

Chapter:	340	ANIMALS (CONTROL OF EXPERIMENTS) ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To provide for the control of experiments on living vertebrate animals.

[24 May 1963]

(Originally 18 of 1963)

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Animals (Control of Experiments) Ordinance.

Section:	2	Interpretation		30/06/1997
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In this Ordinance, unless the context otherwise requires-

"academic institution" (學術機構) includes universities, university colleges, hospitals, medical schools, agricultural colleges, farm schools, and any other similar institutions;

"animal" (動物) means a living vertebrate animal;

"experiment" (實驗) means any experiment performed on an animal and calculated to give pain;

"Licensing Authority" (發牌當局) means the Director of Health; (Amended L.N. 76 of 1989)

"licensee" (持牌人) means a person licensed under section 7.

Section:	3	Performance of experiments only by licensees		30/06/1997
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(1) No person except a licensee shall perform any experiment.

(2) No licensee shall perform any experiment in accordance with the terms of his licence and subject to the restrictions imposed by this Ordinance.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence. (Added 12 of 1964 s. 2)

Section:	4	Prohibition against performing experiments to attain manual skill		30/06/1997
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(1) Except under and in accordance with an endorsement made under section 8, no licensee shall perform any experiment for the purpose of attaining manual skill.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence. (Added 12 of 1964 s. 3)

Section:	5	Prohibition of performance of experiments for illustration of lectures except as specified in permit		30/06/1997
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(1) Except under and in accordance with a teaching permit issued under section 9, no licensee shall perform any experiment for the purpose of illustrating any lecture at any academic institution.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence. (Added 12 of 1964 s. 4)

Section:	6	Restrictions upon performance of experiments by licensee		30/06/1997
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(1) Except as otherwise provided in sections 4 and 5, no licensee shall perform any experiment except-

(a) for the purpose of the advancement by new discovery of physiological knowledge, or of any

knowledge which will be useful for saving or prolonging life, or alleviating suffering, or for combating any disease whether of human beings, animals or plants;

- (b) for the purpose of testing any former discovery alleged to have been made for the advancement of the types of knowledge referred to in paragraph (a);
- (c) by the order in writing of any judge or district judge in any case where such judge is satisfied that it is essential for the purpose of justice in a criminal case to make such experiment.

(2) Except under and in accordance with and endorsement made under section 10, no licensee shall perform any experiment unless-

- (a) throughout the whole of the experiment the animal is under the influence of some anaesthetic of sufficient power to prevent the animal feeling pain; and
- (b) if the pain is likely to continue after the effect of the anaesthetic has ceased, or if any serious injury has been inflicted on the animal, the animal is killed before it recovers from the influence of the anaesthetic which has been administered.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence. (Added 12 of 1964 s. 5)

Section:	7	Grant of licences	30/06/1997
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(1) The Licensing Authority may grant a licence to any person to perform any experiment for any purpose specified in such licence during such period and subject to such conditions, in addition to the conditions specified in this Ordinance, as he may think fit.

(2) It shall be a condition of any licence granted under subsection (1) that any experiment performed pursuant to such licence shall be performed at such place as may be specified in such licence.

Section:	8	Endorsements to enable performance of experiments for manual skill	30/06/1997
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Where the Licensing Authority is satisfied that it is desirable, he may, by endorsement of any licence, authorize the holder thereof to perform experiments for the purpose of attaining manual skill during such period and subject to such conditions as the Licensing Authority may think fit.

Section:	9	Grant of permits	30/06/1997
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(1) Where the Licensing Authority is satisfied that it is absolutely necessary for the due instruction of persons attending any lectures for the purpose of acquiring physiological knowledge or any knowledge which will be used for saving or prolonging life, or alleviating suffering, or for combating any disease whether of human beings, animals or plants, for any such lecture to be illustrated by the performance of any experiment, the Licensing Authority may grant to a licensee a teaching permit to perform any experiment for the purpose of illustrating such lecture.

(2) Every teaching permit granted under subsection (1) shall be subject to such conditions, in addition to any conditions specified in this Ordinance, as may be specified in such permit, and such permit shall remain in force for twelve months from the date on which it is granted.

Section:	10	Endorsements to enable performance of experiments without anaesthetics, etc.	30/06/1997
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Where the Licensing Authority is satisfied that the object of any experiment or series of experiments permitted to be performed by a licensee would necessarily be frustrated-

- (a) by the performance of such experiment under any anaesthetic; or
- (b) by killing the animal on which such experiment is performed before it recovers from the influence of any anaesthetic,

he may, by endorsement of any licence, authorize the holder to perform such experiment or series of experiments without administering any anaesthetic to the animal or without killing the animal before it recovers from the influence of such anaesthetic, as the case may be, during such period and subject to such conditions as the Licensing Authority may think fit.

Section:	11	Duty to keep records and to permit inspections		30/06/1997
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- (1) Every licensee shall keep, in such form as may be prescribed, records of all experiments performed by him.
- (2) Every licensee shall permit any medical or health officer authorized in writing by the Licensing Authority for the purpose to inspect any records kept by him at any time between 8 a.m. and 6 p.m. on any day other than a Sunday or public holiday.
- (3) Every licensee shall permit any person authorized in writing as aforesaid to enter and inspect, for the purpose of securing compliance with the provisions of this Ordinance, any place specified in such licensee's licence for the performance of experiments.
- (4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$500 and to imprisonment for 3 months. (Added 12 of 1964 s. 6)

Section:	12	Duty to render returns		30/06/1997
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- (1) Every licensee shall render to the Licensing Authority in such form and at such time as may be prescribed such returns as may be required in relation to any experiments performed by the licensee.
- (2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of \$500 and to imprisonment for 3 months. (Added 12 of 1964 s. 7)

Section:	13	Power to make regulations	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) The Secretary for Food and Health may make regulations generally for the better carrying out of the provisions of this Ordinance. (Amended L.N. 106 of 2002; L.N. 130 of 2007)
- (2) Regulations made under subsection (1) may, without prejudice to the generality of the power conferred by subsection (1), provide-
- (a) for the keeping of records of all experiments performed by any licensee;
 - (b) for the rendering of returns in relation to any experiments performed under this Ordinance; and
 - (c) that the contravention of any regulation shall constitute an offence and may prescribe penalties for any offence not exceeding a fine of five hundred dollars and imprisonment for six months.
- (3) The Director of Health may by regulation specify forms to be used as regards applications or any matter or thing done or to be done under this Ordinance and any regulations made under this section. (Added 80 of 1997 s. 19)
- (4) Subsection (1) shall not be construed as enabling the Secretary for Food and Health to make regulations as regards any matter in relation to which regulations may be made under subsection (3). (Added 80 of 1997 s. 19. Amended L.N. 106 of 2002; L.N. 130 of 2007)
- (Amended 80 of 1997 s. 19)

Section:	14	Cancellation of licence or permit		30/06/1997
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- (1) It shall be a condition of every licence, permit or endorsement granted or made under the provisions of this Ordinance that such licence, permit or endorsement may be cancelled at any time by the Licensing Authority on his being satisfied that such licence or permit ought to be cancelled. (Amended 6 of 1994 s. 59)
- (2) Notice in writing of any cancellation under subsection (1), containing a statement of the reasons therefor, shall be served by the Licensing Authority either personally or by registered post on the holder of the licence or permit to whom the cancellation relates. (Added 6 of 1994 s. 59)

Section:	15	General penalties		30/06/1997
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Any person who is guilty of an offence under section 3, 4, 5 or 6 shall be liable on summary conviction to a fine of \$1000 and to imprisonment for 6 months.

(Replaced 12 of 1964 s. 8)

Section:	16	Restriction of prosecutions	L.N. 362 of 1997	01/07/1997
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Except by or with the consent of the Secretary for Justice, a prosecution under this Ordinance shall not be instituted.

(Amended L.N. 362 of 1997)

Section:	17	Appeals		30/06/1997
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(1) Any person aggrieved by a refusal to issue a licence, endorsement or permit under section 7, 8, 9 or 10, or the cancellation of a licence, permit or endorsement under section 14 may, within 28 days from the date when he was informed of the decision, appeal to the Administrative Appeals Board.

(2) The cancellation of a licence, permit or endorsement that is appealed against under subsection (1) shall be suspended in its operation as from the day on which the appeal is made until such appeal is disposed of, withdrawn or abandoned unless such suspension would, in the opinion of the Licensing Authority, be contrary to the public interest and the notice of the cancellation contains a statement to that effect.

(Replaced 6 of 1994 s. 59)