

EDUCATION AND MANPOWER BUREAU CIRCULAR MEMORANDUM NO. 326/ 2003

From : Secretary for Education and
Manpower

To : Supervisors/ Heads of
Kindergartens, Primary
and Secondary Schools

Ref. : EMB(SD/CT)/ADM/20/5/02/1 Pt.1

Date : 2 December 2003

Prevention of Dengue Fever - Responsibilities of Schools

The Education and Manpower Bureau (EMB) issued Circular Memorandum [No. 123/2003](#) on 27 May 2003 to provide schools with information on Dengue Fever (DF) and to remind them to adopt appropriate preventive measures. Messages on DF were faxed to schools in September and October, and a series of seminars on the topic were held jointly with the Food and Environmental Hygiene Department (FEHD) for schools in October and November. By now, schools should be well aware that stagnant water found in the environment is the prime medium leading to mosquito breeding, and hence the spread of DF. It is the responsibility of the school management to take every necessary step to ensure that the school premises and its environment poses no threat of mosquito breeding and that the highest code of hygiene is observed.

2. Attached is a copy of the relevant legislation, the Public Health and Municipal Services Ordinance (Cap 132) Section 27, setting out the statutory obligations of occupiers in keeping their premises free of the accumulation of water and the existence of larvae or pupae of mosquitoes. The school authority is held accountable for the hygienic condition of its school premises. As such, it is the school authority's responsibility if any prosecution is brought against it by the FEHD under the provisions of the above-cited Section of the Ordinance.

3. If you need any expert advice on mosquito control, please contact the FEHD hotline 2868 0000.

K S LEE
for Secretary for Education and Manpower

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Chapter:	132	Title:	PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE	Gazette Number: 29 of 1998
Section:	27	Heading:	Control of water likely to contain larvae or pupae of mosquitoes	Version Date: 01/07/1997

Remarks:

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

(1) Where it appears to the Authority that there is, or is likely to be, upon any premises any accumulation of water, whether waste or otherwise, likely to contain larvae or pupae of mosquitoes, the Authority may, whether such accumulation of water is presently found to exist or not, cause a notice to be served upon the occupier, or, where the occupier is absent from Hong Kong or cannot be readily found or ascertained by the Authority or is under disability, upon the owner, of such premises, or, where the premises consist of a building site or a building under construction, upon the appointed contractor in respect of the site, requiring him, within such time as may be specified in the notice- (Amended 10 of 1986 s. 24)

(a) to remove such accumulation of water, if existing; or

(b) to take such other steps as may be specified in the notice to prevent any or any further such accumulation of water upon premises; or

(c) to take such other steps as may be specified in the notice to prevent the existence of larvae or pupae of mosquitoes upon such premises. (Amended 32 of 1963 s. 3; 9 of 1976 s. 3)

(2) If the person upon whom a notice is served under the provisions of subsection (1) fails to comply with any of the requirements thereof-

(a) such person shall be guilty of an offence; and

(b) the Authority may remove, or cause to be removed, any such accumulation of water and may take such other steps as may be necessary to satisfy the requirements of such notice, and may recover any expenses thereby incurred from such person.

(3) Where, in any accumulation of water on any premises, larvae or pupae of mosquitoes are found, the occupier of such premises or, where the occupier is absent from Hong Kong or cannot be readily found or ascertained by the Authority, the owner thereof or, where the premises consist of a building site or a building under construction, the appointed contractor in respect of the site, shall be guilty of an offence. (Amended 32 of 1963 s. 3; 9 of 1976 s. 3; 10 of 1986 s. 24)

(4) The Director of Health and any public officer, authorized by him that behalf may, in addition to

the Authority, exercise any of the powers vested in the Authority by the provisions of subsections (1) and (2). (Amended L.N. 76 of 1989)

(5) In subsections (1) and (3) "the appointed contractor in respect of the site" (有關地盤的獲委任承建商) means-

- (a) the person who is the registered contractor appointed in respect of the site in accordance with the Buildings Ordinance (Cap 123); or
- (b) in the case of a site which is owned by the Government, the person who has been appointed the contractor in respect of the site, if he has entered on the site at the relevant time. (Added 9 of 1976 s. 3. Amended 29 of 1998 s. 105)

(6) A document which purports-

- (a) to be signed by a person authorized by the Building Authority and to certify that a person specified therein was at a time specified therein the registered contractor appointed in respect of a building site specified therein in accordance with the Buildings Ordinance (Cap 123); or
- (b) to be signed by a person authorized by the Director of Housing or the Director of Lands and to certify that at a time specified therein- (Amended L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)
 - (i) a building site specified therein was owned by the Government; and (Amended 29 of 1998 s. 105)
 - (ii) a person specified therein was appointed the contractor in respect of that building site,

shall be admitted in evidence in any proceedings for an offence under subsection (1) or (3) on its production before the court without further proof. (Added 9 of 1976 s. 3)

(7) On the production of a document under subsection (6)-

- (a) the court before which the document is produced shall, until the contrary is proved, presume that-
 - (i) the signature to the document is genuine;
 - (ii) the person signing it was duly authorized to sign at the time he signed it;and
- (b) such document shall be prima facie evidence of the matters contained therein. (Added 9 of 1976 s. 3)

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