

THE VETERINARY PUBLIC HEALTH ORDINANCE, 1999

**THE VETERINARY PUBLIC HEALTH
(CONTROL OF LIVESTOCK FARMING) RULES, 2003**

[Swk. L.N. 103/2003]

ARRANGEMENT OF RULES

PART I
GENERAL

Rules

1. Citation and commencement
2. Interpretation

PART II

CONTROL OF LIVESTOCK FARMING

3. Licence required for livestock farming
4. Application
5. Form of licence and fee
6. Powers to issue and revoke licence
7. Appeal
8. Power of arrest
9. Demolition of farm
10. Breach of condition or restriction of licence
11. Discharge of livestock waste
12. Disposal of carcass
13. Transportation of livestock
14. Obstruction
15. Straying of livestock
16. General penalty
17. Exemption

FIRST SCHEDULE	—	Form A	—	Application for livestock farming licence
	—	Form B	—	Appeal
SECOND SCHEDULE	—	Standard for treatment of waste concentration of permitted discharge of treated waste		

Sarawak LawNet

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**THE VETERINARY PUBLIC HEALTH
(CONTROL OF LIVESTOCK FARMING) RULES, 2003**

[Swk. L.N. 103/2003]

(Made under section 102)

In exercise of the powers conferred by section 102 of the Veterinary Public Health Ordinance, 1999 *[Cap. 32]*, the Majlis Mesyuarat Kerajaan Negeri has made the following Rules:

PART I
GENERAL

Citation and commencement

1. These Rules may be cited as the **Veterinary Public Health (Control of Livestock Farming) Rules, 2003**, and shall come into force on the 16th day of October, 2003.

Interpretation

2. In these Rules—

“Controller” means the Controller of Environmental Quality appointed under section 3(9) of the Natural Resources and Environment Ordinance *[Cap. 84 (1958 Ed.)]*;

“licence” means a licence issued under section 42 of the Ordinance;

“livestock” means any class of livestock which includes pig, cattle, buffalo, goat, sheep, horse, pony, deer, rabbit, poultry, duck, quail, turkey, ostrich, pigeon, guinea fowl, crocodile, snake and any other animals, birds, reptiles and amphibians which are domesticated for human consumption;

“livestock farm” means any place, premises or establishment used for the production, breeding, keeping, rearing, maintenance or treatment of livestock;

“livestock farming” means the production, breeding, rearing, caring and treatment of livestock as a commercial undertaking or for sale, other than for personal consumption and the standing livestock population shall not exceed such number as the Minister may stipulate by notification in the *Gazette*;

“Minister” means the Minister in the State Government having responsibilities for agriculture and food industries;

“Ordinance” means the Veterinary Public Health Ordinance, 1999 *[Cap. 32]*;

“owner” means-

(a) in relation to land, the registered proprietor thereof and includes any person in occupation of land by virtue of any licence issued or rights recognised under the Land Code [*Cap. 81 (1958 Ed.)*]; and

(b) in relation to livestock, any person who owns the livestock or is responsible for the management, care, breeding or keeping of the livestock;

“pig” includes a wild boar;

“pig farm” means a livestock farm for the production, breeding, rearing, keeping and treatment of pigs;

“standing livestock population” means the total number of livestock kept in a livestock farm at any time;

“State land” shall have the same meaning as assigned to it in the Land Code [*Cap 81 (1958 Ed.)*];

“State Veterinary Authority” means the Authority or person appointed under section 3 of the Veterinary Public Health Ordinance, 1999 [*Cap. 32*];

“waste” means the excreta, faeces, urine, carcass or body parts of livestock, and includes wasted feeds, water used for the washing, bathing or cleansing of livestock, or water or any liquid used for the flushing and cleansing of any livestock farm;

“watercourse” includes any river, stream, canal, drain, well, spring, pond, pool, waterfall, reservoir, lake and any part of the sea abutting the foreshore, and any other body of water, including water on wetlands.

PART II

CONTROL OF LIVESTOCK FARMING

Licence required for livestock farming

3.—(1) No person shall carry out any livestock farming except under the authority of a licence granted by the State Veterinary Authority under section 42 of the Ordinance and in accordance with these Rules.

(2) No person shall rear livestock on industrial or residential land or commercial land as defined under the Land Code [*Cap 81 (1958 Ed.)*].

Application

4.—(1) Any application for the issuance or renewal of a licence to carry out livestock farming shall be made to the State Veterinary Authority in Form A prescribed in the First Schedule to these Rules, together with a processing fee of ten ringgit.

(2) Any person who provides to the State Veterinary Authority, for the purposes of any application, or report under Part V of the Ordinance, information that is false or known to be false shall be guilty of an offence.

Form of licence and fee

5.—(1) A licence issued under these Rules shall be made in Form F of the Second Schedule to the Ordinance.

(2) Any licence issued shall be subjected to the compliance of standards specified under Second Schedule to the Rules and to such conditions and restrictions as the State Veterinary Authority may deem fit to impose.

(3) A licence is valid for one year from the date of issue and may be renewed for a period not exceeding one year at any one time.

(4) The fee for a licence is fifty ringgit per annum.

Powers to issue and revoke licence

6. The State Veterinary Authority may in its discretion—

(a) refuse to issue or renew a licence; or

(b) at any time amend or vary any condition or restriction imposed in any licence; or

(c) suspend or revoke the licence of any person who is found to have contravened these Rules or breached any condition or restriction imposed on the licence or whose livestock farm has caused pollution to any watercourse or environment.

Appeal

7.—(1) Any person aggrieved by the decision of the State Veterinary Authority may, within twenty-one days from date of receipt of the notification of such decision, appeal to the Minister whose decision on the matter shall be final.

(2) Any appeal to the Minister shall be submitted in Form B prescribed in the First Schedule to the Rules and shall be lodged with the State Veterinary Authority together with an appeal fee of one hundred ringgit.

Power of arrest

8. The State Veterinary Authority or any authorized officer or a police officer may arrest without warrant any person reasonably suspected of committing or having committed any offence against these Rules.

Demolition of farm

9. If any person is convicted of an offence relating to livestock farming in contravention of Part V of the Ordinance or of these Rules, the court shall, in the case of an offence under rule 3(2), and may, in the case of any other offence, order the person convicted to cease operation and demolish such farm or order such person to cease operation and the farm to be demolished by the State Veterinary Authority or any authorized officer.

Breach of condition or restriction of licence

10. The holder of a licence who contravenes any of its conditions or restrictions shall be guilty of an offence.

Discharge of livestock waste

11. Any person who discharges or disposes of any untreated waste or pollutant in any manner, into or onto any—

- (a) watercourse;
- (b) land situated outside the boundaries of his livestock farm;
- (c) public road; or
- (d) surrounding environment,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment not exceeding two years or to both.

Disposal of carcass

12.—(1) A carcass of any livestock belonging to the holder of a licence issued under these Rules shall be disposed of in the manner as prescribed in the conditions of the licence or guidelines issued by State Veterinary Authority.

(2) No carcass of livestock shall be disposed of, dumped or deposited into any drain, watercourse or on any public road.

Transportation of livestock

13. No person shall transport any livestock on a public road unless the transportation is done on a vehicle certified by the State Veterinary Authority to have been satisfactorily equipped to prevent spillage of livestock waste.

Obstruction

14. Any person who without lawful excuse obstructs or impedes or assists in obstructing or impeding the State Veterinary Authority or any authorized officer in the lawful exercise or performance of any of his powers or duties under these Rules, shall be guilty of an offence.

Straying of livestock

15. Any person who wilfully allows any of his or her livestock to stray outside the livestock farm to any road, land, protected forest or forest reserve shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit.

General penalty

16. Any person, including a body corporate, who commits an offence under these Rules, in respect of which no penalty is expressly provided for, shall on conviction be liable to the penalty provided for under section 91 of the Ordinance.

Exemption

17. The Minister may exempt any livestock farm from any of the provisions of these Rules, subject to such terms and conditions as he may impose.

FIRST SCHEDULE

THE VETERINARY PUBLIC HEALTH ORDINANCE, 1999

FORM A

APPLICATION FOR LIVESTOCK FARMING LICENCE

(Rule 4(1))

- To: State Veterinary Authority,
.....
.....
1. Name of Applicant:
2. Identity Card No.: 3. Race and Nationality:
4. Address:
Telephone: Fax: E-mail:
5. In the case of company:
(a) Name of company:
(b) Registered address:
6. Locality of land for livestock farm:
(Attach certified copy of land title)
7. Type of livestock to be kept, reared or bred on the farm:.....
.....
8. Layout plan of farm: (Attach layout plan)
9. Proposed method of disposal and/or treatment of waste:
.....
(Attach description to process together with diagrams)
10. Date of expiry (in case of existing licence):

DECLARATION

I, the above-named applicant declare that
the information provided in this Form are true and accurate to the best of my knowledge.

.....
Date

.....
Signature of Applicant

(N.B. Form to be submitted in triplicate, together with a processing fee of RM10.00.)

FORM B

APPEAL

(Rule 7(2))

To: The Minister,
Ministry of Agriculture and Food Industries,
Sarawak.

I/We wish to appeal against the decision of the State Veterinary Authority made on
the day _____ of _____ for:

- (a) refusing to issue/renew a licence for livestock farming*
- (b) suspending/revoking my/our licence*
- (c) amending/varying the conditions and restrictions of my/our licence*

The grounds for the appeal are as follows:

Name of owner of farm: _____

Identity Card No. _____

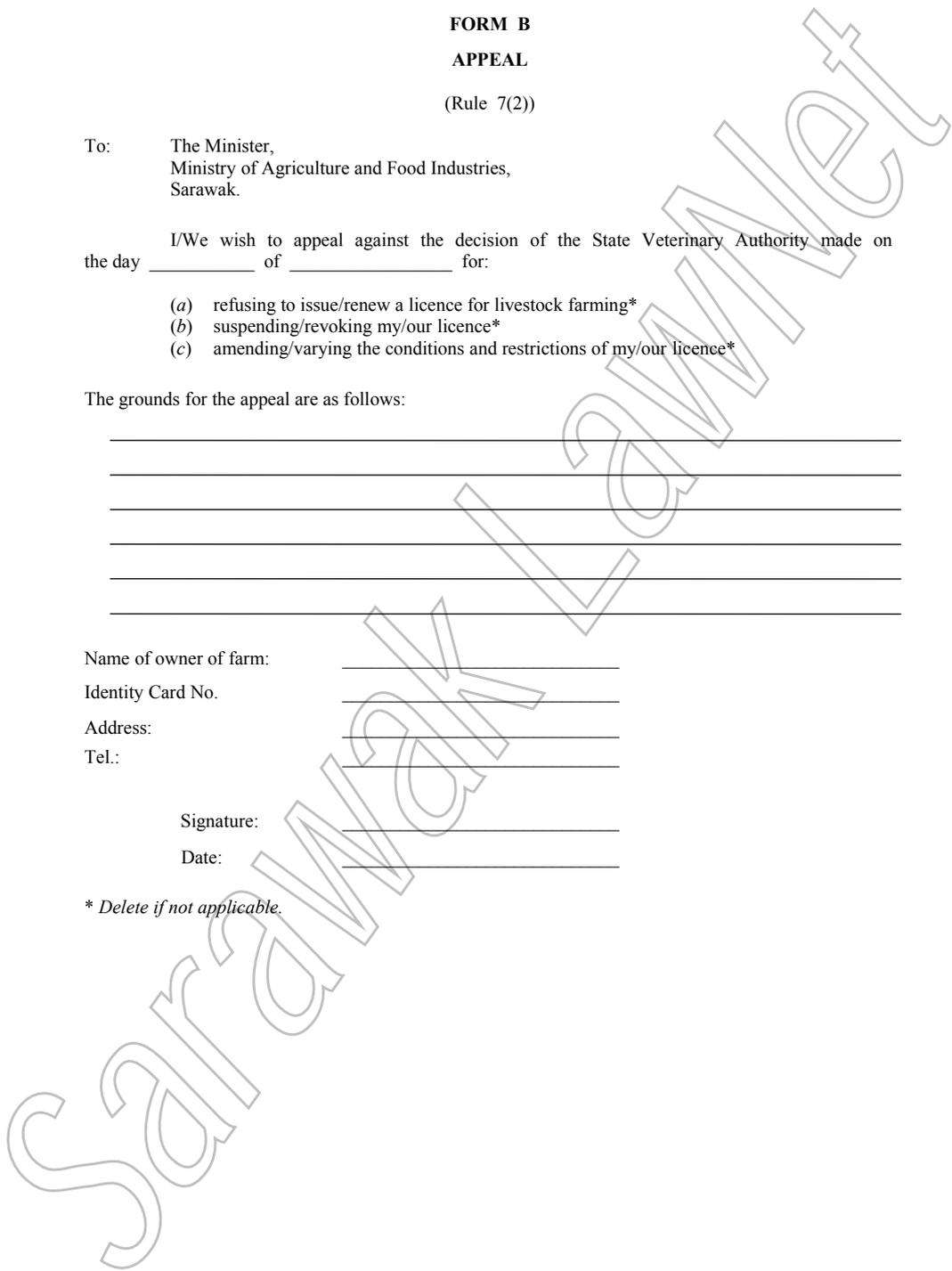
Address: _____

Tel.: _____

Signature: _____

Date: _____

* Delete if not applicable.



SECOND SCHEDULE

STANDARD FOR TREATMENT OF WASTE
CONCENTRATION OF PERMITTED DISCHARGE OF TREATED WASTE

(Rule 5 (1))

1. EXISTING FARM (namely, a livestock farm established prior to the date of commencement of these Rules)

1.1. CONCENTRATION

A licence of an existing livestock farm shall be permitted to achieve the limits of concentration of permitted discharge of treated waste in two (2) phases, as follows:

LIMITS		PERMITTED DISCHARGE	
		Phase 1	Phase 2
1	BOD, mg/L	250	50
2	COD, mg/L	1,000	500
3	TSS, mg/L	300	100

BOD: Biological Oxygen Demand
COD: Chemical Oxygen Demand
TSS: Total Suspended Solid

1.2 TIME FRAME FOR MEETING PRESCRIBED STANDARDS OF DISCHARGE

The period of achieving the permitted discharge for the existing livestock farms shall be as follows, using the BOD concentration as the target:

Phase 1 : 250 mg/L — 2 years
Phase 2 : 50 mg/L — 2 years or as determined by the State
Veterinary Authority

2. NEW FARM (namely, a farm established after the date of commencement of these Rules)

2.1. CONCENTRATION

A licensee of a new livestock farm shall be permitted to achieve the limit of concentration of permitted discharge of treated waste of two (2) phases as follows:

LIMITS		PERMITTED DISCHARGE	
		Phase 1	Phase 2
1	BOD, mg/L	250	50
2	COD, mg/L	1,000	500
3	TSS, mg/L	300	100

2.2 PHASE OF ACHIEVEMENT

In the case of a new farm, the treatment system shall be installed upon the establishment thereof. The period from achieving the permitted discharge shall be as follows, using the BOD concentration as the target:

Phase 1 : 250 mg/L — 2 years
Phase 2 : 50 mg/L — 2 years or as determined by the State Veterinary
Authority

For Reference Only

Dated this 21st day of August, 2003.

ABDUL GHAFUR SHARIFF,
Clerk to Majlis Mesyuarat Kerajaan Negeri

Sarawak LawNet