsection (1)(a) does not authorize a licensing authority to include in any registration, licence or permit a declaration waiving any provision relating to the payment of fees in a regulation made under this Ordinance. (Added 9 of 1976 s. 14. Amended 10 of 1986 s. 17; 78 of 1999 s. 7)

(1B) (a) The renewal of any registration, licence or permit, if application therefor is made by the lawful holder on or before the date of expiry thereof accompanied by the fee or charge (if any) prescribed therefor, shall not be-

(i) refused unless notice in writing of its intention to refuse the same has been served by the licensing authority upon such holder not less than 90 days preceding the date of expiry of such registration, licence or permit, except where any of the requirements, conditions or restrictions to which such registration, licence or permit was subject has been contravened within the period of 90 days immediately preceding such date of expiry, in which case no such notice shall be required;

(ii) subject to additional or alternative conditions to those imposed in the registration, licence or permit in respect of which the application for renewal is made unless notice in writing of its intention to impose additional or alternative conditions has been served by the licensing authority upon such holder not less than 90 days preceding the date of expiry of such registration, licence or permit.

(b) Where application for renewal of any registration, licence or permit is not made or any fee or charge prescribed in respect thereof is not paid on or before the date of expiry thereof, renewal of the same may be refused without notice. (Added 69 of 1985 s. 2)

(2) Save where the licensing authority thinks fit, no registration, licence or permit shall be made or granted in the name or more than one person:

Provided that nothing in this subsection shall be construed to prevent the making of any registration or the granting of any licence or permit in the name of a corporation.

(3) Subject to the provisions of any regulations made under this Ordinance, every registration, licence or permit shall be transferable.

(4) On any transfer of a registration, licence or permit under the provisions of subsection (3), the person to whom the transfer is made shall, within 7 days after the transfer is effected, deliver to the licensing authority a notice, in such form (if any) as may be prescribed by the licensing authority

signed by the transferor or by some person authorized in writing in that behalf by him and signed by the person to whom the transfer was made or by some person authorized in writing in that behalf by him.

(5) If any person fails to give notice of the transfer of any registration, licence or permit as required by subsection (4)-

- (a) such person shall be guilty of an offence; and
- (b) the licensing authority may, without notice, cancel such registration, licence or permit.

(6) Where any person who is registered, or who is the grantee of any licence or permit issued, under the provisions of this Ordinance absents himself from Hong Kong for a period exceeding 30 days without giving notice in writing to the licensing authority, or, in the opinion of the licensing authority, is not, or has ceased to be, ordinarily resident in Hong Kong, the licensing authority may, without notice, cancel such registration, licence or permit, and, in the case of a corporation which is registered under the Companies Ordinance (Cap 32), the licensing authority may also cancel such registration, licence or permit if the corporation has ceased to be so registered. (Amended 10 of 1986 s. 24)

(6A) Where any person who is registered, or who is the grantee of any licence or permit issued, under the provisions of this Ordinance is not, in the opinion of the licensing authority, carrying on the business or activity to which such registration, licence or permit relates, the licensing authority may cancel the same without notice. (Added 57 of 1978 s. 4)

(7) Where any person who is registered, or who is the grantee of any licence or permit issued, under the provisions of this Ordinance intends to absent himself from Hong Kong for a longer period than 30 days, the licensing authority may require him to appoint a delegate for such period not exceeding 6 months as the licensing authority may consider reasonable, and such delegate shall, during that period, be deemed for all purposes under this Ordinance to be the person in whose name such registration was made or to whom such licence or permit was granted, and failure to appoint such delegate if so required under this subsection shall be a ground for cancellation of such registration, licence or permit. (Amended 10 of 1986 s. 24)

(8) Where any registration, licence or permit is cancelled or suspended, or any application for the grant or renewal thereof is refused, by the licensing authority, the licensing authority shall forthwith serve a notice in writing upon the holder thereof or applicant therefor, as the case may be, declaring its decision.

(9) A person dissatisfied with a decision referred to in subsection (8) may, within 14 days after the service on him of the notice declaring the decision, appeal to the Licensing Appeals Board established under section 125A against the decision. (Replaced 78 of 1999 s. 7)

(10) If an appeal is made under this section, the licensing authority may, in its discretion, suspend the operation of the decision to which the appeal relates, pending the determination of the appeal. (Replaced 78 of 1999 s. 7)

(11) No registration, licence or permit granted under the provisions of this Ordinance shall be taken to exempt or excuse any person from compliance with any of the provisions of any other enactment.

s 125A Establishment and membership of Licensing Appeals Board

(1) There is established a board to be known as the Licensing Appeals Board.

(2) The Board is to consist of-

- (a) a Chairman;
- (b) a Vice-Chairman; and
- (c) not less than 13 other members,

appointed by the Chief Executive in accordance with this section.

(3) A public officer may not be appointed to the Board under subsection (2).

(4) A person appointed as Chairman or Vice-Chairman or other member under subsection (2) is to hold and vacate office in accordance with the person's terms of appointment.

(5) A member may resign as member, Chairman or Vice-Chairman by giving written notice to the Chief Executive.

(Added 78 of 1999 s. 7)

s 125B Functions and powers of the Board and appeals from its decisions

- (1) The function of the Board is to hear and determine any appeal which lies to the Board under section 125.
- (2) In determining an appeal, the Board may exercise all the powers and discretions that are conferred on the person who made the decision appealed from.
- (3) In determining an appeal, the Board may affirm, vary or set aside the decision and, where it sets aside the decision, it shall substitute its own decision. The Board may also extend the time specified, if any, for complying with the requirement of any notice issued, or an order made by the licensing authority referred to in section 125.
- (4) A person who appeals to the Board, if dissatisfied with the decision of the Board may appeal to the Municipal Services Appeals Board within 14 days after receiving notice of the decision.
- (5) If an appeal is made under subsection (4), the Board may, in its discretion, suspend the operation of the decision to which the appeal relates, pending the determination of the appeal.

(Added 78 of 1999 s. 7)

s 125C How the Board is to be constituted for the purposes of an appeal

- (1) For the purposes of hearing an appeal or making a decision for the purposes of section 125B(5), the Board is to consist of-

- (a) the Chairman or Vice-Chairman; and
- (b) 4 other members nominated under subsection (2).

- (2) The secretary must nominate 4 members for the purposes of subsection (1)(b).
- (3) In nominating members under subsection (2), the secretary is subject to the direction of the Chairman or Vice-Chairman.

(Added 78 of 1999 s. 7)

s 125D Parties to an appeal

The parties to an appeal are the appellant and the licensing authority from whose decision the appeal is brought.

(Added 78 of 1999 s. 7)

s 125E Provisions applicable to a hearing

- (1) The Chairman or Vice-Chairman is to preside at the hearing of an appeal.
- (2) An appeal board decision shall be taken by a majority.
- (3) If after the commencement of the hearing of an appeal, one or more members (other than the person presiding) are unable to continue, the remaining members, so long as their number (including the person presiding) is not less than 3 may, with the consent of the parties, continue to hear and determine the appeal, and the Board remains duly constituted.
- (4) If the Board is constituted by an even number of members under subsection (3), the person presiding shall have a casting vote when there is an equality of votes.
- (5) Subject to this section and rules made under section 125G the person presiding may determine the procedure at the hearing of an appeal made to the Board.

(Added 78 of 1999 s. 7)

s 125F Board to give reasons for decision

- (1) The Board must give reasons for its decisions.
- (2) The secretary must serve a copy of the Board's decision and of the reasons for the decision on the parties to an appeal.

(Added 78 of 1999 s. 7)

s 125G Board may make rules

- (1) The Board may make rules regulating the making of appeals to the Board, specifying the documents to be lodged or served in relation to an appeal and providing for the hearing and determining of those appeals and the enforcement of its decisions.
- (2) The rules made under subsection (1) are subsidiary legislation.

(Added 78 of 1999 s. 7)

s 125H Meetings of the Board other than appeal hearings

At a meeting of the Board, other than an appeal hearing or a meeting for the purposes of section 125B(5)-

- (a) the quorum shall be not less than half the members of the Board for the time being;
- (b) the Chairman or Vice-Chairman shall preside;
- (c) decisions are to be made by a majority of the members present and voting; and
- (d) the person presiding has a casting vote.

(Added 78 of 1999 s. 7)

s 125I Staff

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) The Secretary for Food and Health may appoint- (Amended L.N. 106 of 2002)
 - (a) a secretary to the Board; and
 - (b) such other staff as the Secretary for Food and Health considers necessary.
- (2) The Secretary for Food and Health may appoint a legal adviser to advise on legal matters relating to an appeal and the legal adviser may be present at any hearing before the Board or deliberations of the Board to so advise the Board.

(Added 78 of 1999 s. 7. Amended L.N. 106 of 2002; L.N. 130 of 2007)

Part XII MISCELLANEOUS*

Note:

* (Added 78 of 1999 s. 7)

s 126 General powers of entry

(1) Subject to the provisions of this section, any public officer authorized in writing by a public officer (referred to in this section as the authorizing authority), shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises, vehicle, vessel or aircraft at any time between the hours of 7 a.m. and 7 p.m., and, in the case of any workplace or any premises or vessel used for business purposes, at any time during which work or business is carried on- (Amended 78 of 1999 s. 7)

(a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, vehicle, vessel or aircraft any contravention of the provisions of this Ordinance, being provisions which it is the duty of the authorizing authority to enforce;

(b) for the purpose of ascertaining whether or not circumstance exist which would authorize or require the authorizing authority to take any action, or execute any work, under the provisions of this Ordinance, and for this purpose, such officer may take and carry away samples of any article or thing, including water, found there;

(c) for the purpose of taking any action, or executing any work, authorized or required by the provisions of this Ordinance to be taken or executed by the authorizing authority;

(d) for the purpose of carrying out any tests the carrying out of which is authorized under the provisions of this Ordinance;

(e) generally, for the purpose of the performance by the authorizing authority of his functions under the provisions of this Ordinance:

(Amended 78 of 1999 s. 7)

Provided that admission to any premises or vessel, not being premises or a vessel used for business purposes or as a workplace, shall not be demanded as of right unless not less than 2 hours' notice in writing of the intended entry has been given to the occupier of such premises or the person in charge of such vessel, or, in the absence of such person, posted in some conspicuous place on such premises or vessel, as the case may be.

(2) If it is shown to the satisfaction of a magistrate on sworn information in writing-

(a) that admission to any premises or vessel has been refused or that refusal is apprehended, or that such premises are unoccupied or such vessel unattended, as the case may be, or that the occupier or attendant is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry, or that it is reasonable for the purposes of this Ordinance in the circumstances of the case that entry be effected between the hours of 7 p.m. and 7 a.m.; and

(b) that there is reasonable ground for entry into the premises or vessel for any such purpose as aforesaid,

the magistrate may by warrant in the form of Form B prescribed in the Seventh Schedule authorize any public officer authorized in that behalf by the public officer for whose purposes such entry is necessary to effect entry, if need be by force: (Amended 78 of 1999 s. 7)

Provided that such warrant shall not be issued unless the magistrate is satisfied either that notice of the intention to apply for a warrant has been given to the occupier of the premises or to the person in charge of the vessel, as the case may be, or that the premises are unoccupied or the vessel unattended, or that the occupier or attendant is temporarily absent, or that the case is one of urgency, or that the

giving of such notice would defeat the object of the entry, or that it is reasonable for the purposes of this Ordinance in the circumstances of the case that entry be effected between the hours of 7 p.m. and 7 a.m. (Amended 47 of 1997 s. 10)

(3) Any public officer entering any premises or vessel by virtue of the provisions of subsection (1) or of a warrant issued under subsection (2) may take with him such persons as may be necessary, and, on leaving any unoccupied premises or any unattended vessel which he has entered by virtue of such provisions or such warrant, shall leave such premises or vessel as effectually secured against trespassers as he found the same to be at the time of entry.

(4) Every warrant granted under the provisions of subsection (2) shall continue in force until the purpose for which the entry is necessary has been satisfied.

s 127 Provisions for securing abatement of nuisances which may be dealt with summarily

(1) The Authority, if satisfied of the existence of a nuisance to which this section applies, may cause a notice in the form of Form C specified in the Seventh Schedule (referred to in this section as a "nuisance notice") to be served on the person by reason of whose act, default or sufferance the nuisance arose or continues, or, if that person cannot be found, on the occupier or owner of the premises or vessel on which the nuisance exists, requiring him to abate the nuisance within the period specified in the notice, and to do such things as may be necessary for that purpose, and the notice may, if the Authority thinks fit, specify any works to be executed for the purpose aforesaid:

Provided that, where the nuisance arises from any want or defect in any premises or vessel of a structural character and where the premises or vessel are or is unoccupied, the nuisance notice shall be served on the owner thereof.

The Authority may also, by notice under the foregoing provisions of this subsection or by further notice, require the person on whom the notice is served to do what is necessary for preventing the recurrence of the nuisance to which the notice relates and, if the Authority thinks it desirable, specify any works to be executed for that purpose, and a notice containing such a requirement may, notwithstanding that the nuisance to which it relates may for the time being have been abated, be served if the Authority considers that the nuisance is likely to recur on the same premises or in the same vessel.

(2) Where-

- (a) the person by reason of whose act, default or sufferance the nuisance arose or continues; and
- (b) the owner and the occupier of the premises or vessel on which the nuisance exists,

cannot be found or ascertained, the Authority may abate the nuisance and do what is necessary to prevent a recurrence thereof, and may recover the cost from any such person who may thereafter be found or ascertained. (Replaced 58 of 1973 s. 5)

(3) Where a nuisance notice is served on any person, then if either-

- (a) the nuisance to which the notice relates arose by reason of the wilful act or default of that person; or
- (b) that person fails to comply with any of the requirements of the notice within the period specified therein,

he shall (whether or not an order under the provisions of subsection (4) has been made in respect of him) be guilty of an offence.

(4) Where a nuisance notice is served on any person, then if-

- (a) that person fails to comply with any of the requirements of the notice within the period specified therein; or
- (b) the nuisance to which the order relates, although abated since the service of the notice, is, in the opinion of the Authority, likely to recur on the same premises or vessel,

the Authority may make a complaint to the court and the court hearing the complaint may make a summary order in the form of Form D prescribed in the Seventh Schedule (in this section referred to as a "nuisance order").

(5) A nuisance order may be an abatement order, prohibition order or a closing order or a combination of such orders.

An abatement order may require a person to comply with all or any of the requirements of a nuisance notice in connection with which the order is made, or otherwise to abate the nuisance or to do what may be necessary to prevent the recurrence of the nuisance within the period specified in the order.

A prohibition order may prohibit the recurrence of a nuisance.

A closing order may prohibit the use of any premises or vessel for human habitation, but shall only be made if it is proved to the satisfaction of the court that, by reason of a nuisance, the premises or vessel are or is unfit for human habitation.

(6) An abatement order or a prohibition order shall, if the person in respect of whom the order is made so requires or the court considers it desirable, specify the works to be executed by the said person for the purpose of abating, or preventing the recurrence of, the nuisance to which the order relates.

A court, if satisfied that any premises or vessel in respect of which a closing order is in force have or has been rendered fit for human habitation, may declare that it is so satisfied and revoke the closing order.

(7) (a) Any person who fails without reasonable excuse to comply with, or knowingly contravenes, a nuisance order shall be guilty of an offence.

(b) Without prejudice to the provisions of paragraph (a), where a nuisance order has not been complied with, the Authority may abate the nuisance and may do whatever may be necessary in execution of the order, and may recover any expenses reasonably incurred thereby from the person against whom the order was made.

(8) The provisions of Part VII (Appeals) of the Magistrates Ordinance (Cap 227) shall apply to proceedings under this section subject to the following provisions-

(a) in the event of an appeal against a nuisance order which is or includes a prohibition order or a closing order or requires the execution of structural works, no person shall, by reason of any contravention of, or failure to comply with, the order, be liable to any penalty until after the determination or abandonment of the appeal:

Provided that, if the appeal is dismissed or abandoned, the appellant shall be liable to the fine specified in the third column of the Ninth Schedule in respect of an offence under subsection (7) for every day during which he has contravened or failed to comply with such nuisance order, unless he satisfies the court before which proceedings are taken for the recovery of such fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay, and, if the appeal is dismissed, the court hearing the appeal may itself impose such fine as if it were a court before which proceedings could be taken for the recovery of such fine;

(b) in the event of an appeal against a nuisance order which requires the execution of structural work, no work shall, save as hereinafter mentioned, be done under the order until after the determination or abandonment of the appeal:

Provided that, if the court by which the order was made is of opinion that the continuance of the nuisance to which it relates will be injurious or dangerous to health and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may, notwithstanding that the appeal is pending, authorize the Authority immediately to abate the nuisance, so, however, that-

(i) if the appeal is allowed, the Authority shall pay to the person against whom the order was made the amount of any damage sustained by him by reason of the abatement of the nuisance by the Authority; and

(ii) if the appeal is dismissed or abandoned, the Authority may recover from the said person the expenses incurred by it in abating the nuisance.

(9) Any matter or thing removed by the Authority in abating, or doing what is necessary to prevent the recurrence of, a nuisance to which this section applies may be sold by public auction, or, if the Authority thinks the circumstances of the case require it, may be otherwise sold, or may be disposed of without sale.

The money arising from the sale of any matter or thing under this subsection may be retained by the Authority and applied in payment of the expenses incurred by it in connection with the nuisance and the surplus (if any) shall be paid, on demand, to the owner of the matter or thing.

s 128 Power to close premises used in contravention of provisions of Ordinance

(1) Subject to subsection (1B), where under this Ordinance, the use of any premises or vessel are or is required to be registered, licensed or permitted, the court on application by the public officer authorized to register, license or permit such use and on proof that- (Amended 1 of 2002 s. 2)

(a) the premises or vessel are or is used without registration, license or permit;

(b) the premises or vessel have or has been used without registration, licence or permit and there is reasonable cause to believe that they or it will be so used again; or

(c) the premises or vessel are or is used in contravention of a suspension of the registration, licence or permit or any provision of this Ordinance,

shall, subject to subsection (5), make an order in Form F in the Seventh Schedule ("Prohibition Order") prohibiting the use of the premises or vessel or a specified part of the premises or vessel ("specified part"), for all purposes or, for a purpose specified in the order, with effect from the 8th day after copies of the order have been served under subsection (6): (Replaced 78 of 1999 s. 7)

Provided that, where, at the date of the issue of a summons in respect of an application under this subsection, the premises or vessel are or is used for the purpose of human habitation, no such order shall be made so as to prevent such habitation by reason only of the user being without registration, licence or permit or in contravention of any of the requirements thereof or any suspension thereof. (Amended 61 of 1974 s. 11)

(1A) (Repealed 1 of 2002 s. 2)

(1B) This section does not apply to any premises to which sections 128A, 128B and 128C apply. (Added 1 of 2002 s. 2)

(2) Any order made under the provisions of subsection (1) shall remain in force in respect of such premises or vessel until, on application by such public officer or by any person having an interest in such premises or vessel, the court is satisfied that either the use of such premises or vessel has been registered, licensed or permitted or such suspension has been cancelled or the provisions of this Ordinance have been complied with, as the case may be, or that such premises or vessel will be used in future for some other purpose.

(3) Any person who contravenes any order of the court made under the provisions of subsection (1) shall be guilty of an offence.

(4) Where a Prohibition Order in respect of premises, a vessel or a specified part to which regulations made under section 56 apply has been served under subsection (6) but has not been continuously complied with from the 8th day after such service, the court, upon application by the public officer upon whose application the order was made shall, without prejudice to any penalty which may be imposed under this section, but subject to subsection (5), make an order in Form G in the Seventh Schedule (in this section referred to as a "Closure Order"). (Added 76 of 1988 s. 3)

(5) A court shall not make a Prohibition Order or a Closure Order unless satisfied-

(a) that at least 14 days' notice of intention to apply for the order has been served under subsection (6);

(b) that such notice stated the time and place set for the hearing of the application and advised that any person having reasonable cause to be

heard upon the application might request to be so heard; and
(c) that every person having reasonable cause to be heard upon the application and requesting to be so has had an opportunity to be heard.
(Added 76 of 1988 s. 3)

(6) Notice of intention to apply for a Prohibition Order or Closure Order in respect of any premises, vessel or specified part, and a copy of every such order when made, shall be in both English and Chinese and shall be served by affixing it to a conspicuous part of those premises, that vessel or that specified part. (Added 76 of 1988 s. 3)

(7) A Closure Order made in respect of any premises, vessel or specified part shall come into force on the 8th day after it has been served under subsection (6) and shall remain in force for as long as the Prohibition Order made in respect of those premises, that vessel or that specified part remains in force. (Added 76 of 1988 s. 3)

(8) Upon the coming into force of a Closure Order in respect of any premises, vessel or specified part, the public officer upon whose application the order was made shall lock or seal, or cause to be locked or sealed, all or any of the entrances to or exits from the premises, vessel or specified part and may disconnect or cause to be disconnected all gas, water and electricity supplies thereto. (Added 76 of 1988 s. 3)

(9) While a Closure Order is in force in respect of any premises, vessel or specified part-

- (a) no person, except with the written permission of the public officer upon whose application the order was made, shall enter or remain in those premises, on that vessel or in or on that specified part;
- (b) a person carrying written authority from the public officer to whom the order was directed may remove from the premises, vessel or specified part any person who fails to comply with paragraph (a), and in doing so may, with such assistance from police officers as may be necessary, use such force as is reasonably necessary. (Added 76 of 1988 s. 3)

(10) Any person who, without lawful authority or excuse-

- (a) enters or remains in any premises, on any vessel or in or on any specified part in contravention of subsection (9)(a);
- (b) breaks or interferes with any lock or seal placed on any premises, vessel or specified part under subsection (8); or
- (c) removes or defaces a document affixed to any premises, vessel or specified part for the purposes of this section,

shall be guilty of an offence. (Added 76 of 1988 s. 3)

(11) Where, immediately before any premises, vessel or specified part are or is closed under subsection (8), there is found therein or thereon any food, or any article or thing likely to create a fire hazard or constitute a danger to life or health if left in or on the premises, vessel or specified part, the public officer upon whose application the Closure Order was made shall-

- (a) take possession of such food, article or thing;
- (b) dispose as he thinks fit of any perishable food and of any article or thing which requires to be immediately disposed of; and
- (c) affix a notice in both English and Chinese to a conspicuous part of the premises, vessel or specified part setting out details of any food, article or thing still in his possession and calling upon persons to submit any claim for the return of such food, article or thing within 7 days after the day on which the notice was posted. (Added 76 of 1988 s. 3)

(12) Where a claim is made under subsection (11)(c) for the return of any food, article or thing, the public officer in possession thereof may-

- (a) refuse to return it unless satisfied that the claimant is the owner or otherwise entitled to possession of the food, article or thing; and
- (b) recover as a civil debt from a claimant to whom any food, article or thing is returned, any expenses incurred in the removal and storage of such food, article or thing. (Added 76 of 1988 s. 3)

(13) Any food, article or thing taken into the possession of a public officer under subsection (11)(a) and not claimed within the time referred to in subsection (11)(c), or which the public officer refuses to

return in accordance with subsection (12)(a), may be sold by public auction or, upon the order of a magistrate, otherwise sold or disposed of as the court thinks fit, and the money arising from the sale thereof shall be retained by the public officer and applied in payment of expenses incurred in connection with the enforcement of the Closure Order and the surplus (if any) paid, on demand, to the owner of the food, article or thing. (Added 76 of 1988 s. 3)

(14) A public officer upon whose application a Closure Order is made in respect of any premises, vessel or specified part may recover as a civil debt from the occupier of the premises, master of the vessel, or occupier of the specified part the cost of any work carried out under subsection (8) and of taking possession of any food, article or thing under subsection (11) which is not met out of the proceeds of any sale under subsection (13). (Added 76 of 1988 s. 3)

(15) An order made under subsection (1) before 1 October 1988 and in force on that date shall remain in force after that date subject to subsection (2). (76 of 1988 s. 8(1) incorporated)

(16) If an order made under subsection (1) before 1 October 1988-

(a) is in respect of premises, a vessel or a specified part to which regulations made under section 56 apply;

(b) is served on or after 1 October 1988 under subsection (6) as added by the Public Health and Municipal Services (Amendment) (No. 2) Ordinance 1988 (76 of 1988); and

(c) has not been continuously complied with from the 8th day after such service,

the public officer or public body upon whose application the order was made may apply for a Closure Order to be made in respect of those premises, that vessel or that specified part under subsection (4) as added by that Ordinance, whereupon the provisions of subsections (5) to (14) as so added shall apply. (76 of 1988 s. 8(2) incorporated)

(Amended 78 of 1999 s. 7)

s 128A Application and interpretation of this section and sections 128B, 128C and 128D

(1) This section and sections 128B, 128C and 128D apply to-

(a) any premises used as food premises that are required to be licensed under the Food Business Regulation (Cap 132 sub. leg. X);

(b) any premises-

(i) on or from which any restricted food specified in Schedule 2 to the Food Business Regulation (Cap 132 sub. leg. X) is sold or offered or exposed for sale; or

(ii) on which any such food is possessed for sale or for use in the preparation of any article of food for sale;

(c) any premises used as a slaughterhouse that is required to be licensed under the Slaughterhouses Regulation (Cap 132 sub. leg. BU);

(d) any premises on which there is carried on a business as a milk factory as mentioned in section 14(2) of the Milk Regulation (Cap 132 sub. leg. AQ);

(e) any premises on which any frozen confection as defined in section 3 of the Frozen Confections Regulation (Cap 132 sub. leg. AC) is manufactured.

(2) For the purposes of this section and sections 128B, 128C and 128D, unless the context otherwise requires-

"Appeal Board" (上訴委員會) means the Appeal Board on Closure Orders (Immediate Health Hazard) established under section 128D;

"Chairman" (主席) means the Chairman of the Appeal Board appointed under section 128D(3);

"closed premises" (已封處所) means any premises mentioned in subsection (1) in respect of which a closure order has come into force and remains in force;

"closure order" (封閉令) means an order made under section 128B(1) or 128C(1), as the case may be;

"Deputy Chairman" (副主席) means the First Deputy Chairman or the Second Deputy Chairman of the Appeal Board appointed under section 128D(3);

"immediate health hazard" (對健康的即時危害) means any circumstances that cause or are likely to cause any food supplied on or from, or handled or possessed on, any premises to be or to become a source of food-borne infection, contamination, intoxication or disease transmission;

"premises" (處所) includes any place, vessel and any part of a place or vessel;

"use" (用、使用), in relation to any premises referred to in subsection (1)(c), includes occupy.

(3) The circumstances referred to in the definition of "immediate health hazard" include the following-

(a) because of the location, construction or state of the premises, the condition of the premises is such that it renders any food supplied on or from, or handled or possessed on, the premises to be so contaminated or tainted that it is unfit for human consumption;

(b) the water used in preparing food or in washing utensils comes from an unapproved source or from a source that, as shown from inspection findings, data from epidemiological investigation or other laboratory evidence, is contaminated with pathogens, biotoxins, chemicals or other substances, rendering any food supplied on or from, or handled or possessed on, the premises to be unfit for human consumption;

(c) as shown from inspection findings, data from epidemiological investigation or other laboratory evidence, any food supplied on or from, or handled or possessed on, the premises is contaminated with pathogens, biotoxins, chemicals or other substances rendering the food unfit for human consumption; and

(d) the premises are infested with vermin to such extent that any food supplied on or from, or handled or possessed on, the premises is contaminated or tainted, and becomes unfit for human consumption.

(4) In subsections (2) and (3)-

(a) a reference to food supplied on or from any premises includes food sold, or offered or exposed for sale, on or from the premises;

(b) a reference to food handled on any premises includes food manufactured on the premises; and

(c) a reference to food possessed on any premises means food possessed on the premises for sale or for use in the preparation of any article of food for sale.

(Added 1 of 2002 s. 3)

s 128B Power to close premises used without licence, permit or permission

(1) Where under the Food Business Regulation (Cap 132 sub. leg. X), the Frozen Confections Regulation (Cap 132 sub. leg. AC), the Milk Regulation (Cap 132 sub. leg. AQ) or the Slaughterhouses Regulation (Cap 132 sub. leg. BU)-

(a) the use of any premises to which this section applies; or

(b) any activity mentioned in section 128A(1),

is required to be licensed or permitted, a court on application by the Authority and on proof that the premises are so used or the activity is conducted on any premises (as the case may be) without the requisite licence, permit or permission shall, subject to subsections (2) and (3), make a closure order in Form H in the Seventh Schedule.

(2) Subsection (1) does not apply if-

(a) the use or the activity is required under section 30(1) of the Food Business Regulation (Cap 132 sub. leg. X) to be permitted;

(b) a food business within the meaning of that Regulation is carried on on or from the premises; and

(c) the food business is required under that Regulation to be licensed and is licensed under that Regulation.

(3) The court shall not make a closure order unless it is satisfied that-

(a) at least 7 days before the date fixed for the hearing of the application, a copy of the notice of intention to apply for the closure order, in both English and Chinese-

(i) was affixed at a conspicuous place on the premises; and

(ii) was served on the owner of the premises by sending the copy by registered post addressed to that owner's last known place of business or residence;

(b) the notice stated the time and place set for the hearing of the application and advised that any person having a reasonable cause to be heard on the application was entitled to appear at the hearing and request to be heard; and

(c) every person having a reasonable cause to be heard on the application and requesting to be heard has had an opportunity to be heard.

(4) At the place and time set for the hearing of an application made under subsection (1) or such other time as soon as practicable thereafter, the court shall hear the applicant and every person who-

(a) is present at the hearing;

(b) has a reasonable cause to be heard; and

(c) wishes to be heard,

and then proceed to make a decision.

(5) A closure order shall not operate-

(a) if, at the date of application for the order, the premises are used for human habitation, to prevent such habitation on the premises; or

(b) to affect the use of any common area in any building or public place so as to cause obstruction to public passage or fire escape.

(6) A closure order comes into force on the beginning of the 8th day after the day on which a copy of it is affixed at a conspicuous place on the premises in respect of which it is made.

(7) A closure order shall remain in force until the court rescinds it on application by the Authority or any person having an interest in the premises in respect of which the order is made.

(8) The court shall rescind a closure order if it is satisfied that-

(a) the use of, or the activity to be conducted on, the premises in respect of which the order has been made has been licensed or permitted under any of the subsidiary legislation mentioned in subsection (1); or

(b) the premises will not be used for any purpose mentioned in section 128A(1) and no activity mentioned in subsection (1) will be conducted on the premises in contravention of any of the subsidiary legislation mentioned in subsection (1).

(9) Subject to subsection (5), when a closure order in respect of any premises comes into force, the Authority shall lock or seal, or cause to be locked or sealed, all or any of the entrances to or exits from the premises and may disconnect or cause to be disconnected all gas, water and electricity supplies to those premises.

(10) Subject to subsection (11), no person, other than a public officer in the course of his duty, may enter or remain on any closed premises.

(11) The Authority may-

(a) permit in writing any person to enter and remain on any closed premises for such purpose as is specified in the permission;

(b) impose such conditions on the permission as he thinks fit;

(c) revoke the permission if he thinks that the purpose for which the permission was granted no longer exists or any condition imposed under paragraph (b) has been breached;

(d) request any person found on any closed premises to leave the premises, and if the person refuses to leave, remove the person from the

premises with or without the assistance of police officers and use such force as is reasonably necessary.

(12) Any person who, without lawful authority or reasonable excuse-

- (a) removes or defaces any copy of a closure order affixed under subsection (6);
- (b) breaks or interferes with any lock or seal made under subsection (9) ;
- or
- (c) contravenes subsection (10),

commits an offence.

(13) The Authority may-

- (a) dispose of-
 - (i) any article or thing or any perishable food found on any closed premises that requires to be immediately disposed of as he thinks fit;
 - (ii) any live bird, fish or animal that is found on the premises as he thinks fit;
- (b) remove-
 - (i) any article, thing or food found on any closed premises that is likely to create a fire hazard or constitute a danger to life or health if left on the premises;
 - (ii) any live bird, fish or animal found on the premises;
- (c) make such arrangements with regard to any live bird, fish or animal removed under paragraph (b) as he thinks fit;
- (d) affix a notice in both English and Chinese at a conspicuous place on the closed premises-
 - (i) setting out the details of any article, thing, food, live bird, fish or animal removed under paragraph (b) that he thinks can be returned; and
 - (ii) calling for the submission to him of any claim for the return of such article, thing, food, live bird, fish or animal within 7 days of the affixing of the notice.

(14) Where a claim mentioned in subsection (13)(d)(ii) is made, the Authority-

- (a) shall refuse to return the article, thing, food, live bird, fish or animal if he is not satisfied that the claimant is either the owner or a person entitled to the possession of it or the live bird, fish or animal is dead; or
- (b) may return the article, thing, food, live bird, fish or animal as claimed and recover as a civil debt from a claimant to whom it is returned any expenses incurred in the removal and storage of it or in any arrangement made in respect of it.

(15) Any article, thing, food, live bird, fish or animal removed by the Authority under subsection (13)(b) and not claimed within the time specified in subsection (13)(d)(ii), or which the Authority refuses to return in accordance with subsection (14)(a), may be sold by public auction or, upon the order of a court, otherwise sold or disposed of as the court directs, and any proceeds arising from the sale shall be retained by the Authority and applied in payment of any expenses incurred in connection with the enforcement of the closure order and the surplus (if any) paid, on demand made within 90 days of the sale, to the owner of the article, thing, food, live bird, fish or animal.

(16) Any surplus not demanded in accordance with subsection (15) shall be paid into the general revenue.

(17) The Authority may recover as a civil debt from the person having the management or control of any premises (or the master of the vessel if the premises are a vessel or any part of a vessel) immediately before the closure order in respect of the premises came into force the cost of-

- (a) any work carried out on the premises under subsection (9);
- (b) removing any article, thing, food, live bird, fish or animal from the closed premises under subsection (13)(b); and
- (c) any arrangements made under subsection (13)(c),

which is not met out of the proceeds of any sale under subsection (15).

(Added 1 of 2002 s. 3)

s 128C Power to close premises posing immediate health hazard

(1) If the Authority has reasonable cause to believe that the use of any premises to which this section applies or any activity conducted on those premises poses an immediate health hazard, he may make a closure order in Form I in the Seventh Schedule to close the premises immediately.

(2) A closure order shall not operate-

(a) if, at the date of making of the order, the premises are used for human habitation, to prevent such habitation on the premises; or

(b) to affect the use of any common area in any building or public place so as to cause obstruction to public passage or fire escape.

(3) A closure order comes into force immediately after a copy of it-

(a) is affixed at a conspicuous place on the premises in respect of which the order is made; and

(b) is served on the owner of those premises by sending the copy by registered post addressed to that owner's last known place of business or residence.

(4) A closure order shall remain in force until a notice is issued by the Authority made under subsection (6).

(5) Any person having an interest in any premises in respect of which a closure order has been made may apply in writing to the Authority to rescind the order.

(6) Whether or not an application has been made under subsection (5), if the Authority is satisfied that-

(a) in respect of any premises in respect of which a closure order has been made, the immediate health hazard has been eliminated and the use of the premises or the activity to be conducted on the premises has been licensed or permitted under any of the subsidiary legislation mentioned in section 128B(1); or

(b) the premises will not be used for any purpose mentioned in section 128A(1) and no activity mentioned in section 128A(1) will be conducted on the premises in contravention of any of the subsidiary legislation mentioned in section 128A(1),

the Authority shall issue a notice in Form J in the Seventh Schedule to rescind the closure order with immediate effect.

(7) If the Authority refuses to issue a notice under subsection (6) as applied, he shall serve a notice of his refusal on the applicant and the applicant may, within 7 days of such service or such longer time as the Chairman may allow, appeal to the Appeal Board against the Authority's decision.

(8) The making of an appeal under subsection (7) does not operate as a stay of execution of a closure order unless the Chairman otherwise orders.

(9) Subject to subsection (2), when a closure order in respect of any premises comes into force, the Authority shall lock or seal, or cause to be locked or sealed, all or any of the entrances to or exits from the closed premises and may disconnect or cause to be disconnected all gas, water and electricity supplies to those premises.

(10) Subject to subsection (11), no person, other than a public officer in the course of his duty, may enter or remain on any closed premises.

(11) The Authority may-

(a) permit in writing any person to enter and remain on any closed premises for such purpose as is specified in the permission;

(b) impose such conditions on the permission as he thinks fit;

(c) revoke the permission if he thinks that the purpose for which the permission was granted no longer exists or any condition imposed under paragraph (b) has been breached;

(d) request any person found on any closed premises to leave the

premises, and if the person refuses to leave, remove the person from the premises with or without the assistance of police officers and use such force as is reasonably necessary.

(12) Any person who, without lawful authority or reasonable excuse-

- (a) removes or defaces any copy of a closure order affixed under subsection (3)(a);
- (b) breaks or interferes with any lock or seal made under subsection (9); or
- (c) contravenes subsection (10),

commits an offence.

(13) The Authority may-

- (a) dispose of-
 - (i) any article or thing or any perishable food found on any closed premises that requires to be immediately disposed of as he thinks fit;
 - (ii) any live bird, fish or animal found on the premises as he thinks fit;
- (b) remove-
 - (i) any article, thing or food, found on any closed premises that is likely to create a fire hazard or constitute a danger to life or health if left on them;
 - (ii) any live bird, fish or animal found on the premises;
- (c) make such arrangements with regard to any live bird, fish or animal removed under paragraph (b) as he thinks fit;
- (d) affix a notice in both English and Chinese at a conspicuous place on the closed premises-
 - (i) setting out the details of any article, thing, food, live bird, fish or animal removed under paragraph (b) that he thinks can be returned; and
 - (ii) calling for the submission to him of any claim for the return of such article, thing, food, live bird, fish or animal within 7 days of the affixing of the notice.

(14) Where a claim mentioned in subsection (13)(d)(ii) is made, the Authority-

- (a) shall refuse to return the article, thing, food, live bird, fish or animal if he is not satisfied that the claimant is either the owner or a person entitled to the possession of it or the live bird, fish or animal is dead; or
- (b) may return the article, thing, food, live bird, fish or animal as claimed and recover as a civil debt from a claimant to whom it is returned any expenses incurred in the removal or storage of it or in any arrangement.

(15) Any article, thing, food, live bird, fish or animal removed by the Authority under subsection (13)(b) and not claimed within the time specified in subsection (13)(d)(ii), or which the Authority refuses to return in accordance with subsection (14)(a), may be sold by public auction or, upon the order of a court, otherwise sold or disposed of as the court directs, and any proceeds arising from the sale shall be retained by the Authority and applied in payment of any expenses incurred in connection with the enforcement of the closure order and the surplus (if any) paid, on demand made within 90 days of the sale, to the owner of the article, thing, food, live bird, fish or animal.

(16) Any surplus not demanded in accordance with subsection (15) shall be paid into the general revenue.

(17) The Authority may recover as a civil debt from the person having the management or control of any premises (or the master of the vessel if the premises are a vessel or any part of a vessel) immediately before the closure order in respect of the premises came into force the cost of-

- (a) any work carried out on the premises under subsection (9);
- (b) removing any article, thing, food, live bird, fish or animal from the closed premises under subsection (13)(b); and
- (c) any arrangements made under subsection (13)(c),

which is not met out of the proceeds of any sale under subsection (15).

(18) A person who is aggrieved by an order made under subsection (1) may, within 7 days after the day on which the order was made or such longer time as the Chairman may allow, appeal to the Appeal Board against the order.

(19) The making of an appeal under subsection (18) does not operate as a stay of execution of a closure order unless the Chairman otherwise orders.

(Added 1 of 2002 s. 3)

s 128D Appeals to Appeal Board on Closure Orders (Immediate Health Hazard)

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) There is established an appeal board to be known as the Appeal Board on Closure Orders (Immediate Health Hazard).

(2) The functions of the Appeal Board are to hear and determine any appeal made to the Appeal Board under section 128C(7) or (18).

(3) The Chief Executive shall appoint from among persons who are qualified for appointment as District Judges under section 5 of the District Court Ordinance (Cap 336)-

- (a) a Chairman of the Appeal Board;
- (b) a First Deputy Chairman of the Appeal Board; and
- (c) a Second Deputy Chairman of the Appeal Board.

(4) The Chief Executive shall appoint a panel of not less than 18 persons, not being public officers, whom he considers suitable for appointment under subsection (8)(b) as members of the Appeal Board to hear an appeal.

(5) An appointment under subsection (3) or (4) shall be notified in the Gazette and shall be for a term of not more than 3 years. A person appointed under subsection (3) or (4) may be re-appointed, and may resign by notice in writing to the Chief Executive.

(6) The Secretary for Food and Health may appoint- (Amended L.N. 106 of 2002; L.N. 130 of 2007)

- (a) a secretary to the Appeal Board; and
- (b) such other staff to assist the secretary as the Secretary considers necessary.

(7) The parties to an appeal to the Appeal Board are the appellant and the Authority. A party to an appeal may be present at the hearing of the appeal and may-

- (a) make representations in person; or
- (b) be represented by counsel or solicitor or, with the approval of the Chairman, by any other person authorized by the party in writing.

The Authority may also be represented by a legal officer within the meaning of the Legal Officers Ordinance (Cap 87).

(8) For the purposes of hearing an appeal, the members of the Appeal Board are-

- (a) the Chairman or a Deputy Chairman, who shall preside; and
- (b) 2 other persons, selected in rotation from the panel referred to in subsection (4), who are appointed by the Chairman to hear the appeal.

(9) If, for any period, the Chairman is precluded by illness, absence from Hong Kong or any other cause from performing his functions, the First Deputy Chairman of the Appeal Board shall act as Chairman and as such perform all the functions of the Chairman during that period.

(10) If, for any period, a Deputy Chairman is precluded by illness, absence from Hong Kong or any other cause from performing his functions, the other Deputy Chairman shall act in the place of the Deputy Chairman precluded from performing his functions and in so acting perform all the functions of that Deputy Chairman, including any functions that Deputy Chairman would have been required to perform under subsection (9), during that period.

(11) If, for any period, a person appointed under subsection (8)(b) or this subsection to hear an appeal

is precluded by illness, absence from Hong Kong or any other cause from performing his functions, the Chairman may appoint another person, selected in rotation from the panel referred to in subsection (4), to act in the place of the person precluded from performing his functions and in so acting, to perform all the functions of that person during that period.

(12) The hearing of an appeal may, with the consent of the parties to the appeal, continue notwithstanding a change in the membership of the Appeal Board.

(13) For the purposes of an appeal, the Appeal Board-

(a) may receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not it would be admissible in evidence in civil or criminal proceedings; and

(b) may-

(i) on an appeal under section 128C(7), confirm the Authority's decision or order the Authority to issue a notice under section 128C(6); or

(ii) on an appeal under section 128C(18), confirm, suspend or disallow the closure order.

(14) The decision of the Appeal Board on an appeal shall be that of the majority of the members hearing the appeal.

(15) The Appeal Board shall give reasons in writing for its decisions. The secretary to the Appeal Board shall serve a copy of the Appeal Board's decision and of the reasons for the decision on the parties to an appeal.

(16) A person who appeals to the Appeal Board, if dissatisfied with the decision of the Appeal Board, may appeal to the Court of First Instance within 14 days after receiving a copy of the decision and the reasons for the decision. The Court of First Instance may confirm or reverse the decision appealed against. The decision of the Court of First Instance is final.

(17) The making of an appeal under subsection (16) does not operate as a stay of execution of a closure order unless the Court of First Instance otherwise orders.

(18) Subject to this section and to rules made under subsection (20), the person presiding may determine the procedure at the hearing of an appeal made to the Appeal Board.

(19) The Chairman may, on application in writing by a person and if satisfied that there is good reason for doing so-

(a) extend the time within which that person may appeal to the Appeal Board under section 128C(7) or (18); and

(b) order a stay of execution of the closure order to which an appeal made by that person under section 128C(7) or (18) relates, pending the determination of the appeal.

(20) The Chairman may, in consultation with the Secretary for Food and Health, make rules-
(Amended L.N. 106 of 2002; L.N. 130 of 2007)

(a) regulating the making of appeals to the Appeal Board;

(b) specifying the documents to be lodged or served in relation to appeals;
and

(c) providing for the hearing and determining of those appeals and the enforcement of the decisions of the Appeal Board.

The rules so made are subsidiary legislation.

(Added 1 of 2002 s. 3)

s 129 Authority may render services, etc., on request

Save as otherwise expressly provided by this or some other enactment, where it appears to any public officer who is an Authority for the purposes of any of the provisions of this Ordinance expedient for carrying out the purposes of this Ordinance, such public officer may in his discretion and at the request of any person, undertake on behalf of such person any work or render any service, and may recover the cost thereof from such person in the manner provided by section 130.

(Amended 78 of 1999 s. 7)

s 130 Recovery of cost of works done or services rendered by public officers

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) In any case where under the provisions of this Ordinance any public officer is entitled to recover the cost of any works done or any fee or any charge for any service rendered, such officer may certify the sum which is due and the names of the persons liable therefor, and may by such certificate apportion such sum between such persons.

(2) In the case of any works done or services rendered, such sum may include-

(a) the cost of labour, transport or materials supplied by or at the request of such public officer for the purpose of carrying out such works or rendering such services; and

(b) supervision and departmental charges.

(3) A copy of any such certificate shall be served upon each person named therein.

(4) Where the payment of any sum claimed is in default, such public officer may in his discretion order that the following amounts shall be added to the sum claimed and recovered therewith-

(Amended 10 of 1986 s. 18)

(a) in the case of default exceeding 30 days, 5% of the amount in default;

(b) in the case of default exceeding 60 days, 10% of the amount in default.

(5) The payment of such sum of any person shall be without prejudice to any right to recover the same, or any part thereof, from any person otherwise liable in respect of the matter in relation to which such certificate was issued.

(6) Any sum which any public officer is entitled to recover under the provisions of this Ordinance may be recovered by such officer summarily as a civil debt due to the Government or as a simple contract debt due to the Government in any court of competent jurisdiction. (Amended 21 of 1973 s. 10; 59 of 2000 s. 3)

(6A)-(6B) (Repealed 78 of 1999 s. 7)

(7) Any summons or writ issued in connection with the recovery of any such sum shall be taken to have been duly served if it appears, to the satisfaction of the court, that it was left at the defendant's last known address or place of business, or, if the same is unknown to the public officer concerned, that it was delivered to an adult occupier of the premises or place in relation to which such recovery is sought or was posted thereon in a conspicuous place.

(8) A certificate purporting to be made in accordance with the provisions of subsection (1) and setting forth that the amount claimed is due and that the person named therein is liable for the payment thereof, and specifying the nature and particulars of the claim, shall be prima facie evidence of the facts stated therein and of the correctness of the signature thereto.

(9) Where any sum the recovery of which is claimed under the provisions of this section arose in respect of any building works within the meaning of the Buildings Ordinance (Cap 123), the public officer concerned may, at any time before such sum has been wholly recovered, register in the Land Registry against the title of any property in respect of which such sum arose a memorial of the certificate issued under the provisions of subsection (1), and in such event such sum shall be a charge upon the land recoverable in accordance with the provisions of subsection (6) from any person who from the Land Registry register then or thereafter appears to be the owner thereof: (Amended 8 of 1993 s. 2)

Provided that a charge shall not be deemed to arise solely by virtue of this subsection in respect of any person whose interest was registered before the registration of the memorial of such certificate.

(10) Upon the recovery of any sum under the provisions of this section, the public officer concerned shall lodge in the Land Registry an appropriate memorial of satisfaction against any memorial lodged there under the provisions of subsection (9). (Amended 8 of 1993 s. 2)

(11) Where 2 or more sums are claimed from any person as being due under the provisions of this Ordinance, any writ, complaint, summons or warrant issued for the purposes of the Ordinance in

respect of that person may contain in the body thereof, or in a schedule thereto, all or any of the sums so claimed.

(Amended 78 of 1999 s. 7)

s 131 Name in which certain proceedings may be brought

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) Without prejudice to any other provisions of this Ordinance, or to the provisions of any other enactment, relating to the prosecution of criminal offences, prosecutions for an offence under the sections of this Ordinance specified in the first column of the Sixth Schedule may be brought in the name of the public officer specified opposite to them in the second column of that Schedule.

(Amended 78 of 1999 s. 7)

(2) Nothing in this section or in section 132 shall be deemed to derogate from the powers of the Secretary for Justice in relation to the prosecution of criminal offences. (Amended L.N. 362 of 1997)

(3) Every complaint made or information laid in respect of an offence under any of the provisions of this Ordinance or the regulations made thereunder shall be made or laid in the manner prescribed by the Magistrates Ordinance (Cap 227).

(4) The Chief Executive in Council may by order amend, add to or delete from the Sixth Schedule. (Amended 59 of 2000 s. 3)

s 132 Institution and conduct of certain proceedings

Any public officer in whose name proceedings for an offence under any of the provisions of this Ordinance or any regulations made thereunder may be brought may authorize in writing, either generally or in any particular case, any public officer to institute on behalf of such public officer any such proceedings before any court or to conduct on behalf of such public officer any such proceedings before any court, and any public officer so authorized may institute such proceedings and may conduct them before any court notwithstanding the provisions of the Legal Practitioners Ordinance (Cap 159).

(Amended 78 of 1999 s. 7)

s 133 Disposal of property coming into possession of certain public officers

Where, under any of the provisions of this Ordinance, any public officer who is an Authority for the purposes of any of the provisions of this Ordinance comes into possession of any property, section 102 of the Criminal Procedure Ordinance (Cap 221) shall, unless the manner of disposal of the same is otherwise expressly provided, apply as if such public officer were the police within the meaning of that section and such property were property which had come into the possession of the police in connection with a criminal offence.

(Amended 78 of 1999 s. 7)

s 134 Service of notices

Unless otherwise expressly provided, any order, notice, demand, certificate or other document required to be served under the provisions of this Ordinance may be served either-

- (a) by delivering it to the person on whom it is to be served;
- (b) by sending it by registered post addressed to the last known place of business or residence of the person to be served;
- (c) by leaving it with an adult occupier of the premises or place to which

the notice relates or by posting it upon a conspicuous part of such premises or place:

Provided that, in addition to or in substitution for any such method of service, publication in the Gazette of any such order, notice, demand, certificate or other document, together with such particulars of the person to whom it is addressed as may be available, shall be deemed to be good service.

s 135 Authentication and production in evidence of documents

(1) Save where otherwise expressly provided, any order, notice, demand, certificate or other document made by any public officer under the provisions of this Ordinance shall be signed by such public officer or by a public officer authorized in writing in that behalf by such public officer. (Amended 10 of 1986 s. 20)

(2) Any document purporting to be an order, notice, demand, certificate or other document made under the provisions of this Ordinance by a public officer and signed in the manner provided in subsection (1) shall be received in evidence, and shall, unless the contrary is shown, be deemed to be such an order, notice, demand, certificate or other document without further proof.

(3) Notwithstanding the amendments made to this section by the Provision of Municipal Services (Reorganization) Ordinance (Cap 552), on and after the commencement of those amendments, subsection (2) applies to any order, notice, demand, certificate or other document made and signed before that commencement and to which that subsection would have applied if not for such commencement, as if those amendments had not been made. (Added 78 of 1999 s. 7)

(Amended 78 of 1999 s. 7)

s 136 Presumption as to employment of servants

Any person who appears to be employed in or about any premises, or any part of any premises, in respect of which any licence or permit is granted under this Ordinance shall be deemed, until the contrary is shown, to be a servant of the person to whom such licence or permit was granted.

s 137 Offences by corporations

Where an offence under this Ordinance, or any regulations or order made under this Ordinance, which has been committed by a corporation is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the corporation, or of any person who was purporting to act in any such capacity, he, as well as the corporation, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

s 137A Application of Summary Offences Ordinance (Cap 228) and Public Order Ordinance (Cap 245)

Any part of a stadium, museum, library or civic centre to which from time to time the public has access, whether on payment or otherwise, shall, during such time, be deemed to be a public place for the purposes of the Summary Offences Ordinance (Cap 228) and the Public Order Ordinance (Cap 245).

(Added 21 of 1973 s. 11)

s 138 Protection for public servants acting in good faith

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

A public officer shall not be personally liable in respect of any act done by him in the execution or purported execution of this Ordinance and within the scope of his employment, if he did that act in the honest belief that his duty under this Ordinance required or entitled him to do it:

Provided that nothing in this section shall be construed as relieving the Government from liability in respect of the acts of its servants.

(Amended 59 of 2000 s. 3)

s 139 Obstruction of officers in the exercise of their duty

Any person who wilfully obstructs, resists, or uses abusive language to, any person acting in the execution of his duties under this Ordinance, or under any order or warrant made or issued thereunder, shall, in any case for which no other provision is made by this Ordinance, be guilty of an offence.

s 140 Onus of proving vaccination or inoculation

Where, under the provisions of this Ordinance, any person is required to be vaccinated, inoculated or otherwise immunized against disease, the onus of proving that such vaccination, inoculation or immunization has been performed shall rest upon the person required to be so vaccinated, inoculated or immunized, as the case may be.

s 141 Proceedings against several persons

(1) Where proceedings under this Ordinance are competent against several persons in respect of the joint act or default of such persons, it shall be sufficient to proceed against one or more of them without proceeding against the others.

(2) Where an offence consists of a failure to comply with any of the requirements of a notice served by any public officer who is an Authority for the purposes of any of the provisions of this Ordinance and a similar notice was served upon several persons in respect of such matter- (Amended 78 of 1999 s. 7)

(a) it shall be sufficient to proceed against one or more of such persons without proceeding against the others; and

(b) where more than one such person is proceeded against, the court may treat such persons for all purposes as though they were joint offenders.

s 142 Delegation of powers

Any public officer may delegate any power, function, authority or discretion conferred upon him by the provisions of this Ordinance, other than a power to make regulations, to any public officer or class of public officers.

(Amended 78 of 1999 s. 7)

s 143 General powers relating to regulations

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

Regulations made under this Ordinance may provide-

- (a) that contravention of any of the provisions of such regulations shall constitute an offence and may prescribe penalties therefor not exceeding a fine at level 6 and imprisonment for 6 months, and, in the case of a continuing offence, a daily penalty of \$1500, and, in the case of an offence in respect of any premises, trade or business, for the closing of such premises or the discontinuance of such trade or business; (Amended 57 of 1978 s. 5; 37 of 1987 s. 3; L.N. 177 of 1996)
- (b) for the name in which proceedings for an offence against any of such regulations may be brought; and
- (c) for appeal by way of petition to the Chief Executive or to the Chief Executive in Council. (Amended 59 of 2000 s. 3)

s 144 (Repealed 78 of 1999 s. 7)

s 144A Restriction on certain powers

Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

The Authority shall not exercise the powers conferred by sections 42A(1), 76A(1), 79(3), 105A(1), 105G, 105K(1), 105M(1), 106(1), and 124A(4) in relation to any premises which are the subject of a Government lease without the consent of the lessee thereof.

(Added 21 of 1973 s. 12. Amended 70 of 1977 s. 3; 29 of 1998 s. 105)

s 145 (Repealed 78 of 1999 s. 7)

s 146 Chief Executive in Council empowered in any appeal to state case for opinion of Court of Appeal on question of law

Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2; 59 of 2000 s. 3

(1) In any appeal to him under the provisions of this Ordinance, the Chief Executive in Council may, at any time in his discretion, direct a case to be stated for the opinion of the Court of Appeal on any question of law involved in such appeal. The terms of such case shall be agreed upon by the parties concerned, or, in the event of their failure to agree, shall be settled by the Court of Appeal. The Court of Appeal shall hear and determine the question of law arising on any case stated as aforesaid, and shall remit the matter to the Chief Executive in Council who shall give effect by order to the finding of

the court. The costs of such hearing shall be in the discretion of the court.

(2) Any party to the appeal shall be entitled to be heard by counsel on the hearing of any case so stated.

(3) The Clerk to the Executive Council shall give the appellant 7 days' notice of the hearing of the appeal, and shall, at the same time, furnish the appellant with a copy of the evidence and documents submitted by the respondent for the consideration of the Chief Executive in Council. (Amended 14 of 1994 s. 24)

(4) The decision of the Chief Executive in Council upon any appeal under the provisions of this Ordinance shall be final and may be enforced by the Court of First Instance as if it had been an order of that court. (Amended 25 of 1998 s. 2)

(5) Nothing contained in this Ordinance shall be construed to prevent any person from applying to the Court of First Instance for a mandamus, injunction, prohibition or other order, should he elect so to do in lieu of appealing to the Chief Executive in Council. (Amended 25 of 1998 s. 2)

(Amended 92 of 1975 s. 59; 59 of 2000 s. 3)

s 147 Forms

Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) Wherever under the provisions of this Ordinance the use of a form prescribed in the Seventh Schedule is required, there shall be used the appropriate form prescribed in that Schedule or a form to the like effect subject to such variation as circumstances may require.

(2) The Chief Executive in Council may by order amend any form for the time being prescribed in the Seventh Schedule and may, in like manner, add any form to that Schedule or delete any form therefrom. (Amended 59 of 2000 s. 3)

s 148 Transitional provisions with respect to offences and certain notices

(1) Where an offence (being an offence for the continuance of which a penalty was provided) has been committed under any enactment revoked or cancelled and re-enacted, with or without amendment, by any regulations made under this Ordinance, proceedings may be taken under such regulations in respect of the continuance of the offence after the commencement of such regulations in the same manner as if the offence had been committed under the corresponding provisions of such regulations.

(2) Where an enactment revoked or cancelled by any regulations made under this Ordinance relates to the giving of notices-

(a) not less than a specified period before; or

(b) within a specified period after,

the doing of some act or the happening of some event, and the commencement of such regulations falls within the period applicable under that enactment to any particular act done or to any particular event, the revocation or cancellation and re-enactment shall be deemed to have taken effect in relation to that act or event, in the first mentioned case, at a date sufficiently early to enable the required notice to be given under the corresponding provisions of such regulations, and, in the secondly mentioned case, immediately before the doing of the act or the happening of the event in question.

(3) Where, under any enactment revoked or cancelled and re-enacted, with or without amendment, by any regulations made under this Ordinance, any notice has been served relating to the doing of some act or the happening of some event, such notice shall be deemed to have been served under the corresponding provisions of such regulations.

s 149 (Repealed 78 of 1999 s. 7)

s 150 Penalties

Any person who is guilty of an offence under any of the provisions of this Ordinance specified in the first column of the Ninth Schedule shall be liable on summary conviction to the penalty specified in relation thereto in the second column of that Schedule, and, where the offence is a continuing offence, shall be liable, in addition, to the fine specified in relation thereto in the third column of that Schedule for each day during which it is proved to the satisfaction of the court that the offence has continued.

s 151 (Repealed 78 of 1999 s. 7)

s 152 (Repealed 78 of 1999 s. 7)

s 153 (Repealed 78 of 1999 s. 7)

s 154 Transitional

Any reference in subsidiary legislation made under this Ordinance to prescribed fee or fee determined under section 124K includes a reference to a fee continued in force under section 9(2) of the Provision of Municipal Services (Reorganization) Ordinance (Cap 552) as if prescribed under section 124I, 124J or 124L or determined under section 124K, as the case may be, until the relevant fee is replaced under section 124I, 124J, 124K or 124L.

(Added 78 of 1999 s. 7)

Sched 1 SCHEDULED OFFENCES

[sections 2 & 84]

Section 51A(4) and (5)

Section 54(1)

Regulations made under section 55, 56, 80(1) or 83A

Section 83B

Section 128(3)

Section 128(10)(a)

Section 139

Sections 4A and 5 of the Summary Offences Ordinance (Cap 228)

(Replaced L.N. 276 of 1978. Amended L.N. 264 of 1986; 76 of 1988 s. 4)

Sched 2 SCHEDULED PREMISES

[sections 2, 93 & 102]

Class of premises	No. of cubic metres per hour for each person who may be accommodated in the premises
Restaurants	17
Dancing establishments	17
Theatres	13
Cinemas	13
Funeral parlours	17
Factory canteens	17

(Amended 61 of 1974 s. 12; L.N. 89 of 1979; L.N. 366 of 1989)

Sched 3 DESIGNATED AUTHORITIES

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

[section 3]

Section	Designated Authorities
4	Director of Drainage Services
5	Director of Drainage Services
6	Director of Drainage Services
7	Director of Drainage Services
9	Director of Drainage Services
10	Director of Drainage Services
13	Director of Food and Environmental Hygiene
14	Director of Food and Environmental Hygiene
15	Secretary for Food and Health
20	Director of Food and Environmental Hygiene
22	Director of Food and Environmental Hygiene
22A	Director of Food and Environmental Hygiene
23	Director of Food and Environmental Hygiene
23A	Director of Food and Environmental Hygiene
24	Director of Food and Environmental Hygiene
26	Secretary for Food and Health
27	Director of Food and Environmental Hygiene
28	Secretary for Food and Health
29	Secretary for Food and Health
30	Director of Food and Environmental Hygiene
32	Director of Food and Environmental Hygiene
33	Director of Food and Environmental Hygiene
34	Director of Food and Environmental Hygiene
35	Secretary for Food and Health
36	Director of Food and Environmental Hygiene
37	Director of Food and Environmental Hygiene
38	Director of Food and Environmental Hygiene
42	Secretary for Home Affairs in respect of public swimming pools and the Secretary for Food and Health in respect of other swimming pools

42A	Director of Leisure and Cultural Services
42B	Director of Leisure and Cultural Services
43	Director of Leisure and Cultural Services
44	Director of Leisure and Cultural Services
46	Director of Food and Environmental Hygiene
47	Director of Food and Environmental Hygiene
48	Director of Food and Environmental Hygiene
49	Secretary for Food and Health
51A	Director of Food and Environmental Hygiene
56	Director of Food and Environmental Hygiene, but in respect of drugs, Director of Health
56A	Director of Health
58	Director of Food and Environmental Hygiene, but in respect of drugs, Director of Health
59	Director of Food and Environmental Hygiene, but in respect of drugs, Director of Health
62	Director of Food and Environmental Hygiene, but in respect of drugs, Director of Health
69	Director of Food and Environmental Hygiene, but in respect of drugs, Director of Health
70	Director of Food and Environmental Hygiene, but in respect of drugs, Director of Health
75	Director of Food and Environmental Hygiene, but in respect of drugs, Director of Health
76A	Director of Food and Environmental Hygiene
76B	Director of Food and Environmental Hygiene
77	Secretary for Food and Health
78	Director of Food and Environmental Hygiene
79(1), (3) and (5)	Director of Food and Environmental Hygiene
79A	Director of Food and Environmental Hygiene
80	Secretary for Food and Health
81	Director of Food and Environmental Hygiene
82	Director of Food and Environmental Hygiene
83A	Secretary for Food and Health, but the Director of Food and Environmental Hygiene for section 83A(1)(g) and (i)
83B	Director of Food and Environmental Hygiene
84	Director of Food and Environmental Hygiene
86	Director of Food and Environmental Hygiene
86B	Director of Food and Environmental Hygiene
92A	Director of Leisure and Cultural Services
92AA	Secretary for Home Affairs
92AB	Director of Food and Environmental Hygiene
92B	Secretary for Home Affairs in respect of any activity specified in the Eleventh Schedule and the Secretary for Food and Health in respect of any activity specified in Schedule 11A
93	Director of Food and Environmental Hygiene
94	Director of Food and Environmental Hygiene
94A	Secretary for Food and Health
100	Director of Food and Environmental Hygiene
101	Director of Food and Environmental Hygiene
104	Secretary for Food and Health
105	Director of Buildings
105A	Director of Leisure and Cultural Services

105B	Director of Leisure and Cultural Services
105C	Director of Leisure and Cultural Services
105D	Secretary for Home Affairs
105E	Director of Leisure and Cultural Services
105G	Director of Leisure and Cultural Services
105H	Director of Leisure and Cultural Services
105I	Secretary for Home Affairs
105K	Director of Leisure and Cultural Services
105L	Secretary for Home Affairs
105M	Director of Leisure and Cultural Services
105N	Director of Leisure and Cultural Services
105O	Secretary for Home Affairs
105P	Director of Leisure and Cultural Services
105Q	Director of Leisure and Cultural Services
106(1)	Director of Leisure and Cultural Services
and (6)	
106(3)	Director of Lands
and (4)	
107	Director of Leisure and Cultural Services
108	Director of Leisure and Cultural Services
109	Secretary for Home Affairs
110	Director of Leisure and Cultural Services
111	Director of Leisure and Cultural Services
111B	Director of Lands
111C	Director of Lands
112	Director of Food and Environmental Hygiene
112A	Director of Food and Environmental Hygiene
114	Director of Lands in respect of cemeteries specified in Parts I, II and IVA of the Fifth Schedule
115	Director of Food and Environmental Hygiene in respect of cemeteries specified in Part I of the Fifth Schedule
116	Secretary for Food and Health in respect of cemeteries specified in Parts I and II of the Fifth Schedule
117	Director of Food and Environmental Hygiene
118(1)	Director of Food and Environmental Hygiene
and (4)	
118(2)	Director of Food and Environmental Hygiene in respect of cemeteries specified in Parts I, II and IVA of the Fifth Schedule
119A	Director of Food and Environmental Hygiene in respect of cemeteries specified in Part I of the Fifth Schedule
121	Director of Food and Environmental Hygiene
123	Secretary for Food and Health
123A	Director of Food and Environmental Hygiene
123B	Director of Food and Environmental Hygiene
123C	Secretary for Food and Health
124	Director of Food and Environmental Hygiene
124A	Director of Food and Environmental Hygiene
124B	Director of Food and Environmental Hygiene
124C	Director of Food and Environmental Hygiene
124D	Director of Food and Environmental Hygiene
124E	Secretary for Food and Health
124I	Secretary for Food and Health
124J	Secretary for Home Affairs
124K(1)	Director of Leisure and Cultural Services
124K(3)	Director of Leisure and Cultural Services

124L	Secretary for Home Affairs
127	Director of Food and Environmental Hygiene
128B	Director of Food and Environmental Hygiene
128C	Director of Food and Environmental Hygiene
128D	Director of Food and Environmental Hygiene

(Schedule 3 replaced 78 of 1999 s. 7. Amended L.N. 106 of 2002; 1 of 2002 s. 4; L.N. 130 of 2007; 3 of 2009 s. 3; 5 of 2011 s. 71)

Sched 4 Public Pleasure Grounds

[sections 2 & 106]

Public pleasure grounds (other than bathing beaches)

Hong Kong Island (Amended L.N. 177 of 2007)

Aberdeen Boulder's Corner Rest Garden
 Aberdeen Praya Road Sitting-out Area
 Aberdeen Promenade
 Aberdeen Reservoir Road Garden
 Aberdeen Reservoir Road Sitting-out Area
 Aberdeen Sports Centre
 Aberdeen Sports Ground
 Aberdeen Tennis & Squash Centre
 Aberdeen Waterfront Garden
 Admiralty Garden
 Aldrich Bay Children's Playground
 Aldrich Bay Park
 Aldrich Bay Playground
 Aldrich Bay Promenade
 Aldrich Street Playground
 Amoy Street Sitting-out Area
 Ap Lei Chau Bridge Road Playground
 Ap Lei Chau Main Street Temporary Sitting-out Area
 Ap Lei Chau Park
 Ap Lei Chau Service Reservoir Playground
 Ap Lei Chau Sports Centre
 Ap Lei Chau Waterfront Promenade

Ap Lei Chau Wind Tower Park

Apleichau Bridge (North) Children's Playground
 Basel Road Playground
 Belcher Bay Park
 Belcher's Street Sitting-out Area
 Big Wave Bay Picnic Area
 Bisney Road Children's Playground
 Blake Gardens
 Blue Pool Road Sitting-out Area
 Bonham Road Rest Garden
 Bowen Road Fitness Trail
 Bowen Road Garden
 Bowen Road Lovers' Stone Garden
 Bowen Road Park
 Bowen Road Temporary Playground
 Bowen Road Temporary Sitting-out Area
 Bowen Road Tennis Courts

	Bowrington Road Market Roof-top Children's Playground
	Braemar Hill Road Amenity Plot
	Braemar Hill Road Playground
	Braemar Hill Road Sitting-out Area
	Brewin Path Temporary Playground
	Bridges Street Market Children's Playground
	Broadwood Road Rest Garden
	Bullock Lane Sitting-out Area
	Cadogan Street Temporary Garden
	Caine Lane Garden
	Caine Road Garden
	Caine Road Sitting-out Area
	Catchick Street Garden
	Causeway Bay Sports Ground
	Cenotaph, the
	Central and Western District Promenade-Central Section
	Central and Western District Promenade-Sheung Wan Section
Central Pier Waterfront	
	Centre Street Sitting-out Area
	Chai Wan North Service Reservoir Playground
	Chai Wan Park
	Chai Wan Pool-side Garden
	Chai Wan Road Children's Playground
	Chai Wan Road Roundabout Garden
	Chai Wan Road Sitting-out Area No. 1
	Chai Wan Road Sitting-out Area No. 2
	Chai Wan Road Temporary Rest Garden
	Chai Wan Sports Centre
	Chater Garden
	Chater Road Sitting-out Area
	Cheung Man Road Rest Garden
	Ching Wah Street Sitting-out Area
	Choi Sai Woo Park
	Chung Hom Kok Beach Children's Playground
	Chung Hom Kok Park
	Chung Wo Lane Sitting-out Area
	Church Street Sitting-out Area
	Clarence Terrace Children's Playground
	Cleverly Street Sitting-out Area
	Cloud View Road Service Reservoir Playground
	Cochrane Street Sitting-out Area
	Comfort Terrace Rest Garden
	Conduit Road Children's Playground
	Conduit Road Rest Garden
	Conduit Road Service Reservoir Playground
	Connaught Garden
	Coombe Road Children's Playground
	Dragon Road Sitting-out Area
	Eastern Hospital Road Sitting-out Area
	Eastern Hospital Road Temporary Rest Garden
	Electric Road/Hing Fat Street Amenity Plot
	Electric Road Sitting-out Area
	Elgin Street Children's Playground
	Factory Street Playground
	Fat Hing Street Children's Playground

Fei Tsui Road Sitting-out Area
Finnie Street Sitting-out Area
Fleming Road Garden
Forbes Street Temporary Playground
Fortress Hill Playground
Fortress Hill Road Garden
Fu Hong Street Sitting-out Area
Fung Mat Road Sitting-out Area
Gloucester Road/Cannon Street Sitting-out Area
Gloucester Road Garden
Gough Hill Path Children's Playground
Graham Street Sitting-out Area
Green Lane Service Reservoir Sitting-out Area
Greig Road Sitting-out Area
Guildford Road Rest Garden
Hang Fa Chuen Playground
Happy Valley Recreation Ground
Harbour Road Garden
Harbour Road Sports Centre
Harcourt Garden
Hatton Road Sitting-out Area
Headland Road/Repulse Bay Road Garden
Healthy Village Playground
Hennessy Road/Johnston Road Sitting-out Area
Hennessy Road Playground
Heung Yip Road Sitting-out Area
High West Picnic Area (temporary)
Hill Road Garden
Hill Road Rest Garden
Hing Wah Estate Playground No. 1
Hoi Ning Street Sitting-out Area
Hollywood Road Children's Playground
Hollywood Road Park
Hong Cheung Street Sitting-out Area
Hong Fu Playground
Hong Kong Park
Hong Kong Park Sports Centre
Hong Kong Squash Centre
Hong Kong Tennis Centre
Hong Kong Zoological and Botanical Gardens
Hung Shing Street Rest Garden
Island East Sports Centre
Java Road Playground
Java Road Sports Centre
Ka Ning Path Garden
Ka Wai Man Road Garden
Ka Wai Man Road Sitting-out Area
Kam Wah Street Rest Garden
Kau U Fong Children's Playground
Kennedy Road Playground
Kennedy Street Sitting-out Area
Kennedy Town Playground
Kennedy Town Service Reservoir Playground
Kennedy Town Temporary Recreation Ground
Ki Ling Lane Children's Playground

King George V Memorial Park, Hong Kong
King's Road Amenity Plot
King's Road Playground
Kotewall Road Rest Garden
Kotewall Road Sitting-out Area
Kwai Fong Street Playground
Kwong Hon Terrace Garden
Kwong Ming Street Children's Playground
Kwun Hoi Path Sitting-out Area
Lambeth Walk Rest Garden
Lan Kwai Fong Sitting-out Area
Lau Sin Street Temporary Sitting-out Area
Law Uk Folk Museum Rest Garden
Lee Nam Road Sitting-out Area No. 1
Lee Nam Road Sitting-out Area No. 2
Lei King Wan Sitting-out Area
Lei Yue Mun Park
Li Sing Street Playground
Lin Fa Kung Garden
Lin Fa Kung Street East Sitting-out Area
Lockhart Road Playground
Lockhart Road Sports Centre
Lok Hing Lane Temporary Sitting-out Area
Lok Man Road Sitting-out Area
Lower Albert Road Sitting-out Area
Lun Fat Street Rest Garden
Lun Fat Street Sitting-out Area
Magazine Gap Road Garden
Magazine Gap Service Reservoir Playground
Man Hong Street Playground
Miu Tung Street Sitting-out Area
Mong Lung Street Sitting-out Area
Monmouth Park
Monmouth Terrace Playground
Monmouth Terrace Sitting-out Area
Moreton Terrace Temporary Playground
Morrison Hill Road Playground
Mount Austin Playground
Mount Austin Road Rest Garden
Mount Butler Sitting-out Area
Mount Davis Playground
Mount Davis Service Reservoir Sitting-out Area
Mount Davis Sitting-out Area No. 1
Mount Davis Sitting-out Area No. 2
Mount Davis Sitting-out Area No. 3
Mount Davis Temporary Sitting-out Area
Mount Parker Road Sitting-out Area
Mui Fong Street Children's Playground
Mui Fong Street Sitting-out Area
Nam Fung Road Rest Garden
Nam Long Shan Road Children's Playground and Rest Garden
Nam Long Shan Road Rest Garden
Nam Long Shan Road Sitting-out Area
Nam Ning Street Sitting-out Area
Nam On Street Sitting-out Area

Nam On Street/Sun Sing Street Sitting-out Area
 Ngoi Man Street Sitting-out Area
 Ning Foo Street Amenity Area
 North Point Ferry Concourse Promenade
 North Point Market Roof-top Children's Playground
 North Point Promenade
 North Point Salt Water Service Reservoir Sitting-out Area
 North Point Service Reservoir Playground
 North Point Vehicular Ferry Pier Playground
 Oaklands Avenue Sitting-out Area
 Old Main Street Rest Garden
 Old Peak Road Rest Garden
 Pak Fuk Road Playground
 Pak Fuk Road Safety Town
 Pak Tsz Lane Park
 Peak Firing Range Picnic Area
 Peak Road Garden
 Peel Rise Rest Garden
 Perkins Road Sitting-out Area
 Pier 3 Garden
 Pier Road Sitting-out Area
 Plantation Road Garden
 Pok Fu Lam Road Playground
 Pok Fu Lam Road Sitting-out Area
 Pok Fu Lam Village Sitting-out Area No. 1
 Pok Fu Lam Village Sitting-out Area No. 2
 Pokfield Road Sitting-out Area
 Provident Garden
 Quarry Bay Park
 Quarry Bay Reservoir Garden
 Quarry Bay Sports Centre
 Quarry Bay Wilson Trail Sitting-out Area
 Queen Street Rest Garden
 Queen's Road East Garden
 Queen's Road East/Hennessy Road Sitting-out Area
 Repulse Bay Beach Children's Playground
 Repulse Bay Gardens
 Robinson Road/Seymour Road Sitting-out Area
 Robinson Road Sitting-out Area
 Rock Hill Street Sitting-out Area
 Rose Lane Children's Playground
 Sai Ning Street Garden
 Sai On Lane Children's Playground
 Sai On Lane Rest Garden
 Sai Wan Ho Harbour Park
 Sai Wan Ho Playground
 Sai Wan Ho Sports Centre
 Sai Woo Lane Playground
 Sai Ying Pun Post Office Building Children's Playground
 Sai Yuen Lane Sitting-out Area
 San Ha Street Sitting-out Area
 San Shi Street Sitting-out Area
 Sassoon Road Rest Garden
 Shaukiwan Road Children's Playground
 Shaukiwan Road Sitting-out Area

Shau Kei Wan Market Building Sitting-out Area
Shau Kei Wan Market Roof-top Children's Playground
Shau Kei Wan Service Reservoir Playground
Shek O Beach Sitting-out Area
Shek O Headland Picnic Area
Shek O Road Lookout
Shek O Village Children's Playground
Shek O Village Sitting-out Area
Shek Pai Wan Estate Playground No. 1
Shek Pai Wan Road Amenity Plot
Shek Pai Wan Road Playground
Shek Tong Tsui Sports Centre
Sheung Fung Lane Sitting-out Area
Sheung On Street Playground
Sheung Wan Sports Centre
Ship Street Playground
Shum Wan Road Sitting-out Area
Sing Woo Road Rest Garden
Sitting-out Area at Aberdeen Main Road/Ap Lei Chau Bridge
Flyover
Sitting-out Area under Flyover in Bonham Road
Sitting-out Area under Flyover in Hill Road
Sitting-out Area under Flyover in Pok Fu Lam Road
Siu Sai Wan Promenade
Siu Sai Wan Road Garden
Siu Sai Wan Road Sitting-out Area
Siu Sai Wan Sports Centre
Siu Sai Wan Sports Ground
Smithfield Road Children's Playground
Smithfield Sports Centre
So Kon Po Recreation Ground
South Bay Road Garden
South Bay Road Rest Garden
Southern District San Wai Village Sitting-out Area
Southorn Playground
Sports Road Garden
Spring Garden Lane Sitting-out Area
St. Stephen's Beach Water Sports Centre
Stanley Beach Road Children's Playground
Stanley Beach Road Sitting-out Area
Stanley Link Road Sitting-out Area
Stanley Main Beach Water Sports Centre
Stanley Main Street Sea-front Sitting-out Area
Stanley Market Road Sitting-out Area
Stanley New Street/Stanley Village Road Sitting-out Area
Stanley Promenade
Stanley Sports Centre
Stanley Village Road Garden
Statue Square Gardens
Stone Nullah Lane Garden
Stubbs Road Children's Playground
Stubbs Road Garden
Stubbs Road Lookout
Stubbs Road Sitting-out Area
Sun Pat Kan Sitting-out Area

Sun Yat Sen Memorial Park
Sun Yat Sen Memorial Park Community Garden
Sun Yat Sen Memorial Park Sports Centre
Sung Hing Lane Children's playground
Tai Hang Drive Playground
Tai Hang Drive Sitting-out Area
Tai Hang Road/Blue Pool Road Children's Playground
Tai Hang Road Children's Playground
Tai Hang Road Rest Garden
Tai Lok Street Sitting-out Area
Tai Man Street Sitting-out Area
Tai Ping Shan Lions View Point Pavilion
Tai Tam Reservoir Road Sitting-out Area
Tai Tam Road/Chai Wan Road Amenity Plot
Tai Wo Street Playground
Tai Wong Street East Sitting-out Area
Tak Yan Street Children's Playground
Tamar Park
Third Street Playground
Third Street Sitting-out Area
Tin Chiu Street Children's Playground
Tin Chiu Street Playground
Tin Hau Temple Garden
Tin Hau Temple Road Garden No. 1
Tin Hau Temple Road Garden No. 2
Tin Hau Temple Road Garden No. 3
Tin Hau Temple Road/Fortress Hill Road Garden
Tin Hau Temple Road Park
Tin Hau Temple Road Sitting-out Area
Tin Wan Estate Playground
Tin Wan Market Roof-top Children's Playground
Tong Shui Road Garden
Tung Hei Road Children's Playground
Tung Lo Wan Garden
Tung Lo Wan Road Sitting-out Area
Tung Wah Centenary Square Garden
Tunnel Approach Rest Garden
Upper Kai Lun Wan Temporary Sitting-out Area
Upper Station Street Sitting-out Area
Ventriss Road Garden
Victoria Park
Victoria Park Tennis Court
Victoria Peak Garden
Wa On Lane Sitting-out Area
Wah Chui Street Sitting-out Area
Wah Lam Path Sitting-out Area
Wai Tsui Crescent Community Garden
Wan Chai Gap Park
Wan Chai Gap Road Playground
Wan Chai Park
Wan Chai Sports Ground
Wan Chai Temporary Promenade
Wan Tsui Road Amenity Plot
Waterfall Bay Park
Watson Road Rest Garden

West End Park
 Wharf Road Rest Garden
 Whitfield Road Rest Garden
 Whitty Street Children's Playground
 Wing Lee Street Rest Garden
 Wing Lee Street Sitting-out Area
 Wing Ning Street Sitting-out Area
 Wing Tai Road Garden
 Wong Chuk Hang Recreation Ground
 Wong Chuk Hang Road Garden
 Wong Chuk Hang Service Reservoir Rest Garden
 Wong Chuk Hang Sports Centre
 Wong Ma Kok Road Playground
 Wong Ma Kok Road Temporary Sitting-out Area
 Wong Nai Chung Gap Sitting-out Area
 Wong Nai Chung Reservoir Park
 Wong Nai Chung Reservoir Park Fitness Trail
 Wong Nai Chung Road Crescent Garden
 Wong Nai Chung Road Rest Garden
 Wong Nai Chung Road Sitting-out Area
 Wong Nai Chung Sports Centre
 Wun Sha Street Children's Playground
 Yee Shing Lane Temporary Sitting-out Area
 Yee Tai Street Sitting-out Area
 Yip Kan Street Sitting-out Area
 Yiu Hing Road Sitting-out Area
 Yue Kwong Road Sports Centre
 Yuk Kwai Shan Service Reservoir Sitting-out Area

Kowloon

Anchor Street Playground
 Argyle Street Playground
 Arran Street Sitting-out Area
 Arthur Street Temporary Playground
 Astor Plaza Garden
 Austin Road Sitting-out Area
 Battery Street Sitting-out Area

Beech Street Sitting-out Area

Berwick Street Sitting-out Area
 Boundary Street Amenity Plot
 Boundary Street Recreation Ground
 Boundary Street Sports Centre No. 1
 Boundary Street Sports Centre No. 2
 Broadcast Drive Garden
 Broadcast Drive Playground
 Canton Road/Dundas Street Sitting-out Area
 Canton Road/Nelson Street Sitting-out Area
 Canton Road Playground

Canton Road/Soy Street Sitting-out Area

Carmel Village Street Garden
 Carpenter Road Park
 Castle Peak Road/Ching Cheung Road Rest Garden
 Castle Peak Road Sitting-out Area
 Cha Kwo Ling Village Sitting-out Area No. 1
 Cha Kwo Ling Village Sitting-out Area No. 2
 Changsha Street Sitting-out Area

Chatham Road/Winslow Street Sitting-out Area
 Cherry Street Park
 Cherry Street Sitting-out Area
 Cheung Sha Wan Path Sitting-out Area
 Cheung Sha Wan Playground
 Cheung Sha Wan Road/Cheung Shun Street Playground
 Cheung Sha Wan Road/Lai Chi Kok Road Flyover Amenity Plot
 Cheung Sha Wan Sports Centre
 Ching Cheung Road Extension Amenity Plot
 Choi Ha Road Sitting-out Area
 Choi Hei Road Park
 Choi Hung Road Badminton Centre
 Choi Hung Road Interchange Amenity Plot
 Choi Hung Road Playground
 Choi Hung Road Sports Centre
 Choi Wan Road Sitting-out Area
 Choi Wing Road Park
 Chui Yu Road Rest Garden
 Chuk Yuen Sports Centre
 Chun Wah Road Sports Centre
 Clear Water Bay Road Central Strip
 Clear Water Bay Road Temporary Sitting-out Area
 Cornwall Street Children's Playground
 Cornwall Street/Ede Road Garden
 Cornwall Street Park
 Cornwall Street Squash and Table Tennis Centre
 Cox's Road Children's Playground
 Diocesan Boys' School Approach Road Sitting-out Area
 Dorset Crescent Rest Garden
 Dundas Street Sitting-out Area
 East Kowloon Way Flyover Rest Garden
 Ede Road Playground
 Elegance Road Garden
 Essex Crescent Rest Garden
 Fa Hui Park
 Fa Yuen Street Sports Centre
 Fan Wa Street Sitting-out Area
 Fan Wa Street Temporary Sitting-out Area
 Fat Kwong Street Garden No. 1
 Fat Kwong Street Garden No. 2
 Fat Kwong Street Playground
 Fat Kwong Street Sitting-out Area
 Fat Kwong Street Sports Centre
 Fat Tseung Street West Playground
 Fei Fung Street Sitting-out Area
 Ferry Street Playground
 Fuk Wah Street Rest Garden
 Fuk Wing Street Rest Garden
 Fung Mo Interchange Amenity Plot
 Fung Tak Park
 Gascoigne Road/Nathan Road Rest Garden (Stage I)
 Hamilton Street Rest Garden
 Hammer Hill Park
 Hammer Hill Road Sports Ground
 Hau Wong Temple Rest Garden

Heng Lam Street Sitting-out Area
Hing Wah Street Playground
Hip Wo Street/Mut Wah Street Sitting-out Area
Hui Kwong Street Children's Playground
Hui Kwong Street Park Strip
Hui Kwong Street Recreation Ground
Hui Kwong Street Rest Garden
Hui Kwong Street Sports Centre
Hui Ming Street Playground
Ho Man Tin East Service Reservoir Playground
Ho Man Tin High Level Service Reservoir Playground
Ho Man Tin Hill Road Rest Garden
Ho Man Tin Park
Ho Man Tin Sports Centre
Hoi Bun Road Park
Hoi Bun Road Sitting-out Area
Hoi Fai Road Garden
Hoi Lai Temporary Garden
Hoi Sham Park
Hong Keung Street Rest Garden
Hong Lee Road Rest Garden
Hong Ning Road Children's Playground
Hong Ning Road Garden No. 1
Hong Ning Road Garden No. 2
Hong Ning Road Park
Hong Ning Road Recreation Ground
Hong Ning Road Rest Garden
Hong Tat Path Garden
Hung Hom Municipal Services Building Sports Centre
Hung Hom Promenade
Hung Hom South Road Rest Garden
Hung Lai Road Sitting-out Area
Hung Ling Street Sitting-out Area
Hutchison Park
Inverness Road Garden
Ivy Street Rest Garden
Jordan Valley Park
Jordan Valley Playground
Junction Road/Fu Keung Street Sitting-out Area
Junction Road Park
Ka Wing Street Sitting-out Area
Kai Cheung Road Sitting-out Area
Kai Tak East Playground
Kai Tak East Sports Centre
Kai Tin Road Sitting-out Area
Kai Yan Street Sitting-out Area
Kam Fung Street Sitting-out Area
Kam Shing Road Recreation Ground
Kau Pui Lung Road Playground
Kent Road Garden
King Fuk Street Sitting-out Area
King George V Memorial Park, Kowloon
King Lam Street Sitting-out Area
King Wan Street Playground
King's Park High Level Service Reservoir Playground

King's Park Hockey Ground
King's Park Rest Garden
King's Park Rise Garden
King's Park Recreation Ground
Ko Chiu Road Rest Garden
Ko Shan Road Park
Kowloon Bay Park
Kowloon Bay Playground
Kowloon Bay Sports Centre
Kowloon Bay Sports Ground
Kowloon City Road Flyover Sitting-out Area
Kowloon City Sports Centre
Kowloon Park
Kowloon Park Drive Children's Playground
Kowloon Park Drive Rest Garden
Kowloon Park Sports Centre
Kowloon Tsai Park
Kowloon Tsai Sports Ground
Kowloon Walled City Park
Kung Lok Road Amenity Plot
Kung Lok Road Playground
Kwai Chung Road Flyover Amenity Plot
Kwei Chow Street/Yuk Yat Street Sitting-out Area
Kwong Lee Road Playground
Kwun Chung Sports Centre
Kwun Tong Ferry Pier Square
Kwun Tong High Level Service Reservoir Garden
Kwun Tong Promenade
Kwun Tong Road Amenity Plot (outside Kai Yip Estate)
Kwun Tong Road Children's Playground
Kwun Tong Road/Hip Wo Street Rest Garden
Kwun Tong Road/Ngau Tau Kok Road Amenity Plot
Kwun Tong Road Rest Garden
Kwun Tong Road Sitting-out Area
Kwun Tong Road/Ting On Street Temporary Amenity Plot
Laguna Park
Lai Chi Kok Garden
Lai Chi Kok Interchange Amenity Plot
Lai Chi Kok Park
Lai Chi Kok Park Sports Centre
Lai Chi Kok Road/Canton Road Garden
Lai Chi Kok Road Interchange Flyover Amenity Plot
Lai Chi Kok Road/Tai Nam Street Sitting-out Area
Lai Yip Street Sitting-out Area
Lam Fook Street Sitting-out Area
Lam Hing Street Sitting-out Area
Lam Tin Bus Terminus Sitting-out Area
Lam Tin Park
Lam Tin Service Reservoir Playground
Lam Tin South Sports Centre
Lam Wah Street Playground
Lee On Road Sitting-out Area
Lei Cheng Uk Garden
Lei Cheng Uk Playground
Lei Cheng Uk Swimming Pool Rest Garden

Lei Cheng Uk Swimming Pool Sitting-out Area (No. 2)
Lei Yue Mun Basketball Court
Lei Yue Mun Rest Garden
Lei Yue Mun Road Playground
Lei Yue Mun Sports Centre
Lei Yue Mun Typhoon Shelter Breakwater Sitting-out Area
Lei Yue Mun Waterfront Sitting-out Area
Lion Rock Park
Lok Fu Park
Lok Fu Recreation Ground
Lok Fu Service Reservoir Rest Garden
Lok Kwan Street Park
Lok Shan Road Playground
Lok Sin Road/Choi Hung Road Sitting-out Area
Lok Wah Playground
Lok Wah Street Playground
Lomond Road Garden
Lower Ngau Tau Kok Estate Playground No. 8
Luen Wan Street Sitting-out Area
Lung Cheung Road Bauhinia Garden
Lung Cheung Road Lookout
Lung Cheung Road North/Po Kong Village Road Sitting-out Area
Lung Cheung Road Park
Lung Cheung Road Playground
Lung Cheung Road Sitting-out Area
Ma Chai Hang Recreation Ground
Ma Tau Wai Road Playground
Ma Tau Wai Road/Ma Hang Chung Road Rest Garden
Ma Tau Wai Road/Sheung Heung Road Garden
Ma Tau Wai Road/Tai Wan Road Sitting-out Area
Ma Tau Wai Road/To Kwa Wan Road Garden
Ma Tau Wai Service Reservoir Playground
Ma Yau Tong Central Sitting-out Area
Ma Yau Tong West Sitting-out Area
MacPherson Playground
Magnolia Road Rest Garden (inside Yau Yat Chuen Estate,
N.K.I.L. 3594)
Man Cheong Street Community Garden
Man Cheong Street Rest Garden
Man Fuk Road Garden
Man Ming Lane Rest Garden
Maple Street Playground
Mei Foo Sun Chuen Bus Terminus Amenity Plot
Middle Road Children's Playground
Mody Road Garden
Mong Kok Market Children's Playground
Mong Kok Road Playground
Mongkok Civic Triangle
Moray Road Children's Playground
Morse Park
Morse Park Sports Centre
Muk Lun Street Playground
Nam Cheong Park
Nam Cheong Street Rest Garden
Nam Cheong Street Sitting-out Area

	Nam Cheong Street/Tai Po Road Rest Garden
	Nan Lian Garden
	Nathan Road/Boundary Street Sitting-out Area
	New Clear Water Bay Road Sitting-out Area
	Nga Tsin Wai Road Sitting-out Area
	Nga Tsin Wai Village Sitting-out Area
	Ngau Chi Wan Market Roof Top Children's Playground
Ngau Chi Wan Park	
	Ngau Chi Wan Sports Centre
	Ngau Chi Wan Street Temporary Sitting-out Area
	Ngau Chi Wan Village Playground
	Ngau Chi Wan Village Sitting-out Area
	Ngau Tau Kok Road Children's Playground
	Ngau Tau Kok Road Flyover Rest Garden
	Ngau Tau Kok Road Rest Garden
	Ngau Tau Kok Road Sports Centre
	Ning Po Street/Shanghai Street Rest Garden
	Nullah Road Sitting-out Area
	Olympic Garden
	On Tak Road Playground
	Osmanthus Road Rest Garden (inside Yau Yat Chuen Estate, N.K.I.L. 3594)
	Oxford Road Playground
	Pak Kung Street Garden
	Peace Avenue Playground
	Pei Ho Street Sports Centre
	Peking Road Sitting-out Area
	Peninsula Lions Garden, Sha Tin Pass
	Pentland Street Garden
	Perth Street Sports Ground
	Pik Wan Road Rest Garden
	Ping Shek Playground
	Po Kong Interchange Rest Garden
Po Kong Village Road Park	
	Po Kong Village Road/Shung Wah Street Sitting-out Area
	Po Kong Village Road Sports Centre
	Po Leung Lane Sitting-out Area
	Po On Road Playground
	Po On Road Sports Centre
	Poplar Street Children's Playground
	Portland Street/Man Ming Lane Sitting-out Area
	Portland Street Rest Garden
	Portland Street Sitting-out Area
	Prince Edward Road/Nullah Road Garden
	Princess Margaret Road Children's Playground
	Princess Margaret Road Garden
	Public Square Street/Cliff Road Sitting-out Area
	Public Square Street/Kansu Street Rest Garden
	Public Square Street Rest Garden
	Public Square Street Sitting-out Area
	Pui Ching Road Playground
	Pui Ching Road Rest Garden
	Reclamation Street/Nelson Street Sitting-out Area
	Reclamation Street Sitting-out Area
	Reclamation Street/Soy Street Sitting-out Area

Rutland Quadrant Children's Playground
Sai Tso Wan Recreation Ground
Sai Yee Street Children's Playground
Sai Yee Street Garden
Saigon Street Playground
Salisbury Road Garden
Sam Chuk Street Sitting-out Area
Sam Ka Tsuen Recreation Ground
San Po Kong Interchange Rest Garden
San Po Kong Sitting-out Area
Sau Mau Ping Bus Terminus Amenity Plot
Sau Mau Ping Estate (Stage I) Playground No. 3
Sau Mau Ping Memorial Park
Sau Mau Ping Road/Hiu Kwong Street Sitting-out Area
Sau Mau Ping Road Safety Town

Sau Ming Road Park

Sau Ming Road Sitting-out Area
Sau Nga Road Playground
Sau Yan Path Amenity Plot
Sham Shui Po Park
Sham Shui Po Sports Ground
Shan Tung Street Sitting-out Area
Shanghai Street/Dundas Street Sitting-out Area
Shanghai Street/Market Street Playground
Shanghai Street/Shangtung Street Sitting-out Area
Shek Kip Mei Central Playground
Shek Kip Mei Park
Shek Kip Mei Park Sports Centre
Shek Kip Mei Service Reservoir Playground
Shek Kip Mei Street Rest Garden
Shek Ku Lung Road Playground
Shek Ku Lung Road Rest Garden
Sheung Li Uk Garden
Sheung Lok Street Garden
Sheung Lok Street Garden (Stage II)
Sheung Shing Street Park
Sheung Wo Street Sitting-out Area
Shing Tak Street Sitting-out Area
Shing Yip Street Rest Garden
Shui Wo Street Sports Centre
Shun Lee Tsuen Park
Shun Lee Tsuen Playground
Shun Lee Tsuen Road Lookout
Shun Lee Tsuen Sports Centre
Shun Ning Road Recreation Ground
Shung Ling Street Playground
Shung Ling Street Sitting-out Area
Signal Hill Garden
Sin Fat Road Tennis Courts
Star Ferry Concourse Fountain
Station Lane Sitting-out Area
Sung On Street Sitting-out Area
Sung Wong Toi Garden
Sung Wong Toi Playground
Sycamore Playground

Sycamore Street Playground
Sycamore Street Rest Garden
Sycamore Street Sitting-out Area
Tai Hang Sai Street Sitting-out Area
Tai Hang Tung Estate Playground No. 1
Tai Hang Tung Estate Playground No. 2
Tai Hang Tung Recreation Ground
Tai Hang Tung Sitting-out Area
Tai Kok Tsui Road/Cherry Street Amenity Plot
Tai Kok Tsui Road/Larch Street Sitting-out Area
Tai Kok Tsui Road/Maple Street Garden
Tai Kok Tsui Sports Centre
Tai Po Road/Castle Peak Road Amenity Plot
Tai Po Road/Castle Peak Road Rest Garden
Tai Po Road/Pak Tin Street Playground
Tai Wan Shan Park
Tai Wan Road Playground
Tai Yip Street Garden
Tai Yip Street Sitting-out Area
Tak Cheong Street Playground
Tak Ku Ling Road Rest Garden
Temple Street/Kansu Street Temporary Rest Garden
Thistle Street Rest Garden
Tin Kwong Road Recreation Ground
Tin Kwong Road Tennis Court
Ting Fu Street Sitting-out Area
Ting On Street Playground
Ting Yu Square Temporary Sitting-out Area
To Kwa Wan Complex Indoor Games Room
To Kwa Wan Complex Playground
To Kwa Wan Recreation Ground
To Kwa Wan Sports Centre
To Yuen Street Playground
Tong Mei Road Children's Playground (part temporary)
Tong Mei Road Sitting-out Area
Tong Mei Road/Tung Chau Street Sitting-out Area
Tseuk Kiu Street Sitting-out Area
Tsing Chau Street Playground
Tsim Sha Tsui East Waterfront Podium Garden
Tsim Sha Tsui Promenade
Tsun Yip Cooked Food Market Roof Top Rest Garden
Tsun Yip Street Playground
Tsz Wan Shan Bus Terminus Sitting-out Area
Tsz Wan Shan Estate Central Playground
Tsz Wan Shan Estate Service Reservoir Playground
Tsz Wan Shan Road Playground
Tsz Wan Shan Road Rest Garden
Tsz Wan Shan Road Sitting-out Area
Tung Chau Street Park
Tung On Street Rest Garden
Urban Council Centenary Garden
Wa Shun Street Sitting-out Area
Wai Chi Street Playground
Wai Chi Street Rest Garden
Wai Lok Street Temporary Soccer Pitch

Wai Yip Street Flyover Amenity Plot
 Wai Yip Street/Lai Yip Street Amenity Plot
 Wai Yip Street/Sheung Yee Road Sitting-out Area
 Wai Yip Street Sitting-out Area
 Wan Fung Street Sitting-out Area
 Wan Hon Street/Hip Wo Street Rest Garden
 Wan Hon Street Rest Garden
 Wang Tai Road Sitting-out Area
 Waterloo Road/Canton Road Rest Garden
 Waterloo Road/Wylie Road Sitting-out Area
 Wing Hong Street Rest Garden
 Wing Ting Road Sitting-out Area
 Winslow Street Playground
 Wong Tai Street/Ivy Street Sitting-out Area
 Wong Tai Sin Service Reservoir Playground
 Wong Tai Sin Square
 Wong Tai Street/Tai Tsun Street Sitting-out Area
 Wuhu Street Temporary Playground
 Wylie Road Temporary Sitting-out Area
 Yan Fung Street Rest Garden
 Yan Oi Court Garden
 Yan Oi Street Playground
 Yau Ma Tei Community Centre Rest Garden
 Yau Ma Tei Service Reservoir Rest Garden
 Yau Tong Centre Rest Garden
 Yau Tong Road Playground
 Yau Tong Service Reservoir Playground
 Yau Tsim Mong Pet Garden
 Yee On Street Market Rest Garden
 Yin Hing Street Recreation Ground
 Yue Man Square Rest Garden
 Yuen Po Street Bird Garden
 Yuet Wah Street Playground

The New Territories

A Kung Kok Basketball Court
 A Kung Kok Playground
 A Kung Kok Sitting-out Area
 A Kung Kok Street Garden
 Ap Chau Sitting-out Area
 Butterfly Beach Park
 Castle Peak Road Garden (6 M.S.)
 Castle Peak Road (San Hui) Park
 Central Kwai Chung Park
 Chai Kek Children's Playground
 Chai Wan Kok Playground
 Chai Wan Kok Rest Garden
 Che Kung Miu Road Playground
 Cheung Chau Park
 Cheung Chau Sports Centre
 Cheung Chau Sports Ground
 Cheung Fai Road Promenade
 Cheung Fat Sports Centre
 Cheung Hang Village Playground
 Cheung Po Chai Cave Picnic Area

Cheung Po Tsuen Playground
Cheung Shue Tan Children's Playground
Cheung Tat Road Sitting-out Area
Cheung Wan Street Rest Garden
Chi Tong Tsuen Children's Playground
Chi Tong Tsuen Sitting-out Area
Chik Fu Street Rest Garden
Chik Fuk Street Sitting-out Area
Chim Uk Village Children's Playground
Ching Hong Road Hill Top Sitting-out Area
Ching Hong Road Playground
Chiu Tam Path Garden
Chong Hing Water Sports Centre
Chow Tin Tsuen Children's Playground
Chuen On Road Garden
Chui Ling Lane Playground
Chui Lok Street Garden
Chui Tin Street Soccer Pitch
Chuk Hang Playground
Chun Yin Square Playground
Chung Hing Pun Shan Road Sitting-out Area, Cheung Chau
Chung Mei Road Sitting-out Area
Chung Mei Road Temporary Playground
Chung Nga Road Children's Playground
Chung Shum Wai Children's Playground
Chung Sing Path Playground
Chung Uk Children's Playground
Chung Uk Tsuen Playground
Chung Yat Street Soccer Pitch
Circle Park
Deacon Chiu Park
Don Bosco Road Leisure Shelter, Cheung Chau
Dragon Park
Fa Sam Hang Pavilion
Fan Leng Lau Garden
Fan Leng Lau Pleasure Ground
Fan Leng Lau Road Playground
Fan Ling Wai Playground
Fan Tin Tsuen Sitting-out Area
Fanling Hong Lok Park
Fanling Recreation Ground (Stage I)
Fanling Station Playground
Fanling Station Sitting-out Area
Fanling Temporary Tennis Courts
Finger Hill Sitting-out Area, Peng Chau
Fong Ma Po Children's Playground
Fu Heng Sports Centre
Fu Pui Garden
Fu Shin Sports Centre
Fu Tei Chung Tsuen Children's Playground
Fu Uk Garden
Fu Uk Road Rest Garden
Fui Sha Wai Playground
Fuk Hang Playground
Fuk Hang Tsuen Road Garden

Fung Cheung Road Garden
Fung Heung Street Sitting-out Area
Fung Kam Street Sports Centre
Fung Kwan Street Garden
Fung Nam Road Garden
Fung On Street Children's Playground
Fung Shue Wo Resite Village Basketball Court
Fung Shue Wo Sports Centre
Fung Tei Garden
Fung Wong Wu Playground
Fung Yau Street North Sitting-out Area
Fung Yuen Playground
Ginza Square

Ha Chuk Yuen Sitting-out Area

Ha Fa Shan Children's Playground
Ha Fa Shan Garden
Ha Hang Village Sitting-out Area
Ha Mei Tsuen Sitting-out Area
Ha Tam Shui Hang Sitting-out Area
Ha Wan Tsuen Basketball Court
Ha Wan Tsuen Garden
Hang Hau Basketball Court
Hang Hau Garden
Hang Hau Man Kuk Lane Park
Hang Hau Sports Centre
Hang Hau Tsuen Sitting-out Area
Hang Hong Street Garden
Hang Kwai Street Playground
Hang Mei Tsuen Sitting-out Area
Hang Ping Street Playground
Hang Tak Pavilion
Hang Tau Tsuen Playground
Heng On Sports Centre
Hin Keng Sports Centre
Hin Tin Playground
Hing Fong Road Garden
Hing Fong Road Playground
Hing Shing Road Playground
Ho Chung Soccer Pitch
Ho Pui Tsuen Playground
Ho Sheung Heung Playground
Hoi Chu Road Playground
Hoi On Road Playground
Hoi Shing Garden
Hoi Wong Road Garden
Hong Kin Road Garden
Hung Cheung Road Playground
Hung Leng Children's Playground
Hung Mui Kuk Road Playground
Hung Shing Temple Children's Playground, Cheung Chau
Hung Tak Road Sitting-out Area
Hung Uk Tsuen Playground
Jockey Club Cheung Chau Tung Wan Children's Playground
Jockey Club Hing Shing Road Playground
Jockey Club Kwai Shing Circuit Sitting-out Area

Jockey Club Tak Wah Park
Ka Loon Garden
Kai Leng Playground
Kai Leng Sitting-out Area
Kak Tin Children's Playground
Kak Tin Playground
Kam Mun Hau Garden
Kam Shek New Village Garden
Kam Shek New Village Playground
Kam Sheung Road Sitting-out Area
Kam Tin Market Playground
Kam Tin Po Tei Playground
Kam Tin Shi Children's Playground
Kam Tsin Village Children's Playground
Kan Tau Wai Playground
Kat Cheung Crescent Garden
Kat Hing Wai Garden
Kat Hing Wai Playground
Kat O Fisherman Village Sitting-out Area
Kat O Playground
Kau Lung Hang Playground
Kau Sai Sun Tsuen Garden
Kau Wah Keng Village Playground
Kei Lun Wai Children's Playground
Keung Yip Street Rest Garden
Ki Lun Kong Public Park
Kik Yeung Road 5-a-side Football Pitch
Kin Tak Street Playground
Kin Yip Street Playground
King Fung Children's Playground
Kiu Tau Rainshelter
Ko Po Playground
Kong Pui Street Rest Garden
Kwai Chung Castle Peak Road Sitting-out Area
Kwai Chung San Kui Park
Kwai Chung Sports Ground
Kwai Hei Street Sitting-out Area
Kwai Hing Rest Garden
Kwai Hop Street Playground
Kwai Shing Circuit Garden
Kwai Shing Circuit Playground
Kwai Shing Playground
Kwai Shun Street Playground
Kwai Tak Street Rest Garden
Kwai Yi Road Playground
Kwan Mun Hau Tsuen Children's Playground
Kwan Tei Children's Playground
Kwan Tei Sitting-out Area
Kwei Tei Street Garden
Kwok Shui Road Park
Kwong Choi Market Roof-top Garden, Tuen Mun
Kwong Fai Circuit Playground
Kwong Fuk Bridge Garden
Kwong Fuk Football Ground
Kwong Fuk Park

Kwong Fuk Sitting-out Area
Kwong Pan Tin Village Sitting-out Area
Kwu Tung Grass Soccer Pitch
Kwu Tung Playground
Kwun Yam Wan Road Seaview Shelter, Cheung Chau
Lady MacLehose Holiday Village
Lai King Hill Road Playground
Lai King Soccer Pitch
Lai King Sports Centre
Lau Fau Shan Playground
Lei Uk Tsuen Children's Playground
Lei Uk Tsuen Garden No. 1
Lei Uk Tsuen Garden No. 2
Lek Yuen Bridge Pavilion
Lek Yuen Street Rest Garden
Leng Pei Playground
Leung Tin Sports Centre
Leung Tin Tsuen Garden
Leung Uk Children's Playground, Tai O
Lin Ma Hang Playground

Lingnan Playground

Liu Pok Playground
Liu To Road Garden
Liu To Road Playground
Lo Wai Garden
Locwood Garden
Loi Tung Sitting-out Area
Lok Fung Path Rest Garden
Lok Kwei Path Rest Garden
Lok Lin Path Sitting-out Area
Lok Ma Chau Garden
Lok Shun Path Barbecue Area
Lok Yuen Path Children's Playground
Long Ping Sports Centre
Lower Cheung Sha Village Children's Playground
Luen Hing Street Sitting-out Area
Luen Wo Hui Children's Playground
Luen Wo Hui Playground
Luen Wo Hui Sports Centre
Luk Keng Sitting-out Area
Luk Keng Village Playground
Lung Fung Sitting-out Area
Lung Mei Village Garden
Lung Sum Avenue Sports Centre
Lung Tsai Tsuen Sitting-out Area, Cheung Chau
Lung Yeuk Tau, San Wai Children's Playground
Lutheran Village Children's Playground, Cheung Chau
Lynwood Sitting-out Area
Ma Kam Street Sitting-out Area
Ma Ling Path Rest Garden
Ma Mei Ha Playground
Ma On Kong Garden
Ma On Shan Park
Ma On Shan Pavilion
Ma On Shan Promenade

Ma On Shan Recreation Ground
Ma On Shan Sai Sha Road Garden
Ma On Shan Sai Sha Road Pet Garden
Ma On Shan Sai Sha Road Sitting-out Area
Ma On Shan Sports Centre
Ma On Shan Sports Ground
Ma Tseuk Leng Children's Playground
Ma Wan Children's Playground
Ma Wat Wai Children's Playground
Ma Wo Pavilion
Ma Wo Sitting-out Area
Ma Yau Tong Rest Garden
Ma Ying Path Rest Garden
Man Kok Village Garden
Man Kok Village Sitting-out Area
Man Mo Temple Garden
Man Tung Road Park
Man Uk Bin Children's Playground
Man Yee Playground
Mang Kung Uk Rest Garden
Mau Tai Road Garden
Mei King Playground
Mei Lam Sports Centre
Miu Kong Street Garden
Miu Kong Street Sitting-out Area
Mong Tseng Wai Basketball Court
Mouse Island Children's Playground
Mui Shue Hang Playground
Mui Tsz Lam Road Garden
Mui Wo Ferry Concourse Rest Garden
Mui Wo Ferry Pier Road Sitting-out Area
Mui Wo Playground
Mui Wo Sports Centre
Muk Min Ha Garden
Nai Wai Soccer Pitch
Nam Chung Children's Playground
Nam Shan Village Sitting-out Area
Nam Wah Po Playground
Nam Wan Road Sitting-out Area
Nga Ying Chau Garden
Nga Yiu Village Children's Playground
Ngan Shing Street Sitting-out Area
Ngan Wai Rest Garden
Ngau Pei Sha Street Playground
Ngong Ping Piazza
Nim Wan Tsuen Children's Playground
North District Park
North District Sports Ground
North Kwai Chung Market Roof-top Playground
North Kwai Chung Tang Shiu Kin Sports Centre
On Chit Street Playground
On Chit Street Soccer Pitch
On Fuk Street Playground
On Hing Playground
On King Street Park

On Kwok Villa Sitting-out Area
On Lok Mun Street Playground
On Lok Tsuen Garden
On Lok Tsuen (No. 1) Sitting-out Area
On Lok Tsuen (No. 2) Sitting-out Area
On Lok Tsuen (No. 3) Sitting-out Area
On Lok Tsuen (No. 4) Sitting-out Area
On Lok Tsuen (No. 5) Sitting-out Area
On Lok Tsuen Playground
On Luk Street Park
On Pong Road Sitting-out Area
On Shing Street Garden
On Shing Street Sitting-out Area
On Yuen Street Garden
Osman Ramju Sadick Memorial Sports Centre
Pai Cheong Road Sitting-out Area, Cheung Chau
Pak Fuk Children's Playground
Pak Fuk Tin Sum Playground
Pak Kok Village Rain-shelter, North Lamma
Pak Kong Garden
Pak Kong Soccer Pitch
Pak Lam Road Garden
Pak Sha Wan Tsuen Garden
Pak She Back Street Garden
Pak She Cheung Lee Playground, Cheung Chau
Pak She San Tsuen Garden
Pak Shek Kok Promenade
Pak Shek Terrace Garden
Pak Tai Temple Playground, Cheung Chau
Pak Tin Pa Garden
Pak Wo Road Basketball Court
Pak Wo Road Playground
Pak Wo Road Sitting-out Area
Pat Heung Temple Sitting-out Area
Pau Cheung Square Playground
Pei Tau Village Playground
Peng Chau Mini-soccer Pitch
Peng Chau Playground
Peng Chau Sitting-out Area
Peng Chau Sports Centre
Peng Chau Waterfront Playground
Pik Shui San Tsuen Rest Garden
Pik Uk Garden
Ping Che Children's Playground
Ping Che Kat Tin Children's Playground
Ping Che Mini-soccer Pitch
Ping Che New Village Sitting-out Area
Ping Ha Road Garden
Ping Kong Children's Playground
Ping Long Playground
Ping Pak Lane Park
Ping Shan Lane Garden
Ping Shan Tin Shui Wai Sports Centre
Ping Wui Street Rest Garden
Ping Yeung Village Garden

Plover Cove Road Mini-soccer Pitch
Plover Cove Villagers' Playground, Tai Po
Po Heung Bridge Sitting-out Area
Po Hong Park
Po Kak Tsai Road Sitting-out Area
Po Lam Sitting-out Area
Po Lam Sports Centre
Po Lo Che Garden
Po Tsui Park
Po Wing Road Playground
Po Wing Road Sitting-out Area
Po Wing Road Sports Centre
Po Yip Street Sitting-out Area
Praya Street Sports Centre
Pui O Children's Playground
Pui O Playground, Lantau
Pui Shing Garden
Pui To Road (South) Rest Garden
Rock Garden
Round Table Third Village Playground, Cheung Chau
Sai Ching Street Children's Playground
Sai Ching Street Tennis Court
Sai Kung Outdoor Recreation Centre
Sai Kung Park
Sai Kung Squash Courts
Sai Kung Tang Shiu Kin Sports Ground
Sai Kung Tennis Courts
Sai Kung Waterfront Park
Sai Lau Kok Garden
Sai Lau Kok Tsuen Children's Playground
Sam Mun Tsai Children's Playground
Sam Pei Square Playground
Sam Tung Uk Garden
Sam Tung Uk Village Playground
San Hei Pavilion
San Hing Tsuen Children's Playground
San Hui Playground
San Hui Sitting-out Area
San Hui Tsuen Rest Garden
San Mei Street Basketball Court
San Mei Street Children's Playground
San Mei Street Playground
San Mei Street Sitting-out Area
San On Sitting-out Area
San Pak She Street Sitting-out Area No.1, Cheung Chau
San Pak She Street Sitting-out Area No.2, Cheung Chau
San Pak She Street Sitting-out Area No.3, Cheung Chau
San Pak She Street Sitting-out Area No.4, Cheung Chau
San Pak She Street Sitting-out Area No.5, Cheung Chau
San Pok Pavilion
San Sang Tsuen Sitting-out Area
San Tin Soccer Pitch
San Tin Village Sitting-out Area
San Tin Wai Garden
San Tong Tsuen Playground

	San Tsuen Children's Playground San Uk Leng Playground San Uk Ling Basketball Court San Uk Tsai Children's Playground San Uk Tsai Playground San Uk Tsuen Sitting-out Area San Wai Tsai Children's Playground San Wan Road Garden
San Wan Road Sitting-out Area	San Wo Lane Playground Sha Chau Lei Sitting-out Area Sha Kok Mei Basketball Court Sha Kok Mei Playground and Garden Sha Ling Playground Sha Lo Wan Playground, Lantau Sha Tau Kok Children's Playground Sha Tau Kok Promenade Sitting-out Area Sha Tau Kok Recreation Ground Sha Tau Kok Square Sha Tin Jockey Club Public Squash Courts Sha Tin North Fresh Water Services Reservoir Archery Ground Sha Tin Park Sha Tin Road Safety Park Sha Tin Sports Ground Sha Tin Tau Village Sitting-out Area Sha Tin Wai Playground Sha Tsui Playground Sha Tsui Road Playground Sham Tseng East Village Sitting-out Area Sham Tseng Resite Village Children's Playground Sham Tseng Temporary Playground Sham Tsz Street Playground Shan Pui Chung Hau Sitting-out Area Shan Tong New Village Garden
She Shan Sitting-out Area	She Shan Tsuen Children's Playground Shek Lei Adventure Playground Shek Lei Street Sitting-out Area Shek Lei Street Tennis Courts Shek Mun Playground Shek Pai Street Park Shek Pai Tau Playground Shek Pik Reservoir Garden, Lantau Shek Pik Resettlers' Playground, Tsuen Wan Shek Po Tsuen Playground Shek Pui Street Garden Shek Wu Hui Complex Podium Garden Shek Wu Hui Jockey Club Playground Shek Wu Hui Playground Shek Wu Hui Sitting-out Area
Shek Yam Lei Muk Road Park	Shek Yam Road Rest Garden Shek Yam Road Rest Garden No. 2 Shek Yam Road Rest Garden No. 3 Shek Yam Road Rest Garden No. 4

Sheun Wan Tung Tsz Children's Playground
Sheung Ko Tan Street Sitting-out Area
Sheung Kok Street Garden
Sheung Kwai Chung Children's Playground
Sheung Kwai Chung Garden
Sheung Ning Playground
Sheung Pai Nai Playground
Sheung Shan Kai Wat Sitting-out Area
Sheung Shui Garden No. 1
Sheung Shui Garden No. 2
Sheung Shui Garden No. 3
Sheung Shui Garden No. 4
Sheung Shui Hang Tau Village Sitting-out Area
Sheung Shui Heung Basketball Court
Sheung Shui Heung Sitting-out Area No. 1
Sheung Shui Heung Sitting-out Area No. 2
Sheung Shui Heung Sitting-out Area No. 3
Sheung Shui Heung Sitting-out Area No. 4
Sheung Shui Heung Sitting-out Area No. 5
Sheung Shui Heung Sitting-out Area No. 6
Sheung Shui Heung Sitting-out Area No. 7
Sheung Shui Heung Sitting-out Area No. 8
Sheung Shui Heung Sitting-out Area No. 9
Sheung Shui Heung Sitting-out Area No. 10
Sheung Shui Heung Sitting-out Area No. 11
Sheung Shui Playground
Sheung Shui Wa Shan Sitting-out Area
Sheung Sze Wan Sitting-out Area
Sheung Tsuen Park
Sheung Tsuen Sitting-out Area
Sheung Wo Che Garden
Sheung Wo Hang Children's Playground
Sheung Wo Hang Sitting-out Area
Shing Fong Street Rest Garden
Shing Mun River Promenade Garden No. 1
Shing Mun River Promenade Garden No. 2
Shing Mun River Promenade Garden No. 3
Shing Mun Valley Park
Shing Mun Valley Sports Ground
Shui Che Kwun Street Playground
Shui Mei Village Playground
Shui Mun Tau Rest Garden
Shui Pin Tsuen Playground
Shui Tsiu San Tsuen Road Sitting-out Area
Shui Wu Garden
Sik Kong Tsuen Playground
Silver Cape Road Sitting-out Area
Sing Ping San Tsuen Children's Playground
Sir Denys Roberts Squash Courts, Yuen Long
Siu Hang Sitting-out Area
Siu Hang Tsuen Sitting-out Area
Siu Lek Yuen Road Playground
Siu Lek Yuen Village Sitting-out Area
Siu Lun Sports Ground
So Kwun Wat Sitting-out Area

Sok Kwu Wan Playground
Sok Kwu Wan Sitting-out Area
South Lantau Road/Tung Chung Road Pavilion
Ta Ho Tun Garden
Ta Kwu Ling Chuk Yuen Playground
Ta Kwu Ling Playground
Tai Choi Yuen Playground, Cheung Chau
Tai Chung Kiu Road Sitting-out Area
Tai Hang Fui Sha Wai Playground
Tai Hing Sports Centre
Tai Ho Road Sitting-out Area No. 1
Tai Ho Road Sitting-out Area No. 2
Tai Ho Road Sitting-out Area No. 3
Tai Kei Ling Sitting-out Area
Tai Kiu Market Sitting-out Area
Tai Kiu Market Squash Courts
Tai Lam Chung Road Children's Playground
Tai Lam Chung Tsuen Children's Playground
Tai Lin Pai Road Playground
Tai Loong Street Playground
Tai Loong Street Rest Garden
Tai Loong Street Sitting-out Area
Tai Mei Tuk Barbecue Area
Tai Mei Tuk Village Children's Playground
Tai Mei Tuk Water Sports Centre
Tai Ming Lane Square
Tai Mong Tsai Picnic Area and Pavilion
Tai O Market Street Sitting-out Area
Tai O Recreation Ground, Lantau
Tai O Road Playground No.1
Tai O Road Playground No.2
Tai O Road Playground No.3
Tai Om Children's Playground
Tai Pei Square Playground
Tai Pei Tau Rest Garden
Tai Peng San Chuen Rainshelter, North Lamma
Tai Peng San Chuen Sitting-out Area, North Lamma
Tai Ping Village Playground
Tai Po Central Town Square
Tai Po Contour Sitting-out Area
Tai Po Hui Sports Centre
Tai Po Kau Garden
Tai Po Kau Park
Tai Po Kau San Wai Playground
Tai Po Market Rest Garden
Tai Po Mei Children's Playground
Tai Po Old Market Playground
Tai Po Road Look-out
Tai Po Road 10 M.S. Lookout No. 1
Tai Po Road 10 M.S. Lookout No. 2
Tai Po Sports Centre
Tai Po Sports Ground
Tai Po Tau Playground
Tai Po Tsai Rest Garden
Tai Po Waterfront Park

Tai Sang Wai Playground
Tai Shek Hau Tin Hau Temple Sitting-out Area, Cheung Chau
Tai Shui Hang Shelter No. 1, 2, 3 & 4
Tai Shui Hang South Street Sitting-out Area
Tai Tau Leng Playground
Tai Tau Leng Sitting-out Area
Tai Tong Wu Sitting-out Area
Tai Tsoi Yuen Garden
Tai Wai New Village Pavilion
Tai Wai Playground
Tai Wan Sitting-out Area, Po Toi
Tai Wan Tau Garden
Tai Wo Hau Road Playground
Tai Wo Hau Road South Playground
Tai Wo Hau Sports Centre
Tai Wo Sports Centre
Tai Wong Ha Playground
Tai Yuen Street Cooked Food Market Sitting-out Area
Tak Yip Street Playground
Tan Cheung Sitting-out Area
Tan Chuk Hang Children's Playground
Tan Kwai Tsuen Road Garden
Tap Mun Playground
Tap Mun Sitting-out Area
Tat Tung Road Garden
The Jockey Club Tuen Mun Butterfly Beach Sports Centre
The Jockey Club Wong Shek Water Sports Centre
Tin Fai Road Sports Centre
Tin Fuk Sitting-out Area, Cheung Chau
Tin Ha Road Playground
Tin Ha Wan Garden
Tin Hau Temple Fung Shui Square
Tin Ho Road Playground
Tin Pak Road Park
Tin Ping Road Garden
Tin Ping Sports Centre
Tin Sam Garden No. 1
Tin Sam Garden No. 2
Tin Sam Garden No. 3
Tin Sam Sitting-out Area
Tin Sau Road Park
Tin Shui Road Park
Tin Shui Sports Centre
Tin Shui Wai Park
Tin Shui Wai Sports Centre
Tin Shui Wai Sports Ground
Tin Tsz Garden
Ting Kau Garden
Ting Kau Village Playground
Ting Kok Village Children's Playground
Ting Tai Road Children's Playground
Tolo Harbour Garden
Tong Fong Sitting-out Area
Tong Fuk Playground, Lantau
Tong Hang Playground

Tong Ming Street Sitting-out Area
Tong Min Tsuen Playground
Tong Yan San Tsuen Garden
Tong Yan San Tsuen Playground
Town Park North Children's Playground
Town Park South Playground
Trend Sitting-out Area
Tsang Tai Uk Recreation Ground
Tseng Tau Chung Tsuen Sitting-out Area
Tseng Tau Sheung Tsuen Sitting-out Area
Tseung Kwan O Sports Centre

Tseung Kwan O Sports Ground

Tsing Bik Sitting-out Area
Tsing Ho Rest Garden
Tsing Hoi Playground
Tsing Hung Road Playground
Tsing King Road Garden
Tsing Luk Street Garden
Tsing Lung Garden
Tsing Lung Tsuen Playground
Tsing Min Children's Playground
Tsing Shan Children's Playground
Tsing Shan Keuk Look-out
Tsing Shan Pavilion
Tsing Sin Garden
Tsing Sin Playground
Tsing Sin Street Basketball Court
Tsing Tin Garden
Tsing Tin Playground
Tsing Wah Garden
Tsing Wah Playground
Tsing Wah Soccer Pitch
Tsing Wu Sitting-out Area
Tsing Yeung Rest Garden, Tuen Mun
Tsing Yi Four Village Playground
Tsing Yi Northeast Park
Tsing Yi Park
Tsing Yi Promenade
Tsing Yi Road West Park
Tsing Yi Sports Centre
Tsing Yi Sports Ground
Tsing Yu Street Garden
Tsing Yuen Children's Playground
Tso Kung Tam Outdoor Recreation Centre
Tsuen Fu Street Garden
Tsuen King Circuit Children's Playground
Tsuen King Circuit Garden
Tsuen King Circuit Playground
Tsuen King Circuit Recreation Ground and Rest Garden
Tsuen King Circuit Sports Centre
Tsuen Kwai Street Sitting-out Area
Tsuen Wan Market Roof-top Playground
Tsuen Wan Park
Tsuen Wan Riviera Park
Tsuen Wan Tin Hau Temple Garden

Tsuen Wan West Sports Centre
 Tsuen Wing Street Playground
 Tsui Lam Sports Centre
 Tsung Pak Long Children's Playground
 Tsung Yuen Ha Playground
 Tuen Mun Cultural Square
 Tuen Mun Hung Cheung Road Sitting-out Area
 Tuen Mun Park
 Tuen Mun Promenade
 Tuen Mun Recreation and Sports Centre
 Tuen Mun Riverside Park
 Tuen Mun Swimming Pool Squash Courts
 Tuen Mun Tang Shiu Kin Sports Ground
 Tui Min Hoi Garden
 Tui Min Hoi Rest Garden
 Tung Chan Wai Children's Playground
 Tung Chung Fort Sitting-out Area
 Tung Chung Man Tung Road Sports Centre
 Tung Chung North Park
 Tung Chung Playground
 Tung Chung Road Soccer Pitch
 Tung Fong Children's Playground
 Tung Kok Wai Children's Playground
 Tung Lo Wan Hill Road Garden
 Tung Lo Wan Playground, Sha Tin
 Tung Tai Street Rest Garden
 Tung Tau Industrial Area Playground
 Tung Tau Wai Children's Playground

Tung Tsz Nursery Community Garden
 Tung Tsz Road Sitting-out Area

Tung Wan Barbecue Area, Peng Chau
 Tung Wan Sitting-out Area, Peng Chau
 Tung Wan Tau Road Rainshelter, Mui Wo
 Wah Fat Playground
 Wah Ming Road Sitting-out Area
 Wah Shing Tsuen Children's Playground
 Wai Hon Road Garden
 Wai Man Road Playground
 Wai Ming Street Garden
 Wai Tau Tsuen Playground

Wai Tau Tsuen Sitting-out Area

Wai Tsai Street Sitting-out Area, Peng Chau
 Wai Tsuen Road Garden
 Wai Tsuen Road Rest Garden
 Wai Tsuen Sports Centre
 Wan Po Road Pet Garden
 Wan Tau Kok Playground
 Wan Tau Kok Road Sitting-out Area
 Wan Tau Street Sitting-out Area
 Wang Toi Shan Playground
 Wang Yip Street South Rest Garden
 Windsurfing Memorial Garden
 Wing Fat Lane Sitting-out Area
 Wing Fong Street Market Roof-top Children's Playground
 Wing Hing Sitting-out Area

Wing Hing Wai Sitting-out Area
Wing Kei Road 5-a-side Soccer Pitch
Wing Ling Basketball Court
Wing Ling Tsuen Sitting-out Area
Wing Lung Street Sitting-out Area, Peng Chau
Wing Ping Tsuen Sitting-out Area
Wo Hing Playground
Wo Hing Sports Centre
Wo Keng Shan Road Garden
Wo Liu Hang Playground
Wo Liu Hang Rest Garden
Wo Mei Rest Garden
Wo Muk Road Playground
Wo Yi Hop Road Cooked Food Market Roof-top Sitting-out Area
Wo Yi Hop Road Garden
Wo Yi Hop Road Rest Garden
Wo Yi Hop Road Sports Ground
Wong Ka Wai Sitting-out Area, Tung Chung
Wong Nai Tau Garden
Wong Uk Garden
Wong Yue Tan Children's Playground
Wu Kai Sha Children's Playground
Wu Kau Tang Playground
Wu King Road Garden
Wu Shan Bowling Green
Wu Shan Garden
Wu Shan Recreation Playground
Wu Shan Riverside Park
Wu Shan Tennis Courts
Yan Oi Town Square
Yau Ma Hom Garden
Yau Oi Sitting-out Area
Yau Oi Sports Centre
Yau Yue Wan Children's Playground
Yau Yue Wan Playground
Yeung King Playground
Yeung Siu Hang Garden
Yeung Uk Road Sports Centre
Yeung Uk San Tsuen Sitting-out Area
Yeung Uk Tsuen Garden
Yeung Uk Tsuen Sitting-out Area
Yi Chun Street Playground
Yi Pei Chun Children's Playground
Yi Pei Square Playground
Yim Tin Pok Temporary Playground
Yim Tin Tsai Lookout
Yin Kong Playground
Yip Shing Street Playground
Yuen Chau Kok Park
Yuen Chau Tsai Park
Yuen Kong Tsuen Playground
Yuen Long Children's Playground
Yuen Long Jockey Club Squash Courts
Yuen Long Jockey Club Town Square
Yuen Long Main Road Rest Garden

Yuen Long Park
Yuen Long Stadium
Yuen Long Western Roundabout Amenity Plot
Yuen Shin Park
Yuen Tun Garden
Yuen Wo Playground
Yuen Wo Road Sports Centre
Yung Shue Tsuen Children's Playground
Yung Shue Wan Basketball Court, North Lamma
Yung Shue Wan Playground
Yung Shue Wan Sitting-out Area
Yung Shue Wan/Sok Kwu Wan Rainshelter

Bathing beaches

Hong Kong Island (Amended L.N. 177 of 2007)

Big Wave Bay Beach
Chung Hom Kok Beach
Deep Water Bay Beach
Hairpin Beach
Middle Bay Beach
Repulse Bay Beach
Rocky Bay Beach
Shek O Beach
South Bay Beach
St. Stephen's Beach
Stanley Main Beach
Turtle Cove Beach

The New Territories

Anglers' Beach
Approach Beach
Butterfly Beach
Cafeteria New Beach
Cafeteria Old Beach
Casam Beach
Castle Peak Beach
Cheung Chau Tung Wan Beach
Clear Water Bay First Beach
Clear Water Bay Second Beach
Gemini Beaches
Golden Beach
Hap Mun Bay Beach
Hoi Mei Wan Beach
Hung Shing Yeh Beach
Kadoorie Beach
Kiu Tsui Beach
Kwun Yam Beach
Lido Beach
Lo So Shing Beach
Lower Cheung Sha Beach
Ma Wan Tung Wan Beach
Pui O Beach
Silver Mine Bay Beach
Silverstrand Beach
Ting Kau Beach
Tong Fuk Beach

Trio Beach

Upper Cheung Sha Beach

(Amended G.N.A. 135 of 1960; G.N.A. 114 of 1961; G.N.A. 4 of 1962; L.N. 27 of 1967; L.N. 155 of 1967; L.N. 121 of 1968; L.N. 38 of 1969; L.N. 38 of 1970; L.N. 179 of 1970; L.N. 38 of 1972; L.N. 84 of 1973; L.N. 1 of 1975; L.N. 67 of 1975; L.N. 10 of 1977; L.N. 50 of 1977; L.N. 226 of 1977; L.N. 283 of 1977; L.N. 24 of 1978; L.N. 110 of 1978; L.N. 143 of 1978; L.N. 221 of 1978; L.N. 261 of 1978; L.N. 267 of 1978; L.N. 142 of 1979; L.N. 162 of 1979; L.N. 206 of 1979; L.N. 302 of 1979; L.N. 303 of 1979; L.N. 50 of 1980; L.N. 88 of 1980; L.N. 162 of 1980; L.N. 193 of 1980; L.N. 382 of 1980; L.N. 180 of 1981; L.N. 265 of 1981; L.N. 399 of 1981; L.N. 23 of 1982; L.N. 38 of 1982; L.N. 84 of 1982; L.N. 95 of 1982; L.N. 96 of 1982; L.N. 138 of 1982; L.N. 168 of 1982; L.N. 319 of 1982; L.N. 324 of 1982; L.N. 336 of 1982; L.N. 338 of 1982; L.N. 348 of 1982; L.N. 381 of 1982; L.N. 396 of 1982; L.N. 34 of 1983; L.N. 41 of 1983; L.N. 120 of 1983; L.N. 308 of 1983; L.N. 394 of 1983; L.N. 207 of 1984; L.N. 359 of 1984; L.N. 407 of 1984; L.N. 191 of 1985; L.N. 276 of 1985; L.N. 326 of 1985; L.N. 356 of 1985; L.N. 68 of 1986; L.N. 77 of 1986; 10 of 1986 s. 26; L.N. 164 of 1986; L.N. 279 of 1986; L.N. 321 of 1986; L.N. 109 of 1987; L.N. 212 of 1987; L.N. 244 of 1987; L.N. 283 of 1987; L.N. 352 of 1987; L.N. 410 of 1987; L.N. 425 of 1987; L.N. 91 of 1988; L.N. 120 of 1988; L.N. 170 of 1988; L.N. 180 of 1988; L.N. 271 of 1988; L.N. 277 of 1988; L.N. 359 of 1988; L.N. 52 of 1989; L.N. 108 of 1989; L.N. 147 of 1989; L.N. 229 of 1989; L.N. 324 of 1989; L.N. 332 of 1989; L.N. 408 of 1989; L.N. 3 of 1990; L.N. 89 of 1990; L.N. 114 of 1990; L.N. 197 of 1990; L.N. 228 of 1990; L.N. 308 of 1990; L.N. 326 of 1990; L.N. 1 of 1991; L.N. 20 of 1991; L.N. 145 of 1991; L.N. 146 of 1991; L.N. 260 of 1991; L.N. 274 of 1991; L.N. 372 of 1991; L.N. 382 of 1991; L.N. 461 of 1991; L.N. 13 of 1992; L.N. 52 of 1992; L.N. 95 of 1992; L.N. 109 of 1992; L.N. 229 of 1992; L.N. 260 of 1992; L.N. 322 of 1992; L.N. 336 of 1992; L.N. 4 of 1993; L.N. 98 of 1993; L.N. 161 of 1993; L.N. 264 of 1993; L.N. 369 of 1993; L.N. 395 of 1993; L.N. 468 of 1993; L.N. 494 of 1993; L.N. 71 of 1994; L.N. 206 of 1994; L.N. 231 of 1994; L.N. 424 of 1994; L.N. 445 of 1994; L.N. 536 of 1994; L.N. 628 of 1994; L.N. 16 of 1995; L.N. 108 of 1995; L.N. 149 of 1995; L.N. 342 of 1995; L.N. 343 of 1995; L.N. 460 of 1995; L.N. 535 of 1995; L.N. 26 of 1996; L.N. 181 of 1996; L.N. 216 of 1996; L.N. 334 of 1996; L.N. 390 of 1996; L.N. 424 of 1996; L.N. 488 of 1996; L.N. 560 of 1996; L.N. 134 of 1997; L.N. 156 of 1997; L.N. 389 of 1997; L.N. 444 of 1997; L.N. 460 of 1997; L.N. 616 of 1997; L.N. 626 of 1997; L.N. 225 of 1998; L.N. 273 of 1998; L.N. 316 of 1998; L.N. 326 of 1998; L.N. 355 of 1998; L.N. 9 of 1999; L.N. 48 of 1999; L.N. 49 of 1999; L.N. 94 of 1999; L.N. 170 of 1999; L.N. 255 of 1999; L.N. 260 of 1999; L.N. 303 of 1999; 78 of 1999 s. 7; L.N. 360 of 2000; L.N. 31 of 2002; L.N. 29 of 2003; L.N. 143 of 2003; L.N. 204 of 2003; L.N. 265 of 2003; L.N. 22 of 2004; L.N. 142 of 2004; L.N. 77 of 2005; L.N. 133 of 2005; L.N. 223 of 2005; L.N. 57 of 2006; L.N. 183 of 2006; L.N. 246 of 2006; L.N. 58 of 2007; L.N. 177 of 2007; L.N. 2 of 2008; L.N. 15 of 2008; L.N. 68 of 2008; L.N. 263 of 2008; L.N. 11 of 2009; L.N. 125 of 2009; L.N. 185 of 2009; L.N. 40 of 2010; L.N. 165 of 2010; L.N. 93 of 2011; L.N. 13 of 2012; L.N. 108 of 2012; L.N. 109 of 2012; E.R. 2 of 2012)

(Format changes—E.R. 1 of 2012)

Sched 5 CEMETERIES, CREMATORIA AND GARDENS OF REMEMBRANCE

[sections 2, 113 & 124A]

PART I

Public cemeteries

Name of Cemetery	Location
Cheung Chau Cemetery	Cheung Chau, New Territories
Hong Kong Cemetery	Happy Valley
Lai Chi Yuen Cemetery	Lantau, New Territories
*Mount Caroline Cemetery	So Kon Po
*New Kowloon Cemetery No. 8 (Diamond Hill Urn Cemetery) Prison Cemetery	Kowloon Stanley
Sandy Ridge Cemetery	Lo Wu, New Territories
Sandy Ridge Urn Cemetery	Lo Wu, New Territories
Tai O Cemetery	Lantau, New Territories
Wo Hop Shek Cemetery	Fanling, New Territories

(Amended G.N.A. 152 of 1960; 21 of 1973 s. 15; L.N. 269 of 1977; 78 of 1999 s. 7; L.N. 171 of 2012)

PART II

Private cemeteries

Name of Cemetery	Location
Buddhist Cemetery	Cape Collinson
Carmelite Cemetery	Stanley Chinese Permanent
Castle Peak Christian Cemetery	Tuen Mun, New Territories
Cheung Chau Christian Cemetery	Cheung Chau, New Territories
Cheung Chau Catholic Cemetery	Cheung Chau, New Territories
Chinese Permanent Cemetery	Aberdeen
Chinese Permanent Cemetery	Cape Collinson
Chiu Yuen Cemetery	Mount Davis
Christian Chinese Cemetery	Pok Fu Lam Road
Chuen Yuen Church Cemetery	Chuen Lung, Tsuen Wan, New Territories
Gurkha Cemetery	Cassino Lines, New Territories
Hindu Cemetery	Happy Valley
Jewish Cemetery	Happy Valley
Junk Bay Chinese Permanent Cemetery	Junk Bay, New Territories
Military Cemetery	Cape Collinson
Muslim Cemetery	Cape Collinson
Muslim Cemetery	Happy Valley
New Kowloon Cemetery No. 1 (Christian Chinese Cemetery)	Grampian Road, Kowloon
New Kowloon Inland Lot No. 2662 Cemetery (Roman Catholic Cemetery)	Castle Peak Road, Kowloon
Race Course Fire Memorial and Cemetery	So Kon Po
Roman Catholic Cemetery	Cape Collinson
Roman Catholic Cemetery	Happy Valley
Sai Kung Catholic Cemetery	Sai Kung, New Territories
Sung Him Tong Sung Chan Wui	New Territories
Kei Tuk Kau Fan Cheung	
Tao Fong Shan Christian Cemetery	New Territories

Tsuen Wan Chinese Permanent Cemetery
Zoroastrian Cemetery

Tsuen Wan, New Territories
Happy Valley

(Amended 32 of 1963 s. 15; L.N. 61 of 1970; L.N. 193 of 1975; 69 of 1976 s. 6;
L.N. 146 of 1983; 78 of 1999 s. 7; L.N. 171 of 2012)

PART III-PART IV
(Repealed 78 of 1999 s. 7)

PART IVA
Commonwealth War Graves Commission Cemeteries

Name of Cemetery
Sai Wan War Cemetery
Stanley Military Cemetery

Location
Cape Collinson Road
Stanley
(Part IVA added 69 of 1976 s. 6)

PART V
Government crematoria

Cape Collinson
Cheung Chau
Diamond Hill
Fu Shan
Kwai Chung
Wo Hop Shek

(Part V replaced 78 of 1999 s. 7)

PART VI
Private crematoria

Chuk Lam Sim Yuen, Tsuen Wan
Kwun Yam Temple, Keung Shan, Tai O, Lantau
Ling Yan Monastery, Keung Shan, Lantau
Po Lam Monastery, Lantau
Po Lin Monastery, Ngong Ping, Lantau
Sai Chuk Lam Temple, Tsuen Wan

(Part VI replaced 78 of 1999 s. 7)

PART VII
Gardens of remembrance

Cape Collinson
Cheung Chau
Diamond Hill
Fu Shan
Kwai Chung
Lamma
Peng Chau
Wo Hop Shek

(Part VII replaced 78 of 1999 s. 7)

Note:

* Declared closed G.N.A. 18 of 1961.

**Sched 6 NAMES IN WHICH PROCEEDINGS FOR OFFENCES MAY BE BROUGHT
UNDER SECTION 131(1)**

[section 131]

Section	Name in which proceedings for offences may be brought
6	Director of Drainage Services
7	Director of Drainage Services
9	Director of Drainage Services
10	Director of Drainage Services
13	Director of Food and Environmental Hygiene
14	Director of Food and Environmental Hygiene
20	Director of Food and Environmental Hygiene
22	Director of Food and Environmental Hygiene
22A	Director of Food and Environmental Hygiene
24	Director of Food and Environmental Hygiene
25	Director of Food and Environmental Hygiene
27	Director of Food and Environmental Hygiene or Director of Health
30	Director of Food and Environmental Hygiene
31	Director of Food and Environmental Hygiene
32	Director of Food and Environmental Hygiene
33	Director of Food and Environmental Hygiene
34	Director of Food and Environmental Hygiene
36	Director of Food and Environmental Hygiene
43	Director of Leisure and Cultural Services
47	Director of Food and Environmental Hygiene
50	Director of Food and Environmental Hygiene where the offence committed is in respect of food. Director of Health where the offence committed is in respect of drugs.
51	Director of Food and Environmental Hygiene
51A	Director of Food and Environmental Hygiene
52	Director of Food and Environmental Hygiene where the offence committed is in respect of food. Director of Health where the offence committed is in respect of drugs.
54	Director of Food and Environmental Hygiene where the offence committed is in respect of food. Director of Health where the offence committed is in respect of drugs.
59	Director of Food and Environmental Hygiene where the offence committed is in respect of food. Director of Health where the offence committed is in respect of drugs.
61	Director of Food and Environmental Hygiene where the offence committed is in respect of food. Director of Health where the offence committed is in respect of drugs.
62	Director of Food and Environmental Hygiene where the demand

	or requisition relates to food.
	Director of Health where the demand or requisition relates to drugs.
63	Director of Food and Environmental Hygiene where the certificate relates to food.
	Director of Health where the certificate relates to drugs.
68	Director of Food and Environmental Hygiene or Director of Health
69	Director of Food and Environmental Hygiene where the direction is given by him or a public officer authorized by him and the notification is given in relation to food.
	Director of Health where the direction is given by him or a public officer authorized by him and the notification is given in relation to drugs.
72	Director of Food and Environmental Hygiene where the offence committed is in respect of food.
	Director of Health where the offence committed is in respect of drugs.
81	Director of Food and Environmental Hygiene
83B	Director of Food and Environmental Hygiene
92C	Director of Leisure and Cultural Services in respect of section 92A and Director of Food and Environmental Hygiene in respect of section 92AB
93	Director of Food and Environmental Hygiene
94	Director of Food and Environmental Hygiene
101	Director of Food and Environmental Hygiene
105	Director of Buildings
110	Director of Leisure and Cultural Services
111D	Director of Lands
112	Director of Food and Environmental Hygiene
112A	Director of Food and Environmental Hygiene
115	Director of Food and Environmental Hygiene
117	Director of Food and Environmental Hygiene
118	Director of Food and Environmental Hygiene
124	Director of Food and Environmental Hygiene
124F	Director of Food and Environmental Hygiene
127	Director of Food and Environmental Hygiene
128	Director of Food and Environmental Hygiene
128B	Director of Food and Environmental Hygiene
128C	Director of Food and Environmental Hygiene

(Sixth schedule replaced 78 of 1999 s. 7. Amended 1 of 2002 s. 5; 3 of 2009 s. 4; 5 of 2011 s. 72)

Sched 7 FORMS

FORM A

[sections 64(1) & 65(1)]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132) Certificate of analysis

To

I, the undersigned, being a public analyst for the purposes of the Public Health and Municipal Services Ordinance, do hereby certify that I received on the day of, 19 from a sealed packed marked said to contain a sample of

....., that I found the seals intact and have analysed the contents of the said packet and declare the result of my analysis to be as follows.

I am of opinion that the same is a genuine sample of

.....

or

I am of opinion that the said sample contained the parts as under or the foreign ingredients as under

.....

Observations

.....

.....

As witness my hand this..... day of....., 19.....

Signature

Government Chemist.

(or as case may be).

Note: All percentages given in definitions or standards prescribed are, unless otherwise specified, percentages by weight.

FORM B

[section 126(2)]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 126(2))

Warrant to effect entry into premises

WHEREAS application has been made by A.B. to me, C.D., a magistrate of Hong Kong, to authorize the said A.B. to enter certain premises (here insert description of premises), and whereas I, C.D., am satisfied by information on oath that there is reasonable ground for entry to such premises and that

..... (here insert ground on which warrant is issued).

Now, therefore, I, the said C.D., do hereby authorize the said A.B. to enter the said premises, if need be by force, with such assistants as he may require, and there execute his duties under the said Ordinance.

Dated this day of, 19

[L.S.]

(Signed)

Magistrate.

(Amended 47 of 1997 s. 10)

FORM C

[section 127(1)]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 127(1))

Nuisance notice

To (person by reason of whose act, default or sufferance the nuisance arose or exists, or owner or occupier of the premises at which the nuisance exists, as the case may be).

1. Take notice that under the provisions of the Public Health and Municipal Services Ordinance, the.....(specify the Authority), being satisfied of the existence at (describe premises where nuisance exists) of a nuisance, being (describe the nuisance), do hereby require you, within (specify the time) from the service of this notice, to abate the nuisance, and for that purpose to (specify any works to be executed) [and the said (Authority) do hereby require you within the said period to do what is necessary for preventing the recurrence of the nuisance and for this purpose to (specify any works to be executed)].

Where the nuisance has been abated but is likely to recur, say being satisfied that at (describe premises where nuisances existed) there existed recently, namely, on or about the (specify the date), the following nuisance, namely, (describe the nuisance), and that although the said nuisance has since the last mentioned day been abated, the nuisance is likely to recur at the said premises, do hereby require you, within (specify the time) from the service of this notice, to do what is necessary for preventing the recurrence of the nuisance, and for that purpose to (specify any works to be executed).

2. If you make default in complying with the requirements of this notice (or if the said nuisance, though abated, is likely to recur) application will be made to a Magistrate's Court for a summons to be issued requiring your attendance before such court to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance and/or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of....., 19

Signature

FORM D

[section 127(4)]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 127(4))

Nuisance Order

To A.B., of (or to the owner or occupier of) (describe premises) situated (insert such description of the situation as may be sufficient to identify the premises), WHEREAS the said A.B. (or the owner or occupier, namely of the said premises within the meaning of the Public Health and Municipal Services Ordinance has this day appeared before me (or us, describing the court) to answer the matter of a complaint made by &c. that at &c. (follow the words of complaint in summons) (or in case the party charged do not appear, say WHEREAS it has been now proved to my (or our) satisfaction that a summons has been duly served according to the Public Health and Municipal Services Ordinance, requiring the said A.B. (or the owner or occupier of the said premises) to appear this day before me (or us) to answer the matter of a complaint made by &c. that at &c.):

(Any of the following orders may be made or a combination of any of them, as the case seems to require).

Abatement order

Now on proof here had before me (or us) that the nuisance so complained of does exist at the said

premises (add, where the order is made on the person causing the nuisance, and that the nuisance is caused by the act, default or suffering of A.B.), I (or we), in pursuance of the Public Health and Municipal Services Ordinance, do order the said A.B. (or the said owner or occupier) within (specify the time) from the service of this order according to the said Ordinance to (here specify the nuisance to be abated).

Prohibition Order No. 1

And I (or we) being satisfied that, notwithstanding that the said nuisance may be temporarily abated under this order, the nuisance is likely to recur, do therefore prohibit the said A.B. (or the said owner or occupier) from allowing the recurrence of the said or like nuisance (and for that purpose I or we direct the said A.B. or the said owner or occupier [here specify any works to be executed]).

Prohibition Order No. 2

Now, on proof here had before me (or us) that at or recently before the time of making the said complaint, to wit, on the nuisance so complained of did exist at the said premises, but that the nuisance has since been abated (add where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default or sufference of A.B.), yet, notwithstanding the abatement, I (or we) being satisfied that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit (continue as in Prohibition Order No. 1).

Closing order

Now, on proof here had before me (or us) that the nuisance is such as to render the dwelling-house (describe the house) situated at (insert such a description of the situation as may be sufficient to identify the dwelling-house) unfit in my (or our) judgment for human habitation, I (or we) in pursuance of the Public Health and Municipal Services Ordinance, do hereby prohibit the use of the said dwelling-house for human habitation.

Dated this day of, 19
[L.S.]

(Signed)

Magistrate.

(Amended 32 of 1963 s. 17; 47 of 1997 s. 10)

FORM E

[section 112A(1)(a)]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 112A(1))

Notice to bury or cremate human remains

To
(person who has the right to effect the disposal of the remains of the deceased).

WHEREAS (specify name of deceased), hereinafter referred to as "the deceased", died at..... (specify place of death)..... on or about day of 19 (specify date of death):

AND WHEREAS-

(a) a certificate of registration of such death was issued under section 17(1) of the Births and Deaths Registration Ordinance (Cap 174) on the day of

..... 19 (specify date of issue); or
 (b) an order under section 17(1) of the Births and Deaths Registration Ordinance to bury or cremate the body of the deceased was obtained from
 (specify name of person making order), a coroner, on the day of 19 (specify date of order); or
 (c) written sanction/direction* to bury the body of the deceased was given under section 16(1) of the Births and Deaths Registration Ordinance by
 (specify name of person making order), Registrar of Births and Deaths/deputy registrar of births and deaths/district registrar of births and deaths*, on the day of 19 (specify date of order); or
 (d) a permit to bury the body of deceased was issued under section 16(1) of the Births and Deaths Registration Ordinance by
 (specify name of inspector or other officer in charge the issued permit) of the police station (specify name of police station at which the application for a permit was made) on the day of 19 (specify date of issue):

(complete whichever of paragraphs (a), (b), (c) or (d) is applicable and delete other paragraphs)
 NOW TAKE NOTICE that under the provisions of the Public Health and Municipal Services Ordinance, the (specify the Authority) hereby requires you to cause the remains of the deceased to be lawfully buried or cremated within (specify period) from the date of service of this notice on you.

IF you fail to comply with the requirements of this notice, the (specify the Authority) may take possession of such remains and arrange for their disposal in any manner it/he* may think fit. You will also be guilty of an offence.

THIS notice does not exempt you from any provision in any other enactment governing the burial or cremation of human remains. In particular, if you wish to cremate the remains of the deceased, you must comply with the provisions of sections 124C, 124D, 124E and 124F.

Dated this..... day of....., 19

Signature

Note: * Delete whichever is inapplicable.

(Added 48 of 1969 s. 12. Amended 21 of 1973 s. 17; 10 of 1986 s. 29)

FORM F

[section 128(1)]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 128(1))

Prohibition Order

CONCERNING the premises/vessel known as situated at.....

TO the occupier of the said premises/master of the said vessel OR to the occupier of part thereof, namely.....

.....
(specify part the subject of the application).

WHEREAS application has been made to me by

.....
(public officer making the application) for an order prohibiting the use of the above premises/vessel/specified part as (specify use to be prohibited) on the grounds that the said premises are/vessel is/specified part is being used without registration/licence/permit OR in contravention of a suspension of registration/licence/permit OR in contravention of the provisions of the Public Health and Municipal Services Ordinance, namely

..... (specify the contravention):
NOW on proof to my satisfaction of the said grounds and that at least 14 days' notice of intention to apply for this Order has been given as required by law, I DO, in exercise of my powers under section 128(1) of the Public Health and Municipal Services Ordinance-

(a) order that a copy of this Order, in English and Chinese, be served by affixing it to a conspicuous part of the said premises/vessel/specified part;

(b) prohibit the use of the said premises/vessel/specified part thereof as/for
.....(specify use prohibited) from the 8th day after copies of this Order have been so served until such time as this Order may be rescinded in accordance with section 128(2) of the Public Health and Municipal Services Ordinance.

Dated this day of, 19
[L.S.]

(Signed)

Magistrate.

Note: 1. The penalties for a breach of this Order are a fine at level 6 and imprisonment for 12 months and a fine of \$1750 for each day during which the offence continues.

2. If this Order relates to premises, a vessel or a specified part to which regulations made under section 56 of the Public Health and Municipal Services Ordinance apply, failure to comply with it continuously from the 8th day after service of this Order may result in a Closure Order being made in respect of the premises/vessel/specified part.

3. The penalty for removing or defacing a copy of this Order affixed to any premises, vessel or specified part is a fine at level 4 and imprisonment for 6 months.

(Added 76 of 1988 s. 6. Amended L.N. 164 of 1996; 78 of 1999 s. 7)

FORM G

[section 128(4)]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 128(4))

Closure Order

TO
(public officer making the application).

WHEREAS a Prohibition Order was made by me

..... (OR specify the person who made the order) on the day of 19, in respect of the premises/vessel/specified part known as situated at

..... prohibiting the use of those premises/that vessel/that part as

..... (specify use prohibited);

AND WHEREAS application has been made to me for a Closure Order in respect of those premises/that vessel/that part, being premises/a vessel/a part to which regulations made under section 56 of the above Ordinance apply:

NOW on proof to my satisfaction that the Prohibition Order has not been continuously complied with from the 8th day after it was served and that at least 14 days' notice of intention to apply for this Order has been given as required by law, I DO, in exercise of my powers under section 128(4) of the Public Health and Municipal Services Ordinance, authorize you,

..... (public officer applying for the Closure Order)-

(a) to serve a copy of this Order by affixing it to a conspicuous part of the said premises/vessel/specified part;

(b) on the 8th day thereafter to close the said premises/vessel/specified part in the manner prescribed by law.

Dated this day of, 19

[L.S.]

(Signed)

Magistrate.

Note: 1. It is an offence for any unauthorized person to enter or remain in or on the premises, vessel or specified part to which this Order relates after it has been served. The penalties are a fine at level 6 and imprisonment for 12 months and a fine of \$1750 for each day during which the offence continues.

2. The penalty for removing or defacing a copy of this Order affixed to any premises, vessel or specified part or for breaking or interfering with any lock or seal placed on any premises, vessel or specified part is a fine at level 4 and imprisonment for 6 months.

(Added 76 of 1988 s. 6. Amended L.N. 164 of 1996; 78 of 1999 s. 7)

FORM H

[section 128B(1)]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 128B(1))

Closure Order

TO the Director of Food and Environmental Hygiene.

You have applied to me for a closure order in respect of the premises situated at

...../vessel

.....* on the ground that the premises are/vessel is* used or occupied/certain activity is conducted* on the premises/in the vessel* without a licence, permit or permission under the Public Health and Municipal Services Ordinance (Cap 132) ("the Ordinance");

NOW on proof to my satisfaction of this ground and that a copy of the notice of intention to apply for this order was affixed at a conspicuous place on the premises/vessel* and served on the owner of the premises/vessel* as required by section 128B(3) of the Ordinance, I DO, in exercise of my powers under section 128B(1) of the Ordinance, authorize you, subject to the requirement of section 128B(6) of the Ordinance, to close the premises/vessel* in the manner prescribed by the Ordinance.

Dated this day of ,

[L.S.]

(Signed)

Magistrate.

Note: 1. It is an offence for any unauthorized person to enter or remain on the premises/in the vessel* to which this order relates after it has come into force. The penalties are a fine at level 6 and imprisonment for 12 months and a fine of \$1750 for each day during which the offence continues.

2. The penalties for removing or defacing a copy of this order affixed to any premises/vessel* or for breaking or interfering with any lock or seal made or caused to be made by the Director on the premises/in the vessel* without lawful authority or reasonable excuse are a fine at level 4 and imprisonment for 6 months.

* Delete as appropriate.

(Added 1 of 2002 s. 6)

FORM I [section 128C(1)]
PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 128C(1))

Closure Order

TO the owner and occupier of the premises situated at
..... /owner and master of the vessel
..... *

I now have reasonable cause to believe that an immediate health hazard exists on the premises/in the vessel/in of the vessel*, I DO, in exercise of my powers under section 128C(1) of the Public Health and Municipal Services Ordinance (Cap 132) ("the Ordinance"), order to close the premises/vessel/that part of the vessel* with immediate effect in the manner prescribed by the Ordinance.

The details of the immediate health hazard are:

This order remains in force until a notice to rescind it is issued by me upon proof to my satisfaction that-

- (a) the immediate health hazard on the premises/in the vessel/in that part of the vessel* has been eliminated and the use or occupation of/the activity to be conducted on or in* the premises/vessel/that part of the vessel* has been licensed or permitted; or
- (b) the premises/vessel/that part of the vessel* will not be used or occupied for a purpose that requires a licence, permit or permission under any subsidiary legislation mentioned in section 128A(1) of the Ordinance and no activity mentioned in that section will be conducted on the premises/in the vessel/in that part of the vessel*.

Any person who feels aggrieved by this order may, within 7 days after the day on which this order was made or such longer time as the Chairman of the Appeal Board on Closure Orders (Immediate Health Hazard) may allow, appeal to that Appeal Board against this order.

Dated this day of ,

(Signed)
Director of Food and Environmental Hygiene.

Note: 1. It is an offence for any unauthorized person to enter or remain on the premises/in the vessel*

to which this order relates after it has come into force. The penalties are a fine at level 6 and imprisonment for 12 months and a fine of \$1,750 for each day during which the offence continues.

2. The penalties for removing or defacing a copy of this order affixed to any premises/vessel* or for breaking or interfering with any lock or seal made or caused to be made by the Director on the premises/in the vessel* without lawful authority or reasonable excuse are a fine at level 4 and imprisonment for 6 months.

* Delete as appropriate.

(Added 1 of 2002 s. 6)

FORM J [section 128C(6)]
PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

(section 128C(6))

Notice of Rescission of Closure Order

TO the owner and occupier of the premises situated at
/owner and master of the vessel*

NOW on proof to my satisfaction that-

- (a) the immediate health hazard on the premises/in the vessel/in the of the vessel* has been eliminated and the use or occupation of/the activity to be conducted on or in* the premises/vessel/that part of the vessel* has been licensed or permitted; or
- (b) the premises/vessel/that part of the vessel* will not be used or occupied for a purpose that requires a licence, permit or permission under any subsidiary legislation mentioned in section 128A(1) of the Public Health and Municipal Services Ordinance (Cap 132) ("the Ordinance") and no activity mentioned in that section will be conducted on the premises/in the vessel/in that part of the vessel*.

I DO, in exercise of my powers under section 128C(6) of the Ordinance, rescind the closure order in respect of the premises/vessel/that part of the vessel* with immediate effect.

Dated this day of ,

(Signed)
Director of Food and Environmental Hygiene.

* Delete as appropriate.

(Added 1 of 2002 s. 6)

Sched 8 (Repealed 78 of 1999 s. 7)

Sched 9 PENALTIES

[section 150]

Section	Penalty	Daily penalty
6(1)(a), (b) or (c)	level 5	—
6(1)(d) or (e)	level 5	—

7(2)	level 5	—
9(a)	level 2	—
9(b)	level 4	—
10(3)	level 2	—
13(2)(a)	level 2	\$ 100 fine
13(5)	level 1	\$ 50 fine
14(2)(a)	level 2	\$ 50 fine
20(3)(b)	level 2	\$ 300 fine
22(1)(a)	level 2	\$ 50 fine
22A(1)(b)	level 2	\$ 100 fine
24(2)(a)	level 2	\$ 50 fine
25(a)	level 1	—
25(b)	level 2	—
27(2), (3) or (3A)	level 4	\$ 450 fine
30(2)(a)	level 2	\$ 100 fine
31	level 1	—
32(2)(a)	level 2	\$ 100 fine
33(3)(a)	level 2	\$ 100 fine
34(a) or (b)	level 1	—
36(2)	level 2	\$ 100 fine
43(2)	level 1	—
47(2)(a)	level 2	\$ 100 fine
47(5)	level 1	—
50(4)	level 3 and 3 months imprisonment	—
51(5)	level 3 and 3 months imprisonment	—
51A(4) or (5)	level 3 and 3 months imprisonment	—
52(1) or (2)	level 3 and 3 months imprisonment	—
54(1) or (2)	level 5 and 6 months imprisonment	—
58(4) or (5)	level 3 and 3 months imprisonment	—
59(1A) or (3)	level 5 and 6 months imprisonment	—
61(1) or (2)	level 5 and 6 months imprisonment	—
62(4)	level 2	—
63(9)	level 2	—
68(3)	level 1	—
69(2)	level 3 and 3 months imprisonment	—
72(1) or (2)	level 5 and 6 months imprisonment	—
81(2)	level 1	—
83B(3)	level 2 and 1 month imprisonment (first conviction) level 3 and 6 months imprisonment (second or subsequent conviction)	\$ 300 fine \$ 300 fine
92C(1)	level 2 and 6 months imprisonment	—
92C(2)	level 4 and 6 months imprisonment	\$ 450 fine
93(4)	level 3 and 3 months imprisonment	\$ 450 fine

94(3)	level 2	—
94(3A) or (3B)	level 3 and 3 months imprisonment	—
101(3)	level 3 and 3 months imprisonment	—
104A(2)	level 3	\$ 300 fine
104B(2)	level 3	\$ 300 fine
105(2)(a)	level 2	\$ 100 fine
110(2)	level 1	—
111D	level 3	—
112(1) or (2)	level 1	\$ 50 fine
112A(3)(a)	level 2	—
112A(3)(b)	level 2	\$ 100 fine
115(3)	level 2	—
117(2)	level 1	—
118(1) or (2)	level 2 and 6 months imprisonment	—
124(2)	level 2	—
124F(1)	level 2 and 6 months imprisonment	—
124F(2)	2 years imprisonment	—
124F(3)	5 years imprisonment	—
125(5)	level 2	—
127(3)(a) or (b)	level 3	\$ 200 fine
127(7)(a)	level 4	\$ 450 fine
128(3)	level 6 and 12 months imprisonment	\$1750 fine
128(10)(a)	level 6 and 12 months imprisonment	\$1750 fine
128(10)(b) or (c)	level 4 and 6 months imprisonment	—
128B(12)(c)and	level 6 and 12 months imprisonment	\$1750
128C(12)(c)		fine
128B(12)(a)and (b)	level 4 and 6 months imprisonment	—
and 128C(12)(a) and (b)		
139	level 4 and 6 months imprisonment	—
(Replaced 177 of 1996. Amended 78 of 1999 s. 7; 1 of 2002 s. 7; 9 of 2006 s. 3; 3 of 2009 s. 5; 5 of 2011 s. 73)		

Sched 10 PUBLIC MARKETS

[section 79]

Name of Market Name in Chinese

Aberdeen Market 香港仔街市

Aldrich Bay Market 愛秩序灣街市

Ap Lei Chau Market, 鴨脷洲街市, 鴨脷洲市政大廈

Ap Lei Chau Complex

Bowrington Road Market 鵝頸街市

Bridges Street Market 必列啫士街街市

Causeway Bay Market 銅鑼灣街市
Centre Street Market 正街街市
Chai Wan Market 柴灣街市
Electric Road Market 電氣道街市
Java Road Market 渣華道街市
Kut Shing Street Cooked Food Market 吉勝街熟食市場
Lockhart Road Market 駱克道街市
Nam Long Shan Road Cooked Food Market 南朗山道熟食市場
North Point Market 北角街市
Quarry Bay Market 鰂魚涌街市
Queen Street Cooked Food Market 皇后街熟食市場
Sai Wan Ho Market 西灣河街市
Sai Ying Pun Market 西營盤街市
Shau Kei Wan Market 筲箕灣街市
Shek Tong Tsui Market, Shek Tong Tsui Complex 石塘咀街市
Sheung Wan Market 上環街市
Smithfield Market 士美菲路臨時街市
Stanley Waterfront Mart 赤柱海濱小賣亭
Tang Lung Chau Market 燈籠洲街市
Tin Wan Market 田灣街市
Wan Chai Market* 灣仔街市
Wong Nai Chung Market 黃泥涌街市
Yue Kwong Road Market 漁光道街市
Yue Wan Market 漁灣街市
Cheung Sha Wan Cooked Food Market 長沙灣熟食市場
Choi Hung Road Market 彩虹道街市
Fa Yuen Street Market 花園街街市
Haiphong Road Temporary Market 海防道臨時街市
Hung Hom Market, Hung Hom Complex 紅磡街市
Kowloon City Market 九龍城街市
Kwun Chung Market, Kwun Chung Complex 官涌街市
Kwun Tong Ferry Concourse Cooked Food Market 觀塘碼頭熟食市場
Lai Wan Market 荔灣街市
Lei Yue Mun Market 鯉魚門街市
Mong Kok Market 旺角街市
Mong Kok Cooked Food Market 旺角熟食市場
Ngau Chi Wan Market 牛池灣街市
Ngau Tau Kok Market 牛頭角街市
On Ching Road Flower Market 安靜道生花市場
Pei Ho Street Market 北河街街市
Po On Road Market 保安道街市
Sheung Fung Street Market 雙鳳街街市
Shui Wo Street Market 瑞和街街市
Sze Shan Street Cooked Food Market 四山街熟食市場
Tai Kok Tsui Market 大角咀街市
Tai Shing Street Market 大成街街市
To Kwa Wan Market 土瓜灣街市
Tsun Yip Cooked Food Market 駿業熟食市場
Tung Chau Street Temporary Market 通州街臨時街市

Tung Yuen Street Cooked Food Market 東源街熟食市場
Yau Ma Tei Market 油蔴地街市
Yee On Street Market 宜安街街市
Chai Wan Kok Cooked Food Market 柴灣角熟食市場
Cheung Chau Cooked Food Market 長洲熟食市場
Cheung Chau Market 長洲街市
Cheung Tat Road Cooked Food Market 長達路熟食市場
Fo Tan Cooked Food Market (East) 火炭東熟食市場
Fo Tan Cooked Food Market (West) 火炭西熟食市場
Heung Che Street Market 香車街街市
Hung Cheung Cooked Food Market 洪祥熟食市場
Hung Shui Kiu Temporary Market 洪水橋臨時街市
Ka Ting Cooked Food Market 嘉定熟食市場
Kam Tin Market 錦田街市
Kik Yeung Road Cooked Food Market 擊壤路熟食市場
Kin Wing Cooked Food Market 建榮熟食市場
Kin Yip Street Cooked Food Market 建業街熟食市場
Kwai Shun Street Cooked Food Market 葵順街熟食市場
Kwong Choi Market 廣財街市
Kwu Tung Market Shopping Centre 古洞街市購物中心
Lam Tei Market 藍地街市
Lau Fau Shan Market 流浮山街市
Luen Wo Hui Market 聯和墟街市
Mui Wo Cooked Food Market 梅窩熟食市場
Mui Wo Market 梅窩街市
North Kwai Chung Market 北葵涌街市
Peng Chau Market 坪洲街市
Plover Cove Road Market 寶湖道街市
Sai Kung Market 西貢街市
San Hui Market 新墟街市
Sha Tau Kok Market 沙頭角街市
Sha Tin Market 沙田街市
Sham Tseng Temporary Market 深井臨時街市
Shek Wu Hui Market 石湖墟街市
Tai Kiu Market 大橋街市
Tai O (Lantau) Market 大澳街市
Tai Po Hui Market 大埔墟街市
Tai Tong Road Cooked Food Market 大棠道熟食市場
Tai Wai Market 大圍街市
Tai Yuen Street Cooked Food Market 大園街熟食市場
Tsing Yeung Cooked Food Market 青楊熟食市場
Tsing Yi Market 青衣街市
Tsuen King Circuit Market 荃景圍街市
Tsuen Wan Market 荃灣街市
Tui Min Hoi Market 對面海街市
Tung Yick Market 同益街市
Wing Fong Street Market 榮芳街街市
Wo Yi Hop Road Cooked Food Market 和宜合道熟食市場

Yan Oi Market 仁愛街市

Yeung Uk Road Market 楊屋道街市

(Added 21 of 1973 s. 19. Amended L.N. 179 of 1973; L.N. 181 of 1973; L.N. 258 of 1973; L.N. 206 of 1974; L.N. 198 of 1975; L.N. 213 of 1975; L.N. 132 of 1976; L.N. 103 of 1979; L.N. 141 of 1979; L.N. 179 of 1979; L.N. 241 of 1979; L.N. 301 of 1979; L.N. 31 of 1980; L.N. 49 of 1980; L.N. 60 of 1980; L.N. 117 of 1980; L.N. 138 of 1980; L.N. 183 of 1980; L.N. 206 of 1980; L.N. 155 of 1981; L.N. 167 of 1981; L.N. 186 of 1981; L.N. 205 of 1981; L.N. 338 of 1981; L.N. 346 of 1981; L.N. 63 of 1982; L.N. 93 of 1982; L.N. 94 of 1982; L.N. 125 of 1982; L.N. 212 of 1982; L.N. 280 of 1982; L.N. 382 of 1982; L.N. 389 of 1982; L.N. 398 of 1982; L.N. 399 of 1982; L.N. 45 of 1983; L.N. 62 of 1983; L.N. 91 of 1983; L.N. 151 of 1983; L.N. 169 of 1983; L.N. 347 of 1983; L.N. 48 of 1984; L.N. 61 of 1984; L.N. 111 of 1984; L.N. 159 of 1984; L.N. 287 of 1984; L.N. 351 of 1984; L.N. 396 of 1984; L.N. 421 of 1984; L.N. 30 of 1985; L.N. 54 of 1985; L.N. 149 of 1985; L.N. 204 of 1985; L.N. 275 of 1985; L.N. 355 of 1985; L.N. 10 of 1986; 10 of 1986 s. 30; L.N. 103 of 1986; L.N. 289 of 1986; L.N. 314 of 1986; L.N. 94 of 1987; L.N. 169 of 1987; L.N. 372 of 1987; L.N. 387 of 1987; L.N. 197 of 1988; L.N. 342 of 1988; L.N. 343 of 1988; L.N. 258 of 1989; L.N. 395 of 1989; L.N. 52 of 1990; L.N. 325 of 1990; L.N. 399 of 1990; L.N. 400 of 1990; L.N. 43 of 1991; L.N. 104 of 1991; L.N. 124 of 1991; L.N. 437 of 1991; L.N. 259 of 1992; L.N. 34 of 1993; L.N. 109 of 1993; L.N. 224 of 1993; L.N. 444 of 1994; L.N. 479 of 1994; L.N. 15 of 1995; L.N. 42 of 1995; L.N. 176 of 1995; L.N. 588 of 1995; L.N. 44 of 1996; L.N. 164 of 1996; L.N. 215 of 1996; L.N. 423 of 1996; L.N. 155 of 1997; L.N. 190 of 1998; L.N. 387 of 1998; L.N. 11 of 1999; L.N. 126 of 1999; L.N. 154 of 1999; L.N. 184 of 1999; L.N. 233 of 1999; L.N. 293 of 1999; 78 of 1999 s. 7; L.N. 262 of 2000; L.N. 43 of 2001; L.N. 139 of 2001; L.N. 95 of 2002; L.N. 194 of 2002; L.N. 197 of 2003; L.N. 117 of 2004; L.N. 143 of 2004; L.N. 167 of 2004; L.N. 19 of 2005; L.N. 126 of 2005; L.N. 127 of 2005; L.N. 151 of 2005; L.N. 152 of 2005; L.N. 40 of 2006; L.N. 41 of 2006; L.N. 259 of 2006; L.N. 260 of 2006; L.N. 12 of 2007; L.N. 182 of 2008; L.N. 193 of 2008; L.N. 194 of 2008; L.N. 207 of 2009)

Note:

*** 1. The Wan Chai Market (at 264 Queen's Road East, Wan Chai, Hong Kong) ceases, immediately before the commencement of 1 September 2008, to be designated as a public market - see L.N. 181 of 2008.**

2. The Wan Chai Market (on the Ground Floor, 258 Queen's Road East, Wan Chai, Hong Kong), being a market to which the Public Health and Municipal Services Ordinance (Cap 132) applies, is designated as a public market with effect from 1 September 2008 - see L.N. 192 of 2008.

Sched 11 LICENSED ACTIVITIES

[sections 92A & 124L]
(Amended 78 of 1999 s. 7)

Billiard establishment
Public bowling-alley
Public skating rink

(Added 21 of 1973 s. 19. Amended 53 of 1988 s. 6; 78 of 1999 s. 7)

Sched 11A LICENSED ACTIVITY

[sections 92AB, 92B
& 124I]

Undertakers of burials

Sched 12 STADIA

[section 105A]

Hong Kong Stadium

Mong Kok Stadium

(Added 21 of 1973 s. 19. Amended L.N. 19 of 1974; L.N. 195 of 1974; L.N. 190 of 1985; L.N. 353 of 1987; L.N. 72 of 1994)

Sched 13 Civic Centres

[section 105M]

The Cinema and the Exhibition Hall of Hong Kong Film Archive, 50 Lei King Road, Sai Wan Ho

The City Hall at Connaught Road Central

The Hong Kong Coliseum at Cheong Wan Road, Hung Hom

The Hong Kong Cultural Centre and the Salisbury Garden appurtenant thereto (excluding the marriage registry and any building or part of a building designated under section 105G as a museum or under section 105K as a library) at Salisbury Road, Tsim Sha Tsui, Kowloon

The Hong Kong Visual Arts Centre at 7A Kennedy Road inside Hong Kong Park

The Ko Shan Theatre at the Ko Shan Road Park, Hung Hom

The Kwai Tsing Theatre at Hing Ning Road, Kwai Chung

The Lecture Hall and Special Exhibition Hall of the Hong Kong Science Museum at 2 Science Museum Road, Tsim Sha Tsui East, Kowloon

The Lecture Hall in the extension block connecting Blocks S61 and S62, the Activity Room in Block S62, and the Courtyard and Cafeteria between Blocks S61 and S62, of Hong Kong Heritage Discovery Centre, Kowloon Park, Haiphong Road, Tsim Sha Tsui, Kowloon

The Lecture Hall, the Activity Rooms 1 and 2, the Special Exhibition Gallery and the Courtyard of the Hong Kong Museum of History, 100 Chatham Road South, Tsim Sha Tsui

The Lecture Hall, the Ceramic Studio, the Painting Studio, the Printmaking Studio, the Lobby and the Podium on 1/F of the Hong Kong Museum of Art at 10 Salisbury Road, Tsim Sha Tsui, Kowloon.

The Lecture Theatre, the Exhibition Gallery, Activity Room 1 and Activity Room 2 of the building known as the Hong Kong Central Library at 66 Causeway Road, Causeway Bay, Hong Kong and any other part of that building that is not designated as a library under section 105K.

The Ngau Chi Wan Civic Centre (牛池灣文娛中心) at the junction of Clear Water Bay Road and Lung Cheung Road, Kowloon

The North District Town Hall at the North District Community Centre, Sheung Shui

The Queen Elizabeth Stadium at Oi Kwan Road, Wan Chai

The Sai Wan Ho Civic Centre at 111 Shau Kei Wan Road, Sai Wan Ho

The Sha Tin Town Hall at Yuen Wo Road, Sha Tin

The Sheung Wan Civic Centre at Queen's Road Central, Hong Kong

The Tai Po Civic Centre at the Tai Po Government Secondary School at On Pong Road, Tai Po

The Tea Room, Galleries 1, 2 and 3 and the North Lawn of the Flagstaff House Museum of Tea Ware, 10 Cotton Tree Drive, Central

The Theatre, the Seminar Room, the Education Studio, the Function Place, the Courtyard and the Main Foyer (including the Grand Staircase) of the Hong Kong Heritage Museum, 1 Man Lam Road, Sha Tin

The Tsuen Wan Town Hall at Tai Ho Road, Tsuen Wan

The Tuen Mun Town Hall at Tuen Hi Road, Tuen Mun

The Yau Ma Tei Theatre and the Red Brick Building at Waterloo Road, Yau Ma Tei

The Yuen Long Theatre at Tai Yuk Road, Yuen Long

(Added 21 of 1973 s. 19. Amended L.N. 30 of 1980; L.N. 87 of 1980; L.N. 203 of 1981; L.N. 223 of 1981; L.N. 53 of 1982; L.N. 194 of 1982; L.N. 46 of 1983; L.N. 90 of 1983; L.N. 74 of 1985; L.N. 126 of 1986; L.N. 272 of 1986; L.N. 139 of 1987; L.N. 89 of 1988; L.N. 90 of 1988; L.N. 119 of 1988; L.N. 240 of 1990; L.N. 51 of 1991; L.N. 417 of 1991; L.N. 66 of 1992; L.N. 214 of 1996; L.N. 445 of 1997; L.N. 241 of 1999; L.N. 40 of 2000; L.N. 256 of 2000; L.N. 63 of 2001; L.N. 246 of 2002; L.N. 6 of 2007; L.N. 31 of 2012)
(Format changes—E.R. 2 of 2012)

Sched 14 Public Swimming Pools

[section 42A(2)]

The Island of Hong Kong

Chai Wan Swimming Pool

Island East Swimming Pool

Kennedy Town Swimming Pool

Morrison Hill Swimming Pool

Pao Yue Kong Swimming Pool

Siu Sai Wan Swimming Pool

Sun Yat Sen Memorial Park Swimming Pool

Victoria Park Swimming Pool

Wan Chai Swimming Pool

Kowloon

Hammer Hill Road Swimming Pool

Ho Man Tin Swimming Pool

Jordan Valley Swimming Pool

Kowloon Park Swimming Pool

Kowloon Tsai Swimming Pool

Kwun Tong Swimming Pool

Lai Chi Kok Park Swimming Pool
Lam Tin Swimming Pool
Lei Cheng Uk Swimming Pool
Morse Park Swimming Pool
Sham Shui Po Park Swimming Pool
Tai Kok Tsui Swimming Pool
Tai Wan Shan Swimming Pool

The New Territories
Fanling Swimming Pool
Hin Tin Swimming Pool
Kwai Shing Swimming Pool
Ma On Shan Swimming Pool
Mui Wo Swimming Pool
North Kwai Chung Jockey Club Swimming Pool
Ping Shan Tin Shui Wai Swimming Pool
Sai Kung Swimming Pool
Sha Tin Jockey Club Swimming Pool
Sheung Shui Swimming Pool
Shing Mun Valley Swimming Pool
Tai Po Swimming Pool
The Jockey Club Yan Oi Tong Swimming Pool
Tin Shui Wai Swimming Pool
Tseung Kwan O Swimming Pool
Tsing Yi Swimming Pool
Tsuen King Circuit Wu Chung Swimming Pool
Tuen Mun North West Swimming Pool
Tuen Mun Swimming Pool
Tung Chung Swimming Pool
Yuen Long Swimming Pool

(Added 21 of 1973 s. 19; L.N. 199 of 1975. Amended L.N. 199 of 1975; L.N. 129 of 1977; L.N. 248 of 1977; L.N. 25 of 1978; L.N. 285 of 1978; L.N. 255 of 1980; L.N. 179 of 1981; L.N. 40 of 1983; L.N. 208 of 1984; L.N. 239 of 1984; L.N. 360 of 1984; L.N. 277 of 1985; L.N. 328 of 1985; 10 of 1986 s. 31; L.N. 322 of 1986; L.N. 360 of 1988; L.N. 53 of 1989; L.N. 115 of 1990; L.N. 147 of 1991; L.N. 262 of 1991; L.N. 373 of 1991; L.N. 396 of 1993; L.N. 536 of 1995; L.N. 335 of 1996; L.N. 425 of 1996; L.N. 461 of 1997; L.N. 10 of 1999; L.N. 261 of 1999; 78 of 1999 s. 7; L.N. 361 of 2000; L.N. 32 of 2002; L.N. 78 of 2005; L.N. 79 of 2005; L.N. 163 of 2010; L.N. 91 of 2011; L.N. 11 of 2012; L.N. 107 of 2012; E.R. 2 of 2012)

(Format changes—E.R. 1 of 2012)

Sched 15 (Repealed 78 of 1999 s. 7)

Sched 16 Matters for which Secretary for Home Affairs may by Regulation Provide for Fees and Charges

[section 124J]

1. Public swimming pools
Admission
2. Museums

Admission

3. Libraries

Admission

4. Public pleasure grounds

- (a) Hire of tennis courts
- (b) Hire of basketball courts
- (c) Hire of squash courts
- (d) Hire of football pitches
- (e) Hire of table tennis tables
- (f) Hire of badminton courts

5. Holiday camps

Camp fees

(Schedule 16 added 78 of 1999 s. 7)
(Format changes—E.R. 1 of 2012)