

Chapter:	464	TIMBER STORES ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To regulate timber stores.

(Enacted 1995)

[17 March 1995] L.N. 97 of 1995

(Originally 11 of 1995)

Section:	1	Short title		30/06/1997
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## PART I

### PRELIMINARY

- (1) This Ordinance may be cited as the Timber Stores Ordinance.
- (2) (Omitted as spent)

(Enacted 1995)

Section:	2	Interpretation		30/06/1997
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In this Ordinance, unless the context otherwise requires-

"Director" (處長) means the Director of Fire Services;

"licence" (牌、牌照) means a licence granted under section 4, or renewed under section 7 to operate a timber store;

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

"place" (地方) includes any premises, yard or place on land;

"timber store" (木料倉) means any place used for the storage of timber other than-

- (a) a place used for the storage of timber in bulk with an average sectional area of not less than 0.05 m<sup>2</sup>; or
- (b) a place used for the storage of any timber in a quantity in the aggregate of less than 12 m<sup>3</sup>; or
- (c) a place used for the storage of any timber being a construction site within the meaning of regulation 2 of the Construction Sites (Safety) Regulations (Cap 59 sub. leg. I).

(Enacted 1995)

Section:	3	Prohibition on operating timber store without a licence		30/06/1997
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(1) Any person who on any occasion operates, keeps, manages or otherwise has control of a timber store in regard to the operation of which a licence is not in force commits an offence.

(2) Where an offence under subsection (1) is alleged to have been committed, proof that a defendant did any act in connection with the operation, keeping, management or other control of a timber store is, in the absence of evidence to the contrary, proof that the defendant operated, kept, managed or otherwise had control of a timber store.

(3) It shall not be a defence that a person charged with an offence under subsection (1) did not know that the operation of the timber store which is the subject of the offence was not licensed.

(4) Any person who commits an offence under subsection (1) shall be liable to a fine at level 5 and to imprisonment for 6 months.

(Enacted 1995)

Section:	4	Application for and grant of a licence		30/06/1997
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## PART II

## LICENCES

(1) An application by a person for a licence shall be made to the Director in such form and manner as he may require.

(2) Subject to subsection (3), the Director may grant a licence, and may impose such conditions in relation to the operation, keeping, management or other control of a timber store as he thinks fit.

(3) The Director shall not grant a licence unless he is satisfied, in relation to the proposed operation of a timber store, that-

- (a) the applicant will adequately and personally supervise the operation of the timber store;
- (b) the place of proposed operation is-
  - (i) suitable for the operation of a timber store; and
  - (ii) located in an area suitable for the operation of a timber store.

(4) A licence granted under this section shall-

- (a) be in such form as the Director may require;
- (b) not take effect except on payment of the prescribed fee; and
- (c) authorize the licensee to operate a timber store for a period of 12 months, or such lesser period as may be indicated in the licence, from the date on which it is granted.

(Enacted 1995)

Section:	5	Transfer of licence		30/06/1997
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(1) Except as provided in this section a licence shall not be transferable.

(2) The Director may on application in writing to him by the licensee, showing cause to his satisfaction, and on payment of the prescribed fee, permit the transfer of an existing licence until its expiration to another person, and such transfer shall be endorsed on the licence.

(Enacted 1995)

Section:	6	Grant or transfer of licence to bodies corporate or partnerships		30/06/1997
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(1) Where a body corporate or a partnership wishes to obtain a licence under section 4 a person authorized by the body corporate or the partnership in that behalf shall apply as the representative of the body corporate or the partnership and, if a licence is granted by the Director, it shall be expressed to be granted to that person on behalf of the body corporate or the partnership, as the case may be.

(2) Where a licence is transferred to a body corporate or a partnership under section 5(2), it shall be expressed to be transferred to a person authorized by the body corporate or the partnership in that behalf as the representative of the body corporate or the partnership, as the case may be.

(Enacted 1995)

Section:	7	Renewal of a licence		30/06/1997
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(1) A licensee may, before the expiration of his licence, apply for his licence to be renewed.

(2) This section does not apply to a licensee whose licence is revoked.

(3) An application by a licensee for the renewal of a licence shall be made to the Director in such form and manner as he may require.

(4) The renewal of a licence under this section shall not take effect except on payment of the prescribed fee and the Director may in respect of the renewed licence impose any condition in relation to the operation, keeping, management or other control of a timber store in addition to or instead of any condition previously imposed by him under section 4(2).

(5) A renewal of a licence under this section before the expiration of the licence shall take effect on the day following the day of its expiration.

(6) Any licence in respect of which an application for renewal is made under this section and which expires prior to the determination of such application shall, unless such application is withdrawn, or the licence is revoked or suspended under section 8, remain in force until the determination by the Director of such application.

(7) A renewal of a licence granted under this section shall have effect from the day following the day upon which the licence being renewed would have expired but for subsection (6), for a period of 12 months or such lesser

period as may be indicated by the Director at the time of renewal.

(Enacted 1995)

Section:	8	Revocation, suspension, refusal to renew or transfer; amendment or variation of conditions of a licence		30/06/1997
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The Director may by notice in writing served on the licensee either personally or by registered post-

- (a) revoke a licence;
- (b) suspend a licence for such period of time as he may think fit;
- (c) refuse to renew or transfer a licence; or
- (d) amend or vary the conditions of a licence,

if-

- (i) he is satisfied that any false or misleading statement or information was made or furnished by an applicant in connection with the application to obtain, renew or transfer the licence;
- (ii) the licensee has been convicted of an offence under this Ordinance or any regulations made under section 12;
- (iii) a condition of the licence is contravened, whether or not any person has been convicted of an offence under section 13;
- (iv) he ceases to be satisfied of any matter in respect of which he is required to be satisfied under section 4(3); or
- (v) in his opinion the licensed timber store has on any occasion since the date on which the licence was granted been operated in a manner contrary to the public interest.

(Enacted 1995)

Section:	9	Notice of refusal of licence or renewal and of revocation or suspension etc.		30/06/1997
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(1) The Director shall, before refusing an application for a licence or serving notice under section 8, give to the applicant or the licensee, as the case may be, notice of his intention to do so, stating the grounds on which he intends to refuse the application or serve a notice under section 8 and containing an intimation that such applicant or such licensee may make written representations to him.

(2) If the Director decides to refuse an application for a licence or serve a notice under section 8, he shall make a written order, properly dated and signed, to that effect and shall send a copy thereof by registered post to the applicant or the licensee, at the address last known to the Director.

(Enacted 1995)

Section:	10	Appeals		30/06/1997
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(1) Any person aggrieved by a decision of the Director made in respect of him under section 4, 5 or 8 may appeal to the Administrative Appeals Board within 28 days of receiving notice of the decision.

(2) A decision under section 8 that is appealed against under subsection (1) shall be suspended in its operation as from the day on which the appeal is made until such appeal is disposed of, withdrawn or abandoned unless such suspension would, in the opinion of the Director, be contrary to the public interest and the notice of the decision contains a statement to that effect.

(Enacted 1995)

Section:	11	Powers of entry		30/06/1997
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### PART III

#### MISCELLANEOUS

(1) Subject to subsection (2), for the purpose of ascertaining whether the provisions of this Ordinance or of any regulations made under section 12 are being complied with any police officer or the Director or any public officer

authorized in writing by the Director in that behalf may on production of his authority, if required, enter and inspect any licensed timber store.

(2) If it is made to appear to a magistrate by information upon oath that there is reason to believe that an offence against section 3(1) is being committed in any place, the magistrate may issue a warrant authorizing the Director or any police officer to enter and search such place.

(Enacted 1995)

Section:	12	Regulations	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

- (1) The Chief Executive in Council may by regulation- (Amended 71 of 1999 s. 3)
  - (a) prescribe anything required or permitted to be prescribed under this Ordinance;
  - (b) provide for precautions to be taken against fire in any licensed timber store;
  - (c) provide for the issue of a duplicate of a licence;
  - (d) provide for the fees that may be charged for and in relation to the grant, transfer, endorsement of transfer and the renewal of a licence, the amendment of the conditions or the particulars of a licence where the amendment is at the request of a licensee, and the issue of a duplicate of a licence;
  - (e) generally, provide for the better carrying into effect of the provisions and purposes of this Ordinance.

(2) Any regulation made under this section may provide that a contravention thereof shall be an offence and may provide penalties for such offence not exceeding a fine at level 5.

(Enacted 1995)

Section:	13	Offences in relation to a licence		30/06/1997
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(1) Any person who on any occasion operates, keeps, manages or otherwise has control of a licensed timber store in contravention of any condition of the licence commits an offence.

(2) Where an offence under subsection (1) is alleged to have been committed, proof that a defendant did any act in connection with the operation, keeping, management or other control of a timber store is, in the absence of evidence to the contrary, proof that the defendant operated, kept, managed or otherwise had control of a timber store.

- (3) Where a condition of a licence is contravened the licensee commits an offence unless he proves that-
  - (a) he did not know and had no reason to suspect the existence of the circumstances giving rise to the contravention; and
  - (b) he could not, by the exercise of reasonable supervision and reasonable diligence, have prevented those circumstances arising.

(4) Any person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the grant, renewal or transfer of a licence commits an offence.

(5) Any person who commits an offence under this section is liable to a fine at level 5 and to imprisonment for 6 months.

(Enacted 1995)

Section:	14	Aids in proof		30/06/1997
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(1) A licence or a copy thereof purporting to be certified under the hand of the Director shall be evidence of the facts stated therein as at the date of such licence or such copy thereof and shall be received in evidence without further proof.

(2) A certificate purporting to be certified under the hand of the Director and stating that a timber store is licensed or is not licensed shall be evidence of the facts stated therein as at the date of such certificate and shall be received in evidence without further proof.

(Enacted 1995)

Section:	15	Existing licences		30/06/1997
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- (1) A timber store licence granted under the Miscellaneous Licences Ordinance (Cap 114) and in force

immediately before the commencement of this Ordinance shall continue in force after such commencement and have effect according to its tenor as if it were a licence granted under section 4 of this Ordinance.

(2) The Director may, in regard to any licence to which subsection (1) applies, by notice in writing served upon the licensee or sent by registered post to the address of the licensee appearing on the licence, impose such conditions in relation to the operation, keeping, management or other control of a timber store on the licence as he thinks fit.  
(Enacted 1995)

Section:	16	(Omitted as spent)	30/06/1997
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(Omitted as spent) (Enacted 1995)

Section:	17	(Omitted as spent)	30/06/1997
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(Omitted as spent) (Enacted 1995)

Section:	18	(Omitted as spent)	30/06/1997
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(Omitted as spent) (Enacted 1995)

Section:	19	(Omitted as spent)	30/06/1997
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(Omitted as spent) (Enacted 1995)

Section:	20	(Omitted as spent)	30/06/1997
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(Omitted as spent) (Enacted 1995)

Section:	21	(Omitted as spent)	30/06/1997
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(Omitted as spent) (Enacted 1995)

Section:	22	(Omitted as spent)	30/06/1997
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(Omitted as spent) (Enacted 1995)

Section:	23	(Omitted as spent)	30/06/1997
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(Omitted as spent) (Enacted 1995)