

Annex B  
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**PUBLIC HEALTH (ANIMALS AND BIRDS) (LICENSING OF  
LIVESTOCK KEEPING) REGULATION**

(Made by the Governor in Council under section 3 of the Public  
Health (Animals and Birds) Ordinance (Cap. 139))

**1. Commencement**

This Regulation shall come into operation on a day to be appointed by the Secretary for Planning, Environment and Lands by notice in the Gazette and different days may be appointed for different provisions.

**2. Interpretation**

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", "livestock waste control area" and "livestock waste restriction area" have the same meanings respectively as in the Waste Disposal Ordinance (Cap. 354);  
"specified fee" means a fee specified in Schedule 2.

3. No persons to keep livestock unless authorized or licensed

(1) No person shall keep livestock in or on any premises within a livestock waste control area specified in column 1 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 \$50,000;

(b) for a second or subsequent offence, to a fine of \$100,000; and

(c) in addition, where livestock has been kept continuously, to a fine of \$1,000 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.

4. Power of Director to grant licence, etc.

(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 the commencement of section 2 of the Waste Disposal (Amendment) Ordinances 1994 (28 of 1994).

(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
- (b) public health or environmental protection,

as the Director may think fit to impose.

5. Application for licence to be accompanied by plan of premises, etc.

- (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.

6. Special grounds for refusal to grant or renew licence

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.

7. Alteration, etc. of premises in or on which livestock are being kept

(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 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.

#### 8. Revocation of licence

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
- (c) the licensee has committed or has been convicted of an offence under section 10.

#### 9. Director's power to exempt

(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).

#### 10. False information

Any person who, when making an application for -

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

(b) permission to alter livestock premise 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 \$10,000.

#### 11. Duplicate licences

The Director may issue a duplicate of a licence upon payment of the relevant specified fee.

### SCHEDULE 1

[s. 3]

#### LIVESTOCK WASTE CONTROL AREAS

Item	Description	Relevant date
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SCHEDULE 2  
SPECIFIED FEES

[s. 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	1,050
	400 - 599	1,350
	600 - 999	1,500
	1 000 - 1 999	3,000
	2 000 - 2 999	3,300
	3 000 - 3 999	3,600
	4 000 - 4 999	3,900
	5 000 - 5 999	4,200
	above 6 000	4,500
(b) Poultry (No.)	below 2 000	750
	2 000 - 3 999	1,050
	4 000 - 5 999	1,350
	6 000 - 9 999	1,500
	10 000 - 19 999	3,000
	20 000 - 29 999	3,300
	30 000 - 39 999	3,600
	40 000 - 49 999	3,900
	50 000 - 59 999	4,200
	above 60 000	4,500

\*Holding capacity is calculated by reference to the following stocking density of each type of animal, i.e. 0.0747m<sup>2</sup> per chicken; 0.093m<sup>2</sup> per layer; 0.075m<sup>2</sup> per pigeon; 0.0093m<sup>2</sup> per quail; 2.52m<sup>2</sup> per pig; 0.023m<sup>2</sup> per duck/goose.

2. Issue of duplicate licence under section 11 of [ ] this Regulation

Clerk to the Executive Council.

COUNCIL CHAMBER,

1994.

Explanatory Note

Section 3 provides that no person may keep livestock in a livestock waste control area unless exempted or licensed.

2. Section 4 empowers the Director to grant or renew a licence to keep livestock in a livestock waste restriction or control area.

3. Section 5 provides that a plan of the relevant premises must accompany an application for a licence.

4. Section 6 provides that the Director shall not grant or renew a licence if the plan has not been approved or the relevant premises are not in accordance with the plan accompanying the application.

5. Section 7 makes provision in relation to alterations of livestock premises.



6. Section 8 gives the Director additional powers to revoke a licence on certain grounds.
7. Section 9 allows the Director to grant exemptions from applying for a licence in certain case.
8. Section 10 provides offences concerning the giving of false information.
9. Section 11 allows the Director to issue duplicate licence.