

Chapter:	132	PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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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		30/06/1997
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Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Public Health and Municipal Services Ordinance.

(Amended 10 of 1986 s. 3)

Section:	2	Interpretation	L.N. 194 of 2003	01/01/2004
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- (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;
- "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 placed in a sealed container for sale for human consumption; (Replaced 26 of 1986 s. 2)

"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) chewing gum and other products of a like nature and use;
- (c) smokeless tobacco products; and
- (d) articles and substances used as ingredients in the preparation of food or drink or of such products,

but does not include-

- (i) live animals, live birds or live fish (excluding shell fish);
- (ii) 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 placed in a sealed container for sale for human consumption; (Replaced 3 of 1987 s. 2)
- (iii) fodder or feeding stuffs for animals, birds or fish; or
- (iv) articles or substances used only as drugs; (Replaced 62 of 1986 s. 2)

"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" (民政事務局局长) 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)

Section:	3	Designation of Authorities	L.N. 320 of 1999	01/01/2000
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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		30/06/1997
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Section:	4	Construction and maintenance of public sewers and drains		30/06/1997
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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.

Section:	5	Cleansing of public sewers		30/06/1997
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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.

Section:	6	Protection of public sewers and drains	L.N. 320 of 1999	01/01/2000
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(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)

Section:	7	Prevention of obstruction of sewers and drains by soil or waste		30/06/1997
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(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.

Section:	8	Saving in relation to certain Ordinances		30/06/1997
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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).

Section:	9	Punishment of persons interfering with public sewers or drains		30/06/1997
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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.

Section:	10	Notice of existence of disused drains		30/06/1997
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(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.

Section:	11	Regulations for the protection of sewers and drains and prevention of nuisance therefrom	59 of 2000	01/07/1997
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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		30/06/1997
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Section:	12	Nuisances which may be dealt with summarily		30/06/1997
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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)

Section:	13	Cleansing and covering of offensive ditches, drains, etc.		30/06/1997
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(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).

Section:	14	Power to require limewashing, etc. of premises	30/06/1997
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(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.

Section:	15	Regulations as to cleansing and prevention of nuisances	30/06/1997
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(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)

Section:	15A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	16	(Repealed 8 of 1980 s. 37)		30/06/1997
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Section:	17	(Repealed 8 of 1980 s. 37)		30/06/1997
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Section:	18	(Repealed 8 of 1980 s. 37)		30/06/1997
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Section:	19	(Repealed 8 of 1980 s. 37)		30/06/1997
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Section:	20	Removal of litter or waste and cleaning of area	59 of 2000	01/07/1997
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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)

Section:	21	(Repealed 8 of 1980 s. 37)		30/06/1997
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Section:	22	Prevention of obstructions to scavenging or conservancy operations	59 of 2000	01/07/1997
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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.

Section:	22A	Prevention of accumulation of litter or waste on canopies	59 of 2000	01/07/1997
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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)

Section:	23	Powers of arrest in certain cases		30/06/1997
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(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.

Section:	23A	Notification of convictions in newspaper		30/06/1997
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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)

Section:	24	Power to close, etc. polluted wells, etc.		30/06/1997
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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)

Section:	25	Protection of fountains, wells and pumps		30/06/1997
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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.

Section:	26	Regulations relating to the use of water from springs, wells, etc.		30/06/1997
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(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).

Section:	27	Control of water and article likely to cause mosquito breeding	9 of 2006	12/05/2006
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(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

- (d) the hygienic construction of rooms or compartments in which latrines may be installed.

Section:	30	Obligation to provide latrines	L.N. 320 of 1999	01/01/2000
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(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)

Section:	31	Prevention of nuisances from latrines and sanitary conveniences		30/06/1997
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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.

Section:	32	Removal or alteration of sanitary conveniences		30/06/1997
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(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.

Section:	33	Examination of sanitary conveniences by Authority		30/06/1997
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(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.

Section:	34	Sanitary conveniences used in common		30/06/1997
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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.

Section:	35	Regulations as to public latrines and bathhouses	L.N. 320 of 1999	01/01/2000
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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)

Section:	35A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	36	Provision and maintenance of public latrines and bathhouses	L.N. 320 of 1999	01/01/2000
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(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)

Section:	37	Power to remove members of the public from public bathhouses	L.N. 320 of 1999	01/01/2000
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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)

Section:	38	Power to refuse admittance to certain members of the public to public bathhouses	L.N. 320 of 1999	01/01/2000
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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)

Section:	39	Appeals against action taken under section 37 or 38	L.N. 320 of 1999	01/01/2000
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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)

Section:	40	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	40A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	41	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	42	Regulations relating to swimming pools		30/06/1997
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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.

Section:	42AA	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	42A	Public swimming pools		30/06/1997
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(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)

Section:	42B	Management of public swimming pools		30/06/1997
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The management and control of every public swimming pool shall be vested in the Authority.

(Added 21 of 1973 s. 3)

Section:	43	Rules relating to public swimming pools	L.N. 320 of 1999	01/01/2000
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(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.

Section:	44	Use of public swimming pools for swimming contests, etc., or by schools or clubs		30/06/1997
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- (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).

Section:	45	Public swimming pools to be public places for certain purposes		30/06/1997
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Any public swimming pool shall be deemed to be a public place for the purposes of any enactment relating to offences against decency.

Section:	46	Cleansing and destruction of filthy or verminous articles	L.N. 202 of 2008	14/07/2008
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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)

Section:	47	Cleansing of verminous premises		30/06/1997
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- (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		30/06/1997
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Section:	48	Declaration of offensive trades		30/06/1997
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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.

Section:	49	Regulations relating to offensive trades		30/06/1997
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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.

Section:	49A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Part:	V	FOOD AND DRUGS		30/06/1997
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Section:	50	Offences in connection with preparation and sale of adulterated food or drugs		30/06/1997
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(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.

Section:	51	Adulteration, etc. of milk	30/06/1997
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(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.

Section:	51A	Adulteration of meat	30/06/1997
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(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)

Section:	52	General protection for purchasers of food and drugs	30/06/1997
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(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.

Section:	53	Defences available in proceedings under section 52	30/06/1997
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(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.

Section:	54	Offences in connection with the sale, etc. of unfit food or drugs	30/06/1997
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(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.

Section:	55	Regulations as to composition of food and drugs, etc.	L.N. 130 of 2007	01/07/2007
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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)

Section:	56	Regulations as to food and drugs hygiene	L.N. 320 of 1999	01/01/2000
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(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, and ice, or otherwise for the protection of the public health in connection with any such matters.

(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)

Section:	56A	Prescription of fees relating to drugs		30/06/1997
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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)

Section:	56B	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	57	Live poultry, live reptiles and live fish deemed food for purposes of regulations		30/06/1997
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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, live reptiles and live fish in the same manner as if such live poultry, live reptiles and live fish were food.

Section:	58	Power to call for information as to composition of substances used in the preparation of food and drugs	L.N. 320 of 1999	01/01/2000
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(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)

Section:	59	Examination and seizure and marking or destruction of food or drugs		30/06/1997
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(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.

Section:	60	Food or drugs offered as prizes, etc.	30/06/1997
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(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.

Section:	61	False labelling and advertisement of food or drugs	30/06/1997
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(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.

Section:	62	Power to take samples	30/06/1997
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(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.

Section:	63	Provisions as to the taking of samples for analysis	30/06/1997
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(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.

Section:	64	Certificate of analysis		30/06/1997
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(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.

Section:	65	Evidence of analysis		30/06/1997
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(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.

Section:	66	Proceedings in respect of articles or substances sampled		30/06/1997
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(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.

Section:	67	Presumptions		30/06/1997
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(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, until the contrary is proved, 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, until the contrary is proved, 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, until the contrary is proved, 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, until the contrary is proved, 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.

Section:	68	Power to examine food and drugs in course of transit, etc.		30/06/1997
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(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.

Section:	69	Restriction on movement of imported food or drugs	L.N. 320 of 1999	01/01/2000
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(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.

Section:	70	Contraventions due to some other person		30/06/1997
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(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.

Section:	71	Conditions under which warranty may be pleaded as defence		30/06/1997
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(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.

Section:	72	Offences in relation to warranties or certificates of analysis	30/06/1997
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(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.

Section:	73	Sale, etc. by servants or agents	30/06/1997
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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.

Section:	74	Recovery of expenses incidental to taking of samples	30/06/1997
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(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.

Section:	75	Notification of convictions in newspapers	30/06/1997
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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.

Section:	76	Protection of informers		30/06/1997
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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.

Section:	76A	Public slaughterhouses	L.N. 320 of 1999	01/01/2000
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(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)

Section:	76B	Management of public slaughterhouses		30/06/1997
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The management and control of every public slaughterhouse shall be vested in the Authority.

(Added 21 of 1973 s. 4)

Section:	77	Regulations as to slaughtering and slaughterhouses	L.N. 320 of 1999	01/01/2000
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(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.

Section:	77A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	78	Power to seize and dispose of unfit carcasses of slaughtered animals		30/06/1997
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(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 or the time of the seizure, as the court may, having regard to the circumstances, consider just.

Part:	VA	ADDITIONAL POWERS IN RELATION TO FOOD	3 of 2009	08/05/2009
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(Part VA added 3 of 2009 s. 2)

Section:	78A	Interpretation of Part VA	3 of 2009	08/05/2009
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In this Part—

- “food” (食物) has the meaning given to it by section 2(1) but includes live poultry, live reptiles and live fish;
- “hazard” (危害) means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect;
- “section 78B order” (第78B條命令) means an order made under section 78B(1) and, as the context requires, includes such an order as varied from time to time under section 78B(5);

“supply” (供應), in relation to food, means—

- (a) to sell the food;
- (b) to offer, keep or exhibit the food for sale;
- (c) to exchange or dispose of the food for consideration;
- (d) to transmit, convey or deliver the food in pursuance of—
 - (i) a sale; or
 - (ii) an exchange or disposal for consideration; or
- (e) for commercial purposes, to give the food as a prize or to make a gift of the food.

Section:	78B	Additional powers in relation to food	3 of 2009	08/05/2009
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- (1) The Authority may make an order to do any one or more of the following—
 - (a) prohibit the import of any food for the period specified in the order;
 - (b) prohibit the supply of any food for the period specified in the order;
 - (c) direct that any food supplied be recalled and specify the manner in which, and the period within which, the recall is to be conducted;
 - (d) direct that any food be impounded, isolated, destroyed or otherwise disposed of and specify the manner in which, and the period within which, the impounding, isolation, destruction or disposal is to be conducted;
 - (e) prohibit the carrying on of an activity in relation to any food, or permit the carrying on of such activity in accordance with conditions specified in the order, for the period specified in the order.
- (2) The Authority may only make a section 78B order if the Authority has reasonable grounds at the time of making the order to believe that the making of the order is necessary to prevent or reduce a possibility of danger to public health or to mitigate any adverse consequence of a danger to public health.
- (3) In determining whether there are reasonable grounds under subsection (2), the Authority may, in so far as is practicable and reasonable, take into account all factors relevant to the circumstances of the case that the Authority considers appropriate, including but not limited to the following—
 - (a) information obtained from any importer or supplier of the food;
 - (b) information, reports or testing results obtained from a public analyst;
 - (c) information (including reports, alerts, warnings and advisories) obtained from any international food or health authority or the food or health authority of any place;
 - (d) the time required for obtaining reports or testing results from a public analyst;
 - (e) characteristics of any hazard in the food, the level of the hazard in the food, consumption pattern of the food and the exposure of the general public and vulnerable groups to the food;
 - (f) any statutory requirement relating to the food;
 - (g) information on the source and extent of the hazard, in particular on whether the hazard exists throughout or in any part of the manufacture or supply chain or is limited to a particular batch of food.
- (4) A section 78B order must specify—
 - (a) the person, persons or class of persons intended to be bound by the order;
 - (b) particulars of the food that is the subject of the order;
 - (c) the reason for making the order and the principal factors that led to the making of the order;
 - (d) the prohibition or action required, as the case may be, and conditions (if any) under the order;
 - (e) the period referred to in subsection (1)(a), (b), (c), (d) or (e), as the case may be; and
 - (f) the provision under which the order is made and the consequences of a contravention of any term of the order.
- (5) The Authority may, in the same manner as a section 78B order was made, vary or revoke the order, and section 78C applies, with the necessary modifications, in relation to the variation or revocation of a section 78B order under this subsection as it applies in relation to a section 78B order.
- (6) A section 78B order is not subsidiary legislation.

Section:	78C	Manner of making section 78B orders, service and publication	3 of 2009	08/05/2009
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- (1) A section 78B order must be in writing and may be addressed to—
 - (a) a particular person or particular persons;
 - (b) a class of persons; or
 - (c) all persons.
- (2) A section 78B order addressed as referred to in subsection (1)(a) must be served on the person, or each of the persons, to whom it is addressed.
- (3) A section 78B order addressed as referred to in subsection (1)(b) or (c) must be published in the Gazette.
- (4) A section 78B order, when it takes effect, is binding on the person or persons to whom it is addressed.
- (5) A section 78B order that is served on a person takes effect in relation to the person when it is served on the person.
- (6) A section 78B order addressed as referred to in subsection (1)(b) or (c) takes effect at the time specified in it.

Section:	78D	Contravention of section 78B orders	3 of 2009	08/05/2009
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- (1) A person bound by a section 78B order who contravenes a term of the order commits an offence.
- (2) It is not a defence for the person to show that the food concerned is the subject of a licence, permit or any other form of authorization issued or granted under this or any other Ordinance.
- (3) It is a defence for an employee charged with an offence under subsection (1) to show that—
 - (a) the act done or omission made by the employee in contravention of a term of a section 78B order was done or made in the course of the employee's employment and under instructions given by the employer in the course of that employment; and
 - (b) the employee was not, at the relevant time, in a position to make or influence a decision regarding that act or omission.

Section:	78E	Actions taken in relation to section 78B orders and provision of samples	3 of 2009	08/05/2009
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- (1) The Authority may serve on a person bound by a section 78B order a notice requiring the person (at the time or times, or within the period, specified in the notice) to—
 - (a) inform the Authority of the actions taken by the person in relation to the order; or
 - (b) provide to the Authority samples of the food that is the subject of the order, in the quantity specified in the notice, for analysis, or for bacteriological or other examination.
- (2) If any sample of food is provided to the Authority in compliance with a notice under subsection (1)(b), the Authority must pay to the person appearing to have the lawful custody of the food the market price of the sample, or if the market price is unknown or not readily ascertainable, a reasonable price.
- (3) A person who, having been served with a notice under subsection (1)—
 - (a) fails to comply with the notice; or
 - (b) in purported compliance with the notice—
 - (i) provides information that the person knows is false in a material particular; or
 - (ii) recklessly provides information that is false in a material particular,
 commits an offence.

Section:	78F	Power to obtain information or copies of documents	3 of 2009	08/05/2009
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- (1) If the Authority has reasonable grounds to believe that a person possesses any information or document that may assist the Authority in deciding whether to make, vary or revoke a section 78B order, the Authority may serve on the person a notice requiring the person to—
 - (a) provide the information specified in the notice within the period so specified; or

- (b) produce the document specified in the notice at the time and place so specified and permit a public officer, authorized in writing in that behalf by the Authority, to take copies of the document at that time and place.
- (2) A person who, having been served with a notice under subsection (1)—
 - (a) fails to comply with the notice; or
 - (b) in purported compliance with the notice—
 - (i) provides information or produces any document that the person knows is false in a material particular; or
 - (ii) recklessly provides information or produces any document that is false in a material particular,
 commits an offence.

Section:	78G	Appeals to Municipal Services Appeals Board	3 of 2009	08/05/2009
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- (1) A person bound by a section 78B order who is aggrieved by the order may, within 28 days from becoming bound by the order, appeal to the Municipal Services Appeals Board against the order as originally made.
- (2) A person bound by a section 78B order who is aggrieved by a variation of the order under section 78B(5) may, within 28 days from becoming bound by the variation, appeal to the Municipal Services Appeals Board against the order as so varied.
- (3) In the case of an appeal against a section 78B order addressed as referred to in section 78C(1)(b) or (c), if the Municipal Services Appeals Board Ordinance (Cap 220) authorizes or requires any document to be served or any notice to be given to the persons bound by the order, the document may be served or the notice may be given by—
 - (a) publication in the Gazette; or
 - (b) any other means specified by the Chairman of the Municipal Services Appeals Board by notice in writing signed by the Chairman.
- (4) An appeal under this section does not suspend the section 78B order unless the Authority decides otherwise.

Section:	78H	Compensation	3 of 2009	08/05/2009
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- (1) A person bound by a section 78B order may apply for an amount of compensation, recoverable as a civil debt due from the Government, that is just and equitable in all the circumstances of the case, for any loss of a kind set out in subsection (3).
- (2) The person is entitled to compensation only if the person proves that—
 - (a) the Authority did not have reasonable grounds to make the order at the time of making the order or to vary the order at the time of a variation of the order; and
 - (b) the person has suffered the relevant loss.
- (3) The losses referred to in subsection (1) are the following losses arising as a direct result of compliance with the section 78B order or as a direct result of the exercise of a power under section 78I(1) in relation to the section 78B order—
 - (a) total or partial loss of the food that is the subject of the order and that—
 - (i) has been destroyed or otherwise disposed of;
 - (ii) is no longer fit for human consumption; or
 - (iii) is depreciated in value;
 - (b) costs or expenditure actually and directly incurred.
- (4) The amount of compensation recoverable—
 - (a) in relation to a loss of a kind set out in subsection (3)(a), must not exceed the market value of the food immediately before the time of making the section 78B order or immediately before the time of the variation, as the case may be; and
 - (b) in relation to a loss of a kind set out in subsection (3)(b), must not exceed the actual amount of the costs or expenditure incurred.
- (5) An application under subsection (1) may be made—
 - (a) to the Small Claims Tribunal, for claims up to the maximum jurisdiction of the Tribunal; or
 - (b) to the District Court, irrespective of the amount claimed.

Section:	78I	Seizure, marking or destruction of food	3 of 2009	08/05/2009
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(1) If it appears to a public officer, authorized in writing in that behalf by the Authority, that a term of a section 78B order has been contravened by a person bound by the order in respect of any food, the public officer may—

- (a) seize and remove from the person any such food or any package in which it is contained;
- (b) affix to any such food that is in the person's possession a mark, seal or other designation; or
- (c) destroy or otherwise dispose of any such food that is in the person's possession or cause it to be destroyed or otherwise disposed of.

(2) The Authority may, in a court of competent jurisdiction, recover from the person referred to in subsection (1) any reasonable costs incurred under subsection (1)(a), (b) or (c) as if those costs were a debt due to the Authority from that person.

(3) If a person removes, alters or obliterates any mark, seal or other designation affixed under subsection (1)(b), with intent to deceive any other person, the person commits an offence.

(4) Before a public officer destroys or otherwise disposes of any food or causes any food to be destroyed or otherwise disposed of under subsection (1)(c), the public officer must record a description and other details that are sufficient to identify the food, and the Authority must keep the record in the Authority's custody for a period of not less than 12 months.

(5) In the case of any conviction for an offence under this Part, the court may order that any food to which the conviction relates, and any similar food found on the defendant's premises or in the defendant's possession at the time of the commission of the offence or of the seizure of the food in question, is to be forfeited, together with all packages in which the food is contained.

(6) Any food, and any package in which it is contained, forfeited under subsection (5) may be disposed of in the manner specified by the Authority.

Section:	78J	Liability of employers and principals	3 of 2009	08/05/2009
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(1) An act done or omission made by an employee in the course of the employee's employment is treated for the purposes of this Part as done or made by the employer, as well as by the employee.

(2) An act done or omission made by an agent of another person with the authority (whether express or implied and whether precedent or subsequent) of that other person is treated for the purposes of this Part as done or made by that other person, as well as by the agent.

(3) In any proceedings for an offence under this Part brought against a person in respect of an act or omission alleged to have been done or made by an employee or agent of the person, the person is liable to be convicted of and be punished for that offence unless the person establishes the defence described in subsection (4).

(4) If any proceedings are brought against a person by virtue of this section, it is a defence for the person to show that the person exercised all due diligence to prevent the employee or agent from—

- (a) doing the act or making the omission; or
- (b) doing an act or making an omission of that description in the course of the employee's employment or the agent's authority.

Section:	78K	Codes of practice	3 of 2009	08/05/2009
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(1) The Authority may issue any code of practice that in the Authority's opinion is suitable for providing practical guidance in respect of this Part.

(2) If a code of practice is issued under subsection (1), the Authority must, by notice published in the Gazette—

- (a) identify the code;
- (b) specify the date on which the code is to take effect; and
- (c) specify for which of the provisions of this Part the code is so issued.

(3) The Authority may from time to time revise the whole or any part of a code of practice issued under

subsection (1).

(4) Subsection (2) applies, with the necessary modifications, in relation to any revision made under subsection (3) as it applies in relation to the issue of a code of practice.

(5) The Authority may at any time revoke a code of practice issued under subsection (1).

(6) If a code of practice is revoked under subsection (5), the Authority must, by notice published in the Gazette

(a) identify the code; and

(b) specify the date on which the revocation is to take effect.

Section:	78L	Use of codes of practice in legal proceedings	3 of 2009	08/05/2009
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(1) A failure on the part of any person to observe any provision of a code of practice does not of itself render the person liable to any civil or criminal proceedings.

(2) However, if in any legal proceedings the court is satisfied that a provision of a code of practice is relevant to determining a matter that is in issue in the proceedings—

(a) the code of practice is admissible in evidence in the proceedings; and

(b) proof that the person contravened, or did not contravene, the provision may be relied on by any party to the proceedings as tending to establish or negate that matter.

(3) In any legal proceedings, a code of practice which appears to the court to be the subject of a notice under section 78K is taken to be the subject of that notice in the absence of evidence to the contrary.

(4) In this section—

“code of practice” (實務守則) means a code of practice issued under section 78K(1) as revised from time to time under section 78K(3);

“court” (法院) has the meaning given to it by section 3 of the Interpretation and General Clauses Ordinance (Cap 1) and includes a magistrate and the Municipal Services Appeals Board;

“legal proceedings” (法律程序) includes proceedings of the Municipal Services Appeals Board for an appeal under section 78G.

Part:	VI	MARKETS AND HAWKERS	L.N. 320 of 1999	01/01/2000
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Section:	79	Markets to which Ordinance applies, etc.	L.N. 320 of 1999	01/01/2000
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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)

Section:	79A	Management of public markets		30/06/1997
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The management and control of every public market shall be vested in the Authority.

(Added 21 of 1973 s. 6)

Section:	80	Regulations in relation to markets	L.N. 320 of 1999	01/01/2000
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- (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.

Section:	80A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	81	Market rules	L.N. 320 of 1999	01/01/2000
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(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.

Section:	82	Seizure and forfeiture of articles, etc. in markets	29 of 1998	01/07/1997
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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.

Section:	83	Interpretation for the purposes of sections 83A to 86D	30/06/1997
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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)

Section:	83A	Regulations relating to hawkers	L.N. 320 of 1999	01/01/2000
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- (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)

Section:	83AA	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	83B	Commissioner for Transport may set aside streets for hawking purposes	59 of 2000	01/07/1997
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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)

Section:	84	Power of authorized public officers to arrest in certain cases	59 of 2000	01/07/1997
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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)

Section:	85	Procedure for dealing with arrested person, etc.		30/06/1997
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(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)

Section:	86	Seizure of hawker equipment and commodities from alleged offenders		30/06/1997
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(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)

Section:	86A	Forfeiture of hawker equipment and commodities by the court		30/06/1997
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(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)

Section:	86B	Seizure of abandoned hawker equipment and commodities		30/06/1997
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(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)

Section:	86C	Application to court for return of seized hawker equipment or commodities	59 of 2000	01/07/1997
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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)

Section:	86D	Forfeiture by operation of law	59 of 2000	01/07/1997
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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	L.N. 320 of 1999	01/01/2000
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Section:	87	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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(Repealed 78 of 1999 s. 7)

Section:	88	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	89	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	90	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	90A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	91	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	92	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Part:	VIIIA	LICENSING OF CERTAIN ACTIVITIES	L.N. 320 of 1999	01/01/2000
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(Part VIIIA added 21 of 1973 s. 7)

Section:	92A	Prohibition of certain activities without licence	L.N. 320 of 1999	01/01/2000
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(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)

Section:	92AA	Regulations providing for exemption from section 92A		30/06/1997
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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)

Section:	92AB	Prohibition of any activity specified in Schedule 11A without licence	L.N. 320 of 1999	01/01/2000
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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)

Section:	92B	Regulations relating to licensed activity	L.N. 320 of 1999	01/01/2000
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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 or 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.

Section:	92BA	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	92C	Offences	L.N. 320 of 1999	01/01/2000
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(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)

Section:	92D	Liability of agents and servants		30/06/1997
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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.

Section:	92E	Saving		30/06/1997
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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	L.N. 320 of 1999	01/01/2000
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Section:	93	Power of Authority to require provision of ventilating system in scheduled premises	L.N. 320 of 1999	01/01/2000
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(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)

Section:	94	Certificate to be delivered to Authority in respect of new ventilating systems, and prohibition of alteration of ventilating system without permission		30/06/1997
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(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)

Section:	94A	Regulations relating to ventilating systems in scheduled premises		30/06/1997
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(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)

Section:	95	(Repealed 61 of 1974 s. 8)		30/06/1997
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Section:	96	(Repealed 61 of 1974 s. 8)		30/06/1997
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Section:	97	(Repealed 61 of 1974 s. 8)		30/06/1997
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Section:	98	(Repealed 61 of 1974 s. 8)		30/06/1997
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Section:	99	(Repealed 61 of 1974 s. 8)		30/06/1997
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Section:	100	Power of authorized officers to carry out tests		30/06/1997
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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)

Section:	101	Application of Part VIII to premises provided with ventilating systems at commencement of Ordinance, etc.		30/06/1997
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(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)

Section:	102	Amendment of Second Schedule	59 of 2000	01/07/1997
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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)

Section:	103	Saving in relation to Buildings Ordinance		30/06/1997
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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		30/06/1997
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Section:	104	Regulations for control of advertisements		30/06/1997
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(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.

Section:	104A	Prohibition on display of bills or posters without permission	29 of 1998	01/07/1997
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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)

Section:	104B	Duty to maintain bill or poster in clean and tidy condition	29 of 1998	01/07/1997
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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)

Section:	104C	Power to remove bills and posters		30/06/1997
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- (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. (Added 7 of 1980 s. 3)

Section:	104D	Certain persons also deemed to display bills or posters		30/06/1997
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- (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.

(Added 7 of 1980 s. 3)

Section:	104E	Definitions and saving for other enactments	L.N. 200 of 2007	02/12/2007
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(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)

Section:	105	Provisions as to dangerous advertisement hoardings		30/06/1997
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(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	L.N. 197 of 2004	12/02/2005
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(Part IXA added 21 of 1973 s. 8)

Section:	105A	Provision for stadia	L.N. 197 of 2004	12/02/2005
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(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)

Section:	105B	Management of stadia		30/06/1997
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(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.

Section:	105C	Allocation and granting of stadium or parts thereof		30/06/1997
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(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.

Section:	105D	Regulations relating to stadia		30/06/1997
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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)

Section:	105E	Authority may specify conditions for the use of stadia, etc.	L.N. 320 of 1999	01/01/2000
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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)

Section:	105F	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Part:	IXB	MUSEUMS, LIBRARIES AND CIVIC CENTRES		30/06/1997
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(Part IXB added 21 of 1973 s. 8)

Section:	105G	Provision for museums		30/06/1997
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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)

Section:	105H	Management of museums		30/06/1997
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(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)

Section:	105I	Regulations relating to museums	L.N. 320 of 1999	01/01/2000
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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.

Section:	105J	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	105K	Provision for and management of libraries		30/06/1997
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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)

Section:	105L	Regulations relating to libraries	L.N. 320 of 1999	01/01/2000
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- (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)

Section:	105LA	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	105M	Provision for civic centres	L.N. 197 of 2004	12/02/2005
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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)

Section:	105N	Management of civic centres		30/06/1997
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(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)

Section:	105O	Regulations relating to civic centres		30/06/1997
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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.

Section:	105P	Authority may specify conditions for the use of civic centres, etc.	L.N. 320 of 1999	01/01/2000
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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)

Section:	105Q	Grant of use of civic centres		30/06/1997
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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.

Section:	105R	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	105S	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	105T	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Part:	X	PUBLIC PLEASURE GROUNDS	L.N. 197 of 2004	12/02/2005
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Section:	106	Provision of public pleasure grounds	L.N. 197 of 2004	12/02/2005
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(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)

Section:	107	Management and control of public pleasure grounds	L.N. 320 of 1999	01/01/2000
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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)

(Replaced 32 of 1963 s. 13)

Section:	108	Temporary closure of public pleasure grounds, etc.		30/06/1997
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(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.

Section:	109	Regulations relating to public pleasure grounds		30/06/1997
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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.

Section:	109A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	110	Public pleasure ground rules	L.N. 320 of 1999	01/01/2000
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(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.

Section:	111	Appointment and powers of keepers		30/06/1997
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(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	29 of 1998	01/07/1997
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(Part XA added 40 of 1980 s. 2)

Section:	111A	Interpretation of this Part	29 of 1998	01/07/1997
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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)

Section:	111B	Proposal of private street name	L.N. 320 of 1999	01/01/2000
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(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)

Section:	111C	Declaration of street name	L.N. 320 of 1999	01/01/2000
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(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)

Section:	111D	Penalty for marking or displaying other street name		30/06/1997
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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		30/06/1997
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Section:	112	Restriction upon the keeping of dead bodies in domestic premises		30/06/1997
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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.

Section:	112A	Authority may order human remains to be buried or cremated		30/06/1997
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- (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)

Section:	113	Public and private cemeteries	59 of 2000	01/07/1997
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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)

Section:	114	Plans and demarcations of cemeteries	L.N. 197 of 2004	12/02/2005
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- (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)

Section:	115	General management and closure of public cemeteries and Commonwealth War Graves Commission Cemeteries		30/06/1997
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(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.

Section:	116	Regulations relating to cemeteries		30/06/1997
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(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)

Section:	116A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	117	Public cemetery and Commonwealth War Graves Commission Cemetery rules	L.N. 320 of 1999	01/01/2000
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(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.

Section:	118	Prohibition of unauthorized burials and exhumations		30/06/1997
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(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 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)

Section:	118A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	119	Power of Chief Executive in Council to direct removal and disposal of human remains	59 of 2000	01/07/1997
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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)

Section:	119A	Power of Authority to direct removal and disposal of human remains		30/06/1997
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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)

Section:	120	Removal of coffins, etc.		30/06/1997
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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.

Section:	121	Disposal of exhumed bodies	L.N. 211 of 1998	04/05/1998
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(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)

Section:	122	Defrayal of expenses of reburial, etc.	L.N. 320 of 1999	01/01/2000
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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)

Section:	123	Regulations in relation to mortuaries		30/06/1997
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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.

Section:	123A	Public funeral halls		30/06/1997
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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)

Section:	123AA	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	123B	Management of public funeral halls		30/06/1997
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The management and control of every public funeral hall shall be vested in the Authority.

(Added 3 of 1978 s. 2)

Section:	123C	Regulations as to public funeral halls		30/06/1997
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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)

Section:	123D	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	124	Right of Authority to dispose of unclaimed dead bodies		30/06/1997
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- (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.

Section:	124A	Government and private crematoria		30/06/1997
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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)

Section:	124B	Management of Government crematoria and Gardens of Remembrance		30/06/1997
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The management and control of Government crematoria and Gardens of Remembrance shall be vested in the Authority.

(Added 21 of 1973 s. 9)

Section:	124C	Use of crematoria		30/06/1997
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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)

Section:	124D	Provision for hearing objections where application for crematorium in certain locations or adding facilities in an existing crematorium	L.N. 320 of 1999	01/01/2000
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(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)

Section:	124E	Regulations relating to cremation and crematoria		30/06/1997
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(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)

Section:	124EA	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	124F	Offences		30/06/1997
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(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)

Section:	124G	Fees and charges to be part of funeral expenses		30/06/1997
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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)

Section:	124H	Saving for coroner		30/06/1997
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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	L.N. 320 of 1999	01/01/2000
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(Part XIA added 78 of 1999 s. 7)

Section:	124I	Authority may prescribe fees and charges	L.N. 320 of 1999	01/01/2000
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- (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, live reptiles and live fish, the registration or licensing of premises, businesses or persons engaged in or connected with-
 - (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) ice; or
 - (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.

Section:	124J	Authority may prescribe fees and charges for matters specified in Schedule 16	L.N. 320 of 1999	01/01/2000
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(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.

Section:	124K	Authority may determine fees and charges with approval of Financial Secretary	L.N. 320 of 1999	01/01/2000
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(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.

Section:	124L	Authority may prescribe fees and charges	L.N. 320 of 1999	01/01/2000
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(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.

Section:	124M	Financial Secretary may reduce or waive fees or charges	L.N. 320 of 1999	01/01/2000
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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*	L.N. 320 of 1999	01/01/2000
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Note:

* (Replaced 78 of 1999 s. 7)

Section:	124N	Interpretation of Part XIB	L.N. 320 of 1999	01/01/2000
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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)

Section:	125	General provisions as to licences, etc.	L.N. 320 of 1999	01/01/2000
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(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.

Section:	125A	Establishment and membership of Licensing Appeals Board	L.N. 320 of 1999	01/01/2000
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(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)

Section:	125B	Functions and powers of the Board and appeals from its decisions	L.N. 320 of 1999	01/01/2000
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(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)

Section:	125C	How the Board is to be constituted for the purposes of an appeal	L.N. 320 of 1999	01/01/2000
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(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)

Section:	125D	Parties to an appeal	L.N. 320 of 1999	01/01/2000
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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)

Section:	125E	Provisions applicable to a hearing	L.N. 320 of 1999	01/01/2000
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(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)

Section:	125F	Board to give reasons for decision	L.N. 320 of 1999	01/01/2000
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(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)

Section:	125G	Board may make rules	L.N. 320 of 1999	01/01/2000
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(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)

Section:	125H	Meetings of the Board other than appeal hearings	L.N. 320 of 1999	01/01/2000
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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)

Section:	125I	Staff	L.N. 130 of 2007	01/07/2007
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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*	L.N. 320 of 1999	01/01/2000
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Note:

* (Added 78 of 1999 s. 7)

Section:	126	General powers of entry	L.N. 320 of 1999	01/01/2000
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(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.

Section:	127	Provisions for securing abatement of nuisances which may be dealt with summarily		30/06/1997
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(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.

Section:	128	Power to close premises used in contravention of provisions of Ordinance	L.N. 193 of 2002	14/02/2003
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(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)

Section:	128A	Application and interpretation of this section and sections 128B, 128C and 128D	L.N. 193 of 2002	14/02/2003
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(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)

Section:	128B	Power to close premises used without licence, permit or permission	L.N. 193 of 2002	14/02/2003
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(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)

Section:	128C	Power to close premises posing immediate health hazard	L.N. 193 of 2002	14/02/2003
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(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)

Section:	128D	Appeals to Appeal Board on Closure Orders (Immediate Health Hazard)	L.N. 130 of 2007	01/07/2007
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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)

Section:	129	Authority may render services, etc., on request	L.N. 320 of 1999	01/01/2000
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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)

Section:	130	Recovery of cost of works done or services rendered by public officers	L.N. 320 of 1999	01/01/2000
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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)

Section:	131	Name in which certain proceedings may be brought	L.N. 320 of 1999	01/01/2000
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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)

Section:	132	Institution and conduct of certain proceedings	L.N. 320 of 1999	01/01/2000
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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)

Section:	133	Disposal of property coming into possession of certain public officers	L.N. 320 of 1999	01/01/2000
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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)

Section:	134	Service of notices		30/06/1997
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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.

Section:	135	Authentication and production in evidence of documents	L.N. 320 of 1999	01/01/2000
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(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)

Section:	136	Presumption as to employment of servants		30/06/1997
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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.

Section:	137	Offences by corporations		30/06/1997
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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.

Section:	137A	Application of Summary Offences Ordinance (Cap. 228) and Public Order Ordinance (Cap. 245)		30/06/1997
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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)

Section:	138	Protection for public servants acting in good faith	59 of 2000	01/07/1997
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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)

Section:	139	Obstruction of officers in the exercise of their duty		30/06/1997
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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.

Section:	140	Onus of proving vaccination or inoculation		30/06/1997
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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.

Section:	141	Proceedings against several persons	L.N. 320 of 1999	01/01/2000
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(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.

Section:	142	Delegation of powers	L.N. 320 of 1999	01/01/2000
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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)

Section:	143	General powers relating to regulations	59 of 2000	01/07/1997
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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)

Section:	144	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	144A	Restriction on certain powers	29 of 1998 s. 105	01/07/1997
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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)

Section:	145	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	146	Chief Executive in Council empowered in any appeal to state case for opinion of Court of Appeal on question of law	25 of 1998; 59 of 2000	01/07/1997
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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)

Section:	147	Forms	59 of 2000	01/07/1997
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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)

Section:	148	Transitional provisions with respect to offences and certain notices		30/06/1997
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(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.

Section:	149	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	150	Penalties		30/06/1997
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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.

Section:	151	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	152	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	153	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	154	Transitional	L.N. 320 of 1999	01/01/2000
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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)

Schedule:	1	SCHEDULED OFFENCES		30/06/1997
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[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)

Schedule:	2	SCHEDULED PREMISES		30/06/1997
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[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)

Schedule:	3	DESIGNATED AUTHORITIES	3 of 2009	08/05/2009
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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
78B	Director of Food and Environmental Hygiene
78E	Director of Food and Environmental Hygiene
78F	Director of Food and Environmental Hygiene
78G	Director of Food and Environmental Hygiene
78H	Director of Food and Environmental Hygiene
78I	Director of Food and Environmental Hygiene
78K	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) and (6)	Director of Leisure and Cultural Services
106(3) and (4)	Director of Lands
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) and (4)	Director of Food and Environmental Hygiene
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)

Schedule:	4	PUBLIC PLEASURE GROUNDS	L.N. 165 of 2010	10/12/2010
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[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 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-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
 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
 Sam Ka Lane Children's Playground
 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 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
 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
 Ventris 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
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
 Hiu Kwong Street Children's Playground
 Hiu Kwong Street Park Strip
 Hiu Kwong Street Recreation Ground
 Hiu Kwong Street Rest Garden
 Hiu Kwong Street Sports Centre

Hiu 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 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 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
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
 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 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
 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
 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 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
 West Kowloon Waterfront Promenade
 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 Playground
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 Tam Shui Hang Sitting-out Area
 Ha Wan Tsuen Basketball Court

Ha Wan Tsuen Garden
 Hang Hau Basketball Court
 Hang Hau Garden
 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 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
 The Jockey Club Tuen Mun Butterfly Beach Sports Centre
 The Jockey Club Wong Shek Water Sports Centre
 Ka Loon Garden
 Kai Leng Playground
 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 Rainselter
 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 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 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 Pet Garden
Ma On Shan Sports Centre
Ma On Shan Sports Ground
Ma Tin Road 5-a-side Football Pitch
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 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 Hing Playground
 On King Street Park
 On Kwok Villa Sitting-out Area
 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 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 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 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 Sports Centre
 Po Lo Che Garden
 Po Tsui Park
 Po Wing Road Playground
 Po Wing Road Sitting-out Area
 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
 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 Wai Garden
 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 Wai Playground
 Sha Tsui Playground
 Sha Tsui Road Playground
 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 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 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 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 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 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 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 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 Chuk Hang Children's Playground
Tan Kwai Tsuen Road Garden
Tap Mun Playground
Tap Mun Sitting-out Area
Tat Tung Road Garden
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 Tze 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 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 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 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 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
 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)

Schedule:	5	CEMETERIES, CREMATORIA AND GARDENS OF REMEMBRANCE	L.N. 320 of 1999	01/01/2000
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[sections 2, 113 & 124A]

PART I

Public cemeteries

Name of Cemetery	Location
Cheung Chau Cemetery	Cheung Chau, New Territories
Hong Kong Cemetery	Happy Valley
Garden of Remembrance	Cape Collinson
Lai Chi Yuen Cemetery	Lantau, New Territories
*Mount Caroline Cemetery	So Kon Po
*New Kowloon Cemetery No. 8	Kowloon

(Diamond Hill Urn Cemetery)
 Prison Cemetery
 Sandy Ridge Cemetery
 Sandy Ridge Urn Cemetery
 Tai O Cemetery
 Wo Hop Shek Cemetery

Stanley
 Lo Wu, New Territories
 Lo Wu, New Territories
 Lantau, New Territories
 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)

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 Cemetery No. 2 (Little Sisters of the Poor Cemetery)	Clear Water Bay 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 Kei Tuk Kau Fan Cheung	New Territories
Tao Fong Shan Christian Cemetery	New Territories
Tsuen Wan Chinese Permanent Cemetery	Tsuen Wan, New Territories
Zoroastrian Cemetery	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)

PART III-PART IV

(Repealed 78 of 1999 s. 7)

PART IVA

Commonwealth War Graves Commission Cemeteries

Name of Cemetery	Location
Sai Wan War Cemetery	Cape Collinson Road
Stanley Military Cemetery	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.

Schedule:	6	NAMES IN WHICH PROCEEDINGS FOR OFFENCES MAY BE BROUGHT UNDER SECTION 131(1)	3 of 2009	08/05/2009
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[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.
78D	Director of Food and Environmental Hygiene
78E	Director of Food and Environmental Hygiene
78F	Director of Food and Environmental Hygiene
78I	Director of Food and Environmental Hygiene
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)

Schedule:	7	FORMS	L.N. 193 of 2002	14/02/2003
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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 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 sufferance 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.

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)

Table with 4 columns: Schedule, 8, (Repealed 78 of 1999 s. 7), L.N. 320 of 1999, 01/01/2000

Table with 4 columns: Schedule, 9, PENALTIES, 3 of 2009, 08/05/2009

[section 150]

Table with 4 columns: Section, Penalty, Daily penalty. Rows include sections 6(1)(a), 6(1)(d), 7(2), 9(a), 9(b), 10(3), 13(2)(a), 13(5), 14(2)(a), 20(3)(b) with corresponding penalty levels and fines.

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	—
78D(1)	level 6 and 12 months imprisonment	—
78E(3)	level 3 and 3 months imprisonment	—
78F(2)	level 3 and 3 months imprisonment	—
78I(3)	level 5 and 6 months imprisonment	—
81(2)	level 1	—
83B(3)	level 2 and 1 month imprisonment (first conviction)	\$ 300 fine
	level 3 and 6 months imprisonment (second or subsequent conviction)	\$ 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 fine
128C(12)(c)		
128B(12)(a)and (b) and	level 4 and 6 months imprisonment	—
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)

Schedule:	10	PUBLIC MARKETS	L.N. 207 of 2009	30/10/2009
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[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, Ap Lei Chau Complex	鴨脷洲街市，鴨脷洲市政大廈
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	大圓街熟食市場
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)

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.**

Schedule:	11	LICENSED ACTIVITIES	L.N. 320 of 1999	01/01/2000
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[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)

Schedule:	11A	LICENSED ACTIVITY	L.N. 320 of 1999	01/01/2000
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[sections 92AB, 92B
& 124I]

Undertakers of burials

(Schedule 11A added 78 of 1999 s. 7)

Schedule:	12	STADIA		30/06/1997
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[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)

Schedule:	13	CIVIC CENTRES	L.N. 6 of 2007	16/03/2007
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[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 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)

Schedule:	14	PUBLIC SWIMMING POOLS	L.N. 163 of 2010	10/12/2010
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[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
 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
 The Jockey Club Yan Oi Tong Swimming Pool
 Kwai Shing Swimming Pool
 Ma On Shan Swimming Pool
 Mui Wo Swimming Pool
 North Kwai Chung Jockey Club 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
 Tin Shui Wai Swimming Pool
 Tseung Kwan O Swimming Pool
 Tsing Yi Swimming Pool
 Tsuen King Circuit Wu Chung 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)

Schedule:	15	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Schedule:	16	MATTERS FOR WHICH SECRETARY FOR HOME AFFAIRS MAY BY REGULATION PROVIDE FOR FEES AND CHARGES	L.N. 320 of 1999	01/01/2000
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[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)