

**For discussion  
On 10 July 2001**

**LegCo Panel on  
Food Safety and Environmental Hygiene**

**Proposed Legislative Amendments to enhance  
the Prevention and Control of Veterinary Diseases**

**PURPOSE**

This paper sets out the Administration's proposal to amend the Public Health (Animals and Birds) Ordinance and Regulations (Cap.139) ("the Ordinance and Regulations") to strengthen our ability to prevent and control veterinary diseases.

**BACKGROUND**

2. The Ordinance and Regulations are mainly concerned with the prevention and control of diseases of animals and birds, including regulation of businesses, trades and other activities involving animals or birds for the protection of public or veterinary health. The legislation was first introduced some 60 years ago. Many of the provisions have not been revised since enactment.

3. Under the Ordinance, "animals" include reptiles and all warm-blooded vertebrates except man and birds, while "birds" mean poultry and all other types of birds. That means fish and amphibians (e.g. frogs), both of which may introduce disease, are excluded from existing controls.

4. In addition, under the Ordinance and Regulations, import controls are imposed on live animals and birds only. There are, however, very few provisions enabling the Administration to exercise import control over parts of animals (e.g. meat and other animal products), fodder used for animals and birds, and other articles used with animals

and birds that may introduce disease (e.g. saddles for horses).

5. Other existing Ordinances do not provide adequate powers for the Administration to impose import restrictions over these articles for control of diseases. The Imported Meat, Game and Poultry Regulations under the Public Health and Municipal Services Ordinance (Cap.132) provide for import controls over meat for human consumption if this represents a risk to public health, but they do not cover other items. The Rabies Ordinance (Cap. 421) provides for import controls over parts of certain animals (e.g. dogs and cats), but its main concern is the control of rabies, not other significant diseases.

6. With the rapid development of international trade and emergence of diseases such as Bovine spongiform encephalopathy (BSE, commonly known as mad cow disease), items apart from live animals and birds may also constitute a risk to public and veterinary health. We therefore need the power to exercise proper control over these other items. For example, meat and bone meal (a component of animal feed) is recognised as the main source of transmission of BSE. Another example is cattle hide for leather products which carry Anthrax, a disease transmissible to humans. Currently we have no legislative provisions to control the import of these potentially infected materials.

7. In addition, some other existing provisions of the Ordinance and Regulations, e.g. appeal channels and penalty levels, need to be reviewed and updated.

## **THE PROPOSAL**

8. We have identified a number of areas in the Ordinance and Regulations that we consider are in need of amendment. They are grouped into seven main categories set out in the ensuing paragraphs.

### **(a) Strengthening the control over animals, birds, fish, fodder, carcasses and other articles that may introduce disease**

*Extend Coverage of the Ordinance and Regulations to Cover Fish, Fodder, etc. in addition to Live Animals and Birds*

9. We propose to extend the coverage of the Ordinance and Regulations to include not only live animals and birds but also fish (including amphibians for the purpose of the Ordinance and Regulations), fodder (used by animals, birds and fish), carcasses and parts of animals, birds and fish, and other articles used in conjunction with animals, birds and fish that may introduce disease. For example, under the Ordinance, it is an offence to knowingly bring into Hong Kong any live animal or bird suffering from disease. We propose to extend this to include live fish, carcasses or parts of animals, birds or fish that were suffering from disease at the time of death, and articles used in conjunction with animals, birds or fish that may introduce disease, such as fodder.

***Extend Power of the Chief Executive to Prohibit Importation of Live Animals and Birds to Cover Other Items which may Introduce Veterinary Diseases***

10. In addition, under the existing Ordinance, the Chief Executive may issue an order prohibiting, either absolutely or conditionally, the importation of animals or birds from places where disease exists. We propose to extend this power to cover fish, fodder, carcasses and parts of animals, birds or fish, and other articles used in conjunction with animals, birds or fish that may introduce disease.

***Enable Director of Agriculture, Fisheries and Conservation to Impose Health or Sanitary Certification on Imports of Public or Veterinary Health Concerns***

11. We also propose providing the Director of Agriculture, Fisheries and Conservation (DAFC) with powers to impose a requirement for health or sanitary certification when a genuine risk to public or veterinary health arises from the import of fish, meat, animal fodder or other items used with animals, birds and fish. The Director would specify in a Schedule to the Ordinance those items that must be accompanied by valid health or sanitary certificates. So as not to create unnecessary barriers to trade, the proposed certification requirement would only be imposed in cases where there is a real need to protect public or veterinary health. One of the items on which we intend to impose the proposed requirement

is meat and bone meal derived wholly or in part from ruminants with a view to preventing the introduction of BSE. Meat imported from countries where serious veterinary diseases occur, such as foot-and-mouth disease, will also be subject to certification if scientific risk assessment demonstrates it poses a risk to the health of Hong Kong's livestock.

12. To prevent and control introduction of veterinary diseases through importation, special permits are now required under the Public Health (Animals and Birds) Regulations for removal of animals and birds from vessels and aircrafts from places outside Hong Kong. For protection of public health, health certification is also already required for imported meat under the Public Health and Municipal Services Ordinance (Cap. 132). Our proposed certification requirement for selected items of genuine public or veterinary health risk should not impose an increased burden on importers and the certifying authorities on the exporting side. Where possible, we will attempt to explore the legal viability and operational feasibility to streamline the certification procedures and minimize the documentation required with a view to avoiding any unnecessary administrative burden. To ensure compliance, the proposed veterinary certification requirement will be backed by regular audit checks.

**(b) Permitting the collection of samples for laboratory testing**

13. At present, other than for imported birds, we do not have any statutory means to verify the health or sanitary status of animals, fish fodder, local birds or other articles. We propose to provide authorized officers with the power to take samples from any animal, bird, fish or other articles as necessary to establish their disease status. Such power is essential to the success of our disease control programmes and to protect public and veterinary health.

**(c) Updating and consolidating the list of notifiable diseases under the Ordinance and Regulations**

14. At present, some of the notifiable diseases under the Ordinance

and Regulations are set out in the definition of “disease” in the Ordinance and some of them are declared by DAFC from time to time through notices in the Gazette. Hence, the full list of such diseases is not readily available to the public. To enable all interested parties to have the full list of notifiable diseases, we suggest specifying such diseases in a Schedule to the Ordinance, which can be revised by DAFC if needed. We also propose to make use of this opportunity to update the list by drawing reference from internationally recognized standards and nomenclatures, and expand it by adding new diseases, including serious diseases of fish. The new diseases to be added to the definition of “disease” in the Ordinance are listed in the Annex.

**(d) Removing the existing cap on the level of compensation for animals or birds slaughtered by order of DAFC**

15. Under the existing legislation, compensation is paid for any animal or bird slaughtered by order of DAFC under the Ordinance and Regulations. There is a cap on the level of compensation and in many cases the amount that can be paid is less than the full market value of the animals or birds. To improve the existing system, we propose to remove the cap and determine the level of compensation according to the market value of the animals, birds or fish in each case.

**(e) Allowing authorized officers entry to non-domestic premises after dark on warrant**

16. At present, authorized officers conducting raids do not have any power of entry to premises after dark, even on warrant. This significantly reduces our ability to enforce the law in preventing and controlling veterinary diseases. We propose to provide for authorized officers to apply to a magistrate for a warrant to enter non-domestic premises beyond daylight hours if there is suspicion that an offence has been committed under the law and a genuine need for such entry, and application for admission to the owner or occupier of the premises would defeat the object of entry.

**(f) Enabling appeals on routine matters to be heard by the Administrative Appeals Board**

17. At present, all appeals, even those of a trivial nature, against any decision made or any powers exercised by DAFC or other authorized officers under the Ordinance and Regulations are heard by the Chief Executive in Council. To be in line with the existing practices under other Ordinances and to speed up the appeal process, we propose that the Administrative Appeals Board (AAB) should handle all appeals of routine nature. For example, AAB will handle appeals on the detention of diseased animals, birds or fish by senior veterinary officer. Appeals on other matters, such as disposal of infected carcasses of animals, birds or fish by senior veterinary officer or person acting under his direction, will continue to be directed to the Chief Executive in Council.

**(g) Updating the penalty levels**

18. We have reviewed the penalties for the offences under the Ordinance and Regulations and propose to revise those that we consider do not properly reflect the seriousness of the offences. For example, the fine for the offence of knowingly bringing into Hong Kong any animal, bird or fish suffering from disease under section 4 of the Ordinance will be adjusted from the current \$ 5,000 to a level 6 fine (i.e. \$100,000). At present persons committing offences under the Ordinance and Regulations are only subject to fines. To enhance the deterrent effect against certain serious offences, we propose amending the Ordinance to allow for imprisonment of up to six months under the Regulations.

**CONSULTATION**

19. We have consulted the Advisory Council on Food and Environmental Hygiene and are concurrently consulting relevant parties including the trades concerned, environmental groups, medical and veterinary professionals, about the proposals. We will take into account the views of all parties concerned before finalising the proposals. Having regard to a large number of changes and the resource implications, the proposals may be implemented by phases.

**THE NEXT STEP**

20. The proposals have the general support of the Advisory Council on Food and Environmental Hygiene. Taking into account views of all parties concerned, we intend to start preparing the necessary amendments to the Ordinance and Regulations, and introduce them to the Legislative Council within the next legislative year.

### **ADVICE SOUGHT**

21. Members are invited to comment on the proposals in paragraphs 9 - 18.

**Environment and Food Bureau/  
Agriculture, Fisheries and Conservation Department  
July 2001**

**New diseases proposed to be included under Cap 139**

***Diseases of Animals or Birds***

Bovine spongiform encephalopathy  
Equine viral arteritis  
Japanese Encephalitis  
Leptospirosis  
Pullorum Disease  
Screw worm infestation  
West Nile Virus infection

***Diseases of Fish***

(a) Fin fish diseases:

Epizootic haematopoietic necrosis  
Infectious haematopoietic necrosis  
*Onchorynchus masou* virus disease  
Infectious pancreatic necrosis  
Viral encephalopathy and retinopathy  
Epizootic ulcerative syndrome (EUS)  
Spring viraemia of carp  
Viral haemorrhagic septicaemia  
Channel catfish virus disease  
Infectious salmon anaemia  
Piscirickettsiosis  
Gyrodactylosis  
Enteric septicaemia of catfish

(b) Mollusc diseases:

Bonamiosis  
Martieliosis  
Mikrocytosis  
Perkinsosis

Oyster velar disease  
Haplosporidiosis

(c) Crustacean diseases:

Yellowhead disease  
Infectious hypodermal and haematopoietic necrosis  
White spot disease  
Baculoviral midgut gland necrosis  
Gill associated virus  
Spawner mortality syndrome  
Crayfish plague (*Aphanomyces astaci*)  
Taura syndrome  
Necrotising hepatopancreatitis  
Nuclear polyhedrosis baculovirus