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Secretary for Health, Welfare and Food
(Attn : Mr Wallace LAU, PAS(FEH)1)
Health, Welfare and Food Bureau
20/F, Murray Building
Garden Road
Hong Kong

25 August 2006

BY FAX
Fax No. : 2136 3281

Dear Mr LAU,

**Public Health (Animals and Birds) (Exhibitions)
(Amendment) Regulation 2006 (L.N. 167)**

Thank you for your letter of 18 July 2006. We have further queries relating to the captioned Amendment Regulation.

Question 1

Paragraph 6 of the LegCo Brief says that “[s]ince the keeping and exhibition of racing pigeons is different from traditional keeping and exhibition of animals and birds, e.g. in circus, amusement parks, etc, the resources involved in enforcing the relevant licensing conditions are different. After rearranging the resources required for the two types of animal/bird keeping activities, as well as to the full cost recovery principle, we now propose to change the structure of the fee for a licence issued under the Amendment Regulation as follows-...”. Would you—

- (i) explain, before the coming into operation of the Amendment Regulation, what kind of organisation which or person who would apply for and be granted an exhibition licence?
- (ii) confirm, before the coming into operation of the Amendment Regulation, whether the local racing pigeons owners were licensed under the Principal Regulations?

- (iii) if the answer to (ii) is negative, explain the licencing conditions on the keeping of racing pigeons, which are different from the licensing conditions on traditional keeping and exhibition of animals and birds?
and
- (iv) explain the difference in resources involved in enforcing the licensing conditions between a traditional exhibition licence and an exhibition licence relevant to keeping of racing pigeons?

Question 2

Were local racing pigeon owners keeping more than 20 pigeons required to be licensed before the banning of backyard poultry keeping? If yes, under which regulation were they licensed?

It is appreciated that your reply, in both languages, could reach us as soon as possible.

Yours sincerely,

(Stephen LAM)
Assistant Legal Adviser

c.c. LA
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15 September 2006

Mr Stephen LAM
Assistant Legal Advisor
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mr Lam,

**Public Health (Animals and Birds)(Exhibitions)
(Amendment) Regulation 2006 (L.N. 167)**

Thank you for your letter of 25 August 2006. Our replies to the questions raised in your letter are set out below:

Question 1 :

Paragraph 6 of the LegCo Brief says that “[s]ince the keeping and exhibition of racing pigeons is different from traditional keeping and exhibition of animals and birds, e.g. in circus, amusement parks, etc, the resources involved in enforcing the relevant licensing conditions are different. After rearranging the resources required for the two types of animal/bird keeping activities, as well as making reference to the full cost recovery principle, we now propose to change the structure of the fee for a licence issued under the Amendment Regulation as follows-....” Would you -

Q1(i) : Explain, before the coming into operation of the Amendment Regulation, what kind of organization which or person who would apply for and be granted an exhibition licence?

A1(i): Immediately before the coming into operation of the Amendment Regulation, licences have been granted for exhibitions only at:

- (a) Hong Kong Jockey Club;
- (b) Hong Kong Ocean Park;
- (c) Hong Kong Country Club; and
- (d) Kardoorie Farm and Botanical Garden.

Q1(ii) : Confirm, before the coming into operation of the Amendment Regulation, whether the local racing pigeons owners were licensed under the Principal Regulations?

A1(ii): No exhibition licence had been issued to local racing pigeon owners before the coming into operation of the Amendment Regulation.

Q1(iii) : If the answer to (ii) is negative, explain the licencing conditions on the keeping of racing pigeons, which are different from the licensing conditions on traditional keeping and exhibition of animals and birds?

A1(iii): The licensing conditions for pigeons (including racing pigeons) cover matters such as biosecurity measures against contact with wild birds, prevention of nuisance to neighbourhood, etc. The focus of traditional exhibition licence is on safeguarding the health and welfare of animals/birds kept for exhibition, with particular emphasis on their husbandry and veterinary requirements.

Q1(iv) : Explain the difference in resources involved in enforcing the licensing conditions between a traditional exhibition licence and an exhibition licence relevant to keeping of racing pigeons?

A1(iv): For traditional exhibition licences, the regulatory approach addresses a larger number/wide variety of animals/birds involved in a relatively larger area so as to ensure these animals and birds are kept in satisfactory condition. For the keeping of pigeons, since each

application usually involves small number of birds housed within a single place, the regulatory approaches, hence the resources, are different.

Question 2 :

Were local racing pigeon owners keeping more than 20 pigeons required to be licensed before the banning of backyard poultry keeping? If yes, under which regulation were they licensed?

A2: Keeping more than 20 heads of poultry (including pigeons) in a livestock waste prohibition area was prohibited before the banning of backyard poultry keeping, except for those being exempted under the Waste Disposal Ordinance (Cap 354). Similarly, keeping more than 20 heads of poultry in a livestock waste restriction area was prohibited, except for those being exempted or authorized under Cap. 354 or those licensed under the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L). Keeping more than 20 heads of poultry in a livestock waste control area before the banning of backyard poultry required a livestock keeping licence from the Director of Agriculture, Fisheries and Conservation granted under Cap. 139L.

Yours sincerely,

(Wallace LAU)

for Secretary for Health, Welfare and Food

cc	DoJ	(Attn : Miss Cathy WONG)	2869 0670
		(Attn : Miss Leonora IP)	2845 2215
	DAFC	(Attn : Dr Thomas SIT)	2311 3731