

LEGISLATIVE COUNCIL BRIEF

Public Health (Animals and Birds) Ordinance (Cap. 139)

PUBLIC HEALTH (ANIMALS AND BIRDS) (ANIMAL TRADERS) (AMENDMENT) REGULATION 2002

INTRODUCTION

Section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) empowers the Financial Secretary to vary fees that have previously been fixed by subsidiary legislation made by the Chief Executive in Council. By virtue of section 3 of Cap. 1, the Financial Secretary also means the Secretary for Treasury (S for Tsy). In the exercise of this power, the Secretary for Treasury has made the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2002 at **Annex A** to reduce the annual licence fee for animal traders under regulation 5(5) of the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139, sub. leg. B)[referred to as the “Regulations” below].

BACKGROUND

2. According to regulation 2 of the Regulations, “animal trader” means a person who sells or offers to sell animals or birds, other than a person selling or offering to sell any animal or bird kept by him as a pet. Any person who carries on business as an animal trader has to have a valid licence issued by the Director of Agriculture, Fisheries and Conservation (DAFC) under regulation 5 of the Regulations. The animals covered by the Regulations are all animals except cattle, sheep, goats and swine and all birds except domestic fowls, turkeys, ducks, pigeons and geese.

3. As at 4 April 2002, there were 666 animal trader licenses granted by DAFC, out of which 144 licences were specified for selling reptiles for human consumption, 252 licences for selling birds except poultry for human consumption, and the remaining 270 licences for selling birds, reptiles or mammals for purpose other than human consumption.

4. The licence fee for animal trader as per regulation 5(5) of Cap.

139B was last adjusted in 1997 from \$ 3,126 to the current amount of \$ 3,235 per year.

5. At the Legislative Council meeting on 5 December 2001, the Secretary for the Environment and Food informed Members of the Administration's intention to review the costing for issuing licences for animal traders and explore the possibility of a fee adjustment. The level of the annual fee for an animal trader licence is determined on a full cost recovery basis. Since Agriculture, Fisheries and Conservation Department (AFCD) has streamlined procedures and improved efficiency, the recent costing review showed that there was room for a cost reduction for animal trader licence fee. The average cost of processing an application for an animal trader licence has been reduced from \$ 3,235 to about \$ 2,670. The annual licence fee as prescribed in the law should therefore be adjusted downwards accordingly.

6. The cost computation of the annual licence fee for animal trader is at **Annex B**.

PUBLIC CONSULTATION

7. The Administration consulted the Legislative Council Panel on Food Safety and Environmental Hygiene on 18 March 2002 on the proposed licence fee reduction. Members attending the Panel meeting welcomed the proposal and we expect the trades concerned to respond similarly.

BASIC LAW IMPLICATIONS

8. The Department of Justice advises that the proposed legislation is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

9. The Department of Justice advises that the proposed legislation has no human rights implications.

BINDING EFFECT OF THE LEGISLATION

10. The proposed legislation will not affect the current binding effect of the Public Health (Animals and Birds) Ordinance and the Regulations made thereunder.

FINANCIAL AND STAFFING IMPLICATIONS

11. The above proposal will give rise to a reduction in revenue of about

\$380,000 per annum. There are no additional staffing implications arising from this proposal.

ECONOMIC IMPLICATIONS

12. The proposed fee revision will have some relief on operation costs of the animal traders.

LEGISLATIVE TIMETABLE

13. The legislative timetable for the introduction of the proposed legislation will be -

Publication in the Gazette	17 May 2002
Tabling of subsidiary legislation at the Legislative Council	22 May 2002

We shall bring the new licence fee for animal trader into effect starting from 1 July 2002.

PUBLICITY

14. A press release will be issued on 17 May 2002. A spokesman of AFCD will be available for answering media enquiries..

ENQUIRY

15. For any enquiry on this brief, please contact Dr David BURROWS (Senior Veterinary Officer (Animals Management) of AFCD) on tel: 2150 7068/ fax: 2152 0320 or Miss Lavinia TANG (Senior Treasury Accountant of AFCD) on tel: 2150 6720/ fax: 2302 0053.

**Environment and Food Bureau
May 2002**

PUBLIC HEALTH (ANIMALS AND BIRDS)(ANIMAL TRADERS)(AMENDMENT) REGULATION 2002

(Made under section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) by virtue of section 3 of the Public Health (Animals and Birds) Ordinance (Cap. 139))

1. Commencement

This Regulation shall come into operation on 1 July 2002.

2. Power of Director to license animal traders

Regulation 5(5) of the Public Health (Animals and Birds)(Animal Traders) Regulations (Cap. 139 sub. leg.) is amended by repealing "\$3,235" and substituting "\$2,670".



Secretary for the Treasury

15 May 2002

Explanatory Note

This Regulation decreases the fee payable for a licence of an animal trader.

COST COMPUTATION

Agriculture, Fisheries and Conservation Department
Fee for Animal Trader Licence set out in regulation 5(5) of the
Public Health (Animals and Birds) (Animal Traders) Regulations
(Cap. 139, sub. leg. B)

Cost at 2002-03 Prices

	\$
Staff Costs	2,422
Departmental Expenses	112
Accommodation Costs	56
Depreciation	13
Central Administrative Overhead	65
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Unit Cost (\$)	2,668
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Existing Fee with effect from 19 December 1997(\$)	3,235
Proposed fee with effect from 1 July 2002(\$)	2,670