

**The Sixth Schedule to Public Health and Municipal Services Ordinance (Cap.132)
Proposed Changes of the Name in which Proceedings for Offences may be Brought under Section 131(1)**

Section	Offence	New Name	Former Name	Remarks
6	Throwing or placing or discharging into any public sewer or drain any solid matter, chemicals or trade waste; damaging, altering, disconnecting or interfering with any public sewer or drain without the permission of the Authority	Director of Drainage Services	Director of Drainage Services	No change
7	Failure to fence off, channel or embank the land to prevent soil or waste being carried into public sewers, drains or drainage works in compliance with a notice	- ditto -	- ditto -	- ditto -
9	Entering or attempting to enter any public sewer or interfering with any public sewer or drain without the permission of the Authority	- ditto -	- ditto -	- ditto -

Section	Offence	New Name	Former Name	Remarks
10	Failure to give notice to the Authority of the existence of disused sewer or drain or of the intention to cease to use any sewer or drain	Director of Drainage Services	Director of Drainage Services	No change
13	Failure to drain, cleanse or cover offensive ditches and drains; failure to give notice to the Authority of the existence of disused cesspool or of the intention to cease to use any cesspool in compliance with a notice	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	Director of Food and Environmental Hygiene (DFEH) will be the designated authority under the section
14	Failure to limewash, paint, cleanse, disinfect or disinfest premises in a state of being a nuisance in compliance with a notice	- ditto -	- ditto -	- ditto -

Section	Offence	New Name	Former Name	Remarks
20	Failure to remove litter or waste or to clean area in compliance with a notice	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH will be the designated authority under the section
22	Obstructing any scavenging or conservancy operation or any street sweeper from performing his duty	- ditto -	- ditto -	- ditto -
22A	Failure to remove litter or waste on canopy in compliance with a notice	- ditto -	- ditto -	- ditto -
24	Failure to close, permanently or temporarily, polluted wells or other water sources used for human consumption in compliance with a notice	- ditto -	- ditto -	- ditto -

Section	Offence	New Name	Former Name	Remarks
25	Causing damages to any fountain, well or pump or causing the water of any fountain, well or pump of domestic use to become polluted or fouled	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under section 24 to serve notice to close polluted wells and water sources used for human consumption
27	Failure to remove or take steps to prevent the accumulation of water or the existence of larvae or pupae of mosquitoes upon premises, in compliance with a notice	Director of Food and Environmental Hygiene or Director of Health	Provisional Urban Council / Provisional Regional Council or Director of Health	Section 27(4) empowers the Director of Health (D of H) and any public officer authorized by him, in addition to the Authority (i.e. DFEH), to exercise the powers under subsections (1) and (2) to serve notice requiring the removal of accumulation of waters and the prevention of the existence of larvae or pupae of mosquitoes. Failure to comply with the requirements may lead to transmission of infectious diseases

Section	Offence	New Name	Former Name	Remarks
30	Failure to comply with the requirements of notice regarding the provision of effective and sufficient latrine accommodation	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section
31	Causing nuisances to latrines and sanitary conveniences by wilfully destroying, damaging, interfering with or improperly using the same or any water supply	- ditto -	- ditto -	DFEH is the designated authority under sections 30 (serving notice requiring the provision of latrine accommodation), 32 (serving notice requiring the removal or alteration to sanitary conveniences), 33 (examining sanitary conveniences) and 34 (making opinion on sanitary conveniences for want of proper cleansing)

Section	Offence	New Name	Former Name	Remarks
32	Failure to remove, reconstruct, screen or alter sanitary conveniences in a state to be a nuisance or offensive to public decency, in compliance with a notice	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section
33	Failure to repair sanitary conveniences in compliance with a notice	- ditto -	- ditto -	- ditto -
34	Injuring or improperly fouling any sanitary convenience used in common; being in default in using any sanitary convenience in common which is in a state of nuisance requiring proper cleansing	- ditto -	- ditto -	- ditto -
36	Operating any public latrines or bathhouses without a licence	- ditto -	- ditto -	- ditto -

Section	Offence	New Name	Former Name	Remarks
43	Failure to comply with rules relating to public swimming pools	Director of Leisure and Cultural Services	Provisional Urban Council / Provisional Regional Council	Director of Leisure and Cultural Services (DLCS) is the designated authority under the section
47	Failure to cleanse premises and to destroy or remove vermin in compliance with a notice; removing any trap, bait container or bait placed by the Authority in premises	Director of Food and Environmental Hygiene	- ditto -	DFEH is the designated authority under the section
50	Selling for human consumption or possessing for the purpose of sale any adulterated food rendered injurious to health; selling or possessing for the purpose of sale any adulterated drug injuriously affected in its quality, constitution or potency	Director of Food and Environmental Hygiene in respect of food; Director of Health in respect of drugs	Provisional Urban Council / Provisional Regional Council in respect of food; Director of Health in respect of drugs	DFEH and D of H are the respective designated authorities in respect of food and drugs under such provisions as section 56, 58, 59, 62 and 69.

Section	Offence	New Name	Former Name	Remarks
51	Selling adulterated milk or any liquid made from any separated, dried or condensed milk	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the authority responsible for enforcement action under this section
51A	Possessing for the purpose of sale for human consumption any adulterated carcass, meat or offal of any animal, bird or reptile; possessing any instrument designed or adapted for the injection of water or other liquid into the tissues of the carcass, meat or offal of any animal, bird or reptile intended for sale for human consumption	- ditto -	- ditto -	DFEH is the designated authority under the section
52	Selling to the prejudice of a purchaser any food or drug not of the nature, substance or quality demanded by the purchaser; Keeping for the purpose of sale in any container any alcoholic liquor not of the nature, substance or quality as labelled	Director of Food and Environmental Hygiene in respect of food; Director of Health in respect of drugs	Provisional Urban Council / Provisional Regional Council in respect of food; Director of Health in respect of drugs	Please refer to remarks on section 50 above

Section	Offence	New Name	Former Name	Remarks
54	Selling any food intended for, but unfit for, human consumption, or any drug intended for use by man but unfit for that purpose	Director of Food and Environmental Hygiene in respect of food; Director of Health in respect of drugs	Provisional Urban Council / Provisional Regional Council in respect of food; Director of Health in respect of drugs	Please refer to remarks on section 50 above
59	Failure to provide facilities for the examination of imported food by the Authority; selling any food or drug contrary to the purport of any mark, seal or other designation affixed thereto or removing such mark, seal or designation with intent to deceive any person	- ditto -	- ditto -	- ditto -
61	Giving or displaying with any food or drug a label or publishing an advertisement which falsely describes the food or drug or misleads as to the nature, substance or quality of the food or drug	- ditto -	- ditto -	- ditto -

Section	Offence	New Name	Former Name	Remarks
62	Failure to comply with the demand or requisition by any public officer to take samples of food or drugs	Director of Food and Environmental Hygiene in respect of food; Director of Health in respect of drugs	Provisional Urban Council / Provisional Regional Council in respect of food; Director of Health in respect of drugs	Please refer to remarks on section 50 above
63	Using any certificate of analysis of sample issued by the Authority for the purpose of advertisement	- ditto -	- ditto -	- ditto -
68	Failure to stop the vehicle or vessel when so called upon by any public officer for examination of the food or drug therein	Director of Food and Environmental Hygiene or Director of Health	Provisional Urban Council / Provisional Regional Council or Director of Health	Section 68(1) stipulates that any public officer authorized under section 59(1), i.e. DFEH in respect of food and D of H in respect of drugs, may exercise the power for the purpose of the section

Section	Offence	New Name	Former Name	Remarks
69	Failure to comply with direction given by any public officer with a view to prohibiting or restricting the removal or delivery of imported food or drugs	Director of Food and Environmental Hygiene in relation to food; Director of Health in relation to drugs	Provisional Urban Council / Provisional Regional Council in relation to food; Director of Health in relation to drugs	Please refer to remarks on section 50 above
72	Wilfully applying to any article or substance a false warranty or certificate of analysis in any proceedings; giving to the purchaser a false warranty in respect of any article or substance sold	- ditto -	- ditto -	- ditto -
81	Failure to comply with market rules	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section

Section	Offence	New Name	Former Name	Remarks
83B	Hawking without a licence	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section
92AB	Prohibition of any activity specified in Schedule 11A (i.e. undertakers of burials) without licence	- ditto -	--	- ditto -
92C	Failure to comply with any condition in a licence or furnishing false information in the application for licence; contravention against section 92A (licensing for activities in the Eleventh Schedule, ie. places of amusement activities) [and section 92AB (licensing for activities in Schedule 11A, ie. undertakers of burials)]	Director of Food and Environmental Hygiene <i>[To be replaced by: Director of Leisure and Cultural Services in respect of section 92A; Director of Food and Environmental Hygiene in respect of section 92AB]</i>	Provisional Urban Council / Provisional Regional Council	There is an omission in section 92C concerning the offence under section 92AB. This will be added in a Committee Stage. Amendment. DLCS is responsible for licensing of places of amusement while DFEH is responsible for licensing of undertakers of burials

Section	Offence	New Name	Former Name	Remarks
93	Failure to provide ventilating system or to provide for sufficient outside air in compliance with a notice	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section
94	Furnishing false certificate in respect of new ventilating systems; failure to send a certificate with relevant particulars before installing any new ventilating system; making alteration to any ventilating system without permission of the Authority	- ditto -	- ditto -	- ditto -
101	Failure to comply with any condition specified by the Authority for granting of exemption from or modifications of relevant provisions concerning ventilation	- ditto -	- ditto -	- ditto -

Section	Offence	New Name	Former Name	Remarks
105	Failure to remove dangerous advertisement hoardings or to take necessary rectification steps in compliance with a notice	Director of Buildings	Director of Buildings	No change
105S	Using any part of a civic centre for the purpose of public meeting without the prior consent of the Chief Secretary	<i>Director of Leisure and Cultural Services</i> <i>[An omission in the Bill. The name will be added in a Committee Stage Amendment]</i>	Provisional Urban Council / Provisional Regional Council	DLCS is the authority responsible for the management of civic centres
110	Failure to comply with pleasure ground rules	Director of Leisure and Cultural Services	- ditto -	DLCS is the designated authority under the section

Section	Offence	New Name	Former Name	Remarks
111D	Marking or displaying any other street name other than that declared by the Authority	Director of Lands	Provisional Urban Council in the PUC Area; Director of Lands in the PRC Area	Director of Lands (D of L) is the designated authority under section 111C on assigning or changing street names. It would be tidier for D of L to be responsible for prosecution of such offences in the whole territory
112	Keeping of dead bodies non-encoffined for more than 48 hours in domestic premises; Keeping of dead bodies encoffined for more than 7 days in domestic premises without the permission of the Authority	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section

Section	Offence	New Name	Former Name	Remarks
112A	Failure to comply with a notice requiring the lawful burial or cremation of human remains; possessing any human remains after the expiration of period specified in the notice served	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section
115	Burial or deposition of human remains or any urn containing human remains in any cemetery or any part thereof which is declared to be closed	- ditto -	- ditto -	- ditto -
117	Failure to comply with rules in relation to public cemetery and Commonwealth War Graves Commission Cemetery	- ditto -	- ditto -	- ditto -

Section	Offence	New Name	Former Name	Remarks
118	Burial of any human remains, deposition of any urn containing human remains or scattering any ashes of human remains otherwise than in a cemetery without the permission of the Authority; exhumation of any human remains or removing any human remains or any urn therein without the permission of the Authority	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section
124	Disposal of any human remains otherwise than in accordance with a claim or in accordance with a direction or the consent of the Authority	- ditto -	- ditto -	- ditto -
124F	Illegal burning of human remains; making wilfully any false declaration or representation with a view to burning of any human remains; procuring the cremation of any body or making any declaration with intent to conceal the commission of any offence	- ditto -	- ditto -	DFEH is the designated authority in respect of the control of cremation and the management of crematoria

Section	Offence	New Name	Former Name	Remarks
127	Failing to comply with or knowingly contravenes a nuisance notice	Director of Food and Environmental Hygiene	Provisional Urban Council / Provisional Regional Council	DFEH is the designated authority under the section
128	Contravention of court order prohibiting the use of any premises; entering or remaining in any premises in contravention of a Closure Order; interfering with any lock or seal placed on any premises upon the coming into force of a Closure Order; removing or defacing relevant documents affixed to any premises in relation to the enforcement of a Closure Order	- ditto -	- ditto -	DFEH is the designated authority under section 127 on serving nuisance notice