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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 15 February 2011**

Code of Practice for Pig Farming

Purpose

This paper gives an account of the past discussions by the Panel on Food Safety and Environmental Hygiene ("the Panel") on the Code of Practice on Pig Farming ("COP").

Background

2. Following the rapid urbanisation of Hong Kong and the outbreaks of avian influenza, SARS and Japanese encephalitis, there were increasing community concerns about the management and sanitary conditions of local pig farms in the last decade. To reduce the number of pig farms and the associated public health and environmental pollution problems, the Administration launched a voluntary surrender scheme for pig farm licences in June 2006. The scheme was closed for application by 31 May 2007. According to the Administration, there are 43 licensed pig farms left after the closure of application for the voluntary surrender scheme.

3. When the voluntary surrender scheme was launched in 2006, the Administration has indicated that the existing licensing conditions will be re-examined one year after the commencement of the scheme to ensure that those pig farms which choose to remain in business will adopt standards and practices which minimise the risks to public health and the environment. Accordingly, the Administration put forward its plan in 2008 to amend the licensing condition under the livestock keeping licence to introduce a new COP for pig farms.

Deliberations of the Panel

4. At the meeting on 11 March 2008, the Panel was briefed on the Administration's proposal to introduce COP to licensed local pig farms to enhance management efficiency of pig farms and reduce the risk of disease outbreaks, so as to ensure a more stable supply of fresh pork with better quality assurance. Members were advised that the proposed COP would cover four main areas, namely, husbandry and farm management; movement control; disease monitoring and control; and waste management and hygiene. There would be a set of penalty for non-compliance with the requirements in the proposed COP. The Panel held another meeting on 8 April 2008 to gauge the views of the affected pig farmers on the proposed COP. The major concerns raised by members are summarized in the ensuing paragraphs.

Penalties for contravention of COP

5. Members shared the concern of the pig farmers over the proposed penalties for contravention of COP which included reduction of the licensed rearing capacity and in serious cases, revocation/rejection of licence renewal. Question was also raised on how the Administration would implement and enforce the proposed penalty of reducing the licensed rearing capacity.

6. The Administration advised that should a penalty of a reduction in the rearing capacity be imposed, the pig farms concerned would be given time to sell their pigs to the market. However, they would have to cease mating adult pigs so as to reduce the rearing capacity gradually. It was proposed that the original licensed rearing capacity would be restored when all breaches of the requirements in COP had been duly rectified.

7. On the suggestion that there should be different penalties for different natures of breaches which would have varying degrees of threats to public health and rural environment, the Administration advised that under the proposed COP, only breaches causing serious threats to the environment and public health, such as using prohibited drugs, slaughtering pigs on farm for human consumption and improper treatment of liquid waste, would carry the penalty of revocation/rejection of licence renewal. Moreover, the Director of Agriculture, Fisheries and Conservation was already empowered under the existing legislation to revoke licences of those farmers who had violated the relevant provisions. The Administration assured members that the power would only be exercised after adequate notification and warnings were given, and the farmers concerned would have the right to make representations.

8. Members urged the Administration to reconsider the implementation of the proposed COP in respect of the imposition of the penalty of revocation of licence to regulate the operation of pig farms. The Administration advised that there would be a 12-month grace period prior to the implementation of the proposed COP so that pig farmers would have sufficient time to familiarise themselves with the rules. During the grace period, the Agriculture, Fisheries and Conservation Department ("AFCD") would only issue warnings to pig farmers should there be any contraventions of COP.

Appeal against decisions on cancellation of pig farm licences

9. As regards the appeal procedures on decisions related to cancellation of pig farm licences, the Administration advised that under section 11 of the Public Health (Animal and Birds) Ordinance (Cap. 139), appeals against decisions made under the Ordinance had to be made to the Chief Executive in Council. Such appeals were governed by the Administrative Appeal Rules (Cap. 1A). Pursuant to the above Rules, an appellant had to 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 wished 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.

10. On the suggestion of setting up an appeal board to replace the Chief Executive in Council in determining appeals for decision on pig farm licence revocation or rejection of licence renewal, the Administration advised that according to the Department of Justice, such proposal would necessitate an amendment to Cap. 139. AFCD would examine in depth and assess the material benefits in terms of processing time and procedures of the proposed appeal mechanism in comparison with the existing mechanism.

Assistance to pig farmers

11. Members were of the view that the Administration should provide necessary veterinary services and technical service to help pig farmers enhance their pig farming practices and facilities. Some members considered that the Administration should formulate a sustainable policy on the development of livestock farming and assist local pig farmers to set up their farms on the Mainland for exporting their pigs to Hong Kong.

12. The Administration advised that AFCD had all long provided technical assistance to pig farmers. In addition, during the process of consultation for the implementation of the proposed COP, AFCD staff had visited individual pig farms and given advice to pig farmers on how to comply with the

requirements of COP on the basis of their geographical and environmental factors. AFCD would continue to communicate closely with pig farmers and provide assistance where necessary.

Latest developments

13. The Administration will brief the Panel on the COP at the meeting on 15 February 2011.

Relevant papers

14. Members are invited to access the Legislative Council website at <http://www.legco.gov.hk> to view the Administration's papers for and the relevant minutes of the meeting of the Panel on 11 March and 8 April 2008.

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