

**For Discussion on
7 February 2006**

**Legislative Council Panel on
Food Safety and Environmental Hygiene**

**BANNING OF BACKYARD POULTRY KEEPING
IN HONG KONG**

Purpose

This paper briefs Member on the Government's plan to ban backyard poultry keeping activities.

Background

2. Since 2004, there have been increasing incidents of avian influenza outbreaks in poultry in the Mainland, Asia and other parts of the world. Some outbreaks have resulted in human infection. According to reports, many of these outbreaks started in backyard farms where there were little or no effective means to prevent wild birds (which could be infected with avian influenza viruses) from direct contacts with domestic poultry.

3. In Hong Kong, the law provides exemptions for any person who owns or keeps no more than 20 poultry in or on his premises. Hence there are households in Hong Kong keeping poultry without licence or authorisation. On 1 February 2006, a dead chicken kept by an individual household in Yuen Tuen Shan Village of Sha Tau Kok was tested to be H5N1 positive. The public health threat posed by such backyard poultry keeping activities has become extremely imminent. Recent surveillance has detected H5N1 in different species of wild birds which increase the chance of cross infection with live poultry reared at backyards of households. Unlike licensed farms, there is no biosecurity arrangement nor systematic vaccination for poultry to prevent the outbreak of avian influenza. Since 2 February 2006, officers of the Agriculture, Fisheries and Conservation Department (AFCD) have called on backyard farms in 36 villages within a 5 km area of Yuen Tuen Shan Village to appeal to the villagers to hand in their backyard poultry voluntarily with a view to reduce such backyard poultry

keeping activities. Many villagers refused to hand in their poultry and the government has no legislative power to stop such backyard poultry keeping activities.

4. We need to stop backyard poultry keeping activities immediately to reduce the risk of having poultry infected with avian influenza. The straightforward approach is to remove the exemption for people keeping not more than 20 poultry presently provided for under the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L) and sections 15, 15A and 15AA* of the Waste Disposal Ordinance (Cap. 354). Such legislative amendments would have the effect of banning backyard poultry keeping in Hong Kong.

5. We note that there are inconsistencies in respect of the enforcement and sanctions against illegal poultry keeping in the Public Health (Animals and Birds) Ordinance, which relates to the public and animal health dimension with enforcement actions being taken by AFCD, and the Waste Disposal Ordinance which targets at the waste disposal aspect of livestock keeping activities, amongst others. It is our intention to remove such inconsistencies by amending Public Health (Animals and Birds) Ordinance (the primary Ordinance) and, where necessary, other relevant Ordinances/Regulation but such amendment process would likely be time consuming. We are of the view that the immediate need to ban backyard poultry keeping activities takes precedence and we should proceed with amending the subsidiary legislation for this to take immediate effect upon gazettal of the amendment legislation now. Our target is to introduce an amendment Bill into the legislature within 2006 to achieve consistency, where necessary.

Enforcement

6. We estimate there are about 1,800 households keeping several thousand poultry which requires disposal either by the households themselves or through voluntary surrender to the public authorities. A new Announcement of Public Interest message is being broadcast recently to remind the public to surrender their poultry with the new amendment legislation soon in force. Patrol teams will be formed targeted at rural areas to ensure effective enforcement of the new law.

7. Members are invited to note and comment on the plan.

Health, Welfare and Food Bureau February 2006

* Sections 15, 15A, 15AA refer to livestock waste control area (mainly rural area), livestock waste restriction areas (mainly new town) and livestock waste prohibition area (mainly urban area).