

《公眾衛生 (動物及禽鳥) (售賣及繁育) 規例》  
(第 139 章，附屬法例 B)

**Public Health (Animals and Birds) (Trading and Breeding) Regulations**  
(Cap. 139 sub. leg. B)

版本日期  
Version date  
1.2.2018

經核證文本  
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(Legislation Publication Ordinance (Cap. 614), section 5)

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條文 Provision	頁數 Page number	最後更新日期 Last updated date
主體 Main	1—38	1.2.2018
附表 Schedule	S-1—S-2	1.2.2018

**尚未實施的條文 / 修訂 ——**

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第 139B 章

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Cap. 139B

### 制定史

本為 1973 年第 93 號法律公告 —— 1973 年編正版，1974 年第 118 號法律公告，1988 年第 74 號法律公告，1988 年第 291 號法律公告，1990 年第 410 號法律公告，1995 年第 45 號法律公告，1996 年第 210 號法律公告，1997 年第 (C)113 號法律公告 (中文真確本)，1997 年第 524 號法律公告，1999 年第 331 號法律公告，2001 年第 219 號法律公告，2001 年第 262 號法律公告，2001 年第 263 號法律公告，2002 年第 76 號法律公告，2016 年第 64 號法律公告，2018 年第 1 號編輯修訂紀錄

### Enactment History

Originally L.N. 93 of 1973 — R. Ed. 1973, L.N. 118 of 1974, L.N. 74 of 1988, L.N. 291 of 1988, L.N. 410 of 1990, L.N. 45 of 1995, L.N. 210 of 1996, L.N. (C) 113 of 1997 (Chinese authentic version), L.N. 524 of 1997, L.N. 331 of 1999, L.N. 219 of 2001, L.N. 262 of 2001, L.N. 263 of 2001, L.N. 76 of 2002, L.N. 64 of 2016, E.R. 1 of 2018

## 《公眾衛生 (動物及禽鳥) (售賣及繁育) 規例》

## (第 139 章，附屬法例 B)

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## (Cap. 139 sub. leg. B)

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## 《公眾衛生 (動物及禽鳥) (售賣及繁育) 規例》

(2016 年第 64 號法律公告)

(第 139 章第 3 條)

[1973 年 4 月 27 日]

(格式變更——2018 年第 1 號編輯修訂紀錄)

### 1. 引稱

本規例可引稱為《公眾衛生 (動物及禽鳥) (售賣及繁育) 規例》。  
(2016 年第 64 號法律公告)

### 2. 釋義

在本規例中，除文意另有所指外——

**乙類繁育狗隻牌照** (dog breeder licence (category B)) 指根據第 5C(1) 條批給或續期的牌照；(2016 年第 64 號法律公告)

**戶外範圍** (outdoor area) 指用以飼養動物或禽鳥、供動物或禽鳥活動或困囿動物或禽鳥的戶外範圍或空間 (不論該範圍或空間有否容納一個基本圍封物)；

**出售** (sell) 就動物或禽鳥而言，包括以進行另一項交易為代價而轉讓動物或禽鳥的擁有權的行為，亦包括同意以進行另一項交易為代價而作該等轉讓的行為；(2016 年第 64 號法律公告)

**甲類繁育狗隻牌照** (dog breeder licence (category A)) 指根據第 5B(1) 條批給或續期的牌照；(2016 年第 64 號法律公告)

**狗隻繁育者** (dog breeder) 指作出以下作為的人——

## Public Health (Animals and Birds) (Trading and Breeding) Regulations

(L.N. 64 of 2016)

(Cap. 139, section 3)

[27 April 1973]

(Format changes—E.R. 1 of 2018)

### 1. Citation

These regulations may be cited as the Public Health (Animals and Birds) (Trading and Breeding) Regulations.  
(L.N. 64 of 2016)

### 2. Interpretation

In these regulations, unless the context otherwise requires—

**animal trader** (動物售賣商) means a person who sells, or offers to sell, animals or birds, but does not include—

- (a) a person selling, or offering to sell, any animal or bird kept by the person as a pet or any of its offspring; or
- (b) a dog breeder; (L.N. 64 of 2016)

**animal trader licence** (動物售賣商牌照) means a licence granted or renewed under regulation 5(1); (L.N. 64 of 2016)

**contravene** (違反) includes breach; (L.N. 64 of 2016)

**dog breeder** (狗隻繁育者) means a person who—

- (a) keeps one or more female dogs for breeding purposes; and

- (a) 為繁育狗隻而飼養一頭或多於一頭雌性狗隻；及
  - (b) 出售(或要約出售)任何該等狗隻或其後代；(2016 年第 64 號法律公告)
- 持牌人** (licensee) (就某牌照而言) 指持有該牌照的人；(2016 年第 64 號法律公告)
- 持牌動物售賣商** (licensed animal trader) 指持有動物售賣商牌照的人；(1990 年第 410 號法律公告；2016 年第 64 號法律公告)
- 畜舍設施** (housing facility) 指用以容納一個基本圍封物的房間、建築物或處所；
- 動物售賣商** (animal trader) 指出售(或要約出售)動物或禽鳥的人，但不包括——
- (a) 飼養動物或禽鳥作為寵物，並出售(或要約出售)該動物或禽鳥或其任何後代的人；或
  - (b) 狗隻繁育者；(2016 年第 64 號法律公告)
- 動物售賣商牌照** (animal trader licence) 指根據第 5(1) 條批給或續期的牌照；(2016 年第 64 號法律公告)
- 基本圍封物** (primary enclosure) 指用以將動物或禽鳥直接限制在有限空間的房間、圍欄、籠、隔室、棚屋或構築物；
- 單次許可證** (one-off permit) 指根據第 5H(3) 條批給的單次許可證；(2016 年第 64 號法律公告)
- 牌照** (licence) 指——
- (a) 動物售賣商牌照；或
  - (b) 繁育狗隻牌照；(2016 年第 64 號法律公告)
- 違反** (contravene) 包括觸犯；(2016 年第 64 號法律公告)
- 領有牌照的處所** (licensed premises) 指任何獲批給牌照的處所；(1990 年第 410 號法律公告；2016 年第 64 號法律公告)
- 潔淨** (sanitize) 指實際進行清潔，並除去和毀滅損害健康的媒體；(2016 年第 64 號法律公告)

- (b) sells, or offers to sell, any of those dogs or their offspring; (L.N. 64 of 2016)
- dog breeder licence** (繁育狗隻牌照) means—
- (a) a dog breeder licence (category A); or
  - (b) a dog breeder licence (category B); (L.N. 64 of 2016)
- dog breeder licence (category A)** (甲類繁育狗隻牌照) means a licence granted or renewed under regulation 5B(1); (L.N. 64 of 2016)
- dog breeder licence (category B)** (乙類繁育狗隻牌照) means a licence granted or renewed under regulation 5C(1); (L.N. 64 of 2016)
- housing facility** (畜舍設施) means a room, building or premises used to contain a primary enclosure;
- licence** (牌照) means—
- (a) an animal trader licence; or
  - (b) a dog breeder licence; (L.N. 64 of 2016)
- licensed animal trader** (持牌動物售賣商) means the holder of an animal trader licence; (L.N. 410 of 1990; L.N. 64 of 2016)
- licensed premises** (領有牌照的處所) means any premises in respect of which a licence is granted; (L.N. 410 of 1990; L.N. 64 of 2016)
- licensee** (持牌人), in relation to a licence, means the holder of the licence; (L.N. 64 of 2016)
- one-off permit** (單次許可證) means a one-off permit granted under regulation 5H(3); (L.N. 64 of 2016)
- outdoor area** (戶外範圍) means an outdoor area or space, whether containing a primary enclosure or not, used for the keeping, exercise or containment of animals or birds;



**繁育狗隻牌照** (dog breeder licence) 指 ——

- (a) 甲類繁育狗隻牌照；或
- (b) 乙類繁育狗隻牌照。(2016 年第 64 號法律公告)  
(2018 年第 1 號編輯修訂記錄)

### 3. 適用範圍

本規例適用於 ——

- (a) 所有動物，但牛隻、綿羊、山羊及豬除外；及
- (b) 所有禽鳥，但家禽除外。

### 4. 禁止無牌經營售賣動物等

(2016 年第 64 號法律公告)

- (1) 任何人 ——
  - (a) 除非持動物售賣商牌照，或根據第 5A(1) 條批給的豁免行事，否則不得經營動物售賣商業務；或 (2016 年第 64 號法律公告)
  - (b) 不得為經營其動物售賣商的業務，而在其獲批給動物售賣商牌照的處所以外的地方，飼養動物或禽鳥 (或同時飼養兩者)。 (2016 年第 64 號法律公告)
- (2) 如任何人為經營其動物售賣商的業務，而在不同的處所飼養動物或禽鳥 (或同時飼養兩者)，則該人須就每一該等處所，持有動物售賣商牌照。(2016 年第 64 號法律公告)  
(1990 年第 410 號法律公告)

**primary enclosure** (基本圍封物) means a room, pen, case, compartment, hutch, or structure, used to immediately restrict animals or birds to a limited amount of space;

**sanitize** (潔淨) means to physically clean, and to remove and destroy, agents injurious to health; (L.N. 64 of 2016)

**sell** (出售), in relation to an animal or bird, includes transfer, or agree to transfer, ownership of the animal or bird to a person in consideration of entry by the person into another transaction. (L.N. 64 of 2016)

### 3. Application

These regulations shall apply to—

- (a) all animals except cattle, sheep, goats and swine; and
- (b) all birds except poultry.

### 4. Prohibition of trading animals without licence etc.

(L.N. 64 of 2016)

- (1) A person must not— (L.N. 64 of 2016)
  - (a) carry on business as an animal trader otherwise than under an animal trader licence or an exemption granted under regulation 5A(1); or (L.N. 64 of 2016)
  - (b) keep animals or birds, or both, for the purpose of the person's business as an animal trader otherwise than at premises in respect of which the person is granted an animal trader licence. (L.N. 64 of 2016)
- (2) If a person keeps animals or birds, or both, for the purpose of the person's business as an animal trader at different premises, the person must hold an animal trader licence in respect of each of the premises. (L.N. 64 of 2016)

(L.N. 410 of 1990)



**4AA. 禁止無牌繁育狗隻等**

- (1) 任何人——
  - (a) 除非持有繁育狗隻牌照，否則不得以狗隻繁育者的身分行事；或
  - (b) 不得以狗隻繁育者的身分，在其獲批給繁育狗隻牌照的處所以外的地方，飼養狗隻。
- (2) 如任何人以狗隻繁育者的身分，在不同的處所飼養狗隻，則該人須就每一該等處所，持有繁育狗隻牌照。

(2016 年第 64 號法律公告)

**4AAB. 禁止飼養多於容許數目的狗隻**

如某人就某處所持有繁育狗隻牌照，則在任何時間，該人不得為繁育狗隻，而在該處所飼養數目多於該牌照就該處所指明者的雌性狗隻。

(2016 年第 64 號法律公告)

**4A. 禁止管有鵪鶉以與其他禽鳥一起出售**

任何人不得在同一處所管有鵪鶉及其他並非鵪鶉的禽鳥以供出售。

(2001 年第 219 號法律公告)

**4B. 禁止出售狗隻予未滿 16 歲人士**

- (1) 任何人不得出售狗隻予未滿 16 歲人士。
- (2) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款。

**4AA. Prohibition of breeding dogs without licence etc.**

- (1) A person must not—
  - (a) act as a dog breeder otherwise than under a dog breeder licence; or
  - (b) keep dogs as a dog breeder otherwise than at premises in respect of which the person is granted a dog breeder licence.
- (2) If a person keeps dogs as a dog breeder at different premises, the person must hold a dog breeder licence in respect of each of the premises.

(L.N. 64 of 2016)

**4AAB. Prohibition of keeping more dogs than permitted**

A person holding a dog breeder licence in respect of any premises must not at any time keep at the premises a greater number of female dogs for breeding purposes than the number specified for the premises in the licence.

(L.N. 64 of 2016)

**4A. Prohibition on possessing quails for sale with other birds**

No person shall possess for sale any quail, with any other bird (other than a quail), at the same premises.

(L.N. 219 of 2001)

**4B. Prohibition of selling dogs to persons under 16**

- (1) No person may sell a dog to any person under the age of 16 years.
- (2) A person who contravenes paragraph (1) commits an offence and is liable on conviction to a fine at level 5.

- (3) 被控犯第(2)款所訂罪行的被告，如證明在被指稱犯該罪行時，有合理理由相信，並且確實相信，購買有關狗隻的人已滿 16 歲，即為免責辯護。
- (4) 如有以下情況，援引上述免責辯護需證明的事實，視作已由被告證明——
  - (a) 有足夠證據就該事實帶出爭論點；及
  - (b) 控方沒有在排除合理疑點下，證明情況相反。

(2016 年第 64 號法律公告)

## 5. 署長批給動物售賣商牌照或將之續期的權力

(2016 年第 64 號法律公告)

- (1) 署長可應採用其指明的表格提出的申請，在附表指明的費用繳交後，向某人就某處所批給動物售賣商牌照，或將該牌照續期，以准許該人——
  - (a) 經營動物售賣商業務；及
  - (b) 為經營其動物售賣商業務，而在該處所飼養動物或禽鳥(或同時飼養兩者)。(2016 年第 64 號法律公告)
- (2) 除非署長信納申請人擬用以飼養動物或禽鳥(或同時飼養兩者)的有關處所的基本圍封物、畜舍設施及戶外範圍，均符合第 6 條指明的標準，否則不得批給動物售賣商牌照，或將該牌照續期。(2016 年第 64 號法律公告)
- (3) 署長可隨時——(2016 年第 64 號法律公告)
  - (a) 對動物售賣商牌照附加其認為合適的條件；及
  - (b) 修訂或撤銷如此附加的條件。(2016 年第 64 號法律公告)

- (3) It is a defence to a charge for an offence under paragraph (2) for a defendant to establish that, at the time the offence is alleged to have been committed, the defendant had reasonable cause to believe, and did believe, that the person to whom the dog was sold was not under the age of 16 years.
- (4) The defendant is taken to have established a fact that needs to be established for the defence if—
  - (a) there is sufficient evidence to raise an issue with respect to that fact; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

(L.N. 64 of 2016)

## 5. Power of Director to grant or renew animal trader licences

(L.N. 64 of 2016)

- (1) On application in the form specified by the Director and payment of the fee specified in the Schedule, the Director may grant to any person an animal trader licence in respect of any premises, or renew the licence, to—
  - (a) carry on business as an animal trader; and
  - (b) keep at the premises animals or birds, or both, for the purpose of the person's business as an animal trader.  
(L.N. 64 of 2016)
- (2) The Director must not grant or renew an animal trader licence unless the Director is satisfied that the primary enclosures, housing facilities and outdoor areas of the premises in which the applicant intends to keep the animals or birds, or both, conform to the standards specified in regulation 6. (L.N. 64 of 2016)
- (3) The Director may at any time— (L.N. 64 of 2016)

- (4) 動物售賣商牌照的有效期限為 12 個月，自批給或續期的日期起計。(2016 年第 64 號法律公告)
  - (5) (由 2016 年第 64 號法律公告廢除)
  - (6)-(7) (由 1990 年第 410 號法律公告廢除)
- (1999 年第 331 號法律公告)

#### 5A. 豁免持有動物售賣商牌照

- (1) 署長如信納某人是為了保護動物福利，而進行屬非牟利性質的真正領養活動，則可豁免該人，使其無須持有動物售賣商牌照。
- (2) 署長在斷定某人是否為了保護動物福利，而進行屬非牟利性質的真正領養活動時，可考慮一切有關因素，包括——
  - (a) 該人是否符合以下任何一項描述——
    - (i) 屬公共性質的慈善機構或慈善信託，並根據《稅務條例》(第 112 章)第 88 條獲豁免繳稅；
    - (ii) 《社團條例》(第 151 章)第 2(1)條所界定的社團，並已根據該條例第 5A(1)條註冊；
    - (iii) 《註冊受託人法團條例》(第 306 章)第 2(1)條所界定的團體或慈善組織，並已根據該條例第 4(1)條獲發給法團註冊證書；
    - (iv) 根據《公司條例》(第 622 章)或根據在註冊時有效的《公司條例》(第 32 章)註冊的公司；
  - (b) 保障和推廣保護動物福利，以及安排領養，是否該人的核心活動及服務之一；及

- (a) attach to an animal trader licence any condition the Director thinks fit; and
- (b) amend or revoke any condition so attached. (L.N. 64 of 2016)
- (4) An animal trader licence is valid for a period of 12 months beginning on the date the licence is granted or renewed. (L.N. 64 of 2016)
- (5) (Repealed L.N. 64 of 2016)
- (6)-(7) (Repealed L.N. 410 of 1990)

#### 5A. Exemption from holding an animal trader licence

- (1) If the Director is satisfied that a person is conducting genuine rehoming activities for animal welfare purposes on a non-profit-making basis, the Director may exempt the person from holding an animal trader licence.
- (2) In determining whether a person is conducting genuine rehoming activities for animal welfare purposes on a non-profit-making basis, the Director may take into account all relevant factors, including—
  - (a) whether the person falls within any of the following descriptions—
    - (i) a charitable institution or trust of a public character that is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112);
    - (ii) a society as defined by section 2(1) of the Societies Ordinance (Cap. 151) and registered under section 5A(1) of that Ordinance;
    - (iii) a body of persons, or charity, as defined by section 2(1) of the Registered Trustees Incorporation Ordinance (Cap. 306), which has been granted a

- (c) 該人有否已聘用根據《獸醫註冊條例》(第 529 章) 第 2 條所界定的註冊獸醫，擔任動物健康及福利的顧問。
- (3) 署長可隨時 ——
- (a) 對豁免附加其認為合適的條件；及
- (b) 修訂或撤銷如此附加的條件。
- (4) 如有以下情況，署長可隨時撤銷豁免 ——
- (a) 該項豁免的任何條件遭違反；或
- (b) 獲批給豁免的人不再令署長信納，該人是為了保護動物福利，而進行屬非牟利性質的真正領養活動。
- (5) 署長只可 ——
- (a) 就某一固定期間批給豁免；及
- (b) 每次就一段固定期間，將豁免續期。

(2016 年第 64 號法律公告)

**5B. 署長批給甲類繁育狗隻牌照或將之續期的權力**

- (1) 署長可應採用其指明的表格提出的申請，在附表指明的

- certificate of incorporation under section 4(1) of that Ordinance;
- (iv) a company registered under the Companies Ordinance (Cap. 622) or under the Companies Ordinance (Cap. 32) as in force at the time of the registration;
- (b) whether the protection and promotion of animal welfare and rehoming are amongst the core activities and services of the person; and
- (c) whether the person engages the services of a registered veterinary surgeon as defined by section 2 of the Veterinary Surgeons Registration Ordinance (Cap. 529) to act as an advisor on animal health and welfare.
- (3) The Director may at any time—
- (a) attach to an exemption any condition the Director thinks fit; and
- (b) amend or revoke any condition so attached.
- (4) The Director may at any time revoke an exemption if—
- (a) any condition of the exemption has been contravened; or
- (b) the person to whom the exemption is granted no longer satisfies the Director that the person is conducting genuine rehoming activities for animal welfare purposes on a non-profit-making basis.
- (5) The Director may only—
- (a) grant an exemption for a fixed period; and
- (b) renew an exemption, each time for a fixed period.

(L.N. 64 of 2016)

**5B. Power of Director to grant or renew dog breeder licences (category A)**

費用繳交後，向某名個人就某處所批給甲類繁育狗隻牌照，或將該牌照續期，以准許該人——

- (a) 在任何時間，為繁育狗隻，而在該處所飼養數目不多於該牌照就該處所指明者的雌性狗隻；及
  - (b) 出售(或要約出售)任何該等狗隻或其後代。
- (2) 就第(1)(a)款而言，署長可指明最多 4 頭雌性狗隻。
  - (3) 除非署長信納申請人擬用以飼養狗隻的有關處所的基本圍封物、畜舍設施及戶外範圍，均符合第 6 條指明的標準，否則不得批給甲類繁育狗隻牌照，或將該牌照續期。
  - (4) 署長可隨時——
    - (a) 對甲類繁育狗隻牌照附加其認為合適的條件；及
    - (b) 修訂或撤銷如此附加的條件。
  - (5) 甲類繁育狗隻牌照的有效期為 12 個月，自牌照批給或續期的日期起計。
  - (6) 任何個人在任何時間，只可持有 1 個甲類繁育狗隻牌照。

(2016 年第 64 號法律公告)

#### 5C. 署長批給乙類繁育狗隻牌照或將之續期的權力

- (1) 署長可應採用其指明的表格提出的申請，在附表指明的費用繳交後，向某人就某處所批給乙類繁育狗隻牌照，或將該牌照續期，以准許該人——

- (1) On application in the form specified by the Director and payment of the fee specified in the Schedule, the Director may grant to any individual a dog breeder licence (category A) in respect of any premises, or renew the licence, to—
  - (a) at any time keep at the premises up to the number of female dogs for breeding purposes that is specified for the premises in the licence; and
  - (b) sell, or offer to sell, any of those dogs or their offspring.
- (2) For subsection (1)(a), the Director may specify up to 4 female dogs.
- (3) The Director must not grant or renew a dog breeder licence (category A) unless the Director is satisfied that the primary enclosures, housing facilities and outdoor areas of the premises in which the applicant intends to keep the dogs conform to the standards specified in regulation 6.
- (4) The Director may at any time—
  - (a) attach to a dog breeder licence (category A) any condition the Director thinks fit; and
  - (b) amend or revoke any condition so attached.
- (5) A dog breeder licence (category A) is valid for a period of 12 months beginning on the date the licence is granted or renewed.
- (6) An individual may at any time hold only 1 dog breeder licence (category A).

(L.N. 64 of 2016)

#### 5C. Power of Director to grant or renew dog breeder licences (category B)

- (1) On application in the form specified by the Director and payment of the fee specified in the Schedule, the Director



- (a) 在任何時間，為繁育狗隻，而在該處所飼養數目不多於該牌照就該處所指明者的雌性狗隻；及
- (b) 出售（或要約出售）——
  - (i) 任何該等狗隻或其後代；及
  - (ii) 從牌照指明的來源取得的任何狗隻。
- (2) 除非署長信納申請人擬用以飼養狗隻的有關處所的基本圍封物、畜舍設施及戶外範圍，均符合第 6 條指明的標準，否則不得批給乙類繁育狗隻牌照，或將該牌照續期。
- (3) 署長可隨時 ——
  - (a) 對乙類繁育狗隻牌照附加其認為合適的條件；及
  - (b) 修訂或撤銷如此附加的條件。
- (4) 乙類繁育狗隻牌照的有效期限為 12 個月，自牌照批給或續期的日期起計。

(2016 年第 64 號法律公告)

**5D. 補充第 5、5B 及 5C 條的條文 —— 處所**

署長只可就 1 個處所批給 1 個牌照。

(2016 年第 64 號法律公告)

**5E. 補充第 5、5B 及 5C 條的條文 —— 個人**

- (1) 除非符合以下情況，否則署長不得向任何個人批給牌照，或將任何個人持有的牌照續期 ——

- may grant to any person a dog breeder licence (category B) in respect of any premises, or renew the licence, to—
- (a) at any time keep at the premises up to the number of female dogs for breeding purposes that is specified for the premises in the licence; and
  - (b) sell, or offer to sell—
    - (i) any of those dogs or their offspring; and
    - (ii) any dogs from sources specified in the licence.
  - (2) The Director must not grant or renew a dog breeder licence (category B) unless the Director is satisfied that the primary enclosures, housing facilities and outdoor areas of the premises in which the applicant intends to keep the dogs conform to the standards specified in regulation 6.
  - (3) The Director may at any time—
    - (a) attach to a dog breeder licence (category B) any condition the Director thinks fit; and
    - (b) amend or revoke any condition so attached.
  - (4) A dog breeder licence (category B) is valid for a period of 12 months beginning on the date the licence is granted or renewed.

(L.N. 64 of 2016)

**5D. Provision supplementary to regulations 5, 5B and 5C— premises**

The Director may only grant 1 licence in respect of 1 premises.

(L.N. 64 of 2016)

**5E. Provision supplementary to regulations 5, 5B and 5C— individuals**

- (1) The Director must not grant a licence to an individual, or

- (a) 該人在申請牌照當日，已滿 18 歲；及
- (b) 該人令署長信納，該人是持有該牌照的適當人選。
- (2) 署長在斷定某名個人是否持有牌照的適當人選時，可考慮一切有關因素，包括——
  - (a) 該人曾否被裁定犯本條例或《防止殘酷對待動物條例》(第 169 章) 第 3 條所訂罪行；
  - (b) 附加於該人所持有(或過往持有)的牌照的條件，曾否遭違反；及
  - (c) 該人過往持有的牌照，曾否遭取消。

(2016 年第 64 號法律公告)

#### 5F. 補充第 5、5B 及 5C 條的條文——法人團體或合夥

- (1) 除非符合以下情況，否則署長不得向任何法人團體或合夥批給動物售賣商牌照或乙類繁育狗隻牌照，或將其持有的牌照續期——
  - (a) 該法人團體或合夥令署長信納，它是持有該牌照的適當人選；
  - (b) 該法人團體或合夥已授權某名個人，為該牌照而擔任它的代表；及
  - (c) 該名個人令署長信納，該人是適當人選，管理該法人團體或合夥獲該牌照准許進行的業務。

renew a licence held by an individual, unless—

- (a) the individual has attained the age of 18 years at the date of application for the licence; and
- (b) the individual satisfies the Director that the individual is a suitable person to hold the licence.
- (2) In determining whether an individual is a suitable person to hold a licence, the Director may take into account all relevant factors, including—
  - (a) whether the individual has been convicted of an offence under the Ordinance or section 3 of the Prevention of Cruelty to Animals Ordinance (Cap. 169);
  - (b) whether any condition attached to a licence held, or previously held, by the individual has been contravened; and
  - (c) whether any licence previously held by the individual has been cancelled.

(L.N. 64 of 2016)

#### 5F. Provision supplementary to regulations 5, 5B and 5C—bodies corporate or partnerships

- (1) The Director must not grant an animal trader licence or dog breeder licence (category B) to a body corporate or partnership, or renew a licence held by a body corporate or partnership, unless—
  - (a) the body corporate or partnership satisfies the Director that it is a suitable person to hold the licence;
  - (b) the body corporate or partnership has authorized an individual to act as its representative for the purpose of the licence; and



- (2) 署長在斷定某法人團體或合夥是否持有動物售賣商牌照或乙類繁育狗隻牌照的適當人選時，可考慮一切有關因素，包括——
- 該法人團體或合夥曾否被裁定犯本條例或《防止殘酷對待動物條例》(第 169 章)第 3 條所訂罪行；
  - 附加於該法人團體或合夥持有(或過往持有)的牌照的條件，曾否遭違反；及
  - 該法人團體或合夥過往持有的牌照，曾否遭取消。
- (3) 署長在斷定某名個人是否管理某法人團體或合夥獲牌照准許進行的業務的適當人選時，可考慮一切有關因素，包括——
- 該人曾否被裁定犯本條例或《防止殘酷對待動物條例》(第 169 章)第 3 條所訂罪行；
  - 附加於任何以下牌照的條件，曾否遭違反——
    - 該人持有(或過往持有)的牌照；
    - 任何法人團體或合夥持有(或過往持有)的牌照，而該人獲該法人團體或合夥授權為該牌照而擔任它的代表；及
  - 曾否有任何以下牌照遭取消——
    - 該人過往持有的牌照；
    - 任何法人團體或合夥過往持有的牌照，而該人曾獲該法人團體或合夥授權為該牌照而擔任它的代表。
- (4) 如持牌人是法人團體或合夥並已授權某名個人(原來的代表)為該牌照而擔任它的代表，該持牌人可在署長批准下，以另一名個人(替代者)，代替原來的代表。
- (5) 除非替代者令署長信納，替代者是適當人選，管理有關法人團體或合夥獲有關牌照准許進行的業務，否則署長不得給予第(4)款所指的批准。

(2016 年第 64 號法律公告)

- the individual satisfies the Director that the individual is a suitable person to manage the operation of the body corporate or partnership permitted by the licence.
- (2) In determining whether a body corporate or partnership is a suitable person to hold an animal trader licence or dog breeder licence (category B), the Director may take into account all relevant factors, including—
- whether the body corporate or partnership has been convicted of an offence under the Ordinance or section 3 of the Prevention of Cruelty to Animals Ordinance (Cap. 169);
  - whether any condition attached to a licence held, or previously held, by the body corporate or the partnership has been contravened; and
  - whether any licence previously held by the body corporate or partnership has been cancelled.
- (3) In determining whether an individual is a suitable person to manage the operation of a body corporate or partnership permitted by a licence, the Director may take into account all relevant factors, including—
- whether the individual has been convicted of an offence under the Ordinance or section 3 of the Prevention of Cruelty to Animals Ordinance (Cap. 169);
  - whether any condition attached to any of the following licences has been contravened—
    - a licence held, or previously held, by the individual;
    - a licence held, or previously held, by a body corporate or partnership for which the individual is or was authorized by the body corporate or partnership to act as its representative; and

**5G. 補充第 5、5B 及 5C 條的條文——取消**

- (1) 如署長認為有以下情況，則署長可取消牌照——
- (a) (在任何情況下)持牌人不再是持有該牌照的適當人選；
  - (b) (如持牌人是法人團體或合夥)獲持牌人授權擔任其代表的個人，不再是管理該法人團體或合夥獲該牌照准許進行的業務的適當人選；或
  - (c) 附加於該牌照的條件遭違反。
- (2) 署長不得未經給予持牌人陳詞的機會，而取消其牌照。

(2016 年第 64 號法律公告)

- (c) whether any of the following licences has been cancelled—
  - (i) a licence previously held by the individual;
  - (ii) a licence previously held by a body corporate or partnership for which the individual was authorized by the body corporate or partnership to act as its representative.
- (4) If a licensee is a body corporate or partnership, the licensee may, with the approval of the Director, substitute another individual (*substitute individual*) for the individual who has been authorized by the licensee to act as its representative for the purpose of the licence.
- (5) The Director must not give approval under paragraph (4) unless the substitute individual satisfies the Director that the individual is a suitable person to manage the operation of a body corporate or partnership permitted by the licence.

(L.N. 64 of 2016)

**5G. Provision supplementary to regulations 5, 5B and 5C—cancellation**

- (1) The Director may cancel a licence if the Director considers that—
- (a) in any case—the licensee is no longer a suitable person to hold the licence;
  - (b) if the licensee is a body corporate or partnership—the individual authorized by the licensee to act as its representative is no longer a suitable person to manage the operation of the body corporate or partnership permitted by the licence; or
  - (c) any condition attached to the licence has been contravened.

**5H. 在沒有牌照的情況下憑單次許可證出售狗隻**

- (1) 本條不適用於根據牌照出售(或要約出售)的狗隻。
- (2) 除非持有單次許可證,否則任何人不得出售(或要約出售)狗隻。
- (3) 署長可應採用其指明的表格提出的申請,在附表指明的費用繳交後,向某名個人就某狗隻批給單次許可證,以准許該人出售及要約出售該狗隻。
- (4) 署長可對單次許可證附加其認為合適的條件。
- (5) 就本條而言,單次許可證所關乎的狗隻一經出售,該許可證即屬經使用。
- (6) 未經使用的單次許可證,在自批給日期起計的 6 個月期間屆滿時不再有效。
- (7) 除非符合以下情況,否則不得就某狗隻向某名個人批給單次許可證——
  - (a) 該人在申請許可證當日已滿 18 歲;及
  - (b) 該人已在緊接申請日期之前的連續 4 個月,以持牌飼養人的身分,飼養該狗隻。
- (8) 署長於每段 4 年期間內,最多可向某名個人批給 2 張單次許可證,而該 4 年期間,自就該期間批給的第一張許可證當日起計。
- (9) 就第 (8) 款而言,如在一段 4 年期間屆滿後,再批給單次許可證,則自該許可證的日期起,重新計算另一段 4 年期間。
- (10) 單次許可證持有人在使用許可證前(不論其已否失效),可交還該許可證,方式為將其送回署長。

- (2) The Director must not cancel a licence without first giving the licensee an opportunity of being heard.

*(L.N. 64 of 2016)*

**5H. One-off permit to sell dog without licence**

- (1) This regulation does not apply in relation to a dog that is sold, or offered to be sold, under a licence.
- (2) A person must not sell, or offer to sell, a dog otherwise than under a one-off permit.
- (3) On application in the form specified by the Director and payment of the fee specified in the Schedule, the Director may grant a one-off permit in respect of a dog to any individual to sell, and offer to sell, the dog.
- (4) The Director may attach to a one-off permit any condition the Director thinks fit.
- (5) For this regulation, a one-off permit is used once the sale of the dog to which the permit relates is concluded.
- (6) A one-off permit that is not used ceases to be valid on the expiry of the 6-month period beginning on the date on which the permit is granted.
- (7) The Director must not grant a one-off permit to an individual in respect of a dog unless—
  - (a) the individual has attained the age of 18 years at the date of application for the permit; and
  - (b) the individual has kept the dog for 4 consecutive months as a licensed keeper immediately before the date of application.
- (8) The Director may grant a maximum of 2 one-off permits to an individual within a period of 4 years beginning on the date the first of the permits for the period is granted.

- (11) 就第(8)及(9)款而言，根據第(10)款交還的單次許可證不作一張單次許可證計算。
- (12) 在本條中——
- 持牌飼養人** (licensed keeper) 指《狂犬病條例》(第 421 章) 第 2 條界定的畜養人，而該畜養人根據《狂犬病規例》(第 421 章，附屬法例 A) 第 19A(1) 條獲發給牌照。

(2016 年第 64 號法律公告)

## 6. 基本圍封物等的標準

- (1) 基本圍封物須——
- (a) 結構良好並保持維修良好；
  - (b) 在設計方面足以困圍在內飼養的動物或禽鳥，並能保護牠們免受傷害和免被捕食；
  - (c) 在構造和保養方面能使在內飼養的動物或禽鳥——
    - (i) 保持乾爽清潔；
    - (ii) 方便取得食物和水；及
    - (iii) 自由地走動和舒適地站立、坐下、躺臥與棲息；及
  - (d) 設於能避免照明過強的位置。
- (2) 畜舍設施須——
- (a) 結構良好並保持維修良好；

- (9) For paragraph (8), a fresh 4-year period begins on the date a one-off permit is granted after a preceding 4-year period expires.
- (10) The holder of a one-off permit may surrender the permit by returning it to the Director before it is used, whether or not it has ceased to be valid.
- (11) For paragraphs (8) and (9), a one-off permit surrendered under paragraph (10) is not counted as a one-off permit.
- (12) In this regulation—

**licensed keeper** (持牌飼養人) means a keeper as defined by section 2 of the Rabies Ordinance (Cap. 421) who has been granted a licence under section 19A(1) of the Rabies Regulation (Cap. 421 sub. leg. A).

(L.N. 64 of 2016)

## 6. Standards of primary enclosures, etc.

- (1) A primary enclosure shall be—
- (a) structurally sound and maintained in good repair;
  - (b) so designed as to contain adequately the animals or birds kept therein and to protect them from injury and predators;
  - (c) so constructed and maintained as to enable the animals or birds kept therein to—
    - (i) remain dry and clean;
    - (ii) have convenient access to food and water; and
    - (iii) move about freely and to stand, sit, lie and perch comfortably; and
  - (d) so located as to avoid excessive illumination.
- (2) Housing facilities shall—

- (b) 在設計方面足以困囿在內飼養的動物及禽鳥，並能限制其他動物及禽鳥進入；
  - (c) 設有足夠的適合飲用的水供應及設有適當的排水設施讓過量的水流走；
  - (d) 提供足夠的空間以供貯存新鮮食物及臥墊；
  - (e) 設有可將動物或禽鳥的廢物、食物廢物、用過的臥墊、已死的動物或禽鳥及殘物移走和處置的設施，以將蟲鼠侵擾、污染、令人噁心的氣味和發生疾病的風險減至最低；
  - (f) 透過窗、門、通風孔或空氣調節提供足夠的新鮮空氣通風，以促進在內飼養的動物或禽鳥的健康和舒適，並將陣風、氣味和水分冷凝減至最低；
  - (g) 藉天然或人工的方法，或藉兩者兼備的方法，提供充足而優質的照明，而照明的分佈須能提供足夠的光度以容許在營業時間內進行例行檢查和清潔；及
  - (h) 設有實質上不透水分且可易於潔淨的內層表面。
- (3) 戶外範圍須提供——
- (a) 足夠的遮蔭，使在內飼養的動物或禽鳥能保護自己免受陽光直接照射；
  - (b) 足夠的遮蔽物，在天氣惡劣時為在內飼養的動物或禽鳥提供保護；及
  - (c) 適當的排水設施讓過量的水流走。

- (a) be structurally sound and maintained in good repair;
  - (b) so designed as to contain adequately the animals and birds kept therein and to restrict the entrance of other animals and birds;
  - (c) contain an adequate supply of potable water and a suitable drainage for the escape of excess water;
  - (d) provide sufficient space for the storage of fresh food and bedding;
  - (e) provide for the removal and disposal of animal or bird waste, food waste, used bedding, dead animals or birds and debris so as to minimize infestation, contamination, nauseating odours and the risk of disease;
  - (f) be provided with sufficient fresh air ventilation, by means of windows, doors, vents or air conditioning, to promote the health and comfort of the animals or birds kept therein and to minimize draughts, odours and moisture condensation;
  - (g) have ample lighting, by natural or artificial means or both, of good quality and so distributed as to provide sufficient light intensity to permit routine inspection and cleaning during trading hours; and
  - (h) contain interior surfaces which are substantially impervious to moisture and may be readily sanitized.
- (3) An outdoor area shall provide—
- (a) sufficient shade to enable the animals or birds kept therein to protect themselves from the direct rays of the sun;
  - (b) adequate shelter to afford to the animals or birds kept therein protection in inclement weather; and
  - (c) suitable drainage for the escape of excess water.



**7. 禁止在批給牌照後作出更改**

凡牌照一經批給，持牌人除非獲署長書面許可，否則不得在批給後對基本圍封物、畜舍設施或戶外範圍作出任何重大的更改或修改。

(1999 年第 331 號法律公告)

**8. (由 1990 年第 410 號法律公告廢除)****9. 畜牧及衛生**

持牌人須遵從以下規定 —— (2016 年第 64 號法律公告)

- (a) 畜舍設施、基本圍封物及戶外範圍須保持清潔衛生；
- (b) 每天須將所有排泄物及其他廢物移離領有牌照的處所不少於一次；
- (c) 須有一個控制和消滅領有牌照的處所內的昆蟲、外寄生蟲、鳥類及哺乳類害蟲的計劃，該計劃由署長批准，並須維持該計劃以達署長滿意的程度；(1999 年第 331 號法律公告)
- (d) 供給動物或禽鳥的食物必須足夠、不受污染、衛生和有營養；
- (e) 供應給動物或禽鳥的水須適合飲用和不經污染；
- (f) 盛載食物和水的盛器須 ——
  - (i) 設置在動物及禽鳥輕易可達之處；
  - (ii) 保持清潔；及
  - (iii) 按需要定期潔淨，以防止食物和水受污染；及
- (g) 須備有消毒劑供應以供潔淨之用。

**7. Prohibition of alterations after grant of licence**

Where a licence has been granted, the licensee shall not, thereafter, save with the permission in writing of the Director, make any material alteration or modification to the primary enclosure, housing facilities or outdoor area.

**8. (Repealed L.N. 410 of 1990)****9. Husbandry and sanitation**

A licensee must comply with the following requirements—  
(L.N. 64 of 2016)

- (a) the housing facilities, primary enclosure and outdoor area shall be maintained in a clean and sanitary condition;
- (b) all excretal and other waste matter shall be removed from the licensed premises not less than once a day;
- (c) a programme for the control and destruction of insects, ectoparasites, avian and mammalian pests on the licensed premises shall be approved by, and maintained to the satisfaction of, the Director;
- (d) the food served to the animals or birds shall be adequate, free from contamination, wholesome and nutritive;
- (e) the water supplied to the animals or birds shall be potable and uncontaminated;
- (f) food and water receptacles shall be—
  - (i) readily accessible to animals and birds;
  - (ii) kept clean; and
  - (iii) sanitized at such intervals as may be necessary to prevent contamination of the food and water; and

**10. 某些動物或禽鳥須予分開**

- (1A) 本條只適用於根據牌照飼養的動物及禽鳥。(2016 年第 64 號法律公告)
- (1) 除非動物或禽鳥屬於相同或相容的屬，否則不得安置在同一基本圍封物內。
- (2) 即使牠們屬於相同或相容的屬——
- (a) 處於發情期(動情期)的雌性不得與雄性安置在同一基本圍封物內，但為進行繁殖則除外；
- (b) 性情兇猛的動物或禽鳥須個別安置在獨立的基本圍封物內；
- (c) 除非是為永久地在繁殖群體中畜養，否則年幼的動物或禽鳥不得與成年的動物或禽鳥安置在同一基本圍封物內，但如該成年的動物或禽鳥是其母或相當於其母者則除外；及
- (d) 正接受傳染病治療的動物或禽鳥須與其他動物或禽鳥分開。

**11. 禁止行販**

任何人不得行販動物或禽鳥。

**12. 不得出售未斷奶的動物**

任何人不得出售未斷奶的動物。

**13. 罪行及罰則**

- (g) a supply of disinfectants shall be available for purposes of sanitation.

**10. Certain animals or birds to be kept separate**

- (1A) This regulation applies only in relation to animals and birds kept under a licence. (L.N. 64 of 2016)
- (1) Animals or birds shall not be housed in the same primary enclosure unless they are of the same, or of a compatible, genus.
- (2) Notwithstanding that they are of the same, or of a compatible, genus—
- (a) females in season (oestrus) shall not be housed in the same primary enclosure with males except for breeding purposes;
- (b) animals or birds of vicious disposition shall be housed individually in separate primary enclosures;
- (c) except where permanently maintained in breeding colonies, young animals or birds shall not be housed in the same primary enclosure with any adult animals or birds other than their dams or equivalent; and
- (d) animals or birds under treatment for a communicable disease shall be kept separate from other animals or birds.

**11. Prohibition on hawking**

No person shall hawk an animal or bird.

**12. Unweaned animals not to be sold**

No person shall sell an unweaned animal.

**13. Offences and penalties**



- (1) 任何人違反第 4(1)(a)、4AA(1)(a)、4AAB、4A、5H(2)、11 或 12 條，即屬犯罪，一經定罪，可處第 6 級罰款。(1990 年第 410 號法律公告；2001 年第 219 號法律公告；2001 年第 263 號法律公告；2016 年第 64 號法律公告)
- (2) 任何持牌人如違反——(2016 年第 64 號法律公告)
  - (a) 附加於其牌照的任何條件；或 (2016 年第 64 號法律公告)
  - (b) 第 4(1)(b)、4AA(1)(b)、7、9、10 或 16(4) 條，(1990 年第 410 號法律公告；2016 年第 64 號法律公告)  
即屬犯罪，一經定罪，可處第 5 級罰款。(2016 年第 64 號法律公告)
- (3) 單次許可證持有人如違反附加於其許可證的任何條件，即屬犯罪，一經定罪，可處第 5 級罰款。(2016 年第 64 號法律公告)

14. (已失時效而略去——2018 年第 1 號編輯修訂紀錄)

15. (由 2016 年第 64 號法律公告廢除)

#### 16. 現行持牌動物售賣商的過渡安排

- (1) 在緊接生效日期前有效的動物售賣商牌照，在其條款的規限下持續有效，直至屆滿為止。
- (2) 符合以下說明的人士可於生效日期當日或之後，在某處所以狗隻繁育者的身分行事——
  - (a) 該人就該處所是持牌動物售賣商，而在緊接生效日期前，其牌照是有效的；及
  - (b) 該人根據該牌照，獲准為繁育狗隻而在該處所飼養雌性狗隻。
- (3) 第 (2) 款並不准許該款描述的人，在其持有的動物售賣商牌照屆滿後，以狗隻繁育者的身分行事。

- (1) Any person who contravenes regulation 4(1)(a), 4AA(1)(a), 4AAB, 4A, 5H(2), 11 or 12 commits an offence and is liable on conviction to a fine at level 6. (L.N. 410 of 1990; L.N. 219 of 2001; L.N. 263 of 2001; L.N. 64 of 2016)
- (2) A licensee who contravenes— (L.N. 64 of 2016)
  - (a) any condition attached to the licence; or (L.N. 64 of 2016)
  - (b) regulation 4(1)(b), 4AA(1)(b), 7, 9, 10 or 16(4), (L.N. 410 of 1990; L.N. 64 of 2016)  
commits an offence and is liable on conviction to a fine at level 5. (L.N. 64 of 2016)
- (3) The holder of a one-off permit who contravenes any condition attached to the permit commits an offence and is liable on conviction to a fine at level 5. (L.N. 64 of 2016)

14. (Omitted as spent—E.R. 1 of 2018)

15. (Repealed L.N. 64 of 2016)

#### 16. Transitional arrangements for existing licensed animal traders

- (1) An animal trader licence that is valid immediately before the commencement date remains valid subject to its terms until its expiry.
- (2) A person may act as a dog breeder at any premises on or after the commencement date if—
  - (a) the person is a licensed animal trader in respect of the premises, and the licence is valid immediately before the commencement date; and
  - (b) the person is permitted to keep female dogs for breeding purposes at the premises under that licence.

- (4) 如某人在緊接生效日期前，就某處所持有准許其出售狗隻的動物售賣商牌照，則在該牌照屆滿前，該人只可出售 (或要約出售) 以下狗隻——
- (a) 在緊接生效日期前，根據該牌照在該處所飼養的狗隻；
  - (b) 在生效日期或之後，合法進口的狗隻；
  - (c) 在生效日期或之後，循以下途徑取得的狗隻——
    - (i) 從持牌動物售賣商取得；
    - (ii) 從持有牌照的狗隻繁育者取得；或
    - (iii) 根據單次許可證取得；或
  - (d) (就根據第 (2) 款以狗隻繁育者的身分行事的人而言) 在該處所繁育的狗隻。
- (5) 在本條中——

\* **生效日期** (commencement date) 指《2016 年公眾衛生 (動物及禽鳥) (動物售賣商) (修訂) 規例》開始實施的日期。

(2016 年第 64 號法律公告)

編輯附註：

\* 生效日期：2017 年 3 月 20 日。

- (3) Paragraph (2) does not permit a person described in that paragraph to act as a dog breeder after the animal trader licence held by the person expires.
- (4) A person who immediately before the commencement date holds an animal trader licence, under which the person is permitted to sell dogs, in respect of a premises may until its expiry only sell, or offer to sell, dogs that are—
- (a) kept at the premises immediately before the commencement date under the licence;
  - (b) legally imported on or after the commencement date;
  - (c) acquired on or after the commencement date—
    - (i) from a licensed animal trader;
    - (ii) from a dog breeder holding a licence; or
    - (iii) under a one-off permit; or
  - (d) for a person who acts as a dog breeder under paragraph (2)—bred at the premises.
- (5) In this regulation—

\* **commencement date** (生效日期) means the day on which the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 comes into operation.

(L.N. 64 of 2016)

Editorial Note:

\*Commencement date: 20 March 2017.

S-1  
第 139B 章

附表

Schedule

S-2  
Cap. 139B

## 附表

[第 5、5B、5C 及 5H 條]

## 費用

第 1 欄	第 2 欄	第 3 欄
項目	描述	費用 \$
1.	根據第 5(1) 條批給動物售賣商牌照.....	3,780
2.	根據第 5(1) 條將動物售賣商牌照續期.....	2,970
3.	根據第 5B(1) 條批給甲類繁育狗隻牌照 .....	1,350
4.	根據第 5B(1) 條將甲類繁育狗隻牌照續期 .....	805
5.	根據第 5C(1) 條批給乙類繁育狗隻牌照 .....	4,700
6.	根據第 5C(1) 條將乙類繁育狗隻牌照續期 .....	3,510
7.	根據第 5H(3) 條批給單次許可證 .....	225
	(附表由 2016 年第 64 號法律公告增補)	

## Schedule

[regs. 5, 5B, 5C &amp; 5H]

## Fees

Column 1	Column 2	Column 3
Item	Description	Fee \$
1.	Grant of an animal trader licence under regulation 5(1) .....	3,780
2.	Renewal of an animal trader licence under regulation 5(1) .....	2,970
3.	Grant of a dog breeder licence (category A) under regulation 5B(1) .....	1,350
4.	Renewal of a dog breeder licence (category A) under regulation 5B(1) .....	805
5.	Grant of a dog breeder licence (category B) under regulation 5C(1) .....	4,700
6.	Renewal of a dog breeder licence (category B) under regulation 5C(1) .....	3,510
7.	Grant of a one-off permit under regulation 5H(3) .....	225

(Schedule added L.N. 64 of 2016)