

漁農自然護理署

九龍長沙灣道三〇三號
長沙灣政府合署五樓



AGRICULTURE, FISHERIES AND
CONSERVATION DEPARTMENT

Cheung Sha Wan Government Offices
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22 June 2012

Dr. Anthony E. James
The Chinese University of Hong Kong
Laboratory Animal Services Centre
Shatin, N.T., HK
(Fax: 2603 5723)

Dear Tony,

Exemption from Prosecution for Cruelty under Cap. 169

Thank you for your enquiry regarding the captioned matters.

You sought clarification on the situation concerning the relationship between university researchers' compliance with the conditions of their licence under Cap.340, Animals (Control of Experiments) Ordinance and their protection from prosecution under Cap.169, Prevention of Cruelty to Animals Ordinance. Cap.340 and Cap.169 are two separate Ordinances with different objectives. Cap. 340 is to provide the control of experiments on living vertebrate animals and Cap.169 is to prohibit and punish cruelty to animals. Meeting the requirement of one Ordinance does not necessarily means meeting the requirements of other Ordinance. As such, a researcher who complies with the requirements of Cap.340 still be liable for an offence under Cap 169 if his/her act is caught by sections of Cap.169. The granting of a Cap.340 licence shall not be taken as a release from the requirement made under Cap.169.

覆函請寄交「漁農自然護理署署長」

Please address all replies to Director of Agriculture, Fisheries and Conservation

On the other hand, there is no provision in the Ordinance of Cap.169 to allow any exemption to be given by the Director of Agriculture, Fisheries & Conservation. It should be clear that there is no power for the Director of Agriculture, Fisheries & Conservation to give any exemption for anyone from violating the Cap.169 regulation.

Should you have any further queries, please feel free to contact me again.

Yours sincerely,



(Dr. Jeffrey JAI)
for Director of Agriculture, Fisheries & Conservation