

Kadoorie Farm and Botanic Garden bylaw, Chapter 1156A (section 23)

[31 October 1997]

(L.N. 504 of 1997)

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 1

Interpretation VerDate:31/10/1997

(1) The terms defined in the Ordinance have the same meaning in this Bylaw unless the context otherwise requires.

(2) In this Bylaw, unless the context otherwise requires-
"fauna" includes all wildlife, other than flora, and any animal, bird, fish, amphibian, reptile, insect, mammal and includes parts of fauna at any stage of their development whether unborn, living or dead;
"flora" includes-

(a) timber, trees, shrubs and fungi; and

(b) roots, shoots, leaves, flowers, fruit, tubers, boughs, corms, stocks, cuttings, layers, slips, seeds and any part of the flora whether living or dead;

"Garden" means the Kadoorie Farm and Botanic Garden as described in the Ordinance;

"hunting or trapping device or implement" includes any firearm, airgun, bow, arrow, catapult, net, gin, snare, poison, poisoned weapon, dart, bird lime, chemical, trap, decoy, lure, bright light and any tool for digging, cutting or burning and any device that could be reasonably used for any of the purposes for which these devices or implements may be used;

"keeper" means a person appointed under section 2(2) by the Executive Director to be a keeper of the Garden;

"soil" includes earth, sand, clay, peat, rock and mud;

"vehicle" includes a barrow, truck, bicycle, tricycle, skate board, roller skate, car and other means of transport for use on land;

"visitor" means a member of the public admitted to the Garden, through entrances marked and designated by the Executive Director and in accordance with the conditions of entry, other than the Trustees, members of the Board or persons employed by the Corporation.

(3) This Bylaw does not apply to the Trustees, members of the Board or persons employed by the Corporation.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 2

Executive Director and keepers VerDate:31/10/1997

(1) The Board may, in its discretion and for the better management of any part of the Garden, delegate all or any part of the powers vested in it to the Executive Director.

(2) The Executive Director may appoint keepers of the Garden to assist him with the control of persons within, and the general

administration of, the Garden.

(3) The Executive Director has the powers and authority of a keeper. A reference in this Bylaw to a keeper includes the Executive Director unless the context otherwise requires.

(4) The Executive Director may exempt in writing persons from parts of this Bylaw as he thinks fit and necessary for the proper carrying out of the functions of the Corporation and the Garden.

(5) A keeper will produce on request a copy of his appointment as a keeper to a person directed by the keeper to comply with this Bylaw.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 3

Access VerDate:31/10/1997

(1) The Garden or any part of the Garden is open to persons subject to this Bylaw and the conditions that the Board or the Executive Director may reasonably impose.

(2) A person must only enter the Garden through entrances marked and designated by the Executive Director, and in accordance with the conditions of entry.

(3) The Garden or any part of the Garden is open to visitors between the hours and on the days the Executive Director may specify by order posted on an official notice board of the Garden.

(4) Except with the written permission of the Executive Director, persons under the age of 16 years are required to be accompanied by a person of at least 18 years of age who is responsible for the activities of the young person.

(5) A person must not enter or remain in the Garden or a part of the Garden during the period when the Garden or the part of the Garden is closed to the public unless authorized by a keeper.

(6) A person who is not a visitor, keeper, employee of the Corporation, Trustee or member of the Board must not enter the Garden without the permission of the Executive Director or, in the absence of the Executive Director, a keeper.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 4

Obstructions to persons or keepers VerDate:31/10/1997

A person must not, in any part of the Garden-

(a) wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the part of the Garden;

(b) wilfully obstruct, disturb or interrupt the Executive Director or a keeper in the execution of his duty, or a person lawfully employed or

engaged by the Corporation for the execution of any work in the laying out or maintenance of the Garden; or

(c) enter or remain in, or in any other way trespass upon, a part of the Garden which is maintained for storage, offices or as a workplace without the consent of the Executive Director or a keeper.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 5
Power to direct persons to leave VerDate:31/10/1997

(1) A keeper may direct any person forthwith to leave the Garden or any part of the Garden-

(a) whom the keeper has reason to believe has committed, or is about to commit any offence against this Bylaw or any offence punishable under the Summary Offences Ordinance (Cap 228), including offences relating to "public place";

(b) who refuses to obey any reasonable order given to him by a keeper in furtherance of the proper management of the Garden.

(2) A person who fails to leave the Garden or a part of the Garden as directed by a keeper commits an offence.

(3) A keeper may remove, from the Garden or a part of the Garden, a person who fails to leave the Garden or a part of the Garden after a keeper directs him to leave.

(4) A keeper may remove from the Garden a person who is not a visitor.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 6
Power to require production of permit, etc. VerDate:31/10/1997

(1) A person to whom a permit is granted under this Bylaw must, on being required to do so by a keeper, produce the permit together with a means of identification for inspection by the keeper.

(2) A keeper who has reason to believe that the person has committed an offence under this Bylaw may-

(a) require the person to produce a means of identification;

(b) search the person and his belongings; and

(c) seize any flora, fauna, commodity, article or thing that the keeper has reason to believe is connected to the commission of the offence.

(3) The Executive Director must retain anything seized under this section until any legal proceedings for the alleged offence are completed or discontinued and he may then dispose of it as he sees fit. The Executive Director may take the necessary steps to preserve anything

seized but the Corporation and the Executive Director are not liable should any seized thing perish.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 7
Power to detain VerDate:31/10/1997

(1) The Executive Director or a keeper may detain a person found in the Garden whom the keeper has reason to believe has committed or is committing an offence-

- (a) in the nature of an assault where a person is injured;
- (b) relating to destruction of property; or
- (c) relating to the removal of flora or fauna from the Garden or from one part of the Garden to another part.

(2) The keeper must take the person to the Executive Director's office, if he is able, or otherwise contact the Executive Director as soon as possible after detaining the person.

(3) The Executive Director may as soon as is reasonably practicable-

- (a) call the police and detain the person until the police arrive;
or
- (b) release the person.

(4) If the person is released, he is required to leave the Garden immediately unless the Executive Director otherwise directs.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 8
Admission charges VerDate:31/10/1997

(1) The Board may set a fee for entry into the Garden and a separate fee for entry into a specific part of the Garden specified by the Board by posting a notice on an official notice board at the entrance to the Garden and at the entrance to the specified part.

(2) A visitor on entering the Garden or a part of the Garden which the Board has specified as subject to an entrance fee is required to pay the fee the Board has set.

(3) The Board may direct that the Garden or a part of the Garden be set aside for the exclusive use of a visitor or visitors subject to the charges or exemption from charges and conditions that the Board determines.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 9

Parts or part of the Garden set aside for specified activities
VerDate:31/10/1997

(1) The Board may set aside a part of the Garden for particular activities.

(2) The Board is required to describe the part set aside in a notice posted in a conspicuous position in the part of the Garden, and the purpose of the activity for which the part is set aside.

(3) A person using a part of the Garden and participating in the activity for which the part is set aside must not-

(a) undertake an activity other than the activity for which the area is set aside;

(b) interfere with any other person undertaking the activity;

(c) begin to undertake the activity when the part is already occupied by other persons without their permission or the permission of a keeper, unless the Board has allocated the part for a particular period of time to the other persons and the period has elapsed.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 10
Protection of property VerDate:31/10/1997

A person must not-

(a) damage or harm any flora or fauna, structure, improvement, wall or fence in or enclosing a part of the Garden, or any equipment or ornament in the Garden;

(b) climb a wall or fence in or enclosing a part of the Garden, or a tree, or a barrier, railing, post or other structure;

(c) remove any flora or fauna from any part of the Garden to another part of the Garden or from the Garden or remove an implement, equipment or vehicle belonging to the Garden from any part of the Garden to another part of the Garden or from the Garden;

(d) carry or have in his possession any flare, flame gun, fire balloon or other similar device;

(e) light, or use any fire, or be a member of a group which uses a fire whether or not it was lit by a person in the group; or

(f) discard any match, lighter, cigarette, pipe, ash or other substance in a manner that is likely to cause a fire.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 11
Protection of grounds, terraces and flower-beds VerDate:31/10/1997

A person must not walk, run, stand, sit or lie upon in or on-

(a) any grass, turf or other place where notice to keep off the grass, turf or other place is shown; or

(b) a terrace, garden bed, shrub or plant or any ground being prepared as a garden bed or to grow a tree, shrub or plant.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 12
Protection of plants and soil VerDate:31/10/1997

A person must not without the consent of a keeper-

(a) interfere with, remove or displace any soil;

(b) cut, pick or uproot or otherwise damage any flora, moss, lichen or other form of vegetation, or any turf.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 13
Protection of lakes, ponds and fauna VerDate:31/10/1997

A person must not-

(a) swim, bathe or wash in a lake, pond, stream or water;

(b) wade in a lake, pond, stream or water without the permission of a keeper;

(c) foul or pollute a lake, pond, stream or water;

(d) take, injure, destroy, displace, disturb, ill-treat or harass any fauna or any nest, burrow or resting place; or

(e) spread or use a net, or set or use a snare or other device or means to take, injure or destroy any fauna.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 14
Visitors and animals, etc. VerDate:01/01/2000

(1) A person must not have in his possession in, or bring into, the Garden, except with the express permission of the Executive Director-

(a) any domestic or farm animal, bird, fish;

(b) any fauna; or

(c) any flora.

(2) Subsection (1) does not apply to a guide dog accompanying a blind or partially blind person.

(3) A person who brings a domestic animal into the Garden with permission must keep the animal under proper control and effectively restrained from-

(a) causing annoyance to any person;

(b) harassing or disturbing any fauna; and

(c) entering any lake, pool, stream or other water.

(4) The Executive Director may require a person bringing a dog into the Garden to restrain the dog on a lead and to fit the dog with a muzzle.

(5) A keeper may seize and deliver into the custody of the Agriculture, Fisheries and Conservation Department or the Society for the Prevention of Cruelty to Animals any animal found in the Garden contrary to this Bylaw. (Amended L.N. 331 of 1999)

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 15
Vehicles VerDate:31/10/1997

(1) A person must not bring in, or ride into, any part of the Garden, a vehicle, or transport a load in the Garden except with the written permission of the Executive Director.

(2) This section does not prohibit a person from driving a vehicle in or to a space set aside for parking by a direct route from the entrance to the part of the Garden where the Board sets aside a space in the Garden for parking a specified class of vehicles.

(3) Subsection (1) does not apply to-

(a) a wheel-chair, perambulator or similar vehicle which is propelled, drawn or carried by hand and used solely for the conveyance of a child or an invalid; or

(b) a tricycle used in a part of the Garden by a child with the consent of the keeper of the part of the Garden.

(4) If a person brings a vehicle into a part of the Garden, he must keep to the road at all times and must not drive, ride or park it over or on-

(a) any flower-bed, shrub, plant or any ground in the course of preparation as a flower-bed or for the growth of any tree, shrub or plant;

(b) any part of the Garden where the Board, by a notice set up in a conspicuous position in the Garden, prohibits its being driven, ridden or parked.

(5) A person in charge of a vehicle in the Garden must stop or proceed as directed by a keeper by signal or otherwise.

(6) A person in charge of a vehicle within the Garden must comply with signs and directions relating to speed limits and the manner of driving as the Executive Director designates.

(7) A person must not use the helipad in the Garden except with the express permission of the Executive Director.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 16
General behaviour VerDate:31/10/1997

(1) A person must behave in an orderly and decent manner and be properly clothed.

(2) A person must not behave in any manner to the annoyance of any person.

(3) A person must behave in a safe manner.

(4) A person must-

(a) keep to the paths and roads (other than paths or roads that are not available for public access under this Bylaw);

(b) not enter a path or stepway on or through any terrace in the Garden;

(c) not enter any structure, area, path or road which is closed with a chain, railing, fence or gate, or marked with a sign stating that it is closed or that there is no entry;

(d) observe all signs erected for the purpose of advice, regulation of activity or safety;

(e) keep clear of any works area and machinery;

(f) not use any obscene language to the annoyance of any person;

(g) not spit, throw any litter, paper or rubbish, except into the bins or containers provided for the purpose;

(h) not have in his possession or release any hazardous or polluting chemical, pesticide, poison or other pollutant;

(i) not gather alms or solicit money without the written permission of the Executive Director;

(j) not fly a kite, model aircraft, balloon or other device in the Garden;

(k) not operate or play, or make any sounds on, any musical or other instrument, including any sound device, loud hailer, gramophone or radio apparatus, or sing any song or shout without the written permission of the Executive Director;

(l) not advertise, deliver a public speech, lecture, prayer, scripture or sermon, or hold or take part in a public gathering, meeting or procession as defined in the Public Order Ordinance (Cap 245) without the written permission of the Executive Director.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 17
Notices VerDate:31/10/1997

A person must not except with the Executive Director's written permission display any notice, sign, poster, banner, placard, bill or advertisement or any similar picture, wording or decoration to, or upon any part of any building, wall, post, seat or any other structure forming part of the Garden or to any tree or other natural feature.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 18
Hunting or trapping device or implement VerDate:31/10/1997

(1) A person must not carry or have in his possession or discharge any hunting or trapping device or implement.

(2) The Executive Director or a keeper may seize a hunting or trapping device or implement or any device that may reasonably be used for digging, cutting or burning found in the Garden or in the possession of a person, and, subject to any requirement to hold the device for any legal proceedings, may destroy the device.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 19
Erection of structures, trading and camping VerDate:31/10/1997

(1) A person must not-

(a) erect any structure without the permission in writing of the Executive Director;

(b) bring in, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, or provide or offer to provide in return for a remuneration any services, unless under an agreement with the Board; or

(c) except with the Executive Director's written permission, camp out.

(2) The Executive Director may remove any structure or any building material for the structure which any person brings onto or leaves on any part of the Garden without the Board's written permission or contrary to any conditions set out in the permission.

(3) If the structure or materials are unclaimed after a period of 7 days, the Executive Director may forfeit, sell or dispose of it in the manner he thinks fit.

(4) The owner of the structure or materials is liable to reimburse the Corporation for the cost of removal and disposal.

(5) The Corporation may forfeit all proceeds of sale and other remuneration obtained by a person contrary to this section to itself.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 20
Unauthorized exploitation of the Garden VerDate:31/10/1997

A person must not engage in any activity or photograph, film, record, paint, sketch or otherwise reproduce any part of the Garden for financial gain without the written permission of the Executive Director.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 21
Offences and penalties VerDate:31/10/1997

A person who contravenes sections 3(2), (4), (5) or (6), 4, 5(2), 6(1), 7(4), 8(2), 9(3), 10, 11, 12, 13, 14(1) or (3), 15(1), (4), (5), (6) or

(7), 16(1), (2), (3) or (4), 17, 18(1), 19(1) or 20 is guilty of an offence and is liable on conviction to a fine at level 2.

KADOORIE FARM AND BOTANIC GARDEN BYLAW - SECT 22
Name in which proceedings for offences may be brought VerDate:28/11/1997

Prosecutions for an offence under this Bylaw may be brought in the name of the Corporation without prejudice to any other enactment for the prosecution of offences and without prejudice to the powers of the Secretary for Justice to prosecute offences. (L.N. 562 of 1997)
The common seal of the Kadoorie Farm and Botanic Garden Corporation is affixed to this Bylaw this 24th day of October 1997.