

No. 161.

Regulations made by the Governor in Council under section 95 of the Liquors Consolidation Ordinance, 1911, Ordinance No. 9 of 1911, on the 30th day of December, 1926.

The regulations set forth on pages 453, 454, 455 and 456 of the Regulations of Hong Kong, 1844-1925, under the heading "Distilleries", are hereby rescinded and the following regulations are substituted therefor:—

Distilleries.

1. Every applicant for a licence shall give the names of two reputable merchants or land owners, resident in the Colony, as references to his character. This regulation shall not apply to applicants who at the time of application already hold a licence which is about to expire.
2. The grant or renewal of any such licence shall be at the discretion of the Superintendent.
3. Every licensed premises shall be enclosed by walls or fences to the satisfaction of the Superintendent. No licensed premises shall have any entrance or exit except on to a public thoroughfare.
4. Except with the special permission of the Superintendent no other business shall be carried on within the licensed premises.
5. Every distillery shall be provided, within the licensed premises, with one or more buildings or enclosures, designed and constructed to the satisfaction of the Superintendent, in which all material used for distillation shall be fermented and distilled and in which all intoxicating liquor produced shall be stored until the proper duties have been paid or security therefor, to the satisfaction of the Superintendent, has been given.
6. Every distillery and every part thereof shall be lighted in an efficient way so as to facilitate inspection.
7. Every receptacle on the licensed premises which is capable of being used for the conveyance of liquor shall have the Chinese word for spirit and the name of the distillery, in Chinese characters, legibly painted thereon.
8. Every receptacle used for fermenting mash shall be of a standard size, approved by the Superintendent, and shall have the normal charge plainly marked thereon in Arabic or Chinese numbers. Each receptacle shall be plainly marked to the satisfaction of the Superintendent with serial numbers in Arabic or Chinese numerals. The same weight of fermentable material shall always be filled into each and such weight shall be the normal charge.
9. The licensed premises and all receptacles and utensils used or intended for use therein shall be maintained at all times in a clean and sanitary condition. No person shall be allowed within the distillery who is suffering from infectious or skin disease.
10. Precautions against fire within the licensed premises shall be taken to the satisfaction of the Superintendent or of an officer duly authorised by him in that behalf.
11. Every licensee shall furnish the Superintendent with a clear and accurate copy of the licensee's photograph, and shall sign the register of licensees. If the person in charge of the distillery is other than the licensee, the photograph of the person appointed to have charge of the distillery shall be kept exhibited in the office of the distillery.
12. Every licensee who leaves the Colony for more than one day shall appoint a responsible person, approved by the Superintendent, to act for the licensee, such person shall attend at the office of the Superintendent and sign an agreement undertaking all the responsibilities of the licensee during the period of such appointment to act. No undertaking as aforesaid shall relieve the licensee from liability in respect of his licence.

13. No person other than a person employed in the distillery and whose name is duly entered in the licensee's books as required by regulation 22 shall be permitted entrance to the licensed premises other than the office.

14. After the completion of the process of manufacture all intoxicating liquors shall be kept in a securely locked spirit store, constructed to the satisfaction of the Superintendent; the keys of such store shall be kept in the charge of the person for the time being managing or in charge of the distillery, and the store shall be kept locked except during the receipt and delivery of liquor; no other goods shall be kept in the spirit store.

15. Every receptacle used for storing spirit shall be of a standard size, approved by the Superintendent, and shall be provided with an accurate gauge, clearly visible, so that the quantity of spirit in the receptacle can be ascertained at a glance. All receptacles shall have the maximum capacity in gallons, as ascertained by a revenue officer, painted thereon in English and Chinese.

16. The spirit store shall be provided with a table and chair for the accommodation of revenue officers visiting the premises for the purpose of inspection and shall be provided with a complete set of weights and measures to the satisfaction of the Superintendent; no other weights or measures shall be used in connexion with the store, and when not being so used such weights and measures shall be kept securely locked up within the spirit store.

17. At 10 a.m. each working day and every four hours thereafter until distillation is completed for the day, and upon completion, the spirit distilled shall be conveyed to the store; no hot spirit shall be mixed with cold spirit except in the presence of a revenue officer.

18. On Sundays, and on days named or approved by the Superintendent as holidays, the spirit store shall be closed throughout the day; on all other days the spirit store shall be closed between the hours of 6 p.m. and 5 a.m.

19. No spirit shall be received into the stock of spirit of a licensee other than spirit distilled in his licensed premises, the spirit so distilled shall be conveyed direct from the still or spirit receiver to the spirit store. No spirit once removed from the store shall be brought back again. No fermented material shall be removed from the premises before the removal of all alcohol by distillation.

20. Except with the written permission of the Superintendent no spirit shall be removed from the spirit store until inspected by a revenue officer. Duty shall be paid before any spirit is removed from the store, or security therefor shall be furnished to the satisfaction of the Superintendent.

21. Before disposing of any dutiable liquor for any purpose other than sale as intoxicating liquor for export or for local consumption the licensee shall inform the Superintendent thereof.

22. Every licensee shall keep books and shall correctly and with the utmost promptitude enter or cause to be entered therein,

- (a) the amount of liquor distilled and delivered to store each day at and up to 10 a.m. and at the end of every four hours thereafter should distillation be continued after 10 a.m., and at the completion of distillation for the day;
- (b) the manner in which such liquor is disposed of, together with the serial numbers of the duty paid labels affixed to the receptacles sent out to each customer;
- (c) the amount of all grain, molasses or other fermentable material received on the premises, and the weight of all such material of each kind issued for making mash, and the serial numbers of the receptacles into which such fermentable material has been placed, with the appropriate date;
- (d) the serial numbers of the duty paid labels in stock and the manner of disposal; and

- (e) The names of all persons employed by him whose duties necessitate their presence in the distillery, with particulars of termination of, absence from and return to employment.

23. Every licensee shall not later than noon on every Monday furnish to the Superintendent a return, in a form to be obtained from and supplied by the Superintendent, showing the amount of liquor distilled during the preceding week and how such liquor has been disposed of. In the case of distant distilleries such return may be forwarded to the nearest police station for conveyance to the Superintendent.

24. No still shall be worked on Sundays or on days named or approved by the Superintendent as holidays, unless suitable arrangements are made to convey the distillate direct from the still through closed pipes to a locked spirit receiver.

25. No spirit shall be broken down blended or denatured except at such times and under such conditions as the Superintendent shall direct.

26. Every licensee shall permit the Superintendent or any officer duly authorised by him, at all hours, both day and night, to enter and inspect the licensed premises, and any other premises used or reasonably suspected of being put to use for or in connexion with the business of the licensee, and further shall permit him and them to draw samples, free of charge, for analysis, of any spirit or any material used or capable of being used in the preparation thereof and found therein.

27. The Superintendent and every officer lawfully visiting or entering any premises for the purpose of inspection shall have access to all parts thereof at all times, both day and night, and the Superintendent and every such officer shall be at liberty to make such examination as he or they may see fit. Every employee of a licensee shall afford the Superintendent and every such officer all the assistance he or they may require and shall obey any instructions given by him or them with a view to facilitate his or their work and to protect the revenue and to insure the due observation of the regulations; the Superintendent and every such officer shall have access to all books of account in current use in the licensed premises, and shall be at liberty to take or demand extracts therefrom.

28. Before any receptacle containing spirit leaves the premises the licensee shall affix or cause to be affixed thereon a green duty paid label, to the satisfaction of the Superintendent or some officer duly authorised by him in that behalf. The stock of duty paid labels shall be used in numerical order.

29. Every licensee shall keep a special book of foils and counterfoils, numbered consecutively, in a form approved by the Superintendent, and upon the issue of any intoxicating liquor from his distillery shall fill in upon a foil and counterfoil a description of the liquor issued, giving its quality, quantity and price, and the name of the person or firm to whom such liquor is delivered and shall sign the foil and deliver it to the person receiving the liquor. No liquor shall be issued from any licensed premises between the hours of 6 p.m. and 5 a.m.

30. Any person found in the possession of two gallons or more of any intoxicating liquor which appears to have been distilled in the Colony, and who does not hold a foil duly issued under the last preceding regulation in respect of such liquor, and cannot prove to the satisfaction of the Superintendent that the proper duty has been paid in respect of such liquor, shall, in addition to any other penalty, be liable to pay the full duty prescribed in respect of such liquor.

D. W. TRATMAN,
Clerk of Councils.

COUNCIL CHAMBER,
30th December, 1926.

NOTE.—No distillery licence will be issued for premises which are not readily accessible or which are more than a mile distant from a motor-road or navigable water 12 feet in depth—See Regulation No. 2.

督憲會同議政局于一九二六年十二月三十日按照一九壹壹年第九條則例即酒類總例第九十五節議定章程如左
一八四四至一九二五年香港章程彙編第四五三、四五四、四五六頁所刊之酒房章程茲特刪除而以下開章程代之

蒸酒房章程

- (一) 凡稟求牌照須呈報駐港殷商或業主二人以便調查其品格惟入稟時已領有牌照將近滿期者不在此例
- (二) 凡發給牌照或轉換新牌由海關監督全權審定
- (三) 凡領有牌照之屋宇須圍以墻垣或繞以藩籬得海關監督滿意為止其出入門戶祇准直達公衆街道不得另設別處
- (四) 如非得海關監督特別許可不得在領牌之屋宇內經營別種商業
- (五) 各蒸酒房須於領牌之屋宇內設有建築物或藩籬一所或多過一所其圖則及建築法須得海關監督滿意方可凡用以餛酒之原料均須在該建築物或藩籬內發醇蒸餾其製成之酒亦須存貯在內直至酒稅清繳或有保證得海關監督滿意方准遷移
- (六) 各蒸酒房各處均須光線充足以便查察
- (七) 凡領有牌照屋宇內各器皿其可用以運酒者均須用油以漢文號明係載酒用并將蒸酒房之字號號明務要顯著易見
- (八) 凡用以發醇之器皿其重量面積均須有規定之標準得海關監督批准方可并須將規定之容量用英文或中文號明其上又每器皿均須用英文或中文將次序之號數號明務要得海關監督之滿意凡發醇原料傾入各器皿內其重量均須時常相同而此重量即爲其規定之容量
- (九) 凡領有牌照之屋宇並其內所用或欲用之一切器皿須常時整理清潔無碍衛生凡染有傳染或皮膚病者不得在蒸酒房停留
- (十) 各領有牌照之屋宇內須設備救火方法得海關監督或其委任代行

職權之人滿意方可

- (十一) 凡領牌者須備本人清晰真實小照一張呈交海關監督並須署名于牌照人名冊內如蒸酒房非由領牌者親自管理則受委管理蒸酒房之人之小照須懸諸該蒸酒房辦公室內
- (十二) 凡領牌者離港多過壹日須呈准海關監督委任一人負責該人須親至海關監督署簽立合約在被任期內代領牌人完全責任惟領牌人對於牌照之責任仍不能以有人代理藉詞推諉
- (十三) 除受僱于蒸酒房並經遵照第廿二條章程將姓名登諸領牌者簿冊內之人等外其餘各人均不得入領牌之各屋宇惟辦公室則不在此限
- (十四) 製造工作完竣後所有之酒須貯於關鎖嚴密之酒倉內該倉之建築法須得海關監督滿意而酒倉鎖匙則須由管理該蒸酒房者或當時管理該蒸酒房者保管又該酒倉除收發外須時常加鎖關閉又不得用以存貯別項貨物
- (十五) 凡用以貯酒之器皿其面積須有規定之標準得海關監督批准方可又須將確鑿之度量號明務要顯著易見俾一望而知所盛之酒之分量又各器皿須將幫辦核定容酒最高額之加倫數用中英文號明
- (十六) 酒倉須設置檯椅各一以便幫辦巡視時應用又須設磅碼度量全套務得海關監督滿意方可其餘各種磅碼度量均不得在酒倉行用又設備之磅碼量度不用時須嚴密關鎖酒倉內
- (十七) 凡將酒遷移入倉須於工作日上午十時行之又由十時起至全日餛畢止期內每四點鐘須遷移一次又無論於何時停餛收工時亦須將餛出之酒運往酒倉又如無幫辦在場不得將熱酒攪入冷酒
- (十八) 凡星期日及海關監督佈告或批准之假期酒倉須終日關閉不得開放而於通常日期則下午六時至上午五時期內亦須關鎖
- (十九) 除領牌屋宇內所餛之酒外其餘各酒須領牌人均不得接收存貯倉

內凡蒸出之酒將由酒甌或蓄酒器直接運至酒倉又凡已出倉之酒不得復運回倉而發酵之原料如尙含有酒精未經蒸出亦不得運出屋外

(三) 除由海關監督領有准照外一切酒類須先經幫辦察驗方得出倉又未出倉之前須先完繳酒稅或付交保證金得海關監督滿意方可

(廿一) 凡應納稅之酒除運輸出口或在本屬行銷外如有別項用途領牌照人均須呈報海關監督方得將之發放

(廿二) 凡領牌者須設置簿冊將下開各事情從實從速登載

(甲) 每日上午十時或計至上午十時所蒸出而遷入倉之酒數又上午十時後每隔四小時繼續蒸出入倉之酒數又日中工作完竣時入倉之酒數

(乙) 該酒如何發放並其貼在發交買客之各器皿上經稅封條之次序號數

(丙) 各穀類糖膠或別種發酵原料收入之數及發出各種原料用以製麴之重量并貯發酵原料器皿之次序號數並其真實日子

(丁) 所存經稅封條號數及其如何發放

(戊) 所僱各人員姓名其職守係須在酒房居留者并須將其任滿離職及復職等詳情註明

(廿三) 各領牌人須向海關監督領取格式逢星期一於正午前填寫明白呈交海關監督報明前星期內所蒸出之酒額并曾發放若干如酒房係遠離海關監督署者可將格式交往最近警局以便轉交

(廿四) 凡星期日或海關監督佈告或批准之假期除設有妥善辦法將所蒸之酒直接由酒甌經過密管透至關鎖妥當之蓄酒器外其餘一切酒甌均不得開工蒸甌

(廿五) 除於海關監督規定時間與規條外內並遵照海關監督所訂章程外均不得將酒較低攙雜或參入別質

(廿六) 各領牌人須任由海關監督或其所委人員無論日夜隨時入其領牌屋宇或其用以營業或疑其係用以營業之其他屋宇查察并須任其將屋宇內各酒或將屋宇內用以或可用以製酒之原料取辦以便化驗不得取價

(廿七) 海關監督或各人員凡遵例巡視各屋宇無論日夜得隨時遍巡各處任意查驗凡海關監督或各人員有要幫助之處領牌人之僱員均須幫助之又凡海關監督或各人員為保護餉源及厲行章程起見有所囑咐領牌人之僱員亦須遵守之又領牌各屋宇內所用之各數簿海關監督或各員亦得查看并得將數目抄錄或囑領牌人抄出

(廿八) 凡貯有酒之各器皿領牌人須親自或着人黏貼青色經稅封條一張於其上得海關監督或其所委代行職權之人滿意方得由屋內搬出又凡所存經稅封條均須依照數目序次取用

(廿九) 各領牌者須依照海關監督批准之格式置設有面據并存根及次序號數之簿一本凡有酒由酒房發出時須於面據及存根上填明所發出係何酒並須將其品質重量價值及收受人名或店號註明又須將面據簽押交與取酒之人收執又由下午六時起至上午五時止無論何酒房均不得將酒發出

(卅) 無論何人如查出存有酒二加倫或多過二加倫似在本港所甌者而又無上開有面據并不能證明該酒經已完稅得海關監督滿意則除科罰外仍須照章完納全稅

(注意) 凡不易到之地點或距離汽車路多過一英里或水深過十二尺之處概不給發牌照