

## **SAND ORDINANCE**

### **(Cap. 147)**

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To regulate the importation and the removal of sand.

[6 December 1935]

**1. Short title**

This Ordinance may be cited as the Sand Ordinance.

**1A. Application of Ordinance**

This Ordinance shall not apply to sand which is produced by any quarrying operation or by the washing of other material so as to produce sand.

*(Added 66 of 1970 s. 2)*

**2. Permit required for removal from Government land**

(1) No person may take sand from any land, foreshore or sea bed, not under lease from the Government, without having previously obtained a written removal permit or sale and removal permit applicable to such sand from the Director of Civil Engineering and Development. *(Amended 12 of 1938 s. 2; 66 of 1970 s. 3; 29 of 1998 s. 105)*

(2) The Director of Civil Engineering and Development may grant a permit issued under subsection (1) on such terms and attach thereto such conditions as he may think fit. *(Replaced 66 of 1970 s. 4)*

*(Amended L.N. 76 of 1982; L.N. 127 of 1986; L.N. 364 of 1991; L.N. 104 of 2004)*

**3. Permit required where any sand in excess of 100 kg is imported or removed by junk, lighter, truck or lorry**

(1) No person may in any vessel or vehicle bring into Hong

Kong or remove from one part of Hong Kong to another any sand, wherever obtained and whatever its ultimate destination, in excess of 100 kg, unless he has in his possession a permit, issued under section 2(1), or a written removal permit from the Director of Civil Engineering and Development issued under this section, applicable to such sand. (*Amended 12 of 1938 s. 2; 37 of 1955 s. 2; 66 of 1970 s. 3; L.N. 156 of 1977; L.N. 76 of 1982; L.N. 127 of 1986; L.N. 364 of 1991; 57 of 1999 s. 3; L.N. 104 of 2004*)

- (2) Any removal permit issued under this section may prescribe the quantity of sand which may be removed and the places from and to which it may be removed.

#### **4. Arrest, detention, search and seizure**

The Director of Civil Engineering and Development and any public officer authorized by him either generally or specially and any police officer may— (*Amended L.N. 76 of 1982; L.N. 127 of 1986; L.N. 364 of 1991; L.N. 104 of 2004*)

- (a) arrest any person whom he reasonably suspects to have committed or of being about to commit an offence against this Ordinance;
- (b) enter and search any place and stop, board, detain and search any vessel or vehicle in which he has reason to suspect there is any sand with respect to which an offence against this Ordinance has been committed; and
- (c) seize any sand with respect to which he has reason to suspect there has been committed an offence against this Ordinance.

*(Replaced 37 of 1955 s. 3. Amended 66 of 1970 s. 3)*

#### **5. Penalties**

(Adaptation amendments retroactively made - see 57 of 1999 s. 3)

Any person who contravenes any provision of section 2(1), or section 3(1), or who brings into Hong Kong or takes or removes more sand than is prescribed by the permit, or sand from or to any place other than the place or places, if any, prescribed in the permit, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$2,500 and to imprisonment for 6 months.

*(Amended 37 of 1955 s. 4; 57 of 1999 s. 3)*

## **6. Restitution and forfeiture of sand**

(Adaptation amendments retroactively made - see 29 of 1998 s. 105)

Where any sand has been seized under this or any other enactment the magistrate shall upon application being made—

- (a) order restitution thereof to the Government where the sand appears to him to be the property of the Government; or
- (b) order the forfeiture to the Government thereof where the sand appears to him to be the property of some other person and where he is satisfied that an offence against this Ordinance has been committed in respect thereof whether any person has been convicted of such offence or not.

*(Added 37 of 1955 s. 5. Amended 29 of 1998 s. 105)*