

ANIMALS ORDINANCE 1962

(No. 16 of 1962)

CONTROL OF LIVESTOCK ACTIVITIES (PIG) RULES 2008

In exercise of the powers conferred by section 68 (2) (r) of the Animal Ordinance 1962, the Yang di-Pertua Negeri has made the following rules:

Citation and commencement

1. These Rules may be cited as the Control of Livestock Activities (Pig) Rules 2008 and shall come into force on the date of its publication in the *Gazette*. (12.02.2009)

Interpretation

2. In these Rules, unless the context otherwise requires –

“alter or extend” means any alteration or extension in a bearing wall or partition or column, or any other structure supporting a building or any increase in the area, volume or capacity of a building or structure, but does not include a building repair required solely to repair damage due to an accidental cause;

“authorised officer” means any officer authorised by the Director in writing;

“best available techniques” means techniques which –

(a) have been developed on a scale which allows implementation under economically and technically viable conditions, taking into consideration the cost and advantages, irrespective of whether or not the techniques are used or produced in Malaysia, as long as they are reasonably accessible to the owner of the pig farm;

(b) have been found to be the most appropriate in achieving a high general level of protection of the environment; and

(c) includes both the technology used and the way in which the application or installation is designed, built, operated and maintained;

“building” includes any house, hut, shed or enclosure, whether roofed or not, used for sheltering or confining any pig and any pen, cage, wall, gate, pillar, post, paling, frame, hoarding, fence, platform, roadway, path, steps, staging, slip, wharf, dock, piles, jetty, landing stage or bridge, or any structure connected with the foregoing;

“Director” means the Director of Veterinary Services and Animal Industry Sabah;

“licence” means a licence issued by the Director under subrule 8 (4);

“Minister” means the Minister charged with the responsibility for animal husbandry and veterinary services;

“owner” means the registered proprietor thereof or any person in occupation of land by virtue of any licence issued or rights recognised under the Land Ordinance [Sabah Cap. 68], who operates pig farming on such land or any person who operates pig farming by virtue of a legal agreement with the registered proprietor;

“pig” means any pig of any age, sex or type;

“pig farm” means any area of land, any confined place, premise or establishment used for pig farming;

“pig farming” means the breeding, keeping, rearing, maintenance and treatment of pig including the treatment, storage, transportation and disposal of wastes, as a commercial undertaking or for sale and regardless of standing population;

“pollution” means any direct and indirect alteration of the environment or any part thereof by discharging, emitting, or depositing wastes or pollutants thereby causing hazard to the environment or causing a condition which is hazardous or potentially hazardous to public health and safety or welfare, or to animal, birds, fish, aquatic life or plants;

“standing pig population” means the total number of pig kept in a pig farm at any time;

“veterinary authority” means the Director of Veterinary Services and Animal Industry or any Government Officer authorised by him in writing to exercise any power under these Rules;

“waste” means the faeces, urine, bedding materials, rejected carcass or body parts of pig, and includes leftover feed, water used for the washing, bathing or cleansing of pig, water or liquid used for the flushing and cleansing of any pig farm;

“waste storage facility” means an earthen, steel, concrete or synthetic material containment system, with or without a roof or covering enclosing the surface area of the container, used for the storage of liquid or solid pig waste;

“watercourse” includes any river, stream, canal, drain, well, spring, pond, pool, waterfall, reservoir, lake and any part of the sea abutting the foreshore, and any other water body, including water on wetlands.

Licence requirements

3. (1) No person shall operate pig farming except under the authority of a licence issued by the Director.

(2) Any person who operates pig farming shall submit an application for the issuance of a licence to the Director made in the form as prescribed in the First Schedule together with a processing fee of Ringgit Malaysia fifty.

(3) The Director may not process any application for the issuance of a licence if the applicant fails to submit additional information required within a specified time period for submission.

(4) An applicant may include in the application for a licence any future plan for alterations or extensions of farm infrastructure to be covered in the licence.

(5) Any alteration or extension not specified in the licence which may cause significant adverse effect on the environment shall not be undertaken until the Director has approved such alteration or extension and has specified the relevant condition.

Consultation with relevant authorities

4. The Director, in the processing of the application for a licence, shall consult the Land and Surveys Department, Town and Regional Planning Department, the Environment Protection Department, the Local Authority, Islamic Religious Authority, Water Resource Council and other relevant authorities with regards to zoning, land use, land condition, location and environmental issues.

Environmental Impact Assessment (EIA) requirements

5. In cases where an Environmental Impact Assessment is required under any written law or the Director decides that such assessment study is required prior to the issuance of a licence, the applicant shall obtain the necessary approval from the relevant authority.

Public notice

6. (1) Upon receiving any application for a licence to operate pig farming, the Director may order an authorised officer to cause a public notice to be affixed at the District Office and in a conspicuous part or place or at the common place of resort in town or village in which the pig farming intended to be licensed and operated.

(2) A public notice made under subrule (1) shall be in Bahasa Malaysia and English Language made in the form as prescribed in the Second Schedule.

Farm assessment

7. (1) Upon receipt of an application for a licence, the Director or any authorised officer shall assess the existing pig farm, the present conditions of the farm layout, structure, operation and maintenance of the pig farm which assessment shall include but not limited to –

- (a) the necessary measures available in the farm to prevent and control pollution by means of the best available techniques;
- (b) whether the farm can be operated on the site with minimum negative impacts on the environment;
- (c) the potential for optimising the consumption of energy and other raw materials has been exploited; and
- (d) the production of waste has been minimised, and the potential for reuse or recycling of waste has been exploited.

(2) If the Director or any authorised officer is satisfied with the assessment, he may process the application. If the Director is not satisfied with the assessment, he may require the applicant to improve the condition of the farm before the application is being processed further or he may reject the application.

Issuance of licence

8. (1) An application for a licence may be approved by the Director when all the necessary requirements have been fulfilled by the applicant.

(2) No licence shall be issued for any existing pig farming unless the Director is satisfied that the following requirements have been fulfilled –

- (a) the pig farm is located within an approved land zone for livestock farming;
- (b) the condition in the land title permits livestock farming;
- (c) the location of the buildings, sites, waste treatment facilities and storage facilities shall be in compliance with the Environment Protection Enactment 2002 or under any written law;
- (d) adequate facilities and precautions shall be taken in the pig farm to prevent or control the spread of infectious or contagious diseases amongst the pigs;
- (e) the treatment and disposal of waste in the pig farm are capable of meeting the standard prescribed under the Environment Protection Enactment 2002 or under any written law; and
- (f) the applicant has obtained the necessary approval or permit required under any existing laws or regulations.

(3) A fee as prescribed in the Third Schedule shall be imposed on every licence issued and it expires on the 31st day of December of the year which it is granted.

(4) The Director having satisfied himself that the conditions have been complied with, and the prescribed fee has been paid may issue a licence made in the form as prescribed in the Fourth Schedule.

(5) Any licence issued shall not be transferable except with the written consent of the Director.

Term of licence

9. A licence for the existing pig farms shall include conditions on –

- (a) the size, design, operation and maintenance of the pig farm required to ensure that the farm does not cause pollution or significant adverse effect on the surrounding areas which shall include but not limited to the following:
 - (i) size of the pig farm;
 - (ii) maximum capacity for the number of standing pig population and production per year;
 - (iii) design of the pig farm; and
 - (iv) operation and maintenance manual for the pig farm;

- (b) the transportation of pig or pig waste to and from the farm, without causing nuisance to the people in the surrounding areas which shall include but not limited to the following:
 - (i) specific routes to be used;
 - (ii) timing of transportation; and
 - (iii) type of vehicle to be used;
- (c) the storage and disposal of pig waste, without causing significant nuisance to the people in the surrounding areas or cause pollution to watercourses which shall include but not limited to the following:
 - (i) location, design and maintenance of pig waste treatment and storage facilities and drainage ways; and
 - (ii) location and permission for disposal of liquid and solid pig waste;
- (d) the reduction of odour and noise pollution to minimise nuisances to the people in the surrounding areas which shall include distance to the nearest neighbour;
- (e) the protection of surface and drinking water required to secure acceptable levels of water quality and safe drinking water supplies which shall include but not limited to the following:
 - (i) maximum quantities for each outlet discharging polluting substances to watercourses in compliance with the standard prescribed under the Environment Protection Enactment 2002 or under any written law; and
 - (ii) location of discharge points in relation to water intake points;
- (f) the handling of hazardous waste and carcasses required to ensure safe handling and disposal which shall include but not limited to the following:
 - (i) management, storage, transportation and disposal of hazardous waste; and
 - (ii) transportation and disposal of pig carcasses; and
- (g) notwithstanding subrules (a) to (f), the Director may incorporate into the conditions of a licence relevant provisions or requirements of other related laws or regulations as he deems fit.

Conditional approval

10. (1) Prior to the issuance of a licence under subrule 8 (4), the Director may issue a conditional approval to the applicant.

(2) The Director having satisfied himself that the conditional approval has been complied with, may issue a licence made in the form as prescribed in the Fourth Schedule.

Power to review and vary conditions of licence

11. The Director may review the overall conditions of a licence and vary the conditions from time to time as he deems fit.

Renewal of licence

12. (1) The licensee shall apply to the Director for the licence to be renewed 60 days prior to expiry of the licence made in the form as prescribed in the Fifth Schedule.

(2) The Director may require the submission of the annual report made in accordance to subrule 16 (1) before a new licence is issued and may impose additional conditions to the licence.

(3) The Director may refuse to renew a licence if he is satisfied that there has been a breach of any of the provisions of these Rules or any of the conditions of the licence or any provisions of any written laws.

Suspension and revocation of licence

13. (1) The Director may at any time suspend or revoke a licence if there has been a breach of any of the provisions of these Rules or any of the conditions of the licence or any provisions of any written laws by giving a written notice to the licensee.

(2) Service of notice of such suspension or revocation of a licence shall be affected by –

(a) affixing a copy thereof at the pig farm; or

(b) serving a copy thereof on the person who appears to have the care and management of the pig farm; or

(c) serving a copy thereof on the licensee himself in the case where the licensee and the person referred to in paragraph (b) is not the same person; or

- (d) any combination thereof.

Appeal

14. (1) Where an application for a licence under the provisions of these Rules is refused upon any ground or where a licence is not renewed or where any licence is suspended or revoked, the applicant or the licensee respectively may appeal against such refusal, suspension or revocation to the Minister; such appeal is made in the form as prescribed in the Sixth Schedule.

(2) Any appeal made under these Rules shall be made within thirty (30) days of the decision by stating the grounds of appeal and every notice of appeal shall be accompanied with an appeal fee of Ringgit Malaysia fifty only.

(3) The decision of the Minister under these Rules shall be final.

Annual report

15. (1) The owner shall submit to the Director an annual report made in the form as prescribed in the Seventh Schedule or any other information as may be required by the Director.

(2) The report referred to in subrule (1) shall cover the period from 1st day of January to 31st day of December, and shall be submitted to the Director before 31st day of January of the following year.

Power to inspect

16. (1) The Director or any authorised officer may conduct on-site inspection at any time for each licensed pig farm to ensure compliance to the terms and conditions of the licence or any of the provisions of these Rules.

(2) The Director may issue an order to the licensee to carry out any necessary mitigation measures or to cease operation for any non-compliance to the terms and conditions of the licence or any of the provisions of these Rules as the result of the inspection.

Power of entry and investigation

17. To ascertain whether any offence against these Rules has been or is being committed, the Director or any authorised officer may at any time –

- (a) enter, inspect, examine or investigate any pig farm, or any land, building or premises in respect of which he has reasonable cause to suspect is being used for pig farming;

- (b) require the owner to render all necessary assistance or to furnish such information as may be required;
- (c) collect or remove any sample or evidence from the pig farm; or
- (d) stop, detain, enter or examine any conveyance used for the transportation of pig.

Offences and penalty

- 18.** (1) Any person who contravenes the provisions of these Rules shall be guilty of an offence.
- (2) Any person who wilfully submits to the Director any false information or report for the purpose of obtaining a licence or deceiving the Director, shall be guilty of an offence.
- (3) Where an employee of the pig farm commits an offence under these Rules, the owner shall, notwithstanding that he has no knowledge of the offence, be deemed to be guilty of the offence unless the owner proves that –
- (a) the act or omission complained of was not within the ordinary scope of work of the employee; or
 - (b) the act or omission complained of was done or committed without his consent or connivance.
- (4) Any person guilty of an offence against these Rules shall be liable to imprisonment for three months or a fine of two thousand Ringgit Malaysia or both.

Power to report occurrence of pollution

- 19.** The Director shall report to the state environmental authority any occurrence of environmental pollution caused by any pig farming activities which shall include but not limited to the following:
- (a) direct discharge of pig waste into watercourses;
 - (b) deterioration or leak in pig waste treatment and storage facilities;
 - (c) failure to maintain adequate pig waste storage capacity;
 - (d) disposal of pig waste where runoff enters watercourses; or
 - (e) discharge that bypasses the pig waste treatment or storage facilities.

Existing pig farm to be licensed

20. (1) The owner of an existing pig farm at the time these Rules come into force shall, if covered by these Rules, submit an application for a licence within three (3) months after these Rules come into force.

(2) If the owner of an existing pig farm, covered by these Rules fails to obtain a licence under subrule 8 (4) within twenty four (24) months after these Rules come into force, the Director shall order the owner to cease operation.

FIRST SCHEDULE

Control of Livestock Activities (Pig) Rules 2008
[Rule 3 (2)]

APPLICATION FOR LICENCE TO OPERATE PIG FARM

1. Particulars of Applicant

- (a) Name of Applicant (Include a passport size photograph):
.....
- (b) Date and Place of Birth:
- (c) Identity Card/Passport No.:
- (d) Nationality:
- (e) Address:
.....
.....
- (f) Telephone No.:
- (g) Fax No.:
- (h) Name of pig farm:
- (i) Address of pig farm:
.....
.....
- (j) Cadastral number of pig farm (Enclose a certified copy of land title with condition permissible for livestock farming):
.....

2. Particulars of Ownership

(a) Name of the owner to the Property (where the pig farm is located or is desired to be constructed if the owner is not identical to the applicant):

.....

(b) Address:

.....

.....

(c) Telephone No.:

(d) Fax No.:

3. Particulars of Contact Person

(a) Name of the contact person for the pig farm:

.....

(b) Address:

.....

.....

(c) Telephone No.:

4. Approval and Permits

(a) The list of approvals and permits required to be obtained by the applicant:

.....

.....

(b) The status of the approvals and permits:

.....

.....

5. Details of pig farm

(a) Type of farm:

(b) Brief description of the project (whether this is an existing or a new pig farm, or alteration or extension of an existing pig farm):

.....

- (c) List of future alteration or extension of building or waste treatment or storage facilities (If any):

.....

6. Information on the location of the pig farm

- (a) Include a map on an appropriate scale of minimum 1:50,000 showing the location of the pig farm within a minimum radius of 3 km of its surroundings including adjacent land, neighbouring houses, rivers, streams, religious premises, schools, cemeteries, tourism spots or any other land use.
- (b) Attach a layout plan of the pig farm on an appropriate scale showing the location and features of pig rearing facilities, sites, drainage, waste treatment and storage facilities, other storing facilities, location of paved areas, rivers and streams, and other farming activities.
- (c) Provide information on the spatial planning provisions (district or local plan) applicable to the area in which the pig farm is located or is planned to be established and for adjacent land and an account of the actual use of this land, name of jurisdiction of the local authority.

7. Information on establishment of pig farm

- (a) Date of commencement:
- (b) Date of completion:
- (c) Date of pension:
- (d) Expected time schedule of implementation of future plans for extension or alterations:

.....

8. Description of production

- (a) Types of farm:
- (b) Number of standing pig population as per date of application:
-
- (c) Future production plans (indicate number of sows):
-
- (d) Size of used land for pig farming (in hectares):
-
- (e) Size of unused land for pig farming (in hectares):
-
- (f) Attach a description of the design and operational procedures for the pig farm.

9. Information on odour/noise pollution

(a) Attach a layout plan showing the location of sources of noise and odour and areas possibly impacted by such odour and noise emission.

(b) Description of the methods chosen to reduce odour and noise nuisance:
.....

(c) Transportation activities to and from the pig farm:
.....

10. Information on pig waste and wastewater

(a) Quantity:

(b) Composition:

(c) Discharge points:

(d) Disposal sites of waste and wastewater from pig farm:
.....
.....
.....

(e) Description of the methods chosen to reduce pollution from waste and wastewater, including information on the design of waste treatment and storage facilities (type, size and capacity), frequency of maintenance of waste treatment facilities and system, (pond/lagoon system (sketch the layout on attached sheet), volume of sedimentation pit, number of ponds/lagoon, approximately volume of each pond, lining, rainwater diversion system preventing runoff entering the ponds, type of separator, place of final effluent discharge).

(f) Method of disposal of carcasses:
.....
.....
.....

11. Declaration

I, holder of
Identity Card No., residing at
.....

.....
hereby solemnly and conscientiously declare that to the best of my knowledge and belief the information and particulars stated above are true in substance and in fact.

Signature:

Name:
.....

Designation:

Date:
.....

Company Seal:

SECOND SCHEDULE

Control of Livestock Activities (Pig) Rules 2008
[Rule 6 (2)]

PUBLIC NOTICE

An application for a licence to operate pig farming as detailed below has been received by me on this date,

Details of the Application

Reference Number/Date (if :
any)

Name of Applicant :

Address of the Applicant :

Farm Location/Address :

.....
Any enquiry with regard to the said application may be made within thirty (30) days from the date of the issuance of this notice and addressed to :-

The Director
Department of Veterinary Services and Animal
Industry

.....

.....

Fax:

Date:
..... *Authorised Officer.*

This notice has been affixed from to at the:

District :

Town :

Village :

Date:
..... *Authorised Officer.*

THIRD SCHEDULE

Control of Livestock Activities (Pig) Rules 2008
[Rule 8 (3)]

LICENCE FEE

The licence fee payable by the owner of the pig farm under these Rules shall be as prescribed below:-

<i>Standing Pig Population (Head)</i>	<i>Licence Fee (RM)</i>
1. 500 and below	50.00
2. 501 - 1000	150.00
3. 1001 - 5000	200.00
4. 5000 and above	250.00

FOURTH SCHEDULE

Control of Livestock Activities (Pig) Rules 2008
[Rule 8 (4)] and [Rule 11 (2)]

LICENCE TO OPERATE PIG FARM

It is hereby certified that

..... (name and identity card/passport number)

is licensed to carry out pig farming at

.....

(farm location) and breed, rear, keep or treat

.....

(type of pig) at the said pig farm, subject to the following conditions –

General conditions:

Specific conditions:

.....

*Director
Department of Veterinary Services
and Animal Industry Sabah.*

Licence number :

Date of issue :

FIFTH SCHEDULE

Control of Livestock Activities (Pig) Rules 2008
[Rule 13 (1)]

APPLICATION FOR RENEWAL OF LICENCE TO OPERATE PIG FARM

1. Particulars of Applicant

(a) Name of Applicant (Include a passport size photograph):

.....

(b) Date and Place of Birth:

(c) Identity Card/Passport No.:

(d) Nationality:

(e) Address:

.....

.....

(f) Telephone No.:

(g) Fax No.:

(h) Name of pig farm:

(i) Address of pig farm:

.....

.....

2. Particulars of Ownership

(a) Name of the owner to the Property (where the pig farm is located or is desired to be constructed if the owner is not identical to the applicant):

.....

(b) Address:

.....

.....

(c) Telephone No.:

(d) Fax No.:

3. Particulars of Contact Person

(a) Name of the contact person for the pig farm:

.....

(b) Address:

.....

.....

(c) Telephone No.:

4. Details of the Licence

(a) Date of issuance of licence :

(b) Date of expiry of licence :

(c) Approval reference :

(e) List of complaints (if any) :

5. Details of pig farm

(a) Type of pig farm:

(b) Number of standing pig population as per date of application: Heads

(c) Future production plans (number of sows):Heads

(d) Size of used land for pig farming: Hectares

(e) Size of unused land for pig farming: Hectares

6. Declaration

I, holder of

Identity Card No. residing

at

.....

hereby solemnly and conscientiously declare that to the best of my knowledge and belief the information and particulars stated above are true in substance and in fact.

Signature:

Name:

Designation:

Date:

Company Seal:

SIXTH SCHEDULE

Control of Livestock Activities (Pig) Rules 2008
[Rule 15 (1)]

APPEAL

To: The Minister,
Ministry of Agriculture and Food Industry Sabah.

I/We wish to appeal to the decision of the Director made/issued on the
.....
day of

- (a) to reject my/our application;
- (b) to refuse the renewal my/our licence;
- (c) to suspend/revoke my/our licence.

The reasons for the appeal are as follows –

Signature :

Name :

Identity card/passport number :

Name of company/livestock farm :

Address :

.....
.....
Telephone :
Date :

SEVENTH SCHEDULE

Control of Livestock Activities (Pig) Rules 2008
[Rule 16 (1)]

ANNUAL REPORT

1. Name of pig farm:
2. Location of pig farm:
.....
3. Name of owner:
4. Postal address:
.....
.....
5. Telephone number:
6. Fax number:
7. Period covered by this report:
8. Standing pig population:
9. Changes in standing pig population since last reporting:
.....
.....
.....
10. Expansions/alterations since last reporting
.....

.....
.....
.....

Declaration

I, holder of
Identity Card No., residing at
.....
.....

hereby solemnly and conscientiously declare that to the best of my knowledge and belief the information and particulars stated above are true in substance and in fact.

Signature:

Name:

Designation:

Date:

Company Seal:

Dated at Kota Kinabalu, this 20th day of August, 2008.

By His Excellency's Command,

DATUK SERI PANGLIMA HAJI YAHYA HUSSIN,
Minister of Agriculture and Food Industry.