

立法會
Legislative Council

Ref : CB2/SS/2/05

LC Paper No. CB(2) 1468/05-06
(These minutes have been seen by
the Administration)

Subcommittee on
Waste Disposal Ordinance (Amendment of Fourth Schedule)
Notice 2006 and Public Health (Animals and Birds)
(Licensing of Livestock Keeping) (Amendment) Regulation 2006

Minutes of the meeting
held on Friday, 24 February 2006 at 2:55 pm
in the Chamber of the Legislative Council Building

- Members present** : Hon Fred LI Wah-ming, JP (Chairman)
Hon CHEUNG Man-kwong
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
Hon Albert Jinghan CHENG
- Members attending** : Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon LI Kwok-ying, MH
- Member absent** : Hon WONG Yung-kan, JP
- Public officers attending** : Mr Eddy CHAN
Deputy Secretary (Food & Environmental Hygiene)
Health, Welfare and Food Bureau

Mr Wallace LAU
Principal Assistant Secretary (Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Dr Thomas SIT Hon-chung
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

Mr Edmond HO
Principal Environmental Protection Officer
(Waste & Water Science)
Environmental Protection Department

Mr WONG Wing-hong, Peter
Senior Assistant Solicitor General
Department of Justice

Mrs WALLER CHAN Kit-mui, Emme
Senior Assistant Law Officer (Civil Law)
Department of Justice

Miss IP Wan-yok, Leonora
Senior Government Counsel
Department of Justice

Mr MUI Kei-fat, Llewellyn
Senior Government Counsel
Department of Justice

Attendance by invitation : Society for the Prevention of Cruelty to Animals (HK)

Dr Jane GRAY
Chief Veterinary Surgeon
Deputy Director (Veterinary Services)

Dr Anthony JAMES
Chairman of Animal Welfare Advisory Group
SPCA Advisor

Ms Rowena HAWKINS

Mr LEUNG Wai-hay

Hong Kong Racing Pigeon Association

Mr HUI Chun-ping
Chairman

救救寵物禽鳥大聯盟

Mr SHEK Kwok-keung

Clerk in attendance : Mrs Constance LI
Chief Council Secretary (2)5

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Miss Betty MA
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)5

I Confirmation of minutes of meeting
[LC Paper Nos. CB(2) 1207/05-06]

The minutes of meeting on 16 February 2006 were confirmed.

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

II Meeting with deputations/individuals

Society for the Protection of Cruelty to Animals (HK)
[LC Paper Nos. CB(2) 1208/05-06(01) and 1251/05-06(01)]

3. Dr Jane GRAY presented the views of the Society for the Protection of Cruelty to Animals (HK) as detailed in its submissions.

Ms Rowena Hawkins
[LC Paper No. CB(2) 1208/05-06(02)]

4. Ms Rowena Hawkins presented her views as detailed in her submission.

Mr LEUNG Wing-hay

[LC Paper No. CB(2) 1208/05-06(03)]

5. Mr LEUNG Wai-hay presented his views as detailed in his submission.

Hong Kong Racing Pigeon Association

[LC Paper No. CB(2) 1226/05-06(01)]

6. Mr HUI Chun-ping presented the views of Hong Kong Racing Pigeon Association as detailed in its submission.

救救寵物禽鳥大聯盟

[LC Paper No. CB(2) 1236/05-06(01)]

7. Mr SHEK Kwok-keung presented the views of 救救寵物禽鳥大聯盟 as detailed in its submission.

8. Mr LAU Wong-fat, who was also Chairman of Heung Yee Kuk (HYK), said that HYK expressed strong dissatisfaction that the Administration refused to make any compensation to the owners of backyard poultry, as these owners regarded the prohibition of backyard poultry keeping amounted to a deprivation of their property. HYK would not rule out the possibility of seeking the court's ruling on whether the legislation was consistent with the protection of property right under Article 105 of the Basic Law (BL).

9. Members noted that 10 other organisations/individuals had provided written submissions but did not attend the meeting.

III Meeting with the Administration

[LC Paper No. CB(2) 1226/05-06(03)-(05)]

[LC Paper No. LS 38/05-06]

10. The Administration briefed the Subcommittee on its responses to issues raised at the last meeting on 16 February 2006. The Administration elaborated on the reasons that the legislative amendments to prohibit backyard poultry farming were considered to be consistent with the property right guaranteed under BL 105. Members noted that the legal adviser to the Subcommittee had prepared a paper on the subject matter.

11. The Administration informed the Subcommittee that consideration was being given to amending the subsidiary legislation to provide for exemption to owners of backyard poultry who had submitted applications for "exhibition licence for animals/birds" before the subsidiary legislation came into operation on 13 February 2006.

- Admin 12. The Administration was requested to –
- (a) reconsider the request for making compensation to the affected owners of backyard poultry; and
 - (b) provide information on the manpower (and working hours) involved in taking enforcement actions against illegal keeping of backyard poultry since the legislation came into operation on 13 February 2006.

IV Date of next meeting

13. Members agreed to hold the next meeting on 7 March 2006 at 8:30 am.
14. The Chairman said that as agreed at the last meeting on 16 February 2006, he would move a motion to extend the scrutiny period to 29 March 2006 to allow more time for the Subcommittee to study the subsidiary legislation,
15. The meeting ended at 5:00 pm.

Council Business Division 2
Legislative Council Secretariat
20 March 2006

**Proceedings of the meeting of the Subcommittee on
Waste Disposal Ordinance (Amendment of Fourth Schedule)
Notice 2006 and Public Health (Animals and Birds)
(Licensing of Livestock Keeping) (Amendment) Regulation 2006
on Friday, 24 February 2006 at 2:55 pm
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000737-001058	Chairman	Welcoming remarks	
001059-001650	Society for the Prevention of Cruelty to Animals (HK) (SPCA)	Presentation of views by SPCA	
001651-002230	Chairman Ms Rowena HAWKINS	Presentation of views by Ms Rowena HAWKINS	
002231-002722	Chairman Mr LEUNG Wai-hay	Presentation of views by Mr LEUNG Wai-hay	
002723-003432	Chairman Hong Kong Racing Pigeon Association	Presentation of views by Hong Kong Racing Pigeon Association	
003433-004016	Chairman 救救寵物禽鳥大聯盟	Presentation of views by 救救寵物禽鳥大聯盟	
004017-004119	Chairman	Confirmation of minutes of meeting on 16 February 2006	
004120-004456	LAU Wong-fat	Views of Heung Yee Kuk on Article 105 of Basic Law (BL) and backyard poultry keeping	
004457-005652	Admin	Administration's response to the views expressed by deputations Administration's response to the motion passed by the Subcommittee at the last meeting	

Time Marker	Speaker(s)	Subject(s)	Action required
		Issuance of exhibition licence for animals/birds who wished to continue to keep poultry	
005653-005851	Daniel LAM Chairman Admin	Compensation for owners of backyard poultry	
005852-010232	KWOK Ka-ki Admin	Arrangements for implementing the legislation and compensation for owners of backyard poultry Fees for exhibition licence for animals/birds	
010233-011154	Admin ALA4	Meaning of deprivation under BL 105	
011155-012111	Chairman Andrew CHENG Admin	Special licence for pet poultry and birds	
012112-012629	LEUNG Kwok-hung	Compensation for owners of backyard poultry	
012630-013351	Emily LAU Admin	Compensation for owners of backyard poultry Operational details for issuing exhibition licence for animals/birds	
013352-014721	CHEUNG Hok-ming Admin Alan LEONG	Justifications for not making compensation to backyard poultry owners	
014722-015002	Hong Kong Racing Pigeon Association Chairman Admin	Testing of bird carcass for H5N1 virus	

Time Marker	Speaker(s)	Subject(s)	Action required
015003-020028	Chairman Emily LAU Admin LEUNG Kwok-hung Chairman	Compensation for owners of backyard poultry	Admin to provide response
020029-020340	救救寵物禽鳥大聯盟 SPCA	Issuance of special licence for pet poultry and birds	
020341-020522	Mr LEUNG Wai-hay	Exhibition licence to those who had applied before the law came into operation	
020523-021245	Chairman Admin CHEUNG Hok-ming	Enforcement of the legislation	Admin to provide information on the manpower and resources for enforcing the legislation
021246-021415	Chairman	Date of next meeting	

Council Business Division 2
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20 March 2006