

# DOGS AND CATS ORDINANCE

## - CHAPTER 167

### TABLE OF PROVISIONS

#### Long Title

1. Short title
2. Interpretation
3. Regulations
4. (Repealed 71 of 1992 s. 53)
5. Dangerous dogs
- 5A. Authorized officers
6. Powers of police officers and authorized officers
7. Obstruction
8. Failure to furnish information, etc.
9. Detention of dogs and cats
10. Power to vary period of detention
11. Removal from detention, forfeiture, etc.
12. Liability for fees and charges
13. Dogs and Cats Classification Board
14. Meetings of the Board
15. Determination of applications to the Board
16. Appeals
17. Exemption
18. General defence
19. Compensation
20. Service of notices, etc.
21. Saving

#### Long title

(Past version on 30/06/1997).

To provide for the keeping, regulation and control of dogs and cats, for the prohibition of the slaughter of dogs and cats, and for related matters.  
(Replaced 97 of 1997 s. 2)

[6 January 1950]

(Originally 1 of 1950 ( Cap 167 1950))

#### 1. Short title

(Past version on 30/06/1997).

### PART I

PRELIMINARY (Added 97 of 1997 s. 3)

This Ordinance may be cited as the Dogs and Cats Ordinance.

## 2. Interpretation

(Past version on 01/01/2000).

(Past version on 11/06/1999).

(Past version on 30/06/1997).

In this Ordinance, unless the context otherwise requires-

"authorized officer" (獲授權人員) means a person authorized by the Director under section 5A; (Added 97 of 1997 s. 4)

"Board" (委員會) means the Dogs and Cats Classification Board established under section 13; (Added 97 of 1997 s. 4) "cat" (貓、貓隻) includes the male and female animal of any age;

"Chairman" (主席), in relation to the Board, means the Chairman for the time being of the Board, or any other person when acting as the Chairman; (Added 97 of 1997 s. 4)

"conveyance" (運輸工具) includes a vehicle, vessel, aircraft and any other means whatsoever of travel or transport; (Added 97 of 1997 s. 4)

"Director" (署長) means the Director of Agriculture, Fisheries and Conservation; (Added 18 of 1956 s. 2. Amended L.N. 331 of 1999) "dog" (狗、狗隻) includes the male and female animal of any age;

"dog licence" (狗隻牌照) means a licence granted in respect of a dog under Part IV of the Rabies Regulation ( Cap 421 sub. leg.); (Added 97 of 1997 s. 4)

"domestic premises" (住用處所) means any premises or place used solely for dwelling purposes and constituting a separate household unit; (Added 97 of 1997 s. 4)

"keeper" (畜養人), in relation to a dog or cat, means a person who-

- (a) owns the dog or cat or has it in his possession or custody;
- (b) harbours the dog or cat;
- (c) occupies land or premises on which the dog or cat is usually kept or permitted to remain; or
- (d) is the parent or guardian of a person under the age of 16 years who is the keeper of the dog or cat pursuant to paragraph (a), (b) or (c), but does not include a person solely because he has seized or taken possession or custody of a dog or cat under this Ordinance or has

possession or custody of a dog or cat for the purposes of enabling any provision of this Ordinance to be complied with; (Added 97 of 1997 s. 4)

"legal officer" (律政人員) means a legal officer within the meaning of the Legal Officers Ordinance ( Cap 87); (Added 97 of 1997 s. 4)

"medical certificate" (醫生證明書) means a certificate issued by a registered medical practitioner; (Added 97 of 1997 s. 4)

"operator" (操作人), in relation to a conveyance, means the person having for the time being command or charge of the conveyance; (Added 97 of 1997 s. 4)

"owner" (擁有人), in relation to a conveyance, means-

- (a) the person registered or licensed as owner thereof;
- (b) where the conveyance is the subject of a hiring or chartering agreement, the hirer or charterer thereof; or
- (c) in the absence of registration or licensing and of a hiring or chartering agreement, the person owning the conveyance; (Added 97 of 1997 s. 4)

"proof of identity" (身分證明文件) has the same meaning as in section 17B of the Immigration Ordinance ( Cap 115); (Added 97 of 1997 s. 4)

"Secretary" (局長) means the Secretary for Health, Welfare and Food. (Replaced 78 of 1999 s. 7. Amended L.N. 106 of 2002) (Amended 71 of 1992 s. 53; 97 of 1997 s. 4)

### 3. Regulations

(Past version on 30/06/1997).

Adaptation amendments retroactively made - see 65 of 1999 s. 3 PART II

#### CONTROL OF DOGS AND CATS

(1) The Chief Executive in Council may, with the approval of the Legislative Council, by regulation provide for- (Amended 65 of 1999 s. 3)

- (a) the control of dogs and cats;
- (b) the prohibition of the slaughter of dogs and cats and of the sale and use of the flesh of dogs and cats;
- (c) the classification of dogs;

- (d) the control or prohibition of the importation, possession, keeping, breeding or movement of any dog or class of dogs;
  - (e) the control or prohibition of the transshipment or removal of any dog or class of dogs from any conveyance arriving in Hong Kong, and the keeping of the same while in transit in Hong Kong;
  - (f) the keeping of any dog or class of dogs under effective control;
  - (g) the control of the bringing of any dog or class of dogs into any specified place;
  - (h) the confinement of any dog or class of dogs to any place;
    - (i) the identification of any dog or class of dogs, by the wearing of a collar, the implanting of any device, or otherwise;
  - (j) the weighing, measuring and inspection of any dog or class of dogs;
  - (k) the seizure, detention, destruction, forfeiture or other disposal of any dog or class of dogs and any other things related to the control of dogs;
  - (l) the insurance to be effected in respect of any dog or class of dogs;
  - (m) the surrender of any dog or class of dogs, and the payment of monies to any person therefor;
  - (n) the recovery by the Government or by any other authority of expenses incurred in enforcing any provision of this Ordinance or otherwise in connection with any such provision;
  - (o) the payment of fees and charges in respect of the detention of any dog or cat or class of dogs or cats or any other thing under this Ordinance, and the measures to be taken to secure such payment, including the payment of deposits or the execution of bonds;
  - (p) the practice and procedure of the Board;
  - (q) the exemption, whether absolutely or subject to conditions, of any person or class of persons, or of any dog or cat or class of dogs or cats, from all or any of the provisions of this Ordinance, whether generally or in a particular case;
  - (r) generally, the carrying out of the purposes of this Ordinance.
- (2) Regulations made under this section may-
- (a) empower the Secretary to amend any Schedule to the regulations;
  - (b) empower the Director to-
    - (i) specify the manner in which any dog or class of dogs shall be identified;

- (ii) specify the form of applications and notices to be made or given under the regulations;
- (c) empower an authorized officer to give directions regarding the weighing, measuring and inspection, detention, confinement and the keeping under effective control of any dog or class of dogs;
- (d) create offences in respect of the contravention of any provision of the regulations, provide in respect of any such offence for the imposition of penalties not exceeding a fine at level 6 and imprisonment for 6 months, and specify defences, whether generally or in a particular case, which may be raised in any proceedings for any such offences;
- (e) provide that the owner or occupier of any land or premises or the owner or operator of any conveyance may be held to be vicariously liable for the contravention of any provision of the regulations;
- (f) provide for an appeal to be made to the Administrative Appeals Board against any specified decision or action made or taken by the Director or an authorized officer under any provision of the regulations;
- (g) provide for an application to be made to the Board in respect of the breed and classification of and other matters relating to dogs and cats, and for the determination of an application by the Board;
- (h) contain supplemental, incidental, consequential and transitional provisions for the carrying out of the purposes of this Ordinance.  
(Replaced 97 of 1997 s. 5)

4. (Repealed 71 of 1992 s. 53)

#### 5. Dangerous dogs

(Past version on 30/06/1997).

- (1) If it appears to a magistrate on complaint that any dog is dangerous and is not kept under effective control, the magistrate may make an order that the said dog be either destroyed or kept under effective control.
- (2) Such order may be made against any person who is a keeper of the dog.
- (3) If the person against whom the order is made fails to comply therewith he shall be liable to a fine of \$500 for every day on which he fails to comply therewith. (Amended L.N. 390 of 1981) (Amended 97 of 1997 s. 6) [cf. 1871 c. 56 s. 2 U.K.]

#### 5A. Authorized officers

### PART III

#### POWER OF AUTHORIZED OFFICERS, ETC.

(1) The Director may in writing authorize any person to exercise any of the powers or perform any of the duties conferred or imposed on an authorized officer under this Ordinance.

(2) The Director may exercise any of the powers or perform any of the duties conferred or imposed on an authorized officer under this Ordinance. (Added 97 of 1997 s. 7)

## 6. Powers of police officers and authorized officers

(Past version on 30/06/1997).

(1) Any police officer or any authorized officer may, on production of his authority, if required-

- (a) without a warrant issued under subsection (4) if it would not be reasonably practicable to apply for one-
  - (i) enter and search any premises or place (other than domestic premises), or board and search any conveyance, where he has reasonable cause to believe that there is any dog which he has reasonable cause to believe has as a result of its having inflicted any bite or attack on any person, whether in a public place or not, caused death or serious bodily injury to the person;
  - (ii) board and search any conveyance where he has reasonable cause to believe that there is any dog imported into Hong Kong in contravention of any regulation made under section 3(1)(d);
- (b) seize, remove and detain-
  - (i) any dog or cat which he has reasonable cause to believe to be suffering from any infectious disease;
  - (ii) any dog or cat in relation to which he has reasonable cause to believe an offence against any provision of this Ordinance has been committed;
  - (iii) any dog which he has reasonable cause to believe has inflicted any bite or attack on any person, whether in a public place or not;
- (c) subject to subsection (5), destroy-
  - (i) any dog in relation to which he has reasonable cause to believe an offence against any provision of this Ordinance has been committed;
  - (ii) any dog which he has reasonable cause to believe has as a result of its having inflicted any bite or attack on any person, whether in a public place or not, caused the death of the person;

- (iii) any dog which may be seized under paragraph (b), if having regard to all the circumstances of the case he has reasonable cause to believe that the seizure cannot be effected without a serious risk to public safety;
  - (iv) any dog which is ordered by a magistrate to be destroyed under section 5;
  - (v) any dog which has been surrendered for destruction under any regulation made under section 3(1)(m);
- (d) inspect, seize, remove and detain-
- (i) the body (or any part thereof) of any dog or cat which he has reasonable cause to believe has been slaughtered in contravention of any provision of this Ordinance;
  - (ii) the carcass or flesh of any dog or cat which he has reasonable cause to believe has been sold or used in contravention of any provision of this Ordinance;
- (e) seize, remove and detain anything which he has reasonable cause to believe to be or contain evidence of a contravention of any provision of this Ordinance;
- (f) for the carrying out of the purposes of any provision of this Ordinance-
- (i) require any person to declare immediately his name, address and contact telephone number;
  - (ii) require any person to produce for inspection immediately his proof of identity;
  - (iii) require a keeper of a dog to produce for inspection or otherwise furnish as soon as practicable any dog licence, any identifying marking or device, and any other information in respect of the dog;
  - (iv) weigh, measure and inspect a dog;
  - (v) in case there is reasonable cause to believe that any person has died or suffered bodily injury as a result of any bite or attack inflicted on him by a dog, whether in a public place or not, require any registered medical practitioner who has treated the person to furnish a medical certificate certifying the cause of the death or the bodily injury of the person.  
(Replaced 97 of 1997 s.8)

(2) Any police officer or any authorized officer may-

- (a) break open any outer or inner door of any premises or place which he is empowered to enter and search by or under this section;

- (b) forcibly enter any conveyance which he is empowered by this section to board and search;
  - (c) detain any person found in any such premises or place or on board any such conveyance until the same has been searched;
  - (d) remove by force any person or thing obstructing the exercise of any power under this section. (Amended 97 of 1997 s. 8)
- (3) (Repealed 71 of 1992 s. 53)

(4) If it appears to a magistrate upon the oath of any person that there is reasonable cause to believe that there is, in any premises or place or on any conveyance, any dog or cat or any other thing which may be seized under this Ordinance, or with respect to which an offence has been committed or is about to be committed against any provision of this Ordinance, the magistrate may, by warrant directed to any police officer or any authorized officer, empower such officer with such assistance as may be necessary by day or by night to enter the premises or place or the conveyance named in the warrant and there to search for and seize, remove and detain any such dog or cat or any such thing, as the case may be. (Replaced 97 of 1997 s. 8)

(5) No dog shall be destroyed under subsection (1)(c)(i) or (ii)-

- (a) unless a notice in writing of the decision to destroy the dog has been served by an authorized officer on the keeper of the dog; and
- (b) until the period within which an appeal may be lodged under section 16 has expired or, if an appeal is lodged under section 16, until the appeal has been disposed of, withdrawn or abandoned. (Replaced 97 of 1997 s. 8)

(6) For the purposes of subsection (1)(a), a person suffers serious bodily injury if he suffers any bodily injury of a kind which reasonably requires his being admitted to a hospital for treatment as an in-patient immediately following the infliction of the bodily injury. (Added 97 of 1997 s. 8)  
(Replaced 61 of 1967 s.5)

#### 7. Obstruction

(Past version on 30/06/1997).

Any person who obstructs any police officer or any authorized officer in the exercise of any power under this Ordinance commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 3 months. (Replaced 97 of 1997 s. 9)

#### 8. Failure to furnish information, etc.

If a requirement is made of a person under section 6(1)(f) and the person-

- (a) without reasonable excuse, fails to comply with the requirement; or
- (b) in purported compliance with the requirement-



- (i) makes a declaration, produces a document or furnishes any information that he knows to be false or misleading in a material particular; or
- (ii) recklessly makes a declaration, produces a document or furnishes any information that is false or misleading in a material particular, he commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 3 months. (Added 97 of 1997 s. 9)

## 9. Detention of dogs and cats

### PART IV

#### DETENTION OF DOGS AND CATS, ETC.

(1) Where a dog or cat or any other thing is seized under this Ordinance, it shall, unless it is destroyed under this Ordinance, be detained at such place and for such period as an authorized officer may specify.

(2) Where the place at which or the period for which a dog or cat or any other thing shall be detained under this Ordinance has been specified by an authorized officer under subsection (1), he shall forthwith serve a notice in writing of the specification on-

- (a) in the case of a dog or cat, its keeper;
- (b) in the case of any other thing, its owner, unless the keeper or the owner, as the case may be, is unknown to or cannot after reasonable inquiry be found or ascertained by the authorized officer, or is absent from Hong Kong. (Part IV added 97 of 1997 s. 10)

## 10. Power to vary period of detention

(1) A period of detention specified under section 9 in respect of a dog or cat or any other thing may be varied by an authorized officer in such manner as he thinks fit.

(2) Where a period of detention of a dog or cat or any other thing specified under section 9 has been varied by an authorized officer under subsection (1), he shall forthwith serve a notice in writing of the variation on-

- (a) in the case of a dog or cat, its keeper;
- (b) in the case of any other thing, its owner, unless the keeper or the owner, as the case may be, is unknown to or cannot after reasonable inquiry be found or ascertained by the authorized officer, or is absent from Hong Kong. (Part IV added 97 of 1997 s. 10)

## 11. Removal from detention, forfeiture, etc.

(1) (a) Where a dog or cat or any other thing is detained at any place under this Ordinance, no person shall remove the dog or cat or the thing from the place unless-

- (i) an application made by him to an authorized officer under paragraph (b) is accepted by the authorized officer; and
- (ii) the fees and charges payable in respect of the dog or cat or the thing, as the case may be, to the Director under this Ordinance have been paid.

(b) A person may apply in writing to an authorized officer for the removal of a dog or cat or any other thing from the place at which it is detained under this Ordinance.

(c) An authorized officer to whom an application is made under paragraph (b) may, where he considers appropriate, accept or refuse the application by serving a notice in writing of the acceptance or refusal, as the case may be, on the person by whom the application is made.

(d) A person who contravenes paragraph (a) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 3 months.

(2) Subject to subsection (3), where a dog or cat or any other thing has been detained under this Ordinance, and-

(a) the dog or cat or the thing, as the case may be, is not removed within 7 days after the expiry of the period of detention specified under section 9 or, in case the period has been varied under section 10, the varied period of detention, from the place at which it has been so detained by-

- (i) in the case of a dog or cat, its keeper;
- (ii) in the case of any other thing, its owner;

(b) the fees and charges payable in respect of the dog or cat or the thing, as the case may be, to the Director under this Ordinance are not paid within 7 days after demand therefor has been made; or

(c) within 7 days after the commencement of the detention-

- (i) in the case of a dog or cat, its keeper;
- (ii) in the case of any other thing, its owner; is unknown to or cannot after reasonable inquiry be found or ascertained by the Director, or is absent from Hong Kong, the Director may order the forfeiture of the dog or cat or the thing, as the case may be, in which case he may either retain it or cause it to be sold, destroyed or otherwise disposed of as he considers appropriate.

(3) The Director shall, before he orders forfeiture of a dog or cat or any

other thing under subsection (2), serve a notice in writing of his intention to order the forfeiture on-

- (a) in the case of a dog or cat, its keeper;
- (b) in the case of any other thing, its owner, unless the keeper or the owner, as the case may be, is unknown to or cannot after reasonable inquiry be found or ascertained by the Director, or is absent from Hong Kong.

(4) Where a dog or cat or any other thing is sold or is otherwise transferred pursuant to this section, the purchaser or transferee thereof shall acquire a good title.

(5) Where a dog or cat or any other thing is sold pursuant to this section, the Director shall as soon as is reasonably practicable after the sale serve a notice in writing on the keeper of the dog or cat or the owner of the thing, as the case may be, notifying him-

- (a) of the sale;
- (b) of the date of the sale;
- (c) of the fees and charges payable in respect of the dog or cat or the thing, as the case may be, to the Director under this Ordinance;
- (d) of the expenses of the sale; and
- (e) that unless he makes a demand for the proceeds of the sale

(after deducting the fees and charges described in paragraph (c) and the expenses of the sale described in paragraph (d)) within 1 month after the date of the service on him of the notice, the proceeds of the sale shall be paid into the general revenue, unless the keeper or the owner, as the case may be, is unknown to or cannot after reasonable inquiry be found or ascertained by the Director, or is absent from Hong Kong.

(6) The proceeds of a sale of a dog or cat or any other thing under this section, after deducting the fees and charges payable in respect of the dog or cat or the thing, as the case may be, to the Director under this Ordinance and the expenses of the sale, shall be paid on demand to the keeper of the dog or cat or the owner of the thing, as the case may be, if such demand is made-

- (a) where a notice has been served under subsection (5), within 1 month after the date of such service;
- (b) where a notice has not been served under subsection (5), within 1 month after the date of the sale.

(7) Where no demand is made within the period referred to in subsection (6)(a) or (b), as the case may be, the proceeds of the sale shall be paid into the general revenue. (Part IV added 97 of 1997 s. 10)

## 12. Liability for fees and charges

(1) Where a dog or cat is detained under this Ordinance, there shall be payable by its keeper to the Director on demand-

- (a) a detention fee at such rate, if any, as may be prescribed under this Ordinance; and
- (b) all fees and charges in respect of the dog or cat, including charges for transport to or from the place of detention and for any inspection and treatment in respect of the dog or cat.

(2) Where anything other than a dog or cat is detained under this Ordinance, there shall be payable by its owner to the Director on demand a detention fee at such rate, if any, as may be prescribed under this Ordinance. (Part IV added 97 of 1997 s. 10)

### 13. Dogs and Cats Classification Board

#### PART V

#### DOGS AND CATS CLASSIFICATION BOARD

(1) There shall be a board to be known as the Dogs and Cats Classification Board.

(2) The function of the Board shall be to determine any application made to the Board under any regulation made under section 3(2)(g).

(3) The Board shall consist of the following persons, each of whom shall be appointed by the Director as a member of the Board-

- (a) not more than 2 persons each of whom is nominated by at least 1 tertiary educational institution in Hong Kong;
- (b) not more than 2 persons each of whom is nominated by at least 1 animal welfare association in Hong Kong;
- (c) not more than 2 persons each of whom is nominated by at least 1 professional organization of persons entitled to practise as veterinary surgeons in Hong Kong;
- (d) not more than 2 persons who in the opinion of the Director represent the interests of persons carrying on the business of dog breeding in Hong Kong;
- (e) 1 person who is nominated by the Commissioner of Police; and
- (f) not more than 2 persons whom the Director considers suitable to be appointed as members of the Board.

(4) Subject to subsection (5), a member of the Board shall be appointed for a period of 2 years and shall, on ceasing to be a member, be eligible for reappointment.

(5) (a) A member of the Board may at any time by notice in writing to the Director resign from the Board.

(b) The Director may at any time and for any reason revoke the appointment of any person as a member of the Board.

(6) The Director shall cause a notice to be published in the Gazette in respect of an appointment under subsection (3) and of a resignation or revocation of appointment under subsection (5). (Part V added 97 of 1997 s. 10)

#### 14. Meetings of the Board

(1) (a) The members of the Board shall elect from amongst themselves a person to act as the Chairman.

(b) If the person elected under paragraph (a) is temporarily precluded by illness or any other cause from exercising his functions as the Chairman for any period, the members of the Board shall elect from amongst themselves another person to act as the Chairman during that period.

(c) At any meeting of the Board-

(i) the person elected under paragraph (a);

(ii) where for the time being another person has been elected to act as the Chairman under paragraph (b), that other person; or

(iii) where the person referred to in subparagraph (i) or (ii), as the case may be, is absent, the person elected by the members of the Board present at the meeting from amongst themselves to act as the Chairman, shall preside at the meeting as the Chairman of the Board.

(2) The Board shall meet at such time and place as may be specified under subsection (3).

(3) (a) Subject to paragraphs (b) and (c), the Chairman may at any time convene a meeting of the Board to be held at such time and place as he may specify by notice in writing served on the members of the Board.

(b) Upon requisition in writing of not less than 2 members of the Board, the Chairman shall, not later than 7 days after receipt of the requisition, convene a meeting of the Board to be held at such time and place as he may specify by notice in writing served on the members of the Board.

(c) The Chairman shall, not later than 7 days after receipt of a notice of any application made to the Board under any regulation made under section 3(2)(g), convene a meeting of the Board to be held at such time and place as he may specify by notice in writing served on the members of the Board, so as to determine the application.

- (4) The quorum at any meeting of the Board shall be 5 members.
- (5) The Board shall not at any of its meetings consist of a majority of members who are public officers, and any public officer acting as a member of the Board shall in exercising his functions as such a member-
- (a) act in his personal capacity only; and
  - (b) not be subject to any direction to which he might otherwise be subject in his capacity as a public officer.
- (6) Subject to the provisions of this Ordinance, the proceedings at any meeting of the Board shall be conducted in such manner as the Board may determine. (Part V added 97 of 1997 s. 10)

#### 15. Determination of applications to the Board

Upon an application made to the Board under any regulation made under section 3(2)(g), the Chairman presiding at the meeting of the Board determining the application shall issue a certificate to the person making the application setting out the determination of the Board. (Part V added 97 of 1997 s. 10)

#### 16. Appeals

##### PART VI

##### APPEALS

- (1) A person who is aggrieved by-
- (a) a decision by a police officer or an authorized officer under section 6(1)(c)(i) or (ii) to destroy a dog of which he is the keeper;
  - (b) a decision by an authorized officer under section 9 in specifying the place or period of detention under this Ordinance of a dog or cat of which he is the keeper or of any other thing of which he is the owner;
  - (c) a decision by an authorized officer under section 10 to vary the period of detention under this Ordinance of a dog or cat of which he is the keeper or of any other thing of which he is the owner;
  - (d) a decision by an authorized officer under section 11(1) to refuse an application for the removal from detention under this Ordinance of a dog or cat of which he is the keeper or of any other thing of which he is the owner;
  - (e) a decision by the Director under section 11(2) to order the forfeiture of a dog or cat of which he is the keeper or of any other thing of which he is the owner;
  - (f) a decision by the Director under section 17(2) to impose any condition in granting an exemption in respect of him under section 17, may,

within 28 days after receiving notice of the decision, appeal to the Administrative Appeals Board.

(2) (a) Where there is an appeal under subsection (1)(a), the decision that is appealed against shall be suspended in its operation as from the day on which the appeal is lodged until the appeal has been disposed of, withdrawn or abandoned.

(b) Where there is an appeal under subsection (1)(b) to (f), the appeal shall not affect the operation of the decision that is appealed against, unless the Director decides otherwise and the notice of the decision contains a statement to that effect. (Part VI added 97 of 1997 s. 10)

## 17. Exemption

### PART VII

#### MISCELLANEOUS

(1) The Director may, by notice published in the Gazette, exempt any person or class of persons or any dog or class of dogs from the provisions of any regulation made under this Ordinance, whether generally or in a particular case (whether or not by reference to any purpose or any circumstances), where he is satisfied that public and animal safety will not be endangered by such exemption.

(2) An exemption under subsection (1) shall be subject to such conditions, if any, as the Director may specify in the notice published in the Gazette in respect of the exemption pursuant to subsection (1).

(3) A person who contravenes a condition to which an exemption under subsection (1) is subject commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 3 months. (Part VII added 97 of 1997 s. 10)

## 18. General defence

It shall be a defence to a charge in respect of the contravention of any provision of this Ordinance for the person charged to prove-

(a) that the contravention was due to a mistake, an accident or some other cause beyond his control; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the contravention. (Part VII added 97 of 1997 s. 10)

## 19. Compensation

(1) Subject to subsection (2), where a dog has been destroyed under section 6(1)(c)(iii), the Director may, where he considers to be just and

equitable in all the circumstances of the case, including the conduct and relative blameworthiness of the keeper of the dog, pay to the keeper such sum of money as he thinks fit having regard to the market value of the dog immediately before it was destroyed.

(2) No money shall be payable under this section in respect of a dog in relation to which an offence against any provision of this Ordinance has been committed prior to its destruction. (Part VII added 97 of 1997 s. 10)

## 20. Service of notices, etc.

(1) For the purposes of this Ordinance, a notice or other document required to be served on or given to any person in writing by the Director or an authorized officer under this Ordinance shall be deemed to have been duly served or given, if-

(a) in the case of an individual, it has been-

- (i) delivered to him;
- (ii) left at his last known address; or
- (iii) sent by post to him at his last known address;

(b) in the case of a body corporate, it has been-

- (i) delivered to an officer of the body corporate;
- (ii) left at the last known address of the body corporate; or
- (iii) sent by post to the body corporate at the last known address of the body corporate;

(c) in the case of a partnership, it has been-

- (i) served on or given to any partner who is an individual pursuant to paragraph (a) as if he were an individual under that paragraph; or
- (ii) served on or given to any partner which is a body corporate pursuant to paragraph (b) as if it were a body corporate under that paragraph.

(2) For the purposes of section 16, a notice published in the Gazette pursuant to section 17 shall be deemed to be served on any person lodging an appeal under section 16 on the date of publication of the notice in the Gazette.

(Part VII added 97 of 1997 s. 10)

## 21. Saving

Any regulation made under section 3 immediately before the commencement of the Dogs and Cats (Amendment) Ordinance 1997 (97 of 1997) ("amending Ordinance") shall continue in force and have effect as if such regulation had



been made under section 3 as amended by the amending Ordinance. (Part VII added 97 of 1997 s. 10)