

立法會
Legislative Council

Ref : CB2/SS/2/05

LC Paper No. CB(2) 1207/05-06
(These minutes have been seen by
the Administration)

Subcommittee on
Waste Disposal Ordinance (Amendment of Fourth Schedule)
Notice 2006 and Public Health (Animals and Birds)
(Licensing of Livestock Keeping) (Amendment) Regulation 2006

Minutes of the meeting
held on Thursday, 16 February 2006 at 10:45 am
in Conference Room A of the Legislative Council Building

Members present : Hon Fred LI Wah-ming, JP (Chairman)
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP

Member absent : Hon Albert Jinghan CHENG

Public Officers attending : Mr Vincent LIU
Deputy Secretary (Food & Environmental Hygiene) (Ag)
Health, Welfare and Food Bureau

Mr Wallace LAU
Principal Assistant Secretary (Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Dr Thomas SIT Hon-chung
Assistant Director (Inspection and Quarantine)(Ag)
Agriculture, Fisheries and Conservation Department

Mr Edmond HO
Principal Environmental Protection Officer
(Waste & Water Science)
Environmental Protection Department

Mrs WALLER CHAN Kit-mui, Emme
Senior Assistant Law Officer (Civil Law)
Department of Justice

Mr CHAN Kam-yin, Raymond
Senior Assistant Law Officer (Civil Law)
Department of Justice

Miss IP Wan-yok, Leonora
Senior Government Counsel
Department of Justice

Clerk in attendance : Mrs Constance LI
Chief Council Secretary (2)5

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Miss Betty MA
Senior Council Secretary (2)1

I. Election of Chairman

Mr Fred LI was elected Chairman of the Subcommittee.

II. Meeting with the Administration

[LC Paper Nos. CB(2) 1120/05-06(01)-(04)]

[LC Paper No. LS 30/05-06]

[LC Paper No. CB(2) 1169/05-06(01)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Subcommittee noted two submissions from members of the public, and the Administration's information paper tabled at the meeting explaining why the legislative amendments to prohibit backyard poultry farming were considered to be consistent with the property right guaranteed under Article 105 of the Basic Law. The Administration briefed the Subcommittee on the policy objectives for introducing the two items of subsidiary legislation and its paper entitled "Article 105 of Basic Law and backyard poultry farming".

(Post-meeting note : The Administration's paper was issued to members vide LC Paper No. CB(2) 1169/05-06(01) on 17 February 2006.)

4. Mr Andrew CHENG expressed support for the policy of banning backyard poultry keeping activities in Hong Kong in order to reduce the risk of a local avian influenza outbreak. However, he expressed reservations about the arrangements for implementing the legislation.
5. Mr Daniel LAM said that while Heung Yee Kuk supported the policy intention of making the subsidiary legislation, the Administration should consider providing compensation to those poultry owners who were affected by the new legislation, as they regarded backyard poultry as their property.
6. Mr Tommy CHEUNG said that Members belonging to the Liberal Party supported the legislative proposal, but they did not object to providing compensation to the owners of backyard poultry.
7. Mr CHEUNG Hok-ming declared that he was a member of the Heung Yee Kuk and also an owner of backyard poultry before the subsidiary legislation came into operation on 13 February 2006.
8. Mr CHEUNG Hok-ming proposed to move the following motion, which was seconded by Mr Daniel LAM. The wording of the motion was -

“鑒於規例的實施，使受影響人士的經濟受到損失。為體現公平、合理，本小組委員會強烈要求政府對受影響人士作出合理賠償。”

[English translation

“That, as the implementation of the Regulation causes economic loss to those who are affected, this Subcommittee strongly requests that the Government make reasonable compensation to them for the sake of equity and rationality.”]

9. The Chairman put Mr CHEUNG Hok-ming’s motion to vote. Seven members (excluding the Chairman) voted for the motion and no member voted against the motion. The Chairman declared that the motion was passed.

Admin 10. The Administration was requested to provide response to the motion passed and to consider introducing a new type of licence to allow keeping poultry as pets.

ALA4 11. Assistant Legal Adviser 4 was requested to provide his legal opinion in writing on whether the legislative amendments to ban backyard poultry farming constituted deprivation of property.

III. Date of next meeting

12. Members agreed to hold the next meeting on 24 February 2006 after the meeting of the House Committee at around 3:00 pm.

13. Members agreed to invite public views on the subsidiary legislation.

14. To allow more time for the Subcommittee to study the subsidiary legislation, members agreed that the Chairman should move a motion to extend the scrutiny period to 29 March 2006.

15. The meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
22 February 2006

**Proceedings of the meeting of the Subcommittee on
Waste Disposal Ordinance (Amendment of Fourth Schedule)
Notice 2006 and Public Health (Animals and Birds)
(Licensing of Livestock Keeping) (Amendment) Regulation 2006
on Thursday, 16 February 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000000-000259	Hon Fred LI Hon Andrew CHENG Hon Emily LAU	Election of Chairman	
000300-001257	Admin Chairman	Introduction of the legislative amendments Administration's paper on "Basic Law 105 and backyard poultry farming"	
001258-003136	Hon Andrew CHENG Chairman Admin	Compensation for owners of backyard poultry Implementation of the subsidiary legislation Concerns about consistency with Article 105 of Basic Law Proposed timetable for prohibiting keeping of other types of poultry and birds	
003137-003316	Hon Daniel LAM Chairman	Compensation for owners of backyard poultry	
003317-004308	Hon Tommy CHEUNG Admin Chairman	Compensation for owners of backyard poultry Licence for keeping poultry as pets	Admin to consider

Time Marker	Speaker(s)	Subject(s)	Action required
004309-005502	Hon Emily LAU Admin ALA4 Chairman	Justifications for not making compensation to backyard poultry owners Public consultation on banning backyard poultry keeping Licence for keeping poultry as pets Legal opinion on deprivation of property	ALA4 to provide legal opinion in writing
005503-011612	Hon WONG Yung-kun Hon Emily LAU Hon CHEUNG Hok-ming Chairman Admin	Justifications for not making compensation to backyard poultry owners Enforcement of the legislation	
011613-012756	Hon Alan LEONG Admin Chairman	Implementation of the legislation	
012757-013940	Hon LEUNG Kwok-hung Chairman Admin	Compensation for backyard poultry owners	
013941-014005	Hon Daniel LAM	Impact of the legislation on owners of backyard poultry	
014006-014243	Hon WONG Yung-kan Chairman	Increased risks of spreading avian influenza arising from the implementation of the legislation	
014244-014514	Chairman Hon Emily LAU Admin Hon CHEUNG Hok-ming Hon Alan LEONG	Motion moved by Hon CHEUNG Hok-ming	Admin to respond to the carried motion

Time Marker	Speaker(s)	Subject(s)	Action required
014515-014742	Chairman Hon Emily LAU Hon Andrew CHENG Hon LEUNG Kwok-hung Hon WONG Yung-kan	Outstanding issues for the Administration to respond Date of next meeting	Admin to provide a response (paragraph 10 of the minutes)

Council Business Division 2
Legislative Council Secretariat
22 February 2006