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

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper summarises the issues and concerns raised by Members relating to the granting of licence to persons keeping a small number of specified poultry (including racing pigeons) following the banning of backyard poultry keeping in Hong Kong.

Background

2. The Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 were gazetted on 8 February 2006. The Notice amends the Fourth Schedule of the Waste Disposal Ordinance so that a person who owns or keeps not more than 20 in number of poultry in or on his premises in any livestock waste prohibition area (mainly urban area), livestock waste control area (mainly rural area) or livestock waste restriction area (mainly new towns) is no longer an exempt person under the Waste Disposal Ordinance. The Amendment Regulation amends the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation to provide that the Director of Agriculture, Fisheries and Conservation (DAFC) shall not grant licences to, inter alia, those keeping not more than 20 in number of poultry in or on premises in livestock waste control areas (i.e. mainly rural area).

3. Following the coming into operation of the Notice and the Amendment Regulation on 13 February 2006, backyard poultry keeping was banned in Hong Kong. The definition of “poultry” in the Waste Disposal Ordinance covers chickens, geese, ducks, pigeons and quails.

4. A subcommittee was formed by the House Committee to examine the Notice and the Amendment Regulation. Some organisations and individuals had reflected their views to the subcommittee that pigeons, including racing pigeons, should not be

banned because there had not been reports of pigeons infected with H5N1. Moreover, some poultry were being kept as pets, and the owners concerned were willing to comply with the necessary biosecurity requirements so that they could continue to keep their poultry as pets. In some of these cases, the pet birds were housed in extremely low density environments and they had little or no contact with wild birds. These birds should therefore pose relatively less risk than livestock kept in backyards.

5. Some deputations urged the Administration to consider providing special arrangements or exemptions for keeping pet birds and racing pigeons. The subcommittee suggested that the Administration could impose conditions for granting special approvals or exemptions, to ensure that such poultry would not pose threat to public health.

6. After discussion with the subcommittee, the Administration agreed to consider providing exemption to those persons who had kept a small number of poultry immediately before the coming into effect of the legislative amendment on 13 February 2006. A set of exemption conditions proposed by the Administration was discussed by the subcommittee.

7. The Administration also agreed to consider on a case-by-case basis whether to issue “animal/birds exhibition licence” to owners who wished to continue to keep racing pigeons. The Administration would amend the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139 sub. leg. F) to stipulate a separate licence fee for this purpose.

Discussion by the Panel on Food Safety and Environmental Hygiene

8. The Administration briefed the Panel on Food Safety and Environmental Hygiene on 9 May 2006 on the proposed licence fees for keeping racing pigeons. The Administration advised that after restructuring the resources required for issuing the two types of animal/bird keeping licences, it proposed to change the structure of the fee for licence issued under the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap 139 sub leg F) as follows –

- (a) if the total number of animals and birds did not exceed 20, the fee would be \$2,720; and
- (b) if the total number of animals and birds exceeded 20, the fee would be \$9,700 (the original fee was \$10,720).

9. The Administration informed the Panel that the Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006 setting out the proposed fee levels would come into operation on the date of gazettal.

10. Hon Vincent FANG asked about the justifications for charging a licence fee of \$2,720 for keeping not more than 20 birds. The Administration advised that the calculation of the proposed licence fees was based on the minimum manpower resources required for inspection and enforcement of the licensing conditions.

11. According to the Administration, following the coming into effect of the legislative measure to ban backyard poultry keeping, the Agriculture, Fisheries and Conservation Department had received about 240 applications from owners of pet poultry and racing pigeons. Of these applications, 80% of the applicants kept not more than 20 birds.

12. Dr Hon KWOK-ka-ki considered that the proposed licence fee of \$9,700 for keeping more than 20 pigeons was on the high side. He pointed out that unlike the large-scale animal/bird exhibitions held by large corporations such as the Ocean Park, local pigeon racing activities were mostly participated by amateurs.

13. The Administration explained that the current Public Health (Animals and Birds) (Exhibitions) Regulations applied mainly to large-scale animal/bird exhibitions by large enterprises. As the local pigeon racing groups had appealed to the Administration requesting for special consideration to allow them to continue keeping racing pigeons after the banning of backyard poultry keeping in Hong Kong, the Administration had agreed to allow the keeping and exhibiting of racing pigeons with a licence issued under the Regulations. Such a licence would be issued only if the applicant could satisfy all relevant statutory requirements under the Regulations.

14. The Administration advised that the licence fees were calculated based on the full-cost recovery principle. The original fee for keeping more than 20 animals and birds was \$10,720. After restructuring the resources required for issuing the two types of animal/bird keeping licences, the Administration proposed to reduce the licence fee for keeping/exhibiting more than 20 animals/birds to \$9,700. The Administration considered that the proposed licence fee would be affordable to racing pigeon owners, as raising racing pigeons was a commercial activity.

15. The Administration also advised that it had discussed the proposed licence fees with the pigeon racing groups, and they considered that the proposal was acceptable if it could cater for the needs of the majority of pigeon owners.

Relevant papers

16. The relevant papers are available on the Council website at <http://www.legco.gov.hk/english/index.htm>.