

## 《獸醫註冊條例》

## (第 529 章)

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## Veterinary Surgeons Registration Ordinance

## (Cap. 529)

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本條例旨在就規管獸醫外科學的執業、獸醫的註冊、註冊獸醫專業事務的紀律管制和就與該等註冊及紀律管制有關的事宜訂定條文。

An Ordinance to provide for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons, the disciplinary control of the professional activities of registered veterinary surgeons and for matters related to such registration and disciplinary control.

[1997 年 7 月 14 日]

[14 July 1997]

(略去制定語式條文——2012 年第 2 號編輯修訂紀錄)

(Enacting provision omitted—E.R. 2 of 2012)

(\* 格式變更——2012 年第 2 號編輯修訂紀錄)

(\*Format changes—E.R. 2 of 2012)

編輯附註：

\* 整條條例的格式已按現行法例樣式更新。

Editorial Note:

\*The format of the Ordinance has been updated to the current legislative styles.

## 第 1 部 導言

## Part 1 Preliminary

### 1. 簡稱

- (1) 本條例可引稱為《獸醫註冊條例》。
- (2) (已失時效而略去——2012 年第 2 號編輯修訂紀錄)

### 1. Short title

- (1) This Ordinance may be cited as the Veterinary Surgeons Registration Ordinance.
- (2) (Omitted as spent—E.R. 2 of 2012)

### 2. 釋義

在本條例中，除文意另有所指外——

**主席** (Chairman) 指根據第 3 條委任的管理局主席；

**名冊** (register) 指根據第 5(a) 條設置和保存的註冊獸醫名冊；

**法律顧問** (Legal Adviser) 指根據第 7(1) 條委任的管理局法律顧問；

### 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;

**Board** (管理局) means the Veterinary Surgeons Board established by section 3;

**研訊委員會** (inquiry committee) 指根據第 18(1) 條設立的研訊委員會；

**秘書** (Secretary) 指根據第 7(1) 條委任的管理局秘書；

**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，不論其為野生或馴養者；

**註冊事務委員會** (registration committee) 指根據第 13(1) 條委出的註冊事務委員會；

**註冊獸醫** (registered veterinary surgeon) 指現時名列於名冊的人；

**違紀行為** (disciplinary offence) 指第 17(1) 條列出的作為或不作為；

**管理局** (Board) 指根據第 3 條設立的獸醫管理局；

**獸醫外科學** (veterinary surgery) 指獸醫外科和內科的技術與科學，並在不局限前述條文的原則下，包括——

- (a) 對動物的疾病及損傷的診斷，包括為診斷目的而進行的測試；
- (b) 基於上述診斷而提供意見；
- (c) 對動物進行的內科或外科治療，包括對動物進行外科手術；

**獸醫服務** (veterinary service) 指作出或執行任何作為或料理任何事務，而作出或執行該等作為、或料理該等事務是屬於普遍接受的獸醫外科學業務的一部分。

(編輯修訂——2012 年第 2 號編輯修訂紀錄)

**Chairman** (主席) means the Chairman of the Board appointed under section 3;

**disciplinary offence** (違紀行為) means an act or omission set out in section 17(1);

**inquiry committee** (研訊委員會) means an inquiry committee established under section 18(1);

**Legal Adviser** (法律顧問) means the Legal Adviser to the Board appointed under section 7(1);

**register** (名冊) means the register of registered veterinary surgeons established and maintained under section 5(a);

**registered veterinary surgeon** (註冊獸醫) means a person whose name is currently entered in the register;

**registration committee** (註冊事務委員會) means a registration committee appointed under section 13(1);

**Secretary** (秘書) means the Secretary to the Board appointed under section 7(1);

**veterinary service** (獸醫服務) means doing or performing any act or attending to any matter the doing or performing of which or the attending to which forms part of the generally accepted practice of veterinary surgery;

**veterinary surgery** (獸醫外科學) means the art and science of veterinary surgery and medicine and, without limiting the foregoing, includes—

- (a) the diagnosis of disease in, and injuries to, animals including tests performed for diagnostic purposes;
- (b) the giving of advice based on such diagnosis;
- (c) the medical or surgical treatment of animals including the performance of surgical operations thereon.

## 第 2 部

### 獸醫管理局

#### 3. 管理局的設立

(有關《立法會決議》(2007 年第 130 號法律公告)所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。)

- (1) 現設立一個“獸醫管理局”，該管理局具備由本條例或憑藉本條例授予的宗旨及權力。
- (2) 管理局由以下人士組成——
  - (a) 主席 1 名；
  - (b) 有權在香港以專業身分執業的醫生或藥劑師 1 名；
  - (c) 食物及衛生局局長認為代表使用獸醫服務的人的利益的人的 2 名人士；及 (由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
  - (d) 註冊獸醫 6 名，  
均由食物及衛生局局長委任而任期不超過 3 年，但任何上述人士可獲再度委任，每次任期不超過 3 年。(由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
- (3) 根據本條所作出的每項委任的公告均須在憲報刊登。

#### 4. 關於管理局及其成員的條文

(有關《立法會決議》(2007 年第 130 號法律公告)所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。)

- (1) 附表 1 就管理局及其成員而適用。

## Part 2

### Veterinary Surgeons Board

#### 3. Establishment of the Board

(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) There shall be a Veterinary Surgeons Board which shall have such purposes and powers as are conferred on it by, or by virtue of, this Ordinance.
- (2) The Board shall consist of—
  - (a) a chairman;
  - (b) a person who is a medical practitioner or pharmacist who is entitled to practise his profession in Hong Kong;
  - (c) 2 persons who, in the opinion of the Secretary for Food and Health, represent the interests of persons who utilize veterinary services; and
  - (d) 6 persons who are registered veterinary surgeons, each of whom shall be appointed by the Secretary for Food and Health for a term not exceeding 3 years, but any person may be appointed for further terms not exceeding 3 years in each case. (*Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007*)
- (3) Notice of every appointment made under this section shall be published in the Gazette.

#### 4. Provisions as respects the Board and its members

(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.)

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- (2) 食物及衛生局局長可藉命令修訂附表 1。(由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
- (3) 現聲明《釋義及通則條例》(第 1 章) 第 VII 部(與本條例條文有所抵觸的條文除外) 就管理局及委任該局成員的事宜而適用。

## 5. 管理局的職能

(有關《立法會決議》(2007 年第 130 號法律公告) 所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。)

管理局須——

- (a) 設置和保存一份註冊獸醫名冊；
- (b) 制訂和檢討註冊為註冊獸醫的資格標準及有關的註冊事宜；
- (c) 就註冊事宜向政府提供意見；
- (d) 審查和核實申請註冊為註冊獸醫的人士的資格；
- (e) 接收、審查、接受或拒絕註冊為註冊獸醫的申請或註冊續期的申請；
- (f) 處理違紀行為；
- (g) 就管理局的處事程序備存妥善的紀錄；
- (h) 向食物及衛生局局長呈交根據 (b) 段不時訂立的資格標準；及 (由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
- (i) 執行本條例所訂明的其他職能。

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- (1) Schedule 1 shall have effect as respects the Board and its members.
- (2) The Secretary for Food and Health may by order amend Schedule 1. (*Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007*)
- (3) It is declared that save insofar as is inconsistent with the provisions of this Ordinance, Part VII of the Interpretation and General Clauses Ordinance (Cap. 1) shall apply as respects the Board and appointments to the Board.

## 5. Functions of the Board

(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.)

The Board shall—

- (a) establish and maintain a register of registered veterinary surgeons;
- (b) set and review the qualification standards for registration as a registered veterinary surgeon and related registration matters;
- (c) advise the Government on registration matters;
- (d) examine and verify the qualifications of persons who apply for registration as registered veterinary surgeons;
- (e) receive, examine, accept or reject applications for registration and renewal of registration as a registered veterinary surgeon;
- (f) deal with disciplinary offences;
- (g) keep proper records of its proceedings;
- (h) lodge with the Secretary for Food and Health, qualification standards established from time to time

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## 6. 管理局的權力

管理局可——

- (a) 成立委員會及委任委員會的成員，以就管理局行使權力和執行職能事宜向管理局提供意見；
- (b) 發出一套實務守則，並就註冊獸醫的專業操守及紀律訂立規則；
- (c) 訂立由本條例或憑藉本條例所規定而需要的其他規則。

## 7. 秘書及法律顧問的委任

(有關《立法會決議》(2007 年第 130 號法律公告)所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。)

- (1) 管理局設有由食物及衛生局局長委任的——(由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
  - (a) 秘書 1 名；及
  - (b) 法律顧問 1 名。
- (2) 秘書須負責保管名冊，並且除須擔任管理局的秘書外，亦須擔任註冊事務委員會及任何研訊委員會的秘書。
- (3) 法律顧問須就研訊進行期間或前後出現的法律論點及程序上的問題，向研訊委員會提供意見。

under paragraph (b); and (*Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007*)

- (i) carry out such other functions as this Ordinance may prescribe.

## 6. Powers of the Board

The Board may—

- (a) create, and appoint members of, committees to advise the Board on the carrying out of the powers and functions of the Board;
- (b) issue a Code of Practice and make rules for the professional conduct and discipline of registered veterinary surgeons;
- (c) make such further rules as may be required by, or by virtue of, this Ordinance.

## 7. Appointment of Secretary and Legal Adviser

(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) There shall be—
  - (a) a Secretary; and
  - (b) a Legal Adviser,
 to the Board who shall be appointed by the Secretary for Food and Health. (*Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007*)
- (2) The Secretary shall be responsible for the custody of the register and shall serve as secretary to the registration committee and any inquiry committee as well as the Board.



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- (3) The Legal Adviser shall advise an inquiry committee on any points of law and procedure that arise before, during or after the inquiry.
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## 第 3 部

### 名冊及證明書

#### 8. 名冊的格式

- (1) 秘書須按照管理局的指示，備存一份名冊，內載所有已註冊人士的姓名、地址及管理局所指示的任何其他細節，以及該等人士的註冊所依據的資格。
- (2) 名冊須在管理局不時指定的辦事處內，於管理局所指示的合理時間內，免費供人查閱。
- (3) 名列於名冊的人，須在第 (1) 款所述的細節有所變更後 28 日內，將有關變更通知秘書。

#### 9. 註冊資格

- (1) 除符合以下條件的人士外，管理局不得將任何人註冊為註冊獸醫——
  - (a) 該人已通過獸醫外科學及其他相關學科的考試，並曾接受訓練和取得經驗，而該等考試、訓練及經驗均為管理局一般地或在個別情況下所接納的；
  - (b) 該人並非根據第 4 部所作出的禁止他根據本條例註冊的紀律制裁命令的標的；
  - (c) 該人使管理局信納他有能力以獸醫身分執業；及
  - (d) 該人為獲得註冊的合適和適當人選。
- (2) 在不影響第 (1)(d) 款的一般性的原則下，管理局可拒絕將以下人士註冊為註冊獸醫——

## Part 3

### Register and Certificates

#### 8. Form of register

- (1) The Secretary shall, in accordance with the directions of the Board, keep a register containing the names, addresses and any other details that the Board may direct of all persons who have been registered and the qualification on which their registration is based.
- (2) The register shall be available to any person for inspection free of charge at an office nominated from time to time by the Board at such reasonable times as the Board may direct.
- (3) A person whose name is entered in the register shall within 28 days notify the Secretary of any change in the details mentioned in subsection (1).

#### 9. Qualifications for registration

- (1) The Board shall not register a person as a registered veterinary surgeon unless—
  - (a) he has passed such examinations in veterinary surgery and other related subjects and has received such training and experience as the Board may accept, either generally or in a particular case;
  - (b) he is not the subject of a disciplinary order under Part 4 which precludes him from being registered under this Ordinance;
  - (c) he satisfies the Board that he is competent to practise as a veterinary surgeon; and
  - (d) he is a fit and proper person to be registered.

- (a) 該人曾在香港或外地被裁定犯罪，而該罪行可能損及獸醫專業的聲譽；或
  - (b) 該人曾在專業方面犯不當或疏忽行為。
- (3) 凡管理局將某人註冊為註冊獸醫，但其後管理局有合理理由相信該人並無能力作獸醫外科執業，管理局可將此事宜轉介研訊委員會處理，而研訊委員會須處理該事宜，猶如該事宜是根據第 18(1) 條所作的投訴一樣。

(編輯修訂——2012 年第 2 號編輯修訂紀錄)

## 10. 註冊申請

- (1) 任何人須按管理局所定的格式及方式申請註冊為註冊獸醫。
- (2) 申請人遞交申請時須繳付訂明的註冊申請費用。
- (3) 管理局可規定申請人參加第 9(1)(a) 條所指的考試，考核他對獸醫外科學及其他相關學科的知識。

## 11. 接納或拒絕註冊申請的有關規定

- (1) 管理局可接納或拒絕根據本條例提出的註冊申請或註冊續期申請。
- (2) 凡管理局接納或拒絕註冊申請，或接納或拒絕註冊續期申請，秘書須按照管理局所訂立的規則行事。

- (2) Without affecting the generality of subsection (1)(d), the Board may refuse to register a person as a registered veterinary surgeon who—
  - (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute; or
  - (b) has committed misconduct or neglect in a professional respect.
- (3) Where the Board registers a person as a registered veterinary surgeon and the Board later has reasonable grounds to believe that the person is not competent to practise veterinary surgery, it may refer the matter to an inquiry committee which shall deal with it as if it were a complaint under section 18(1).

(Amended E.R. 2 of 2012)

## 10. Application for registration

- (1) A person shall apply for registration as a registered veterinary surgeon in such form and manner as the Board may determine.
- (2) An applicant shall pay at the time of lodging his application the prescribed fee for an application for registration.
- (3) The Board may require an applicant to undertake an examination under section 9(1)(a) of his knowledge of veterinary surgery and other related subjects.

## 11. Acceptance or refusal of registration

- (1) The Board may accept or reject an application for registration or renewal of registration under this Ordinance.
- (2) Where the Board accepts or rejects an application for registration or renewal of registration, the Secretary shall act in accordance with rules made by the Board.

- (3) 凡管理局拒絕註冊申請或拒絕註冊續期申請，該局須給予申請人一份拒絕理由的充分陳述。

## 12. 執業證明書

- (1) 在訂明費用繳付後，秘書因應為有關目的向他提出的申請，須按管理局所決定的格式，向註冊獸醫發出一份證明書，表明他在符合證明書所指明的任何條件及限制下，有權在香港執業。
- (2) 凡執業證明書是依據於某年內就該年提出的申請而發出的，則除第 15(5) 條另有規定外，該執業證明書的有效日期須由發出日期起至該年終結為止。
- (3) 凡執業證明書是依據於某年內就下一年提出的申請而發出的，則除第 15(5) 條另有規定外，該執業證明書須於自該下一年 1 月 1 日起計的 12 個月期間內有效。
- (4) 註冊獸醫在其執業證明書屆滿前 3 個月期間內，須按管理局所決定的格式，向秘書申請將其執業證明書續期。
- (5) 註冊獸醫申請將其執業證明書續期時，須繳付訂明的續期申請費用。
- (6) 如註冊獸醫沒有在其執業證明書屆滿前提出申請將其執業證明書續期，秘書須在該執業證明書屆滿時，在名冊內註明該執業證明書仍未續期。
- (7) 凡註冊獸醫沒有依時將其執業證明書續期，如他向管理局繳付訂明的延長期限費用，管理局可將續期期限延長。

- (3) Where the Board rejects an application for registration or renewal of registration, it shall give to the applicant an adequate statement of the reasons for the rejection.

## 12. Practising certificates

- (1) Subject to the payment of the prescribed fee the Secretary shall, on application made to him in that behalf issue to a registered veterinary surgeon a certificate, in a form determined by the Board, to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to practise in Hong Kong.
- (2) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of that year, the certificate shall, subject to section 15(5), be in force from the time of its issue until the end of that year.
- (3) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of the following year, the certificate shall, subject to section 15(5), be in force for a period of 12 months commencing on 1 January in that following year.
- (4) A registered veterinary surgeon shall, not earlier than 3 months prior to the expiry of the current practising certificate, apply to the Secretary for renewal of his practising certificate in a form determined by the Board.
- (5) A registered veterinary surgeon shall pay the prescribed fee for an application for renewal of his practising certificate at the time of applying for such renewal.
- (6) If a registered veterinary surgeon does not apply for renewal of his practising certificate before the expiry of his current practising certificate the Secretary shall, on the expiry of the current practising certificate, note in the register that the certificate has not been renewed.

**13. 註冊事務委員會**

- (1) 管理局可委出一個由不少於 3 名管理局成員組成的註冊事務委員會，以考慮申請人的資格。
- (2) 秘書可提名一名不屬管理局成員的人出任註冊事務委員會成員，而管理局須委任該名經秘書提名的人為該委員會的成員。
- (3) 如申請人的資格根據第 9(1)(a) 條需獲管理局接納，註冊事務委員會須就可否接納該等資格，向管理局提出建議。
- (4) 管理局無須受註冊事務委員會根據第 (3) 款提出的建議所約束。
- (5) 管理局可將其與註冊及註冊續期有關的任何職能，轉授予註冊事務委員會。

**14. 註冊證明書**

註冊獸醫繳付訂明費用後，秘書可向該註冊獸醫發出一份符合管理局所決定的格式的註冊證明書。

**15. 將姓名從名冊內刪除**

- (1) 秘書如信納任何註冊獸醫有以下情況，可將該註冊獸醫的姓名從名冊內刪除——
  - (a) 已死亡；

- (7) Where a registered veterinary surgeon fails to renew his practising certificate within time, the Board may extend the time for renewal if he pays to the Board the prescribed fee for the extension of time.

**13. Registration committee**

- (1) The Board may appoint a registration committee of not less than 3 of its members to consider the qualifications of applicants.
- (2) The Secretary may nominate a person who is not a member of the Board to be a member of the registration committee, and, if a person is so nominated, the Board shall appoint him to the committee.
- (3) The registration committee shall make recommendations to the Board on the acceptability of the qualifications which require the Board's acceptance under section 9(1)(a).
- (4) The Board shall not be bound by a recommendation of the registration committee under subsection (3).
- (5) The Board may delegate any of its functions relating to registration and renewal of registration to the registration committee.

**14. Certificate of registration**

The Secretary may, on payment by a registered veterinary surgeon of the prescribed fee, issue to him a certificate of registration in a form determined by the Board.

**15. Removal of name from the register**

- (1) The Secretary may remove the name of a registered veterinary surgeon from the register if he is satisfied that the registered veterinary surgeon has—
  - (a) died;

- (b) 已申請終止其註冊；
  - (c) 在其執業證明書根據第 12(2) 或 (3) 條屆滿後的 6 個月內，沒有提出申請要求根據第 12(1) 條發給執業證明書；
  - (d) 憑藉某資格獲得註冊，但已不再具備該資格；
  - (e) 沒有根據第 8(3) 條規定，將細節的變更通知秘書；或
  - (f) 已離開香港並擬離開香港超過 6 個月，而在離開之前並沒有將他擬離境一事以書面通知秘書。
- (2) 除第 21(2) 條另有規定外，秘書如接獲由上訴法庭或研訊委員會作出的命令，指示將某姓名從名冊內刪除，他須將該姓名從名冊內刪除。(由 1998 年第 25 號第 2 條修訂)
- (3) 凡秘書擬根據第 (1)(c)、(d) 或 (e) 款將任何註冊獸醫的姓名從名冊內刪除，他須以預付郵資的掛號郵遞方式，將其意向通知書寄往該註冊獸醫最後為人所知的地址，而在寄出通知書後的 28 日期間屆滿前，秘書不得將該註冊獸醫的姓名刪除。
- (4) 如秘書向註冊獸醫發出通知書——
- (a) 說明該註冊獸醫在獲發給的執業證明書的有效期限根據第 12(2) 或 (3) 條屆滿後的 6 個月內，沒有提出申請要求根據第 12(1) 條獲發給執業證明書，而該註冊獸醫在秘書採取行動將其姓名從名冊內刪除前，已妥善地提出申請要求發出執業證明書；
  - (b) 說明該註冊獸醫已不再具備他獲得註冊所憑藉的資格，而該註冊獸醫在秘書採取行動將其姓名從名冊內刪除前，已令管理局信納他具備該資格；或
  - (c) 說明該註冊獸醫沒有根據第 8(3) 條規定將細節的變更通知秘書，而該註冊獸醫在秘書採取行動將其姓名從名冊內刪除前，已採取行動以糾正名冊內欠妥之處，

- (b) applied to discontinue his registration;
  - (c) for 6 months following the expiry of his current practising certificate under section 12(2) or (3), failed to apply for a practising certificate to be issued to him under section 12(1);
  - (d) ceased to hold a qualification by virtue of which he was registered;
  - (e) failed to notify a change of details required under section 8(3); or
  - (f) left Hong Kong with the intention of being out of Hong Kong for a period exceeding 6 months and did not, before leaving, notify the Secretary in writing of his intended departure.
- (2) Subject to section 21(2), the Secretary shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.
- (3) Where the Secretary intends to remove the name of a registered veterinary surgeon from the register under subsection (1)(c), (d) or (e), he shall send notice of his intention by prepaid registered post to the last known address of the registered veterinary surgeon and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.
- (4) If the Secretary gives notice to a registered veterinary surgeon that—
- (a) he has not, for 6 months following the expiry of his current practising certificate under section 12(2) or (3), applied for a practising certificate to be issued to him under section 12(1) and, before the Secretary acts to remove his name from the register, the registered

則秘書不得以第 (3) 款所提述的通知書內列出的理由，將該註冊獸醫的姓名從名冊內刪除。

- (5) 註冊獸醫的姓名如從名冊內刪除，其註冊以及他根據第 12(1) 條獲發給並在當其時本屬有效的任何執業證明書即當作已被取消，而他須將就其註冊發出的任何證明書及該執業證明書交還給秘書。
- (6) 如根據本條將任何人的姓名從名冊內刪除或其執業證明書根據本條被取消，則該人不得獲退還任何已繳付的訂明費用的全數或部分。
- (7) 秘書可更正名冊內的任何明顯錯誤。

#### 16. 禁止未經註冊或並無管有有效執業證明書的人執業

- (1) 除第 (2) 款另有規定外，任何人除非——
  - (a) 已根據本部註冊；及
  - (b) 是現時有效的執業證明書的持有人，

veterinary surgeon properly applies for a practising certificate to be so issued;

- (b) he has ceased to hold a qualification by virtue of which he was registered and, before the Secretary acts to remove his name from the register, the registered veterinary surgeon satisfies the Board that he holds the qualification; or
- (c) he has failed to notify a change of details required under section 8(3) and, before the Secretary acts to remove his name from the register, the registered veterinary surgeon takes such action as will remedy the defect in the register,

the Secretary shall not remove the name from the register for the reason set out in the notice referred to in subsection (3).

- (5) If the name of a registered veterinary surgeon is removed from the register, his registration and any practising certificate issued to him under section 12(1) and for the time being in force is deemed to be cancelled and he shall return any certificate issued in respect of his registration and any such practising certificate to the Secretary.
- (6) No refund shall be made to any person of any prescribed fee, or any part of any prescribed fee, on the removal of his name from the register or the cancellation of his practising certificate under this section.
- (7) The Secretary may correct any error apparent on the face of the register.

#### 16. Prohibition on practising when not registered or not in possession of a valid practising certificate

- (1) Subject to subsection (2), no person shall practise veterinary surgery or provide a veterinary service in Hong Kong unless—

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否則不得在香港作獸醫外科學執業或提供獸醫服務。

- (2) 凡管理局信納某人具備在其他司法管轄區作獸醫外科學執業的資格，而該人申請在香港臨時和為某特定目的執業，管理局可向該人發出執業許可證，准許該人在管理局所指明的條款及條件規限下在許可證所指明的期間內並為許可證所指明的目的執業。
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- (a) he is registered under this Part; and
- (b) he is the holder of a practising certificate which is currently in force.
- (2) Where a person whom the Board is satisfied is qualified to practise veterinary surgery in another jurisdiction applies for the right to practise in Hong Kong temporarily and for a specific purpose, the Board may issue him a permit to practise for a period and for a purpose specified in the permit, subject to such terms and conditions as may be specified by the Board.
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## 第 4 部

### 紀律處分程序

#### 17. 違紀行為

- (1) 註冊獸醫如有以下情況，即屬犯違紀行為 ——
  - (a) 在專業方面犯失當或疏忽行為；
  - (b) 曾被裁定犯本條例所訂罪行；
  - (c) 以欺詐手段或失實陳述而根據本條例獲得註冊；
  - (d) 在根據本條例註冊時，並無權獲得註冊；
  - (e) 被傳召以證人身分或以研訊委員會研訊對象身分出席研訊委員會的聆訊，但無合理辯解而沒有出席；或
  - (f) 曾在香港或外地被裁定犯罪，而該罪行可能損及獸醫專業的聲譽。
- (2) 凡任何人曾在專業方面犯失當或疏忽行為，或曾根據本條例被裁定犯罪，或曾在香港或外地被裁定犯罪而該罪行可能損及獸醫專業的聲譽，但他已在申請註冊或申請將註冊續期時將上述失當或疏忽行為或定罪告知管理局，其後並獲管理局接納其申請，則為註冊或註冊續期的目的，該人不得被視為就所披露的失當或疏忽行為或定罪而犯違紀行為。
- (3) 凡秘書接獲指稱有違紀行為的投訴，秘書須向為該項投訴所委派的 2 名管理局成員（其中 1 名成員須為根據第 3(2)(b) 或 (c) 條委任的人）呈交該項投訴，而該等成員須決定應否將該項投訴轉介管理局處理。
- (4) 如該等成員根據第 (3) 款斷定該項投訴不應轉介管理局處理，則該等成員須通知秘書，而秘書須通知該投訴人。

## Part 4

### Disciplinary Proceedings

#### 17. Disciplinary offences

- (1) A registered veterinary surgeon commits a disciplinary offence if he—
  - (a) is guilty of misconduct or neglect in any professional respect;
  - (b) has been convicted of an offence under this Ordinance;
  - (c) has obtained registration under this Ordinance by fraud or misrepresentation;
  - (d) was not at the time of his registration under this Ordinance entitled to be registered;
  - (e) without reasonable excuse, fails to attend before an inquiry committee when summoned either as a witness or as a person in respect of whom the inquiry committee is meeting; or
  - (f) has been convicted in Hong Kong or elsewhere of an offence which may bring the profession into disrepute.
- (2) If a person who has been guilty of misconduct or neglect in a professional respect or has been convicted of an offence under this Ordinance or has been convicted in Hong Kong or elsewhere of an offence which may bring the profession into disrepute, informs the Board of such misconduct, neglect or conviction when he applies for registration or renewal of registration and the Board subsequently accepts the person for registration or renewal of registration, that person shall not, for the purposes of registration or renewal of registration,

**18. 研訊委員會及進行研訊的規則**

- (1) 管理局可將根據第 17(3) 條向其轉介的指稱有違紀行為的投訴，轉介研訊委員會，由研訊委員會作出決定，而為此目的，管理局可設立一個由不少於 3 名管理局成員（其中 1 名成員須為根據第 3(2)(b) 或 (c) 條委任的人）組成的研訊委員會，以裁定遭投訴的註冊獸醫有否犯違紀行為。
- (2) 秘書須以預付郵資的掛號郵遞方式，將根據第 (1) 款轉介投訴的通知書以及投訴要旨的充分陳述，寄往該註冊獸醫最後為人所知的地址。
- (3) 管理局可訂立規則，就研訊委員會進行研訊事宜及與調查指稱的違紀行為有關的其他事宜訂定條文。
- (4) 法律顧問須出席研訊委員會進行的每次研訊。
- (5) 除非研訊委員會信納第 (2) 款的規定已獲遵守，而遭投訴的註冊獸醫亦獲給予關於該投訴和聆訊日期、時間及地點的 28 日通知，否則研訊委員會不得著手聆聽關乎該投訴的證供。
- (6) 第 (5) 款提述的註冊獸醫，有權出席聆訊並聆聽在聆訊中提出的所有證供，以及獲知會法律顧問根據第 7(3) 條向研訊委員會提供的意見，並須獲提供本條例及根據本條所訂立的規則的文本一份。

be considered as having committed a disciplinary offence in respect of the disclosed misconduct, neglect or conviction.

- (3) Where the Secretary receives a complaint alleging a disciplinary offence, the Secretary shall submit the complaint to 2 members of the Board appointed for the purpose, one of whom shall be a person appointed under section 3(2)(b) or (c), and the members shall determine whether or not the complaint should be referred to the Board.
- (4) Where the members conclude under subsection (3) that the complaint should not be referred to the Board, they shall advise the Secretary who shall notify the complainant.

**18. Inquiry committee and rules of conduct**

- (1) The Board may refer any complaint referred to it under section 17(3) alleging a disciplinary offence to an inquiry committee for decision, and for that purpose the Board may establish an inquiry committee of not less than 3 of its members, one of whom shall be a person appointed under section 3(2)(b) or (c), to determine whether or not the registered veterinary surgeon against whom the complaint is made has committed a disciplinary offence.
- (2) The Secretary shall send notice of a referral under subsection (1) and an adequate statement of the substance of the complaint by prepaid registered post to the last known address of the registered veterinary surgeon.
- (3) The Board may make rules providing for the conduct of its inquiries by an inquiry committee and for other matters relating to the investigation of an alleged disciplinary offence.
- (4) The Legal Adviser shall be present at every inquiry conducted by an inquiry committee.
- (5) The inquiry committee shall not proceed to hear evidence of a complaint concerning a disciplinary offence unless it is

- (7) 管理局可就研訊委員會重新進行研訊訂立規則。
- (8) 凡註冊獸醫被指稱犯第 17(1)(b) 或 (f) 條所訂的違紀行為，則研訊委員會——
  - (a) 無須查究該註冊獸醫是否被恰當地裁定犯所指稱的違紀行為；及
  - (b) 可考慮任何記錄定罪的案件紀錄，以及研訊委員會認為顯示違紀行為性質及嚴重程度的其他有關證據。
- (9) 研訊委員會在決定任何人有否犯違紀行為時，可顧及由管理局所訂立或發出的專業操守規則或實務守則。
- (10) 管理局須將其所採取的行動通知投訴人；如管理局已將該事宜轉介研訊委員會處理，則須將結果通知投訴人。

**19. 研訊委員會的紀律制裁命令**

凡研訊委員會裁定任何註冊獸醫犯違紀行為，研訊委員會可

- satisfied that the requirements of subsection (2) have been complied with and that the registered veterinary surgeon in respect of whom the complaint is made has been given 28 days' notice of the complaint and the date, time and place of the hearing.
- (6) The registered veterinary surgeon referred to in subsection (5) shall be entitled to attend and hear all evidence produced at the hearing and informed of any advice tendered by the Legal Adviser to the inquiry committee under section 7(3) and shall be provided with a copy of this Ordinance and any rules made under this section.
  - (7) The Board may make rules for the rehearing of an inquiry by an inquiry committee.
  - (8) Where a registered veterinary surgeon is alleged to have committed a disciplinary offence under section 17(1)(b) or (f), the inquiry committee—
    - (a) shall not be required to inquire whether he was properly convicted of the alleged offence; and
    - (b) may consider any record of the case in which a conviction was recorded and any other evidence which the inquiry committee may think is relevant as showing the nature and gravity of the offence.
  - (9) The inquiry committee may, in deciding whether a person has committed a disciplinary offence, have regard to any rules of professional conduct or Code of Practice made or issued by the Board.
  - (10) The Board shall notify the complainant of the action taken by it and, where it has referred the matter to an inquiry committee, shall notify the complainant of the results.

**19. Disciplinary order of inquiry committee**

Where an inquiry committee finds that a registered veterinary

作出以下任何一項或多於一項命令——

- (a) 命令秘書將該註冊獸醫的姓名從名冊內刪除；
- (b) 命令秘書將該註冊獸醫的姓名從名冊內刪除，為期一段研訊委員會認為合適而不超逾 2 年的期間；
- (c) 以書面譴責該註冊獸醫，並命令秘書將該項譴責記錄在名冊內；
- (d) 研訊委員會認為合適的任何其他命令。

## 20. 在取得證據及進行研訊方面的權力

- (1) 研訊委員會具有以下權力——
  - (a) 聆聽、收取和審查任何經宣誓而作出的證供；
  - (b) 傳召任何就其行為進行研訊的人出席研訊，或傳召任何人出席研訊作證或出示管有的任何文件或其他物件，並向該人（作為經宣誓的證人）作出訊問，或要求該人出示其管有的任何文件或其他物件；
  - (c) 准許或禁止公眾或任何個別公眾人士在研訊時在場。
- (2) 秘書須簽署證人傳票。
- (3) 如法律顧問認為任何問題、文件或其他物件可能導致任何人入罪，則不得要求該人回答該等問題或出示該等文件或物件。
- (4) 任何證人就其在研訊委員會席前所作的證供，均享有如他在法庭作證時所會享有的同樣的特權。

surgeon committed a disciplinary offence, the inquiry committee may make any one or more of the following orders—

- (a) order the Secretary to remove the name of the registered veterinary surgeon from the register;
- (b) order the Secretary to remove the name of the registered veterinary surgeon from the register for such period, not exceeding 2 years as the inquiry committee may think fit;
- (c) reprimand the registered veterinary surgeon in writing and order the Secretary to record the reprimand on the register;
- (d) make any other order as it thinks fit.

## 20. Powers in regard to obtaining of evidence and conduct at inquiry

- (1) An inquiry committee shall have power—
  - (a) to hear, receive and examine evidence on oath;
  - (b) to summon any person to attend the inquiry either as the person whose conduct is the subject of the inquiry or to give evidence or produce any document or other thing in his possession and to examine him as a witness under oath or require him to produce any document or other thing in his possession;
  - (c) to admit or exclude the public or any member of the public from the inquiry.
- (2) The Secretary shall sign summonses to witnesses.
- (3) No person shall be required to answer any question or produce any document or other thing which, in the opinion of the Legal Adviser, may tend to incriminate him.
- (4) A witness shall, in respect of any evidence given by him before the inquiry committee, be entitled to the same

**21. 研訊委員會命令的送達**

- (1) 秘書須將根據第 19(a) 至 (d) 條作出的命令的文本，連同研訊委員會所據的理由的文本，或將研訊委員會裁斷有關註冊獸醫沒有犯違紀行為的通知書，藉面交方式或致予遭投訴的註冊獸醫最後為人所知的地址的預付郵資的掛號郵遞方式，送達該註冊獸醫。
- (2) 在根據第 (1) 款送達的命令的日期後的 3 個月期間屆滿前，秘書不得將該註冊獸醫的姓名從名冊內刪除；如有上訴根據第 23 條提出，則須等待上訴法庭的決定。（由 1998 年第 25 號第 2 條修訂）
- (3) 如任何人的姓名根據本條例從名冊內刪除，則該人可向管理局申請將其姓名重新列入名冊，而管理局在進行該局認為適宜的研訊後，可按其認為適宜的條件批准或拒絕該申請。
- (4) 管理局如根據第 (3) 款批准申請，則須命令秘書在申請人繳付訂明費用後，將申請人的姓名重新列入名冊。

**22. 紀律制裁命令的公布**

- (1) 在根據第 23 條就研訊委員會根據第 19(a) 至 (d) 條作出的命令而給予上訴通知的期限屆滿後，或如有人提出上訴，則在該命令被確認或更改後，或上訴被放棄後，管理局——

privileges to which he would be entitled if he were giving evidence in court.

**21. Service of orders of inquiry committee**

- (1) The Secretary shall serve a copy of any order made under section 19(a) to (d), together with a copy of the inquiry committee's reasons, or serve notice that the inquiry committee has not found that the registered veterinary surgeon concerned committed a disciplinary offence, upon the registered veterinary surgeon who was the subject of the complaint, either personally or by prepaid registered post addressed to his last known address.
- (2) The Secretary shall not remove the name of the registered veterinary surgeon from the register before the expiry of a period of 3 months after the date of service of the order under subsection (1), and in the event of an appeal under section 23, shall await the decision of the Court of Appeal.
- (3) Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.
- (4) If the Board allows the application under subsection (3), it shall order the Secretary to restore the name of the applicant to the register on payment by the applicant of the prescribed fee.

**22. Publication of disciplinary orders**

- (1) After the expiry of the time within which notice of an appeal under section 23 against an order of an inquiry committee under section 19(a) to (d) is to be given, or where in the case of an appeal, the order is affirmed or varied or the appeal is abandoned, the Board—

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- (a) 須將該命令或經上訴而更改的命令 ——
- (i) 在憲報公布；及
  - (ii) 在行銷於香港的中英文報章各一份公布；及
- (b) 可將該命令或經上訴而更改的命令，在管理局認為合適的其他刊物或以管理局認為合適的其他方式公布。
- (2) 凡根據第 (1) 款公布命令，管理局 ——
- (a) 須連同該命令公布充分的詳情，使公眾得知與該命令有關的事項的性質；及
  - (b) 可連同該命令公布研訊委員會的研訊程序報告。
- (3) 任何人不得因本條規定公布或准許公布的命令或其他詳情，而以誹謗為理由向任何其他人提出訴訟要求損害賠償。
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- (a) shall publish a copy of the order or the order as varied on appeal in—
- (i) the Gazette; and
  - (ii) one English and one Chinese newspaper circulating in Hong Kong; and
- (b) may publish the order or the order as varied on appeal in any other publication or manner as the Board thinks fit.
- (2) Where an order is published under subsection (1), the Board—
- (a) shall publish with such order sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
  - (b) may publish with such order an account of the proceedings of the inquiry committee.
- (3) No action in damages for defamation shall lie against any person as a result of publishing an order and other particulars required or permitted under this section.
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## 第 5 部 上訴

### 23. 向上訴法庭提出上訴

- (1) 任何人如因根據第 19 條就他作出的命令而感到受屈，可向上訴法庭提出上訴。
- (2) 上訴法庭可確認、推翻或更改上訴所針對的命令。
- (3) 上訴法庭在裁定上訴時須考慮研訊委員會所據理由，及代表研訊各方就研訊委員會對事實及法律的裁斷而作出的陳詞；上訴法庭可要求呈交在研訊委員會研訊時所錄取證供的紀錄正本，以及法律顧問根據第 7(3) 條向研訊委員會提供的意見的紀錄及呈交研訊委員會作為證據的文件。
- (4) 如證明有特殊理由，上訴法庭可考慮未曾在研訊委員會席前提出的任何其他證據。
- (5) 與上訴有關的常規須受根據《高等法院條例》(第 4 章)訂立的任何法院規則所規限。
- (6) 除非上訴通知在根據第 21 條送達的命令的 3 個月內發出，否則上訴法庭無權聆訊該上訴。
- (7) 上訴法庭對根據本條提出的上訴作出決定時，可就訟費的繳付作出其認為合理的命令。

(由 1998 年第 25 號第 2 條修訂)

## Part 5 Appeals

### 23. Appeal to Court of Appeal

- (1) Any person who is aggrieved by any order made in respect of him under section 19 may appeal to the Court of Appeal.
- (2) The Court of Appeal may affirm, reverse or vary the order appealed against.
- (3) In determining an appeal, the Court of Appeal shall consider the reasons of the inquiry committee and submissions upon the findings of fact and law of the inquiry committee made on behalf of the parties to the inquiry and may call for the original record of the evidence taken and a record of any advice tendered by the Legal Adviser to the inquiry committee under section 7(3) and any document put in evidence before the inquiry committee.
- (4) The Court of Appeal may, upon special grounds being shown, consider any additional evidence not adduced before the inquiry committee.
- (5) The practice in relation to any appeal shall be subject to any rules of court made under the High Court Ordinance (Cap. 4). (*Amended 25 of 1998 s. 2*)
- (6) The Court of Appeal shall not have power to hear any appeal unless notice of such appeal is given within 3 months of the service of the order under section 21.
- (7) In deciding any appeal under this section the Court of Appeal may make such order for the payment of costs as it considers reasonable.

## 第 6 部

### 名銜的使用

#### 24. 名銜的使用

- (1) 任何人如並非名列於名冊，則無權自稱為“註冊獸醫”或“registered veterinary surgeon”。
- (2) 管理局可向法官申請命令以禁止任何並非名列於名冊的人自稱為“註冊獸醫”或“registered veterinary surgeon”。
- (3) 如在某人經營獸醫業務或獸醫服務的業務的各地點，該業務是在一名註冊獸醫的督導下而進行的，則該人可使用“註冊獸醫”或“registered veterinary surgeon”的稱謂，但只有在該情況下該人方可使用上述稱謂。
- (4) 管理局可向法官申請命令以——
  - (a) 禁止任何沒有遵守第(3)款的人使用“註冊獸醫”或“registered veterinary surgeon”的稱謂；或
  - (b) 禁止任何並非名列於名冊的人以某種方式從事獸醫業務，而該種方式可能合理地導致任何其他人士相信該人是一名註冊獸醫。

## Part 6

### Use of Title

#### 24. Use of title

- (1) A person whose name does not appear on the register shall not be entitled to describe himself as a “registered veterinary surgeon” or “註冊獸醫”.
- (2) The Board may apply to a judge for an order restraining any person whose name is not on the register from describing himself as a “registered veterinary surgeon” or “註冊獸醫”.
- (3) A person carrying on the business of veterinary practice or veterinary service may use the description of “registered veterinary surgeon” or “註冊獸醫” if, but only if, at each place where such business is carried on, that business is conducted under the supervision of a registered veterinary surgeon.
- (4) The Board may apply to a judge for an order—
  - (a) restraining any person from using the description of “registered veterinary surgeon” or “註冊獸醫” if the person has not complied with subsection (3); or
  - (b) restraining any person whose name is not entered in the register from carrying on a veterinary practice in such manner as may reasonably cause any other person to believe that he is a registered veterinary surgeon.



## 第 7 部

### 罪行及證據

#### 25. 罪行及罰則

- (1) 任何人有以下行為，即屬犯罪，可處第 6 級罰款及監禁 1 年 ——
  - (a) 根據第 20 條被研訊委員會傳召以證人身分出席研訊或出示文件或其他物件，但無合理辯解而拒絕或沒有如此行事；
  - (b) 以證人身分出席研訊委員會席前，但無合法辯解而拒絕或沒有回答研訊委員會向他提出的任何問題；
  - (c) 藉欺詐手段而使自己或任何其他人士獲註冊為註冊獸醫；
  - (d) 藉具誤導性、虛假或欺詐的口頭或書面申述或陳述的方式，使自己或任何其他人士獲註冊為註冊獸醫；
  - (e) 對名冊作出捏改或安排對名冊作出捏改；
  - (f) 假冒或虛假地表示自己是呈交予管理局或研訊委員會的證明書或文件內所提述的人，而該證明書或文件是在與管理局或研訊委員會在本條例下的職能相關的情況下呈交的；
  - (g) 並非名列於名冊，但卻採用或使用任何虛假地暗示其名列於名冊的姓名、名稱、英文縮寫、名銜、頭銜或稱謂；
  - (h) 違反第 16 條；
  - (i) 並非名列於名冊，但卻在與其業務或專業相關的情況下使用或明知而准許他人在該情況下 ——
    - (i) 使用“註冊獸醫”或“registered veterinary surgeon”的稱謂；或

## Part 7

### Offences and Evidence

#### 25. Offences and penalties

- (1) Any person who—
  - (a) having been summoned by an inquiry committee to attend as a witness or to produce a document or other thing under section 20 without reasonable excuse refuses or fails to do so;
  - (b) attends as a witness before an inquiry committee and, without lawful excuse, refuses or fails to answer any question put to him by the inquiry committee;
  - (c) fraudulently obtains registration as a registered veterinary surgeon for himself or any other person;
  - (d) obtains registration as a registered veterinary surgeon for himself or any other person by means of any misleading, false or fraudulent representation or statement, either orally or in writing;
  - (e) makes or causes to be made any falsification in the register;
  - (f) impersonates or falsely represents himself as being the person referred to in any certificate or document presented to the Board or an inquiry committee in connection with its functions under this Ordinance;
  - (g) not having his name entered in the register, takes or uses any name, initials, title, addition or description falsely implying that his name is entered in the register;
  - (h) contravenes section 16;

- (ii) 使用某些英文縮寫、字句縮寫或文字，意圖導致任何人相信或可能合理地導致任何人相信使用者是一名註冊獸醫；或
  - (j) 並非名列於名冊，但卻宣傳或表示自己是註冊獸醫，或明知而准許他人宣傳或表示他是註冊獸醫。
- (2) 任何人的姓名如已從名冊內刪除，而他不隨即將其註冊證明書交還給秘書，即屬犯罪，可處第 1 級罰款。

## 26. 證明書作為證據的規定

- (1) 一份看來是由秘書簽署，並證明任何人的姓名已列入或沒有列入名冊內，或證明任何人的姓名已從或已被命令從名冊內刪除的證明書，為所有目的即為其內所述事實的證據，而無須再作證明。
- (2) 一份看來是由秘書簽署，並證明任何人在證明書指明日期不是或不曾是當時有效的執業證明書的持有人的證明書，為所有目的即為其內所述事實的證據，而無須再作證明。

- (i) not having his name entered in the register, uses or knowingly permits the use in connection with his business or profession of—
  - (i) the description “registered veterinary surgeon” or “註冊獸醫”; or
  - (ii) initials or abbreviations or words intended to cause, or which may reasonably cause, any person to believe that the person using them is a registered veterinary surgeon; or
- (j) not having his name entered in the register, advertises or represents himself as a registered veterinary surgeon or knowingly permits himself to be so advertised or represented,

commits an offence and is liable to a fine at level 6 and to imprisonment for 1 year.

- (2) A person who fails forthwith to return his registration certificate to the Secretary after the removal of his name from the register commits an offence and is liable to a fine at level 1.

## 26. Certificate as evidence

- (1) A certificate, purporting to be signed by the Secretary, that the name of a person has or has not been entered in or has been removed or ordered to be removed from the register shall for all purposes, without further proof, be evidence of the facts stated in the certificate.
- (2) A certificate purporting to be signed by the Secretary, that at a date specified in the certificate a person is not or was not the holder of a practising certificate then in force shall for all purposes, without further proof, be evidence of the facts stated in the certificate.

## 第 8 部

### 雜項

#### 27. 對管理局成員及其委員會成員的保障

- (1) 管理局的成員或僱員或管理局屬下各委員會的成員或僱員，在行使或本意是行使由或憑藉本條例賦予管理局的權力時，如真誠地行事，則無須因——
  - (a) 管理局的任何作為或錯失；或
  - (b) 管理局的任何委員會的任何作為或錯失，承擔個人法律責任。
- (2) 本條就任何作為或錯失賦予管理局的成員及僱員或其屬下各委員會的成員及僱員的保障，在任何情況下並不影響管理局因該作為或錯失所承擔的法律責任。

#### 28. 規例

(有關《立法會決議》(2007 年第 130 號法律公告)所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。)

- (1) 在不抵觸第 (2) 款的條文下，食物及衛生局局長可藉規例就以下事宜訂定條文——(由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
  - (a) 任何須予訂明或可予訂明的事情；
  - (b) 概括地施行本條例條文。
- (2) 財政司司長可藉規例規定就與本條例範圍內有關連的事項而所須繳付的費用。

## Part 8

### Miscellaneous

#### 27. Protection of members of Board and committees

- (1) No member or employee of the Board or of any committee of the Board shall be personally liable for any act done or default made—
  - (a) by the Board; or
  - (b) by any committee of the Board, acting in good faith in the exercise or purported exercise of the powers conferred on the Board by, or by virtue of, this Ordinance.
- (2) The protection hereby conferred on members and employees of the Board or of a committee in respect of any act or default shall not in any way affect any liability of the Board for that act or default.

#### 28. Regulations

(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) Subject to subsection (2), the Secretary for Food and Health may by regulation provide for— (*Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007*)
  - (a) anything that is to be or may be prescribed;
  - (b) generally carrying into effect the provisions of this Ordinance.
- (2) The Financial Secretary may by regulation provide for the fees to be paid in connection with matters within the scope of this Ordinance.

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- (3) 為免生疑問，由管理局根據第 6 或 18(3) 條或附表 1 第 3(5) 條所訂立的規則，並不屬《釋義及通則條例》(第 1 章) 所指的附屬法例。

(由 1997 年第 362 號法律公告修訂)

## 29. 豁免

(有關《立法會決議》(2007 年第 130 號法律公告)所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。)

- (1) 列於附表 2 的人士，在該附表所指明的情況下，獲豁免而不受本條例條文管限。
- (2) 食物及衛生局局長可藉命令修訂附表 2。 (由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)

## 30. 過渡性條文

- (1) 儘管有第 3(2)(d) 條的規定，環境食物局局長可委任並非註冊獸醫的獸醫作為最初設立的管理局的成員，任期 (1 次或多於 1 次) 由環境食物局局長決定但合計不得超逾 18 個月，而該獸醫獲委任作為管理局成員的上述任期不得續期，但如他當其時已註冊則屬例外。 (由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂)
- (2) 第 3(3) 條適用於根據本條作出的委任。

31-44. (已失時效而略去——2012 年第 2 號編輯修訂紀錄)

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- (3) For the avoidance of doubt, rules made by the Board under section 6 or 18(3) or section 3(5) of Schedule 1 are not subsidiary legislation within the meaning of the Interpretation and General Clauses Ordinance (Cap. 1).

## 29. Exemptions

(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 persons listed in Schedule 2 are exempted in the circumstances specified therein from the provisions of this Ordinance.
- (2) The Secretary for Food and Health may, by order, amend Schedule 2. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

## 30. Transitional

- (1) Notwithstanding section 3(2)(d), the Secretary for the Environment and Food may appoint a veterinary surgeon who is not a registered veterinary surgeon to the Board when it is first established for such term or terms, not exceeding in the aggregate 18 months, as he determines but the appointment of such a veterinary surgeon to the Board shall not be further renewed unless by then he is registered. (Amended 78 of 1999 s. 7)
- (2) Section 3(3) applies to an appointment made under this section.

31-37. (Omitted as spent—E.R. 2 of 2012)

38. (Omitted as spent—E.R. 2 of 2012)

39-44. (Omitted as spent—E.R. 2 of 2012)

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**附表 1**

[ 第 4 及 28 條 ]

**關於管理局及其成員的條文**

(有關《立法會議議》(2007 年第 130 號法律公告)所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。)

1. (1) 管理局成員須按照其委任條款任職。
- (2) 管理局成員可隨時藉向食物及衛生局局長發出書面通知而辭職。(由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
2. 食物及衛生局局長如信納任何管理局成員——(由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
  - (a) 屬《破產條例》(第 6 章)所指的已破產或已與其債權人達成任何自願安排；
  - (b) 因身體或精神疾病而喪失履行職務能力；或
  - (c) 在其他情況下不能夠或不適宜履行成員的職能，
 可宣布該管理局成員的職位懸空，並須將該事實以其認為合適的方式發出通知；此項宣布一經作出，有關職位即告懸空。
3. (1) 主席可指定管理局會議的時間及地點。
- (2) 在不少於 3 名管理局成員的書面要求下，秘書須發出召開管理局會議的通知，並指定會議召開的時間及地點，而管理局任何一名成員亦可在該要求下發出同樣的通知；會議須在接獲有關書面要求後 7 日至 28 日期間內召開。
- (3) 管理局須按處理其事務所需而不時舉行會議，而每 12 個月須最少舉行會議一次。

**Schedule 1**

[ss. 4 &amp; 28]

**Provisions as Respects the Board and its Members**

(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. (1) A member of the Board shall hold his office in accordance with the terms of his appointment.
- (2) A member of the Board may at any time by notice in writing to the Secretary for Food and Health resign his office. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)
2. If the Secretary for Food and Health is satisfied that a member of the Board—
  - (a) has become bankrupt or made a voluntary arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap. 6);
  - (b) is incapacitated by physical or mental illness; or
  - (c) is otherwise unable or unfit to discharge the functions of a member,
 the Secretary for Food and Health may declare his office as a member of the Board to be vacant, and shall notify the fact in such manner as the Secretary for Food and Health thinks fit; and upon such declaration the office shall become vacant. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)
3. (1) The Chairman may appoint the time and place for the Board to meet.

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- (4) 除非管理局會議有成員二分之一的法定人數出席，否則在該會議上，管理局除決定將會議押後外，不得處理任何事務。
- (5) 管理局可訂立與本條並無抵觸的規則，以列出會議所須遵循的程序。
- (6) 管理局須將根據第 (5) 款訂立的規則文本呈交食物及衛生局局長。(由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)
4. 不論管理局成員在香港或香港以外地方，管理局均可藉在成員間傳閱文件的方式處理其事務，而經多數成員以書面通過的書面決議，其效力及作用，猶如經管理局會議通過的決議一樣。
5. 一份由秘書簽署的證明書，證明任何看來是由管理局或代表管理局作出或發出的管理局文書是經如此作出或發出的，即為該事實的確證。
6. 任何看來是由管理局或代表管理局作出或發出的文書的文件，並且看來是由管理局為此目的而授權的人或秘書簽署或簽立的，均須收取為證據，並須當作如此作出或發出，而無須再作證明。

- (2) The Secretary shall, or a member of the Board may, on the written requisition of not less than 3 members, give notice of a meeting of the Board to be held not sooner than 7 days but within 28 days from receipt of the requisition and appoint the time and place for that purpose.
- (3) The Board shall meet at least once every 12 months and as often as may be necessary to transact its business.
- (4) The Board shall not transact business at a meeting other than to adjourn unless there is a quorum of 1/2 of the members present.
- (5) The Board may make rules, not inconsistent with this section, setting out the procedures to be followed at meetings.
- (6) The Board shall lodge a copy of any rules made under subsection (5) with the Secretary for Food and Health. *(Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)*
4. The Board may transact any of its business by circulation of papers amongst members whether any such member is in or outside Hong Kong, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Board.
5. A certificate signed by the Secretary that an instrument of the Board purporting to be made or issued by or on behalf of the Board was so made or issued shall be conclusive evidence of that fact.
6. Every document purporting to be an instrument made or issued by or on behalf of the Board and to be signed or executed by the Secretary or a person authorized by the Board to act in that behalf,

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shall be received in evidence and deemed, without further proof, to be so made or issued.

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第 529 章附表 2  
第 1 條Schedule 2  
Section 1S2-2  
Cap. 529**附表 2**

[ 第 29 條 ]

**豁免受本條例的管限**

在本附表中——

**直接持續監督** (direct and continuous supervision) 指由某人就如何執行某作為而給予的特定指令，而該人身在執行該作為所在的處所內，以監察整個過程及在適當時提供協助；

**指示** (direction) 指由某人就執行某作為而給予的指令 (該指令可包括如何執行該作為)，但在該作為於某處所執行時，該人無需身在該處所內；

**監督** (supervision) 指由某人就如何執行某作為而給予的特定指令，而該人身在執行該作為所在的處所內，以在適當時提供協助。

(由 2012 年第 40 號法律公告增補)

1. 在註冊獸醫的要求下對動物進行任何治療、測試或外科手術的醫生或牙醫。
2. 為割取動物的器官或組織以用作治療人類而對動物進行外科手術的醫生。
3. 在註冊獸醫的指示下對動物進行物理治療的人。
- 3A. 在註冊獸醫執業處所於註冊獸醫的指示下對動物執行以下任何作為的人——
  - (a) 局部塗上藥物或進行治療 (使用麻醉藥物除外)，或以口服方式、經直腸或以吸入方式，施用藥物或進行治療 (使用麻醉藥物除外)；

**Schedule 2**

[s. 29]

**Exemptions from Ordinance**

In this Schedule—

**direct and continuous supervision** (直接持續監督) means specific instruction given by a person on how a certain act is to be performed, with the person being present on the premises on which the act is performed to monitor the whole process and to provide assistance when appropriate;

**direction** (指示) means instruction given by a person to perform a certain act (which may include instruction on how the act is to be performed) without it being necessary for the person to be present on the premises on which the act is performed;

**supervision** (監督) means specific instruction given by a person on how a certain act is to be performed, with the person being present on the premises on which the act is performed to provide assistance when appropriate.

(Added L.N. 40 of 2012)

1. A medical practitioner or a dentist carrying out any treatment, test or surgery on an animal provided it is done at the request of a registered veterinary surgeon.
2. A medical practitioner who performs surgery on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings.

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- (b) 為錄取醫療影像而為動物設定姿勢，或錄取醫療影像；
- (c) 進行皮下或肌內注射（使用麻醉藥物除外）；
- (d) 進行非侵入性的參數監測，包括量度動物的生命體徵；
- (e) 用預置導管經靜脈輸入液體，  
但該作為不得包括診斷、開出藥物處方或進行外科手術。

*(由 2012 年第 40 號法律公告增補)*

3B. 在註冊獸醫執業處所於註冊獸醫的監督下對動物執行以下任何作為的人——

- (a) 從外周靜脈抽取血液樣本；
- (b) 以敷料及繃帶作簡單的傷口包紮，及作簡單的傷口處理；
- (c) 於頭靜脈、隱靜脈或耳靜脈插入靜脈導管；
- (d) 用預置導管經靜脈輸入藥物（使用麻醉藥物除外），  
但該作為不得包括診斷、開出藥物處方或進行外科手術。

*(由 2012 年第 40 號法律公告增補)*

3C. 在註冊獸醫執業處所於註冊獸醫的直接持續監督下對動物執行以下任何作為的人——

- (a) 洗牙（但不包括相關程序或其他牙科程序）；
- (b) 氣管插喉或拔喉；
- (c) 進行靜脈注射（使用麻醉藥物除外）；
- (d) 監察及維持麻醉情況；
- (e) 協助正進行及負責一項內科或外科程序的註冊獸醫（但該人不得就該項程序作任何決定）；

3. A person who treats an animal by physiotherapy provided the treatment is carried out under the direction of a registered veterinary surgeon.

3A. A person who performs any of the following on an animal under the direction, and on the premises of the practice, of a registered veterinary surgeon—

- (a) applying medication or treatment (other than anaesthetic drugs) topically or administering medication or treatment (other than anaesthetic drugs) orally, per-rectally or by inhalation;
- (b) positioning for, or the taking of, medical images;
- (c) giving subcutaneous or intramuscular injections (other than anaesthetic drugs);
- (d) non-invasive parameter monitoring, including taking vital signs of an animal;
- (e) administering fluids intravenously through a preplaced catheter,

but it must not include diagnosing, prescribing medication or performing a surgical operation.

*(Added L.N. 40 of 2012)*

3B. A person who performs any of the following on an animal under the supervision, and on the premises of the practice, of a registered veterinary surgeon—

- (a) blood sampling from peripheral veins;
- (b) applying simple dressings and bandages and simple wound management;
- (c) placing intravenous catheters into the cephalic, saphenous or ear veins;

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- (f) 以敷料及繃帶作複雜的傷口包紮，及作複雜的傷口處理，  
但該作為不得包括診斷、開出藥物處方或進行外科手術。

(由 2012 年第 40 號法律公告增補)

4. 為醫治或預防受傷或疾病而正對其動物執行以下任何作為的動物擁有人，或其僱員或其家庭成員——

- (a) 局部塗上藥物或以口服方式施用藥物；  
(b) 在註冊獸醫的指示下，經直腸或以非腸道引入的投藥方式或以吸入方式，向動物施用專為其而設的藥物；  
(c) 在註冊獸醫的指示下，進行任何其他非侵入性的獸醫外科學工作或獸醫服務，  
但該作為不得包括對動物的任何部位進行外科切開手術。

(由 2012 年第 40 號法律公告代替)

4A. 正對其魚類執行以下任何作為的魚類擁有人，或其僱員或其家庭成員——

- (a) 抽取樣本以作診斷或治療感染；  
(b) 注射疫苗或施用藥物。

(由 2012 年第 40 號法律公告增補)

4B. 正對其以持牌人身分飼養的動物執行以下任何作為的持牌人（該持牌人屬《公眾衛生（動物及禽鳥）（牛隻、綿羊及山羊的飼養）規例》（第 139 章，附屬法例 C）、《奶場規例》（第 139 章，附屬法例 D）或《公眾衛生（動物及禽鳥）（禽畜飼養的發牌）規例》（第 139 章，附屬法例 L）所指者），或其僱員或其家庭成員——

- (d) administering medication (other than anaesthetic drugs) intravenously through a preplaced catheter,  
but it must not include diagnosing, prescribing medication or performing a surgical operation.

(Added L.N. 40 of 2012)

3C. A person who performs any of the following on an animal under the direct and continuous supervision, and on the premises of the practice, of a registered veterinary surgeon—

- (a) teeth scaling or polishing, but not associated processes or other dental procedures;  
(b) endotracheal intubation or extubation;  
(c) giving intravenous injections (other than anaesthetic drugs);  
(d) monitoring and maintaining anaesthesia;  
(e) aiding the registered veterinary surgeon who is performing and is in charge of a medical or surgical procedure, but not making any decision on the procedure;  
(f) applying complex dressings and bandages and complex wound management,

but it must not include diagnosing, prescribing medication or performing a surgical operation.

(Added L.N. 40 of 2012)

4. An owner of an animal (or the owner's employee or a member of the owner's household) when performing any of the following on the animal for remedy or prevention of injury or illness—

- (a) applying medication topically or administering medication orally;

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- (a) 閹割出生不超過 14 天的豬隻 (隱睪豬隻除外)；
- (b) 為出生不超過 7 天的豬隻剪尾；
- (c) 為出生不超過 7 天的豬隻剪牙；
- (d) 為出生不超過 10 天的禽鳥修剪鳥喙；
- (e) 注射疫苗或施用藥物。

(由 2012 年第 40 號法律公告增補)

5. 正按照《動物 (實驗管制) 條例》(第 340 章) 的條文進行實驗的該條例所指的持牌人。

6. 受僱或受聘於政府以對動物執行以下一項或多於一項作為、並正以該身分行事的人——

- (a) 檢驗有關動物；
- (b) 收集樣本；
- (c) 注射疫苗或施用藥物；
- (d) 植入識別器物；
- (e) 獸醫官指令的任何其他程序。

(由 2012 年第 40 號法律公告代替)

7. 對動物施行急救以拯救其生命或解除其痛苦的人，但該等治療並不包括對腹腔或胸腔進行外科切開手術。

- (b) administering medication specific to the animal per rectally, parenterally or by inhalation under the direction of a registered veterinary surgeon;
- (c) any other non-invasive act of veterinary surgery or veterinary service under the direction of a registered veterinary surgeon,

but it must not include making a surgical incision into any part of the animal.

(Replaced L.N. 40 of 2012)

4A. An owner of a fish (or the owner's employee or a member of the owner's household) when performing on the fish any of the following—

- (a) taking samples for diagnosing or treating infection;
- (b) administering vaccine or medication.

(Added L.N. 40 of 2012)

4B. A licensee under the Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139 sub. leg. C), the Dairies Regulations (Cap. 139 sub. leg. D) or the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L) (or the licensee's employee or a member of the licensee's household) when performing on an animal kept by the licensee in that capacity any of the following—

- (a) castrating a pig (other than a cryptorchid pig) at 14 days of age or less;
- (b) docking the tail of a pig at 7 days of age or less;
- (c) clipping the teeth of a pig at 7 days of age or less;
- (d) trimming the beak of poultry at 10 days of age or less;
- (e) administering vaccine or medication.

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*(Added L.N. 40 of 2012)*

5. A licensee under the Animals (Control of Experiments) Ordinance (Cap. 340) when performing an experiment in accordance with the provisions of that Ordinance.
6. A person who is employed or retained by the Government for performing one or more of the following on an animal, when acting in that capacity—
  - (a) examining the animal;
  - (b) collecting samples;
  - (c) administering vaccine or medication;
  - (d) implanting identification devices;
  - (e) any other procedure as instructed by a veterinary officer.

*(Replaced L.N. 40 of 2012)*
7. A person who administers first aid to an animal for the purpose of saving its life or relieving pain, provided such treatment does not include making a surgical incision into the abdominal or thoracic cavity.