

Legco Oral Representation to 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

The SPCA would like to register its concern regarding the recent enactment of an amendment to the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulations.

We are very worried this amendment has been implemented hastily without thorough consideration of all possible consequences.

From an animal welfare point of view the SPCA is concerned regarding the lack of provision afforded to the owners of birds covered by this amendment (such as pigeons and chickens) which are kept as pets not livestock. Many of these pet birds are solo animals or housed in extremely low density situations and have little or no contact with wild birds, similar to other species of pet birds such as parrots which are kept caged or in aviaries. The risk to public health in these instances is negligible and yet under the new amendment no consideration has been given to these cases. We have been approached by members of the public who are affected by this legislation for help and advice. It is our understanding when the number of birds is less than 20 they cannot apply for a license and thus will be forced to give up their pets to which they have a strong emotional attachment. We respectfully request the government to acknowledge these owners concerns and their pets and accommodate them by allowing them to continue to live with their avian companions through modification of the amendment. The implementation of differential and sensible licensing fees to enable owners to continue to care for these birds combined with education through leaflets and advice is a far more humane solution. The welfare of these birds is of great concern now the amendment has come into force as owners will be reluctant to surrender their birds, but fearing large penalties may release these domesticated pet birds which are unable to survive in the wild.

Secondly, the actual definition of "poultry" which includes chickens, ducks, geese, quail and pigeons appears ill defined. No consideration has been given to include turkeys, pheasants or chocurs. Interestingly, studies have shown pigeons to be of a very low risk, whereas, turkeys are considered at a much higher risk of being infected with the highly pathogenic avian influenza virus. Whilst we understand fully the need to tighter control poultry keeping in Hong Kong we find it hard to understand why government officers have been empowered to seize chickens and pigeons but not turkey when they pose an equal if not greater threat to public health. The fact these birds remain in the community together with the lack of proper education of these farmers/ keepers with regard to biosecurity, vaccination and public health risks shows the lack of proper consideration when amending the regulations. There have also been incidences which imply there is confusion within the government and their officials regarding how the new policy is applied. For example initially silky chickens were not included in the amendment and so

officials were only removing the defined poultry from farms, however, 48 hours later a change in policy meant the officials had to go back to certain farms to collect these birds.

Another indication of the hasty implementation of this amendment is the fact 2 years ago a qualitative risk assessment for Avian Influenza in Hong Kong was prepared by Professor Roger S Morris of Massey University, New Zealand which made several recommendations regarding prevention of Avian Influenza. More recently in August 2005 a qualitative risk assessment of backyard poultry by the AFCD in Hong Kong made several recommendations including the provision of education materials and advice to backyard poultry keepers on biosecurity measures and free avian influenza vaccinations. In conclusion the paper stated "Backyard poultry pose a low risk to the commercial poultry industry. However, public health risks to the handlers of backyard poultry warrant additional publicity and education, or legal restriction in the keeping of backyard poultry." Why knowing these facts did the government not implement measures at that time after due consideration of the fact and associated risks had been offered rather than what appears to be a hurried implementation of an ill thought out plan.

Everyone is aware of the recent concern over the detection of H5N1 in 5 dead wild birds and one chicken, according to workers in the field this is not necessarily an indication of an increased disease incidence but rather the "apparent" increase can be explained by new and improved sampling protocols. Since late October 2005 and the setting up of the 1823 hotline for the general public to report dead birds the AFCD now test between 7 to 200 + birds per day (an average of 50/day). The likelihood of finding the virus due to increased number of samples and better sampling technique is thus increased. It is likely H5N1 has been endemic in wild birds for some time and it is believed to show seasonal incidence probably related to migration patterns. Whilst looking into ways to reduce the public health risk of Avian Influenza is of great importance; the sudden recent urgency to enact changes in Public Health Regulations due to increased incidence in the population may not be founded.

We hope the government will listen to our concerns and those of the public with regard to ensuring this enactment is in the best interests of both public health and animal welfare. We believe education and proper controls/ licensing to be essential in protecting public health, but it is vitally important to ensure in a civilized and world city such as Hong Kong it is not at the expense of animal welfare. A balance between the two is essential.