

(By fax and by post)

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2 August 2006

Dr York CHOW Yat-ngok, SBS, JP
Secretary for Health, Welfare and Food
Health, Welfare and Food Bureau
19/F, Murray Building
Garden Road
Central
Hong Kong

Dear Dr CHOW,

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

The Subcommittee held its first meeting on 2 August 2006. On behalf of the Subcommittee, I write to convey members' request for your consideration.

Members note that although the Amendment Regulation took effect from the date of gazettal i.e. 7 July 2006, the scrutiny period of the Amendment Regulation under the negative vetting procedure expires on 18 October 2006 (or 8 November 2006 if extended by resolution). In order to allow the Subcommittee to consider the Amendment Regulation and to receive views from the relevant parties, members agree that the Administration should be requested to withhold taking the following actions until the Subcommittee has concluded its deliberation –

- (a) processing licence applications from owners of racing pigeons; and
- (b) taking any enforcement actions against owners of racing pigeons for not having a licence, such as requiring them to surrender their pigeons to the relevant authorities.

The Subcommittee will hold its second meeting on 25 September 2006 to meet with the Administration and to receive views from the relevant parties. The Clerk to the Subcommittee will write separately to the Administration regarding the meeting arrangements.

Meanwhile, I should be grateful for your prompt response (in bilingual versions) to the request of the Subcommittee.

Yours sincerely,

(Fred LI Wah-ming)
Chairman
Subcommittee on Public Health (Animals and Birds)
(Exhibitions) (Amendment) Regulation 2006

**LC Paper No. CB(2)2932/05-06(02)**

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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電話號碼 Tel. No.: 2973 8297
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11 August 2006

Hon. Fred LI
Chairman, Subcommittee on Public Health (Animals and Birds)(Exhibition)
(Amendment) Regulation 2006
Legislative Council
8 Jackson Road,
Central
Hong Kong.

Dear Chairman,

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

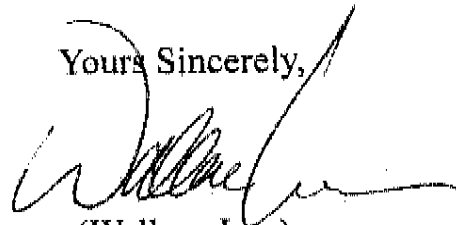
Thank you for your letter to the Secretary for Health, Welfare and Food dated 2 August 2006. I am authorised to reply on his behalf.

As you will recall, the proposal to revise the fee for a licence granted under the Public Health (Animals and Birds) (Exhibitions) Regulations 2006 ("the Regulations") was discussed by the LegCo Panel on Food Safety and Environmental Hygiene at its meeting on 9 May 2006. At the meeting, we explained that the resources involved in enforcing the relevant licensing conditions for traditional animals/birds exhibitions such as circus, dog shows, etc. and that for keeping and exhibition of racing pigeons were different. It was therefore considered more appropriate to set different fee levels for these activities. Similar to all other administrative charges, the fee levels were set with reference to the full cost recovery principle. The breakdown of our enforcement activities covered by the licensing fees was submitted to the Panel before and is now re-submitted at *Annex* for your reference.

As regards the Subcommittee's request to withhold the processing of licence applications from racing pigeons owners and taking enforcement actions against the illegal keeping of racing pigeons, I am obliged to point out that when the legislation for banning the keeping of backyard poultry, including pigeons, came into operation on 13 February 2006, the Administration has been entrusted with the duties to enforce the law. Since then, we have come across cases where the place for keeping racing pigeons formed part of an illegal building structure. There were also cases where the keeping of racing pigeons violated the Deed of Mutual Covenant of some premises. Under these circumstances, I hope the Subcommittee would appreciate that the general public would demand for prompt measures to be taken to protect public health and maintain environmental hygiene and we have to take necessary enforcement action in these cases. Separately, we have come across cases where an applicant has already fulfilled all necessary criteria under the Regulations and is willing to pay the revised fee for the grant of an exhibition licence. We find no legal basis for us to withhold the grant of an exhibition licence.

I hope the above has clarified the matter.

Yours Sincerely,



(Wallace Lau)

for Secretary for Health, Welfare and Food

c.c. DoJ (Attn: Mrs Emme Waller)
(Attn: Miss Leonora Ip)
DAFC (Attn: Dr. Thomas Sit)

Annex

Regulation of Animal/Bird Exhibition Licences by Agriculture, Fisheries and Conservation Department

Exhibition Licence for 20 or Less Animals/Birds

Site visit every 4 months

Take environmental swab sample every 4 months

3 regular inspections per year

1 surprise inspection per year

Veterinary inspection per year during yearly licence renewal

Exhibition Licence for more than 20 Animals/Birds

Site visit every 2 months

Take environmental swab sample every 2 months

6 regular inspections per year

2 surprise inspections per year

Veterinary inspection per year during yearly licence renewal

漁農自然護理署就動物/禽鳥展覽牌照的規管工作

為 20 隻或以下動物 / 雀鳥

而設的展覽牌照

每四個月實地視察一次

每四個月採集環境拭樣

每年三次定期檢查

每年一次突擊檢查

每年續牌時進行一次獸醫檢查

為 20 隻以上動物 / 雀鳥

而設的展覽牌照

每兩個月實地視察一次

每兩個月採集環境拭樣

每年六次定期檢查

每年兩次突擊檢查

每年續牌時進行一次獸醫檢查