

立法會 CB(2)3091/05-06(01)

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漁 農 處

九龍廣東道三九三號
廣東道政府合署十三樓AGRICULTURE & FISHERIES
DEPARTMENTCanton Road Government Offices
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梁善明先生

梁先生 :

飼養畜牌照

有關你的飼養牌照的申請已獲批准。

你可以在新界洪水橋洪石路29號飼養不超過 300 隻白鴿子。附同牌照之圖則塗上紅色為牌照准許飼養禽畜及有關活動的地方。無論如何，環保署凍結調查後建成但不獲地政署批准的上蓋建築物，將會被房屋署採取寮屋管制行動。

你獲准在上述地方用 趁乾割出法 處理廢物。

該等設施須經常及保持良好狀況，以免對附近環境造成污染。

如你將來須要對獲准飼養禽畜之地方或獲准之禽畜廢物處理系統作重大更改，又或需要增加飼養禽畜數目或改養其他種類之禽畜，必須先獲本處處長書面同意。

漁農處處長

(馬恩忠  代行)

一九九八年十一月十四日

All replies must be addressed to Director of Agriculture & Fisheries
初稿請寄交(漁農處處長)

Public Health (Animals and Birds)
(Licensing of Livestock Keeping) Regulation, Cap. 139

香港法例第 139 章

公眾衛生(動物及禽鳥)(禽畜飼養的發牌)規例

LIVESTOCK KEEPING LICENCE

飼養禽畜牌照



Mr/Miss/Mdm LEUNG Shin Ming (梁善明) (Hong Kong Identity Card No. _____)
先生/小姐/女士 香港身份證號碼

who resides at _____
居於

is hereby licensed to keep Livestock at
現獲發給牌照在以下地點飼養禽畜

The premises licensed for livestock keeping (the 'Approved Premises')* are coloured red on the farm plan attached.
附於牌照上之農場圖則塗上紅色處為獲發牌照准許用以飼養禽畜之地方(批准地方)。持牌人之照片貼於右上角。
A photograph of the licensee is attached above.

This licence is issued in accordance with the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation, Cap. 139 and the licensee shall comply with the conditions overleaf.
此牌照乃根據香港法例第 139 章公眾衛生(動物及禽鳥)(禽畜飼養的發牌)規例發出。持牌人必須遵守背頁之規定。

Approved waste treatment system Dry Muck-out
獲准採用之禽畜廢物處理系統

Fee: \$ 750.00
牌費

Licence valid from 14 NOV 1998 to 13 NOV 2001
牌照有效期由 至

M/R No. 289470
收據編號

Date 14 NOV 1998
日期

L. D. Sims
(L. D. Sims)
for Director of Agriculture & Fisheries
漁農處處長(沈敏思)代行

14 NOV 1998
年 月 日

* This licence shall not be taken as approval or permission to change the use of the approved premises or the land where the approved premises stands. It is the duty of the licensee to ensure that the relevant consent, approval or permission is obtained for the said land and premises to be used for the purposes of livestock keeping.
持有本牌照並不表示已獲批准或准許改變批准地方或該地方所在土地之用途。持牌人必須確保已得到各有關方面之同意、准許或批准，方可在該等地方和土地上飼養禽畜。

S/No. 002109

漁農自然護理署

九龍長沙灣道三〇三號
長沙灣政府合署五樓



AGRICULTURE, FISHERIES AND
CONSERVATION DEPARTMENT

Cheung Sha Wan Government Offices
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本人於2006年7月21日已得悉於立法局會議中，已一致反對飼養賽鴿之發牌收費建議，並已即時組成專案小組重新研究。但於2006年8月1日，本人竟重新收到漁護署之政府公函，又再一次重新此收費事宜，本人即時於翌日致電漁護署求證，當時戴慶豐署長親口承認曾發出此公函，並向本人明確表明，此條是"LAW"，不是作出來的。本人於上列事件，感到被誤導，以及蓄意發放假消息之嫌疑。

陳先生：

有關反對養鴿領牌收費事宜

謝謝你在五月二十三日的來信。

由於東南亞各地在本年初爆發高致病性禽流感，而香港也在散養家禽中發現禽流感病毒，因此政府立例禁止散養活家禽，而有關法例就活家禽的定義也包括白鴿在內。

在新法例實施前，政府已和飼養賽鴿人士會面，商討發牌監管本地賽鴿事宜。政府根據現行機制，按所需成本而訂立牌照收費。政府也按飼養數量，根據現行機制把飼養少於20隻動物或禽鳥的展覽牌照費訂立為\$2,720。

漁農自然護理署署長

(戴慶豐



代行)

二〇〇六年八月一日

此外，飼養場的選址亦涉及地政方面的法例，例如場內所有農舍須為地政總署及有關部門所訂明的農用建築物，不得作其他用途(包括住宅用途)。

就你來函所提供的家禽飼養牌照資料，根據漁護署的記錄，該署是在 1998 年 1 月接獲有關的申請。漁護署署長在確定該申請符合當時的牌照規定及其他因素(包括飼養場位於禽畜廢物管制區等)後，在同年 11 月簽發牌照予申請人飼養不超過 300 隻白鴿。該農場在 2000 年 10 月已因被收回作土地發展而終止營運。

事實上，我們認為禽畜飼養牌照不能代替動物及禽鳥展覽牌照規管賽鴿。由於禽畜飼養牌照規定除送往家禽批發市場等的情況外，禽鳥不能離開飼養場；已離開的禽鳥也不能返回農場，以免牠們因與野鳥接觸而感染禽流感，因此禽畜飼養牌照不適合監管需不時作來回飛行練習的賽鴿。而我亦必須指出，政府在 2005 年 8 月為本地家禽農場推出自願退還牌照計劃時，已制定了不再發出新的禽畜飼養牌照的政策。

衛生福利及食物局局長

(劉家麒



代行)

副本送：漁農自然護理署署長 (經辦人：戴慶豐獸醫)

本函檔號 Our ref.: HWF(F) CR 5/3821/05 Pt 4

電話號碼 Tel. No.: 2973 8297

來函檔號 Your ref.:

傳真號碼 Fax No.: 2136 3282

Clerk to the Subcommittee
on Public Health (Animals and Birds) (Exhibitions) (Amendment)
Regulation 2006
(Attn: Mrs Percy MA)
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Fax: 2509 9055)

Dear Mrs MA,

Application for Livestock Keeping Licence

According to the *Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation* (Cap 139L), no person shall keep livestock (i.e. pigs, chickens, ducks, geese, pigeons and quail) unless he is exempted or granted a Livestock Keeping Licence ("LKL"). The objective of the *Regulation* is to regulate livestock keeping as well as to monitor diseases and chemical residues in livestock in order to protect public health, the environment and welfare of animals. Apart from the *Regulation*, the *Waste Disposal Ordinance* (Cap 354) also provides that:

- (a) keeping livestock in a livestock waste **prohibition area** is strictly prohibited;
- (b) setting up new livestock farms in a livestock waste **restriction area** after 1994 is prohibited; and
- (c) keeping livestock in a livestock waste **control area** requires a LKL issued by the Director of Agriculture, Fisheries and Conservation ("DAFC").

In addition, the site of a livestock farm is also subject to the provisions of laws regulating land use. For instance, structures within a farm premises should only be used for agricultural purposes as stipulated by the Lands Department and other relevant departments and not for any other purposes (including residential use).

Regarding the LKL mentioned in your letter, the records of Agriculture, Fisheries and Conservation Department showed that the department received the application in January 1998. Having ascertained that the application complied with the licence requirements at that time and with due consideration for other factors (such as the fact the farm was located in a livestock waste control area), the DFAC issued a licence to the applicant in November the same year for keeping not more than 300 pigeons. The farm subsequently ceased operation in October 2000 when the land of the farm was resumed for development.

Indeed, we consider that the LKL cannot be a substitute for exhibition licence for animals and birds in regulating pigeons. Under the terms of LKL, poultry may not leave the farms except for delivery to wholesale poultry market and poultry that has already left may not be returned to the farms to prevent avian influenza in case they become infected through contact with wild birds. Therefore, the LKL is not appropriate for regulating racing pigeons that have to take frequent flying exercises. I must also point out that the Government has decided to cease to issue new LKL when it launched the voluntary surrender scheme for local poultry farms in August 2005.

Yours sincerely,

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

c.c. Director of Agriculture, Fisheries and Conservation (Attn: Dr. Eric TAI)