PART I  SCHEDULES OF BUS ROUTES

Public Bus Services Ordinance (Cap. 230)
Schedule of Routes (Citybus Limited) Order 2006 (L.N. 161)

This Order repeals the Schedule of Routes (Citybus Limited) Order 2004 (L.N. 201 of 2004) to update the schedule of bus routes operated by the Citybus Limited (other than for north Lantau and the airport at Chek Lap Kok).

Public Bus Services Ordinance (Cap. 230)
Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2006 (L.N. 162)

2. This Order repeals the Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2004 (L.N. 202 of 2004) to update the schedule of bus routes operated by the Citybus Limited for north Lantau and the airport at Chek Lap Kok.

Public Bus Services Ordinance (Cap. 230)
Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2006 (L.N. 163)

3. This Order repeals the Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2004 (L.N. 203 of 2004) to update the schedule of bus routes operated by the Kowloon Motor Bus Company (1933) Limited.
Public Bus Services Ordinance (Cap. 230)
Schedule of Routes (Long Win Bus Company Limited) Order 2006 (L.N. 164)

4. This Order repeals the Schedule of Routes (Long Win Bus Company Limited) Order 2004 (L.N. 204 of 2004) to update the schedule of bus routes operated by the Long Win Bus Company Limited.

Public Bus Services Ordinance (Cap. 230)
Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2006 (L.N. 165)


Public Bus Services Ordinance (Cap. 230)
Schedule of Routes (New World First Bus Services Limited) Order 2006 (L.N. 166)

6. This Order repeals the Schedule of Routes (New World First Bus Services Limited) Order 2004 (L.N. 206 of 2004) to update the schedule of bus routes operated by the New World First Bus Services Limited.

7. In relation to the above six Orders, Members may refer to the LegCo Brief (File Ref.: ETWB(T)2/4/115) issued by the Environment, Transport and Works Bureau in July 2006 for background information.

8. The above six Orders will come into operation on 8 November 2006.

PART II MISCELLANEOUS

Public Health (Animals and Birds) Ordinance (Cap. 139)
Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006 (L.N. 167)

9. At the subcommittee formed to scrutinise the subsidiary legislation to ban backyard poultry keeping, the Administration has agreed to consider on a case-by-case basis whether to issue “animal/birds exhibition licence” to owners who wish to keep racing pigeons.

10. This Regulation amends the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139 sub. leg. F)—
(a) To adjust the fee for a licence (the existing licence fee is $10,720 without distinguishing the number of animals or birds) to hold a permanent exhibition of animals or birds to—

(i) $2,720 if the total number of animals or birds to be exhibited (the animals and birds to be counted together where there is a combination of both) does not exceed 20; or

(ii) $9,700 if the total number of animals or birds to be exhibited (the animals and birds to be counted together where there is a combination of both) exceeds 20; and

(b) to correct a clerical mistake that appears in the heading of regulation 8.

The licence fees are formulated on a full cost recovery basis.

11. Members may refer to the LegCo Brief (File Ref.: HWF(F) 5/6/1) issued by the Health, Welfare and Food Bureau on 5 July 2006 for background information.

12. The Administration consulted the Panel on Food Safety and Environmental Hygiene on 9 May 2006 on the proposed licence fees. Some members considered that the proposed licence fees were on the high side.

13. In response to Legal Service Division’s enquiries, the Administration has explained the legal basis for granting an exhibition licence to racing pigeons keepers, its policy of granting an exhibition licence to racing pigeons keepers who wish to keep more than 20 racing pigeons, its policy of granting an exemption from holding a licence under section 9 of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L) and the reasons for not considering exhibitions of racing pigeons to be “entertainment” within the meaning of the term in the Places of Public Entertainment Ordinance (Cap. 172). A copy of the Administration’ letter is at Annex I.

14. The Secretariat has received a letter from a member of the public opposing to the Regulation. A copy of the letter is at Annex II.

The Ombudsman Ordinance (Cap. 397)
The Ombudsman Ordinance (Amendment of Schedule 1) Order 2006 (L.N. 168)

15. The Ombudsman Ordinance (Cap. 397) (“the Principal Ordinance”) empowers The Ombudsman to investigate any action taken by or on behalf of an organization specified in Part I of Schedule 1 to the Principal Ordinance in the exercise of its administrative functions.
16. This Order amends Schedule 1 to the Principal Ordinance by—

(a) deleting the following organizations, which no longer exist or have been merged with or incorporated into other Government departments, from the Schedule—

(i) Civil Service Training and Development Institute;
(ii) Hospital Services Department;
(iii) Information Technology Services Department;
(iv) Management Services Agency;
(v) Official Languages Agency;
(vi) Registry of Trade Unions; and
(vii) Technical Education and Industrial Training Department;

(b) updating the titles of the Hong Kong Observatory (in the English text) and Hong Kong Housing Authority (in the Chinese text);

(c) adding the Student Financial Assistance Agency to the Schedule; and

(d) correcting the section references listed in the top right-hand corner of the Schedule.

17. Members may refer to the LegCo Brief (File Ref.: CSO/ADM CR4/3231/92) issued by the Director of Administration on 6 July 2006 for background information.

18. At present, fresh provision shops and stalls in public markets are allowed to sell both fresh beef, mutton or pork and imported chilled beef, mutton or pork subject to compliance of a set of licensing requirements and conditions/tenancy clauses.

19. This Regulation amends the Food Business Regulation (Cap. 132 sub. leg. X) for the following purposes—

(a) to prohibit the sale, or offer or exposure for sale, or possession for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same market stall or premises on which the business of a fresh provision shop
is carried on unless the chilled beef, mutton or pork is pre-packaged and the package is marked and labelled in the prescribed manner (new section 30D and new Schedule 6);

(b) to make it an offence for a person to open or in any other way tamper with the package (new section 30F);

(c) to provide that the Director of Food and Environmental Hygiene may grant permission under section 30 to sell, or offer or expose for sale, or possess for sale at the same premises either fresh meat or chilled meat that is not pre-packaged but not both (new section 31A); and

(d) to impose penalty on any person who contravenes new section 30D or 30F (a fine at level 5 ($50,000), imprisonment for 6 months and $900 for each day for a continuing offence).

20. Members may refer to the LegCo Brief (File Ref.: HWF(F) 5/1/4/2) issued by the Health, Welfare and Food Bureau in July 2006 for background information.

21. The Panel on Food Safety and Environmental Hygiene has discussed on many occasions the need for separation of the sale of fresh pork and chilled pork, and the arrangements for importation of chilled pork from the Mainland. The Administration briefed the Panel on the legislative proposal on 26 May 2006. The Panel held a special meeting on 6 June 2006 to gauge the views of the affected trades and the Consumer Council. The affected trades and some Panel members expressed grave concern about the implementation of the legislative proposal.

22. The Legal Service Division has written to the Administration to seek clarification on legal and drafting aspects of the Regulation. We are still awaiting the Administration’s reply. A copy of our letter is at Annex III.

23. The Regulation will come into operation on the expiry of the period of 6 weeks (i.e. 18 August 2006) commencing on the day on which this Regulation is published in the Gazette.

PART III COMMENCEMENT NOTICES

Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 (L.N. 95 of 2006)
Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 (Commencement) Notice (L.N. 170)

Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 (Amendment) Order 2006 (L.N. 131 of 2006)
Import and Export (Strategic Commodities) Regulations (Amendment of
Schedule 1) Order 2006 (Amendment) Order 2006 (Commencement) Notice (L.N. 171)

24. L.N. 170 specifies 18 July 2006 as the day on which the Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 (L.N. 95 of 2006) (“the Order”) will come into operation. The Order amends Schedule 1 to the Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg. G) by repealing and adding provisions to the Munitions List, Dual-Use Goods List and the Definitions of Terms.

25. Members may recall that in the further report issued by the Legal Service Division on 24 May 2006 on the Order (LC Paper No. LS77/05-06), we informed Members that the Administration had identified a number of printing errors concerning the Chinese names of certain chemicals in the Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 and it had indicated that such errors would be removed in the next legislative exercise. The Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 (Amendment) Order 2006 (L.N. 131 of 2006) effects the legislative amendments.

26. L.N. 171 specifies 17 July 2006 as the day on which the Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 (Amendment) Order 2006 will come into operation. Therefore, when the Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 comes into operation on 18 July 2006, it will incorporate the amendments as effected by the Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 (Amendment) Order 2006.

CONCLUSION

27. Except for L.N. 169 for which we are still awaiting the Administration’s reply to our enquiry on technical issues, there are no difficulties identified in relation to the legal or drafting aspects for the subsidiary legislation gazetted on 7 July 2006.

Encl

Prepared by

LAM Ping-man, Stephen
Assistant Legal Adviser
Legislative Council Secretariat
19 July 2006

LS/S/35/05-06
Mr Stephen Lam  
Assistant Legal Advisor  
Legislative Council,  
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 dated 12 July 2006. Our replies to the questions raised in your letter are set out below -

Q1. The Regulation amends the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139 sub. leg. F) (“the Principal Regulations”). The term “exhibition of animals or birds” is defined under the Principal Regulations to mean an exhibition of animals or birds to which the public are admitted on payment of a fee or other money consideration. In paragraph 5 of the LegCo Brief, the Administration says that “… we would treat the racing pigeon activity as a form of exhibition such that an exhibition licence could be issued under the existing legislative framework”. Would you explain, from a legal perspective, as to how you treat racing pigeon activity as a form of exhibition so as to be within the scope of the Principal Regulations?

A1. The usual mode of operation is that keepers of racing pigeons will "keep" and "exhibit" racing pigeons at the same place in accordance with the licensing requirement to be imposed by DAFC. Biosecurity requirements as set out in Cap. 139F would also have to be complied with by the licensee. With the prior approval of DAFC, keepers of racing pigeons will arrange for exhibition of the racing pigeons (which will fly out of and back to the place of "keeping" and "exhibition") to the public for a fee or other money consideration. It is not difficult for the "exhibition" requirement to be met as no specific requirement has been stipulated in Cap. 139F as to the number of members of public who must attend the exhibition or the amount of admission fees which are payable by them.
Q2. Would the Administration grant a licence to a person who intends to keep more than 20 pigeons for racing purpose?

A2. We will, provided that DAFC is satisfied that the person concerned is able to comply with all necessary requirements and pay the relevant fee.

Q3. It is noted in section 9 of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg L) that the Director of Agriculture, Fisheries and Conversation may exempt any person from applying for or from holding a licence if he is satisfied that the person keeps or intends to keep livestock solely for the purpose of exhibition. In relation to a local racing pigeon owner, instead of applying for a licence under regulation 4 of the Principal Regulations, could he apply for an exemption under section 9 of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation?

A3. As set out in paragraph 5 of the LegCo Brief, we will allow the keeping of racing pigeons provided that they are being kept in accordance with the necessary biosecurity requirements and subject to other licence conditions which may be imposed by DAFC from time to time. Whilst it is possible for a local racing pigeon owner to apply for an exemption under section 9 of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulations, it is for DAFC as the licensing authority to carefully consider the merits of any such application after taking into account all relevant factors prevailing at the time. Since we have to apply these biosecurity requirements via a licensing regime, it is unlikely that an exemption under section 9 of Cap. 139L would be granted to any racing pigeon owners.

Q4. In paragraph 8 of the LegCo Brief, the Administration says that “exhibitions of racing pigeons are not “entertainment” within the meaning of the term in Schedule 1 to the Places of Public Entertainment Ordinance”. In paragraph 1(f) of Schedule 1 to the Places of Public Entertainment Ordinance, it provides that the definition of “entertainment” means, inter alia, a sporting exhibition or contest. In light of the meaning of “entertainment” in paragraph 1(f), would you explain your reasons for not considering exhibitions of racing pigeons to be “entertainment” within the meaning of the term in the Places of Public Entertainment Ordinance?

A4. According to information revealed by the racing pigeon groups, the "exhibition" of racing pigeons is a very unique activity which only appeals to a limited number of people. It mainly involves the keeping and training of pigeons to fly a specific route to and from a specific place. The time of exhibition is therefore rather short. It could hardly be regarded as "a sporting exhibition or contest" under paragraph 1(f) of Schedule 1 to the Places of Public Entertainment Ordinance, Cap. 172, the essence of which is to impose controls on the "place" (rather than the "activity" per se) of public entertainment (where a large group of audience will be present), and the main objectives of which are to safeguard public safety and ensure effective crowd control.
Q5. In paragraph 15 of the LegCo Brief, the Administration says that “[t]he local racing pigeon owners have also been informed of the fee levels”. Would you elaborate on the response of the local racing pigeon owners to the proposed fee levels?

A5. When we sounded out the racing pigeon keepers on the proposed licensing arrangement and its fee levels, the majority of them agreed to pay a fee for a licence to keep their birds, although some expressed that the licence fees should be lowered.

Yours Sincerely,

(Wallace Lau)
for Secretary for Health, Welfare and Food

c.c. DoJ (Attn: Mrs Emme Waller)
     (Attn: Miss Leonora Ip)
D AFC (Attn: Dr. Thomas Sit)
尊敬立法會內務委員會主席劉健儀議員台鑒：

您好！有關調整動物/禽鳥展覽牌的費用

檔案：HWF (E) 5/6/1

就以上規例提出反對，要求成立小組委員會討論。

本人連啟元有支持人數，有壹佰叁拾人簽名支持，未簽名還有很多，反對原因如下。

反對(1) 本連啟元正進行法律的司法覆核，工作仍在進行中，若在之前急於通過法例，有失公道公平。

反對(2) 附件中反對2

反對(3) 附件中反對3

反對(4) 附件中反對4

其實，賽鴿乃是國際性運動，其操練及衛生程度遠超肉食禽，歷史證明賽鴿（和平鴿）對人類有很大貢獻，更代表和平自由。第一次及第二次世界大戰以及近如香港87回歸時，賽鴿都發揮了其通訊作用以及被用作和平的象徵。1948年FCK國際鴿協成立，而香港賽鴿會是FCI國際組織的會員已很久，而且是推動中國加入FCI國際組織的重要策動支持者，成功擊敗台灣之反對勢力使中國成爲FCI重要會員。

中國官方刊登“中華信鴿”上海全國運動會，賽鴿列入運動。比賽項目賽鴿是運動員，不是禽畜，中國官方每年不收牌費，反過來每年在金錢上有限明額補助。而香港政府就用這巨額贊助用於迫殺這項體育運動。
反對工(附件)

公民抗命，司法覆動

政府一意孤行，堅持採用這巨額昂貴而

又法律錯誤的牌照，於香港普通市民身上，

等同強搶私人財產，剝奪普通市民歸屬心

物和禽鳥的權利。換句話說，香港的普通

市民，為了保護自己的寵物財產，每年都

要付出其他地方沒有的昂貴費用。香港

政府是否“發錢寒”向窮人瞪眼“發錢”

沒有湯”？

### 5個國家及地區收費比較

<table>
<thead>
<tr>
<th>國家及地區</th>
<th>收費</th>
<th>數量</th>
</tr>
</thead>
<tbody>
<tr>
<td>①美國華盛頓聯盟</td>
<td>#20 或 25 美元或 100 美元</td>
<td>數量不限</td>
</tr>
<tr>
<td>②英國倫敦</td>
<td>#0</td>
<td>數量不限</td>
</tr>
<tr>
<td>③香港</td>
<td>#2720 元或 9700 港元</td>
<td>20 隻或以上</td>
</tr>
<tr>
<td>④澳門鶴咀</td>
<td>#0</td>
<td>數量不限</td>
</tr>
<tr>
<td>⑤中國廣東</td>
<td>#0</td>
<td>數量不限</td>
</tr>
<tr>
<td>⑥歐盟</td>
<td>#0</td>
<td>數量不限</td>
</tr>
</tbody>
</table>
本司處案 Our Ref: ( ) in A00396
來源歷史 Your Ref:
電話 Tel: 2362 3746
傳真傳真 Fax: 2362 3746

潘先生:

關於你在二零零二年四月十六日中提及物質原產病樹一事，本署職員已在五月十八日在電話中向你作出回覆，你的申請已批給

取樣原因是在法例第一三九章及第三條，公衆衛生(動物及禽鳥)條例中列明，
白蝨並不在該等條例內，因此，本署不會職員上述建議。

如有任何相關性質，請在辦公時間內致電署理主任司司長何（2362 3746）。

職員自然護理署長
（陳孝國 代署）

二零零二年五月二十五日

根據附件一評審自然護理署署長簽署
2002年5月25日（陳孝國代署）

致潘先生的回覆中列明在法例第一三九章及第三條
公衆衛生(動物及禽鳥)條例中列明，白蝨並不在
在條例的管制內。

基於以上這點為何衛生福利及食物局2006年5月
又引用同條一三九章內又例明白蝨(翼蝨)又包括
在條例的管制內，阿法律一三九章面前有否人人平等？
有否雙標準？有否政府大胷？

盧英杰
關於禽鴨的H5N1風險極低，到現

在仍未在禽鴨身上發生H5N1。

①2006年5月9日香港立法會文件第三條提及本

港獸醫認為鴨爆發禽流感風險很低。

(附件A1)

②美國農業部(譯農業)曾經用約50萬鴨

細菌感染原產鴨子對H5N1禽流感不

易感。

③美國農業部(譯農業)曾經用約50萬鴨

細菌感染原產鴨子對H5N1禽流感不

易感。

（完）
Dear Mr LIU,

Food Business (Amendment) Regulation 2006 (L.N. 169)

We are scrutinising the legal and drafting aspects of the Food Business (Amendment) Regulation 2006 (L.N. 169 of 2006) (“the Regulation”). We should be grateful if you would clarify the following queries in relation to the Regulation.

Section 1 of the Regulation

Would you explain the policy reason for appointing the day of commencement of the Regulation to be on the expiration of the period of 6 weeks commencing on the day on which the Regulation is gazetted?

New section 30D

The term “premises” is defined in new section 30D(3) to mean the premises on which the business of a fresh provision shop is carried on. Does it exclude the application to the provision of the definition of the term in section 2(1) of the Principal Ordinance?
It is noted that a licence is required under sections 31, 32 and 33 of the Food Business Regulation (Cap. 132 sub. leg. X) for the operation of a fresh provision shop. However, it appears that those provisions are silent on the structural requirements of a fresh provision shop. Upon coming into effect of the new section 30D, what will be the criteria, from the structural requirements perspective, for the Director of Food and Environmental Hygiene to approve a place as “premises” for the granting of a licence under section 31 to an applicant?

In both new section 30D(1) and (2), they refer to chilled beef, etc. In the definition of “fresh provision shop”, it refers to chilled or frozen beef, etc. Would you explain the reasons for referring to chilled beef, etc. but not chilled and frozen beef, etc. in new section 30D and other relevant provisions in the Regulation as well?

Is the term “market stall” defined?

In the event of contravention of new section 30D(1) or (2), who would be guilty of selling, etc., for example the licensee or shop attendant?

New section 30F

Would you illustrate with examples satisfying the requirement of “reasonable excuse”?

Amendments to section 35 of the Food Business Regulation – offences and penalties

The amendments provide that contravention of the new section 30D(1) or (2) or 30F would incur a fine at level 5 ($50,000), imprisonment for 6 months and $900 for each day for a continuing offence. However, no offence of selling chilled meat as fresh meat is created. In this respect, it is noted that under section 7 of the Trade Descriptions Ordinance (Cap. 362), it provides for an offence in respect of trade description. Under section 18 of the Trade Descriptions Ordinance, it provides that a person who commits an offence under section 7 shall be liable—
(a) on conviction on indictment, to a fine of $500,000 and to imprisonment for 5 years; and

(b) on summary conviction, to a fine of $100,000 and to imprisonment for 2 years.

Would you consider a person who sells chilled meat as fresh meat commits an offence under section 7 of the Trade Descriptions Ordinance?

**Amendments to Item 1, Schedule 2 to the Food Business Regulation**

Why is the reference to “excluding meat specified in Schedule 1” in the existing Item 1 not included in the amended Item 1?

We should be grateful for your reply, in both languages, at your earliest convenience.

Yours sincerely,

(Stephen LAM)
Assistant Legal Adviser

c.c. LA
SALA1