

**L.N. 59 of 2010****MILK (AMENDMENT) REGULATION 2010**

(Made by the Director of Food and Environmental Hygiene under section 56 of the Public Health and Municipal Services Ordinance (Cap. 132))

**1. Commencement**

This Regulation comes into operation on 1 August 2010.

**2. Interpretation**

Section 3 of the Milk Regulation (Cap. 132 sub. leg. AQ) is amended, in the English text, in the definition of “milk beverage”, by repealing “the combining with a liquid of milk fat and” and substituting “combining liquid milk fat with”.

**3. Section 5 substituted**

Section 5 is repealed and the following substituted—

**“5. Permits or licences to sell milk or milk beverage**

(1) A person must not sell any milk or milk beverage for human consumption except under and in accordance with—

- (a) the permission in writing of the Director granted under section 30 of the Food Business Regulation (Cap. 132 sub. leg. X); or
- (b) a composite food shop licence within the meaning of that Regulation.

(2) Despite subsection (1), no permit or licence is required for the sale in sealed containers of those brands of sterilized milk or sterilized milk beverage that are approved by the Director, if the Director is satisfied that there is no danger to public health.”.

**4. Full licence**

Section 16(1)(e) is amended by repealing everything after “reconstituted” and substituting—

“—

- (i) the floors are surfaced with smooth, light coloured and non-absorbent material;
- (ii) the internal surfaces of the walls are surfaced with smooth and non-absorbent material up to a height of not less than 2 m and the junctions between the walls and floors are coved; and
- (iii) the ceilings are impervious to dust;”.

CHEUK Wing-hing  
Director of Food and  
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17 May 2010

### **Explanatory Note**

The object of this Regulation is to amend the Milk Regulation (Cap. 132 sub. leg. AQ) (“the principal Regulation”) in connection with the introduction of a new class of licence under the Food Business Regulation (Cap. 132 sub. leg. X) (“the Food Business Regulation”). The new class of licence is introduced for a food business selling certain simple or ready-to-eat food or preparing certain simple or ready-to-eat food for sale for human consumption off the premises on or from which the business is carried on (“composite food shop”). This Regulation also relaxes certain licensing requirement for a full licence granted under the principal Regulation permitting the carrying on of a milk factory.

2. Section 3 replaces section 5 of the principal Regulation by new provisions which provide that the prohibition under the principal Regulation against selling milk or milk beverage does not apply to the sale of any milk or milk beverage under a licence granted under section 31 of the Food Business Regulation in respect of a composite food shop.

3. Section 4 amends section 16 of the principal Regulation to dispense with the requirement that the internal surfaces of the walls and ceilings of any premises where milk or milk beverage is processed or reconstituted must be in a light colour.