

L.N. 351 of 1998

MILK (REGIONAL COUNCIL) (AMENDMENT) BYLAW 1998

(Made by the Provisional Regional Council under sections 56 and 56B of the Public Health and Municipal Services Ordinance (Cap. 132))

1. Interpretation

Bylaw 3 of the Milk (Regional Council) Bylaws (Cap. 132 sub. leg.) is amended---

(a) by repealing the definition of "licence";

(b) by adding---

"full licence" (正式牌照) means a licence granted under bylaw 15;

"licence" (牌照) means a full licence or a provisional licence;

"licensee" (持牌人) means a person to whom a licence has been granted;

"provisional licence" (暫准牌照) means a licence granted under bylaw 15A;"

2. Application for licence

Bylaw 14(1) is amended by repealing "such" where it first appears.

3. Full licence

Bylaw 15 is amended---

(a) by renumbering it as bylaw 15(1);

(b) in paragraph (1)---

(i) by repealing everything before subparagraph (a) and substituting---

"(1) The Council may, on application made in respect of any premises, grant a full licence permitting the carrying on of a business as a milk factory where the applicant satisfies the Council that the following conditions have been satisfied in relation to the premises---";

(ii) in subparagraph (e)(iii), by repealing "subparagraph (i)" and substituting "sub-subparagraph (i)";

(iii) in subparagraph (h), by repealing "and" at the end;

(iv) in subparagraph (i), by repealing the full stop and substituting a semicolon;

(v) by adding---

"(j) any plant or apparatus used for the heat-treatment of milk or any milk beverage is of a type approved by the Council; and

(k) any requirements issued by the Director of Fire Services have been complied with.";

(c) by adding---

"(2) A full licence shall be valid for a period of 12 months from and including the date of its grant.".

4. Bylaw added

The following is added---

"15A. Provisional licence

(1) The Council may, on application made in respect of any premises, grant a provisional licence permitting the carrying on of a business as a milk factory where the applicant satisfies the Council that the conditions mentioned in bylaw 15(1)(b) to (k) have been satisfied in relation to the premises.

(2) The Council shall not consider an application for a provisional licence unless the applicant has applied to the Council for a full licence in respect of the same premises.

(3) Subject to paragraph (6), a provisional licence shall be valid for a period of 6 months from and including the date of its grant.

(4) A provisional licence may be renewed on only one occasion at the absolute discretion of the Council.

(5) Subject to paragraph (6), a provisional licence that is renewed under paragraph (4) shall be valid for a period of 6 months from and including the date of its renewal or such lesser period as may be specified in the provisional licence.

(6) If a full licence is granted during the validity of a provisional licence, the provisional licence shall expire upon the grant of the full licence. The fee paid in respect of the provisional licence shall be refunded on a pro-rata basis by reference to the number of days of the remaining part of the validity period of the provisional licence. Any fraction of \$1 in the refund shall count as \$1.".

5. Restriction on alterations or additions
to licensed premises

Bylaw 16 is amended by repealing "such".

6. Bylaw added

The following is added---

"16A. Transfer of licence

Save with the consent in writing of the Council, a person to whom a licence is granted under this Part shall not transfer his licence to any other person.".

7. Fees and duplicate licence

Bylaw 38 is amended---

(a) by repealing paragraph (1);

(b) in paragraph (2), by repealing "Every licence" and substituting "Every full licence";

(c) by adding---

"(2A) Subject to bylaw 15A(6), the fee for the grant or renewal of a provisional licence shall be half of the appropriate fee for a full licence.";

(d) in paragraph (3), by repealing "such".

LAU Wong-fat

Chairman, Provisional

Regional Council

29 October 1998

Explanatory Note

This Bylaw introduces a new provisional licence for milk factory so that the holder of such licence may commence business pending the issue of a full licence.