

PUBLIC HEALTH (ANIMALS AND BIRDS)(LICENSING OF LIVESTOCK KEEPING)
REGULATION
- CHAPTER 139L

Empowering section VerDate:30/06/1997

(Cap 139 section 3)

(1 July 1994) L.N. 384 of 1994

(L.N. 309 of 1994)

SECT 1

(Omitted as spent) VerDate:30/06/1997

(Omitted as spent)
(Enacted 1994)

SECT 2

Interpretation VerDate:31/03/2006

In this Regulation, unless the context otherwise requires-

"exempt person" means any person or any class of person specified in the Fourth Schedule to the Waste Disposal Ordinance (Cap 354);

"exhibition" means an exhibition to which the public are admitted, whether on payment or not;

"keep" has the same meaning as in the Waste Disposal Ordinance (Cap 354);

"licence" means a licence granted or renewed under section 4;

"livestock" and "livestock waste restriction area" have the same meanings respectively as in the Waste Disposal Ordinance (Cap 354);

"livestock waste control area" means a livestock waste control area specified in column 2 of Schedule 1 by reference to maps identified therein and signed by the Director of Environmental Protection, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry;

"relevant date" means, in relation to a livestock waste control area, the date shown in column 3 of Schedule 1 in respect of that area;

"specified bird" means a chicken, duck, goose, pigeon or quail; (L.N. 20 of 2006 and L.N. 65 of 2006)

"specified fee" means a fee specified in Schedule 2.

(Enacted 1994)

SECT 3

No persons to keep livestock unless authorized or licensed VerDate:30/06/1997

(1) No person shall keep livestock in or on any premises within a livestock waste control area specified in column 2 of Schedule 1 after the relevant date specified opposite thereto in column 3 thereof, unless-

- (a) he is an exempt person or has been exempted under section 9; or
- (b) he does so under and in accordance with a licence issued by the Director.

(2) Any person who contravenes subsection (1) commits an offence and is liable-

- (a) for a first offence, to a fine of \$50000;

(b) for a second or subsequent offence, to a fine of \$100000; and

(c) in addition, where livestock has been kept continuously, to a fine of \$1000 for each day on which it is proved to the satisfaction of the court that he kept livestock continuously in contravention of subsection (1).

(3) For the purpose of this section, where it has been proved that livestock was kept in or on any premises on any 2 days which are not more than 14 days apart (both days inclusive), it shall be prima facie evidence that livestock was kept continuously in or on those premises between those 2 days. (Enacted 1994)

SECT 4

Power of Director to grant licence, etc. VerDate:31/03/2006

(1) Upon application in a form specified by the Director and payment of the relevant specified fee, the Director may grant a licence to the applicant to keep livestock in or on premises in respect of which the licence is granted within a livestock waste restriction area or a livestock waste control area.

(2) Where any premises in respect of which a licence is applied for are within a livestock waste restriction area, the Director shall not grant the licence unless he is satisfied that-

(a) the premises had been continuously used for livestock keeping for at least 12 months immediately before the commencement of section 2 of the Waste Disposal (Amendment) Ordinance 1994 (28 of 1994); and

(b) no ex gratia payment for cessation of livestock keeping in or on the premises has been made by the Government after that commencement.

(2A) Without prejudice to subsection (2), where any premises in respect of which a licence in respect of the keeping of specified birds is applied for are within a livestock waste control area, the Director shall not grant the licence unless he is satisfied that: (L.N. 65 of 2006)

(a) the premises had been continuously used for the keeping of specified birds for at least 12 months immediately before the commencement+ of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 (L.N. 20 of 2006);

(b) no ex gratia payment for cessation of the keeping of specified birds in or on the premises has been made by the Government after that commencement; and

(c) the number of specified birds to be kept in or on the premises under the licence will be more than 20. (L.N. 20 of 2006; L.N. 65 of 2006)

(3) A licence may be renewed by the Director upon application in a form specified by the Director and payment of the relevant specified fee.

(4) A licence shall be valid for a period of 3 years beginning on the date it is granted or renewed, as the case may be, unless the Director otherwise determines a shorter period.

(5) A licence shall be subject to such terms and conditions relating to-

(a) the keeping of livestock; and (L.N. 20 of 2006; L.N. 65 of 2006)

(aa) (Added L.N. 20 of 2006 and repealed L.N. 65 of 2006)

(b) public health or environmental protection, as the Director may think fit to impose.
(Enacted 1994)

Note:

+ Commencement date: 13 February 2006.

SECT 5

Application for licence to be accompanied by plan of premises, etc. VerDate:30/06/1997

(1) Every application for the grant of a licence shall be accompanied by 2 copies of a plan, drawn to scale or as nearly to scale as is acceptable to the Director, of the premises in or on which it is proposed to keep livestock.

(2) Every plan referred to in subsection (1) shall show-

(a) the situation of the premises in or on which it is proposed to keep livestock; and

(b) the situation, in relation to such premises, of any premises adjacent thereto, to the satisfaction of the Director.

(3) Both copies of every plan referred to in subsection (1) which is approved by the Director shall be endorsed to that effect by him or by any public officer duly authorized by the Director for that purpose and one of such copies shall be returned to the applicant and the other retained by the Director.
(Enacted 1994)

SECT 6

Special grounds for refusal to grant or renew licence VerDate:30/06/1997

Without prejudice to the discretion of the Director with respect to the refusal of the grant or renewal of any licence, no licence shall be granted or renewed unless the Director is satisfied that a plan of the premises in or on which the applicant or the licensee, as the case may be, proposes to keep livestock or is keeping livestock has been approved under section 5 and that the premises conform thereto or, in the case of an application for the renewal of a licence where such premises have been altered or added to, that the alteration or addition has been made in accordance with section 7.

(Enacted 1994)

SECT 7

Alteration, etc. of premises in or on which livestock are being kept VerDate:30/06/1997

(1) Where a plan of any premises in or on which it is proposed to keep livestock has been approved under section 5, no person shall thereafter, save with the permission in writing of the Director, make any alteration or addition to such premises which results in a deviation in a material way from the plan of such premises approved, for the time being, by the Director.

(2) The Director may refuse to give his permission for the making of any such alterations or additions as are specified in subsection (1) until he has received and approved a plan showing the same.

(3) Where in the opinion of the Director any condition in any licence is being breached or is likely to be breached and any alteration or addition to any premises in respect of which a licence is granted can remedy or avoid the breach, the Director may by notice in writing served on the licensee require the licensee to carry out such alteration or addition to the premises as may be specified in the notice, within a specified period.
(Enacted 1994)

SECT 8
Revocation of licence VerDate:31/03/2006

Without prejudice to any other powers the Director may have in respect of the revocation of a licence, the Director may revoke a licence if-

- (a) the licensee is no longer keeping livestock in or on premises on which he is licensed to keep livestock;
- (b) the licensee has contravened section 7; or (L.N. 20 of 2006; L.N. 65 of 2006)
- (ba) (Added L.N. 20 of 2006 and repealed L.N. 65 of 2006)
- (c) the licensee has committed or has been convicted of an offence under section 10.
(Enacted 1994)

SECT 9
Director's power to exempt VerDate:30/06/1997

(1) The Director may exempt any person from applying for or from holding a licence if he is satisfied that the person keeps or intends to keep livestock solely for the purpose of exhibition.

(2) The Director may impose such conditions as he sees fit in respect of an exemption granted under subsection (1).
(Enacted 1994)

SECT 9A
Power of Director to issue exemption permit in respect of specified bird kept as pet, etc.
VerDate:31/03/2006

(1) In this section, "exemption permit" means a permit issued by the Director under subsection (2).

(2) Subject to this section, the Director may issue a permit in respect of the keeping of any specified bird that has been kept as a pet immediately before 13 February 2006.

(3) The Director may issue an exemption permit only if:

- (a) evidence to his satisfaction is furnished to establish that the relevant specified bird has been kept as a pet immediately before 13 February 2006; and
- (b) he is satisfied that the total number of specified birds
(including the relevant specified bird) kept in or on the premises where the relevant specified bird will be kept does not exceed 20.

(4)The Director may impose such conditions as he sees fit in respect of an exemption permit.

(5)The Director may revoke an exemption permit if any condition imposed in respect of the exemption permit under subsection (4) has been contravened.

(6)A person who, for the purpose of obtaining an exemption permit, furnishes any evidence or information which he knows or reasonably ought to know to be false or incorrect in a material particular commits an offence and is liable to a fine at level 3.
(L.N. 20 of 2006 and L.N. 65 of 2006)

SECT 10

False information VerDate:30/06/1997

Any person who, when making an application for-

(a) a grant or renewal of a licence; or

(b) permission to alter livestock premises under section 7, furnishes any information which he knows or reasonably ought to know to be false or incorrect in a material particular commits an offence and is liable to a fine of \$10000.

(Enacted 1994)

SECT 11

Duplicate licences VerDate:30/06/1997

The Director may issue a duplicate of a licence upon payment of the relevant specified fee.
(Enacted 1994)

SCHEDULE 1

LIVESTOCK WASTE CONTROL AREAS VerDate:01/01/2000

[sections 2 & 3]

Item	Description (78 of 1999 s. 7)	Relevant date
1.	Those parts of North, Tai Po and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF RIVER INDUS AREA" and identified by the number 10 thereon.	1 July 1995
2.	Those parts of Tai Po, Sha Tin, North, Tsuen Wan, Kwai Tsing, Sai Kung and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "TOLO HARBOUR AND PART OF TOLO CHANNEL AREA" and identified by the number 11 thereon.	1 July 1995

3. Those parts of North and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "UPPER SHAM CHUN (SHENZHEN) RIVER AREA" and identified by the number 12 thereon. 1 July 1995
4. Those parts of Tsuen Wan, Tuen Mun, Kwai Tsing and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF TSUEN WAN, LIU TO VILLAGE AND ENVIRONS AND TAI LAM CHUNG AREA" and identified by the number 13 thereon. 1 July 1995
5. Those parts of Tuen Mun and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF TUEN MUN AREA" and identified by the number 14 thereon. 1 July 1995
6. Those parts of Tuen Mun and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "CORRIDOR BETWEEN TUEN MUN AND YUEN LONG" and identified by the number 15 thereon. 1 July 1996
7. Those parts of Yuen Long and Tuen Mun districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF YUEN LONG AREA" and identified by the number 16 thereon. 1 July 1996
8. Those parts of Yuen Long, Tuen Mun and Tsuen Wan districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF KAM TIN RIVER AREA" and identified by the number 17 thereon. 1 July 1996
9. That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF TIN SHUI WAI AREA" and identified by the number 18 thereon. 1 July 1997
10. Those parts of Yuen Long, North and Tuen Mun districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF SAN TIN AND LAU FAU SHAN ENVIRONS" and identified by the number 19 thereon. 1 July 1997
11. That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "MAU WU TSAI VILLAGE AND ENVIRONS" and identified by the number 20 thereon. 1 July 1997
12. Those parts of Sai Kung, Tai Po and Sha Tin districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF

- SAI KUNG AREA" and identified by the number 21 thereon. 1 July 1997
13. That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "JUNK BAY ENVIRONS" and identified by the number 22 thereon. 1 July 1997
14. Those parts of Islands district delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF OUTLYING ISLANDS" and identified by the number 23 thereon. 1 July 1997
15. Those parts of Tai Po and Sai Kung districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF LONG HARBOUR AREA" and identified by the number 24 thereon. 1 July 1997
16. Those parts of North and Tai Po districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF STARLING INLET AREA" and identified by the number 25 thereon. 1 July 1997
(Enacted 1994. L.N. 325 of 1995)

SCHEDULE 2
SPECIFIED FEES VerDate:31/03/2006

[section 2]

Item	Description	Fee \$
1.	Grant or renewal of a licence under section 4 of this Regulation-Holding capacity*	
	(a) Pigs (No.)	
	below 200	750
	200-399	1050
	400-599	1350
	600-999	1500
	1000-1999	3000
	2000-2999	3300
	3000-3999	3600
	4000-4999	3900
	5000-5999	4200
	above 6000	4500

(b) Specified birds (No.) (L.N. 20 of 2006 and L.N. 65 of 2006)	
below 2000	750
2000-3999	1050
4000-5999	1350
6000-9999	1500
10000-19999	3000
20000-29999	3300
30000-39999	3600
40000-49999	3900
50000-59999	4200
above 60000	4500

* Holding capacity is calculated by reference to the following stocking density of each type of animal, i.e. 0.0747m² per chicken; 0.093m² per layer; 0.075m² per pigeon; 0.0093m² per quail; 2.52m² per pig; 0.023m² per duck/goose.

2. Issue of duplicate licence under section 11 of this Regulation (Enacted 1994)	125
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