

AGRICULTURAL PRODUCTS (MARKETING) REGULATIONS
- CHAPTER 277A

AGRICULTURAL PRODUCTS (MARKETING) REGULATIONS - LONG TITLE
Empowering section VerDate:06/30/1997

(Cap 277 section 10)

[2 May 1952]

(11 of 1952 Schedule)

REGULATION 1

Citation VerDate:06/30/1997

These regulations may be cited as the Agricultural Products (Marketing)
Regulations.
(L.N. 126 of 1969)

REGULATION 2

Interpretation VerDate:06/30/1997

In these regulations, unless the context otherwise requires-

"collecting centre" means any place from time to time designated as such by the Director by notice displayed in a wholesale vegetable market;

"Kowloon Area" means Kowloon and New Kowloon; (G.N.A. 100 of 1962)

"market register" means the register of purchasers maintained by the market manager;

"market salesman" means the person appointed by the Director to make sales as the agent of sellers at a wholesale vegetable market;

"New Territories Area" means the New Territories excluding New Kowloon; (G.N.A. 100 of 1962)

"vegetables" includes all fresh, dried and salted vegetables and also, when intended for human consumption, any part of any kind of the following plants, namely, arrow head, arrow root, bamboo shoot, chilli, chrysanthemum, cress, ginger, Indian corn, lotus, papaya (green only), tomato, water chestnut and any condiment or flavouring plant; (G.N.A. 100 of 1962)

"wholesale" means sale for resale;

"wholesale vegetable market" means a market established by the Director for the sale wholesale of vegetables.

REGULATION 3

Establishment of wholesale vegetable markets VerDate:06/30/1997

The Director may by notice in the Gazette establish wholesale vegetable markets in the Kowloon Area and in the New Territories Area.
(L.N. 144 of 1973)

REGULATION 4

Restriction on movement of vegetables VerDate:06/30/1997

No person shall remove any vegetables-

- (a) from the New Territories Area; or
- (b) from one place in the Kowloon Area to any other place in such Area, except in accordance with a permit in writing issued by or on behalf of the Director.
(G.N.A. 100 of 1962)

REGULATION 5

Control of wholesale of vegetables VerDate:06/30/1997

- (1) No person shall, except under and in accordance with a permit in writing issued by or on behalf of the Director, sell vegetables wholesale in the Kowloon Area or in the New Territories Area, except at a wholesale vegetable market.
- (2) For the avoidance of doubt, it is declared that the provisions of the New Territories Ordinance (Cap 97) shall apply to the sale of vegetables wholesale under a permit in writing issued by or on behalf of the Director. (G.N.A. 100 of 1962)

REGULATION 6

Refusal and cancellation of permits and conditions VerDate:06/30/1997

- (1) The Director may refuse to issue any permit required under these regulations and may cancel any such permit at any time.
- (2) A permit issued under these regulations by the Director shall be subject to such conditions as the Director considers necessary for the purpose of carrying out the objects of the Ordinance.
- (3) A permit issued under these regulations on behalf of the Director by a person authorized in that behalf by the Director shall be subject to such conditions as the Director has approved, either generally or in the particular case, being conditions that the Director considers necessary for the purpose of carrying out the objects of the Ordinance.
(G.N.A. 100 of 1962; L.N. 144 of 1973)

REGULATION 7

Saving VerDate:06/30/1997

Nothing in these regulations shall be construed to prevent or restrict within the New Territories Area or the Kowloon Area-

- (a) the sale retail of any vegetables by the producer thereof;
- (b) the sale retail of any vegetables purchased at a wholesale vegetable market;
- (c) the movement of any vegetables purchased retail or at a wholesale vegetable market.
(G.N.A. 100 of 1962)

REGULATION 8

Market register and registration VerDate:06/30/1997

- (1) The market manager shall maintain a register to be known as the market register of persons entitled to purchase vegetables at such market.
- (2) The market register shall be kept at the market office of every wholesale vegetable market.
- (3) The market register shall be available for inspection by any member of the public between the hours of 10 a.m. and 4 p.m. daily, except on Saturdays and general holidays.
- (4) An applicant for registration shall furnish to the market manager information as to his name, his business name if he carries on business in a name other than his own, his business and private address, and if such applicant be an employee or agent of another person in addition all the foregoing information relating to his employer or principal.
- (5) Entry upon and deletion of persons from the market register shall be made in the discretion of the market manager, subject to appeal to the Director.
- (6) The market manager may supply an identity badge to each person whose name is entered in the market register.

REGULATION 9

Person entitled to purchase at wholesale vegetable market VerDate:06/30/1997

No person may purchase vegetables at a wholesale vegetable market unless his name is included in the market register.

REGULATION 10

Sales at wholesale vegetable markets, etc. VerDate:06/30/1997

(1) All sales at a wholesale vegetable market shall be made through the agency of a market salesman approved by the Director.

(2) The approval of the Director under paragraph (1) may be given subject to such terms and conditions as he thinks fit.

(3) The Director may at any time withdraw his approval under paragraph (1) in the event of a breach by the market salesman of any term or condition to which such approval was subject.
(L.N. 126 of 1969)

REGULATION 11

Payment for purchase VerDate:06/30/1997

(1) Subject to the provisions of paragraph (2), no person may remove vegetables purchased at a wholesale vegetable market until the price thereof has been paid in cash to the market salesman or to any person authorized by the seller to receive the same.

(2) Any purchaser at a wholesale vegetable market who has produced guarantees to the satisfaction of the market manager that any liabilities incurred by such purchaser will be met in default of payment by such purchaser by the person giving such guarantees may be granted permission by the market manager to purchase on credit in accordance with conditions laid down from time to time by the Director.

(3) No seller shall be required to sell his vegetables on credit.

(4) Neither the Director nor the market manager nor the market salesman shall be liable for any loss sustained by a seller in consequence of the grant of credit facilities by the seller to a purchaser or his agent.
(L.N. 126 of 1969)

REGULATION 12

Commission payable to the Director VerDate:06/30/1997

(1) Any person who brings vegetables into a wholesale vegetable market shall pay commission to the Director.

(2) The commission payable under paragraph (1) shall be-

(a) the prescribed percentage of the purchase price of the vegetables brought into the market; or

(b) the prescribed fee charged on the weight of the vegetables brought into the market.

(3) The Director may, after consulting the Advisory Board, by notice posted in the market declare-

(a) whether the commission payable under paragraph (1) shall be charged in accordance with paragraph (2)(a) or (b); or

(b) the cases in which such commission shall be charged in accordance with paragraph (2)(a) and the cases in which it shall be charged in accordance with paragraph (2)(b).

(4) The Director shall not change the method for the time being declared under paragraph (3) as the method for charging the commission payable under paragraph (1) unless he has given one month's notice of his intention to do so.

(5) The Director may, after consulting the Advisory Board, by notice in the Gazette prescribe-

(a) the percentage to be paid where the commission payable under paragraph (1) is charged in accordance with paragraph (2)(a); and

(b) the fee to be charged where the commission payable under paragraph (1) is charged in accordance with paragraph (2)(b).

(6) Where, in the case of any vegetables, the commission payable under paragraph (1) will be charged in accordance with paragraph (2)(a), the Director may transport the vegetables without charge from a collecting centre to the wholesale vegetable market.
(L.N. 126 of 1969)

REGULATION 13

Bringing of vegetables into market VerDate:06/30/1997

No person shall bring vegetables into a wholesale vegetable market except at such gate as the market manager directs.
(L.N. 126 of 1969)

REGULATION 14

Powers of market manager VerDate:06/30/1997

(1) Where he considers it expedient to do so in the interest of the efficient operation of a wholesale vegetable market, the market manager may direct that such vegetables as he may specify shall not be brought into the market until he is satisfied that they may be brought into the market without disturbing its efficient operation.

(2) (a) The market manager may require any person to remove, or cause to be removed, from the wholesale vegetable market, within such period as he may specify, any empty container which has been used for the storage of vegetables and is in the possession or under the control of that person.

(b) If a requirement under sub-paragraph (a) is not complied with, the market manager may dispose of the container in such manner as he thinks fit.
(L.N. 126 of 1969)

REGULATION 15

Functions of the Director VerDate:06/30/1997

Subject to the provisions of the Ordinance and of these regulations, the Director may-

- (a) on such terms and conditions as he thinks fit-
 - (i) provide such services as he may consider necessary or desirable for the improvement of agriculture or of the marketing of agricultural products; and
 - (ii) engage in any activity which may improve or assist in the improvement of agriculture; (L.N. 126 of 1969)
- (b) make provision for the education, health and welfare of persons employed in agriculture and marketing and their families and dependants; (L.N. 126 of 1969)
- (c) grant loans to persons employed in agriculture upon such terms as to capital and interest as he may think fit; (L.N. 126 of 1969)
- (d) employ such persons or agents on such terms as to remuneration or otherwise as he may determine;
- (e) grant pensions, gratuities and retiring allowances to such persons or agents or their dependants;
- (f) do such other things as may be necessarily ancillary to the proper carrying out of any of the aforesaid functions. (G.N.A. 100 of 1962)

REGULATION 16

Offences and penalties VerDate:06/30/1997

- (1) Any person who contravenes regulation 4, 5(1), 9, 11(1) or 13 shall be guilty of an offence and shall be liable to a fine of two thousand dollars and to imprisonment for one year. (G.N.A. 100 of 1962)
- (2) Any person who-
 - (a) in contravention of a direction under regulation 14(1) brings any vegetables, or causes any vegetables to be brought, into a wholesale vegetable market; or
 - (b) contravenes a requirement under regulation 14(2), shall be guilty of an offence and shall be liable to a fine of one thousand dollars. (L.N. 126 of 1969)
- (3) Any person who contravenes any condition to which a permit issued under these regulations is subject shall be guilty of an offence and shall be liable to a fine of one thousand dollars and to imprisonment for six months. (G.N.A. 100 of 1962)

(4) Any person who makes any statement or furnishes any information to the Director or a person acting on his behalf or to a market manager under the provisions of these regulations, whether such statement or information be verbal or in writing, which is false in any material particular and which he either knows or has reason to believe is false, shall be guilty of an offence and shall be liable to a fine of two thousand dollars and imprisonment for one year.

(5) In any proceedings under these regulations the burden of proving that any vegetables have been purchased at a wholesale vegetable market shall lie upon the person accused. (G.N.A. 100 of 1962)