

**Public Health (Animals and Birds) Ordinance and
Public Health (Animals and Birds)(Exhibitions) Regulations, Cap. 139**

Code of Standards : Exhibition of Animals and/or Birds

- 1 The animals or birds shall be housed in and confined to structurally sound primary enclosures.
2. Every precaution shall be taken for the adequate protection and safety of the public, and the general welfare of the animals or birds.

3. **Standard of Premises**

3.1 Any “primary enclosure”, which means a room, pen, cage, compartment, hutch or structure used to restrict animals or birds to a limited amount of space, shall be : -

- I. structurally sound and maintained in good repair;
- II. designed, constructed and maintained for the good health and welfare of animals or birds;
- III. designed so as to contain the animals or birds accommodated therein and to protect them from injury and predators and people;
- IV. constructed and maintained so as to enable the animals or birds accommodated therein to : -
 - (i) remain dry and clean;
 - (ii) have convenient access to food and water; and
 - (iii) move about freely, and to stand, sit and lie comfortably and in the case of birds have sufficient room to extend their wings and fly; and
- V. located so as to avoid excessive illumination.

3.2 Any “housing facility” which means a room, building, premises or other place used to contain a primary enclosure, shall : -

- I. be structurally sound and maintained in good repair;
- II. be designed, constructed and maintained for the good health and welfare of the animals or birds;
- III. be designed and maintained so as to contain the animals or birds accommodated therein and to restrict the entrance of other animals or birds;

- IV. protect the animals or birds from the public;
- V. contain adequate supplies of potable water and suitable drainage for the escape of excess water;
- VI. provide sufficient space for the storage of fresh food and bedding;
- VII. provide for the removal and disposal of animal or bird and food waste, used bedding, dead animals or birds and debris to minimize infestation, contamination, odours and the risk or disease;
- VIII. be provided at all times with sufficient fresh air ventilation by means of windows, doors, vents or air conditioning, to promote the health and comfort and welfare of the animals or birds kept therein and to minimize draughts, odours and moisture condensation;
- IX. have ample lighting by natural or artificial means or both, of good quality and suitable for the animals or birds, and so distributed as to provide sufficient light intensity to permit routine inspection and cleaning and husbandry; and
- X. contain interior surfaces which are substantially impervious to moisture and which can be kept clean and sanitary at all times. ["Sanitary" means physically clean and free from agents which are injurious to health and from any other obnoxious or offensive material.]

3.3 Any "outdoor area" which means an outdoor area or space, whether containing a primary enclosure or not, used for the keeping, exercise or containment of animals or birds, shall provide: -

- I. sufficient shade to enable the animals or birds to protect themselves from the direct rays of the sun;
- II. adequate shelter to allow the animals or birds protection from inclement weather conditions; and
- III. suitable drainage for the escape of excess water.

3.4 You shall not without the prior consent of the Director of Agriculture, Fisheries and Conservation ("Director"): -

- I. make or cause or permit to be made any material change to the primary enclosures, housing facilities or outdoor areas in which the animals or birds are to be accommodated; or
- II. provide or cause or permit to be provided for the purpose of the business, food and accommodation for animals or birds at a place other than the place specified in the licence or permit.

4.

Standards of Husbandry and Hygiene

- 4.1 I. The animals or birds shall be fed every day with wholesome, palatable and nutritious food which shall be suitable and proper food for the animals or birds, and shall be of sufficient quantity and frequency to meet the normal daily requirements of the animals or birds, having regard to their species, size, condition, and welfare.
- II. All food and water receptacles for the animals or birds shall be: -
- (i) readily accessible to the animals or birds;
 - (ii) stable, and of suitable design;
 - (iii) so located as to minimize contamination by excreta or otherwise;
 - (iv) cleaned at regular intervals so as to be kept in a sanitary condition at all times; and
 - (v) kept in good condition at all times.
- III. The animals or birds shall be provided with a constant supply of potable water.
- IV. All excreta and other waste matter shall be satisfactorily removed not less than once daily from the place at which the animals or birds are accommodated. If necessary, or if so directed, the removal shall be more frequent.
- V. The primary enclosures, housing facilities and outdoor areas shall be maintained in a sanitary condition and shall contain adequate and dry bedding and resting arrangements.
- VI. A programme for the control and prevention of insects, ectoparasites, avian and mammalian pests at the place at which the animals or birds are accommodated shall be established and maintained to the satisfaction of the Director.
- VII. Animals or birds shall not be housed in the same primary enclosure unless they are entirely compatible. Animals or birds not of the same genus shall be housed in separate primary enclosures unless otherwise approved by the Agriculture, Fisheries and Conservation Department (“this Department”).
- VIII. Notwithstanding that the animals or birds are of the same or compatible genus : -

- (i) females in season (oestrus) shall not be housed in the same primary enclosure with males, except for breeding purposes as part of a breeding programme approved by the Director; and
 - (ii) animals or birds of vicious disposition shall be housed individually in separate primary enclosures.
- IX. Young animals or birds shall not be housed in the same primary enclosure with adult animals or birds, except : -
- (i) under and in accordance with the approval of the senior veterinary officer, or
 - (ii) where the adult animals or birds are their dams or equivalent.
- X. Dogs and cats shall not be housed in the same primary enclosures.
- XI. Dogs and cats shall not be housed with any other species of animals or birds.
- XII. Animals or birds under treatment for a communicable disease shall be kept separate from other animals or birds. Measures must be promptly effected and maintained to prevent the spread of disease. Affected animals or birds must be promptly examined and treated by a registered veterinary surgeon, with on-going veterinary care and treatment.
- 4.2 I. Veterinary care by a registered veterinary surgeon must be provided. Details of veterinary treatment given to any animal(s) or bird(s) should be recorded in the register.
- II. A comprehensive stock inventory register of the animals and birds should be maintained by the licensee, and should be available for examination by an inspector of this Department at all times. Details of all animals and birds kept at the premises should be entered.
- III. Any change in the inventory including new arrival, transfer, death or escape etc. should immediately be properly reported to this Department via telephone followed by prompt written confirmation within three days of such change.
- IV. When mortalities occur, the cause of death of the animal(s) or bird(s) should be sought. Upon the request of senior veterinary officer, a copy of the death certificate or post-mortem report

issued by a registered veterinary surgeon should be submitted as soon as it becomes available.

- 4.3 The accommodation and environment must be suitable for the survival and comfort of the animals or birds at all times.
- 4.4 Animal and bird cages and enclosures must be equipped with cage furniture suitable for the species (such as pools, burrows, branch work, nesting boxes etc.) so that their behaviour patterns can be as normal as possible. Enrichment of cages and enclosures and environments is required.
- 4.5 Sufficient experienced keepers and maintenance staff must be employed and present in order to maintain the necessary standards of security for the animals and public, and of care for the animals or birds.
- 4.6 All staff must be properly trained and managed, and must be fully capable of properly carrying out the care of the animals or birds and other relevant works. An effective monitoring programme must be in place.
- 4.7 Adequate facilities must be available for the recapture of any animal or bird which escapes from its cage or enclosure. An emergency route must exist with which all staff are thoroughly familiar. Cages and enclosures must be secure and there must be adequate barriers and warning notices. Any escape must be reported to this Department immediately.
- 4.8 Adequate first aid equipment for staff and for the public must be readily accessible.
- 4.9 Adequate and accurate information concerning the animals or birds exhibited must be provided.
- 4.10 Indiscriminate feeding of animals or birds by the public should not be allowed and where selective feeding is permitted, control must always be properly monitored and enforced.
- 4.11 You must at all times take precautions to prevent the molestation or the teasing of any animal or bird.
- 4.12 You must, in accordance with good husbandry, ensure to the satisfaction of the Director that animals and birds are not kept in overcrowded conditions.
- 4.13 Waste must be properly disposed of in accordance with the Laws of Hong Kong and requirements of appropriate government departments; and must be carried out so as to achieve good hygiene and cleanliness, and to prevent pollution.

5. **Wild Animals Protection Ordinance**

Your attention is drawn to the provisions of the Wild Animals Protection Ordinance (Chapter 170) wherein it is an offence, subject to the provisions of Section 15 of the Ordinance, for any person to

- I. have in his possession or under his control –
 - (i) any live protected wild animal taken in Hong Kong;
 - (ii) any dead protected wild animal, or part of a protected wild animal, killed or taken in Hong Kong; or
 - (iii) any nest or egg or any protected wild animal taken in Hong Kong [Section 8].

or

- II. buy, sell, export, or offer for sale or export –
 - (i) any protected wild animal, or part of a protected wild animal, killed or taken in Hong Kong; or
 - (ii) any nest or egg of any protected wild animal taken in Hong Kong.

6. **Protection of Endangered Species**

6.1 Attention is also drawn to the Protection of Endangered Species of Animals and Plants Ordinance (Chapter 586) wherein it is an offence except with a licence from the Director for any person on his own behalf or on behalf of any other person to import any scheduled animal or bird, neither shall he have in his possession any scheduled animal or bird.

6.2 All protected endangered species on display must be accompanied with a valid licence/authorization issued by the Endangered Species Protection Division of this Department, which must be immediately available on site for inspection by inspector of this Department.

7. **General**

7.1 Adequately-trained personnel must be present at all times and shall be adequately equipped to recapture the animals or birds if they escape.

7.2 Staff must be provided to effectively control the public and to control the exits and entrances.

7.3 Veterinary attention to ensure the good health, care and treatment of the animals and birds must be readily available from a registered veterinary surgeon.

- 7.4 Adequate bedding and shelter and ventilation and space must be provided for the animals and birds.
- 7.5 The animals and birds must be provided with an adequate supply of suitable food and drinking water.
- 7.6 The animals and birds must be kept in a secure place which prevents the exit or entry of animals or birds and unauthorized people.
- 7.7 The animals and birds are for exhibition and not for trade.
- 7.8 Unauthorized removal of animals or birds from the approved holding and exhibition place is prohibited.
- 7.9 Animals or birds shall not be made or required to perform or act in any way which may cause distress or other suffering (or which may be unreasonable) for the individual or species or kind of animal or bird.
- 7.10 The exhibition shall include an effective programme to educate visitors about proper animal care and welfare, conservation and protection of wildlife and nature.

8. **General Care of the Animals and Birds**

- 8.1 The facilities and accommodation for the animals or birds must be of a high standard of implementation and management, and provide good accommodation and security for the animals and birds.
- 8.2
 - (a) Ample exercise space and opportunities must also be provided for the animals or birds.
 - (b) Tethering or typing shall **not** be used as the normal or routine means of restraint unless approved by this Department with good reason for permitting it. Similarly, confinement in **small** cages or enclosures etc. is **not** acceptable.
- 8.3 Fully trained and capable personnel in sufficient numbers, shall be present for the handling and care of the animals or birds.
- 8.4 Special care provision shall be provided in relation to the special needs of each animal or bird and each kind of animal or bird.
- 8.5 Each animal or bird shall have proper space and facilities and environment for sleeping, eating, drinking, urination and defaecation, exercise, resting, etc.

- 8.6 The environment must be suitable for each animal or bird. This includes temperature, humidity, fresh air, comfort, freedom from undue noise/fumes/pollution, drainage, and other consideration.
- 8.7 The good health and welfare of each animal or bird must be fully provided for at all times. Health aspects include both clinical and sub-clinical illness/injury, disease, prevention of illness/disease/injury, animal diseases and human diseases (e.g. zoonoses). Welfare includes physical welfare and physiological welfare and psychological welfare. Good food and nutrition are also essential.

9. **Wild Animals and Wild Birds**

- 9.1 Full details are required in writing, including the kind(s) of wild animal(s) or wild bird(s) to be exhibited, and the premises.
- 9.2 Measures and arrangements must be in effect to the satisfaction of the Director for the protection and safety of the public.
- 9.3 Normally this will require detailed inspections of the ready facilities and arrangements well in advance. Extra requirements may be imposed.
- 9.4 If an unsatisfactory situation is found after an exhibition has commenced, a notice may be served to cease the exhibition until required remedial steps have been taken in full, or to implement the required remedial means within a specified period.
- 9.5 In some cases, it may be necessary to refuse to permit the exhibition of wild animals or wild birds.
- 9.6 In this context : “wild animals” means all animals other than those classed at common law as domestic; and “wild birds” means all birds other than poultry and those kept principally or solely as pets. [Cap. 139 Section 2, 9A, 9B].

10. **Reptiles**

- 10.1 Venomous snakes must not be kept or displayed at the exhibition unless specifically authorized in writing by the Director. If the keeping/display of venomous snake is so authorized, arrangements must be made at the nearest hospital to ensure the availability of anti-venin and of a qualified doctor to carry out emergency procedures.
- 10.2 Where an exhibition as defined in the Public Health (Animals and Birds)(Exhibitions) Regulations takes place and where such exhibition includes reptiles, the following further conditions will be observed : -

Every precaution shall be taken to prevent the escape of any snake or other reptile which shall include as far as practicable the following : -

- (i) all routes by which the snakes or other reptiles may escape must be screened; and any aperture, space, mesh etc. must not exceed 7 mm;
- (ii) all screening material shall be strong and rust resistant;
- (iii) all primary enclosures containing venomous snakes will be conspicuously marked in red lettering declaring the contents as venomous snakes;
- (iv) before any venomous snake is taken onto the premises the licensee must ensure that the appropriate anti-venene is available either on the premises or at the nearest Government casualty hospital;
- (v) a notice must be displayed in the office of the place of exhibition directing the senior staff member present on procedure in the event of a bite by a venomous snake;
- (vi) all venomous snakes shall be housed in one housing facility being kept as a separate entity and to be constructed in such a manner as to withstand typhoon conditions;
- (vii) all venomous snakes shall be excluded from the outdoor areas;
- (viii) the doors of all primary enclosures for snakes shall be made to slide within vertical grooves;
- (ix) any demonstration area shall be completely surrounded by a snake-proof barrier capable of preventing the escape of any snake used for demonstration purposes unless specific written exemption from this condition has been given by the Director; and
- (x) at no time shall live bait be used for the feeding of snakes during demonstrations, and any such feeding should be kept to a minimum and should be restricted to such times when the snakes are not on public view.

10.3 Arrangements are essential at all times for the containment of all animals and birds including reptiles while on the premises.

10.4 Rodent species must not be housed or held in a way which would allow them to see or sense the presence of snakes.

11. Veterinary Care and Health

- 11.1 Veterinary attention to ensure the good health and care and treatment of the animals and birds must be readily available from a registered veterinary surgeon with appropriate facilities and experience and expertise.
- 11.2 Details must be provided in advance as to the arrangements for veterinary care and treatment of the animals or birds which arrangements must be available and suitable at all times. Veterinary care and treatment arrangements should include prophylactic and therapeutic provisions, health-care programmes, and other aspects of veterinary care and treatment. The arrangements must be satisfactory.
- 11.3 The veterinary surgeon(s) must be identified in full, and his/her written confirmation of his/her work and requirements for the animals or birds is required together with an outline of his/her work programme, and evidence of his facilities, experience and expertise being suitable for the animals or birds. The veterinary surgeon(s) must be fully registered in Hong Kong SAR under (Cap. 529) and must hold a current annual practicing certificate issued by the Veterinary Surgeons Board of Hong Kong.
- 11.4 The permittee is responsible for paying the fees and charges of the veterinary surgeon(s) and related work.
- 11.5 Duties of the private registered veterinary surgeon[s]
- Include [but are not limited to] — :
- Regular inspections and checks on the animals or birds, at a frequency not less than that requested by the senior veterinary officer. [More frequent if needed in the interests of animal and bird health and welfare or for other reason(s)].
 - Regular testing. Normally this would envisage regular basic tests including fecal and urine tests (but not limited to these); and more detailed tests as appropriate to the animals or birds. If any abnormal situation of animals is identified, more frequent testing may be required.
 - Prophylactic and other appropriate measures.
 - Advise and inform the licensee, keepers and the management etc on measures to protect the animals or birds. Monitor and implement these as appropriate. Exercise due diligence to ensure that the required measures are implemented.

- Regular and special veterinary reports and updates to this Department at a frequency not less than that specified by the senior veterinary officer. Prompt and immediate reports are required if there are any problems, urgent cases and/or concerns.
- Prompt response for handling any animal and bird control problem is necessary, such as quick veterinary response and treatment for any case of disease, injury, or other problem related to animal and bird health and welfare.
- Advise on and monitor hygiene and disinfection of animal and bird facilities.
- Advise on and monitor nutrition of animals and birds.
- Random inspections of the animals or birds at various times, which may be unannounced if the veterinary surgeon considers these are necessary or desirable; and
- All professional veterinary duties reasonably expected of a veterinary surgeon in compliance with veterinary ethics and proper standards.

12. Arrangement of the Animals or Birds after the Exhibition

- 12.1 Arrangements must be in hand for the future of the animals or birds to ensure their future care and welfare to a high standard.
- 12.2 If the animals or birds are temporary exhibits from outside Hong Kong SAR, or if there is otherwise a need or intention to send the animals or birds to a destination outside Hong Kong SAR :-
- a) The animals or birds must be kept so as to enable them to satisfy the clear and approved arrangements for taking them back to the home/destination country, including documentary and other evidence.
 - b) Measures and arrangements must be clear and in hand for the re-export of these animals or birds from Hong Kong, including (but not limited to) :-
 - clear written approval and requirements from the country-of-origin/destination-country, and any countries en route (if any);
 - arrangements to fully satisfy these requirements;
 - satisfactory transport, care and handling arrangements;

- c) The permittee/licensee must also take the necessary steps to obtain the export health certificates for re-export of the animals or birds from Hong Kong.

13. **Inspection and Monitoring**

- 13.1 Inspectors of this Department shall be allowed to fully inspect all animals and birds, equipment and facilities and premises, with or without appointments. This Department may also appoint registered veterinary surgeons to make inspections.
- 13.2 The inspectors and registered veterinary surgeons mentioned above may also inspect import arrangements, export arrangements, transport arrangements, any other relevant arrangements, including (but not limited to) maintenance, locations, vessels, vehicles, aircraft, equipment, cages, containers, training, performances, reports, photographs, videos, animals, birds, etc.
- 13.3 The assessments, findings, reports and opinions of the inspectors and registered veterinary surgeons will be taken into consideration:- in deciding whether or not to issue licences/permits/permissions/authorizations; terms and conditions; requirements and standards, etc.; in decisions (if any) to stop performances; in decisions to require changes and improvements of any aspects; and/or decisions (if any) to prosecute.

14. **Fees/Charges/Costs/Expenses/Etc.**

The applicant/permittee/licensee will be responsible for the payment of fees, charges, costs, expenses, etc. These may include (but are not limited to) –

- the processing and/or issue of permits and/or licences;
- escort of animals or birds/etc.;
- care and treatment of animals or birds;
- health certificates;
- examinations and/or inspections;
- independent inspections/assessments/reports
- quarantine and/or monitoring of quarantine;
- staff costs;
- fees and costs of veterinary surgeon(s).

15. **Miscellaneous**

- 15.1 This licence or permit cannot, in any way, be construed as a waiver by the Government of any of its rights against the Government lease or Government permittee of the lot on which the premises stand or an acknowledgement of any right on your part to any tenure or renewal of tenure of the premises.
- 15.2 If this licence or permit applies to a building erected on Government land otherwise than with the consent of the Government, the granting of a licence or permit cannot be constructed as giving you any right of tenure in the land nor as a waiver by the Government of any of its rights in respect of any illegal occupation of the land.
- 15.3
- a) This Code of Standards must be fully complied with. It cannot be varied except as specified in writing by the senior veterinary officer. The senior veterinary officer may only make such variation when it is strongly justified after full consideration of all relevant factors.
 - b) The conditions of this licence and permit must also be fully complied with.
 - c) All relevant legislation must also be fully complied with.
 - d) The permittee/licensee shall provide to the senior veterinary officer a manual (or other documents acceptable to the senior veterinary officer) in English and/or Chinese setting out the detailed arrangements for such compliance, and how this will be ensured and monitored. The permittee/licensee shall update this manual (or other document acceptable to the senior veterinary officer) when requested.

16. The Director hereby reserves the right to revise the Conditions from time to time and the revised Conditions shall take immediate effect unless otherwise stated.

Glossary In this Code of Standards –

- “Director” means the Director of Agriculture, Fisheries and Conservation and any Assistant Director of Agriculture, Fisheries and Conservation (Section 2 of the Public Health (Animals and Birds) Ordinance, Cap. 139);
- “Inspector” means any person appointed as an inspector under section 17 of the Public Health (Animals and Birds) Ordinance Cap. 139 (Section 2 of the Public Health (Animals and Birds) Ordinance Cap. 139);
- “Senior veterinary officer” includes any veterinary officer and assistant veterinary officer authorized by the Director to perform the duties of a senior veterinary officer under the Public Health (Animals and Birds) Ordinance Cap. 139 (Section 2 of the Public Health (Animals and Birds) Ordinance Cap. 139).;
- The term “this Department” refers to the Agriculture, Fisheries and Conservation Department of the Hong Kong SAR Government.

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Agriculture, Fisheries and Conservation Department

Hong Kong SAR Government

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