

L.N. 357 of 1998

FROZEN CONFECTIONS (URBAN COUNCIL)

(AMENDMENT) BYLAW 1998

(Made by the Provisional Urban Council under sections 56

and 56B of the Public Health and Municipal

Services Ordinance (Cap. 132))

1. Interpretation

By-law 3 of the Frozen Confections (Urban Council) By-laws (Cap. 132 sub. leg.) is amended by adding---

"full licence" (正式牌照) means a licence granted under by-law 19;

"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 by-law 19A."

2. Licences to sell frozen confections

The heading to by-law 5 is amended by repealing "Licences" and substituting "Permits".

3. Application for licence

By-law 18(1) is amended by repealing "such" where it first appears.

4. Full licence

By-law 19 is amended---

(a) in paragraph (1), by repealing everything before subparagraph (a) and substituting---

"(1) Subject to paragraph (2), the Council may, on application made in respect of any premises, grant a full licence permitting any person to manufacture any frozen confection or cause any frozen confection to be manufactured where the applicant satisfies the Council that the following conditions have been satisfied in relation to the premises---";

(b) in paragraph (1)(h), by repealing the full stop and substituting a semicolon;

(c) in paragraph (1), by adding---

"(i) any plant or apparatus used for the heat-treatment of any mixture in the manufacturing of frozen confection is of a type approved by the Council; and

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

(d) by adding---

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

5. By-law added

The following is added---

"19A. Provisional licence

(1) The Council may, on application made in respect of any premises, grant a provisional licence permitting any person to manufacture any frozen confection or cause any frozen confection to be manufactured where the applicant satisfies the Council that the conditions mentioned in by-law 19(1)(b) to (j) 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 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."

6. Restriction on alterations or additions to licensed premises

By-law 20 is amended by repealing "such".

7. By-law added

The following is added---

"20A. 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."

8. Fees and duplicate licence

By-law 40 is amended---

(a) by repealing paragraph (1);

(b) in paragraph (2), by repealing "any such licence" and substituting "a full licence";

(c) by adding---

"(2A) Subject to bylaw 19A(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" where it first appears.

Gregory H. FU

Secretary, Provisional

Urban Council

10 November 1998

Explanatory Note

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