

《防止殘酷對待動物條例》

(第 169 章)

Prevention of Cruelty to Animals Ordinance

(Cap. 169)

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尚未實施的條文 / 修訂 —

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制定史

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(第 169 章)

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Prevention of Cruelty to Animals Ordinance

(Cap. 169)

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本條例旨在禁止與懲罰殘酷對待動物。

[1935 年 11 月 29 日]

(格式變更——2018 年第 3 號編輯修訂紀錄)

1. 簡稱

本條例可引稱為《防止殘酷對待動物條例》。

2. 釋義

在本條例中，除文意另有所指外——

高級獸醫官 (senior veterinary officer) 包括任何獲漁農自然護理署署長授權根據本條例執行高級獸醫官職責的獸醫官；
(由 1979 年第 53 號第 2 條代替。由 1999 年第 331 號法律公告修訂)

動物 (animal) 包括任何哺乳動物、雀鳥、爬蟲、兩棲動物、魚類或任何其他脊椎動物或無脊椎動物，不論屬野生或馴養者；
(由 1979 年第 53 號第 2 條代替)

船隻 (vessel) 包括任何大小船艇，或任何其他各類用於航行的船隻；

衛生主任 (health officer) 具有《釋義及通則條例》(第 1 章) 第 3 條給予該詞的涵義；
(由 1960 年第 30 號附表 8 增補)

衛生督察 (health inspector) 具有《公眾衛生及市政條例》(第 132 章) 第 2 條給予該詞的涵義。
(由 1960 年第 30 號附表 8 增補。由 1986 年第 10 號第 32 條修訂)

(由 1960 年第 30 號附表 8 修訂)

To prohibit and punish cruelty to animals.

[29 November 1935]

(Format changes—E.R. 3 of 2018)

1. Short title

This Ordinance may be cited as the Prevention of Cruelty to Animals Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

animal (動物) includes any mammal, bird, reptile, amphibian, fish or any other vertebrate or invertebrate whether wild or tame;
(Replaced 53 of 1979 s. 2)

health inspector (衛生督察) has the meaning assigned by section 2 of the Public Health and Municipal Services Ordinance (Cap. 132);
(Added 30 of 1960 Eighth Schedule. Amended 10 of 1986 s. 32)

health officer (衛生主任) has the meaning assigned by section 3 of the Interpretation and General Clauses Ordinance (Cap. 1);
(Added 30 of 1960 Eighth Schedule)

senior veterinary officer (高級獸醫官) includes any veterinary officer authorized by the Director of Agriculture, Fisheries and Conservation to perform the duties of a senior veterinary officer under this Ordinance;
(Replaced 53 of 1979 s. 2. Amended L.N. 331 of 1999)

vessel (船隻) includes any ship or boat or any other description of vessel used in navigation.

(Amended 30 of 1960 Eighth Schedule)

3. 有關殘酷對待動物的罰則**(1) 任何人——**

- (a) 如殘酷地打、踢、惡待、過度策騎、過度驅趕任何動物或殘酷地使任何動物負荷過重或殘酷地將其折磨、激怒或驚嚇，或導致或促致任何動物被如此使用，或身為任何動物的擁有人而准許該動物被如此使用，或因胡亂或不合理地作出或不作出某種作為而導致任何動物受到任何不必要的痛苦，或身為任何動物的擁有人而准許如此導致該動物受到任何不必要的痛苦；或
- (b) 如掌管任何被禁閉或被關禁或正由一處地方運送往另一處地方的動物，但疏於對該動物提供充足的食物和清水；或
- (c) 如輸送或運載任何動物，或導致或促致任何動物被輸送或運載，或身為任何動物的擁有人而准許該動物被輸送或運載，而所採用的方式或盛放動物的位置，或盛載動物的箱、簍或籃的構造或過小體積，令該動物承受不必要的痛楚或痛苦；或
- (d) 如將任何動物裝上船隻或鐵路貨卡，或將任何動物自船隻或鐵路貨卡卸在另一船隻或鐵路貨卡、碼頭、岸或月臺，而所採用的方式或使用的器具令該動物承受不必要或原可避免的痛苦；或
- (e) 如導致、促致或協助進行動物打鬥或動物挑惹，或經營、使用、管理、作出作為以管理或協助管理任何處所或地方作為或部分作為動物打鬥或動物挑惹用途，或准許任何處所或地方被如此經營、管理或使用，或因任何人獲准進入該等處所或地方而接受金錢或導致或促致任何人因此而接受金錢；或
- (f) 如在任何動物因疾病、衰弱、受傷、疼痛或其他原因而不適宜被使用於某種工作或勞動時，仍將其如

3. Penalty for cruelty to animals**(1) Any person who—**

- (a) cruelly beats, kicks, ill-treats, over-rides, over-drives, overloads, tortures, infuriates, or terrifies any animal, or causes or procures or, being the owner, permits any animal to be so used, or, by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary suffering or, being the owner, permits any unnecessary suffering to be so caused to any animal; or
- (b) being in charge of any animal in confinement or captivity or in the course of transport from one place to another, neglects to supply such animal with sufficient food and sufficient fresh water; or
- (c) conveys or carries, or causes or procures or, being the owner, permits to be conveyed or carried, any animal in such a manner or position or in a case, crate or basket of such construction or such small dimensions as to subject it to unnecessary pain or suffering; or
- (d) loads any animal into or discharges any animal from any vessel or railway truck on to another vessel or railway truck or on to a wharf or on to the shore, or on to any platform in such a way or with such appliances as to subject such animal to needless or avoidable suffering; or
- (e) causes, procures or assists at the fighting or baiting of any animal, or keeps, uses, manages, or acts or assists in the management of any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or permits any premises or place to be so kept, managed or used, or receives, or causes or

此使用，或導致或促致其被如此使用，或身為其擁有人而准許其被如此使用；或

- (g) 將任何動物帶進香港或驅趕、運載、運送或移走，或據有或畜養任何動物，或明知而容受任何動物在其控制下或在其處所內被據有或被畜養，而所採用的方式可能導致該動物受到不必要或原可避免的痛苦，

一經循簡易程序定罪，可處罰款 \$200,000 及監禁 3 年。
(由 1950 年第 22 號附表修訂；由 1979 年第 53 號第 3 條修訂；由 2006 年第 23 號第 2 條修訂)

- (2) 為施行本條，擁有人如沒有就保護動物免受殘酷對待而作出合理的謹慎措施及監管，須當作已准許殘酷對待動物：

但如擁有人只因沒有作出上述的謹慎措施及監管而被裁定犯本條例所指的准許殘酷對待動物罪，則在沒有給予他罰款選擇時不可將他處以監禁。

- (3) 本條不適用於在宰殺或預備宰殺動物作人類食物的過程中所作出或不作出的作為，但若如此宰殺或預備宰殺動物為動物帶來不必要的痛苦，則屬例外。

4. 逮捕、檢取、進入和搜查的權力

- (1) 任何高級獸醫官、任何屬二級農林督察職系或較高職系

procures any person to receive, money for the admission of any person to such premises or place; or

- (f) employs, or causes or procures or, being the owner, permits to be employed, in any work or labour any animal which, in consequence of any disease, infirmity, wound or sore, or otherwise, is unfit to be so employed; or

- (g) brings into Hong Kong, or drives, carries, transports, removes, or has or keeps, or knowingly suffers to be had or kept under his control or on his premises, any animal in any way which may cause it needless or avoidable suffering, (*Amended 65 of 1999 s. 3*)

shall be liable on summary conviction to a fine of \$200,000 and to imprisonment for 3 years. (*Amended 22 of 1950 Schedule; 53 of 1979 s. 3; 23 of 2006 s. 2*)

- (2) For the purposes of this section, an owner shall be deemed to have permitted cruelty if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom: (*Amended E.R. 3 of 2018*)

Provided that where an owner is convicted of permitting cruelty within the meaning of this Ordinance by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

- (3) Nothing in this section shall apply to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering.

4. Power of arrests, seizure, entry and search

- (1) Any senior veterinary officer, any other officer of the

並獲漁農自然護理署署長以書面授權的漁農自然護理署其他人員、衛生主任、衛生督察或警務人員，均可無需手令而逮捕憑其個人觀感或在其他人的申訴和告發下他有理由相信違反第 3 條或違反本條例所訂任何規例而犯罪的人。上述的其他人須向上述人員或督察報上其姓名及居住地點。(由 1979 年第 53 號第 4 條修訂；由 1999 年第 331 號法律公告修訂)

- (1A) (a) 任何人(下稱**被捕人**)如被非警務人員的人根據本條逮捕，須隨即帶往最近的警署或交由警務人員羈押。
- (b) 每當有被捕人帶往警署，《警隊條例》(第 232 章)第 52 條的條文即行適用。
- (c) 每當有被捕人交由警務人員羈押，《警隊條例》(第 232 章)第 51 及 52 條的條文即行適用。(由 1979 年第 53 號第 4 條增補)
- (2) 如何人所犯的上述罪行涉及任何動物、運輸工具或物件，或任何人藉任何動物、運輸工具或物件而犯上述罪行，則該動物、運輸工具或物件，可由任何上述人員或督察檢取並帶往警署或任何方便的地方，存放該處，直至控罪經適當法律程序獲得決定為止，但按裁判官的命令而須在較早時間將其交出除外。
- (3) 任何上述人員或督察，可將任何他懷疑與在第 3 條下所犯罪行有關的動物在任何街道或公眾地方截停，並予檢驗。
- (4) 任何高級獸醫官、衛生主任、衛生督察或警務人員，如有理由懷疑在任何建築物內或在任何車輛、火車、電車、航空器或船隻上有人正在或已經犯違反本條例或根據本條例訂立的任何規例的任何條文的罪行，均可進入並搜查該等建築物、車輛、火車、電車、航空器或船隻。(由 1979 年第 53 號第 4 條修訂)

(由 1960 年第 30 號附表 8 修訂)

Agriculture, Fisheries and Conservation Department of the grade of Field Officer II and above and authorized in writing by the Director of Agriculture, Fisheries and Conservation, health officer, health inspector or police officer may arrest without warrant any person who he has reason to believe is guilty of an offence against section 3 or against any regulation under this Ordinance, whether upon his own view thereof or upon the complaint and information of any other person. Any such other person shall declare his name and place of abode to any such officer or inspector. (*Amended 53 of 1979 s. 4; L.N. 331 of 1999*)

- (1A) (a) Any person (hereinafter referred to as an **arrested person**) who is arrested under this section by a person other than a police officer, shall forthwith be taken to the nearest police station or given into the custody of a police officer.
- (b) Whenever an arrested person is brought to a police station the provisions of section 52 of the Police Force Ordinance (Cap. 232) shall apply.
- (c) Whenever an arrested person is given into the custody of a police officer the provisions of sections 51 and 52 of the Police Force Ordinance (Cap. 232) shall apply. (*Added 53 of 1979 s. 4*)
- (2) Any animal, conveyance or article concerning or by which any such offence has been committed may be seized by any such officer or inspector and taken to a police station or to any convenient place, and there kept, unless given up sooner by order of a magistrate, until the charge is decided in due course of law.
- (3) Any such officer or inspector may stop in any street or public place and examine any animal in respect of which he suspects that an offence has been committed under section 3.

5. 裁判官的命令

- (1) 當任何人已就任何動物被裁定犯第 3 條所訂或根據本條例訂立的任何規例所訂的罪行時，裁判官可作出命令，規定該動物——
 - (a) 不得被使用；或
 - (b) 須移至並在命令所述期間內扣留在命令所述的地方。
- (2) 規定任何動物不得被使用或須予扣留在某處地方的任何命令，可不述明期限而代之以指示在該動物康復前不得被使用或須予扣留，而該動物即不得被使用或須予扣留（視屬何情況而定），直至一名高級獸醫官以書面核證該動物適宜被使用或釋放為止。
- (2A) (a) 如任何動物的擁有人被裁定犯第 3 條所訂罪行，則裁判官除可施加的任何其他刑罰或可作出的任何其他命令外，尚可作出命令剝奪該擁有人對該動物的擁有權，並可作出他認為適當的有關處置該動物的命令。
- (b) 除非有關該擁有人的以往定罪或品格的證據顯示，該動物如留交該擁有人則相當可能會再受殘酷對待，否則不得根據 (a) 段作出命令。（由 1979 年第 53 號第 5 條增補）[比照 1911 c. 27 s. 3 U.K.]
- (3) 如任何動物依據一項根據本條作出的命令而帶往某處地方，則任何就該動物而被定罪的人，須繳付該動物留在

- (4) Any senior veterinary officer, health officer, health inspector or police officer may enter and search any building, vehicle, train, tram, aircraft or vessel in or on board of which such officer or inspector may have reason to suspect that any offence against any of the provisions of this Ordinance or of any regulation made thereunder is being or has been committed. (*Amended 53 of 1979 s. 4; 80 of 1997 s. 102*)
(*Amended 30 of 1960 Eighth Schedule*)

5. Orders by magistrate

- (1) When any person has been convicted of an offence under section 3 or of any regulations made under this Ordinance, the magistrate may order that any animal in respect of which the offence has been committed—
 - (a) shall not be used; or
 - (b) shall be removed to and detained in such place and for such time as is stated in the order.
- (2) Any order that an animal shall not be used or shall be detained in any place may, instead of stating any period of time, direct that the animal shall not be used or shall be detained until it recovers, and such animal shall not be used or shall be detained, as the case may be, until a senior veterinary officer certifies in writing that it may properly be used or released.
- (2A) (a) If the owner of any animal is convicted of an offence under section 3 the magistrate may, in addition to any other penalty or order he may impose or make, make an order depriving such owner of the ownership of the animal and may make such order as to the disposal of the animal as he may think fit.
- (b) No order shall be made under paragraph (a) unless it is shown by evidence as to a previous conviction or as to

該處地方整段期間在飼養和治療方面的訂明費用，而該等費用可作為罰款予以追討：

但如任何該等動物的擁有人要求掌管該動物的人員將該動物毀滅，則該人員須隨即安排將該動物毀滅，而對於在該要求提出後任何時間就該動物所提供的飼養或治療，均無須繳付費用。

- (4) 任何人違反根據本條作出的命令而行事，一經循簡易程序定罪，可處罰款 \$200,000 及監禁 3 年。（由 1950 年第 22 號附表修訂；由 1979 年第 53 號第 5 條修訂；由 2006 年第 23 號第 3 條修訂）

6. 命令毀滅動物的權力

任何裁判官、高級獸醫官、衛生主任、衛生督察、政府醫生、或不低於督察級的警務人員，在親自檢查後如信納——

- (a) 動物已嚴重受傷，以致讓它繼續生存是殘酷的；或
- (b) 動物已嚴重受傷或動物的身體狀況，令他在顧及將它移走的各種可用方法下認為它並無可能在不受殘酷對待的情況下被移走，而讓它繼續生存亦是殘酷的；或
- (c) 動物（不論是否受傷）的受困位置，令進行拯救並不切實可行，而讓它繼續生存亦有違公眾衛生或安全；或動物的受困位置，令它並無可能在不受殘酷對待的情況下被移走，而讓它繼續生存亦是殘酷的，（由 1979 年第 53 號第 6 條增補）

the character of the owner that the animal, if left with the owner, is likely to be exposed to further cruelty. *(Added 53 of 1979 s. 5) [cf. 1911 c. 27 s. 3 U.K.]*

- (3) If any animal has been taken to any place in pursuance of an order made under this section any person who has been convicted of an offence in respect of such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it shall remain therein, and such fees may be recovered as a fine:

Provided that, if the owner of any such animal shall request the officer in charge of the animal to destroy it, such officer shall forthwith cause the animal to be destroyed, and no fees shall be payable in respect of the maintenance or treatment of such animal for any time subsequent to such request.

- (4) Any person who acts in contravention of any order made under this section shall be liable on summary conviction to a fine of \$200,000 and to imprisonment for 3 years. *(Amended 22 of 1950 Schedule ; 53 of 1979 s. 5; 23 of 2006 s. 3)*

6. Power to order destruction of animals

Any magistrate, senior veterinary officer, health officer, health inspector, government medical officer, or police officer not below the rank of inspector who has satisfied himself by personal inspection—

- (a) that an animal is so severely injured that it is cruel to keep the animal alive; or
- (b) that an animal is so severely injured or in such a physical condition that in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty and that it is cruel to keep it alive; or

可藉書面命令，指示將該動物毀滅，而該命令可隨即由該人員或督察或任何警務人員執行，或在其指示下執行：

但如任何該等動物是在對其合適的房屋、廐、棚或圍場，而並非是在街道或其他公眾地方的，則在該動物的擁有人（如在場時）或掌管該動物的人（如有的話）獲通知該動物的狀況前，不得作出上述命令。

(由 1960 年第 30 號附表 8 修訂)

7. 無須付給補償

如有任何動物，依據一項根據第 6 條作出的命令被毀滅，或在遵從任何自稱為該動物的擁有人的人按第 5(3) 條規定所提出的要求下被毀滅，而在後述的情況下，掌管該動物的人員是真誠地相信提出該要求的人事實上是該動物的擁有人，則無須向任何人就毀滅該動物而付給補償。

8. 訂立規例的權力

- (1) 為防止殘酷對待動物，行政長官會同行政會議可訂立規例，訂明將動物禁閉在任何地方、船隻、火車、電車、航空器或車輛的條件，包括任何該等地方的發牌、建造及妥善保持衛生事宜。*（由 1939 年第 16 號第 2 條修訂；由 1950 年第 22 號附表修訂；由 1979 年第 53 號第 7 條修*

- (c) that an animal, whether injured or otherwise, is trapped in such a position as to render it impracticable to effect a rescue and it is contrary to public health or safety to keep it alive or that an animal is trapped in such a position that there is no possibility of removing it without cruelty and it is cruel to keep it alive, *(Added 53 of 1979 s. 6. Amended 80 of 1997 s. 102)*

may by order in writing direct such animal to be destroyed, and such order may forthwith be carried out by or under the direction of such officer or inspector or of any police officer:

Provided that if any such animal is in any house, stable, shed or enclosure proper for such animal and not in a street, or other public place, no such order shall be made until the owner of the animal (if present) or the person in charge thereof (if any) has been informed of the state of the animal.

(Amended 30 of 1960 Eighth Schedule)

7. Compensation not payable

No compensation shall be payable to any person in respect of the destruction of any animal in pursuance of an order made under section 6, or in compliance with a request as provided in section 5(3), by any person professing to be the owner of such animal, provided in the latter case that the officer in charge of the animal in good faith believed that the person making the request was in fact the owner.

8. Power to make regulations

- (1) For the purpose of preventing cruelty the Chief Executive in Council may make regulations prescribing the conditions under which animals may be kept in confinement in any place, vessel, train, tram, aircraft or vehicle, including the licensing, construction and proper sanitary maintenance

訂；由 1999 年第 65 號第 3 條修訂；由 2006 年第 23 號第 4 條修訂)

- (1A) 根據第 (1) 款訂立的規例，可規定違反規例中的某一指明條文即屬犯罪，可處不超過第 5 級罰款，而就持續的罪行而言，則可就罪行持續期間的每一天，另處罰款不超過 \$200。 (由 2006 年第 23 號第 4 條增補)
- (2) 當任何船隻的船長在其船上時，如有違反任何規例的情況發生，則該船長 (除實際犯罪者外) 須當作犯違反該規例罪，並可據此被檢控並受懲罰。

of any such place. (*Amended 16 of 1939 s. 2; 22 of 1950 Schedule; 53 of 1979 s. 7; 65 of 1999 s. 3; 23 of 2006 s. 4*)

- (1A) Regulations made under subsection (1) may provide that a contravention of a specified provision of the regulations is an offence punishable by a fine not exceeding level 5 and, in the case of a continuing offence, a further fine not exceeding \$200 for every day during which the offence continues. (*Added 23 of 2006 s. 4*)
- (2) The master of any vessel shall (in addition to the actual offender) be deemed to be guilty of any contravention of any regulation which may occur while he is on board his ship and shall be liable to be proceeded against and punished accordingly.