

《公眾衛生（動物及禽鳥）條例》

（第 139 章）

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Public Health (Animals and Birds) Ordinance

(Cap. 139)

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本條例旨在綜合和修訂有關動物及禽鳥的檢疫與疾病預防的法律，就規管涉及動物及禽鳥的業務、行業和其他活動訂定條文，並就給該等業務、行業和活動及與之相關的人和地方發牌訂定條文，就關於規管飼養禽畜和相關活動訂定條文，就關於屠宰動物及禽鳥供人食用以及就該等動物及禽鳥屠體的加工與出口訂定條文，並就關於規管和管制在奶場生產的奶類的銷售訂定條文，以及就展覽野生動物及禽鳥的地方的公眾的保護及安全訂定條文。

(由 1990 年第 82 號第 2 條代替。由 1994 年第 27 號第 2 條修訂)

[1936 年 1 月 1 日]

(格式變更——2021 年第 5 號編輯修訂紀錄)

1. 簡稱

本條例可引稱為《公眾衛生（動物及禽鳥）條例》。

2. 釋義

(1) 在本條例中，除文意另有所指外——

分隔地點 (segregation place) 指任何經署長指定為將動物或禽鳥關禁並隔離以防止或減少疾病發生或蔓延的地點，亦指政府倉庫；(由 1956 年第 17 號第 2 條修訂；由 1999 年第 331 號法律公告修訂)

牛隻 (cattle) 包括公牛、母牛、閹牛、小母牛、小牛及水牛；

奶、奶類 (milk) 包括忌廉及脫脂和離脂奶；(由 1956 年第 17 號第 3 條增補)

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]

(Format changes—E.R. 5 of 2021)

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

奶場 (dairy) 包括任何農場、牛棚、奶類倉庫或其他地方，而該農場、牛棚、奶類倉庫或其他地方是供應奶類以供銷售或出售，或是在其內存放或使用奶類以作銷售或用於製造牛油、乳酪、奶粉或煉奶作出售用途的，此外，如屬奶類供應商而又沒有佔用任何處所以銷售奶類者，則包括他存放供銷售奶類用的容器的地方，但不包括只供應裝在妥為封蓋和未經開啟盛器內的奶類的商店（該奶類在交付商店時是裝在這樣的盛器內的）；亦不包括銷售只供即場飲用的奶類的商店或其他地方；（由 1956 年第 17 號第 3 條增補）

家禽 (poultry) 包括受飼養的雞、火雞、鴨、鵠及鵝；

特別許可證 (special permit) 指由高級獸醫官酌情決定批給的書面准許；

特准登岸處 (authorized landing place) 指任何經本條例或根據本條例訂立的規例宣布為特准登岸處的地方，以及任何經署長宣布並在憲報公告為登岸處的其他地方；（由 1956 年第 17 號第 2 條修訂；由 1999 年第 331 號法律公告修訂）

疾病 (disease) 包括牛瘟或牛疫、出血性敗血病、牛接觸傳染性胸膜肺炎、口蹄病、綿羊痘、綿羊癩、豬瘟、炭疽病、馬鼻疽（包括馬皮疽）、疥癬蟲、獸疫性淋巴管炎、潰瘍性蜂窩組織炎、馬類錐蟲病、獸疥癬、感冒、金錢癬、馬腺疫（幼馬呼吸道傳染病）、微粒孢子蟲病、家禽霍亂、雞痘、牛接觸傳染性流產病、蘇拉病、壁蟲熱（血紅素尿症）、水牛病、肺結核病、家禽新城病，以及經署長為施行本條例或任何根據本條例訂立的規例而宣布並在憲報公告列入疾病一詞涵義內的任何其他疾病；（由 1936 年第 129 號政府公告修訂；由 1950 年 A143 號政府公告修訂；由 1950 年第 24 號附表修訂；由 1956 年第 17 號第 2 條修訂；由 1992 年第 71 號第 57 條修訂；由 1999 年第 331 號法律公告修訂）

馬科動物、馬匹 (equines) 包括馬、驢、騾及一切其他馬科動物；

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

高級獸醫官 (senior veterinary officer) 包括任何獲署長授權執行本條例所訂的高級獸醫官職責的獸醫官及助理獸醫官；(由 1956 年第 17 號第 3 條代替。由 1999 年第 331 號法律公告修訂)

動物 (animals) 指牛隻、綿羊、山羊、一切其他反芻動物、豬、馬科動物，和一切其他溫血脊椎動物(人及禽鳥除外)以及爬蟲動物；(由 1950 年第 24 號附表代替。由 1960 年第 25 號第 2 條修訂)

屠體、屍體 (carcass) 指動物或禽鳥的屠體或屍體，包括動物或禽鳥的屠體或屍體部分和動物或禽鳥的肉、骨、皮、毛皮、蹄、角、什臟或其他部分，不論其是否獨立的，或上述各項的任何部分；

野生動物 (wild animals) 指一切動物，但被普通法分類為受飼養動物者除外；(由 1967 年第 4 號第 3 條增補)

野生禽鳥 (wild birds) 指一切禽鳥，但家禽和主要或純粹作為寵物飼養的禽鳥除外；(由 1967 年第 4 號第 3 條增補)

督察 (inspector) 指任何根據第 17 條委任為督察的人；(由 1960 年第 25 號第 2 條增補)

禽鳥 (birds) 指家禽及一切其他雀鳥；(由 1960 年第 25 號第 2 條修訂)

署長 (Director) 指漁農自然護理署署長及任何漁農自然護理署助理署長；(由 1967 年第 4 號第 3 條代替。由 1999 年第 331 號法律公告修訂)

飼料 (fodder) 指草或通常用作動物食糧的其他物質；

墊料 (litter) 指通常為動物或在動物附近作臥墊或其他用途的稿桿或其他物質；

衛生主任 (health officer) 指衛生署署長、衛生署副署長、任何衛生署助理署長、任何由行政長官委任為衛生主任的人、任何當其時正執行衛生主任職責的人，包括根據第 17A 條獲授權的公職人員。(由 1960 年第 25 號第 2 條增補。)

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)

由 1989 年第 76 號法律公告修訂；由 1999 年第 65 號第 3 條修訂；由 1999 年第 78 號第 7 條修訂)

(編輯修訂——2021 年第 5 號編輯修訂紀錄)

- (2) 本條例所用的其他字及詞句的涵義與《預防及控制疾病條例》(第 599 章)中該等字及詞句的涵義相同。(由 2008 年第 14 號第 18 條修訂)

3. 訂立規例的權力

- (1) 行政長官會同行政會議可就以下事宜訂立規例——(由 1956 年第 17 號第 4 條修訂；由 1999 年第 65 號第 3 條修訂)
- (a) 對動物及禽鳥進行檢查、疾病試驗、防疫注射，動物及禽鳥的扣留、分隔、安置、屠宰、轉運、進口、登岸及移走、出口、管有及管制；(由 1977 年第 43 號第 2 條修訂)
 - (b) 禁止或規管——
 - (i) 擬供出口的動物及禽鳥的屠宰；
 - (ii) 經配製供人食用的屠體的出口；及
 - (iii) 供人食用的屠體的配製(不論是否配合任何物質而配製)；(由 1970 年第 80 號第 3 條增補)
 - (c) 給從事 (b) 段所指明事宜或與該等事宜相關的處所及人發牌；(由 1970 年第 80 號第 3 條增補)
 - (d) 對經檢查而斷定為不適合供人食用的——

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

- (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, transshipment, 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

- (i) 家禽；及
- (ii) 其屠體，
宣告不合格和作出處置（可有償或無償）；（由 1970 年第 80 號第 3 條增補）
- (e) 賦權署長——（由 1999 年第 331 號法律公告修訂）
 - (i) 在根據本條例發出的牌照附加其認為適合施加的條件；（由 1994 年第 27 號第 3 條修訂）
 - (ii) 為施行本條例而發出其認為適合的指示；及（由 1970 年第 80 號第 3 條增補。由 1994 年第 27 號第 3 條修訂）
 - (iii) 批給其認為適合的任何人或任何類別的人豁免，使該人或該類別的人不受本條例所訂某發牌規定的規限；（由 1994 年第 27 號第 3 條增補）
- (f) 處置動物及禽鳥的屍體；
- (g) 禁止或規管涉及以下事項或關於該等事項的業務、行業或活動——
 - (i) 銷售、管有任何動物或禽鳥，或提供任何動物或禽鳥作出售；
 - (ii) 出租任何動物或准許他人使用任何動物作規例所指明的任何用途，以換取費用或其他金錢代價；
 - (iii) 為動物提供食物及住宿，以收取費用或其他金錢代價；
 - (iv) 展覽動物或禽鳥以收取費用或其他金錢代價；
 - (v) 從任何地方、船隻或飛機移走或移動禽鳥或動物；
 - (vi) 奶場的經營；
 - (vii) 動物或禽鳥的飼養；（由 1990 年第 82 號第 3 條代替）

- (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; (*Amended 27 of 1994 s. 3*)
 - (ii) to give such directions as he thinks fit for the purposes of this Ordinance; and (*Added 80 of 1970 s. 3; Amended 27 of 1994 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;

- (h) 管制、監督或規管倉庫、馬廐、圍欄、牛舍、牲口欄、奶場，或任何用作飼養動物或禽鳥的地方或處所；(由 1990 年第 82 號第 3 條代替)
- (ha) 一切飼養或運載、或曾飼養或運載動物或禽鳥的地方、船隻及車輛的構造，對該等地方、船隻及車輛的規管或檢查，或將該等地方、船隻及車輛消毒，以及上述各項的附帶事宜；(由 1990 年第 82 號第 3 條增補)
- (i) 無償沒收在違反本條例或違反根據本條例訂立的任何規例的條文下處理的動物、禽鳥及東西；(由 1956 年第 17 號第 2 條修訂)
- (j) 管有或掌管動物或禽鳥的人的責任及義務；
- (k) 禁止或規管將牛隻輸入或輸出香港或香港任何部分；
- (l) 將患有疾病的動物及禽鳥隔離，並就此作出規管；
- (m) 指定、設立和維持在牛隻抵達時或出口前對牛隻進行觀察或檢驗的地方；
- (n) (由 1990 年第 82 號第 3 條廢除)
- (o) 定期檢查一切飼養動物及禽鳥的地方；
- (oa) 由進行檢查的人抽取奶類或其他物質的樣本以供試驗、檢驗或分析之用，以及政府分析員對於該等樣本的職責；(由 1990 年第 82 號第 3 條增補)
- (ob) 就該等試驗、檢驗或分析的結果而發出的證明書或其他證據，以及由誰人發出該等證明書或證據；(由 1990 年第 82 號第 3 條增補)
- (oc) 對銷售、管有、展售奶類，貯存和運送在奶場生產的奶類，以及上述各項的附帶事宜，予以禁止或規管；(由 1990 年第 82 號第 3 條增補)
- (p) 屠宰、隔離或觀察任何看來是或有合理理由懷疑是與或曾與感染疾病的動物或禽鳥有接觸的動物或禽鳥，或任何看來是或有合理理由懷疑是與或曾與感

- (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;

- 染疾病的動物或禽鳥同群的動物或禽鳥，以及處置該等動物或禽鳥的屠體；
- (q) 宣布任何地方或地區受疾病傳染，並禁止或規管動物、禽鳥或人進出任何該等受傳染的地方或地區，或在該等受傳染的地方或地區內移動，以及禁止或規管屍體、飼料、墊料、器具、籬笆、圍欄、糞便或其他東西移進或移離該等受傳染的地方或地區，或在該等受傳染的地方或地區內遷移；
- (r) 訂定違反任何該等規例或違反任何由署長根據本條例賦予的權力發出的指示即為罪行，以及就該等罪行訂明沒收及罰則：但所訂明的罰則不得超逾第 6 級罰款；（由 1948 年第 20 號第 4 條增補。由 1956 年第 17 號第 2 及 4 條修訂；由 1970 年第 80 號第 3 條修訂；由 1990 年第 82 號第 3 條修訂；由 1994 年第 27 號第 3 條修訂；由 1999 年第 331 號法律公告修訂；編輯修訂——2021 年第 5 號編輯修訂紀錄）
- (s) 將患有流行性的、地方性的、接觸傳染性的或傳染性的疾病的動物或禽鳥曾佔用的地方清洗和消毒；
- (t) 任何與 (a) 至 (s) 段所指明的事宜相聯繫或相關的事宜，以及概括而言，為施行本條例的目的而訂立規例。（由 1990 年第 82 號第 3 條增補）
- (2) 根據本條訂立的規例可訂定如犯了某罪行的人是法團，則該法團的每名董事或關涉該法團的管理的其他高級人員即屬犯了同樣罪行，但如他證明該罪行不是在他同意或縱容之下犯的，以及證明就他所屬身分的職能性質及所有情況而言，他已盡了他所應盡的一切努力防止犯該項罪行，則屬例外。（由 1970 年第 80 號第 3 條增補）
- (3) 根據本條訂立的規例，可就以下事宜作出規定或訂定條文——
- (a) 給第 (1)(g) 款所描述的任何業務、行業或活動登記或發牌；

- (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

- (b) 給從事或擬從事該等業務、行業或活動的人登記或發牌，以及給與或擬與該等業務、行業或活動相關的人登記或發牌；
- (c) 給第 (1)(h) 款所提述的處所或地方登記或發牌，或給供第 (1)(g) 款所描述的業務、行業或活動用的任何其他地方或用於飼養動物或禽鳥以供進行該等業務、行業或活動的任何其他地方登記或發牌，以及上述各項的附帶事宜；或
- (d) 就第 (1)(g) 款所描述的任何業務、行業或活動發出牌照、許可證或特別許可證。（由 1990 年第 82 號第 3 條增補）
- (4) 根據本條訂立的規例可 ——
 - (a) 一般適用於人；
 - (b) 適用於規例所指明的某類別或種類的人；
 - (c) 一般適用於動物，或就不同類別或種類的動物或禽鳥或就規例所指明的動物或禽鳥訂立不同的條文；
 - (d) 就不同類別的業務、行業或活動訂立不同的條文；
 - (e) 就進行登記，就任何牌照、許可證、特別許可證，就安置動物或禽鳥，就為動物或禽鳥進行檢查、防疫注射試驗、消毒，或規例訂定的任何其他事宜，訂明收費；
 - (f) 就任何牌照、許可證或特別許可證的有效期、續期、效力或撤銷，訂定條文，或禁止任何牌照、許可證或特別許可證的轉讓；或
 - (g) 訂定署長可指明申請牌照、許可證或特別許可證所採用的表格，並決定牌照、許可證或特別許可證的格式。（由 1990 年第 82 號第 3 條增補。由 1999 年第 331 號法律公告修訂）
- (5) 根據本條訂立的規例，可訂定在就該等規例所訂的罪行而進行的法律程序中，除非相反證明成立，否則就某個樣本的試驗或檢驗或分析而交出或提供的 ——

- fine at level 6; (*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; E.R. 5 of 2021*)
- (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

- (a) 任何看來是由該等規例所指明的人簽署的證明書；或
- (b) 第 (1)(ob) 款所提述的任何其他證據，
對於該樣本而言，以及在該等規例所指明的情況和在符合該等規例所指明的條件下，均可接納為證據——
 - (i) 作為該證明書或證據所證明的該試驗、檢驗或分析結果和其他事實的表面證據；及
 - (ii) 證明該證明書或證據已由簽署出現於其上的人簽署。（由 1990 年第 82 號第 3 條增補）
- (6) 根據本條訂立的規例，可訂定在該等規例中指明的某物品（該物品通常用作供人食用），如有出售或提供作出售、展售或存放以作出售，或被發現在用作配製、貯存或運送或出售（視屬何情況而定）該物品的處所、船隻、車輛或飛機內，則除非相反證明成立，否則須推定該物品原是擬出售供人食用或是擬出售供人食用的。（由 1990 年第 82 號第 3 條增補）
- (7) 根據本條訂立的規例可——
 - (a) 訂定在就該等規例所訂的罪行而進行的法律程序中發出的任何傳票，其回報日期不得早於該等規例所指明的日期；
 - (b) 規定在指明的情況下，須將第 (5)(a) 款所描述的證明書的副本連同傳票送達，以及將該等證明書的副本送達控方；
 - (c) 規定在指明的情況下，根據該等規例進行法律程序的任何一方須送達指明的通知書；
 - (d) 賦權法庭或裁判官在指明的情況下命令將聆訊押後，並施加其認為適合的條款及條件，或賦權法庭或裁判官在指明的情況下拒絕接納或接納任何該等證明書。（由 1990 年第 82 號第 3 條增補）
- (8) 在本條中，**傳票** (summons) 指根據《裁判官條例》(第 227 章) 發出的任何傳票，而該傳票規定根據該條例提出的申

- (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)*
- (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),

訴或告發所針對的人，須就犯了根據本條訂立的規例所指的某罪行，到裁判官席前應訊以就該申訴或告發作出答辯。（由 1990 年第 82 號第 3 條增補）

編輯附註：

亦請參閱 1990 年第 82 號第 4 條。

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

4. 對動物及禽鳥進口的限制

- (1) 任何人不得明知而將患有疾病的動物或禽鳥帶入香港。
- (2) 如獲悉香港以外任何地方的動物或禽鳥患有疾病，行政長官可發出命令，絕對或有條件地禁止從任何該等地方將任何動物或禽鳥由陸路、海路或航空輸入香港或在香港轉運。（由 1977 年第 43 號第 3 條修訂；由 1999 年第 65 號第 3 條修訂）
- (3) 根據本條發出的每一項命令，須把握最早的機會在憲報刊登，但該等命令在作出時即開始實施。
- (4) 任何人——
 - (a) 違反第 (1) 款的任何條文；或
 - (b) 違反根據第 (2) 款發出的命令的任何條文，即屬犯罪，一經循簡易程序定罪，可處第 2 級罰款。（由 1967 年第 4 號第 4 條增補。由 1981 年第 389 號法律公告修訂；編輯修訂——2021 年第 5 號編輯修訂紀錄）

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

- (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 transhipment 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),

5. 動物及禽鳥在受傳染的地區之內的移動

- (1) 如在進行行政長官認為需要的查訊後，行政長官覺得在香港或其任何部分的動物或禽鳥患有疾病，則行政長官可藉在憲報刊登公告而發出命令，規管該等動物及禽鳥在行政長官於命令中所界定的地區之內的移動，並禁止將任何動物或禽鳥帶進或移離該地區。上述各個地區均須當作受傳染的地方。（由 1948 年第 20 號第 4 條修訂；由 1999 年第 65 號第 3 條修訂）
- (2) 任何人違反根據第 (1) 款發出的命令的任何條文，即屬犯罪，一經循簡易程序定罪，可處第 2 級罰款。（由 1967 年第 4 號第 5 條增補。由 1981 年第 389 號法律公告修訂；編輯修訂——2021 年第 5 號編輯修訂紀錄）

就根據署長的命令而屠宰的動物所作出的補償**6. 就根據署長的命令而屠宰的動物或禽鳥所作出的補償**

- (1) 在符合本條例條文和符合根據本條例訂立的規例的條文下，如任何動物或禽鳥是根據署長的命令而屠宰的，而該項命令又是根據本條例條文或是根據在本條例下訂立的規例的條文作出的，則須從公共收入中撥款，向該等動物或禽鳥的擁有人作出補償——（由 1999 年第 331 號法律公告修訂）
 - (a) 凡被屠宰的動物染上牛疫或豬瘟，補償額為該動物緊接受感染前的總值的二分之一；
 - (b) 凡被屠宰的動物染上接觸傳染性牛胸膜肺炎，補償額為該動物緊接受感染前的總值的四分之三；

shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2. (*Added 4 of 1967 s. 4. Amended L.N. 389 of 1981; E.R. 5 of 2021*)

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

- (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 at level 2. (*Added 4 of 1967 s. 5. Amended L.N. 389 of 1981; E.R. 5 of 2021*)

Compensation for Animals Slaughtered by Order of the Director**6. Compensation for animals or birds slaughtered by order of the Director**

- (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;

- (c) 凡被屠宰的動物染上口蹄病，補償額為該動物緊接受感染前的總值；
- (d) 凡被屠宰的牛科動物染上肺結核病，補償額為署長命令發放的金額，如署長沒有發出命令——（由 1999 年第 331 號法律公告修訂）
 - (i) 而高級獸醫官認為該動物被屠宰時年齡為 2 歲或 2 歲以上，則補償額為 \$1,500；
 - (ii) 而高級獸醫官認為該動物被屠宰時年齡為 2 歲以下，則補償額為 \$750；
- (e) 除本款另有特別訂定的情況外，凡被屠宰的動物或禽鳥染上任何疾病，補償額為該動物或禽鳥緊接被屠宰前其總值的某一比例的數額，該比例由行政長官會同行政會議在聽取署長的意見後決定；（由 1999 年第 331 號法律公告修訂）
- (f) 凡被屠宰的動物或禽鳥並無染上任何種類的疾病，補償額為該動物或禽鳥緊接被屠宰前的總值。
- (2) 就第 (1) 款而言，動物或禽鳥的總值由署長釐定。（由 1999 年第 331 號法律公告修訂）
- (3) 就任何被屠宰的動物而根據第 (1) 款支付的補償——
 - (a) 如該動物是豬，則不得超逾 \$300；
 - (b) 如該動物是豬以外的任何動物，則不得超逾 \$1,500。
- (4) 就被屠宰的禽鳥而根據第 (1) 款支付的補償不得超逾 \$30。
- (5) 凡行政長官會同行政會議認為有關動物或禽鳥的擁有人或掌管人已就該等動物或禽鳥犯有違反本條例所訂的罪行或違反根據本條例訂立的任何規例所訂的罪行，或已犯有違反任何其他就將動物或禽鳥輸入香港或管制在香港的動物或禽鳥而作出規管的成文法則所訂的罪行，如行政長官會同行政會議認為適合，可命令扣回全部或部分根據第 (1) 款而須支付的補償；此外，凡有任何上述命令作出，補償或被命令扣回的補償部分不得支付。

- (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) \$1,500 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) \$750 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; (*Amended E.R. 5 of 2021*)
- (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—

- (6) 高級獸醫官如認為任何被屠宰的動物或禽鳥，在香港渡過有關疾病的潛伏期之前已顯示出該疾病的癥狀，則除非行政長官會同行政會議另有命令，否則不得根據第 (1) 款支付任何補償。
- (7) 為施行第 (6) 款，行政長官會同行政會議可藉命令界定任何疾病的潛伏期。
- (由 1956 年第 47 號第 2 條代替。由 1999 年第 65 號第 3 條修訂)

7. 根據署長的命令將動物或禽鳥留下觀察

即使本條例另有規定，署長可將任何可根據本條例屠宰的動物或禽鳥留下或保留以便觀察或處理，但在上述每一種情況中，均須一如該等動物或禽鳥實際被屠宰般支付補償。

- (a) \$300 in the case of a pig;
- (b) \$1,500 in the case of any animal other than a pig.
(Amended E.R. 5 of 2021)
- (4) The compensation payable under subsection (1) for a bird slaughtered shall not exceed \$30. (Amended E.R. 5 of 2021)
- (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

(由 1956 年第 17 號第 2 條修訂；由 1999 年第 331 號法律公告修訂)

8. 因違反規例而檢取動物

高級獸醫官或任何在其指示下行事的人，可檢取任何違反本條例或違反根據本條例訂立的規例而處理的動物、禽鳥或東西，並可命令沒收該等動物、禽鳥或東西，而該等動物、禽鳥或東西須隨即按高級獸醫官的指示予以毀滅、出售或以其他方式處置。

(由 1956 年第 17 號第 2 及 7 條修訂)

9. 如屬沒收則不予補償

如任何動物、禽鳥或東西是根據本條例或根據本條例訂立的規例沒收的，則不得就該動物、禽鳥或東西作出補償，且該項沒收並不妨害任何就觸犯本條例或任何規例而提出的檢控，亦不使該等檢控無效。

(由 1956 年第 17 號第 2 條修訂)

在展覽野生動物及野生禽鳥的地方的公眾的保護及安全

9A. 擬展覽野生動物或野生禽鳥的通知書

- (1) 擬在公眾獲准入場的處所展覽任何野生動物或野生禽鳥的人，須在展覽該等野生動物或野生禽鳥前就其擬展覽該等野生動物或野生禽鳥一事以書面向署長發出通知，通知書須指明其擬展覽的野生動物或野生禽鳥的種類和擬用作展覽該等野生動物或野生禽鳥的處所。(由 1999 年第 331 號法律公告修訂)

such case compensation shall be payable as in the case of actual slaughter.

(Amended 17 of 1956 s. 2)

8. Seizure of animals for 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) 任何人沒有遵從第(1)款的條文，即屬犯罪，一經循簡易程序定罪，可處第2級罰款。（由1981年第389號法律公告修訂；編輯修訂——2021年第5號編輯修訂紀錄）
(由1967年第4號第6條增補)

9B. 署長規定進行工作的權力

- (1) 如任何人擬展覽任何野生動物或野生禽鳥，署長可安排向該人或（如不能尋獲該人）向擬展覽該等野生動物或野生禽鳥的處所的擁有人或佔用人，送達按照第(3)款擬備的通知書，規定獲送達該通知書的人在展覽該等野生動物或野生禽鳥前，須為公眾的保護及安全採取通知書所指明的步驟和作出通知書所指明的事情，以達署長滿意的程度。
- (2) 如任何人正在展覽野生動物或野生禽鳥，署長可安排向該人或（如不能尋獲該人）向正展覽該等野生動物或野生禽鳥的處所的擁有人或佔用人，送達按照第(3)款擬備的通知書，規定獲送達該通知書的人——
- (a) 在通知書指明的期間內，須為公眾的保護及安全，採取通知書所指明的步驟和作出通知書所指明的事情，以達署長滿意的程度；及
- (b) （如署長認為適合）停止展覽該等野生動物或野生禽鳥，直至已採取根據(a)段指明的步驟或已作出根據(a)段指明的事情為止。
- (3) 任何根據第(1)或(2)款送達的通知書，均須採用附表所指明的格式，且不論署長是否已接獲根據第9A條須予發出的通知書，亦可予以送達。
- (4) 任何人沒有遵從署長根據第(1)或(2)款向其送達的通知書的任何規定，即屬犯罪，一經循簡易程序定罪，可處第2級罰款。（由1981年第389號法律公告修訂；編輯修訂——2021年第5號編輯修訂紀錄）

- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2. (Amended L.N. 389 of 1981; E.R. 5 of 2021)

(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

(由 1967 年第 4 號第 6 條增補。由 1999 年第 331 號法律公告修訂)

罰則

10. 罰則

- (1) (由 1967 年第 4 號第 7 條廢除)
- (2) 根據本條例訂立的任何規例發出的牌照或許可證，可因該牌照的持有人須遵從的任何規例遭觸犯，或因該牌照或許可證的條件遭觸犯而被署長取消。(由 1956 年第 17 號第 2 條修訂；由 1999 年第 331 號法律公告修訂)

向行政長官會同行政會議提出上訴

(由 1999 年第 65 號第 3 條修訂)

11. 就根據本條例獲託付權力的人所作的決定向行政長官會同行政會議提出上訴

- (1) 每當任何人對署長或對任何獲根據本條例給予酌情決定權的人就任何作為、事宜或東西而行使酌情決定權方面感到不滿(該作為、事宜或東西是本條例規定須受上述權力體行使酌情決定權所規限的)，或每當任何人對署長或對任何獲根據本條例給予酌情決定權的人在執行本條例任何條文方面、或在解釋本條例任何條文的涵義方面所作的任何行動或決定感到不滿，或每當本條例任何條文因特殊情況而致不合宜，則該感到不滿的人可向行政長官會同行政會議提出上訴，除非已有關於上述事項的法

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 at level 2. (Amended L.N. 389 of 1981; E.R. 5 of 2021)

(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

- (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

律程序在裁判官席前進行；而行政長官如認為該酌情決定權的行使或該行動或決定須予修改、撤回或作廢，或認為存在特殊情況致令該條文不合宜，則可就有關事項作出任何公正的命令。（由 1956 年第 17 號第 2 條修訂）

- (2) 上訴的理由須以書面扼要地述明，而上訴人如欲出席上訴的聆訊，則可出席聆訊，並可親自陳詞或由其代表陳詞以支持該項上訴；行政長官會同行政會議須於其後署長不在場和無須進一步將事項轉介署長的情況下，就該事項作出裁定。（由 1956 年第 17 號第 2 條修訂）

（由 1936 年第 38 號第 2 條增補。由 1999 年第 65 號第 3 條修訂；由 1999 年第 331 號法律公告修訂）

12. 賦權行政長官會同行政會議在任何上訴中，就法律問題向上訴法庭呈述案件以徵詢意見

- (1) 在任何根據第 11 條條文提出的上訴中，行政長官會同行政會議可隨時運用其酌情決定權，指示須就任何向其提交的上訴所涉及的法律問題呈述案件以向上訴法庭徵詢意見。所呈述案件的措詞，須由案中有關的各方協定，而在沒有協定時，須由上訴法庭決定。上訴法庭須就任何如上述般呈述的案件所出現的法律問題進行聆訊和作出裁定，並將該案發還行政長官會同行政會議，而行政長官會同行政會議須藉命令的方式以使法庭的裁斷生效。法庭對上述聆訊的訟費有酌情決定權。
- (2) 在聆訊於上述情況下呈述的案件時，上訴的任何一方有權由大律師代表陳詞。
- (3) 任何人不得就本條引起的任何事情，針對行政長官會同行政會議採取要求履行義務令、強制令、禁止令或其他命令的法律程序。

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

- (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.

- (4) 行政會議秘書須向上訴人發出 7 天通知期的上訴聆訊通知，並須同時將答辯人所呈交的供行政長官會同行政會議考慮的證據及文件的副本一份，提供予上訴人：(由 1994 年第 14 號第 24 條修訂)

但任何人如選擇向原訟法庭申請取得履行義務令、強制令、禁止令或其他命令，而不根據第 11 條向行政長官會同行政會議提出上訴，則本條所載條文不得當作阻止該人向原訟法庭提出上述申請。

(由 1936 年第 38 號第 2 條增補。由 1975 年第 92 號第 59 條修訂；由 1998 年第 25 號第 2 條修訂；由 1999 年第 65 號第 3 條修訂)

13. 行政長官會同行政會議的命令由原訟法庭強制執行

行政長官會同行政會議就任何上訴作出的每一項命令均屬最終命令，並可由原訟法庭強制執行，猶如該項命令是該法院作出的一樣。

(由 1936 年第 38 號第 2 條增補。由 1975 年第 92 號第 59 條修訂；由 1998 年第 25 號第 2 條修訂；由 1999 年第 65 號第 3 條修訂)

限制法律責任

14. 關乎施行條例的作為的法律責任限制

署長或食物環境衛生署署長或漁農自然護理署或食物環境衛生署任何人員或高級人員或任何根據署長或食物環境衛生署署長指示而行事的人所辦理的事宜或事情，如屬真誠地為施行本條例而辦理的，則該等事宜或事情不會使他們或他們當

- (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

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

中的任何人個人承受任何訴訟、法律責任、申索或要求：（由 1956 年第 17 號第 2 及 9 條修訂；由 1960 年第 1006 號政府公告修訂；由 1999 年第 78 號第 7 條修訂；由 1999 年第 331 號法律公告修訂）

但除非另有明文規定，否則此處所載條文並不豁免任何人使其不須面對任何要求履行義務令、強制令、禁止令或其他命令的法律程序。

雜項

15. 進入的權力

為本條例的目的或為根據本條例訂立的任何規例的目的，或為確定本條例或任何上述規例的條文是否獲遵從或已獲遵從，或為確定根據本條例或上述規例批給或作出的牌照或登記的條款或條件是否獲遵從或已獲遵從，署長、高級獸醫官及任何獸醫官、助理獸醫官、衛生主任或督察，均可在日間隨時進入任何處所，並如有需要，可在有警務人員在場的情況下使用武力進入任何處所，但純粹用作住宅用途的處所或該等處所的任何部分則除外。

（由 1960 年第 25 號第 3 條增補。由 1999 年第 331 號法律公告修訂）

15A. 要求提供個人詳情的權力

- (1) 署長、高級獸醫官及任何獸醫官、助理獸醫官、衛生主任或督察，可要求任何他合理地懷疑已犯有本條例所訂的罪行或已違反任何根據第 3 條訂立的規例的人，提供其正確的姓名和地址，以及交出表明該等資料為正確的文件證據。（由 1999 年第 331 號法律公告修訂）

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

- (2) 任何人無合理辯解而沒有遵從根據第 (1) 款提出的要求，即屬犯罪，一經循簡易程序定罪，可處第 5 級罰款及監禁 3 個月。*(編輯修訂——2021 年第 5 號編輯修訂紀錄)*
(由 1994 年第 27 號第 4 條增補)

16. 妨礙等

任何人妨礙或抗拒署長、高級獸醫官、任何獸醫官、助理獸醫官、衛生主任或督察行使本條例或根據本條例訂立的規例所賦予的權力，即屬犯罪，一經循簡易程序定罪，可處第 5 級罰款及監禁 3 個月。

(由 1960 年第 25 號第 3 條增補。由 1981 年第 389 號法律公告修訂；由 1994 年第 27 號第 5 條修訂；由 1999 年第 331 號法律公告修訂；編輯修訂——2021 年第 5 號編輯修訂紀錄)

17. 委任督察

行政長官可委任任何公職人員為督察，以施行本條例和施行根據本條例訂立的規例。

(由 1960 年第 25 號第 3 條增補。由 1999 年第 65 號第 3 條修訂)

17A. 署長可授權公職人員出任衛生主任

署長可授權任何公職人員履行本條例賦予衛生主任的職能。

(由 1999 年第 78 號第 7 條增補。由 1999 年第 331 號法律公告修訂)

18. 附表的修訂

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 at level 5 and to imprisonment for 3 months. *(Amended E.R. 5 of 2021)*

(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 at level 5 and to imprisonment for three months.

(Added 25 of 1960 s. 3. Amended L.N. 389 of 1981; 27 of 1994 s. 5; E.R. 5 of 2021)

17. Appointment of inspectors

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

行政長官可不時藉憲報刊登的命令修訂附表。

(由 1967 年第 4 號第 8 條增補。由 1999 年第 65 號第 3 條修訂)

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)

S-1

附表

第 139 章

Schedule

S-2

Cap. 139

附表

[第 9B(3) 條]

格式

公眾衛生(動物及禽鳥)條例

(第 139 章)

公眾安全通知書

致：(擬展覽或正展覽野生動物或野生禽鳥的人，或擬展覽或正展覽野生動物或野生禽鳥的處所的擁有人或佔用人，視屬何情況而定)。

1. 請注意漁農自然護理署署長已獲悉你擬在
(描述有關處所) 展覽野生動物 (或野生禽鳥)，而該野生動物 (或野生禽鳥) 是屬
(描述野生動物或野生禽鳥的種類)，現根據《公眾衛生(動物及禽鳥)條例》第 9B 條，規定你在展覽該野生動物 (或野生禽鳥) 前 (或在 天內) 須
(指明須採取的步驟或作出的事情)，以達署長滿意的程度。(又署長現規定你停止展覽該野生動物 (或該野生禽鳥)，直至你已採取上述步驟及已作出上述事情為止)。
2. 你在遵從本通知書的規定方面如有任何失責，則一經循簡易程序定罪，可處第 2 級罰款。

日期：19 年 月 日。

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).

S-3

附表

第 139 章

(簽署).....

漁農自然護理署署長

(由 1967 年第 4 號第 9 條增補。由 1981 年第 389 號法律公告修訂；
由 1999 年第 331 號法律公告修訂；編輯修訂——2021 年第 5 號編輯
修訂紀錄)

Schedule

S-4

Cap. 139

2. If you make default in complying with the requirements of this notice you will be liable on summary conviction to a fine at level 2.

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;
E.R. 5 of 2021)*