

**For Discussion on
9 May 2006**

LegCo Panel on Food Safety and Environmental Hygiene

Revision of Fee for Animal/Bird Exhibition Licence

INTRODUCTION

This paper briefs Members on the Administration's proposal to revise the fee policy of the Public Health (Animals and Birds)(Exhibitions) Regulations (Cap. 139F) (the Regulations) with a view to setting two levels of fee to cater for different types of animal / bird exhibitions.

BACKGROUND

2. Under section 3 of the Regulations, no person shall hold an exhibition of animals or birds to which the public are admitted on payment of a fee save under and in accordance with a licence granted or a permit issued under the Regulations. The licence will be granted by the Director of Agriculture, Fisheries and Conservation (DAFC) for a period of 12 months at a fee of \$10,720.

3. On 13 February 2006, the Administration made regulations to ban backyard poultry keeping in order to reduce the risk of an avian influenza outbreak among backyard poultry in Hong Kong. As the definition of poultry stipulated in law covers, *inter alia*, pigeons, local pigeon racing activities would be significantly affected. The local pigeon racing groups appealed to the Administration and required for special consideration. Having regard to overseas experiences and our veterinary assessment that the risk of an avian influenza outbreak in pigeon is low, the Administration agreed to continue to allow the keeping and exhibiting of racing pigeons under a licence issued under the Regulations, provided that the applicant is able to satisfy all relevant statutory requirements under the Regulations.

4. Since the keeping and exhibition of racing pigeons is different from traditional keeping and exhibition of animals and birds, e.g. circus, amusement parks, etc, the resources involved in enforcing the relevant licensing conditions are different. After restructuring the resources required for the two types of animal/bird keeping, as well as making reference to the full cost recovery principle, we now propose to change the structure of the fee for licence issued under the Regulations as follows:

- (a) if the total number of animals and birds does not exceed 20, the fee shall be \$2,720; and
- (b) if the total number of animals and birds exceeds 20, the fee shall be \$9,700 (as opposed to the original fee of \$10,720 due to a recent review of resource requirement).

TIMING FOR IMPLEMENTATION

5. There is a need to process the applications submitted by the local racing pigeon keepers as soon as possible, and to allow the lower fee levels to take effect as soon as possible so as to benefit the relevant applicants. Subject to Members' endorsement of the above proposal, amendments will be made to Regulation 4(5) of Cap. 139F (see Annex) by the Chief Executive in Council for the revised fee to take effect from the date of gazettal, following which the amended Regulation will be tabled for negative vetting for approval by the LegCo. The target date for implementation is around June / July 2006.

ADVICE SOUGHT

6. Members are invited to comment on the proposed revision of fee levels and the proposal to allow the subsidiary legislation to take effect on the date of gazettal followed by negative vetting by the LegCo.

Health, Welfare and Food Bureau
May 2006



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Chapter:	139F	Title:	PUBLIC HEALTH (ANIMALS AND BIRDS)(EXHIBITIONS) REGULATIONS	Gazette Number: L.N. 525 of 1997
Regulation:	4	Heading:	Power of Director to grant licence	Version Date: 19/12/1997

(1) Upon application in the form specified by the Director, the Director may grant a licence to any person to hold a permanent exhibition of animals or birds and may renew any such licence.

(2) A licence shall not be granted or renewed unless-

(a) the Director has inspected and approved the place at which the exhibition is to be held; and

(b) the Director is satisfied that the primary enclosures, housing facilities and outdoor areas in which the animals or birds are to be kept conform with the standards specified under regulation 5.

(3) The Director may attach to a licence such conditions as he may think fit.

(4) A licence shall be valid for a period of 12 months beginning on the date it is granted. (L.N. 411 of 1990)

(5) The fee for a licence shall be \$10720. (L.N. 411 of 1990; L.N. 47 of 1995; L.N. 208 of 1996; L.N. 525 of 1997)

(6) A licence shall specify-

(a) the residential address of the person licensed to hold the exhibition;

(b) the address of the place at which the exhibition may be held; and

(c) the place at which the animals or birds for the purpose of exhibition may be kept.

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