

**立法會**  
**Legislative Council**

Ref : CB2/SS/8/05

LC Paper No. CB(2)69/06-07  
(These minutes have been seen  
by the Administration)

**Subcommittee on Public Health (Animals and Birds)**  
**(Exhibitions) (Amendment) Regulation 2006**

**Minutes of the second meeting**  
**held on Saturday, 30 September 2006 at 9:00 am**  
**in the Chamber of the Legislative Council Building**

- Members present** : Hon Fred LI Wah-ming, JP (Chairman)  
Hon LEUNG Yiu-chung  
Hon WONG Yung-kan, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon WONG Kwok-hing, MH  
Hon Alan LEONG Kah-kit, SC  
Hon CHEUNG Hok-ming, SBS, JP
- Member absent** : Hon LEUNG Kwok-hung
- Member attending** : Hon KWONG Chi-kin
- Public Officers attending** : Mr Wallace LAU  
Principal Assistant Secretary (Food & Environmental Hygiene)<sup>1</sup>
- Mr Johnson TANG  
Assistant Secretary (Food & Environmental Hygiene)<sup>1</sup>
- Dr Eric TAI  
Senior Veterinary Officer (Animal Management)
- Miss Leonora IP  
Senior Government Counsel

**Deputations by invitation** : The Hong Kong Racing Pigeon Association

Mr HUI Chun-ping  
Chairman

Sherwood Court Estate Owners' Committee

Mr CHAN Kin-wah  
Property Manager

Representatives of the local pigeon racing community

連啟元先生  
陳賢德先生  
梁錦洪先生  
施健杰先生  
鄭嘉森先生  
梁兆雄先生  
梁玉華先生  
林祖文先生  
李耀廣先生  
黎健民先生  
宋志勤先生  
張國鴻先生  
曾北緯先生  
梁善明先生  
劉國光先生  
何漢倫先生  
古仲華先生  
郭佳先生

**Clerk in attendance** : Mrs Percy MA  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Mrs Eleanor CHOW  
Senior Council Secretary (2)4

Miss Vivien POON  
Council Secretary (2)3

Mrs Fony TSANG  
Legislative Assistant (2)3

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Action

**I. Briefing by the Administration on the Regulation**

[File Ref : HWF(F) 5/6/1 – LegCo Brief issued by Health, Welfare and Food Bureau on 5 July 2006

LC Paper No. LS96/05-06 – Legal Service Division Report on Subsidiary Legislation Gazetted on 7 July 2006

LC Paper No. CB(2)2882/05-06(02) – Background Brief prepared by the Legislative Council Secretariat

LC Paper No. CB(2)2882/05-06(03) – Marked-up copy of the Regulation

LC Paper Nos. CB(2)2932/05-06(01) and (02) – Letter from the Chairman dated 2 August 2006 and the Administration's reply dated 11 August 2006

LC Paper Nos. CB(2)3042/05-06(01) and (02) – Letter dated 25 August 2006 from Assistant Legal Adviser and the Administration's response dated 15 September 2006]

Principal Assistant Secretary (Food & Environmental Hygiene)<sup>1</sup> briefed the Subcommittee on the Amendment Regulation which sought to amend the Principal Regulations to the effect that the licence fee for keeping not more than 20 animals/birds was \$2,720 and for keeping more than 20 animals/birds was \$9,700. The fees were calculated on the principle of full cost-recovery.

**II. Meeting with deputations and the Administration**

[LC Paper Nos. CB(2)3114/05-06(01) and (02), CB(2)2882/05-06(04), CB(2)2892/05-06(01), CB(2)3064/05-06(01)-(06) and CB(2)3091/05-06(01) and (02)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Administration was requested to consider the following requests and revert to the Subcommittee at the next meeting –
  - (a) to undertake a study on the regulatory regime for racing pigeon activity in countries/places which had an outbreak of avian influenza and report

the outcome to the Panel on Food Safety and Environmental Hygiene for follow-up in due course; and

- (b) to consider whether the licence fees proposed under the Amendment Regulation could be reduced.

4. Pending deliberation of the Amendment Regulation by members, the Administration was requested to consider deferring the deadline for payment of licence fees by successful applicants.

*(Post-meeting note : The Administration's response was issued to members vide LC Paper No. CB(2)67/06-07(01) on 13 October 2006.)*

### **III. Any other business**

5. The Subcommittee agreed that the next meeting would be held on 9 October 2006 at 2:30 pm. The Subcommittee also agreed that the scrutiny period of the Amendment Regulation should be extended from 18 October 2006 to 8 November 2006.

*(Post-meeting note : At the request of the Administration and with the concurrence of the Chairman, the next meeting has been rescheduled to 17 October 2006 at 5:45 pm.)*

6. The meeting ended at 11:05 am.

**Proceedings of the second meeting of the  
Subcommittee on Public Health (Animals and Birds)  
(Exhibitions) (Amendment) Regulation 2006  
on Saturday, 30 September 2006 at 9:00 am  
in the Chamber of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000418	Chairman	Opening remarks	
000419 - 000618	Administration	Briefing on the Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation) 2006 (the Amendment Regulation)	
000619 - 000709	Chairman The Hong Kong Racing Pigeon Association	Presentation of views (LC Paper No. CB(2)3114/05-06(01))	
000710 - 001109	Chairman Sherwood Court Estate Owner's Committee	Presentation of views (LC Paper No. CB(2)3114/05-06(02))	
001110 - 001900	Chairman 連啟元先生	Presentation of views (LC Paper Nos. CB(2)2882/05-06(04), 2892/05-06(01), 3064/05-06(01)-(06) and 3091/05-06(01)-(02))	
001901 - 002142	Chairman	Clarification on the negative vetting procedure	
002143 - 002331	Administration	Confirmation that there had been reports of pigeons infected with avian influenza, although the risk of infection was low	
002332 - 003137	Chairman Hon WONG Kwok-hing Administration	Reasons for Mr WONG Kwok-hing not supporting the Amendment Regulation –  (a) the risk of racing pigeons spreading avian influenza was low;  (b) pigeon racing activity was a sport and not a form of exhibition;  (c) the licence fee of \$9,700 for keeping more than 20 racing pigeons was unreasonably high; and  (d) since there was no control over wild pigeons, a voluntary registration system for keepers of racing pigeons should suffice	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>Response of the Administration –</p> <p>(a) it was in the public interest to introduce a licensing system for racing pigeons;</p> <p>(b) the purpose of the Amendment Regulation was to adjust the original licence fee of \$10,720. As at 28 September 2006, 27 out of the 29 applicants who had been granted an exhibition licence kept less than 20 racing pigeons and paid the revised fee of \$2,720; and</p> <p>(c) publicity had been carried out to educate the public not to have physical contact with wild pigeons</p>	
003138 - 004322	Chairman Hon LEUNG Yiu-chung Administration	<p>Views of Mr LEUNG Yiu-chung –</p> <p>(a) it was inappropriate to use an exhibition licence to regulate racing pigeon activity which was a sport; and</p> <p>(b) the two-tier fee structure, i.e. \$2,720 if the total number of animals/birds did not exceed 20; or \$9,700 if the number exceeded 20, was arbitrary. Consideration should be given to relaxing the threshold of 20 so that those keeping a larger number of racing pigeons were not required to pay the higher fee</p> <p>Response of the Administration –</p> <p>(a) the threshold of 20 was stipulated in the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg.L) and the Waste Disposal Ordinance (Cap. 354). A person keeping not more than 20 poultry was not required to obtain a licence. Total banning of backyard poultry keeping including pigeons was in operation since 13 February 2006 to reduce the risk of avian influenza outbreak;</p> <p>(b) there were views against the keeping of racing pigeons in multi-storey buildings or densely populated areas. The threshold had to be kept at a low number in order to balance public interest; and</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		(c) the proposed fees were calculated on the principle of full-cost recovery	
004323 - 010430	Chairman Hon Tommy CHEUNG Administration	<p>Views of Mr Tommy CHEUNG –</p> <p>(a) he had reservation about introducing a voluntary registration system for keepers of racing pigeons;</p> <p>(b) the percentage of increase in the second-tier fee over the first-tier fee was not commensurate with the scale of enforcement activities covered by the two sets of fees;</p> <p>(c) as the risk of racing pigeons spreading avian influenza was low, frequent inspections by the relevant authorities might not be necessary; and</p> <p>(d) it was inappropriate to use an exhibition licence to regulate racing pigeon activity which was a sport</p> <p>Response of the Administration –</p> <p>(a) 80% of the 187 applications received so far applied for a licence for keeping not more than 20 racing pigeons;</p> <p>(b) the licence was premises-based; and</p> <p>(c) most of the additional workload generated from the Amendment Regulation would be absorbed by existing staff and did not require increase in manpower</p> <p>Briefing by the Administration on the enforcement activities involved in the regulation of exhibition licences for animals/birds issued under the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139 sub.leg.F)</p>	
010431 - 012432	Hon CHEUNG Hok-ming Chairman Hon WONG Yung-kan Administration	<p>Views of members –</p> <p>(a) the Administration should consider relaxing the threshold of 20 animals/birds for the first-tier fee under the Amendment Regulation;</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(b) according to the information provided by racing pigeon groups, the regulatory system for racing pigeons in China was simple as it treated racing pigeon activity as a sport. A number of countries/places did not impose licence fees on pigeon-racing and treated the activity as a sport; and</p> <p>(c) the Administration should consider establishing a separate licensing system for racing pigeons</p> <p>Response of the Administration –</p> <p>(a) the licence fees for racing pigeons varied from place to place because each adopted different enforcement measures;</p> <p>(b) Hong Kong had experienced a number of avian influenza outbreaks and therefore had to impose more stringent measures; and</p> <p>(c) in line with the established practice, the licence fees would be reviewed from time to time taking into account the principle of full-cost recovery</p>	
012433 - 013049	Chairman The Hong Kong Racing Pigeon Association (HKRPA)	HKRPA's view that pigeon racing was a sport supported by many countries in the world. As a token to support the sport, the Administration should charge only a minimum licence fee	
013050 - 013457	Chairman 連啟元先生	Mr 連's comment that many owners were forced to apply for licences in order not to breach the law and many of them kept more than 20 pigeons	
013458 - 014015	Chairman Sherwood Court Estate Owner's Committee (SCEOC)	SCEOC's view that the licence fee should be maintained at \$10,720 in order to deter owners from keeping racing pigeons in multi-storey buildings	
014016 - 014541	Chairman Administration Hon WONG Yung-kan	Summary of the concerns raised by deputations and members	
014542 - 015309	Chairman ALA 4 Hon Tommy CHEUNG Administration	ALA4's confirmation that any amendment to the proposed licence fees would have charging effect	



Time Marker	Speaker(s)	Subject(s)	Action required
		<p>Unanimous view of members that the licence fees proposed in the Amendment Regulation should be reduced</p> <p>The Administration was requested to consider the following requests and revert to the Subcommittee at the next meeting –</p> <p>(a) to undertake a study on the regulatory regime for racing pigeon activity in countries/places which had an outbreak of avian influenza and report the outcome to the Panel on Food Safety and Environmental Hygiene for follow-up in due course. The study should include information such as whether racing pigeon activity had been regulated by a statutory licensing system, and if so, the nature of the licence and the licence fee payable; and</p> <p>(b) to consider whether the licence fees proposed under the Amendment Regulation could be reduced</p>	<p><b>Admin to follow up</b></p>
015310 - 015342	<p>Chairman Hon Tommy CHEUNG</p>	<p>Agreement of the Subcommittee to extend the scrutiny period of the Amendment Regulation from 18 October 2006 to 8 November 2006</p>	<p><b>Clerk to follow up</b></p>
015343 - 015848	<p>Chairman 陳賢德先生 Hon Tommy CHEUNG Hon LEONG Ka-kit Administration</p>	<p>Concern of Mr 陳賢德 about the requirement for applicants to pay the licence fee within a 14-day period, as specified in the letter issued by the licensing authority</p> <p>The Administration's clarification that the 14-day period referred to the period within which applicants should allow the relevant authorities to inspect the place for keeping/exhibiting pigeons</p> <p>Pending deliberation of the Amendment Regulation by members, the Administration was requested to consider deferring the deadline for payment of licence fees by successful applicants</p>	<p><b>Admin to follow up</b></p>
015849 - 020154	<p>Administration Chairman</p>	<p>Date of next meeting</p>	