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中華人民共和國香港特別行政區政府總部衛生福利及食物局  
Health, Welfare and Food Bureau  
Government Secretariat, Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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Mrs. Constance LI  
Secretary for LegCo Panel on Food Safety  
and Environmental Hygiene,  
Legislative Council Secretariat,  
8 Jackson Road,  
Central,  
Hong Kong.

15 March 2006

Dear Mrs. LI,

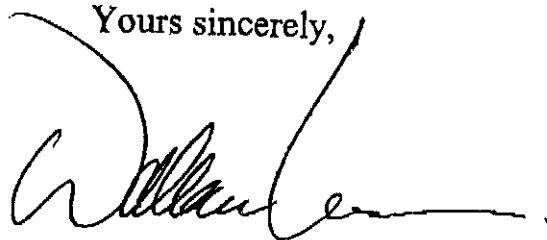
At the meeting of Subcommittee on the Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 yesterday, the Administration undertook to examine whether the following provisions added by the *Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006* (i.e. published in the Gazette as Legal Notice No. 20 of 2006) should be deleted:

- Section 4(5)(aa) : the number of livestock (either pigs or poultry) that may be kept in or on the premises in respect of which a licence is granted;
- Section 8(ba) : the licensee has contravened any terms or conditions imposed under section 4(5).

The original intention of adding the above clauses was to provide better clarity to the power of the Director of Agriculture, Fisheries and Conservation Department (DAFC) to control livestock keeping. Having considered Members concern about the possible impact of the above provisions to local farms, and since the DAFC already has the powers under the current section 4(5)(a) or (b) of the *Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation, Cap 139L* and Section 10(2) of the *Public Health (Animals and Birds) Ordinance*, to regulate the number of livestock that may be kept in licensed premises and cancel any licence or permit for breach of any regulation or condition of such licence or permit respectively, we agree to propose amendments to repeal section 4(5)(aa) and 8(ba) in the motion to be moved on 29 March. The amendments are included in Appendix A for members' reference.

We have also amended the conditions of the Exemption Permit (including amendments to Condition 7 and 10 and the addition of Condition 12) in accordance with the proposals put forward by certain members on the following three aspects: the power of the DAFC to change the information specified on the Exemption Permit under exceptional circumstances; the power to enter and inspect any premises where the "specified bird" is being kept for the purpose of ensuring that all conditions are complied with and the power to revoke the Exemption Permit for breach of any condition of the Exemption Permit. The amended conditions are attached in Appendix B for members' reference.

Yours sincerely,



( Wallace Lau )

for Secretary for Health, Welfare  
and Food Bureau

Appendix A**INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE****RESOLUTION OF THE LEGISLATIVE COUNCIL****PUBLIC HEALTH (ANIMALS AND BIRDS)  
(LICENSING OF LIVESTOCK KEEPING)  
(AMENDMENT) REGULATION 2006**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on [29] March 2006.

RESOLVED that the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006, published in the Gazette as Legal Notice No. 20 of 2006 and laid on the table of the Legislative Council on 8 February 2006, be amended –

(a) by adding –

**“1A. Interpretation**

Section 2 of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L) is amended by adding –

““specified bird” (指明禽鳥) means a chicken, duck, goose, pigeon or quail.”;

(b) in section 2(1), by repealing “of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L)”;

- (c) in section 2(1), in the new section 4(2A), by repealing “a licence is applied for” and substituting “a licence in respect of the keeping of specified birds is applied for”;
- (d) in section 2(1), in the new section 4(2A)(a) and (b), by repealing “livestock keeping” and substituting “the keeping of specified birds”;
- (e) in section 2(1), in the new section 4(2A)(c), by repealing “poultry, if any,” and substituting “specified birds”;
- (f) by repealing section 2(2);
- (g) by repealing section 3;
- (h) by adding –

**“4. Section added**

The following is added –

**“9A. Power of Director to  
issue exemption  
permit in respect of  
specified bird kept as  
pet, etc.**

(1) In this section, “exemption permit” (豁免許可證) means a permit issued by the Director under subsection (2).

(2) Subject to this section, the Director may issue a permit in respect of the keeping of any specified bird that has been kept as a pet immediately before 13 February 2006.

(3) The Director may issue an exemption permit only if –

(a) evidence to his satisfaction is furnished to establish that the relevant specified bird has been kept as a pet immediately before 13 February 2006; and

(b) he is satisfied that the total number of specified birds (including the relevant specified bird) kept in or on the premises where the relevant specified bird will be kept does not exceed 20.

(4) The Director may impose such conditions as he sees fit in respect of an exemption permit.

(5) The Director may revoke an exemption permit if any condition imposed in respect of the exemption permit under subsection (4) has been contravened.

(6) A person who, for the purpose of obtaining an exemption permit, furnishes any evidence or information which he knows or reasonably ought to know to be false or incorrect in a material particular commits an offence and is liable to a fine at level 3.”.”;

(i) by adding –

**“5. Specified fees**

Item 1(b) of Schedule 2 is amended by repealing “Poultry” and substituting “Specified birds”.”.

xx March 2006

Clerk to the Legislative Council

**INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE**

**RESOLUTION OF THE LEGISLATIVE COUNCIL  
WASTE DISPOSAL ORDINANCE (AMENDMENT OF  
FOURTH SCHEDULE) NOTICE 2006**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on [xx] March 2006.

RESOLVED that the Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006, published in the Gazette as Legal Notice No. 19 of 2006 and laid on the table of the Legislative Council on 8 February 2006, be amended, in section 2, by adding –

“(2A) The Fourth Schedule is amended by adding –

“13A. Any person who keeps poultry pursuant to a valid exemption permit issued under section 9A of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L).”.”.

xx March 2006

Clerk to the Legislative Council

Appendix B**DRAFT**  
**Conditions for keeping 'Specified bird'**

1. No other specified bird (except the one described in the permit) or other animals or birds that may in the opinion of the Director cause risk to the 'specified bird' can be kept in the same premises.
  2. The 'specified bird' must be kept under solid roof and surround with bird proof facilities, in order to prevent the 'specified bird' from contacting wild birds, public and other 'specified bird' from wholesale and retail market.
  3. Feed, feeders and drinking water containers must be properly placed to avoid contact with wild birds and contaminants.
  4. Permanent identification device such as leg band or other identification device as may be approved by the Director must be placed on the 'specified bird' at all times.
  5. Permittee/keeper of the 'specified bird' must report and surrender the 'exemption permit' to Agriculture, Fisheries and Conservation Department within 7 days if his/her 'specified bird' have passed away or found lost, and dispose of the same in such manner as the Director may direct.
  6. \* 'Specified bird' must be vaccinated against avian flu regularly.
  7. The exemption permit is granted in respect of the keeping of the 'specified bird' by the person at the premises as are respectively described in the exemption permit until such times as the 'specified bird' dies. If due to exceptional circumstances (such as the passing away, ill health or relocation of the permittee/keeper) there is a need to amend the permitted/keeper or the premises for keeping the 'specified bird', the permittee/keeper can apply to the Director to amend the relevant details. The Director may make appropriate decision after reviewing the circumstances of each individual application. The exemption is non-transferable and non-amendable except under exceptional circumstances.
  8. The permittee/keeper must comply with all these conditions, the Prevention of Cruelty to Animal Ordinance, Cap 169, the Public Health and Municipal Services Ordinance, Cap 132, the Public Health (Animals and Birds) Ordinance, Cap 139 and/or tenancy agreement of the Housing Department in respect of the keeping of the 'specified bird'.
  9. This exemption permit is subject to such further or amended conditions, as may be imposed by the Director on the ground of protecting public health. The Director reserves all rights of sampling, testing and disease investigation in the 'specified bird' and premises in which it is being kept.
  10. Acting under the direction of the Director, authorized AFCD officers may make reasonable request to enter and inspect premises in which the 'specified bird' is being kept to ensure that all conditions are complied with. If the reasonable request of such officers is rejected, on the basis that the Director has no access to the premises to ascertain if the conditions for keeping the 'specified bird' have been fulfilled, the Director may refuse to issue the exemption permit or, if an exemption permit has been issued, may revoke the same.
  11. Further hatching of eggs of or by the 'specified bird' is not allowed.
  12. The Director may revoke the exemption permit if any of the above conditions are contravened.
- \* Paragraph 6 of the above condition is only applicable to the keeping of pet chicken.