



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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Miss Flora Tai  
Clerk to the Panel on Food Safety  
and Environmental Hygiene  
3rd floor  
Citibank Tower  
3 Garden Road  
Hong Kong

Dear Miss Tai,

**LegCo Panel on Food Safety and Environmental Hygiene**

On 11 March 2008 when the Panel met and discussed the paper “Code of Practice for Pig Farming” [LC Paper No CB(2)1273/07-08(02)], Members requested the Administration to provide the Panel with information on the appeal procedures on decisions related to cancellation of pig farm licences stipulated in the Public Health (Animal and Birds) Ordinance (Cap 139) and any appeal cases made under Cap 139. Members would also like to know details of the Mainland’s statues on the management of livestock husbandry and the penalties imposed on pig farms for breaching the stipulated requirements. Responses of the Administration are set out below.

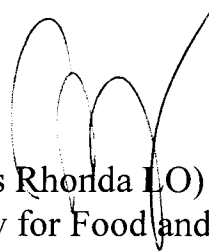
Under the provision of section 11 of Cap 139, appeals against decisions made under the Ordinance should be made to the Chief Executive in Council. Such appeals are governed by the Administrative Appeal Rules (Cap 1A). Pursuant to the above Rules, an appellant shall first submit a written notice of appeal to the Clerk to the Executive Council within 30 days after being notified of the decision against which he/she wishes to appeal. The Chief Executive in Council shall be entitled to consider and take into account any evidence, material, information or advice in his absolute discretion.

An appeal case occurred in 1994. In that case, the appellant lodged an appeal against the decision of the authority to set down the requirement that only qualified veterinary surgeons are permitted to vaccinate dogs and cats and sign the associated vaccination certificates. The then Governor in Council set up a committee in accordance with the Administrative Appeal Rules to hear the appeal.

On the advice of the Panel, the Agriculture, Fisheries and Conservation Department (AFCD) has sought legal advice on the proposal to establish an appeal board under Cap 139 to replace the Chief Executive in Council in determining appeals. The Department of Justice advised that such proposal would necessitate an amendment to Cap 139. The AFCD will examine in depth and assess the material benefits in terms of processing time and procedures of the proposed appeal mechanism when compared with the existing mechanism.

With regard to the details of the Mainland's statutes, the AFCD has approached both the Shanghai and Tianjin authorities for information on their relevant laws and penalties governing pig farming and is awaiting their replies.

Yours sincerely,



(Ms Rhonda LO)  
for Secretary for Food and Health

c.c. Director of Agriculture, Fisheries and Conservation  
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