

**PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.**  
(No. 30 of 1960).

HAWKER BY-LAWS, 1960.

In exercise of the powers conferred by section 83 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

Citation and commencement.

1. These by-laws may be cited as the Hawker By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960.

Application.

2. (1) These by-laws shall apply to the urban areas only.  
(2) These by-laws shall not apply to any hawker who is—  
(a) carrying on business as a car cleaner and who is licensed by the Commissioner of Police under the provisions of regulation 16 of the Road Traffic (Parking and Waiting) Regulations, 1958; or  
(b) hawking—  
(i) on enclosed land held on lease or permit from the Crown;  
(ii) on the Public Square, Yau Ma Tei; or  
(iii) on the Chinese Recreation Ground, Hong Kong.

(G.N.A. 77/58).

Interpretation.

3. In these by-laws, save where the context otherwise requires—  
“annual licence” means a licence granted under the provisions of paragraph (1) of by-law 7;

“deputy” means any person appointed by a hawker under the provisions of by-law 15 to deputize for him, and the word “hawker” includes any such person;

“hawker bazaar” means an area of ground demarcated by the Council and allocated by it for the use of hawkers;

“open food” means—

- (a) uncooked perishable food; and  
(b) food which is not contained in a container of such materials and so closed, as to exclude all risk of contamination,

but does not include raw vegetables and uncut fruit or any food which has to be subjected to a process of milling, refining or cooking (other than food specified in paragraph (a) and food in the course of preparation) for the purpose of rendering it fit for human consumption;

“pitch” means an area of ground allotted by the Council to a hawker for the purpose of carrying on his trade thereon;

“wall stall” means a stall, from which goods are sold, which is erected on or against any external part of any structure and which faces onto a street, lane, alley or footpath.

4. Save as provided in paragraph (6) of by-law 7, no person, other than a person who is hawking animals and birds only, shall hawk in the urban areas except under and in accordance with a licence granted by the Council. No hawking without licence.

5. The Council may, by notification published in the *Gazette*, prescribe any place or area, other than a hawker bazaar, within which no hawker may hawk unless his licence is endorsed by the Council with permission to hawk therein. Restriction of hawking in special areas.

6. (1) (a) The Council may, with the concurrence of the Commissioner of Police, prescribe areas in which hawking by means of mobile shops and mobile canteens may be carried on. Regulation of hawking by means of mobile shops and canteens.  
(b) A notice of any such area so prescribed shall be published in the *Gazette*.

(2) Any area so prescribed shall be delineated on a map which shall be signed by, and kept at the offices of, the Secretary of the Council.

(3) Save within an area prescribed under the provisions of paragraph (1), no person shall hawk by means of a mobile shop or mobile canteen.

7. (1) Subject to the provisions of paragraph (4) and, in the case of an application for a licence to hawk by means of a mobile shop for the sale of food or a mobile canteen, to the provisions of by-law 9, the Council may, on payment of the fee prescribed in respect thereof in the third column of Table I, grant to any person a licence of any of the classes of licence specified in the first column of that Table. Annual licences.

TABLE I.

Class of licence.	Description.	Fee.
		\$
(i)	cooked food stall (full meals) licence .....	250
(ii)	cooked food stall (light meals) licence .....	150
(iii)	general purpose stall licence .....	175
(iv)	fixed pitch licence .....	100
(v)	pedlar hawker licence .....	20
(vi)	fixed pitch newspaper pedlar licence .....	25

<i>Class of licence.</i>	<i>Description.</i>	<i>Fee.</i>
		\$
(vii)	newspaper pedlar licence .....	5
(viii)	ice cream and frozen confections licence .....	75
(ix)	boot-black licence .....	5
(x)	wall stall licence .....	100 or \$10 per square foot of the average area of the stall or the display of goods thereon, whichever is the greater.
(xi)	mobile shop (for sale of articles other than food) licence .....	200
(xii)	mobile shop (for sale of food) licence .....	250
(xiii)	mobile canteen licence .....	350.

(2) Every annual licence, except a pedlar hawker licence or a newspaper pedlar licence, issued—

- (a) for the Island of Hong Kong or Ap Lei Chau, shall expire on the 30th day of September in each year; and
- (b) for Kowloon or New Kowloon, shall expire on the 31st day of March in each year.

(3) Every pedlar hawker licence and newspaper pedlar licence shall expire twelve months after the last day of the month preceding the month in which the licence was issued.

(4) Where any annual licence, other than a pedlar hawker licence or a newspaper pedlar licence, is issued in the second half of any year of licence, the fee payable in respect of the grant thereof shall be one half of the fee prescribed in paragraph (1).

(5) On the expiry of any annual licence, the Council may, upon application personally by the person to whom the licence was granted and upon payment of the appropriate fee prescribed in paragraph (1) and, in the case of a licence to hawk by means of a mobile shop for the sale of food or a mobile canteen, subject to the provisions of paragraph (5) of by-law 9, renew such licence, by endorsement, for a further period of one year with effect from the date on which the same expired:

Provided that, where it thinks fit, the Council may renew any such licence notwithstanding that the application for its renewal was not made personally by the person to whom the licence was granted:

Provided further that, where the application for its renewal is made more than six weeks after the expiry of the licence, the prescribed fee shall be increased by ten per cent.

(6) Notwithstanding the provisions of paragraphs (2) and (3), no proceedings shall, save with the consent of the Council, be instituted against any hawker for a contravention of by-law 4 by reason of his having failed to renew his licence, until after the expiration of twelve weeks from the date on which such licence expired.

8. (1) Every hawker who has applied for the grant of any annual licence shall give to the Council the following particulars—

- (a) his name and any aliases;
- (b) the number of his identity card;
- (c) his residential address;
- (d) the address to which correspondence intended for him should be directed by post, if other than his residential address;
- (e) the name and aliases (if any), and such other particulars of identification as the Council may require, of every person whom the hawker intends to be employed in, or assist him in the carrying on of, his business as a hawker; and
- (f) any other particulars which the Council may require, together with such number of photographs of himself as the Council may require, not exceeding four.

(2) If at any time after the issue of such licence there is any change in any of the particulars given to the Council under the provisions of paragraph (1), the hawker shall, within seven days thereof, notify the Council of such change.

9. (1) Every application for an annual licence to operate a mobile shop for the sale of food or a mobile canteen shall be accompanied by three copies of a plan, as nearly as may be to scale, of the mobile shop or canteen to which the licence will relate showing the following particulars—

- (a) space allocated to the storage of water;
- (b) space allocated to the cooking, preparation and handling of open food;
- (c) space allocated to the storage of any kind of open food;
- (d) space allocated to the serving of customers;
- (e) space allocated to the cleansing, drying or storage for ready use of utensils;
- (f) sanitary fitments, if any, and drainage arrangements;
- (g) all windows or ducts providing ventilation; and
- (h) the siting of all food manufacturing or preparation plant, sterilizers, cooking stoves, refrigeration or other cooling equipment, wash hand basins or sinks, drying racks, water tanks and any other fixtures or like equipment.

Particulars to be supplied on issue of annual licences.

Special provisions as to licences to hawk by means of mobile shop for sale of food or mobile canteen.

(2) Every such application shall also be accompanied by particulars of the following matters—

- (a) the type of utensil in which water is to be stored and the source of the water;
- (b) the type of fuel to be used in any stoves or other like equipment;
- (c) the method for the storage and disposal of refuse; and
- (d) the finish of the surface of the walls of the mobile shop or canteen and of the floor thereof and fixtures therein.

(3) Every such plan, or such modification thereof, as may be approved by the Council shall be endorsed to that effect and shall be signed by the Secretary of the Council, and one copy shall be returned to the applicant and the remaining two copies shall be retained by the Council.

(4) Save with the permission in writing of the Council, no alteration of, or addition to, any mobile shop or canteen shall be made which would result in a material deviation from the plan thereof approved under the provisions of paragraph (3).

(5) No licence to operate a mobile shop for the sale of food or a mobile canteen shall be granted or renewed unless the Council is satisfied that the mobile shop or canteen to which the licence relates conforms to the plan thereof approved under the provisions of paragraph (3) or, in the case of the renewal of any such licence where an alteration of, or addition to, the mobile shop or canteen to which the licence relates has been made, unless the Council is satisfied that the same has been made in accordance with the provisions of paragraph (4).

Temporary licences.

10. (1) In respect of any particular place or area, not being a place or area in respect of which an annual licence is concurrently held by any other person, the Council may grant to any person a temporary licence to hawk for any period not exceeding ten days.

(2) For the purpose of allocating the grant of a temporary licence under paragraph (1), the Council may, from time to time, make use of such of the following methods of allocation as shall appear to it appropriate, having regard to the occasion upon, and the purpose for, which such temporary licence is to be issued—

- (a) grant the licence to any person upon application in writing therefor and upon payment of the following fees—
  - (i) twenty-five dollars in respect of any period which includes any day within ten days before or after Chinese New Year Day; or
  - (ii) five dollars in respect of any other period;

(b) call for tenders, and grant the licence to any person who, in the opinion of the Council, is a suitable person to hold such licence and who tenders a fee exceeding—

- (i) twenty-five dollars in respect of any period which includes any day within ten days before or after Chinese New Year Day; or
- (ii) five dollars in respect of any other period;

(c) grant such number of licences as the Council may determine by ballot among the persons applying therefor, being persons who, in the opinion of the Council, are suitable persons to hold such licences, in which case each applicant shall pay to the Council an entrance fee to the ballot of—

- (i) five dollars in respect of a licence for any period which includes any day within ten days before or after Chinese New Year Day; or
- (ii) one dollar in respect of a licence for any other period.

11. (1) In addition to any annual licence, the Council may issue, free of charge, a card hereinafter referred to as a pitch card. Pitch cards.

(2) If any pitch card issued under the provisions of paragraph (1) has been lost, destroyed or defaced, the Council may, on payment of a fee of one dollar, issue a duplicate.

12. (1) If the Council is satisfied that any annual licence has been lost, destroyed or defaced, the Council shall issue a duplicate thereof. Loss of licence.

(2) In the case of the loss, destruction or defacement of a pedlar hawker licence or a newspaper pedlar licence, such licence shall be deemed to have been cancelled unless, within seven days after its loss, destruction or defacement, as the case may be, the hawker furnishes the Council with either the number of such licence or the date upon which it was granted.

(3) Nothing in paragraph (2) shall be construed to prevent any pedlar hawker or newspaper pedlar hawker whose licence is deemed to have been cancelled under the provisions of that paragraph from obtaining a new licence upon payment of the appropriate fee.

(4) A fee of five dollars shall be payable for the issue of any duplicate licence under the provisions of paragraph (1):

Provided that, in the case of a boot-black licence, a fee of one dollar shall be payable therefor.

13. (1) Any annual licence shall be terminated by the death of the hawker to whom it was issued. Termination of licence in certain cases.

(2) Where any annual licence is cancelled or otherwise terminated, otherwise than by reason of the misconduct of the hawker to whom it was issued, the Council may in its discretion refund to such hawker or

to his legal personal representative a sum equivalent to that proportion of the fee paid in respect of such licence which the period for which the licence would otherwise have remained in force bears to the period for which the licence was granted:

Provided that the period for which the licence would otherwise have remained in force shall be reckoned in months and calculated to the nearest month, and such refund shall be reckoned in dollars calculated to the nearest dollar.

Stall, licences and pitch cards not to be sublet or transferred.

**14.** Save with the consent in writing of the Council, no hawker shall sublet, transfer or lend any stall or transfer his licence or pitch card (if any) to any other person.

Appointment of hawkers deputies.

**15.** (1) Subject to the consent of the Council, any hawker may appoint a deputy for all or any purposes under these by-laws for such period, not exceeding six months, as the Council may consider reasonable having regard to the circumstances.

(2) Upon any application for consent under paragraph (1), the hawker shall provide the Council with such particulars relating to the proposed deputy as the Council may require, and shall also provide the Council with such number of photographs of the deputy as the Council may require, not exceeding four.

(3) Upon such consent being given, the Council shall endorse the licence of the applicant with such particulars of the deputy as may be necessary for his identification, and shall append thereto one copy of his photograph.

Employment of servants or agents.

**16.** No hawker shall, for the purposes of hawking, employ or be assisted by any person except a person whose name is endorsed by the Council upon his licence.

Obstruction.

**17.** No hawker and no assistant shall behave in a manner impertinent towards, or calculated to obstruct, disturb or annoy, any person.

Alteration, defacement, etc. of licence.

**18.** No person shall alter, deface or make any erasure on a licence or pitch card, and no person shall use, or have in his possession with a view to using, a licence on which an erasure has been made, or which has been altered or defaced in any way, unless such alteration, defacement or erasure has been authorized by the Council:

Provided that nothing in this by-law shall be construed to prevent the use by any hawker of a licence which has been damaged or defaced by accident.

Production of licence.

**19.** Every hawker shall, on demand, produce his licence to any officer of the Urban Services Department or to any police officer.

**20.** (1) Every hawker shall keep his stall, pitch and the implements of his trade in a clean and wholesome condition.

Cleanliness and removal of refuse.

(2) Every cooked food stall shall be cleansed each day, and every water container used for the purpose of the business carried on therein shall be scrubbed out every Tuesday morning with a solution of chloride of lime smelling strongly of chlorine.

**21.** (1) Every hawker shall, at the close of trade each day and in any case not later than 10 p.m., remove from his place of trade all wares, utensils, showboards and other equipment:

Removal at night, etc.

Provided that the provisions of this paragraph shall not apply to—

- (a) cooked food stalls;
  - (b) general purpose stalls; or
  - (c) the structure of a fixed pitch stall.
- (2) (a) The Council may, by notice in writing served on any hawker, require the hawker to remove his stall to such place as may be specified in the notice within such period as may be specified therein.
- (b) A notice under sub-paragraph (a) may require the stall to be removed to such place during such times as may be specified therein.
- (c) If the hawker on whom a notice is served under the provisions of sub-paragraph (a) fails to comply with any of the requirements thereof, the Council may cause the stall to be removed to the place specified in such notice and may recover any expenses thereby incurred from such hawker.

**22.** Every hawker shall, at all times during which he is trading exhibit in a conspicuous manner at his place of business his licence and his pitch card (if any).

Display of licence or pitch card.

**23.** Subject to the provisions of by-law 24 and save as otherwise permitted in writing by the Council, no hawker shall use any stall or any accessory thereto or any equipment which does not conform to the requirements set out in the First Schedule.

Requirements as to stalls.

First Schedule.

- 24.** (1) No hawker shall carry on business from—
- (a) any cooked food stall which exceeds seven feet by four feet in horizontal area or ten feet in height;
  - (b) any general purpose stall which exceeds six feet by three feet in horizontal area or ten feet in height; or
  - (c) any fixed pitch stall which exceeds—
    - (i) where such stall is provided by the hawker and situated in the open, four feet by three feet in horizontal area, six feet in height at the front and five feet in height at the back; or

Size of stalls.

(ii) where such stall is provided by the Council in a market, the limits of the stall so provided.

(2) Notwithstanding anything contained in paragraph (1), the Council may, from time to time, prescribe by endorsement on the licence of any hawker such other dimensions applicable to any particular stall, as the Council may consider necessary and, in relation to such stall, such hawker shall be exempt from the provisions of paragraph (1) to the extent to which other dimensions have been so prescribed.

Hours of business.

25. Save with the permission of the Council, no hawker of cooked foods shall carry on business between the hours of 2 a.m. and 6 a.m., and no other hawker shall carry on business between the hours of 10 p.m. and 6 a.m.

No paraphernalia to be placed outside the boundaries of marked pitches.

26. Where any hawker has been allocated for his business a pitch which is demarcated in visible form by the Council, such hawker shall not place, or allow to be placed, any wares, utensils, showboards or other equipment pertaining to his business outside the boundaries of the pitch so demarcated.

No sleeping in hawker stall.

27. No person shall sleep in any hawker stall.

Removal of equipment to facilitate scavenging.

28. Whenever any scavenging or street cleaning is in progress, every hawker shall, if so requested by a health officer or health inspector or any officer of the Urban Services Department holding the post of overseer or above, remove his stall, wares and all equipment and paraphernalia whatsoever until such scavenging or street cleaning is completed.

Wholesome water to be used at cooked food stalls.

29. Only wholesome water shall be used, or allowed to be used, by any hawker at any cooked food stall, and all such water shall be obtained—

- (a) from Government water mains; or
- (b) from a source, other than such mains, which has been approved in writing by the Council.

Intoxicating liquor not allowed at hawker stalls.

30. No person shall, at any hawker stall, sell, have in his possession, or consume, any intoxicating liquor whatsoever.

Hawker bazaars.

31. (1) Where the Council has established a hawker bazaar, the Council may in such manner as it thinks fit—

- (a) allocate a pitch in the bazaar to any licensed hawker; and
- (b) prescribe the commodities which may be sold from any pitch.

(2) No person to whom a pitch has been allocated in any hawker bazaar shall hawk in any pitch other than that allocated to him, and no person shall hawk in a hawker bazaar in any pitch which has been allocated to any other person.

(3) Where the commodities which may be sold from any pitch in a hawker bazaar have been prescribed under the provisions of paragraph (1), no person shall hawk any other commodities from that pitch.

32. (1) Any person who—

- (a) contravenes any of the provisions of by-law 4, 14, 16, 17, 18, 22, 23, 25, 26, 27 or 30 or of paragraph (3) of by-law 6, paragraph (2) of by-law 8, paragraph (4) of by-law 9, paragraph (1) of by-law 20, paragraph (1) of by-law 21, paragraph (1) of by-law 24 or paragraph (2) or (3) of by-law 31;
- (b) without the permission of the Council, hawks in any place or area prescribed under the provisions of by-law 5 as a place or area within which no hawker may hawk without such permission;
- (c) knowingly gives to the Council any false information in relation to any of the particulars required to be given to it under the provisions of paragraph (1) of by-law 8;
- (d) fails to produce his licence when required to do so under the provisions of by-law 19;
- (e) fails to comply with any of the requirements of a notice served by the Council under the provisions of sub-paragraph (a) of paragraph (2) of by-law 21;
- (f) where, under the provisions of paragraph (2) of by-law 24, any dimensions applicable to any particular stall have been endorsed on the licence of any hawker, carries on business from that stall if the same is not in accordance with the dimensions so endorsed; or
- (g) fails to comply with any requirement made under the provisions of by-law 28,

shall be guilty of an offence.

(2) In the event of any contravention of any of the provisions of paragraph (2) of by-law 20 or of by-law 29, the proprietor of the cooked food stall in respect of which such provision was contravened shall be guilty of an offence.

(3) Any person who is guilty of an offence under these by-laws shall be liable to a fine of five hundred dollars or to imprisonment for six months.

Offences and penalties.

Name in which proceedings for offences may be brought.

Provisions as to forfeiture of articles in certain cases. Second Schedule.

Transitional provisions. (Vol. X, p. 208).

33. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

34. In the event of the conviction of any person for a contravention of the provisions of these by-laws specified in the second column of the Second Schedule or of the requirements of a notice served under any such provisions, the articles specified in relation thereto in the third column of that Schedule may be forfeited by the court in the circumstances, if any, specified in the said third column.

35. Any licence of the class specified in the first column of Table II granted under the cancelled Hawkers By-laws which is in force at the commencement of these by-laws shall be deemed, for all purposes, to be a licence of the class specified opposite thereto in the second column of the said Table granted under these by-laws.

TABLE II.

Class 2. Fixed Pitch hawkler licence.	Class (iv). Fixed pitch licence.
Class 3A. Pedlar hawkler licence.	Class (v). Pedlar hawkler licence.
Class 4A. Fixed Pitch Newspaper hawkler licence.	Class (vi). Fixed pitch newspaper pedlar licence.
Class 4B. Pedlar Newspaper hawkler licence.	Class (vii). Newspaper pedlar licence.
Class 5. Boot-black hawkler licence.	Class (ix). Boot-black licence.
Class 6. Ice Cream and Frozen Confections hawkler licence.	Class (viii). Ice cream and frozen confections licence.

## FIRST SCHEDULE.

[by-law 23.]

*Requirement as to stalls.*

Cooked food stalls.

1. (1) The following provisions shall apply in relation to every cooked food stall—

- (a) every such stall shall be of the type shown in diagram I, II or III;
- (b) the basic structure of the stall shall be as shown in diagram I;
- (c) the structure of every such stall shall be such as to be readily movable and shall be constructed of wood, which shall be covered with aluminium sheeting or tiles;
- (d) there shall be provided at every such stall—
  - (i) a sufficient number of cupboards, proof against the access of dust and vermin for the storage of food and of clean crockery and utensils;
  - (ii) a sink, having a non-absorbent drip board and provided with a waste pipe;
  - (iii) a sterilizer for the sterilization of eating utensils;
  - (iv) a metal drum for the storage of water, having a capacity of not less than 20 nor more than 50 gallons and provided with a stand, a close-fitting lid constructed of metal and a tap for draining the same;

(v) a portable and covered dustbin;

(vi) a slop bucket; and

(vii) two wooden benches, of which one shall be not more than 7 feet in length and 1 foot in width and the other not more than 4 feet in length and 1 foot in width;

(e) all cooking stoves used at any such stall shall be kept within the limits of the structure of the stall;

(f) every such stove shall be properly insulated with material approved by the Council;

(g) no fuel, other than kerosene or charcoal or such other fuel as the Council may from time to time permit, shall be burned in any such stove;

(h) where any such stove is a kerosene pressure stove—

(i) the pressure vessel shall be separate from the burner, shall have a capacity of not more than 4 gallons, shall be provided with a pressure gauge, a pressure release valve and a safety valve and shall be kept in a covered metal bin placed in a readily accessible position at the side of the stall;

(ii) the burner shall be connected to the pressure vessel by copper piping, which shall be attached to the stall;

Provided that for a distance not exceeding 2 feet from the burner the piping may, in order to facilitate cleaning, consist of a flexible coil;

(iii) the piping shall be provided with a stop valve at the burner and at the outlet from the pressure vessel;

(iv) two buckets of sand shall be provided; and

(v) no kerosene, other than that for the time being in the pressure vessel, shall be kept at or near the stall.

(2) Where wooden and aluminium collapsible flaps, as shown in diagram III, are provided for any such stall—

(a) the flaps at the front and rear of the stall shall not exceed 7 feet by 3 feet 6 inches in area; and

(b) the flaps at the sides of the stall shall not exceed 4 feet by 3 feet 6 inches in area.

(3) Any sink or sterilizer provided at any such stall in accordance with the provisions of sub-paragraph (1) may be situated within the limits of the structure of the stall or affixed to the outside of such structure in the manner shown in diagram II or in any similar position.

(4) Any container which may be provided at any such stall for the storage of charcoal shall not exceed 1 foot 6 inches by 1 foot 6 inches in horizontal area or 2 feet in height.

2. Every general purpose stall shall consist of a wooden structure as shown in diagram IV.

General purpose stalls.

3. Every fixed pitch stall shall consist of a wooden structure as shown in diagram V.

Fixed pitch stalls.

4. (1) Every fixed pitch newspaper rack shall consist of a folding rack as shown in diagram VI.

Fixed pitch newspaper racks.

(2) The shape of the rack may be varied to such extent as may be necessary in order to adapt the same to any particular site.

(3) Where the shape of any such rack is so varied, the overall dimensions of the rack shall not exceed those specified in diagram VI.

5. Every box used by a boot-black shall be in the form shown in diagram VII.

Boot-black's box.



DIAGRAM V.

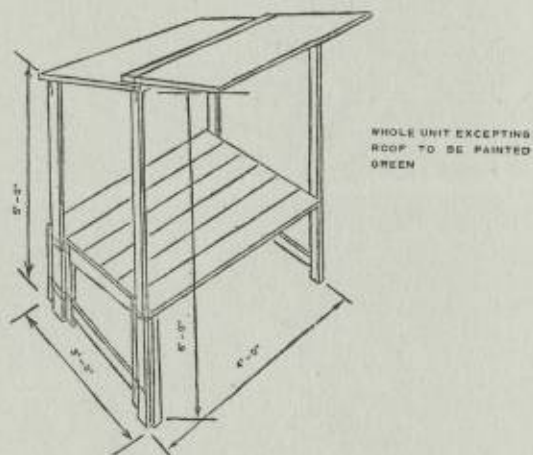
FIXED PITCH STALLTOP & UNDERSIDE OF LIGHT METAL  
ROOF TO BE PAINTED WHITE

DIAGRAM VI.

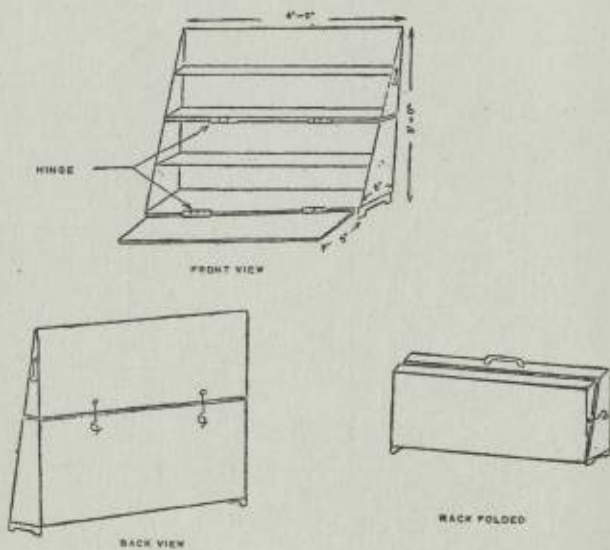
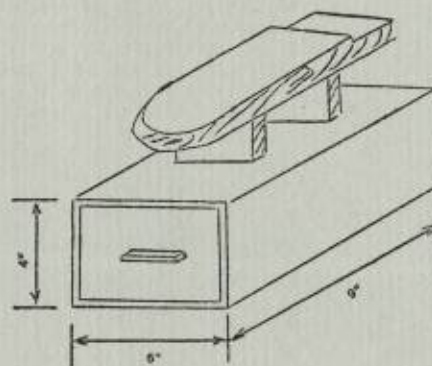
NEWSPAPER RACK

DIAGRAM VII.

BOOT-BLACK'S BOX

## SECOND SCHEDULE.

[by-law 34.]

*Articles which may be forfeited.*

<i>Item.</i>	<i>By-law.</i>	<i>Articles which may be forfeited.</i>
1	4	The goods being hawked and, where food was being hawked, the paraphernalia used for the purpose.
2	5	The goods being hawked.
3	19	Any goods being hawked at the time of the failure to produce the licence.
4	(a) 20(1) (failure to keep implements of trade in a clean and wholesome condition)	The implements.
	(b) 20(1) (failure to keep stall in a clean and wholesome condition)	On a second conviction within twelve months, the stall.
5	21(1) (failure to remove wares or utensils)	The wares or utensils.
6	21(2) (failure to comply with notice)	The stall.
7	23	The whole stall if no part thereof was in conformity with the requirements set out in the First Schedule or the part thereof, or the

Item.	By-law.	Articles which may be forfeited.
		accessory thereto or equipment, which did not conform to such requirements. In the event of a second conviction within twelve months in respect of the use of a stall which was not in conformity with the requirements set out in the First Schedule, the whole stall notwithstanding that part thereof was in conformity with such requirements.
8	24(1)	The part of the stall which contravened paragraph (1) of by-law 24.
9	25	The goods being hawked.
10	26	The wares, utensils, showboards or other equipment placed, or allowed to be placed, outside the boundaries of the pitch.
11	28	The stall, wares or other equipment or paraphernalia which were not removed.
12	29	The container in which the water was kept.
13	30	The intoxicating liquor.
14	31(2)	The goods being hawked.
15	31(3)	The goods being hawked in contravention of paragraph (3) of by-law 31.

Made by the Urban Council this 2nd day of August, 1960.

*[Signature]*  
Secretary.

Approved by the Legislative Council this 21st day of September, 1960.

COUNCIL CHAMBER,  
21st September, 1960.

*[Signature]*  
Deputy Clerk of Councils.

#### Explanatory Note.

(This Note is not part of the by-laws, but is intended to indicate their general purport.)

The existing Hawkers By-laws consist of one set of general by-laws which are applicable to all hawkers, and seven sets of special by-laws which are applicable, in addition to the general by-laws, to different classes of hawker. This system of legislation has necessarily led to much duplication and to some confusion. The purpose of these by-laws is to re-enact, subject to amendment, the existing by-laws in the form of one comprehensive set.

2. The principal amendments are the elimination of certain redundancies, the simplification of the fee structure and the omission of one class of hawker, namely, bathing beach pedlar hawkers.

3. A detailed Comparative Table is annexed to this Note.

#### COMPARATIVE TABLE.

Abbreviations: G=General Hawker By-laws.

SC=Special By-laws (Class as numbered).

By-law.	Corresponding existing General or Special By-law.	Remarks.
1	G1	Citation and commencement.
2	—	Application.
3	G19	Interpretation.
4	G2	To prevent unlicensed hawking.
5	SC 4A—5, SC 4B—2, 4 Appendix III & IV	Power to restrict hawking in special areas. The areas will be specified by <i>Gazette</i> notification to obviate the need to amend the by-laws on change of areas.
6	—	New. Power to prescribe the areas in which mobile shops and canteens may operate.
7	G3, 6(1), (2), 8 and Appendix II	To prescribe various classes of annual hawker licences and the fees payable. The fee structure is much simplified and statutory forms abolished. Bathing beach pedlar hawkers as a separate class are omitted. Hawking on beaches will be controlled by the Bathing Beach By-laws, 1960.
8	—	New. To prescribe certain particulars to be supplied by the hawker to the Council before issue of a licence.
9	—	New. Special provisions applicable to applications for grant or renewal of licences to hawk by means of mobile food shops or canteens.
10	SC 7—1 to 5	As to temporary licences.
11 and 22	SC 1, 2, 3A, 3B, 4A, 4B and 5—by-law 3; SC 6—6; SC 7—5	These by-laws provide a simple unified system for display of pitch cards and licences by hawkers where appropriate, in place of the present varied provisions.
12	G6(3) and (4)	To provide for issue of duplicate licences in case of loss or destruction of originals.
13	G7(2), (3), (4)	As to termination of licences and refund of fees in certain cases.
14	G10(1)	To prevent the transfer or lending of licences, etc.


<i>By-law.</i>	<i>Corresponding existing General or Special By-law.</i>	<i>Remarks.</i>
15 and 16	G10(2) SC 2—11	The existing General By-law 10(2) requires the hawker at all times to attend personally at his stall. These by-laws enable him to appoint some one in his stead subject to approval, and also to employ servants and agents.
17	G15	To prevent importunate behaviour and obstruction by hawkers.
18	G13	To prevent unauthorized alterations, etc. to licences or pitch cards.
19	G14	As to production by hawkers of licences on demand.
20	G16; SC 1—13; SC 2—8	As to general cleanliness and prevention of litter.
21	SC 2—10	New, except in the case of fixed pitch hawkers. To require the removal of hawkers' paraphernalia at night, except in the case of certain stall holders who will now be permitted to leave goods on lock up stalls.
22	—	See ante.
23, 24 and First Schedule	SC 1—4; SC 2—6, 6A and 6B; SC 3A—4; SC 3B—4; SC 7—6 and 7	To prescribe patterns and dimensions of stalls and equipment used by hawkers. Drawings of the various articles are given in the First Schedule.
25	SC 2—9; SC 3A—6; SC 3B—7; SC 4A—5; SC 4B—5; SC 5—6; SC 6—11	To prescribe hours of trading. This by-law standardizes the hours of trading as follows 6 a.m. to 2 a.m. for cooked food stalls, and 6 a.m. to 10 p.m. in all other cases.
26	G12; SC 1—7; SC 2—7; SC 3B—5; SC 4A—4, SC 5—5; SC 6—5	To prevent obstruction by encroachment by pitch hawkers beyond the authorized limits of the pitches. General obstruction is controlled under the Summary Offences Ordinance, and, therefore, certain redundant provisions of the existing by-laws have been omitted.
27	—	New. To promote hygienic conditions by preventing people from sleeping on stall tables.
28	SC 1—14	To enable inspectors, etc. to require the removal of hawkers' paraphernalia during street cleaning. This by-law gives general application to the existing provision which relates to stall holder hawkers only.
29	—	New. To ensure the use of wholesome water at food stalls.

<i>By-law.</i>	<i>Corresponding existing General or Special By-law.</i>	<i>Remarks.</i>
30	—	New. To prevent the sale or consumption of intoxicating liquors at food stalls.
31	—	New. To provide for the introduction of "hawker bazaars" (see the definition in by-law 3).
32	G20	Offences and penalties. No change.
33	—	New. As to bringing of proceedings.
34	G20	Forfeiture of articles in certain cases.
35	—	Transitional provisions.

(Secretariat GR5/3231/60)

Approved by the Legislative Council this 21st day of September, 1960.

COUNCIL CHAMBER,  
21st September, 1960.

  
Deputy Clerk of Councils.

*Explanatory Note.*

*(This Note is not part of the by-laws, but is intended to indicate their general purport).*

The purpose of these by-laws is to replace, subject to amendment, the existing Market By-laws.

2. All public market stalls are leased by the Council. It is considered unnecessary to include in the Market By-laws any matter which properly forms part of the tenancy agreement between the Council and the tenant of any stall or any matter which relates to the conduct of the food business carried on from the stall—the latter being provided for by the by-laws governing food hygiene. These by-laws provide only for matters which relate strictly to the conduct of public markets as such.

3. A Comparative Table is annexed to this Note showing which of the existing Market By-laws are retained in substance.

COMPARATIVE TABLE.

<i>By-law.</i>	<i>Corresponding existing by-law.</i>	<i>Remarks.</i>
1	—	Citation and commencement.
2	3	Application.
3	—	Interpretation.
4	4	Market hours.
5	—	New. To restrict dealers in markets to tenants of stalls. This has long been the practice.
6	9	Power to let stalls. The elaborate existing machinery for the letting of stalls is omitted as being unnecessary.
7	20	To control the installation of electrical fittings in stalls.
8	34	Prevention of litter.
9	27, 28 and 28A	Prevention of obstructions.
10	32	Prevention of nuisances.
11	33	Prevention of spitting.
12	43	Dressing of poultry and game.
13	—	New. To prevent persons convicted of certain offences carrying on business in markets.
14	59	Offences and penalties. The penalties are reduced from a fine of \$2,000 and 6 months imprisonment to a fine of \$500 and, in the case of a failure to comply with a notice under by-law 13, one month's imprisonment.
15	—	New. As to bringing of proceedings.

7. Save with the permission in writing of the Council, no person shall, in any market, install, add to, alter or remove any electrical fitting, whether belonging to the Government or to any other person.

Electric equipment.

8. (1) No person shall create any litter, whether offensive or otherwise, in any part of any market.

Prevention of litter.

(2) No person shall, in any market, dispose of any refuse except into a refuse bin provided for the purpose.

9. Except with lawful authority or excuse, no person shall, in any market, so erect any structure, or so place any article or vehicle, as to cause obstruction therein.

Prevention of obstruction.

10. No person shall obey the call of nature in any market, except in a public latrine.

Prevention of nuisances.

11. No person shall spit in any market.

Prevention of spitting.

12. No person shall, in any market, pluck, scald or dress any poultry or game, except in a place set aside by the Council for such purpose.

Dressing of poultry and game.

13. The Council may, by notice in writing served upon any person who has been convicted of disorderly conduct, intimidation, extortion or any offence under section 18 of the Gambling Ordinance, prohibit such person from carrying on any business, or being employed or taking part in any business, in a market.

Prevention of certain persons from carrying on business, etc. in markets. (Cap. 148).

14. (1) Any person who contravenes any of the provisions of by-law 5, 7, 8, 9, 10, 11 or 12 or of paragraph (2) of by-law 4 shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars.

Offences and penalties.

(2) Any person who fails to comply with a notice served upon him under the provisions of by-law 13 shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for one month.

15. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

Name in which proceedings for offences may be brought.

Made by the Urban Council this 2nd day of August, 1960.

*A. S. Metchum*  
Secretary

## PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.

(No. 30 of 1960).

### PUBLIC MARKET BY-LAWS, 1960.

In exercise of the powers conferred by section 80 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

1. These by-laws may be cited as the Public Market By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960.

Citation and commencement.

Application.

2. These by-laws apply to the urban areas only.

Interpretation.

3. In these by-laws, save where the context otherwise requires—

“Council” means the Urban Council;

“market” means a public market;

“stall” means a stall in a market.

Hours of opening and closing of markets.

4. (1) The Council may, from time to time, prescribe by notice conspicuously posted in any market the hours during which such market shall be open or closed to the public.

(2) No person shall, except with lawful authority or excuse, enter or be in any market at any time when such market is closed to the public.

Business restricted to stall tenants.

5. (1) No person shall carry on any business in a market unless he—

(a) is the tenant of a stall or the authorized servant or agent of such a tenant;

(b) is the legal personal representative of such a tenant or the authorized servant or agent of such legal personal representative; or

(c) has the permission in writing of the Council.

(2) No person shall occupy any stall unless he is the tenant of that stall.

Letting of market stalls.

6. The Council may, for and on behalf of the Crown, let any stall, without fine or forfeiture, to any person, or jointly to any number of persons not exceeding four, at such rent and subject to such terms and conditions as the Council may determine.

**PUBLIC MARKET BY-LAWS, 1960.**

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No. A. 106.

**MILK BY-LAWS, 1960.**

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**PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.**  
**(No. 30 of 1960).**

**MILK BY-LAWS, 1960.**

In exercise of the powers conferred by section 56 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

**PART I.**

*Preliminary.*

1. These by-laws may be cited as the Milk By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960. Citation and commencement.
2. These by-laws apply to the urban areas only. Application.
3. In these by-laws, save where the context otherwise requires— Interpretation.
  - “bottling” includes, in relation to milk, any method of inserting milk into bottles or other kinds of containers for sale or for use in the making or preparation of food for sale;
  - “container” includes any cover attached to a container;
  - “Council” means the Urban Council;
  - “disease” means any disease of a communicable nature;
  - “heat-treatment” means the processing of milk by any of the methods described in the First Schedule. First Schedule.
  - “milk” means cow’s milk, buffalo’s milk and goat’s milk and also means cream and frozen or reconstituted milk and cream, but does not include separated milk, dried milk or condensed milk;
  - “processing” means, in relation to milk, heat-treatment, bottling or storage for heat-treatment, and bottling for sale or for use in the making or preparation of food for sale;
  - “reconstituted milk” means products resulting from the recombining with water of milk constituents, namely, milk fat and other solids derived from milk exclusive of any other substance, and includes the products resulting from the melting of frozen milk, and “to reconstitute milk” shall be construed accordingly;
  - “sale” includes to sell, offer or expose for sale or possess for the purpose of sale.
4. The Council may from time to time, by notification published in the *Gazette*, amend the First Schedule. Amendment of First Schedule.

## PART II.

*Sale of milk.*

Permits to sell milk.  
(G.N.A. 109/60).

5. No person shall sell any milk for human consumption save under and in accordance with the permission in writing of the Council granted under by-law 30 of the Food Business By-laws, 1960.

Prohibition of sale of milk in certain cases.

6. No milk shall be sold or offered or exposed for sale if—
- it has been heat-treated more than once; or
  - it contains at any time before heat-treatment, more than 200,000 bacteria per millilitre or any coliform organisms in 1/1000th (0.001) of a millilitre; or
  - it contains at any time after heat-treatment more than 30,000 bacteria per millilitre or any coliform organisms in 1/10th (0.1) of a millilitre.

Milk to be heat-treated before sale.

7. No person shall sell for human consumption any milk which has not been heat-treated:

Provided that nothing in this by-law shall be construed to prevent—

- the sale—
  - of milk by wholesale to a milk factory; or
  - of milk which is to be used as an ingredient in any other article of food which requires cooking after the addition of the milk before it can be consumed; or
- the possession for the purposes of sale of any such milk.

Thickening substances not to be added to cream.

8. No person shall sell for human consumption any cream to which any kind of thickening substance has been added.

Milk not to be sold except in approved containers.

9. No person shall sell any milk for human consumption save in containers of a type approved by the Council:

Provided that the provisions of this by-law shall not apply to milk which is sold by wholesale to a milk factory.

Description of reconstituted milk and cream.

10. No person shall advertise, sell or offer or expose for sale, under any name, trade mark or trade description including the word "milk" or "cream", or any Chinese equivalent thereof, any reconstituted milk unless the word "milk" or "cream" or such Chinese equivalent thereof, as the case may be, is, wherever the same occurs in such name, trade mark or trade description immediately preceded by the word "reconstituted" or the Chinese characters "再造" in lettering or characters of equal size and prominence as the lettering or characters of the word "milk" or "cream" or such Chinese equivalent thereof.

11. (1) No person shall sell for human consumption—

- any beverage containing milk;
- any beverage which is described for the purpose of sale by any name, trade mark or trade description which includes the word "milk" or "cream" or the Chinese characters "奶" or "忌廉" or any word or character implying that such beverage is or contains milk or cream; or
- any soya bean juice or coconut juice (except in whole coconuts) or any other beverage which resembles milk either in colour, taste, appearance or consistency,

As to beverages resembling, etc. milk.

unless—

- it is contained in a container of a type approved by the Council; and
- every such container is marked in a conspicuous and easily legible manner in the English and Chinese languages with an accurate description of the principal ingredients.

(2) The provisions of paragraph (1) shall not apply to any beverage specified in that paragraph which is sold for human consumption on premises in respect of which a licence has been granted by the Council under the Food Business By-laws, 1960, so long as such beverage is not sold under any description which is false or misleading as to the true nature of its principal ingredients.

(G.N.A. 109/60).

12. Every person in possession for the purpose of sale of any milk or any of the beverages specified in paragraph (1) of by-law 11 shall take all reasonable and proper precautions to prevent infection or contamination thereof.

Precautions against contamination of milk, etc.

13. (1) No person shall keep any milk for the purpose of sale in any place the temperature of which exceeds 50° Fahrenheit.

Milk to be kept below 50° Fahrenheit pending sale.

(2) No person shall transport, or cause to be transported, for the purposes of his trade or business any milk except in suitable containers, or by such other method as the Council may approve, so that the temperature of the milk does not, at any time, exceed 50° Fahrenheit.

## PART III.

*Processing and reconstituting milk.*

14. Save under and in accordance with a licence granted by the Council and in such premises as shall be specified in such licence, no person shall for the purposes of sale process or reconstitute any milk or cause any milk to be processed or reconstituted:

Milk not to be processed or reconstituted except by licence.

Provided that this by-law shall not apply to milk which is processed or reconstituted on premises in relation to which a licence has been granted by the Council under the provisions of the Food Business By-laws, 1960, for consumption on such premises.

(G.N.A.  
109/60).

Application  
for licence.

15. (1) Every application for any such licence shall be made in writing, addressed to the Secretary of the Council, and shall be accompanied by three copies of a plan, as nearly as may be to scale, of the whole of that part of any premises in which the applicant intends to carry on any operation involving the processing or reconstituting of milk, and such plan shall include particulars of the following—

- (a) sanitary fitments and ablution facilities;
- (b) built in clothing lockers or cloakrooms, passage ways or open spaces (if any);
- (c) rooms or other spaces (if any) for the exclusive use of staff or employees;
- (d) all means of exit, entry and internal communication;
- (e) all windows or ducts providing ventilation or, where any mechanical means of ventilation is provided, such means;
- (f) the siting of all furniture and fittings of a substantial and permanent nature, including heat-treatment plant, cleansing, refrigeration or cooling equipment, sterilization machinery or storage and bottling equipment, and any fixed sideboards, washbasins, sinks, water tanks or other like articles;
- (g) means of refuse storage or disposal; and
- (h) the drainage system, including all inlets into the system.

(2) Every copy of such plan, or any modification thereof, which is approved by the Council shall be endorsed to that effect by the Secretary of the Council, and one copy shall be returned to the applicant and the remaining two copies shall be retained by the Council.

Conditions  
of grant of  
licence.

16. No such licence shall be granted unless the Council is satisfied in relation to the premises in respect of which the application for such licence was made that—

- (a) the plan referred to in by-law 15 has been approved by the Council and that the premises conform thereto;
- (b) the means of ventilation which is provided, whether natural or mechanical or partly natural and partly mechanical, is sufficient in every part of the premises, other than a part exclusively used for storage, to safeguard the health in that respect of the maximum number of persons likely to be engaged therein at any one time;

(c) sanitary fitments are provided to a standard not less than that required by regulation 5 of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, 1959; (G.N.A. 76/59).

(d) public mains water is laid on to the premises and a storage tank is provided for such water which is of sufficient size having regard to the daily quantity of water likely to be used upon the premises, and proof against access of dust and mosquitoes:

Provided that, where the Council is satisfied that public mains water cannot reasonably be laid on for all or any purposes, the Council may in its discretion approve such other water supply as, having regard to considerations of public health, it may consider adequate;

(e) in every part of the premises in which any milk is processed or reconstituted—

(i) the floors and internal surfaces of the walls to a height of not less than seven feet are surfaced with smooth, light coloured, non-absorbent material and the junctions between the walls and floors are coved;

(ii) the ceilings are impervious to dust; and

(iii) the ceilings and those parts of such walls as are not specified in sub-sub-paragraph (i) are limewashed or painted a light colour;

(f) sufficient ablution facilities are provided for the use of persons employed therein and that such ablution facilities are conveniently situated having regard to the nature of the work of such persons;

(g) sufficient and suitable cloakroom or locker accommodation, situated otherwise than in a part of the premises in which any milk is processed, reconstituted or stored, is provided for the outer garments and other personal effects of persons employed therein; and

(h) no fresh air intake to any ventilation pipe included in the soil drainage system of the premises is situated in any part of the premises in which milk is processed or reconstituted, and every inlet into such system which is situated in any such part of the premises is trapped.

17. After the grant of any such licence, no licensee shall, save with the permission in writing of the Council, cause or permit to be made in respect of the premises to which the licence relates—

(a) any alteration or addition which would result in a material deviation from the plan thereof approved under by-law 15; or

Restriction on  
alterations or  
additions to  
licensed  
premises.

- (b) any material alteration in respect of any of the matters specified in paragraph (1) of by-law 15 as matters in respect of which particulars must be included in the plan delivered pursuant to the provisions of that paragraph.

Requirements as to heat-treatment apparatus.

18. (1) Every such licensee shall cause any plant or apparatus used by him for the heat-treatment of milk to be equipped with one or more self-registering thermometer devices to indicate and record the temperature to which, and the length of time during which, the milk has been heated.

(2) No such licensee shall subject any milk to heat-treatment unless the apparatus used therefor—

- (a) is of a type approved by the Council;
- (b) is thermostatically controlled; and
- (c) save as otherwise permitted in writing by the Council, is provided with an automatic device to divert the flow of any milk which has not been retained at the requisite temperature for the requisite period of time having regard to the method of heat-treatment used, from the flow of such milk as has been retained at such temperature for such period of time.

(3) Every thermometer reading taken in pursuance of the provisions of paragraph (1) shall be recorded and retained by the licensee for not less than two months, and shall be available for inspection at all reasonable times by any health officer or health inspector.

Control of heat-treatment of milk from outside the Colony.

19. Save with the permission in writing of the Council, no person shall subject any milk to heat-treatment other than milk produced or reconstituted in the Colony.

Certain ingredients not to be used in the reconstitution of milk.

20. (1) No person shall use for the purpose of reconstituting milk—

- (a) any butter, milk powder, concentrated milk or other ingredient unless the same has been obtained from a source approved by the Council;
- (b) any water, except public mains water, unless the same has been obtained from a source approved by the Council; or
- (c) any colouring matter which is not a permitted colouring matter within the meaning of the Colouring Matter in Food Regulations, 1960.

(G.N.A. 72/60).

(2) The Council may by notification published in the *Gazette* signify its approval of any source in respect of which approval is required by the provisions of paragraph (1).

21. Every such licensee shall, at all times, cause all parts of the premises to which the licence relates, and all fittings and equipment therein, to be maintained in proper repair and in a clean condition and free from noxious matters, and shall cause the floor of every part of any premises which are used for the processing or reconstituting of milk to be thoroughly cleansed with water not less than once in every twenty-four hours.

General cleanliness of premises and equipment.

22. No such licensee shall use, or cause to be used, in the course, or for the purpose, of processing, reconstituting or storing milk any vessel or container unless such vessel or container is made of such material, and to such design, as the Council may approve.

Construction and design of vessels or containers.

23. (1) No such licensee shall cause any vessel, container or utensil to be used in the processing, reconstitution, storage or distribution of milk unless it has been thoroughly cleansed and subsequently sterilized with steam or clean boiling water, or by such other method as the Council may permit in writing either generally or in any particular case, since the last occasion upon which it was used or before it is first used, as the case may be.

Sterilization of vessels and utensils.

(2) All parts of any heat-treatment machinery shall, at all times, be kept in a clean condition, and every part thereof which comes into contact with any milk during its heat-treatment shall, as often as may be necessary, be washed with clean water or a suitable detergent (in which case it shall be rinsed with clean water after it has been washed with the detergent), and then sterilized with steam or boiling water or by such other method as the Council may permit in writing either generally or in any particular case.

24. No person shall drink, or suffer any other person to drink, out of any vessel, container or utensil used in the course of processing or reconstituting milk.

Utensils used in the processing of milk not to be used for drinking.

25. No person shall smoke, or suffer any other person to smoke, while engaged in processing or reconstituting milk.

Restriction on smoking.

26. No person shall use, or suffer any other person to use, for dwelling purposes any part of any premises in which milk is processed or reconstituted.

Milk processing establishments not to be used for dwelling purposes.

27. No person shall hang up or otherwise keep, or suffer any other person to hang up or otherwise keep, whether temporarily or permanently, any clothing, bedding or personal effects in any part of any premises in which milk is processed or reconstituted.

Prevention of contamination of milk by contact with certain clothing.

Spitting.

**28.** (1) In any premises in which milk is processed or reconstituted—

- (a) no person shall spit in any part of the premises in which the milk is processed or reconstituted; and
- (b) no person shall spit in any other part of the premises except into a spittoon or other receptacle provided for the purpose.

(2) Where spittoons or receptacles are provided, the licensee shall cause each such spittoon or receptacle to contain a disinfectant fluid and to be cleansed, and the fluid renewed, not less than once in every twenty-four hours.

(3) Save with the permission in writing of the Council, every such licensee shall cause one or more notices, prohibiting spitting and written in English and Chinese, to be continuously displayed in a conspicuous manner in every part of the premises in which milk is processed or reconstituted.

Personal cleanliness.

**29.** Every person who takes part in the processing or reconstituting of milk shall while so engaged—

- (a) keep all parts of his person and of his outer garments as clean as may be reasonably practicable; and
- (b) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing.

Prevention of vermin.

**30.** (1) Save where exempted in writing by the Council, every such licensee shall cause every hollow space, crevice or other place in any premises used by him for processing or reconstituting milk, which is likely to harbour vermin or to constitute a means of access for vermin, to be eliminated or sealed off.

(2) No person shall place, or suffer to be placed or to remain placed, any furniture or equipment, other than such as may be moved without difficulty by one man, so near to any wall of any premises in which milk is processed or reconstituted as to obstruct access to any part of such wall, or such furniture or equipment, for the purpose of the cleaning of the same.

(3) No person shall knowingly suffer the existence of any vermin in any part of any premises in which milk is processed or reconstituted.

Yards, alleys, etc. not to be used for processing or reconstituting milk.

**31.** No person shall use, or suffer to be used, any yard, alley, open space or roof top for processing, reconstituting or storing of milk.

Cleansing of water tanks.

**32.** (1) Every such licensee shall—

- (a) cause the inside of every water tank or container provided for the storage of water on any premises used by him for processing

or reconstituting milk to be cleansed in the months of March, June, September and December in each year by scrubbing out the same with a solution of not less than fifty parts of chlorine in one million parts of water; and

- (b) cause the date upon which such cleansing was last carried out to be recorded in a conspicuous manner upon each such water tank or container.

(2) Without prejudice to the provisions of paragraph (1), any health officer or health inspector may serve upon such licensee a notice requiring him to cause any such water tank or container to be cleansed in such manner and within such time as shall be specified in the notice.

**33.** Without prejudice to anything contained in these by-laws, every such licensee shall take all reasonable and proper precautions in and in connexion with processing and reconstituting of milk, including the distribution or other handling thereof, to prevent contamination of the milk.

General precautions against contamination of milk.

**34.** (1) No person suffering from a discharging wound or sore or from a discharge of the ear or from attacks of vomiting or diarrhoea or from a sore throat shall take any part in processing or reconstituting milk;

Restriction on employment of persons likely to spread disease.

Provided that a health officer may issue a certificate to any such person exempting him from the provisions of this paragraph in any case in which such health officer is satisfied that no danger to the public health is involved.

(2) Any person who is employed or working in premises in which milk is processed or reconstituted, shall, if so required in writing by a health officer, submit himself to medical examination at such time and at such place as such health officer may direct and, if after such medical examination, a health officer is satisfied that such person is suffering from any communicable disease, or is likely to communicate to any other person any communicable disease, such last mentioned health officer may notify such person in writing to that effect, and such person shall forthwith cease to work in such premises or in any other premises in which milk is processed or reconstituted.

(3) A notice given under the provisions of paragraph (2) shall continue in force until it is cancelled by a further notice in writing by a health officer declaring such first mentioned notice to be cancelled.

(4) No person shall cause, or suffer or permit, any person, other than a person who has been duly exempted from the provisions of paragraph (1), whom he knows or has reason to believe to be suffering from any of the complaints specified in that paragraph to be employed or take part in processing or reconstituting milk.

(5) No person shall cause, or suffer or permit, any person in respect of whom he knows or has reason to believe that a notice given under the provisions of paragraph (2) is in force to be employed or take part in processing or reconstituting milk.

Immunization of staff against certain diseases.

**35.** (1) No person shall be employed or work in any part of any premises in which milk is processed or reconstituted unless he has—

- (a) within the preceding period of three years, been vaccinated against smallpox; and
- (b) within the preceding period of one year, been inoculated against the enteric group of fevers.

(2) No such licensee shall employ in any premises used by him for processing or reconstituting milk any person whom he knows or has reason to believe has not been immunized in accordance with the provisions of paragraph (1).

(3) The Council may from time to time by notification published in the *Gazette* require persons employed or working in premises in which milk is processed or reconstituted to be immunized against such other diseases as may be specified in such notification.

#### PART IV.

##### *Miscellaneous.*

Prevention of supply of milk to the danger of public health.

**36.** (1) If any health officer or veterinary officer is of the opinion that infectious or other disease is caused, or is likely to be caused, by the consumption of milk derived from any particular source, premises or processing or reconstituting plant or that the public health is likely to be endangered by the act or default of any purveyor of milk or his servants or agents, such health officer or such veterinary officer may, by notice in writing, direct that the supply, distribution or sale of such milk shall be terminated or restricted for such period and subject to such conditions as may be specified in the direction.

(2) Any person who considers himself aggrieved by any direction given under the provisions of paragraph (1) may, within fourteen days after the giving of the same, appeal by way of petition to the Governor in Council, and upon any such appeal the Governor in Council shall confirm, vary or, if it has not already been withdrawn, cancel the direction.

(3) In any case in which the Governor in Council is satisfied that the direction ought not to have been given, he may order the payment to the appellant by way of compensation of such sum, if any, as having regard to all the circumstances, he may consider just.

(4) Every such payment shall be made out of the general revenue of the Colony.

**37.** (1) The Council may provide in any premises in which any business which involves the processing, reconstitution, sale or distribution of milk is carried on a report book or form for the use of visiting health officers and health inspectors. Keeping of report books.

(2) Where any such book or form has been so provided, the licensee or proprietor, as the case may be, of the business shall, at all times, cause such book or form to be kept upon such premises and available for use by any such health officer or health inspector.

(3) No person shall destroy any such book or form or alter or obliterate any entry made therein.

**38.** (1) Every licence granted under the provisions of Part III shall be renewable on the 1st day of January in each year. Fees.

(2) Every such licence shall be granted or renewed upon payment of the appropriate fee prescribed in the Second Schedule: Second Schedule.

Provided that, where any such licence is granted after the 30th day of June in any year, the fee payable in respect of the grant of that licence shall be one-half of the fee so prescribed.

(3) Where the Council is satisfied that any such licence has been lost or destroyed, the Council may, upon payment of a fee of five dollars, issue a duplicate thereof.

**39.** Any person who—

- (a) contravenes any of the provisions of by-law 5, 6, 7, 8, 9, 10, 12, 13, 14, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 or 33 or of paragraph (1) of by-law 11, paragraph (1) of by-law 20, paragraph (1) of by-law 32, paragraph (1), (4) or (5) of by-law 34, paragraph (1) or (2) of by-law 35 or paragraph (2) or (3) of by-law 37;
- (b) fails to comply with any of the requirements of a notice served upon him under the provisions of paragraph (2) of by-law 32;
- (c) being a person employed or working in premises in which milk is processed or reconstituted, fails—
  - (i) to submit himself to medical examination when required to do so under the provisions of paragraph (2) of by-law 34; or
  - (ii) to cease to work in any such premises when required to do so by the provisions of that paragraph;
- (d) fails to comply with any of the requirements of a notification published in the *Gazette* under the provisions of paragraph (3) of by-law 35;
- (e) fails to comply with any direction given under the provisions of paragraph (1) of by-law 36, unless the same has been varied or cancelled by the Governor in Council under the provisions of paragraph (2) of that by-law; or

Offences and penalties.

- (f) where any direction given under the provisions of paragraph (1) of by-law 36 has been varied by the Governor in Council under the provisions of paragraph (2) of that by-law, fails to comply with such direction as so varied,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for three months and, where the offence is a continuing offence, shall be liable in addition to a fine of fifty dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

40. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

41. (1) Any licence relating to the sale or the processing or reconstitution of milk granted under the provisions of the cancelled Milk Shops and Pasteurization Plants By-laws or the cancelled Food Factories By-laws which is in force at the commencement of these by-laws shall be deemed to be a permission in writing granted under the provisions of by-law 30 of the Food Business By-laws, 1960 or a licence granted under the provisions of Part III of these by-laws, whichever is appropriate.

(2) Any plan of any premises in which milk is processed or reconstituted which was approved under the provisions of the said Milk Shops and Pasteurization Plants By-laws or the said Food Factories By-laws shall be deemed to have been approved under the provisions of these by-laws.

(3) Upon application for the renewal of any permission under by-law 30 of the Food Business By-laws, 1960 or of any licence under Part III of these by-laws which is a permission under the said by-law 30 or a licence under the said Part III by virtue of the provisions of paragraph (1), the Council shall grant to the applicant a renewal of such permission or such licence, as the case may be.

(4) Notwithstanding anything contained in the provisions of paragraph (1), where it appears to the Council that any premises in which milk is processed or reconstituted are in any respect unsatisfactory having regard to the provisions of these by-laws, the Council may serve upon the licensee thereof a notice requiring him, as a condition precedent to any renewal of the licence subsequent to the renewal thereof provided for in paragraph (3), to carry out, or cause to be carried out, such alterations or additions in respect of such premises as may be specified in the notice.

Name in which proceedings for offences may be brought.

Transitional provisions.

(Vol. X, p. 118).  
(Vol. X, p. 129).  
(G.N.A. 109/60).

(5) Nothing in these by-laws shall be deemed to entitle any person to a refund of the whole or of any part of any fee paid under any of the provisions of the said Milk Shops and Pasteurization Plants By-laws, the said Food Factories By-laws or the cancelled Reconstituted Milk and Cream By-laws. (Vol. X, p. 126).

FIRST SCHEDULE. [by-laws 3 and 4.]

METHODS OF HEAT-TREATMENT.

1. Pasteurization—
  - (a) by the "Holder Method", namely, by retaining milk for not less than thirty minutes at a temperature of not less than 145 nor more than 150 degrees Fahrenheit and then immediately cooling it to a temperature of not more than 50 degrees Fahrenheit; or
  - (b) by the "High Temperature Short Time Method", namely, by retaining milk for a period of not less than fifteen seconds at a temperature of not less than 161 degrees Fahrenheit and then immediately cooling it to a temperature of not more than 50 degrees Fahrenheit.
2. Sterilization—
 

namely, by—

  - (a) the homogenization of milk by means of any process whereby the globules of butter fat in the milk are broken up so as to remain suspended uniformly throughout the milk; and
  - (b) retaining such homogenized milk for a period of not less than twenty-five minutes at a temperature of not less than 212 degrees Fahrenheit in the same containers as such milk is subsequently to be disposed of for human consumption.

SECOND SCHEDULE. [by-law 38.]

FEES.

Size of premises by reference to floor area.	Fee. \$
Not exceeding 1,500 sq. ft. ....	120.
1,501 to 3,500 sq. ft. ....	240.
Exceeding 3,500 sq. ft. ....	500.

Made by the Urban Council this 2nd day of August, 1960.

*[Signature]*  
Secretary

Approved by the Legislative Council this 21st day of September, 1960.

*[Signature]*  
Deputy Clerk of Councils.

COUNCIL CHAMBER,

21st September, 1960.

### Explanatory Note.

(This Note is not part of the by-laws, but is intended to indicate their general purport).

The purpose of these by-laws is to consolidate and amend the Milk Shops and Pasteurization Plants By-laws and the Reconstituted Milk and Cream By-laws. Milk and reconstituted milk are very similar commodities and the public health requirements which apply to one apply, with few exceptions, to the other.

2. These by-laws are divided into four Parts. Part I deals with preliminary matters and includes the definitions. "Milk" has been defined to include reconstituted milk so that, except where it is expressly stated otherwise, the by-laws and this Note apply to both commodities. Part II specifies the conditions under which milk may be sold. The provisions for the licensing of the sale of milk as such have not been continued. Under the existing by-laws, a restaurant cannot serve milk to customers, nor can a grocer's shop supply milk in sealed bottles, without a special licence. This unsatisfactory position has been overcome by including milk in the Second Schedule to the Food Business By-laws, 1960, which specifies the restricted foods. The effect of this is that any food business of a kind which must be licensed may sell milk subject to the endorsement of the licence, free of charge, with permission to sell milk, in the same way as permission is granted to sell any other restricted food. Where the food business is of a kind which requires no licence and it is desired to sell milk, permission will be granted on payment of a fee of thirty dollars if the Council is satisfied that the premises from which the milk will be sold are provided with the necessary means of keeping the milk cool in compliance with by-law 13 of these by-laws and free from risk of contamination. Particulars of the premises in other respects are largely immaterial since, except in restaurants, milk must be sold in sealed bottles. Part III deals with the processing and reconstitution of milk, or, in other words, the manufacturing aspect. The greatest risk of contamination lies in the handling of the milk during these processes and, therefore, any food business which engages in them is subject to licensing. This involves strict control over the premises and plant used, together with a number of other provisions directed to the prevention of contamination of the milk. Part IV deals with miscellaneous matters, and, *inter alia*, re-enacts the existing provisions with respect to the storage of infected sources of milk supply.

3. A detailed Comparative Table is annexed to this Note.

#### COMPARATIVE TABLE.

By-law.	Corresponding provision of the Milk Shops and Pasteurization Plants By-laws.	Corresponding provision of the Reconstituted Milk and Cream By-laws.	Remarks.
1	34	12	Citation and commencement.
2	—	—	Application.
3	1	1	Interpretation. "Milk" is defined to include frozen or reconstituted milk.
4	—	—	The Schedule prescribes the methods of heat-treating milk.



By-law.	Corresponding provision of the Milk Shops and Pasteurization Plants By-laws.	Corresponding provision of the Reconstituted Milk and Cream By-laws.	Remarks.
5	6	—	This by-law relates the sale of milk to the Food Business By-laws, 1960.
6	2(3)	—	To prescribe the degree of purity required for the sale of milk.
7	2(1)	—	This by-law brings reconstituted milk within the same requirements as to heat-treatment as milk.
8	—	—	Prohibition of thickening substances in cream. This by-law is taken from regulation 3(3) of the existing Adulterated Food and Drugs Regulations.
9	4(1)	8(1)	Approval of containers in which milk is sold.
10	—	8(3)	To provide for the proper description of reconstituted milk.
11	4A	—	Beverages resembling milk. The provisions relating to the labelling of milk and reconstituted milk will be found in the Food and Drugs (Composition and Labelling) Regulations, 1960.
12	26	—	General provision to prevent risk of contamination during sale of milk.
13	—	—	New. Milk not to be kept pending sale at a temperature of over 50° F.
14	12	9	To provide for the licensing of persons processing or reconstituting milk. Under the existing by-laws, it was the sale of the milk which was licensed, and only registration of the premises where it was processed, etc. was required. These by-laws, in effect, reverse the position since the risk of contamination lies not in the sale of the milk in sealed containers, but in the processing and bottling.

<i>By-law.</i>	<i>Corresponding provision of the Milk Shops and Pasteurization Plants By-laws.</i>	<i>Corresponding provision of the Reconstituted Milk and Cream By-laws.</i>	<i>Remarks.</i>
15	—	—	New. To specify the mode of application for licences and to provide for the production of plans.
16	7	—	Conditions upon which licences will be granted. These are stricter than the existing conditions.
17	—	—	New. To control alterations to premises after grant of licence.
18	3	2	Requirements as to heat-treatment apparatus. No change in substance.
19	—	—	New. To control the heat-treatment of milk received from outside the Colony.
20	—	3, 4 and 6	To prevent certain ingredients being used in the reconstitution of milk. No change of substance from existing provisions. Restriction on the use of preservatives will be found in the Preservatives in Food Regulations, 1960.
21	17 and 18(1) (2) and (3)	—	Cleanliness of premises and equipment.
22	19(1)	—	Approval of containers used in heat-treatment of milk.
23	19(2)	—	Sterilization of vessels and utensils.
24	19(3)	—	To prevent the use of certain vessels and utensils for drinking purposes.
25	—	—	New. Restriction on smoking.
26	18(4)	—	To prevent the use of processing establishments for dwelling purposes.
27	—	—	New. To prevent risk of contamination by dirty clothing.
28	32	—	Spitting.

<i>By-law.</i>	<i>Corresponding provision of the Milk Shops and Pasteurization Plants By-laws.</i>	<i>Corresponding provision of the Reconstituted Milk and Cream By-laws.</i>	<i>Remarks.</i>
29	—	—	New. As to personal cleanliness of staff engaged in handling milk.
30	—	—	New. Prevention of vermin.
31	—	—	New. Prevention of the use of yards and alleys for the processing of milk.
32	—	—	New. Cleansing of water tanks.
33	26	—	General provision to prevent risk of contamination during processing and reconstitution of milk.
34	25 and 27	—	Restriction on employment of persons likely to spread diseases.
35	—	—	New. Immunization of staff against certain diseases.
36	24, 29, 30 and 31	—	To stop the source of supply of infected milk.
37	—	—	New. To require licensees to keep at their premises report books for the use of health officers and health inspectors.
38	12	—	Fees. The former registration fee becomes a licensing fee of the same amount. The fee of \$30 for the registration of milk shops is omitted. This is replaced in certain cases, by the fee for permission to sell restricted foods (by-laws 30 of the Food Business By-law, 1960).
39	33	11	Offences and penalties. The fine of \$2,000 is retained but the penalty of imprisonment is reduced from 6 to 3 months. A daily penalty of a fine of \$50 is provided in respect of continuing offences.
40	—	—	New. Bringing of proceedings.
41	—	—	Transitional.

(Secretariat GR5/3231/60)

**FROZEN CONFECTIONS BY-LAWS, 1960.**

**ARRANGEMENT OF BY-LAWS.**

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## PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.

(No. 30 of 1960).

### FROZEN CONFECTIONS BY-LAWS, 1960.

In exercise of the powers conferred by section 56 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

#### PART I.

##### *Preliminary.*

1. These by-laws may be cited as the Frozen Confections By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960. Citation and commencement.

2. These by-laws apply to the urban areas only. Application.

3. In these by-laws, save where the context otherwise requires— Interpretation.  
"Council" means the Urban Council;

"disease" means any disease of a communicable nature;

"frozen confection" means any confection commonly sold for human consumption in a frozen or chilled state;

"food business" has the meaning assigned thereto in the Food Business By-laws, 1960; (G.N.A. 109/60).

"heat-treatment" means the processing of frozen confections in the manner described in the First Schedule, and the expression "to heat-treat" shall be construed accordingly; First Schedule.

"ingredient", when used in relation to heat-treatment, includes sugar and dried egg, but does not include colouring or flavouring materials or fruit, nuts, chocolate and other similar substances;

"manufacture", in relation to frozen confections, includes the mixing of any ingredients, any process of freezing and any process whereby any frozen or partly frozen substance is inserted into containers or is wrapped for sale.

4. The Council may from time to time by notification published in the *Gazette* amend the First Schedule. Amendment of First Schedule.

## PART II.

*Sale of frozen confections.*

Licences to sell frozen confections.

(G.N.A. 109/60).

Bacteriological standard of frozen confections for sale.

Restriction on sale, etc. of imported frozen confections.

Frozen confections to be heat-treated before sale.

Precautions against contamination of frozen confections.

Frozen confections to be kept below 28° Fahrenheit.

5. No person shall sell, or offer or expose for sale, for human consumption, or have in his possession for sale for human consumption, any frozen confection save under and in accordance with the permission in writing of the Council granted under by-law 30 of the Food Business By-laws, 1960.

6. No person shall sell, or offer or expose for sale, any frozen confection which contains more than 30,000 bacteria per millilitre or any coliform organisms in 1/10th (0.1) of a millilitre.

7. (1) No person shall sell, or offer or expose for sale, or advertise for sale, any frozen confection imported into the Colony from a source of manufacture other than a source of manufacture which has been approved by the Council.

(2) For the purposes of this by-law, the Council shall not approve any source of manufacture of frozen confections unless it is satisfied that heat-treatment is included in the process of manufacture of such frozen confections.

(3) In any proceedings for an offence under paragraph (1) in relation to the publication of an advertisement, it shall be a defence for a defendant 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.

8. No person shall sell, or offer or expose for sale, for human consumption, or have in his possession for sale for human consumption, any frozen confection, other than red bean sherbet (紅豆冰) or red bean popsicle (紅豆雪條), which has not been heat-treated:

Provided that nothing in this by-law shall be construed to prevent the sale, or offer or exposing for sale, of any frozen confection imported into the Colony from a source of manufacture which has been approved by the Council.

9. Every person in possession for the purpose of sale for human consumption of any frozen confection shall take all reasonable and proper precautions to prevent infection or contamination thereof.

10. No person shall keep any frozen confection intended for sale for human consumption in any place the temperature of which exceeds 28° Fahrenheit.

11. No person shall, in the course of any food business, keep any frozen confections in storage in any refrigerating device which is used for the storage of other articles.

Frozen confections not to be stored with other articles.

12. Every refrigerating device used in the course of any food business for the storage of frozen confections shall, at all times, be kept in a clean condition and maintained in good order and repair.

Maintenance of refrigerators.

13. Every utensil used in the course of any food business for the purpose of serving or handling any frozen confection shall be kept clean and, so far as may be, free from any risk of contamination.

Cleanliness of utensils.

14. Every cone or wafer used, or intended to be used, in any food business for the service of frozen confections shall, when not actually in use or about to be used, be kept in a dust proof container.

Storage of ice cream cones and wafers.

15. (1) No person shall sell, or offer or expose for sale, for human consumption any frozen confection except in, or directly from, the container into which it was inserted on the completion of its manufacture.

Frozen confections not to be sold except in the manufacturer's containers.

(2) The provisions of paragraph (1) shall not apply to any frozen confection which is sold for human consumption on premises in respect of which a licence has been granted by the Council under the Food Business By-laws, 1960.

(G.N.A. 109/60).

16. Every hawker of frozen confections, and every assistant, servant or agent of any such hawker, shall, while engaged in the hawking of frozen confections, be clothed in a clean uniform of washable material made to a pattern approved by the Council, and shall display on his person a number which shall be allocated to him by the Council.

Hawkers of frozen confections to wear uniforms and display numbers.

## PART III.

*Manufacture of frozen confections.*

17. Save under and in accordance with a licence granted by the Council and in such premises as shall be specified in such licence, no person shall manufacture any frozen confection or cause any frozen confection to be manufactured:

Frozen confections not to be manufactured except under licence.

Provided that this by-law shall not apply to any frozen confection which is manufactured on premises in respect of which a licence has been granted by the Council under the provisions of the Food Business By-laws, 1960, for consumption on those premises.

(G.N.A. 109/60).

18. (1) Every application for any such licence shall be made in writing, addressed to the Secretary of the Council, and, subject to the provisions of paragraph (2), shall be accompanied by three copies of a

Application for licence.

plan, as nearly as may be to scale, of the whole of that part of any premises in which the applicant intends to manufacture any frozen confection, and such plan shall include particulars of the following—

- (a) sanitary fittings and ablution facilities;
- (b) built in clothing lockers or cloakrooms, passageways or open spaces (if any);
- (c) rooms or other spaces (if any) for the exclusive use of staff or employees;
- (d) all means of exit, entry and internal communication;
- (e) all windows or ducts providing ventilation or, where any mechanical means of ventilation is provided, such means;
- (f) the siting of all furniture and fittings of a substantial and permanent nature, including heat-treatment plant, cleansing, refrigeration or cooling equipment, sterilization machinery or storage and packing equipment, and any fixed sideboards, washbasins or sinks, water tanks or other like articles;
- (g) means of refuse storage or disposal; and
- (h) the drainage system, including all inlets into the system.

(2) In the case of any premises in which the only process of manufacture to be carried on is the freezing or part freezing of already prepared ingredients of frozen confections and the insertion thereof into containers at such premises for the purpose of sale for immediate consumption, it shall be sufficient compliance with paragraph (1) if the plan shows the siting, in relation to neighbouring articles of furniture, fittings or equipment, of the machinery used for such freezing or part freezing or such insertion or wrapping.

(3) Every copy of such plan, or any modification thereof, which is approved by the Council shall be endorsed to that effect by the Secretary of the Council, and one copy shall be returned to the applicant and the remaining two copies shall be retained by the Council.

Conditions  
of grant of  
licence.

19. (1) Subject to the provisions of paragraph (2), no such licence shall be granted unless the Council is satisfied in relation to the premises in respect of which the application for such licence was made that—

- (a) the plan referred to in by-law 18 has been approved by the Council and that the premises conform thereto;
- (b) the means of ventilation which is provided, whether natural or mechanical or partly natural and partly mechanical, is sufficient in every part of the premises, other than any part exclusively used for storage, to safeguard the health in that respect of the maximum number of persons likely to be engaged therein at any one time;

(c) sanitary fittings are provided to a standard not less than that required by regulation 5 of the Building (Standards of Sanitary Fittings, Plumbing, Drainage Works and Latrines) Regulations, 1959; (G.N.A. 76/59).

(d) public mains water is laid on to the premises and a storage tank is provided for such water which is of sufficient size, having regard to the daily quantity of water likely to be used upon the premises, and proof against access of dust and mosquitoes:

Provided that, where the Council is satisfied that public mains water cannot reasonably be laid on for all or any purposes, the Council may in its discretion approve such other water supply as, having regard to considerations of public health, it may consider adequate;

(e) in every part of the premises in which any frozen confection is manufactured—

(i) the floors and internal surfaces of the walls to a height of not less than seven feet are surfaced with smooth, light coloured, non-absorbent material and the junctions between the walls and floors are coved;

(ii) the ceilings are impervious to dust; and

(iii) the ceilings and those parts of such walls as are not specified in sub-sub-paragraph (i) are limewashed or painted a light colour;

(f) sufficient ablution facilities are provided for the use of persons employed therein, and that such ablution facilities are conveniently situated having regard to the nature of the work of such persons;

(g) sufficient and suitable cloakroom or locker accommodation, situated otherwise than in any part of the premises in which any frozen confection is manufactured or stored, is provided for the reception of outer garments and other personal effects of persons employed therein;

(h) no fresh air intake to any ventilation pipe included in the soil drainage system of the premises is situated in any part of the premises in which any frozen confection is manufactured, and every inlet into any such system which is situated in any such part of the premises is trapped.

(2) In the case of any premises in which the only process of manufacture to be carried on is the freezing or part freezing of already prepared ingredients of frozen confections and the insertion thereof into containers at such premises for the purpose of sale for immediate

consumption, it shall be sufficient compliance with the provisions of paragraph (1) if the plan referred to in by-law 18 has been approved by the Council.

**20.** After the grant of any such licence, no licensee shall, save with the permission in writing of the Council, cause or permit to be made in respect of the premises to which the licence relates—

- (a) any alteration or addition which would result in a material deviation from the plan thereof approved under by-law 18; or
- (b) any material alteration in respect of any of the matters specified in paragraph (1) of by-law 18 as matters in respect of which particulars must be included in the plan delivered pursuant to the provisions of that paragraph.

**21.** (1) Every such licensee shall cause any plant or apparatus used by him for the heat-treatment of the mixture from which any frozen confection is being manufactured to be equipped with one or more self-registering thermometer devices to indicate and record the temperature to which, and the length of time during which, the frozen confection has been heated.

(2) No such licensee shall subject any such mixture to heat-treatment unless the apparatus used therefor—

- (a) is of a type approved by the Council;
- (b) is thermostatically controlled; and
- (c) save as otherwise permitted in writing by the Council, is provided with an automatic device to divert the flow of any such mixture which has not been retained at the requisite temperature for the requisite period of time having regard to the method of heat-treatment used, from the flow of any such mixture as has been retained at such temperature for such period of time.

(3) Every thermometer reading taken in pursuance of the provisions of paragraph (1) shall be recorded and the record retained by the licensee for not less than two months, and shall be available for inspection at all reasonable times by any health officer or health inspector.

**22.** No person engaged in the manufacture of any frozen confection shall allow, or cause or permit any other person to allow, the confection or any of the ingredients thereof to come into contact with his hands or any other part of his body.

**23.** No person shall use for the purpose of manufacturing any frozen confection—

- (a) save with the permission in writing of the Council, any water other than public mains water;

Restriction on alterations or additions to licensed premises.

Requirements as to heat-treatment apparatus.

Handling of frozen confections.

Control of contents of frozen confections.

- (b) any flavouring substance unless of a kind harmless to human beings;
- (c) any fruit, nuts or chocolate, or preparations derived therefrom, which are not of good quality, clean and free from taint or rancidity;
- (d) any colouring matter which is not a permitted colouring matter within the meaning of the Colouring Matter in Food Regulations, 1960.

(G.N.A. 72/60).

**24.** Every such licensee shall, at all times, cause all parts of the premises to which the licence relates, and all fittings and equipment therein, to be maintained in proper repair and in a clean condition and free from noxious matters, and shall cause the floor of every part of such premises which is used for any process in connexion with the manufacture of frozen confections to be thoroughly cleansed with water not less than once in every twenty-four hours.

General cleanliness of premises and equipment.

**25.** (1) No such licensee shall cause any vessel, container or utensil to be used in any process in connexion with the manufacture, storage or distribution of frozen confections unless it has been thoroughly cleansed and subsequently sterilized with steam or clean boiling water, or by such other method as the Council may permit in writing either generally or in any particular case, since the last occasion upon which it was used or before it is first used, as the case may be:

Sterilization of vessels and utensils.

Provided that nothing in this paragraph shall be construed to require any such vessel, container or utensil to be so cleansed or sterilized during any period in which it is in continuous or nearly continuous use.

(2) All parts of any heat-treatment machinery shall, at all times, be kept in a clean condition, and every part thereof which is liable to come into contact with any frozen confection during heat-treatment shall, as often as may be necessary, be washed with clean water or a suitable detergent (in which case it shall be rinsed with clean water after it has been washed with the detergent), and then sterilized with steam or boiling water or by such other method as the Council may permit in writing either generally or in any particular case.

**26.** No person shall smoke while engaged in any process in connexion with the manufacture of frozen confections or in the sale of frozen confections, except such confections as are sold in containers or wrappers and so enclosed as to exclude all risk of contamination.

Restriction on smoking.

**27.** No person shall use, or suffer any other person to use, for dwelling purposes any part of any premises in which any process in connexion with the manufacture of frozen confections is carried on.

Frozen confection factories not to be used for dwelling purposes.

Prevention of contamination of frozen confections by contact with certain clothing.

28. No person shall hang up, or otherwise keep, or suffer any other person to hang up or otherwise keep, whether temporarily or permanently, any clothing, bedding or personal effects in any part of any premises in which any process in connexion with the manufacture of frozen confections is carried on.

Spitting.

29. (1) In any premises in which the manufacture of frozen confections is carried on—

- (a) no person shall spit in any part of such premises in which any process in connexion with the manufacture of such confections is carried on; and
- (b) no person shall spit in any other part of such premises except into a spittoon or other receptacle provided for the purpose.

(2) Where spittoons or other receptacles are provided, the licensee shall cause each such spittoon or receptacle to contain a disinfectant fluid and to be cleansed, and the fluid renewed, not less than once in every twenty-four hours.

(3) Save with the permission in writing of the Council, every such licensee shall cause one or more notices, prohibiting spitting and written in English and Chinese, to be continuously displayed in a conspicuous manner in every part of the premises in which any process in connexion with the manufacture of frozen confections is carried on.

Prevention of vermin.

30. (1) Save where exempted in writing by the Council, every such licensee shall cause every hollow space, crevice or other place in any premises used by him for the manufacture or storage of frozen confections, which is likely to harbour vermin or to constitute a means of access for vermin, to be eliminated or sealed off.

(2) No person shall place, or suffer to be placed or to remain placed, any furniture or equipment, other than such as may be moved without difficulty by one man, so near to any wall of any premises in which frozen confections are manufactured as to obstruct access to any part of such wall, or such furniture or equipment, for the purpose of the cleaning of the same.

(3) No person shall knowingly suffer the existence of any vermin in any part of any premises in which frozen confections are manufactured.

Yards, alleys, etc. not to be used for manufacturing frozen confections.

31. No person shall use, or suffer to be used, any yard, alley, open space or roof top for manufacturing or storing frozen confections.

32. (1) Every such licensee shall—

- (a) cause the inside of every water tank or container provided for the storage of water on any premises used by him for manufacturing frozen confections to be cleansed in the months of March, June, September and December in each year by scrubbing out the same with a solution of not less than fifty parts of chlorine in one million parts of water; and
- (b) cause the date upon which such cleansing was last carried out to be recorded in a conspicuous manner upon each such water tank or container.

(2) Without prejudice to the provisions of paragraph (1), any health officer or health inspector may serve upon such licensee a notice requiring him to cause any such water tank or container to be cleansed in such manner and within such time as may be specified in the notice.

33. Without prejudice to anything contained in these by-laws, every such licensee shall take all reasonable and proper precautions in and in connexion with the manufacture of frozen confections, including the distribution or other handling thereof, to prevent contamination.

34. Every person who has manufactured any ice cream of the kind commonly known as soft ice cream shall mark, or cause to be marked, each container in which the same is stored by him with the date on which the same was manufactured and the time at which the manufacture thereof was completed.

#### PART IV.

##### Miscellaneous.

35. (1) No person suffering from a discharging wound or sore or from a discharge of the ear or from attacks of vomiting or diarrhoea or from a sore throat shall take any part in the manufacture or handling of any frozen confection in any food business:

Provided that a health officer may issue a certificate to any such person exempting him from the provisions of this paragraph in any case in which such health officer is satisfied that no danger to the public health is involved.

(2) Any person who is employed or working in any food business involving the manufacture or handling of frozen confections, shall, if so required in writing by a health officer, submit himself to medical examination at such time and at such place as such health officer may direct and, if after such medical examination, a health officer is satisfied that such person is suffering from any communicable disease, or is likely to communicate to any other person any communicable disease, such

Cleansing of water tanks.

General precautions against infection or contamination of frozen confections.

Soft ice cream containers to be marked with date and time of manufacture of ice cream therein.

Restriction on employment of persons likely to spread disease.

last mentioned health officer may notify such person in writing to that effect, and such person shall forthwith cease to be employed or to work in such food business or in any other such food business.

(3) A notification given under the provisions of paragraph (2) shall continue in force until it is cancelled by a further notice in writing by a health officer declaring such first mentioned notice to be cancelled.

(4) No person shall cause, or suffer or permit, any person, other than a person who has been duly exempted from the provisions of paragraph (1), whom he knows or has reason to believe to be suffering from any of the complaints specified in that paragraph to be employed or work in any food business involving the manufacture or handling of frozen confections.

(5) No person shall cause, or suffer or permit, any person in respect of whom he knows or has reason to believe that a notice given under the provisions of paragraph (2) is in force to be so employed or so to work.

Immunization  
of staff  
against  
certain  
diseases.

36. (1) No person shall be employed or work in any food business involving the manufacture or handling of frozen confections, unless he has—

- (a) within the preceding period of three years, been vaccinated against smallpox; and
- (b) within the preceding period of one year, been inoculated against the enteric group of fevers.

(2) The Council may from time to time by notification published in the *Gazette* require persons employed or working in any food business involving the manufacture or handling of frozen confections to be immunized against such other diseases as may be specified in such notification.

General  
personal  
cleanliness.

37. Without prejudice to anything contained in these by-laws, every person who, for the purposes of any food business, takes any part in the manufacture or handling of frozen confections shall, while so taking part—

- (a) keep all parts of his person and of his outer garments as clean as may be reasonably practicable; and
- (b) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing.

Prevention  
of supply of  
frozen  
confections  
to the danger  
of public  
health.

38. (1) If any health officer or health inspector is of the opinion that infectious or other disease is caused, or is likely to be caused, by the consumption of frozen confections derived from any particular source, premises or manufacturing plant or that the public health is likely to be endangered by the act or default of any purveyor of frozen confections or his servants or agents, such health officer or health

inspector may, by notice in writing, direct that the supply, distribution or sale of such frozen confections shall be terminated or restricted for such period and subject to such conditions as may be specified in the direction.

(2) Any person who considers himself aggrieved by any direction given under the provisions of paragraph (1) may, within fourteen days after the giving of the same, appeal by way of petition to the Governor in Council, and upon any such appeal the Governor in Council shall confirm, vary or, if it has not already been withdrawn, cancel the direction.

(3) In any case in which the Governor in Council is satisfied that the direction ought not to have been given, he may order payment to the appellant by way of compensation of such sum, if any, as, having regard to all the circumstances, he may consider just.

(4) Every such payment shall be made out of the general revenue of the Colony.

39. (1) The Council may provide, for use in any food business involving the manufacture or sale of frozen confections, a report book or form for the use of health officers and health inspectors visiting the premises.

Keeping of  
report books.

(2) Where any such book or form has been provided, the licensee or proprietor, as the case may be, of such business shall, at all times, cause such book or form to be kept in such a place as to be immediately available for use by any such health officer or health inspector.

(3) No person shall destroy any such book or form or alter or obliterate any entry made therein.

40. (1) Every licence granted under the provisions of Part III shall be renewable on the 1st day of October in each year.

Fees.

(2) Every such licence shall be granted or renewed upon payment of the appropriate fee prescribed in the Second Schedule:

Second  
Schedule.

Provided that, where any such licence is granted after the 1st day of April in any year, the fee payable in respect of the grant of that licence shall be one-half of the fee so prescribed.

(3) Where the Council is satisfied that any such licence has been lost or destroyed, the Council may, upon payment of a fee of five dollars, issue a duplicate thereof.

41. Any person who—

Offences and  
penalties.

- (a) contravenes any of the provisions of by-law 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34 or 37 or of paragraph (1) of by-law 7, paragraph (1)

- of by-law 15, paragraph (1) of by-law 32, paragraph (1), (4) or (5) of by-law 35, paragraph (1) of by-law 36 or paragraph (2) or (3) of by-law 39;
- (b) fails to comply with any of the requirements of a notice served upon him under the provisions of paragraph (2) of by-law 32;
- (c) being a person employed or working in any food business involving the manufacture or handling of frozen confections, fails—
- (i) to submit himself to medical examination when required to do so under the provisions of paragraph (2) of by-law 35; or
  - (ii) to cease to be employed or to work in any such business when required to do so by the provisions of that paragraph;
- (d) fails to comply with any of the requirements of a notification published in the *Gazette* under the provisions of paragraph (2) of by-law 36;
- (e) fails to comply with any direction given under the provisions of paragraph (1) of by-law 38, unless the same has been varied or cancelled by the Governor in Council under the provisions of paragraph (2) of that by-law; or
- (f) where any direction given under the provisions of paragraph (1) of by-law 38 has been varied by the Governor in Council under the provisions of paragraph (2) of that by-law, fails to comply with such direction as so varied,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for three months and, where the offence is a continuing offence, shall be liable in addition to a fine of fifty dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

42. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

43. (1) Every permit or licence granted under the provisions of the cancelled Disease Prevention (Food and Drinks) By-laws relating to the sale of frozen confections which is in force at the commencement of these by-laws shall be deemed to be a permission in writing granted under by-law 30 of the Food Business By-laws, 1960, and every licence granted under the provisions of the cancelled Food Factories By-laws relating to the manufacture of frozen confections which is in force at the commencement of these by-laws shall be deemed to be a licence granted under Part III of these by-laws.

(2) Any plan of any premises in which frozen confections are manufactured which was approved under the provisions of the said Food Factories By-laws shall be deemed to have been approved under the provisions of these by-laws.

(3) Upon application for the renewal of any permission under by-law 30 of the Food Business By-laws, 1960 or of any licence under Part III of these by-laws which is a permission under the said by-law 30 or a licence under the said Part III by virtue of the provisions of paragraph (1), the Council shall grant to the applicant a renewal of such permission or such licence, as the case may be.

(4) Notwithstanding anything contained in paragraph (1), where it appears to the Council that any premises in which frozen confections are manufactured are in any respect unsatisfactory having regard to the provisions of these by-laws, the Council may serve upon the licensee thereof a notice requiring him, as a condition precedent to any renewal of the licence subsequent to the renewal thereof provided for in paragraph (3), to carry out or cause to be carried out such alterations or additions in respect of such premises as shall be specified in the notice.

(5) Nothing in these by-laws shall be deemed to entitle any person to the refund of the whole or of any part of any fee paid under the provisions of the said Disease Prevention (Food and Drinks) By-laws or the said Food Factories By-laws.

#### FIRST SCHEDULE.

[by-laws 3 and 4.]

##### HEAT-TREATMENT.

The following provisions shall apply to the heat-treatment of frozen confections after the mixing together of the ingredients—

(1) The mixture shall not be kept for any period exceeding one hour at a temperature greater than 45° Fahrenheit before such mixture is subjected to heat-treatment by one of the following methods—

- (a) the mixture shall be raised to and kept at a temperature of not less than 150° Fahrenheit for not less than thirty minutes; or
- (b) the mixture shall be raised to and kept at a temperature of not less than 160° Fahrenheit for not less than ten minutes; or
- (c) the mixture shall be raised to and kept at a temperature of not less than 175° Fahrenheit for not less than fifteen seconds.

(2) After the mixture has been subjected to heat-treatment in any of the ways above described, it shall be reduced to a temperature of not more than 45° Fahrenheit within one and a half hours after the commencement of the reduction of temperature and shall be kept at a temperature lower than 45° Fahrenheit until frozen.

(3) Where the method described in sub-paragraph (c) of paragraph (1) is used for the heat-treatment of any frozen confection, the apparatus employed shall be thermostatically controlled and shall be fitted with a positive displacement pump which shall serve to maintain the flow of the mixture, during its retention at the prescribed temperature, at an even rate.

Name in which proceedings for offences may be brought.

Transitional provisions. (Vol. X, p. 174).

(G.N.A. 109/60). (Vol. X, p. 129).

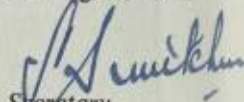
## SECOND SCHEDULE.

[by-law 40(2)]

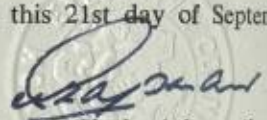
## FEES.

<i>Size of premises by reference to floor area.</i>	<i>Fee.</i> \$
Not exceeding 1,500 sq. ft. ....	120.
1,501—3,500 sq. ft. ....	240.
Exceeding 3,500 sq. ft. ....	500.

Made by the Urban Council this 2nd day of August, 1960.

  
Secretary.

Approved by the Legislative Council this 21st day of September 1960.

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
21st September, 1960.

*Explanatory Note.*

*(This Note is not part of the by-laws, but is intended to indicate their general purport).*

The sale of frozen confections is at present controlled by licence under the Disease Prevention (Food and Drinks) By-laws and their manufacture by licence under the Food Factories By-laws. This has not proved satisfactory because the conditions relating to premises from which frozen confections may be sold are unnecessarily burdensome in many cases, for example, in the case of the sale of frozen confections in containers which have been obtained direct from the manufacturers and which are sealed in such a manner as to prevent contamination until opened by the consumer. On the other hand, the provisions relating to the manufacture of frozen confections are inadequate in that no provision is made for heat-treatment (which is necessary in most cases) as a process in their manufacture. The purpose of these by-laws is, therefore, to provide the appropriate degree and form of control applicable to both the sale and manufacture of frozen confections as distinct from any other commodity. Since frozen confections have qualities of acquiring infection and contamination similar to those of milk, the provisions of these by-laws are similar to the provisions of the Milk By-laws, 1960.

2. The by-laws are divided into four Parts. Part I deals with preliminary matters. Part II provides for the sale of frozen confections by linking the provisions of these by-laws with the Food Business By-laws, 1960 under the provisions of which frozen confections are dealt with as restricted foods, the sale of which requires the permission of the Council under by-law 30 of those by-laws. The need for this permission, in conjunction with the general provisions as to the maintenance of hygienic conditions contained in this Part (in particular those contained in by-law 15), provides all the necessary control relating to the sale of these commodities. Part III provides for the manufacture of frozen confections. In this regard, strict control of the premises and of the conditions in which the confections are made is essential, because it is primarily at this stage that infection or contamination is likely to occur. Part IV deals with miscellaneous matters, and, in addition to providing for offences and penalties

and transitional provisions, includes restrictions on the employment of persons suffering from certain diseases (by-law 35) and the power to close the source of infected or contaminated frozen confections (by-law 38). The application of the latter two by-laws to frozen confections is new.

3. It is not considered that a Table comparing these by-laws with existing by-laws would serve any useful purpose, since, save for by-law 2 of the Disease Prevention (Food and Drinks) By-laws, the existing By-laws were not framed for specific application to frozen confections. A comparison with the Milk By-laws, 1960, and the Comparative Table appended to those by-laws may be of assistance.

(Secretariat GR5/3231/60)

**PUBLIC CLEANSING AND PREVENTION OF  
NUISANCES BY-LAWS, 1960.**

**ARRANGEMENT OF BY-LAWS.**

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**PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.**  
**(No. 30 of 1960).**

**PUBLIC CLEANSING AND PREVENTION OF NUISANCES BY-LAWS, 1960.**

In exercise of the powers conferred by section 15 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

**PART I.**

*Preliminary.*

- |   |  |
|---|--|
| Citation and commencement.<br>(30 of 1960). | <b>1.</b> These by-laws may be cited as the Public Cleansing and Prevention of Nuisances By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960.   |
| Application.                                | <b>2.</b> These by-laws apply to the urban areas only.   |
| Interpretation.                             | <b>3.</b> In these by-laws save where the context otherwise requires—<br>“Council” means the Urban Council;  |
| Schedule.                                   | “dangerous refuse” means any refuse of a kind specified in the Schedule;<br>“excretal matter” means the excretal matter of any person;<br>“house refuse” means ashes, cinders, dust, rubbish or filth, but does not include dangerous refuse or trade refuse or excretal matter;<br>“premises” includes land, buildings, structures and basements, and in relation to any building includes the curtilage thereof;<br>“street refuse” means dust, dirt, rubbish, mud, road scrapings or filth, but does not include excretal matter from latrines. |

**PART II.**

*Prevention of nuisances in streets and public places.*

- |                               |   |
|-------------------------------|---|
| Dumping of refuse in streets. | <b>4.</b> No person shall—<br>(a) sweep or otherwise remove from any shop or house into any street or public place any waste paper, shaving, or other refuse;<br>(b) throw down or leave in any street or public place any bill, placard or other paper which has been torn off or removed from any bill-posting station; |
|-------------------------------|---|

- |            |   |  |
|------------|---|--|
| (c)        | beat, shake, sweep, brush, or cleanse in any street, between the hours of 8 a.m. and 8 p.m., any carpet, drugget, rug or mat, or any other fabric retaining dust or dirt; or  |  |
| (d)        | being a newsvendor or other street trader or hawker, throw down and leave in any street or public place any waste paper, shavings, leftovers, peel or other refuse.   |  |
| <b>5.</b>  | No person shall place or deposit and leave on or in—  | Litter.  |
| (a)        | any highway, street, roadside or public place; or   |  |
| (b)        | any water (including the sea), watercourse or ditch in or abutting on any highway, street, roadside or public place.  |  |
|            | any glass, china, earthenware, tin, carton, paper or other refuse so as to create or tend to create a litter.   |  |
| <b>6.</b>  | No person shall, in any street or public place, throw or leave any orange peel, banana skin, sugar cane residue, other fruit peelings or slices, or any other substance likely to cause danger to the public.   | Dangerous litter.  |
| <b>7.</b>  | No person shall throw, place or leave any bottle or any broken glass or other sharp substance (not being material used in the construction or repair of a street) on or in any street or public place in such a position as to be likely to cause injury to persons or damage to property.  | Bottles, broken glass, etc.                                      |
| <b>8.</b>  | No person, other than a public officer acting in the course of his duty, shall pick up or collect, or cause to be picked up or collected, any cigarette ends or waste tobacco discarded as refuse in any street or public place.  | Prohibition against collecting cigarette ends and waste tobacco. |
| <b>9.</b>  | (1) No person shall in any street or public place or in any place exposed to the public view or in any other improper place obey the call of nature.<br>(2) No person having the care or custody of any child under twelve years of age shall permit, without reasonable cause, such child to obey the call of nature in any street or public place or in any place exposed to the public view or in any other improper place.  | Obeying calls of nature.   |
| <b>10.</b> | No person in charge of any cart, vehicle, load, agricultural implement or machine shall allow any mud, clay, lime or other material carried thereon to drop and remain on any public street or road in such manner as to, or to be likely to, result in obstruction or danger to persons using such street or road or in injury to the surface of such street or road, nor shall any person bring on to any such public street or road any cart, vehicle, agricultural implement or machine without having previously removed, so far as is reasonably practicable, any | Carrying of mud, etc. onto the highway.                          |

mud, clay, lime or other material which is adhering to the wheels, framework or body thereof and which is likely to result in the dirtying or injuring of the road surface.

Dumping of corpses or carcasses.

11. No person shall, without lawful authority or excuse, place, or cause to be placed, any corpse or carcase or any part thereof in any street or public place, open space, beach, foreshore, refuse barge or refuse depot or any drain, water-course or harbour.

Raking and picking over any refuse deposit, etc.

12. No person shall, without lawful authority or excuse, rake, pick over or grub in any refuse deposited in or upon any public place, vacant land, refuse depot or refuse dump, or remove or scatter any portion of any refuse so deposited.

Caution to be taken when removing rubbish through a street.

13. No person, in removing from any premises any filth, dust, ashes, salt or refuse of whatever description, shall deposit it upon any street or public place or in the sea.

Precaution to prevent the falling of filth when conveyed through streets.

14. (1) Every person conveying any filth, dust, ashes, salt or refuse of whatever description in or through any street or public place shall take all necessary precautions to prevent the same from falling upon such street or public place.

(2) If, during such conveyance, any filth, dust, ashes, salt or refuse of whatever description shall so fall, such person shall forthwith clean the place on which it falls.

Removal of offensive or noxious matter or liquid through streets, etc.

15. (1) Save with the permission of the Council, no person shall remove or carry, or cause to be removed or carried, through any street or public place any excretal matter, pigwash, manure or other offensive or noxious matter or liquid of whatever description unless—

- (a) the removal or carriage is effected in a receptacle, vehicle or vessel properly constructed of impervious material and covered with a close fitting lid so as to prevent the escape therefrom of any of the contents or any smell;
- (b) in the case of the removal or carriage of excretal matter, such removal or carriage is effected between the hours of midnight and 6 a.m.; and
- (c) in the case of the removal or carriage of pigwash, such removal or carriage is effected between the hours of midnight and 9 a.m.

(2) No person shall empty, discharge, deposit or place in, or convey to, any gully, drain, sewer or any inlet thereto any pigwash.

(3) If, in the course of its removal or carriage through any street or public place, any such excretal matter, pigwash, manure or offensive or noxious matter or liquid has been dropped or split, the person who has caused or allowed it to be dropped or split shall immediately cause the place whereon it was dropped or split to be cleansed.

### PART III.

#### *Disposal of house refuse.*

16. The occupier of any premises shall, at least once in every twenty four hours, save in the case of a typhoon or other exceptional circumstances, remove from such premises, in the manner provided in this Part, all house refuse accumulated therein. Removal of house refuse.

17. Where a refuse chute is provided in any premises, the occupier of such premises or of any part thereof shall tip, or cause to be tipped, all house refuse, other than dangerous refuse, into the hopper provided therefor in the chute. Duty of occupier where refuse chute is provided.

18. (1) Where a refuse chute is provided in any premises, the owner of such premises, or, if the chute is in separate ownership, the owner of such chute, shall— Duty of owner of refuse chute.

- (a) at all times, maintain the shaft, hopper, storage chamber and surrounds in a clean condition and take all other necessary precautions to prevent any nuisance arising therefrom;
- (b) provide, and use at the chute, portable refuse storage containers of sufficient capacity to receive the refuse tipped into the chute and made of such material and to such specifications as the Council may approve; and
- (c) each day, remove, or cause to be removed, to such refuse boat or refuse depot as the Council may allocate for the purpose all of the refuse tipped into the chute:

Provided that, where the portable refuse storage containers do not exceed three and a quarter cubic feet capacity, the contents thereof may be deposited daily in a public refuse collection vehicle.

(2) Where a refuse chute is provided with an incinerator as part of the installation, sub-paragraph (c) of paragraph (1) shall apply to the incombustible residue after incineration of the refuse in the same manner as if such incombustible residue were ordinary house refuse.

(3) Where the Council, by agreement with the owner of any premises provided with a refuse chute, or, where a refuse chute is in separate ownership, with the owner of such refuse chute, undertakes to effect the removal of refuse from such chute—

- (a) sub-paragraph (c) of paragraph (1) shall not apply;
- (b) such agreement shall be subject to such terms and conditions as the Council may think fit; and
- (c) without prejudice to the generality of the provisions of sub-paragraph (b), the following matters shall be deemed to be

conditions of such agreement unless the parties thereto expressly agree to the contrary—

(i) all refuse storage containers shall be constructed of such material and shall be of such design and capacity as the Council shall approve, and shall be maintained at all times in good repair and serviceable condition to the satisfaction of the Council;

(ii) each refuse storage container shall be kept in a storage chamber, and shall be so seated as to be capable of easy removal therefrom by means of a wheeled under-carriage or other device approved by the Council;

(iii) save as otherwise required for cleaning or repair, each storage chamber shall be kept locked and shall be opened only at such times as may be required for clearance of the refuse storage containers by the public refuse collection service or by a public officer authorized in writing in that behalf by the Council for the purpose of inspection; and

(iv) there shall be provided and maintained for the use of public refuse collection vehicles a clear and sufficient means of access to each storage chamber at all times at which such vehicles call for the purpose of collecting refuse.

Duty of occupier where refuse chute is not provided.

19. (1) Where any premises are not provided with a refuse chute, the occupier of such premises or any part thereof shall provide a sufficient number of dustbins, not being less than one, and shall place therein all of the house refuse, excluding dangerous refuse, accumulated from such premises or such part thereof during each period of twenty-four hours. Each such dustbin shall be made to the satisfaction of the Council and shall be—

- (a) constructed of strong impervious material;
- (b) cylindrical in shape, or tapered towards the bottom, with smooth internal surfaces;
- (c) fitted with a hooped rim in such a manner as to prevent the bottom of the bin resting on the ground;
- (d) fitted with handles on opposite sides in such a manner that the bin may easily be lifted by hand;
- (e) provided with a close fitting lid or cover so as to prevent the emission of dust or stench therefrom or the access of flies thereto; and
- (f) of a capacity not exceeding three and a quarter cubic feet.

(2) Every such dustbin shall at all times be maintained in good repair and in a clean condition to the satisfaction of the Council, and shall be kept properly covered save when required to be opened for the purpose of using it.

(3) The occupier of such premises or such part thereof shall, at least once in every twenty-four hours, deliver, or cause to be delivered, to a public refuse collection loader at a public refuse collection vehicle all of the contents of every dustbin provided in accordance with the provisions of paragraph (1).

20. No person shall, without reasonable excuse, permit a receptacle containing refuse of any kind to remain in a street or public place for a period exceeding five minutes whilst awaiting the arrival of a public refuse collection vehicle.

Refuse containers not to remain in street or public place.

#### PART IV.

##### *Dangerous refuse and trade refuse.*

21. Notwithstanding anything contained in by-law 16 or 18, no person shall put, or cause to be put, any dangerous refuse or any liquid into a refuse chute or into a dustbin used for house refuse.

Dangerous refuse not to be put into chutes or dustbins.

22. The occupier of any premises or any part of any premises in which there is any dangerous refuse shall deliver, or cause to be delivered, all of such dangerous refuse into the personal charge of a public refuse collection loader at a public refuse collection vehicle:

Disposal of dangerous refuse.

Provided that, having regard to the quantity of such dangerous refuse or to its nature, such loader may refuse to accept it, in which case such occupier shall report the fact to the Council, which may direct the manner in which the same is to be disposed of.

23. (1) The occupier of any premises or any part of any premises in which there is any trade refuse may, with the consent of the Council, dispose of such refuse by putting it into any refuse chute which may be provided in such premises.

Disposal of trade refuse.

(2) Where any premises are not provided with a refuse chute and where the Council has refused its consent to the disposal of any trade refuse by putting it into a refuse chute, the occupier of the premises or part of any premises in which there is any trade refuse shall dispose of the same by putting it into dustbins, which he shall deliver, or cause to be delivered, to a public refuse collection loader at a public refuse collection vehicle:

Provided that, having regard to the quantity of such refuse or its nature, such loader may refuse to accept it, in which case such occupier shall report the fact to the Council which may direct the manner in which the same is to be disposed of.

## PART V.

*Offences and miscellaneous.*

Offences and penalties.

24. (1) Any person who contravenes any of the provisions of any of the by-laws contained in Part II shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars.

(2) Any person who—

(a) contravenes any of the provisions of by-law 16, 17, 19 or 20 or of paragraph (1) of by-law 18; or

(b) fails to comply with any direction of the Council given under the provisions of the proviso to by-law 22 or of the proviso to paragraph (2) of by-law 23,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and fifty dollars.

Name in which proceedings for offences may be brought.

25. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

By-laws not to apply to refuse containing radioactive substance.

26. (1) The provisions of these by-laws shall not apply to any refuse which contains any radioactive substance.

(2) For the purposes of paragraph (1), the expression "radioactive substance" means any substance consisting of or containing any radioactive chemical element.

## SCHEDULE.

[by-law 3.]

*Dangerous refuse.*

Item.	Substances.	Description.
1.	Explosive substances.	Discarded or defective cases containing gun-powder or potassium chlorate used in the manufacture of fireworks, sweepings of sulphur used in the manufacture of matches, or any other explosive substances.
2.	Strong supporters of combustion.	Cotton or woollen waste arising from textile industries, polystyrene flakes or powder arising from plastic button industries and scrap rubber arising from the rubber industry.
3.	Corrosive wastes.	Acid wastes arising from the manufacture of acids, acid wastes (including chromic acid and caustic soda) arising from electro-plating, acid wastes arising from textile bleaching and dyeing and acid wastes arising from the manufacture of enamel and light metalware.

Item.	Substances.	Description.
4.	Poisonous substances.	Potassium cyanide used in electro-plating, arsenic used in leather tanning, lead used in battery construction, type founding and type setting and manganese used in the manufacture of enamel.
5.	Substances giving off inflammable vapour.	Tar and tar distillates arising from oil installations, petrol solutions used in the manufacture of rubber shoes, amyl acetate solutions and ethyl acetate solutions used in the manufacture of artificial pearls and thinners used in the manufacture of paint and lacquer.
6.	Substances rendered dangerous by interaction with water.	Calcium carbide used in acetylene generation.
7.	Compressed gases.	Compressed gases used in the manufacture of fluorescent and neon tubes and of bottled gases.

Made by the Urban Council this 2nd day of August, 1960.

*A. Smithe*  
Secretary.

Approved by the Legislative Council this 21st day of September, 1960.

*D. J. S. and*  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
21st September, 1960.

*Explanatory Note.*

(This Note is not part of the by-laws, but is intended to indicate their general purport).

These by-laws replace, with amendment, the Domestic Cleanliness and Prevention of Diseases By-laws and the Scavenging By-laws, 1935, both of which are contained in Schedule A of the repealed Public Health (Sanitation) Ordinance, 1935.

(Secretariat GR5/3231/60)

CONSERVANCY BY-LAWS, 1960.

ARRANGEMENT OF BY-LAWS.

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**PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.**  
**(No. 30 of 1960).**

**CONSERVANCY BY-LAWS, 1960.**

In exercise of the powers conferred by sections 15 and 29 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

**PART I.**

*Preliminary.*

Citation and commencement.

1. These by-laws may be cited as the Conservancy By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960.

Application.

2. These by-laws apply to the urban areas only.

Interpretation.

3. In these by-laws, save where the context otherwise requires—  
“Council” means the Urban Council;

“conservancy service” means a service provided under section 16 of the Public Health and Urban Services Ordinance, 1960, for the removal and disposal of excretal matter;

“excretal matter” means excretal matter of any person, but does not include such matter after maturation;

“premises” means buildings and structures appurtenant thereto, but does not include any temporary structure used solely for dwelling purposes unless such temporary structure is used in connexion with any industrial undertaking within the meaning of the Factories and Industrial Undertakings Ordinance, 1955;

(34 of 1955).

“temporary conservancy service” means a conservancy service provided for a period not exceeding thirty days;

“water-borne sanitation” includes waterclosets and urinals.

**PART II.**

*Waterclosets and urinals.*

Floors of compartments to be constructed of impervious material or paved.

4. The owner, or, if the owner is absent from the Colony or cannot readily be found, the occupier, of any premises or part of any premises in which a watercloset or urinal is installed shall cause the floor of any compartment in which such watercloset or urinal is installed to be constructed of or paved with smooth, hard, impervious material and shall at all times keep the same in good condition and repair.

5. The occupier of any premises or part of any premises in which a watercloset or urinal is installed shall—

Duties of occupier of premises having water-borne sanitation.

(a) at all times, maintain such watercloset or urinal in a clean and wholesome condition;

(b) at all times, ensure an adequate supply of water for flushing purposes; and

(c) if the compartment in which such watercloset or urinal is installed is ventilated by a mechanical ventilating system, cause such system to be maintained in good working order.

6. No person shall insert or permit to be inserted into any water-closet or urinal any matter which is not easily soluble in water or which is likely to prevent or obstruct the proper operation thereof.

Prevention of obstruction to water-closets or urinals.

**PART III.**

*Dry latrines.*

7. (1) In any premises or part of any premises in which water-borne sanitation is not provided, the occupier of such premises or such part thereof shall provide not less than one sanitary pail or container for every twenty-five inmates of such premises or such part thereof.

Duty of occupier of premises not having water-borne sanitation.

(2) Save where the same is supplied by the Council, every such sanitary pail or container shall—

(a) be of a size suitable to its purpose;

(b) be constructed of smooth impervious material; and

(c) have either a close fitting lid or cover, or be enclosed in a box or structure, so made as to prevent the emission of smell therefrom or the access of flies thereto and constructed to the satisfaction of the Council.

(3) Every such sanitary pail or container and all fittings or appliances appurtenant thereto shall, at all times, be maintained in good repair and in a clean and wholesome condition to the satisfaction of the Council by the occupier of the premises, or the part of the premises, in which it is installed.

**PART IV.**

*Conservancy.*

8. (1) Subject to the provisions of this by-law, no person shall dispose of any of the contents of any sanitary pail or container from any premises or any part of any premises except through the agency of a conservancy service.

Disposal of contents of sanitary pails, etc.

(2) In the case of any premises or part of any premises for which no conservancy service is for the time being provided, the occupier of such premises or such part thereof shall, if he has made an application to the Council in the manner prescribed in by-law 9 for the provision of a conservancy service and the Council has, within forty-eight hours after the receipt of such application, either refused or failed to provide or to cause such a service to be provided, dispose of the contents of every sanitary pail or container once in every twenty-four hours, until such time as a conservancy service is provided, in such decent manner as to prevent the causing of any nuisance or smell or the propagation of flies:

Provided that in no case shall such contents be thrown into the sea or into any stream, watercourse or open drain or ditch.

(3) In the case of any premises or part of any premises for which a conservancy service is provided, the occupier of such premises or such part thereof shall, unless the Council or other person providing the service expressly notifies him to the contrary, place or cause to be placed each sanitary pail or container in such a position as—

- (a) will be conveniently accessible from the nearest street used by such conservancy service for collection purposes;
- (b) will not necessitate the removal of such sanitary pail or container through obstructed passageways; and
- (c) will not, wherever possible, necessitate the removal of such pail or container through any bedroom or sleeping quarter:

Provided that in no case shall any sanitary pail or container be placed in a street.

Application  
for  
conservancy  
service.

9. (1) Every application for the provision of a conservancy service shall be made in writing addressed to the Secretary of the Council and shall state—

- (a) the date upon which the service is required to commence;
- (b) the full name and address of the applicant;
- (c) the full name and address of the owner of the premises in question, unless such owner is the applicant; and
- (d) the address in detail of the premises, or the part thereof, for which the service is required.

(2) Where the applicant for a conservancy service does not expect that the service will be required by him for more than thirty days, he may state in the application that a temporary service is required and shall state, as near as may be, the date upon which he expects the requirement to cease.

(3) Where any person is about to cease to require at any premises, or any part of any premises, the provision of a conservancy service, he

shall give to the Council, by notice in writing addressed to the Secretary thereof, not less than three days' notice of the date upon which he will cease to require the service and shall, in such notice, specify the circumstances by reason of which the service will no longer be required.

(4) Where application is made by the occupier of any premises or any part of any premises for the provision of a conservancy service and where notice is given to the Council that the provision of a conservancy service for any premises or part of any premises will no longer be required, the Council shall, save where the applicant or the person giving such notice is the owner, or the agent in the Colony of the owner, of such premises or such parts thereof, cause notice in writing of the receipt of such application or notice and of its determination thereon to be sent to such owner or his agent in the Colony addressed to the last address in the Colony of either of them which is known to the Council.

10. (1) (a) In respect of each floor, other than a floor which is used for non-domestic purposes and on which no pails or containers for the reception of excretal matter are provided, of all premises situated in a district or place for which the Council provides a conservancy service, being premises which are not provided with waterclosets, or, if such service is provided for a separate part of any floor of any such premises, in respect of any such part, there shall be paid to the Treasury a fee of sixteen dollars per quarter or that part of any quarter for which the service is provided, as the case may be.

Fees for  
conservancy  
services.

(b) The fees for the ensuing two quarters shall be payable in advance on or before the 1st day of June and the 1st day of December in every year or within one month from the latest date (being a date not earlier than the said 1st day of June or the said 1st day of December, as the case may be) for payment stipulated in a demand note issued in respect thereof.

(c) Where, in respect of any premises, the provision of a conservancy service, other than a temporary conservancy service, is commenced during the period between the 2nd day of June and the 30th day of November (both days inclusive) or between the 2nd day of December and the 31st day of May (both days inclusive), the provision of such service shall be deemed to have been commenced on the 1st day of June and the 1st day of December, respectively, and the fees therefor shall be payable accordingly.

(2) Where a temporary conservancy service is provided, there shall be paid to the Treasury, on or before the day on which the provision of such service is commenced, a fee of ten dollars.

- (3) (a) Where a temporary conservancy service has been provided in respect of any premises or place and the provision of a conservancy service in respect of such premises or place is required for more than thirty days, there shall be paid to the Treasury a fee of sixteen dollars per quarter or part of a quarter during which such conservancy service is provided.
- (b) In any such case, the first quarter for which the service is provided shall be deemed to have commenced on the first day on which the temporary conservancy service was provided, but the fee payable in respect of such first quarter shall be the difference between the fee of sixteen dollars and any sum which may have been paid in respect of the provision of the temporary conservancy service.
- (4) (a) If any fee payable under the provisions of paragraph (1) is not paid within the time limited for its payment by the provisions of that paragraph, a sum equal to five per cent of the fee shall be added thereto, and, if any such fee is not paid within one month after the time so limited for its payment, a further sum equal to five per cent of the fee shall be added thereto.
- (b) The sum so to be added to such fee shall be assessed to the nearest ten cents, and may be recovered with such fee.

#### PART V.

##### *Offences and miscellaneous.*

Offences and penalties.

11. (1) Any person who contravenes any of the provisions of by-law 4 or 5 shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars, and, where the offence is a continuing offence, shall be liable in addition to a fine of ten dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

(2) Any person who contravenes any of the provisions of by-law 6, 7 or 8 shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for seven days, and, where the offence is a continuing offence, shall be liable in addition to a fine of five dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

Name in which proceedings for offences may be brought.

12. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

Made by the Urban Council this 2nd day of August, 1960.

*H. J. M. M. M.*  
Secretary.

Approved by the Legislative Council this 21st day of September, 1960.

*[Signature]*  
Deputy Clerk of Councils.

COUNCIL CHAMBER,

21st September, 1960.

#### *Explanatory Note.*

*(This Note is not part of the by-laws, but is intended to indicate their general purport).*

These by-laws replace, with amendment, the Conservancy By-laws contained in Schedule A of the repealed Public Health (Sanitation) Ordinance, 1935.

2. The monopoly in the Council with respect to the collection of excretal matter provided by the former Conservancy By-laws is now provided by section 17 of the Public Health and Urban Services Ordinance, 1960, and is, therefore, omitted from these by-laws. Since the provision of the conservancy service is a departmental matter, it is considered unnecessary to retain those provisions of the former by-laws which provide for the manner in which the service is to be carried out by the Council. With regard to conservancy services, the provisions of these by-laws relate, therefore, only to the prevention of the unauthorized collection or disposal of excretal matter, the duties of the occupiers of premises with respect to the provision of containers for excretal matter and its collection by the conservancy services and fees. By-laws 4, 5 and 6 contain provisions with respect to water-borne sanitation.

(Secretariat GR5/3231/60)



## PLEASURE GROUNDS BY-LAWS, 1960.

### ARRANGEMENT OF BY-LAWS.

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**PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.**  
(No. 30 of 1960).

PLEASURE GROUNDS BY-LAWS, 1960.

In exercise of the powers conferred by section 109 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

Citation and commencement.

1. These by-laws may be cited as the Pleasure Grounds By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960.

Application.

2. These by-laws apply to the urban areas only.

Interpretation.

3. In these by-laws, save where the context otherwise requires—  
“Council” means the Urban Council;  
“keeper” means any person appointed under section 111 of the Ordinance to be a keeper of a pleasure ground;  
“pleasure ground” means any public pleasure ground specified in the Fourth Schedule to the Ordinance, not being a bathing beach, which is situated in the urban areas.

Hours of opening and closing.

4. Every enclosed pleasure ground shall be open to the public except between such hours and on such days as the Council may, from time to time, prescribe and notify by a notice conspicuously posted at each entrance thereto:

Provided that nothing in this by-law shall be deemed to require any part of a pleasure ground to be opened to the public on any days or at any times when, in pursuance of any statutory provision in that behalf, the Council closes such pleasure ground or any part thereof to the public.

Persons not to enter closed pleasure grounds.

5. No member of the public shall enter or remain in any pleasure ground during any period when the pleasure ground is closed to the public in the manner provided in by-law 4, unless duly authorized by the keeper of the pleasure ground or by any other public officer having authority in that behalf.

General behaviour.

6. No person while in any pleasure ground shall behave otherwise than in an orderly and decent manner or be otherwise than properly clothed.

7. No person shall, in any pleasure ground—

- (a) wilfully or negligently deface, injure, soil or defile any wall or any fence in or enclosing the pleasure ground, or any building, barrier, railing, post, seat or boundary stone, or any erection or ornament of any kind whatever;
- (b) climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post or other erection; or
- (c) wilfully or negligently remove any implement or equipment provided for use in any pleasure ground.

Protection of property.

8. No person shall, in any pleasure ground, walk, run, stand, sit or lie upon—

- (a) any grass, turf or other place where notice to keep off such grass, turf or other place is exhibited; or
- (b) any flower-bed, shrub or plant or any ground in course of preparation as a flower-bed or for the growth of any tree, shrub or plant.

Protection of grass and flower-beds.

9. No person shall, in any pleasure ground—

- (a) remove, cut or displace any soil, turf or plant;
- (b) pluck or damage any bud, blossom or leaf of any tree, shrub or plant, or damage any part of any tree, shrub or plant.

Protection of growing plants.

10. No person shall, in any pleasure ground—

- (a) bathe, wade or wash in any ornamental lake, pond, stream or water;
- (b) wilfully or negligently foul or pollute any such water;
- (c) take, injure or destroy, or attempt to take, injure or destroy, any fish in any such water, or wilfully disturb or worry any waterfowl;
- (d) wilfully displace or disturb, injure or destroy any bird's nest or bird's eggs;
- (e) take, injure or destroy any bird, or spread or use any net, or set or use any snare or other engine, instrument or means, for the taking, injury or destruction of any bird;
- (f) wilfully disturb, harry or ill-treat any animal, bird or fish kept in any pleasure ground.

Protection of artificial lakes, ponds, birds and animals.

11. (1) No person shall cause or suffer any dog or other pet animal belonging to him, or in his charge, to enter or remain in any pleasure ground, unless under proper control and effectively restrained from causing annoyance to any person, from worrying or disturbing any animal, bird or waterfowl and from entering any ornamental water.

Dogs.

(2) Where in any pleasure ground there is placed a notice prohibiting dogs or prohibiting dogs except on a lead, no person shall bring any dog into or allow any dog to remain in such pleasure ground in contravention of the terms of such notice.

Cattle, sheep,  
goats, etc.

**12.** No person shall bring, or cause to be brought, into any pleasure ground any cattle, equines, sheep, goats, pigs or poultry or any beast of draught or burden, unless, in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege, he is authorized to do so.

Vehicles.

**13. (1)** No person shall, except in the exercise of any lawful authority or privilege, bring or cause to be brought into, or ride in, any pleasure ground any barrow, truck, vehicle or wheeled bicycle or tricycle or carry any load therein:

Provided that, where the Council set apart a space in such pleasure ground for the use of any class of vehicle, this by-law shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to such pleasure ground of any vehicle of the class for which it is set apart.

(2) The provisions of paragraph (1) shall not apply to any wheel-chair, perambulator, chaise or sedan which is propelled, drawn or carried by hand and used solely for the conveyance of a child or an invalid.

(3) If any person brings a vehicle into any pleasure ground, he shall not wheel or station it over or upon—

- (a) any flower-bed, shrub, plant or any ground in course of preparation as a flower-bed or for the growth of any tree, shrub or plant;
- (b) any part of such pleasure ground where the Council, by a notice affixed or set up in some conspicuous position in such pleasure ground, prohibits its being wheeled or stationed.

Bills and  
notices.

**14.** Save with the permission in writing of the Council and subject to such conditions as may be imposed by the Council, no person shall affix any bill, placard or notice to or upon any tree or plant, or to or upon any part of any building, barrier, railing, seat or any other erection or ornament in the pleasure ground.

Missiles,  
guns,  
catapults,  
etc.

**15.** Subject to the provisions of by-law 17, no person shall, in any pleasure ground, wilfully or negligently throw or discharge any missile or shoot with any gun, airgun, bow and arrow or catapult or other devices.

Kites, model  
aircraft,  
balloons, etc.

**16.** The Council may, by notice conspicuously displayed in any pleasure ground, restrict or prohibit the flying of kites, model aircraft, balloons or other device.

**17. (1)** Where the Council has set apart any part of any pleasure ground, and described the part so set aside in a notice affixed or set up in some conspicuous position in such pleasure ground, for the purpose of any game specified in the notice, which, by reason of the rules or manner of playing thereof, or for the prevention of damage, danger or discomfort to any person in the pleasure ground, may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in such part of the pleasure ground, no person shall in any space elsewhere in the pleasure ground play or take part in any game specified in such notice in such a manner as to exclude persons not playing or taking part in the game from the use of such space.

Parts of  
pleasure  
grounds set  
aside for  
specified  
games.

(2) No person resorting to any pleasure ground and playing or taking part in any game for which the exclusive use of any part of any pleasure ground has been set apart under this by-law shall—

- (a) play on such part any game other than the game for which it is set apart;
- (b) in preparing for playing and in playing, wilfully or negligently interfere with the proper use of the pleasure ground by other persons;
- (c) when the part is already occupied by other players, begin to play thereon without their permission:

Provided that, where the Council has allocated the part for a particular period of time to such other players, no person shall begin to play thereon without the permission of such other players within such period;

- (d) play on a grass court, or other grass covered pitch, any game without the permission of the Council;
- (e) save where the exclusive use of the part has been granted by the Council for the playing of a match in which he is taking part, use the space for a longer time than one hour continuously, if any other player or players make known to him a wish to use such space.

(3) For the purposes of this by-law, the expression "game" includes classes of physical training and such other organized activities as may, from time to time, be approved by the Council.

**18.** No person shall, in any part of any pleasure ground which may have been set apart by the Council for any game, play or take part in any game when the state of the ground or other cause makes it unfit for use and a notice or signal is set up in some conspicuous position prohibiting play in that part of such pleasure ground.

Prohibition  
of games  
being played  
when the  
condition of  
the ground  
is unfit.

Erection of structures, trading and camping.

**19. No person shall, in any pleasure ground—**

- (a) save as hereinafter provided, erect any post, rail, fence, pole, tent, booth, stand, building or other structure:

Provided that this prohibition shall not apply where, upon an application to the Council, the Council grants permission to erect any post, rail, fence, pole, tent, booth, stand, building or other structure upon such occasion and for such purpose as is specified in the application;

- (b) hang, spread or deposit any linen or fabric for drying or bleaching;
- (c) sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless, in pursuance of an agreement with the Council or otherwise in exercise of any lawful right or privilege, such person is authorized to sell or let to hire in such pleasure ground such commodity or article; or
- (d) save with the permission in writing of the Council, camp out.

Obstructions to visitors or keepers.

**20. No person shall, in any pleasure ground, wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the pleasure ground, or wilfully obstruct, disturb or interrupt any keeper or other public officer in the proper execution of his duty, or any person or servant of any person lawfully employed or engaged by any keeper or public officer for the execution of any work in connexion with the laying out or maintenance of such pleasure ground, and no person shall enter or remain in, or in any other way trespass upon, any part of any pleasure ground which is maintained by the Council for storage, offices or any similar administrative purpose or as a workplace.**

Prohibition of use of obscene language.

**21. No person shall, in any pleasure ground, use any obscene language to the annoyance of any person.**

Prohibition of spitting, litter, improper use of seats, etc., sorting rubbish.

**22. No person shall, in any pleasure ground—**

- (a) spit;
- (b) throw any litter, paper or rubbish, save into the bins or containers provided for such purpose;
- (c) put his feet on any seat;
- (d) lie upon any seat or lie down in any building therein; or
- (e) sort rags, bones, refuse or matter of like nature.

Children's playgrounds.

**23. Where the Council has specified that any pleasure ground or any part of any pleasure ground is to be used as a children's playground, the Council, may, by notice conspicuously displayed in such playground, restrict the use thereof to such persons and to such purposes as may be specified in such notice.**

**24. Save where the Council has, in writing, permitted the operation or playing of, or the making of any sounds by means of, any such instrument or the singing of any song, no person shall, in any pleasure ground, to the annoyance of any other user thereof operate or play, or make any sounds on, any musical or other instrument, including any gramophone or radio apparatus or sing any song.** Music and singing.

**25. No person in a verminous or filthy condition shall enter or remain in any pleasure ground.** Unclean persons.

**26. No person shall beg or gather alms or, for the purpose of gathering alms, expose or exhibit any sores, wounds or bodily ailments or deformity.** No begging, etc.

**27. Save with the permission in writing of the Council, no person shall, in any pleasure ground, deliver, utter or read any public speech, lecture, prayer, scripture or sermon, or enter into any public discussion, or hold, or cause to be held, or take part in, any public meeting or procession.** Public addresses, etc.

**28. (1) No unauthorized person shall go upon or across the grass within the Cenotaph site.** The Cenotaph.

(2) No person shall sit or lie down upon the steps of the Cenotaph or upon any kerb in or surrounding the Cenotaph site.

(3) No person shall loiter upon the Cenotaph site.

**29. Any person who—**

(a) contravenes any of the provisions of by-law 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 24, 25, 26, 27 or 28 or of paragraph (1) or (3) of by-law 13 or paragraph (1) or (2) of by-law 17;

(b) when driving any vehicle in a pleasure ground, refuses or wilfully fails to stop when called upon to do so, by signal or otherwise, by any keeper or other public officer acting in the execution of his duty; or

(c) fails to comply with any of the requirements of any notice displayed under the provisions of by-law 16 or 23,

shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for fourteen days.

**30. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.** Name in which proceedings for offences may be brought.

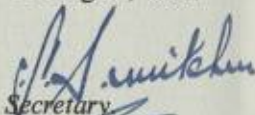
Offences and penalties.

Power to  
remove  
persons  
contravening  
by-laws, etc.

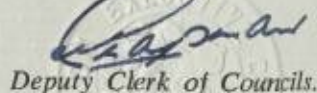
31. Any person who, in any pleasure ground, contravenes any of the provisions of these by-laws or of any rule made under the provisions of section 110 of the Ordinance or the requirements of any notice displayed under the provisions of by-law 16 or 23 may be removed therefrom by any keeper, or by any other public officer authorized in that behalf by the Council, in any of the following cases—

- (a) where the contravention is committed within the view of such keeper or public officer, and the name and residence of such person are unknown to, or cannot readily be ascertained by, such keeper or public officers; and
- (b) where the contravention is committed within the view of such keeper or public officer and, from the nature of the contravention or from any other fact of which such keeper or public officer may have knowledge or of which he may be credibly informed, such keeper or public officer has reasonable ground for believing that the continuance in the pleasure ground of such person may result in another such contravention or that the removal of such person from the pleasure ground is otherwise necessary for the proper regulation thereof.

Made by the Urban Council this 2nd day of August, 1960.

  
Secretary

Approved by the Legislative Council this 21st day of September, 1960.

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
21st September, 1960.

#### Explanatory Note.

(This Note is not part of the by-laws, but is intended to indicate their general purport).

These by-laws replace, with amendment, those regulations contained in the Second Schedule to the Pleasure Grounds and Bathing Places Regulation Ordinance, 1936, which relate to public pleasure grounds, other than beaches, in the urban areas.

2. The by-laws have been modelled to a great extent upon the 1954 reprint of Series X of the Model By-laws issued by the Home Office to local authorities in the United Kingdom, and are so framed as to be applicable to all public pleasure grounds.

3. A detailed Comparative Table is annexed to this Note indicating where the Home Office Model By-laws have been followed and where corresponding provisions of the existing regulations have been followed.

#### COMPARATIVE TABLE.

Note: Existing sets of regulations are referred to in the Table in accordance with the following code—

- (a)—Allocation of Pleasure Grounds and Bathing Places.  
(b)—The Botanic Gardens.  
(c)—Chatham Road Park (South) Peninsula Gardens.  
(d)—West End Park.  
(e)—King George's Field, Kowloon.  
(f)—Children's Playground.  
(g)—Wongneichong Recreation Ground, Queen's Recreation Ground, King's Park Recreation Ground, and Sookunpoo Recreation Ground.  
(h)—Tsim Sha Tsui Wharf.  
(i)—Yaumati Typhoon Refuge Promenade.  
(j)—The Cenotaph.

By-law.	Home Office Model By-laws.	Existing regulation.	Remarks.
1	—	—	Citation.
2	—	—	Application.
3	—	—	Interpretation.
4	3 adapted	(b)4, (e)3, (f)13	Times of opening and closing.
5	4 cf.	(b)5, (e)4, (f)3	To prevent unauthorized entry to pleasure grounds.
6	—	(b)8 and 10(4), (c)3 and 5(4), (d)2(5), (e)7 and 9(4), (f)5 and 7, (h)1(6) and 2, (i)2(5) and 3	Public decency.
7	5 cf.	(b)13, (c)8, (d)3, (f)9	Protection of property.
8	10 cf.	(b)10(5), (c)5(5), (d)2(1), (e)9(5)	Protection of grass and flower-beds.
9	11 cf.	(b)11, (c)6, (d)1, (e)10	Protection of growing plants.
10	13 cf.	—	New. Protection of ornamental ponds, birds and animals.
11	14 adapted	(b)9, (c)4, (e)8, (f)6	Restriction on dogs.
12	6 cf.	(g)1 and 2	New. Restriction on cattle, etc.
13	7 and 8 adapted	(b)6, (e)5, (g)3	Restriction on vehicles.
14	9 cf.	(b)15, (c)9	Restriction on bill posting.
15	12 cf.	—	New. Restriction on use of missiles, catapults, etc.

<i>By-law.</i>	<i>Home Office Model By-laws.</i>	<i>Existing regulation.</i>	<i>Remarks.</i>
16	—	(b)10(2), (c)5(3), (d)2(3), (e)9(3), (h)1(3), (i)2(2)	Restriction on kite flying, etc.
17	15 and 16 adapted	—	Allocation of playing fields. To implement the general import of (a) which can otherwise be organized administratively under s. 108 of the Ordinance without the need for by-laws.
18	17 adapted	—	New. Protection of wet grounds. To cover administrative practice.
19	18 cf.	—	New. To prevent the unauthorized erection of structures, or trading, etc.
20	19 adapted	—	New. To prevent obstruction to visitors or gardeners or trespass on places set aside for administrative purposes.
21	20 cf.	—	New. As to obscene language.
22	—	(b)10(1), (2) and 12, (c)5(1), (2), (d)2(2), (4) and 4, (e)9(1), (2) and 11, (f)8, (h)1(2), (4) and (5), (i)2(1), (3) and (4)	Prevention of spitting, litter, improper use of seats, and sorting of rubbish.
23	—	—	New. As to special notices relating to children's playgrounds.
24	—	—	New. Restriction on music and singing to annoyance of visitors.
25	—	—	New. To prevent filthy or verminous persons using the grounds.
26	—	—	New. Prevention of begging, etc.
27	—	—	New. Restriction on public addresses, etc.
28	—	(j)1, 2, 3	The Cenotaph.
29	—	s.7(1) of Cap. 173	Offences and penalties. The fine is increased from \$100 to \$500 but the imprisonment is reduced from one month to 14 days. The special penalty for resisting keepers is omitted being covered by s. 139 of the Ordinance.
30	—	—	New. Bringing of proceedings.
31	22	—	Power to remove persons contravening the by-laws, etc.

(Secretariat GR5/3231/60)

## BATHING BEACH BY-LAWS, 1960.

## ARRANGEMENT OF BY-LAWS.

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**PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960,**  
**(No. 30 of 1960).**

BATHING BEACH BY-LAWS, 1960.

In exercise of the powers conferred by section 109 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

Citation and commencement.

1. These by-laws may be cited as the Bathing Beach By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960.

Application.

2. These by-laws apply to the urban areas only.

Interpretation.

3. In these by-laws, save where the context otherwise requires—  
“bathing beach” means any bathing beach which is specified in the Fourth Schedule to the Ordinance and which is situated in the urban areas;

“Council” means the Urban Council.

Temporary closure of beaches.

4. (1) Subject to any directions of the Council, the Director of Urban Services may, from time to time, for the purpose of the cleansing of any bathing beach or in the interests of the health or safety of persons using any such beach—

- (a) close, or cause to be closed, to the public any such beach or any part thereof; or
- (b) restrict, or cause to be restricted, the use of any such beach or any part thereof,

for such period as the Director may consider necessary having regard to the circumstances.

(2) Any such closure of, or restriction of the use of, a bathing beach shall be effected by the posting of a notice to that effect in any conspicuous manner on the beach.

Protection of beaches.

5. No person shall, on any bathing beach—

- (a) do any act which is likely to endanger, obstruct, inconvenience or annoy any other person using the beach; or
- (b) do any act which is likely to damage, foul, litter, deface or disorder the beach or anything situated thereon, or to pollute the water adjacent to the beach.

6. Save with the consent in writing of the Council (which may be granted on payment of such fee as the Council thinks fit) or by virtue of a Crown lease or an agreement for a Crown lease and subject to such conditions as may be specified on the granting of such consent or in such lease or agreement for a lease, no person shall erect or maintain any building, shed, matshed, tent, booth, stand or other structure on any bathing beach:

Erection of beach structures.

Provided that the Council may, by notice posted at any bathing beach, permit the temporary erection of tents, shades and awnings for the personal use of the respective owners thereof during such times and on such parts of the beach as are specified in the notice.

7. (1) Save in pursuance of a contract entered into with the Council or the Government, no person shall, at any bathing beach, sell, offer or expose for sale, or let to hire or offer or expose for letting to hire, or otherwise trade or deal in—

Provision of public facilities at beaches.

- (a) any sunshade, deckchair or inflatable or other beach equipment of any kind whatever;
- (b) any vessel, boat or other craft, or any appliance or equipment used by bathers or swimmers;
- (c) any rod, line, fishspear, net, bait or other fishing equipment; or
- (d) any food, drink, clothing, towels, bathing costumes, toys or other articles whatsoever.

(2) Any person who hires to bathers any bathing costumes or towels shall cause each such costume or towel to be sterilized by immersion in boiling water for not less than thirty seconds after each occasion upon which the same is hired.

8. Save with the permission in writing of the Council or the Director of Urban Services and subject to such conditions as may be specified, no person shall affix, erect, exhibit or distribute any bill, placard or notice at any bathing beach.

Bill posting and notices.

9. (1) Save with the permission in writing of the Council or the Director of Urban Services, no person shall bring, or cause or suffer to be brought, onto any bathing beach—

Animals and vehicles.

- (a) any vehicle, except a perambulator; or
- (b) any animal.

(2) Where any bathing beach includes any road, or part of a road, which is provided for use by vehicles, the provisions of paragraph (1) shall not apply to any vehicle which is brought, or caused or suffered to be brought, on any such road.