

**PUBLIC HEALTH (ANIMALS AND BIRDS)
ORDINANCE**

(Cap. 139)

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PUBLIC HEALTH (ANIMALS AND BIRDS) ORDINANCE

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To consolidate and amend the law relating to quarantine and the prevention of disease among animals and birds, to make provision relating to the regulation of businesses, trades and other activities involving animals and birds and the licensing of such businesses, trades and activities and persons and places connected therewith, to make provision relating to the regulation of livestock keeping and connected activities, to make provision relating to the slaughter for human consumption of animals and birds, the processing and export of the carcasses thereof, the regulation and control of the sale of milk produced in dairies, and to provide for the protection and safety of the public at places where wild animals and birds are exhibited.

(Replaced 82 of 1990 s. 2. Amended 27 of 1994 s. 2)

[1 January 1936]

1. Short title

This Ordinance may be cited as the Public Health (Animals and Birds) Ordinance.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

“animals” (動物) means cattle, sheep, goats, all other ruminating animals, swine, equines, and all other warm-blooded vertebrates except man and birds, and reptiles; *(Replaced 24 of 1950 Schedule. Amended 25 of 1960 s. 2)*

“authorized landing place” (特准登岸處) means any place declared by this Ordinance or any regulation made thereunder to be an authorized landing place and any other place declared by the Director and notified in the Gazette to be a landing place; *(Amended 17 of 1956 s. 2)*

- “birds” (禽鳥) means poultry and all other birds; (*Amended 25 of 1960 s. 2*)
- “carcass” (屠體、屍體) means the carcass of an animal or bird, and includes part of a carcass and the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal or bird, separately or otherwise, or any portion thereof;
- “cattle” (牛隻) includes bulls, cows, oxen, heifers, calves and buffaloes;
- “dairy” (奶場) includes any farm, cowshed, milk store or other place from which milk is supplied on or for sale or in which milk is kept or used for purposes of sale or manufacture into butter, cheese, dried milk or condensed milk for sale and, in the case of a purveyor of milk who does not occupy any premises for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include a shop from which milk is supplied only in the properly closed and unopened receptacles in which it was delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only; (*Added 17 of 1956 s. 3*)
- “Director” (署長) means the Director of Agriculture, Fisheries and Conservation and any Assistant Director of Agriculture, Fisheries and Conservation; (*Replaced 4 of 1967 s. 3. Amended L.N. 331 of 1999*)
- “disease” (疾病) includes cattle plague or rinderpest, septicaemia haemorrhagica, pleuro-pneumonia contagiosa of cattle, foot and mouth disease, sheep-pox, sheep scab, swine fever, anthrax, glanders (including farcy), parasitic mange, epizootic lymphangitis, ulcerative cellulitis, dourine, sarcoptic mange, influenza, ringworm, strangles, anaplasmosis, fowl cholera, fowl-pox, contagious bovine abortion, surra, red water (Texas fever), buffalo disease, tuberculosis, Newcastle disease of poultry and any other disease declared by the Director

and notified in the Gazette as included in the term disease for the purposes of this Ordinance or any regulation made thereunder; (*Amended G.N. 129 of 1936; G.N.A. 143 of 1950; 24 of 1950 Schedule; 17 of 1956 s. 2; 71 of 1992 s. 57*)

“equines” (馬科動物、馬匹) includes horses, asses, mules and all other equine animals;

“fodder” (飼料) means grass or other substance commonly used for the food of animals;

“health officer” (衛生主任) means the Director of Health, the Deputy Director of Health, any Assistant Director of Health, any person appointed by the Chief Executive to be a health officer, any person for the time being performing the duties of a health officer and includes a public officer authorized under section 17A; (*Added 25 of 1960 s. 2. Amended L.N. 76 of 1989; 65 of 1999 s. 3; 78 of 1999 s. 7*)

“inspector” (督察) means any person appointed as an inspector under section 17; (*Added 25 of 1960 s. 2*)

“litter” (墊料) means straw or other substance commonly used for bedding or otherwise for or about animals;

“milk” (奶、奶類) includes cream and skimmed and separated milk; (*Added 17 of 1956 s. 3*)

“poultry” (家禽) includes domestic fowls, turkeys, ducks, pigeons and geese;

“segregation place” (分隔地點) means any place appointed by the Director to be a place where animals or birds may be confined and isolated in order to prevent or mitigate disease or the spread of disease, and also means the Government depots; (*Amended 17 of 1956 s. 2*)

“senior veterinary officer” (高級獸醫官) includes any veterinary officer and assistant veterinary officer authorized by the

Director to perform the duties of a senior veterinary officer under this Ordinance; (*Replaced 17 of 1956 s. 3*)

“special permit” (特別許可證) means a written permission granted by and in the discretion of the senior veterinary officer;

“wild animals” (野生動物) means all animals other than those classed at common law as domestic; (*Added 4 of 1967 s. 3*)

“wild birds” (野生禽鳥) means all birds other than poultry and those kept principally or solely as pets. (*Added 4 of 1967 s. 3*)

(2) Other words and expressions used in this Ordinance shall bear the same meanings as they have in the Prevention and Control of Disease Ordinance (Cap. 599). (*Amended 14 of 2008 s. 18*)

***3. Power to make regulations**

(Adaptation amendments retroactively made - see 65 of 1999 s. 3)

- (1) The Chief Executive in Council may by regulation provide for the following matters— (*Amended 17 of 1956 s. 4; 65 of 1999 s. 3*)
- (a) inspection, testing for disease, inoculation, detention, segregation, housing, slaughtering, transhipment, importation, landing and removal, exportation, possession and control of animals and birds; (*Amended 43 of 1977 s. 2*)
 - (b) prohibition or regulation of—
 - (i) the slaughtering of animals and birds intended for export;
 - (ii) the export of carcasses prepared for human consumption; and
 - (iii) the preparation for human consumption of carcasses in conjunction with any substance or otherwise; (*Added 80 of 1970 s. 3*)

- (c) licensing premises and persons engaged in or connected with any matter specified in paragraph (b); (*Added 80 of 1970 s. 3*)
- (d) condemnation and disposal, with or without compensation, of—
 - (i) poultry; and
 - (ii) carcasses thereof,which on inspection are found to be unfit for human consumption; (*Added 80 of 1970 s. 3*)
- (e) empowering the Director—
 - (i) to attach to any licence issued under this Ordinance such conditions as he may see fit to impose;
 - (ii) to give such directions as he thinks fit for the purposes of this Ordinance; and (*Added 80 of 1970 s. 3*)
 - (iii) to grant exemption from any licensing requirements under this Ordinance to any person or any class of persons as he may see fit; (*Added 27 of 1994 s. 3*)
- (f) disposal of the dead bodies of animals and birds;
- (g) the prohibition or regulation of any business, trade or activity which involves or relates to—
 - (i) sale, possession or offer for sale of any animal or bird;
 - (ii) letting for hire of any animal or permitting the use of any animal for any purpose specified in the regulations, for a fee or other money consideration;
 - (iii) provision of food and accommodation for animals for payment of a fee or other money consideration;
 - (iv) the exhibition of animals or birds for payment of a fee or other money consideration;

- (v) removal or movement of birds or animals from any place, vessel or aircraft;
- (vi) the maintenance of a dairy;
- (vii) the keeping of animals or birds; (*Replaced 82 of 1990 s. 3*)
- (h) the control, supervision or regulation of depots, stables, pens, cattle sheds, lairages, dairies, or any place or premises used for the purpose of keeping animals or birds; (*Replaced 82 of 1990 s. 3*)
- (ha) construction, regulation, disinfection or inspection of all places, vessels and vehicles in which animals or birds are or have been kept or carried and matters ancillary thereto; (*Added 82 of 1990 s. 3*)
- (i) forfeiture without compensation of animals, birds and things dealt with in contravention of any provision of this Ordinance or of any regulation made thereunder; (*Amended 17 of 1956 s. 2*)
- (j) duties and obligations of persons having animals or birds in their possession or under their charge;
- (k) prohibition or regulation of the import or export of cattle into or out of Hong Kong or any part thereof; (*Amended 65 of 1999 s. 3*)
- (l) isolation of cases of disease in animals and birds and the regulation thereof;
- (m) appointment, establishment and maintenance of places for the observation or examination of cattle either on arrival or prior to export;
- (n) (*Repealed 82 of 1990 s. 3*)
- (o) regular inspection of all places where animals and birds are kept;

- (oa) taking by persons carrying out inspections of samples of milk or any other substance for test, examination or analysis and the duties of the Public Analyst in relation to such samples; (*Added 82 of 1990 s. 3*)
- (ob) the certificates or other evidence to be given of the result of any such test, examination or analysis and the persons by whom such a certificate or evidence is to be given; (*Added 82 of 1990 s. 3*)
- (oc) prohibition or regulation of sale, possession, exposure for sale of milk, storage and delivery of milk produced in dairies and matters ancillary thereto; (*Added 82 of 1990 s. 3*)
- (p) slaughtering or isolating or keeping under observation of any animal or bird that may appear to be or may be reasonably suspected of being or of having been in contact or in the same herd or flock with animals or birds affected with disease, and the disposal of the carcass thereof;
- (q) declaring any place or area to be infected with disease, and prohibiting or regulating the movements of animals, birds or persons into, within or out of any such infected place or area, and the removal of carcasses, fodder, litter, utensils, hurdles, pens, dung or other things into, within or out of such infected place or area;
- (r) offences in the case of contravention of any such regulations or any direction given by the Director under powers conferred by this Ordinance and prescribing forfeiture in respect thereof and penalties therefor: Provided that no penalty so prescribed shall exceed a fine of \$100,000; (*Added 20 of 1948 s. 4. Amended 17 of 1956 ss. 2 & 4; 80 of 1970 s. 3; 82 of 1990 s. 3; 27 of 1994 s. 3*)

- (s) cleansing and disinfecting of any place which has been occupied by any animal or bird suffering from epidemic, endemic, contagious or infectious disease;
 - (t) any matter associated with or connected with the matters specified in paragraphs (a) to (s) and generally for carrying into effect the purposes of this Ordinance. *(Added 82 of 1990 s. 3)*
- (2) Regulations made under this section may provide that where a person by whom an offence is committed is a corporation every director or other officer concerned in the management of the corporation shall be guilty of the like offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances. *(Added 80 of 1970 s. 3)*
- (3) Regulations made under this section may require or provide for the—
- (a) registration or licensing of any business, trade or activity, described in subsection (1)(g);
 - (b) registration or licensing of any person engaged in or connected with or proposing to be engaged in or connected with any such business, trade or activity;
 - (c) registration or licensing of any premises or place referred to in subsection (1)(h) or any other place used for any business, trade or activity described in subsection (1)(g) or in which animals or birds are kept for the purpose of carrying out such business, trade or activity and matters ancillary thereto; or
 - (d) issue of licences, permits or special permits in respect of any business, trade or activity described in subsection (1)(g). *(Added 82 of 1990 s. 3)*

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- (4) Regulations made under this section may—
- (a) apply to persons generally;
 - (b) apply to a class or description of persons as specified in the regulations;
 - (c) apply in respect of animals generally or make different provisions in respect of animals or birds of different classes or descriptions or such animals or birds as may be specified in the regulations;
 - (d) make different provisions in relation to different classes of business, trade or activity;
 - (e) prescribe the fees to be paid in respect of any registration, licence, permit, special permit, housing of animals or birds, inspection, testing inoculation, disinfection, or any other matter provided for in the regulations;
 - (f) provide for the expiry, renewal, validity or revocation of any licence, permit or special permit or prohibit the transfer thereof; or
 - (g) provide that the Director may specify the form for making an application for a licence, permit or special permit and determine the form of a licence, permit or special permit. (*Added 82 of 1990 s. 3*)
- (5) Regulations made under this section may provide that in proceedings for an offence under the regulations—
- (a) any certificate purporting to be signed by such person as may be specified in the regulations; or
 - (b) any other evidence referred to in subsection (1)(ob), which is produced or given in respect of a test or examination or analysis of a sample shall, with regard to that sample and in such circumstances and subject to such conditions as may be specified in the regulations, be admissible in evidence—

- (i) as prima facie evidence of the result of the test, examination or analysis and other facts certified therein; and
 - (ii) as having been signed by the person whose signature appears thereon,unless the contrary is proved. (*Added 82 of 1990 s. 3*)
- (6) Regulations made under this section may provide that any article specified in the regulations, being an article commonly used for human consumption, shall, if sold or offered, exposed or kept for sale or if found on any premises, or in any vessel, vehicle or aircraft used for the preparation, storage or transport or sale of that article as the case may be, be presumed to have been or to be intended for sale for human consumption, unless the contrary is proved. (*Added 82 of 1990 s. 3*)
- (7) Regulations made under this section may—
 - (a) provide that any summons issued in proceedings for offences under the regulations shall not be returnable sooner than a day specified in the regulations;
 - (b) require the service of copies of certificates described in subsection (5)(a) with the summons and on the prosecution in specified cases;
 - (c) require the service by any party to any proceedings under the regulations, of specified notices in specified cases;
 - (d) enable the court or magistrate in specified circumstances to order on such terms and conditions as it or he thinks fit an adjournment or to exclude or admit any such certificate. (*Added 82 of 1990 s. 3*)
- (8) In this section “summons” (傳票) means a summons issued under the Magistrates Ordinance (Cap. 227), requiring a

person against whom a complaint is made or information laid under that Ordinance, in respect of an offence committed under regulations made under this section, to appear before a magistrate to answer to such complaint or information. (*Added 82 of 1990 s. 3*)

Editorial Note:

* See also 82 of 1990 s. 4.

4. Restrictions on import of animals and birds

(Adaptation amendments retroactively made - see 65 of 1999 s. 3)

- (1) No person shall knowingly bring into Hong Kong any animal or bird suffering from disease. (*Amended 65 of 1999 s. 3*)
- (2) When information is received that any disease exists amongst any animals or birds at any place without Hong Kong, the Chief Executive may issue an order prohibiting, either absolutely or conditionally, the importation by land, sea or air or the transshipment in Hong Kong of any animals or birds from any such place. (*Amended 43 of 1977 s. 3; 65 of 1999 s. 3*)
- (3) Every order issued under this section shall be published in the Gazette at the earliest opportunity but shall come into operation immediately upon the making of the order.
- (4) Any person who—
 - (a) contravenes any of the provisions of subsection (1); or
 - (b) contravenes any of the provisions of an order issued under subsection (2),

shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000. (*Added 4 of 1967 s. 4. Amended L.N. 389 of 1981*)

5. Movements of animals and birds with regard to infected areas

(Adaptation amendments retroactively made - see 65 of 1999 s. 3)

- (1) Whenever it appears to the Chief Executive, after such inquiry as he may consider necessary, that any disease exists among animals or birds in Hong Kong or in any part of Hong Kong, he may by notification in the Gazette issue an order to regulate the movements of any animals and birds within such areas as he may define in such order, and to prohibit any animal or bird being taken into or removed from such area. Every such area shall be deemed an infected place. (*Amended 20 of 1948 s. 4; L.N. 162 of 1993; 65 of 1999 s. 3*)
- (2) Any person who contravenes any of the provisions of an order issued under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000. (*Added 4 of 1967 s. 5. Amended L.N. 389 of 1981*)

COMPENSATION FOR ANIMALS SLAUGHTERED BY ORDER OF THE DIRECTOR

6. Compensation for animals or birds slaughtered by order of the Director

(Adaptation amendments retroactively made - see 65 of 1999 s. 3)

- (1) Subject to the provisions of this Ordinance and of any regulation made thereunder, compensation shall be paid out of the public revenue for any animal or bird slaughtered by order of the Director under the provisions of this Ordinance or of any regulation made thereunder to the owner thereof—
 - (a) where an animal slaughtered was affected with rinderpest or swine fever, the compensation shall be one-half of its full value immediately before it became so affected;
 - (b) where an animal slaughtered was affected with contagious bovine pleuro-pneumonia, the compensation

- shall be three fourths of its full value immediately before it became so affected;
- (c) where an animal slaughtered was affected with foot and mouth disease, the compensation shall be its full value immediately before it became so affected;
 - (d) where a bovine animal slaughtered was affected with tuberculosis the compensation shall be such sum as may be ordered by the Director or, if no such order is made—
 - (i) one thousand five hundred dollars in the case of an animal which, in the opinion of the senior veterinary officer, was of or over two years of age at the time of slaughter;
 - (ii) seven hundred and fifty dollars in the case of an animal which, in the opinion of the senior veterinary officer, was under two years of age at the time of slaughter;
 - (e) where an animal or bird slaughtered was affected with any disease except in cases otherwise specifically provided for in this subsection, the compensation shall be such proportion of its full value immediately before it became so affected as the Chief Executive in Council may decide after taking the advice of the Director;
 - (f) where an animal or bird slaughtered was not affected with any kind of disease, the compensation shall be its full value immediately before it was slaughtered.
- (2) For the purposes of subsection (1) the full value of an animal or bird shall be determined by the Director.
 - (3) The compensation payable under subsection (1) for an animal slaughtered shall not exceed—
 - (a) three hundred dollars in the case of a pig;

- (b) one thousand five hundred dollars in the case of any animal other than a pig.
- (4) The compensation payable under subsection (1) for a bird slaughtered shall not exceed thirty dollars.
- (5) The Chief Executive in Council may if he thinks fit order that the compensation payable under subsection (1) shall be withheld, either wholly or partially, in any case where, in his opinion, the owner or person having charge of the animal or bird concerned has been guilty in relation to such animal or bird of an offence against this Ordinance or any regulation made thereunder or against any other enactment regulating the importation of animals or birds into Hong Kong or the control of animals or birds within Hong Kong, and where any such order is made the compensation or that part thereof which is ordered to be withheld shall not be paid.
- (6) Unless otherwise ordered by the Chief Executive in Council, no compensation shall be paid under subsection (1) for any animal or bird slaughtered which in the opinion of the senior veterinary officer shows symptoms of disease before it has been in Hong Kong for the period of incubation of the disease in question.
- (7) The Chief Executive in Council may by order define, for the purposes of subsection (6), the period of incubation of any disease.

(Replaced 47 of 1956 s. 2. Amended 65 of 1999 s. 3)

7. Retention for observation by order of the Director

The Director may, notwithstanding anything in this Ordinance, retain and reserve for observation or treatment any animal or bird liable to be slaughtered under this Ordinance, but in every such case compensation shall be payable as in the case of actual slaughter.

(Amended 17 of 1956 s. 2)

8. Seizure of animals of contravention of regulations

The senior veterinary officer, or any person acting under his direction, may seize any animal, bird or thing dealt with in contravention of this Ordinance or of any regulation thereunder, and may order the forfeiture of such animal, bird or thing, and the same shall thereupon be destroyed, sold or otherwise disposed of as the senior veterinary officer may direct.

(Amended 17 of 1956 ss. 2 & 7)

9. No compensation in case of forfeiture

No compensation shall be paid in respect of any animal, bird or thing forfeited under this Ordinance or any regulation thereunder, and such forfeiture shall not prejudice or avoid any prosecution for breach of this Ordinance or any regulation.

(Amended 17 of 1956 s. 2)

**PROTECTION AND SAFETY OF THE PUBLIC AT PLACES
WHERE
WILD ANIMALS AND WILD BIRDS ARE EXHIBITED**

9A. Notice of intention to exhibit a wild animal or wild bird

- (1) Any person who intends to exhibit any wild animal or wild bird on premises to which the public are to be admitted shall, prior to the exhibition of the wild animal or wild bird, give notice in writing to the Director of his intention to exhibit the wild animal or wild bird, and such notice shall specify the kind of wild animal or wild bird which he intends to exhibit and the premises on which he intends to exhibit the wild animal or wild bird.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be

liable of summary conviction to a fine of \$5,000. (*Amended L.N. 389 of 1981*)

(*Added 4 of 1967 s. 6*)

9B. Power of Director to require work done

- (1) Where a person intends to exhibit any wild animal or wild bird, the Director may cause a notice in accordance with subsection (3) to be served on such person or, if such person cannot be found, on the owner or occupier of the premises on which it is intended to exhibit the wild animal or wild bird, requiring the person on whom the notice is served, prior to the exhibition of the wild animal or wild bird, to take such steps and do such things to the satisfaction of the Director for the protection and safety of the public as may be specified in the notice.
- (2) Where a person is exhibiting a wild animal or wild bird, the Director may cause a notice in accordance with subsection (3) to be served on such person or, if such person cannot be found, on the owner or occupier of the premises on which the wild animal or wild bird is being exhibited, requiring the person on whom the notice is served—
 - (a) within the period specified in the notice, to take such steps and do such things to the satisfaction of the Director for the protection and safety of the public as may be specified in the notice; and
 - (b) if the Director thinks fit, to cease exhibiting the wild animal or wild bird, until such steps are taken or such things done as may be specified under paragraph (a).
- (3) Any notice served under subsection (1) or (2) shall be in the form specified in the Schedule, and such notice may be served, whether or not the Director has received a notice required to be given under section 9A.

- (4) Any person who fails to comply with any of the requirements of a notice served on him by the Director under subsection (1) or (2) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000. *(Amended L.N. 389 of 1981)*

(Added 4 of 1967 s. 6)

PENALTIES

10. Penalties

- (1) *(Repealed 4 of 1967 s. 7)*
- (2) Any licence or permit issued under any regulation made under this Ordinance shall be liable to cancellation by the Director for breach of any regulation to which the holder of such licence is subject, or for breach of any condition of such licence or permit. *(Amended 17 of 1956 s. 2)*

APPEAL TO CHIEF EXECUTIVE IN COUNCIL

(Amended 65 of 1999 s. 3)

11. Appeal to Chief Executive in Council against decision of any person entrusted with power under this Ordinance

(Adaptation amendments retroactively made - see 65 of 1999 s. 3)

- (1) Whenever any person is dissatisfied with the exercise of the discretion of the Director or of any person to whom discretionary power is given under this Ordinance in respect of any act, matter or thing which is by this Ordinance made subject to the exercise of the discretion of such authority, or with any action or decision of the Director or of any such person either as to the carrying out of or the meaning of any of the provisions of this Ordinance, or whenever any of the provisions of this Ordinance are, owing to special conditions, undesirable, the person so dissatisfied may, unless

proceedings have already been taken before a magistrate in relation thereto, appeal to the Chief Executive in Council, who, if in his opinion the exercise of such discretion or such action or decision requires modification, revocation or setting aside, or such special conditions exist as render any such provision undesirable, may make such order in respect thereof as may be just. *(Amended 17 of 1956 s. 2)*

- (2) The grounds of such appeal shall be concisely stated in writing, and the appellant may, if he so desires, be present at the hearing of such appeal and be heard in its support either by himself or by his representative, and the Chief Executive in Council shall thereafter determine the matter in the absence of, and without further reference to, the Director. *(Amended 17 of 1956 s. 2)*

(Added 38 of 1936 s. 2. Amended 65 of 1999 s. 3)

12. Chief Executive in Council empowered in any appeal to state case for the opinion of Court of Appeal on question of law

(Adaptation amendments retroactively made - see 25 of 1998 s. 2; 65 of 1999 s. 3)

- (1) In any appeal under the provisions of section 11 the Chief Executive in Council may at any time in his discretion direct a case to be stated for the opinion of the Court of Appeal on any question of law involved in any appeal submitted to him. The terms of such case shall be agreed upon by the parties concerned, or in the event of their failure to agree shall be settled by the Court of Appeal. The Court of Appeal shall hear and determine the question of law arising on any case stated as aforesaid, and shall remit the matter to the Chief Executive in Council who shall give effect by order to the finding of the court. The costs of such hearing shall be in the discretion of the court.

- (2) Any party to the appeal shall be entitled to be heard by counsel on the hearing of any case so stated.
- (3) No proceedings by way of mandamus, injunction, prohibition or other order shall be taken against the Chief Executive in Council in respect of anything arising out of this section.
- (4) The Clerk to the Executive Council shall give the appellant seven days' notice of the hearing of the appeal, and shall at the same time furnish the appellant with a copy of the evidence and documents submitted by the respondent for the consideration of the Chief Executive in Council: *(Amended 14 of 1994 s. 24)*

Provided that nothing herein contained shall be deemed to prevent any person from applying to the Court of First Instance for a mandamus, injunction, prohibition or other order, should he elect so to do instead of appealing to the Chief Executive in Council under section 11. *(Amended 25 of 1998 s. 2)*

(Added 38 of 1936 s. 2. Amended 92 of 1975 s. 59; 65 of 1999 s. 3)

13. Order of Chief Executive in Council enforced by the Court

(Adaptation amendments retroactively made - see 25 of 1998 s. 2; 65 of 1999 s. 3)

Every order of the Chief Executive in Council on any appeal shall be final and may be enforced by the Court of First Instance as if it had been an order of that court.

(Added 38 of 1936 s. 2. Amended 92 of 1975 s. 59; 25 of 1998 s. 2; 65 of 1999 s. 3)

LIMITATION OF LIABILITY

14. Limitation of liability for acts done for purposes of Ordinance

No matter or thing done by the Director or the Director of Food and Environmental Hygiene or by any member or officer of the Agriculture, Fisheries and Conservation Department or the Food and Environmental Hygiene Department or by any person whatsoever acting under the direction of the Director or the Director of Food and Environmental Hygiene shall, if it was done bona fide for the purpose of executing this Ordinance, subject them or any of them personally to any action, liability, claim or demand whatsoever: *(Amended 17 of 1956 ss. 2 & 9; G.N. 1006 of 1960; 78 of 1999 s. 7; L.N. 331 of 1999)*

Provided that nothing herein contained shall exempt any person from any proceeding by way of mandamus, injunction, prohibition or other order unless it is expressly so enacted.

MISCELLANEOUS

15. Powers of entry

For any of the purposes of this Ordinance or any regulations made thereunder or for the purpose of ascertaining whether or not the provisions of this Ordinance or of any such regulations or the terms or conditions of any licence or registration granted or made thereunder are being or have been complied with, the Director, the senior veterinary officer and any veterinary officer, assistant veterinary officer, health officer or inspector may, at any time during the hours of daylight, enter and, where necessary, in the presence of a police officer, break into any premises other than premises, or any part of any premises, used exclusively as a dwelling-house.

(Added 25 of 1960 s. 3)

15A. Power to require personal particulars

- (1) The Director, the senior veterinary officer and any veterinary officer, assistant veterinary officer, health officer or inspector

may require any person whom he reasonably suspects of having committed an offence under this Ordinance or contravened any regulation made under section 3 to give his correct name and address and produce documentary evidence to that effect.

- (2) Any person who without reasonable excuse fails to comply with a request made under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$50,000 and to imprisonment for 3 months.

(Added 27 of 1994 s. 4)

16. Obstruction, etc.

Any person who obstructs or resists the Director, the senior veterinary officer, any veterinary officer, assistant veterinary officer, health officer or inspector in the exercise of any power conferred upon him by this Ordinance or any regulations made thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine of \$50,000 and to imprisonment for three months.

(Added 25 of 1960 s. 3. Amended L.N. 389 of 1981; 27 of 1994 s. 5)

17. Appointment of inspectors

(Adaptation amendments retroactively made - see 65 of 1999 s. 3)

The Chief Executive may appoint any public officers to be inspectors for the purposes of this Ordinance and the regulations made thereunder.

(Added 25 of 1960 s. 3. Amended 65 of 1999 s. 3)

17A. Director may authorize public officers to act as health officers

The Director may authorize any public officer to perform the functions of a health officer under this Ordinance.

(Added 78 of 1999 s. 7)

18. Amendment of Schedule

(Adaptation amendments retroactively made - see 65 of 1999 s. 3)

The Chief Executive may from time to time, by order in the Gazette, amend the Schedule.

(Added 4 of 1967 s. 8. Amended 65 of 1999 s. 3)

PUBLIC HEALTH (ANIMALS AND BIRDS) ORDINANCE

SCHEDULE

S-2

Cap. 139

SCHEDULE

[s. 9B(3)]

FORM

PUBLIC HEALTH (ANIMALS AND BIRDS) ORDINANCE

(Cap. 139)

PUBLIC SAFETY NOTICE

To: (person who intends to exhibit a wild animal or wild bird, or who is exhibiting a wild animal or wild bird, or owner or occupier of the premises on which it is intended to exhibit a wild animal or wild bird, or on which a wild animal or wild bird is being exhibited, as the case may be).

1. Take notice that under section 9B of the Public Health (Animals and Birds) Ordinance the Director of Agriculture, Fisheries and Conservation having been informed that you intend to exhibit a wild animal (or a wild bird) being
(describe kind of wild animal or wild bird) at (describe the premises) does hereby require you prior to the exhibition of such wild animal (or wild bird) (or within days) to (specify steps to be taken or things to be done) to the satisfaction of the Director. (And the Director does hereby require you to cease the exhibition of such wild animal (or such wild bird) until such steps have been taken and such things have been done).

PUBLIC HEALTH (ANIMALS AND BIRDS) ORDINANCE

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2. If you make default in complying with the requirements of this notice you will be liable on summary conviction to a fine of \$5,000.

Dated the day of 19 .

(Signed).....

*Director of Agriculture,
Fisheries and Conservation.*

(Added 4 of 1967 s. 9. Amended L.N. 389 of 1981; L.N. 331 of 1999)