

立法會
Legislative Council

LC Paper No. CB(2)2547/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 13 May 2008, at 2:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon WONG Yung-kan, SBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Members attending : Hon Albert HO Chun-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Public officers attending : Items IV, V and VI
Food and Health Bureau

Ms Olivia NIP, JP
Deputy Secretary for Food and Health (Food)

Mr Francis HO
Principal Assistant Secretary for Food and Health (Food)2

Item IV

Food and Environmental Hygiene Department

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Ms Julina CHAN Woon-yee
Deputy Director of Food & Environmental Hygiene
(Administration & Development)

Mr LO Siu-fung
Assistant Director (Operations)² (Acting)

Item V

Food and Environmental Hygiene Department

Ms CHU Lan-ying
Assistant Director (Operations)³

Mr YUEN Ming-chi
Pest Control Officer-in-charge

Item VI

Agriculture, Fisheries and Conservation Department

Mr LAU Sin-pang
Deputy Director of Agriculture, Fisheries and Conservation

Dr Thomas SIT Hon-chung
Assistant Director (Inspection and Quarantine)

Dr Eric TAI Hing-fung
Senior Veterinary Officer (Animal Management) (Acting)

Attendance by invitation : Item VI

The Hong Kong Pet Breeders Association Limited

Miss Sian WEI Yee-shan
Chairman

Mr LAM Sze-yee
Secretary

Animal Earth

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Miss Tulip CHAN
Officer

Mr David WONG
Chief Officer

Hong Kong Pet Friends Union

Ms Carmen CHAN Wai-man
Member

Miss CHEUNG Yuen-man
Member

Dr Katriona Bradley

Society for the Prevention of Cruelty to Animals

Dr Fiona Woodhouse
Deputy Director Welfare

Hong Kong Veterinary Association

Dr Veronica LEONG
President

Animal Life Guard Action Group

Ms HO Loy

Ms WONG Kwok-har

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Miss Vivien POON
Council Secretary (2)3

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Confirmation of minutes

[LC Paper No. CB(2)1851/07-08]

The minutes of the meeting held on 8 April 2008 were confirmed.

II. Information paper(s) issued since the last meeting

2. Members noted that the following papers had been issued to members since the last meeting -

- (a) a letter dated 11 April 2008 from the Hong Kong Pet Breeders Association Limited (HKPBA) on the proposed amendments to the Public Health (Animals and Birds) (Animal Traders) Regulations [LC Paper No. CB(2)1598/07-08(01) (English version only);
- (b) an information paper on the further extension of public market rental freeze provided by the Administration [LC Paper No. CB(2)1747/07-08(01)]; and
- (c) an information paper on the financial proposal relating to conversion of aqua privies into flushing toilets provided by the Administration [LC Paper No. CB(2)1868/07-08(01)].

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)1849/07-08]

Next regular meeting on 10 June 2008

3. Members agreed to discuss the following two items proposed by the Administration at the next regular meeting scheduled for 10 June 2008 -

- (a) liquor licensing review; and
- (b) review on hawker licensing policy.

Regular meeting in July

4. In response to Mr WONG Kwok-hing's enquiry about the timing for the Administration to brief the Panel on the subject relating to the regulation and labelling of genetically modified food (i.e. item 5 on the list of outstanding items for discussion), Deputy Secretary for Food and Health (Food) (DS(FH)(Food) confirmed that the Administration's plan was to consult the Panel on the subject matter in July.

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IV. Review on the provision of public markets

Briefing by the Administration

5. Principal Assistant Secretary for Food and Health (Food)2 (PAS(FH)(Food)2) briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)1849/07-08(01)] -

- (a) due to demographic changes and the proliferation of supermarkets and fresh provision shops (FPSs) in recent years, a number of public markets had lost their original clientele, resulting in high market stall vacancy rates (MSVR);
- (b) as a result, the population-based planning standard for public markets set out in the Hong Kong Planning Standards and Guidelines (HKPSG) should be revised and made more flexible;
- (c) the viability of public markets would be assessed with reference to their MSVR, prospects for improvement, alternative sources for fresh provision (i.e. markets/supermarkets/FPSs) in the vicinity and cost-effectiveness (i.e. deficit, cost to upgrade);
- (d) to tackle the problem of high MSVR in public markets, stalls could be consolidated onto a single floor to vacate space for alternative use or the markets be closed down; as for large operating deficits, cost-reduction measures such as outsourcing had been adopted; and
- (e) cost-reduction measures and proposals to revitalize public markets with viability problems would be discussed with District Councils (DCs) for reporting to the Panel within the next six months.

19 works projects of the former Provisional Municipal Councils

6. Referring to Appendix I to the background brief prepared by the Legislative Council Secretariat entitled "Retro-fitting of air-conditioning and general improvement works to 19 existing public markets and/or cooked food centres" [LC Paper No. CB(2)1849/07-08(02)], Mr WONG Kwok-hing enquired about the progress on these 19 works projects of the former Provisional Municipal Councils (PMCs).

7. Deputy Director of Food and Environmental Hygiene (Administration and Development) (DD(A&D)/FEHD) responded that, out of these 19 projects, eight had been completed and five were in progress. Works for the remaining projects

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would commence soon except three public markets whose conditions were found to be satisfactory and improvement works were considered not necessary.

8. In response to Mr Vincent FANG's view on the high cost of electricity bills following the retro-fitting of A/C, DD(A&D)/FEHD explained that such works would only be carried out with the support of at least 85% of the stall lessees of the public market concerned. The percentage of support was set at a high level because affected lessees were required to suspend business during the improvement works and to share out the future electricity charges and maintenance costs. As a result, only two markets and three cooked food centres (CFCs) had undergone retro-fitting of A/C works out of the 19 projects in question.

9. Mr Vincent FANG questioned about the cost-effectiveness of proceeding with the remaining capital works projects of ex-PMCs for existing public markets/CFCs, given the high MSVR for public markets. The Chairman and Mr FANG asked whether the business volume of the public markets/CFCs concerned had improved as a result of the improvement works. In response, DD(A&D)/FEHD advised that no information on business volume was available. However, comparing the stall occupancy rate before and after completion of the improvement works, there was a 5 to 10% overall increase.

Planning for and design of public markets

10. On the Deputy Chairman's enquiry about the procedures for revising HKPSC, PAS(FH)(Food)2 explained that, after consultations with the Panel and DCs, the Planning Department would be requested to review and amend the current planning standards for the provision of public market facilities.

11. Mr WONG Yung-kan pointed out that having too many stalls selling similar goods within a market and the proliferation of supermarkets and FPSs in the vicinity could lead to fierce competition that ultimately threatened the survival of tenants' business. Echoing Mr WONG Yung-kan's view, both the Chairman and Mr WONG Kwok-hing expressed concern that tenants' livelihood was increasingly susceptible to such threats. The Chairman suggested the Administration to take into account the existing number of markets/ supermarkets (including markets in public housing estates) when planning for the provision of public markets. He also urged the Administration to identify possible factors contributing to the high MSVR of public markets, including design and layout problems.

12. Mr Vincent FANG pointed out that most stalls located above the ground floor were not accessible easily to attract customers. He asked whether the less accessible stalls could be re-aligned to improve their accessibility. DD(A&D)/FEHD responded that there were practical difficulties since the more accessible stalls were already occupied and sitting tenants would be reluctant to be relocated while the vacant stalls were often randomly located.

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13. The Chairman said that the patronage of public markets and business of individual stalls depended on a variety of factors in the business environment. A comprehensive review on the planning, design, facilities and management of public markets should be undertaken. Mr Alan LEONG shared similar view with the Chairman. They urged the Administration to consider seeking professional expertise (say, from the business sector) to advise on the review. DS(FH)(Food) responded that the Administration would be willing to consult such expertise subject to DCs' views.

14. In response to the Chairman and Mr Vincent FANG's enquiry as to whether many of the stalls in public markets had been used as storage, DD(A&D)/FEHD said that only 44 out of some 10 000 stalls were let out for such purpose.

Public markets with viability problems

15. The Deputy Chairman sought explanation as to why some markets with high patronage were showing high deficits. PAS(FH)(Food)2 responded that both Smithfield Market and Shek Tong Tsui Market belonged to such a category. At the request of the Deputy Chairman, the Administration agreed to provide detailed explanations in writing to the Panel after the meeting.

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16. Both Mr WONG Yung-kan and Mr Alan LEONG asked about the considerations that the Administration would be taken into account in determining whether a public market should be closed down. In response, DS(FH)(Food) said that for public markets with a consistently high MSVR exceeding 60% for three consecutive years, the DC concerned would be consulted on improvement measures. The policy would not be rigidly applied as the factors affecting each market would be unique. The closing down of public markets would only be pursued as a last resort. DD(A&D)/FEHD supplemented that, where feasible, selected vacant small stalls would be merged to form larger ones to attract potential bidders. To date, about 30 such stalls or 20% of the total merged stalls had been let out. In addition, FEHD launched a trial scheme of auctioning long-standing vacant stalls in selected markets at reduced Open Market Rental to attract potential bidders (i.e. some 290 such stalls or about 40% of the total had been let out). Furthermore, improvement works to upgrade fire safety installations, ventilation, lighting and drainage systems, as well as promotional activities at festive seasons would continue to be carried out in public markets.

17. The Deputy Chairman held the view that the Administration should rethink its policy of providing financial incentives/compensations to the affected tenants as it would be critical in considering the feasibility of taking forward the option of closing down public markets with viability problems.

Consultation on the review

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18. Mr WONG Kwok-hing considered that the Administration should conduct a public consultation on the review on the provision of public markets in Hong Kong. He also suggested the Panel to consider inviting the concerned parties, in particular tenants' representatives, to give views on the subject in the future when the Panel discussed the subject.

19. DS(FH)(Food) responded that, apart from DCs, public market tenants' representatives and users of public markets would be consulted in the review. DD(A&D)/FEHD supplemented that DC members and tenant representatives from different trades were members of the market management consultation committee formed under each individual public markets. These committees met regularly with Government department representatives and contractors for market management to discuss issues such as improvement works.

V. Anti-rodent campaign 2008

Briefing by the Administration

20. Assistant Director (Operations)3 of FEHD (AD(O)3/FEHD) highlighted the salient points of the Administration's paper on Anti-rodent campaign 2008, with details as set out in its paper [LC Paper No. CB(2)1849/07-08(03)]. AD(O)3/FEHD said that, to monitor the situation of rodent infestation, FEHD had been conducting territory-wide rodent infestation rate (RIR) surveys in the public areas in selected localities since 2000. Overall, rodent infestation in public areas had been largely under control. As regards rodent prevention and control measures, she advised that poisonous baiting was used for rodent disinfestations in Hong Kong, and other effective environmental control measures included elimination of food sources, harbourages and passages for rodents.

21. AD(O)3/FEHD advised that, every year, the anti-rodent campaign selected specific kinds of environment (biotopes) (e.g. markets, hawker bazaars and licensed food premises) where dedicated rodent control, publicity and educational efforts were made by relevant government departments. She pointed out that the duration of the 2008 Campaign had been extended from the original four weeks to 12 weeks. The first phase of the campaign had been commenced on 7 January 2008 and the enhancement phase would last from 13 May to 8 August 2008.

Anti-rodent campaigns

22. In response to the question on the experience and expertise of FEHD staff on rodent control raised by the Chairman and Mr WONG Kwok-hing, AD(O)3/FEHD said that FEHD had a Pest Control Advisory Section, staffed by 18 Pest Control Officers (PCOs) who would provide professional advice on the prevention and control of public health pests to government departments and the general public.

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Pest Control Officer-in-charge of FEHD (PCO/FEHD) supplemented that all PCOs had a university degree and relevant post-graduation pest control experience. FEHD would also provide relevant in-service training to them. PCOs would provide advice to the front-line pest control teams of districts on preventive measures and technical/training issues. There were pest control teams in all 19 districts and each team had about nine to 22 staff.

23. The Deputy Chairman expressed concern about the worsening rodent problem in food premises and queried the effectiveness of anti-rodent campaigns in combating the rodent problem. Referring to Annex 3 to the Administration's paper, he pointed out that, while the number of rodents collected had been decreased drastically from 2005 to 2007, there was a sharp increase in the number of warnings issued over the same period. The Chairman and Mr Alan LEONG also shared similar views and casted doubt on the effectiveness of the Administration's campaigns to tackle the rodent infestation problem.

24. PCO/FEHD responded that FEHD had issued advisory letters and pamphlets to all licensed food premises in April 2008 to disseminate rodent control advice. During the campaign, FEHD's health inspectors would disseminate health education messages and advice on rodent control and prevention measures in the course of their inspections of the licensed food premises to enhance hygiene standards of the premises. Should there be complaints/reports on rodent infestation in licensed food premises, FEHD staff would investigate the case with inspection and take necessary actions including legal action on detection of rodent infestation. The parties concerned usually take the advice on rodent prevention and control given by FEHD.

25. On members' query about the statistics shown in Annex 3, PCO/FEHD responded that the effectiveness of anti-rodent campaigns should be evaluated based on whether rodent infestation had ceased in a locality following the implementation of anti-rodent measures. AD(O)3/FEHD explained that the number of dead rodents collected would not be indicative of the campaigns' effectiveness as carcasses often remained undetected beneath the surface. A decline in the number of rodents collected did not necessarily mean that the rodent infestation problem had been worsened. As regards the increase in the number of warnings issued, she further explained that this could have resulted from the awareness-raising campaigns implemented by the Administration, which encouraged the reporting of problems to the authorities.

26. The Chairman noted that the campaign implemented in 2008 would last for 12 weeks whereas the duration of the anti-rodent campaigns in 2005, 2006 and 2007 were four weeks only. He wondered whether the extension of the duration of the campaign reflected the seriousness of the rodent problem. AD(O)3/FEHD explained that, in the light of recent public concerns about rodent infestation, the enhancement phase originally scheduled for July 2008 was advanced to May 2008 and the period was extended from the original four weeks to over 12 weeks. The

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target biotopes would be extended to cover markets/market buildings and their surroundings, fixed pitch hawker stalls/hawker bazaars and their surroundings, licensed food premises and associated rear lanes, and cargo handling areas and their surroundings. Given that there would be two rounds of live rodent collection in the current exercise, AD(O)3/FEHD envisaged that a higher number of live rodents would be collected in 2008 compared to previous years. She advised that, though the duration of the campaign 2008 was longer than that of the previous years, the manpower required to cope with the work was made available through internal re-deployment within FEHD, e.g. the Environmental Hygiene Section, Hawkers Section and Cleansing Section at district level.

Rodent infestation rate

27. The Chairman said that he was unconvinced by the Administration's earlier explanation about the sharp decrease of the number of rodents collected from 2005 to 2007. Referring to Annex 1 to the Administration's paper, he pointed out that RIR for 2007 exceeded the RIRs for 2005 and 2006, so the number of dead/live rodents collected in 2007 should be higher than that in 2005 and 2006. PCO/FEHD responded that the localities covered in the 2006 and 2007 RIR surveys were different, which made direct comparison difficult.

28. Referring to Annex 2 to the Administration's paper, Dr KWOK Ka-ki expressed concern that RIRs for most districts had increased sharply from 2006 to 2007. PCO/FEHD explained that food remnants and accumulation of articles/garbage were found in public areas in some of the districts in 2007. Food remnants and accumulation of articles/garbage provided rodents with food and harbourages and rendered premises susceptible to rodent infestation.

29. Mr WONG Yung-kan asked how the Administration would address the public's concern that the rodent problem had been worsened in the areas where 24-hour food premises were in the vicinities. He also expressed concern whether the Administration had conducted any virus tests on rodent caught to prevent the spread of diseases by rodents. In response, AD(O)3/FEHD said that there was no clear evidence so far to suggest that licensed food premises operating on a 24-hour basis had exacerbated rodent infestation. She assured members that FEHD had a team of staff responsible for carrying out regular and ad hoc inspections to licensed food premises which operated at night time. On Mr WONG's concern over the public health risk posed by rodent-borne diseases, PCO/FEHD supplemented the rodents caught would be dissected to see if there were any signs of plague infection and no specimens had been tested positive so far. Blood tests would also be taken to check if there was any hantaviral disease.

30. Mr Alan LEONG highlighted the inconsistencies in the data presented in Annexes 2 and 3 to the Administration's paper and questioned the reliability of the RIR figures and methods used to derive them. PCO/FEHD responded that, based on

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his observations, the RIRs for 2008 should be largely comparable with those of 2007. On the Administration's response, the Chairman requested the Administration to provide in writing, statistics for the 2008 RIR survey for the first six months when it was available in July 2008, and also the number of complaints received in 2008 for comparison with those for 2007.

VI. Amendment of licensing conditions for animal traders licence

Presentation of views by deputations

HKPBA

[LC Paper No. CB(2)1849/07-08(06)]

31. Mr LAM Sze-ye and Miss Sian WEI presented the views of HKPBA as detailed in its submission. Mr LAM said that regulation of animal breeding was under the purview of Animal and Husbandry Department of Ministry of Agriculture on the Mainland and hoped that the Administration would consider subsuming pet breeding under animal husbandry/rearing industries. He further said that, as pet breeders were presently subject to the same licensing control imposed on animal traders, their licence applications had to go through complicated procedures involving numerous departments and a time-consuming process. He called on the Administration to consider working out a separate licence for pet breeders. Miss WEI commented that "hobby breeders" should be defined clearly under the animal trader licence (ATL). She also doubted about the feasibility to implement the new licensing condition for an animal trader under which a dog acquired from a "hobby breeders" must be covered by a certificate issued by a registered veterinary surgeon stating that the dog concerned was an offspring of a specified licensed dog.

Animal Earth

[LC Paper No. CB(2)1916 /07-08]02]

32. Mr David WONG and Miss Tulip CHAN presented the views of the Animal Earth as detailed in its submission. Mr WONG highlighted that clause f(3) of the additional conditions attached to ATL where pet owners were allowed to sell their pets and offspring of their pets to licensed animal traders would defeat the purpose of restricting sources of supply as a measure to safeguard animal welfare. Miss CHAN expressed concern about the potential impact of the additional licensing conditions for ATL on the existing licensed animal traders as some traders who would not be able to satisfy the new conditions might need to cease their operations. She suggested the Administration to consider putting in place a registration system for all affected pets and working with non-governmental organizations on the measures to protect the welfare of these affected pets.

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Hong Kong Pet Friends Union
[LC Paper No. CB(2)1884/07-08(01)]

33. Ms Carmen CHAN and Miss CHEUNG Yuen-man presented the views of Hong Kong Pet Friends Union (HKPFU) as detailed in its submission. Ms CHAN said that HKPFU was supportive of the Administration's proposal to step up the regulation of animal traders. Miss CHEUNG highlighted that HKPFU objected the supply of dog by "hobby breeders" and considered that "hobby breeders" was not well defined in the additional licensing conditions for ATL. She suggested that there should be regulation over the maximum number of litters allowed to be produced by a breeding bitch owned by a hobby breeder. She informed members that there was a legislation regulating dog breeders in New Jersey of the United States (the US) where breeding bitches were only allowed to give birth to a litter of puppies each year.

Dr Katriona Bradley
[LC Paper No. CB(2)1916 /07-08](03)]

34. Dr Katriona Bradley presented her views as detailed in her submission. She expressed support for the Administration's amendments to the licensing conditions for ATL with a view to improving animal welfare and protecting consumers. She also considered that more stringent conditions should be imposed on dog breeders and the condition in allowing dog to be supplied by "hobby breeders" should be removed.

Society for the Prevention of Cruelty to Animals

35. Dr Fiona Woodhouse said that the Society for the Prevention of Cruelty to Animals (SPCA) welcomed the Administration's proposal to enhance the regulation of animal traders. The implementation of additional licensing conditions for animal traders would help protect public and animal health, improve animal welfare and consumer protection. However, SPCA had reservations about clause f(3) of the new licensing conditions for ATL as it would allow non-commercial pet breeders ("hobby breeders") to sell their pets and offspring of their pets to animal traders. This might create a loophole subject to possible abuse by animal traders. SPCA considered that legislation should be enacted to regulate pet breeding by "hobby breeders". To further promote animal welfare, SPCA suggested the Administration to consider banning the sale of pets to children under 16 years of age and advocating the best breeding practice (e.g. prescribing the maximum number of litters permitted for each breeding bitch) in future legislative exercise.

Hong Kong Veterinary Association
[LC Paper No. CB(2)1884/07-08(02)]

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36. Dr Veronica LEONG presented the views of the Association as detailed in its submission. She said that the Association was supportive of the amendments to the licensing conditions attached to ATL. The introduction of the additional licensing conditions would have a positive effect on animal health and welfare, and would help protect public health and give better consumer protection.

Animal Life Guard Action Group
[LC Paper No. CB(2)1916/07-08(05)]

37. Ms HO Loy and Ms WONG Kwok-har presented the views of the Association as detailed in its submission. Ms HO highlighted that the Animal Life Guard Action Group (ALGAG) welcomed the Administration's proposal to introduce additional licensing conditions for ATL as a measure to step up the regulation of animal trading. Ms WONG pointed out that a loophole might be created allowing dogs to be supplied by "hobby breeders". She considered that a maximum limit should be set on the number of each breed of dogs to be imported and a restriction on the number of litters allowed to be produced by a breeding bitch each year and for a life time.

38. Members noted that an information paper on "Additional conditions attached to the animal trader licence" and a progress report relating to the motion on "Protecting the rights and interests of animals" carried at the Council Meeting on 16 January 2008 provided by the Administration had been issued to them [LC Paper Nos. CB(2)1504/07-08(01) & CB(2)1849/07-08(05)].

The Administration's presentation and responses

39. Assistant Director (Inspection and Quarantine) of Agriculture, Fisheries and Conservation Department (AD(I&Q)/AFCD) briefly presented the Administration's paper on the proposed amendments to the conditions for ATL issued under the Public Health (Animals & Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations"), with details as set out in its paper [LC Paper No. CB(2)1849/07-08(04)]. He said that the new ATL conditions would stipulate that pet shops might only obtain dogs for sale from four sources, namely (a) dogs legally imported into Hong Kong, (b) dogs bred by commercial dog breeders with valid ATLs, (c) dogs obtained from other pet shops with valid ATLs, and (d) dogs obtained from persons selling their pets or offspring of their pets. In the case of (d), pet shops had to obtain AFCD's prior approval for each such transaction, thereby preventing commercial breeders from claiming themselves as ordinary pet owners so as to evade their statutory responsibility. AD(I&Q)/AFCD said that the Administration had all along enforced the relevant legislation on regulating the activities of unlicensed dog breeding farms.

40. As regards the concerns and views raised by the deputations, AD(I&Q)/AFCD responded that -

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- (a) under the definition of the World Trade Organization, pet breeding was not regarded as an animal husbandry/agriculture activities;
- (b) under the existing Regulations, any person who sold, or offered to sell, animals or birds was required to obtain an ATL, both pet shops and commercial pet breeders were regarded as animal traders. However, there were different licensing conditions for different types of animal traders. For example, pet shops selling dogs and those selling birds had different licensing conditions and commercial dog breeders also had specific licensing conditions applicable to them;
- (c) on the application for an ATL for commercial dog breeding, the licence would be issued by AFCD within a short time if the application had met with all the licensing requirements and all necessary documents had been provided;
- (d) the objective of the new licensing conditions for pet shops required pet shops to procure dogs for sale from specified sources was to combat illegal importation of dogs, thereby safeguarding public and animal health. Even though there was no occurrence of rabies in Hong Kong in the past 20 years, rabies was not uncommon in neighbouring regions/places. It was, therefore, important to ensure that dogs being sold in pet shops were healthy and had been vaccinated; and
- (e) on the concern over the possible loophole arising from granting an exemption for "hobby breeders", approval would be given only if there was sufficient documentary proof from a practicing veterinary surgeon that the dog being procured by a pet shop from a local pet owner was the offspring of a local dog covered by a dog licence and was vaccinated properly. In addition, there was also a restriction that the local pet owner concerned should only keep a single dog breed with not more than two entire bitches.

Application for an ATL

41. Mrs Selina CHOW said that the Liberal Party also shared the concerns of HKPBA about the suitability of applying the licensing conditions for animal traders to pet breeders and the unduly long time required to process licence applications. At HKPBA's request, she had passed on the petition letters signed by each member of the Association to the Administration.

42. In response to Mrs Selina CHOW's question, Ms Sian WEI of HKPBA said that some HKPBA members had already submitted applications for ATLs but their

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applications had not been approved even after nine-month's time. She hoped that the Administration would consider allowing commercial dog breeders to continue selling of dogs during the application period so as to lessen the financial burden of commercial dog breeders and the possible adverse impact on animal health.

43. As regards the concern over the application time, AD(I&Q)/AFCD reiterated that the applications would be approved within a short period if the applications had met all the licensing requirements and all the necessary documents had been submitted to the relevant departments. He also confirmed that AFCD had received about four to five applications for ATL from commercial dog breeders.

44. Mr WONG Yung-kan said that, if the Administration considered it necessary to regulate pet breeding activities, it should consider issuing ATLs to all those pet breeders who could comply with the licensing requirements and conditions for pet breeders. He also shared the concern of HKPBA about the long application time by its members.

45. AD(I&Q)/AFCD explained that, upon receipt of an ATL application from a commercial dog breeder, AFCD would arrange inspectors and a veterinary surgeon to visit the breeding premises concerned to conduct site inspection. AFCD would also provide assistance to applicants to liaise with other departments wherever required and necessary. He added that the licensing requirements for dog breeders under ATL were the same as that of animal boarding establishment licences, and there were currently about 20 licensed animal boarding establishments in Hong Kong.

46. On the Administration's response, the Chairman asked whether there were any application guidelines for the reference of applicants. AD(I&Q)/AFCD confirmed that AFCD had issued clear guidelines for the application of an ATL.

47. Notwithstanding the Administration's explanation, Mrs Selina CHOW remained concerned about the long processing time for applying for an ATL. She asked if the Administration would consider providing a performance pledge for approving the licence applications for ATL. The Chairman also requested the Administration to review all the recent ATL applications received from pet breeders and advise the Panel on the duration of the processing time for each of the applications. He suggested the Administration to consider providing a "one-stop" service for ATL applications to streamline the application procedures and shorten the processing time required. In response, DS(FH)(Food) said that the Administration would discuss with other relevant departments over Members' suggestions.

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48. In response to Mr Albert HO's questions, AD(I&Q)/AFCD confirmed that –

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- (a) there were different licensing conditions prescribed for different types of animal traders, and commercial dog breeders also had specific licensing conditions applicable to them;
- (b) in the current licensing conditions exercise, no amendment had been made to the licensing conditions for commercial dog breeders. As such, the amendments to the licensing conditions for pet shops would not give rise to the problem of abandonment of dogs by dog breeders; and
- (c) AFCD would continue discharging its law enforcement role in combating illegal operations of dog breeding farms and would institute prosecutions against the illegal commercial animal breeders when there was sufficient evidence.

49. Mr Albert HO said that some pet breeders had set up their business on farmland and sought clarification from the Administration as to whether it was acceptable under the law to do so. He pointed out that, under the current land policy, the Director of Lands had the authority to approve applications for temporary or permanent variations of the relevant land lease conditions and such applications would be charged with a waiver fee. He asked if the Administration would consider granting a waiver at a special concessionary rate to these pet breeders to allow them to continue their operations on farmland. The Chairman also enquired whether there would be any implications on an ATL application if a pet breeder with a valid business licence set up a breeding farm on farmland.

50. In response, AD(I&Q)/AFCD said that AFCD had communicated with the Lands Department and the Planning Department on ATL applications. The relevant departments would approve the licence application submitted by a commercial dog breeder operating business on agriculture land provided that it had complied with all the licensing requirements.

51. The Chairman was dissatisfied with the Administration's response. He requested the Administration to advise the Panel on whether it was legally in order to set up a pet breeding farm on farmland, and whether the Administration would consider granting a special waiver to the existing pet breeding farms which were located on farmland. In response, DS(FH)(Food) said that the Administration would study the issues.

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52. Ms Audrey EU said that there were many complaints about the health conditions of dogs sold in pet shops. She considered that consumers should be allowed for refund if it was proved that the puppies were not healthy at the time of purchase.

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53. AD(I&Q)/AFCD responded that, under the present legislation, AFCD would institute prosecutions against pet shops if there was sufficient evidence that the pet shops concerned had sold puppies of poor health conditions. He pointed out that, under the existing licensing conditions for an animal trader, pet shops would only be allowed to sell healthy puppies that had been weaned and vaccinated. It was a contravention of the licensing conditions if a pet shop sold sick dogs.

Regulation of "Hobby breeders"

54. Mrs Selina CHOW expressed concern over the unclear definition of "hobby breeders" as referred to in the additional licensing conditions attached to ATL. She queried why the Administration would allow the granting of exemption to "hobby breeders" and asked whether it would consider removing their exemption status. In response, AD(I&Q)/AFCD advised that, under the existing legislation, a person who sold or offered to sell any animal or bird kept by him/her as a pet or any offspring thereof was not defined as an animal trader. He reiterated that, to address the concern over the "hobby breeders", restrictions had been set on them so as to differentiate them from commercial dog breeders.

55. Ms Audrey EU queried that she wondered how a registered veterinary surgeon could check and prove that a dog sold by a hobby breeder was really an offspring of the specified licensed dog kept by the hobby breeder concerned. She also doubted how the Administration could monitor the implementation of the requirement for hobby breeders.

56. AD(I&Q)/AFCD reiterated that AFCD would only accept information from licensed animal trader if the animal trader had provided the relevant certificates issued by registered veterinary surgeons as prescribed in the licensing conditions. He said that AFCD would conduct inspections to pet shops to check the certificates and documents where necessary, and the licensee may face prosecution if a licensed pet shop failed to comply with the licensing conditions.

57. Referring to the view made by HKPFU, Mr Albert HO enquired whether the Administration would make reference to the legislation in New Jersey of the US and consider regulating the maximum number of litters for dogs in each year. AD(I&Q)/AFCD explained that the number of puppies born in each litter varied according to different types of dog breeds. While some types of dog breeds would give birth to only one puppy in one litter, some other types of dog breeds might give birth to eight to nine puppies. He added that bitches would have a maximum of two litters in average in each year. AD(I&Q)/AFCD said that there were practical difficulties in prescribing the number of litters of puppies to be produced by breeding bitches kept by "hobby breeders" as a measure to regulate pet breeding. He advised that AFCD had discussed with animal concern groups when setting the present restrictions on "hobby breeders" where they were only allowed to keep one type of dog breed and no more than two entire bitches at the same time.

Action

58. On the Administration's response, Mr Albert HO commented that the Administration's proposal could not solve the problem of inhumane breeding of dogs.

VII. Any other business

59. There being no other business, the meeting ended at 5:30 pm.

Council Business Division 2
Legislative Council Secretariat
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