

本函檔號 Our ref.:
來函檔號 Your ref.:

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27 February 2006

Mr. Stephen Lam
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
(Fax : 2877 5029)

Dear Mr Lam,

**Waste Disposal Ordinance
(Amendment of Fourth Schedule) Notice 2006 (L.N. 19)
Public Health (Animals and Birds)
(Licensing of Livestock Keeping)(Amendment) Regulation 2006 (L.N.20)**

Thank you for your letter of 22 February. My reply is set out below for your reference.

Question 1

The gist of your enquiry is that under section 4(2) of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L), the Director of Agriculture, Fisheries and Conservation still has the power to grant a licence for the keeping of poultry not more than 20 in number in respect of premises in a livestock waste restriction area. You may wish to know that reading Cap. 139L and the Waste Disposal Ordinance (Cap. 354) (in particular sections 15AA and 15F) together, it will appear that if a provision similar to new section 4(2A)(c) is added to section 4(2) of Cap. 139L, the criteria under section 4(2) will no longer be consistent with the criteria under section 15F of Cap. 354

in respect of the granting of an authorization by the Director of Environmental Protection for the keeping of livestock in or on premises in a livestock waste restriction area. Since our recent legislative exercise needs to be completed within a very short time, we did not propose any amendment to the principal Ordinance. That said, we will consider rectifying the inconsistency in our review of the relevant legislation.

Question 2

Section 3(1)(g)(vii) of the Public Health (Animals and Birds) Ordinance (Cap. 139) empowers the Chief Executive in Council to make regulations to provide for the prohibition or regulation of any business, trade or activity which involves or relates to the keeping of animals or birds. I confirm that this section is relevant to the current legislative exercise.

Yours sincerely,

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

c.c. DoJ (Attn: Mrs Emme Waller)
(Attn: Mr Peter Wong and Mr Llewellyn Mui)
(Attn: Ms Leonora Ip)
DAFC (Attn: Dr. Thomas Sit)
DEP (Attn: Mr. Raymond Fan and Mr. Malcolm Broom)