

立法會
Legislative Council

Ref : CB2/SS/8/05

LC Paper No. CB(2)230/06-07
(These minutes have been seen
by the Administration)

Subcommittee on Public Health (Animals and Birds)
(Exhibitions) (Amendment) Regulation 2006

Minutes of the third meeting
held on Tuesday, 17 October 2006, at 5:45 pm
in Conference Room B of the Legislative Council Building

Members present : Hon Tommy CHEUNG Yu-yan, JP (Acting Chairman)
Hon LEUNG Yiu-chung
Hon WONG Kwok-hing, MH
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP

Members absent : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, JP
Hon Alan LEONG Kah-kit, SC

Public Officers attending : Mr Wallace LAU
Principal Assistant Secretary (Food & Environmental Hygiene)¹

Mr Johnson TANG
Assistant Secretary (Food & Environmental Hygiene)¹

Dr Eric TAI
Senior Veterinary Officer (Animal Management)

Miss Leonora IP
Senior Government Counsel

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)³

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Miss Vivien POON
Council Secretary (2)3

Action

I. Election of Acting Chairman

As the Chairman was out of town, Mr Tommy CHEUNG was elected by members as the Acting Chairman of the Subcommittee.

II. Confirmation of minutes of meeting

(LC Paper No. CB(2)69/06-07 -- Minutes of meeting on 30 September 2006)

2. The minutes of the meeting held on 30 September 2006 were confirmed.

III. Meeting with the Administration

[LC Paper No. CB(2)67/06-07(01) -- Letter from the Administration in response to issues raised at the meeting on 30 September 2006

LC Paper No. CB(2)110/06-07(01) -- Letter dated 17 October 2006 from the Administration attaching local and overseas reports on cases of pigeons infected with avian influenza and information on measures taken by some overseas countries to regulate the activity of pigeon racing

File Ref : HWF(F) 5/6/1 -- LegCo Brief issued by Health, Welfare and Food Bureau on 5 July 2006

LC Paper No. CB(2)2882/05-06(03) -- Marked-up copy of the Regulation]

3. Principal Assistant Secretary (Food & Environmental Hygiene)¹ briefed the Subcommittee on the Administration's proposal to lower the exhibition licence fees for animals and birds stipulated in the Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006 (the Amendment Regulation) as follows --

- (a) the licence fee for not more than 20 animals and birds to be lowered from \$2,720 to \$2,190; and

Action

- (b) the licence fee for more than 20 animals and birds to be lowered from \$9,700 to \$7,790.
4. The Subcommittee deliberated (index of proceedings attached at **Annex**).
5. The Administration was requested to --
 - (a) undertake a study on the regulatory regime of racing pigeon activities in overseas countries/places (including those which had an outbreak of avian influenza in the past) and report the findings to the Panel on Food Safety and Environmental Hygiene in December 2006. The study would include information such as whether racing pigeon activities were regulated by a statutory licensing system and if so, the nature of the licence and the amount of fees payable;
 - (b) consider whether a new regulatory regime should be established for racing pigeon activities in Hong Kong, in the light of the study on overseas practices and in the context of an overall review of the licensing regime under the Public Health (Animals and Birds) Ordinance (Cap. 139), and report the outcome to the Panel on Food Safety and Environmental Hygiene in due course; and
 - (c) review the fees for the grant and renewal of an exhibition licence for animals and birds in the context of the general review of Government's fees and charges, and report the outcome to the Panel on Food Safety and Environmental Hygiene in due course.
6. The Subcommittee completed scrutiny of the Amendment Regulation. Members noted that if they did not support the Amendment Regulation, the original licence fee of \$10,720 under the Principal Regulations would be reinstated. Members had no objection to the Administration proceeding with the motion to amend the Amendment Regulation to effect the proposed fee revisions.
7. The Subcommittee agreed that a report on the deliberations of the Subcommittee would be made to the House Committee on 20 October 2006. Members noted that the Acting Chairman would move a motion on the following day to extend the scrutiny period of the Amendment Regulation to 8 November 2006. The Acting Chairman informed members that the deadline for giving notice to amend the Amendment Regulation, if any, was 1 November 2006.
8. The meeting ended at 6:50 pm.

**Proceedings of the third meeting of the
Subcommittee on Public Health (Animals and Birds)
(Exhibitions) (Amendment) Regulation 2006
on Tuesday, 17 October 2006, at 5:45 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000000 - 000834	Mr LEUNG Yiu-chung Mr CHEUNG Hok-ming Mr WONG Kwok-hing Mr Tommy CHEUNG	Election of Acting Chairman	
000835 - 000908	Acting Chairman	Confirmation of minutes of meeting	
000909 - 001522	Acting Chairman Admin	Response of the Administration to the issues raised by members at the last meeting (LC Paper Nos. CB(2)67/06-07(01) and 110/06-07(01))	
001523 - 002713	Acting Chairman Mr WONG Kwok-hing Admin	<p>Views of Mr WONG Kwok-hing --</p> <p>(a) the Administration's proposal to lower the licence fees on the ground that applicants could co-operate with the Agriculture, Fisheries and Conservation Department by furnishing the requisite information was not acceptable;</p> <p>(b) Mainland and the United Kingdom imposed no fee on pigeon racing activities, and the United States only charged a nominal fee;</p> <p>(c) no racing pigeon in Hong Kong was ever infected with H5N1 avian influenza; and</p> <p>(d) it was unreasonable to use an exhibition licence for animals and birds to regulate pigeon racing activities</p> <p>Response of the Administration --</p> <p>(a) Hong Kong needed to regulate pigeon racing activities in view of previous avian influenza outbreaks;</p> <p>(b) total banning of backyard poultry keeping including pigeons was in operation since 13 February 2006. The exhibition licence for animals</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>and birds under the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap.139 sub. leg. F) was considered the most appropriate licence to enable the existing racing pigeon community to continue keeping their pigeons without breaking the law; and</p> <p>(c) the Administration needed more time to study the regulatory regime of pigeon racing activities and charging schemes in other places. It would report to the Panel on Food Safety and Environmental Hygiene in December 2006</p>	<p>Admin to follow up</p>
002714 - 003000	Acting Chairman Mr WONG Kwok-hing	<p>Views of Mr WONG Kwok-hing in response to the points made by the Administration --</p> <p>(a) imposing licence fees for racing pigeons would not help prevent the spread of avian influenza;</p> <p>(b) there was no regulatory control over wild pigeons;</p> <p>(c) many keepers of racing pigeons had reluctantly applied for a licence for fear that they would breach the law;</p> <p>(d) it was inappropriate for the Administration to use an exhibition licence for animals and birds to regulate pigeon racing activities for the sake of administrative convenience; and</p> <p>(e) the Administration should consider the grant of a Livestock Keeping Licence (LKL), instead of an exhibition licence, for the purpose of regulating racing pigeons</p>	
003001 - 003045	Admin Acting Chairman Mr WONG Kwok-hing	Impact of repealing the Amendment Regulation	

Time Marker	Speaker(s)	Subject(s)	Action required
003046 - 003636	Acting Chairman Mr CHEUNG Hok-ming Admin	<p>Views of Mr CHEUNG Hok-ming --</p> <p>(a) the Administration to conduct a comprehensive review on the licensing scheme for keeping racing pigeons, having regard to overseas practices; and</p> <p>(b) the Administration to review the fee structure, including whether a threshold of 20 should be adopted and whether a standard fee should be applied across the board irrespective of the number of animals and birds kept</p> <p>Views of the Acting Chairman --</p> <p>(a) the Administration to calculate the actual costs incurred for enforcement activities on racing pigeons after one year of operation; and</p> <p>(b) the Administration to review whether there was room to lower the licence fees, especially the fee for licence renewal, having regard to (a) above</p> <p>The Administration undertook to review the fees for the grant and renewal of an exhibition licence for animals and birds, in the context of the general review of the Government's fees and charges, and report to the Panel on Food Safety and Environmental Hygiene in due course</p>	Admin to follow up
003637 - 004808	Acting Chairman Mr LEUNG Yiu-chung ALA4 Admin	<p>Explanation by the Administration on the following issues raised by members --</p> <p>(a) basis for the proposed reduction of the licence fees;</p> <p>(b) reasons why LKL could not be a substitute for exhibition licence in regulating racing pigeons; and</p> <p>(c) reasons why the exhibition licence for animals and birds was the most appropriate licence for regulating racing pigeons</p> <p>The Administration undertook to consider whether a new regulatory regime should be established for pigeon racing activities in Hong Kong, in the light of the study on overseas practices and in the context of an</p>	Admin to follow up

Time Marker	Speaker(s)	Subject(s)	Action required
		overall review of the licensing regime under the Public Health (Animals and Birds) Ordinance (Cap.139), and report the outcome to the Food Safety and Environmental Hygiene in due course	
004809 - 005523	Acting Chairman Mr LEUNG Kwok-hung Admin	Response of the Administration to the issues raised by Mr LEUNG Kwok-hung -- (a) whether an Executive Order was an appropriate measure for regulating racing pigeons needed to be explored; and (b) if the Subcommittee supported the revised licence fees and a motion moved to that effect was carried in the Council, the difference between the existing and the revised fees would be refunded to those who had paid the existing licence fees	
005524 - 005656	Acting Chairman Mr CHEUNG Hok-ming Admin	Confirmation from the Administration that a licensee of an exhibition licence could hold exhibitions to display racing pigeons	
005657 - 010043	Acting Chairman Admin	Scrutiny of detailed provisions of the Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006 (LC Paper No. CB(2)2882/05-06(03)) The Administration would give notice to move a motion to amend the Amendment Regulation at the Council meeting on 8 November 2006	Admin to follow up