
EXECUTIVE COUNCIL.

No. 509.

Hong Kong.ORDINANCE No. 36 of 1931. (LIQUORS).

In exercise of the powers conferred by sections 34 and 88 of the Liquors Ordinance, 1931, the Governor in Council rescinds the Brewery Regulations and Licence set forth on pages 461 to 464 of the Regulations of Hong Kong, 1844 to 1925 and makes the following regulations in substitution therefor :--

BREWERY REGULATIONS.**GENERAL.**

1.—(1) No person shall brew or make beer except under and in accordance with a licence issued under these regulations.

(2) The Superintendent may in his discretion issue brewery licences in the form prescribed in the Schedule to these regulations.

(3) Such conditions as the Governor in Council may determine may be added to such licences.

(4) A brewery licence shall remain in force for one year from the date on which it is granted but may be revoked by the Governor in Council if he is of the opinion that the licensee has failed substantially to observe and comply with the provisions of the Liquors Ordinance, 1931, or these regulations or any Ordinance or regulations amending the same or substituted therefor or to observe and comply with the conditions of such licence.

2. Every applicant for a licence shall submit to the Superintendent

(a) the names of two substantial householders as references to his character.

(b) a complete set of plans, signed by the applicant, shewing clearly the whole of the premises intended to be used as a brewery or in connection with the applicant's intended business of a brewer. Such plans shall show the use to which each portion of the premises is intended to be put and shall include detailed drawings of all machinery installed or which it is intended to instal on the premises together with a description of the use of such machinery.

(c) a complete schedule of all apparatus and vessels intended to be used upon the premises.

(d) such particulars as the Superintendent may require of the person intended to be the person in charge of the brewery.

3. Immediately upon the grant of any licence the licensee shall furnish security to such amount and in such form as may be required by the Superintendent for his due observance of and compliance with the provisions of the Liquors Ordinance, 1931, and these regulations and any Ordinance or regulations amending the same or substituted therefor and the conditions of his licence and for the safe and secure keeping on the premises of all beer brewed or made or in the process of being brewed or made on the premises until due removal therefrom under the law for the purpose of being exported or warehoused in an approved bonded warehouse or used as ship's stores or otherwise dealt with or for consumption within the Colony upon payment of the full and proper duties chargeable thereon.

4.—(1) The licensed premises shall be enclosed by walls or fences to the satisfaction of the Superintendent and shall not have any entrance or exit except upon some street or road to which the public has access or upon some navigable water.

(2) On the outside of the door of each portion of the premises shall be painted in English and Chinese characters a description of that portion according to the purpose for which it is used and in accordance with the plans submitted on application for the licence.

(3) No structural alteration of the premises, or change in the use to which any portion of the premises is put, shall be made without the consent in writing of the Superintendent.

(4) Every part of the premises shall be adequately lighted to the satisfaction of the Superintendent.

(5) Every part of the premises shall at all times be kept in good and substantial repair and in a clean and sanitary condition to the satisfaction of the Superintendent.

(6) No person shall be allowed within the premises who is suffering from any infectious or contagious disease or from any skin disease.

(7) The licensee shall provide and maintain in the premises, to the satisfaction of the Superintendent and free of expense to the Government, adequate office accommodation, with all necessary furniture, writing materials, heating, cleaning and lighting, and lavatory accommodation for the use of such revenue officer or officers as may visit the premises.

5. There shall be set apart in the premises a locked store or stores approved by the Superintendent in which all beer brewed or made on the premises shall be kept (whether for the purpose of maturing or otherwise) after the process of manufacture is complete and such locked store or stores shall not be used for the storage of any dutiable liquors or other goods whatsoever other than beer brewed or made on the premises

6. Except with the consent in writing of the Superintendent, no business other than the licensee's business of brewing or making beer shall be carried on within the premises and no intoxicating liquors other than beer brewed or made on the premises shall be brought upon or stored in the premises.

7.—(1) All machinery, apparatus, utensils, vessels or receptacles used in the brewing or making, maturing or storing of beer shall be of a type, design or capacity, as the case may be, approved by the Superintendent and shall be so placed or fixed as to admit of the contents being readily and accurately ascertained by gauge or measure and shall not be altered in structure, shape, position or capacity, as the case may be, without the consent in writing of the Superintendent.

(2) The name of every utensil, vessel or receptacle according to the purpose for which it is intended shall be legibly painted with oil colour, and kept so painted, upon some conspicuous part of every utensil, vessel or receptacle used for the brewing or making or maturing of beer and the normal full capacity thereof shall be painted thereon in like manner.

If more than one utensil, vessel or receptacle is used for the same purpose, each shall be distinguished by a progressive number.

(3) All vessels or receptacles, other than bottles, used for the storage of beer shall have their normal full capacity clearly marked upon them.

(4) All machinery, apparatus, utensils, vessels or receptacles of every kind whatsoever shall be kept in a clean and sanitary condition to the satisfaction of the Superintendent.

8.—(1) The licensee shall provide and maintain upon the premises and permit any and every revenue officer there to use sufficient and just beams, scales or weighing machines and standard weights gauges and measures (including glass measures graduated in ounces for the determination of the contents of reputed pint and quart bottles, and also a cask or vessel capable of containing the contents of the largest cask or container intended to be sent out from the brewery) and other necessary and reasonable appliances to the satisfaction of the Superintendent.

(2) The person in charge of the premises and every employee of the licensee shall afford to the Superintendent and to any and every revenue officer visiting the premises all such assistance as he or they shall require and shall obey any reasonable instructions given by him or them with a view to facilitating his or their work or protecting the revenue or insuring observance of the legal obligations of the licensee.

9. No beer brewed or made on any licensed premises shall be sold for consumption on those premises.

10.—(1) The licensee and the person in charge of the premises shall at all times, both by day and by night, allow the Superintendent or any revenue officer to enter the premises and every part thereof and to inspect and take an account of the stocks of liquors kept or in process of manufacture therein and to take samples thereof and of any materials used or capable of being used in the manufacture thereof and to inspect and make copies of and extracts from any books of account kept therein in connexion therewith and other documents relating thereto which shall be produced on demand.

(2) If the Superintendent or any revenue officer, after having demanded admission into the premises, and declared his name and business at any entrance thereof, is not immediately admitted, he, and any person acting in his aid, may at any time either by day or night break open any door or window of the premises or break through any wall thereof for the purpose of obtaining admission.

11. Every licensee shall furnish the Superintendent with a clear and satisfactory copy of his photograph and shall sign the register of licensees.

12. If the person in charge is a person other than the licensee, the licensee shall furnish the Superintendent with a clear and satisfactory copy of such person's photograph and with a specimen of his signature.

A further copy of the photograph of the person in charge shall be kept exhibited in the principal office on the licensed premises.

13. If any licensee shall leave the Colony for more than one day he shall appoint a responsible person, approved by the Superintendent, to act on his behalf during his absence and shall lodge with the Superintendent a notice of such appointment endorsed or countersigned by the person appointed and during the absence of the licensee the person appointed shall, without prejudice to the responsibility of the licensee, be responsible for the due observance and performance of all the duties and obligations of the licensee.

14. Throughout these regulations

(a) "Beer" includes ale, porter, stout and any other description of beer, and extends to Shiu Tsau or Wong Tsau and to any liquor which is made or sold as a description of beer or as a substitute for beer, and which on analysis of a sample thereof at any time shall be found to contain more than two per cent of proof spirit.

(b) "Brewery licence" or "licence" means a licence to manufacture and sell beer or Shiu Tsau or Wong Tsau not to be consumed on the premises.

(c) "Licensed premises" or "premises" means any premises whereon any person is licensed to keep a brewery and, where the context admits, includes any premises used in connexion with the licensed premises or with the business conducted thereon.

(d) "Person", except so far as relates to the imposition of the penalty of imprisonment, includes a body corporate or a firm.

(e) "Person in charge" includes the person for the time being having the control of management of the business conducted upon the licensed premises.

(f) "Storage vessel" means every vessel or receptacle intended to remain permanently on the licensed premises and used or intended to be used for the maturing or storing of beer brewed or made on the premises.

(g) "Superintendent" means the Superintendent of Imports and Exports and any Assistant Superintendent of Imports and Exports and any officer for the time being performing the duties of such offices.

(h) "Warehouse", except in regulation 3, means any locked store, approved by the Superintendent, set apart in the premises for the maturing or storage of beer.

Brewing.

15. The worts produced from any brewing shall be removed successively and in the customary order of brewing to the coppers, coolers and collecting and fermenting vessels.

16. All collecting and fermenting vessels shall be accurately gauged and the licensee shall furnish tables showing the capacity of each in gallons at every inch and tenth of an inch measured from a fixed dipping place which must be clearly marked.

17. The licensee shall keep on the licensed premises, open at all times for inspection, a Brewing Book, in a form approved by the Superintendent, in which he shall make the following entries:—

(a) At least 24 hours before commencing to mash or dissolve any material to be used in his next brewing he shall record the date and hour when such brewing is intended to take place and at least 2 hours before the hour stated for brewing he shall enter the quantity of each material to be used.

(b) When the worts from any brewing have been collected in the proper collecting and fermenting vessels the serial number or numbers of the receptacles must be immediately recorded in the Brewing Book together with the quantity in gallons and the true original gravity, as measured by the Bates standard saccharometer.

(c) The date of the removal to the warehouse of any fermented beer and the quantity thereof.

18. Collecting and fermenting vessels shall be fitted with a discharge cock of a type approved by the Superintendent and shall be connected by a close metal pipe with a receptacle in the warehouse. Every pipe shall be so arranged that it can be secured with a revenue lock. No other outlet will be permitted except one which will allow the vessel to be cleansed and no beer shall be removed from the collecting or fermenting vessels otherwise than into receptacles in the warehouse.

19. When the process of fermentation is complete the licensee shall remove the beer into his warehouse and shall observe the following conditions

(a) Notice of the intended removal shall be given to the Superintendent or such revenue officer as he shall designate.

(b) The entire quantity contained in any one vessel shall be removed at the same time.

(c) The actual quantity immediately prior to removal shall be ascertained by gauge and recorded in the Brewing Book opposite the corresponding entry of the worts collected.

20. The produce of every brewing shall be kept separate and distinct from that of every other brewing until removed to warehouse.

21. The licensee shall forthwith inform a revenue officer designated by the Superintendent if any beer brewed or made on the premises is found to be unfit for sale and such beer shall be disposed of only in the presence of and in accordance with the instructions of such officer.

WAREHOUSING.

22. No beer shall be removed into warehouse until all fermentation has ceased and the yeast has been completely removed and the licensee is satisfied that it is in sound condition.

23.—(a) Every entrance to a warehouse shall have a strong door constructed so that when shut it cannot be lifted off its hinges and fitted with such locks or other fastenings as the Superintendent may require. Such locks and fastenings shall be so arranged and the keys thereof be in such custody that no entry into the premises can be effected without the attendance of a revenue officer.

(b) Every warehouse shall be lighted and ventilated in an efficient manner to the satisfaction of the Superintendent.

(c) Every warehouse shall be maintained in a good state of repair and all doors, windows, bars, bolts, hinges, fastenings and locks, shall be periodically examined and kept in good order by the licensee to the satisfaction of the Superintendent.

(d) A sufficient space shall be maintained free from any encumbrance in the best lighted part for the bottling and packing of case beer for export in bond.

(e) A separate warehouse shall be set apart in the premises for the storage of beer intended to be consumed in the Colony and all beer intended so to be consumed shall be kept therein and shall not be removed therefrom save on payment of duty as prescribed by these regulations.

24.—(a) After bottled beer has been packed in cases, the cases shall be securely closed and shall not be opened except in the presence of a revenue officer.

(b) No samples shall be drawn except in the presence of a revenue officer and duty shall be paid on all samples removed from the warehouse.

(c) No empty package, barrel or bottles, or packing material shall be stored in the warehouse.

(d) The minimum amount of beer which shall be removed from the warehouse on any one removal permit shall be six gallons.

25. As soon as any beer is received into or removed from any warehouse the licensee shall make due entry of such receipt or removal in a stock book in a form to be approved by the Superintendent. All entries shall be made in the English language. All removal permits shall be filed at the warehouse in due order.

26. The licensee shall not later than every Monday (or on the following day if Monday is a public or general holiday) furnish to the Superintendent a return, in a form prescribed by him, showing the amounts of beer received into or removed from every warehouse during the preceding week, made up to the close of business on the preceding Saturday.

27.—(a) A warehouse set apart for the storage of beer intended to be consumed in the Colony shall not be open for any purpose and a warehouse used for the maturing of beer or for the storing of beer not intended to be consumed in the Colony shall not be open for the purpose of the removal of

beer therefrom between the hours of 4.30 p.m. and 8.30 a.m. or on Sundays or public or general holidays except with the permission in writing of the Superintendent, who shall be entitled to charge a fee not exceeding three dollars for every hour or portion of an hour in which such warehouse shall be open between the aforesaid hours or on Sundays or public or general holidays.

(b) A warehouse used for the maturing of beer or for the storing of beer not intended to be consumed in the Colony may be open at any time for the purpose of the removal into such warehouse of beer which has been brewed in the licensed premises provided that a revenue officer designated by the Superintendent be duly notified by the licensee not less than eight hours before the opening and be present while the warehouse is open. If such a warehouse be open between the hours or on the days specified in the preceding paragraph the Superintendent shall be entitled to charge a fee not exceeding three dollars for every hour or portion of an hour in which such warehouse be open.

(c) If any warehouse shall be situate outside the City of Victoria or Kowloon and it shall at any time be found that the attendance of a revenue officer is required on such numerous occasions between the hours of 4.30 p.m. and 8 a.m. or on Sundays or public or general holidays that in the opinion of the Governor it is desirable for a revenue officer to reside near the licensed premises, then it shall be lawful for the Governor, by notice in writing under the hand of the Colonial Secretary, to require the licensee to provide free of cost to the Government, and the licensee shall provide to the satisfaction of the Superintendent, adequate furnished quarters (either married or single as the Superintendent may require) with free electricity for the lighting thereof, and a free and adequate water supply.

28.—(a) A calibration table shall be supplied to the Superintendent showing the capacity of each storage vessel in gallons for each one tenth of an inch of depth measured from a marked spot.

(b) Every storage vessel shall be numbered conspicuously and the maximum storage capacity marked plainly thereon.

(c) Every storage vessel shall be provided to the satisfaction of the Superintendent with visual means of measuring readily the quantity stored therein.

(d) Every storage vessel shall be so placed that measurement of the contents can readily be taken.

Accounting.

29. Every licensee shall keep on the licensed premises stock books in a form approved by the Superintendent and shall correctly and with the utmost promptitude enter or cause to be entered therein under the appropriate date :—

(a) The amount of all grain, molasses, sugar or other fermentable material received on the premises, and the weight of all such material issued for each brewing for the making of mash and wort, and

(b) The manner in which all beer manufactured is disposed of.

30. The licensee shall keep, on the licensed premises a special book of foils and counterfoils, numbered consecutively, in a form approved by the Superintendent, and upon the removal from the premises of any beer whereon duty is payable shall fill in upon a foil and counterfoil a description of the beer removed giving particulars of its quality and quantity and stating the name and address of the person to whom it is delivered and shall sign the foil and deliver it to the person receiving the beer. No beer shall be removed from the licensed premises between the hours of 6 p.m. and 5 a.m.

31. The licensee shall furnish to the Superintendent every Monday (or on the following day should Monday be a public or general holiday) a brewing return, in a form approved by the Superintendent, showing, up to the close of work on the preceding Saturday,

(a) the balance of fermenting and unfermented worts from the previous week.

(b) the amount of worts since set to ferment.

(c) the quantity of beer removed to each warehouse.

(d) the loss on such removal.

(e) the balance of fermenting and unfermented worts on hand.

32.—(1) The duty assessed upon beer shall be chargeable upon

(a) Any deficiency which may be found between the quantity of worts collected from any brewing and the quantity of beer removed to warehouse from such brewing.

(b) All beer removed to the separate warehouse set apart in the premises for the storage of beer intended to be consumed in the Colony,

(c) Any deficiency which may be found between the quantity of beer removed to a warehouse (other than a separate warehouse set apart as aforesaid) for the purpose of maturing or storage after deducting from the full amount removed thereto the balance remaining therein and all beer removed therefrom either to a separate warehouse as aforesaid, or to a bonded warehouse outside the licensed premises, or removed for export or for use as ship's stores in due accordance with a valid permit :

Provided always that there shall be deducted from the quantity chargeable the amount of any loss or contraction of beer either in process of manufacture or in maturing or storing due to natural causes or unavoidable accident, or to leakage, breakage, deterioration or evaporation, and not in any such case attributable to the negligence or default of the licensee or his servants, provided that any such loss or contraction is reported to a revenue officer designated by the Superintendent as soon as it is discovered and is certified by him, after examination, to be such a loss or contraction as aforesaid. And provided also that the following shall be the maximum amounts allowed for loss or contraction in the under-mentioned cases :—

(i) For wastage or contraction during the process of manufacture up to and until removal to warehouse, an amount not exceeding ten per cent of the amount received into warehouse,

(ii) For loss by evaporation on beer stored in casks, an amount not exceeding four gallons per hogshead,

(iii) For wastage on transfer of beer to casks or bottles, an amount not exceeding five per cent.

(2) In every case in which any allowance is claimed for any loss or contraction a certificate stating the true amount of such loss or contraction shall be delivered by the licensee to the Superintendent.

(3) The amount of beer removed, or the deficiency in the amount of beer, as the case may be, shall be fixed and determined by the certificate of the revenue officer designated by the Superintendent.

33. The duty chargeable shall be paid

(a) In respect of any such deficiency as mentioned in paragraph 1 of the preceding regulation or in the case of any deficiency found on taking stock of the contents of any separate warehouse, set apart for the storage of beer intended to be consumed in the Colony, within seven days after notice shall have been given by the Superintendent to the licensee as to the amount of duty payable, and

(b) In respect of beer removed to such a warehouse set apart for the storage of beer intended to be consumed in the Colony, before the removal of any of such beer from that warehouse :

Provided always that the Superintendent may, on such terms and on the giving of such security for the payment of duty as he may think fit, permit the licensee to remove any beer from any such warehouse before payment of duty thereon and postpone until such time as he may think fit the time for the payment of the duty on such beer.

SCHEDULE.

BREWERY LICENCE.

Hong Kong.

The Liquors Ordinance, 1931.

In consideration of the fee of Four hundred dollars paid by I hereby licence of to keep a brewery for the purpose of brewing beer at for the term of one year from the day of 19..... and to sell such beer in quantities of not less than six gallons at one time and not to be consumed on the premises. This licence is subject to all regulations for the time being in force relating to breweries and to the conditions (if any) endorsed hereon.

Dated this day of 19.....

(Signed)

D. W. TRATMAN,
Clerk of Councils.

COUNCIL CHAMBER,
29th July, 1932.