

立法會
Legislative Council

LC Paper No. CB(2)1832/12-13
(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, 16 April 2013, from 4:30 pm to 7:30 pm
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon Alan LEONG Kah-kit, SC (Chairman)
Hon Steven HO Chun-yin (Deputy Chairman)
Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon CHEUNG Kwok-che
Hon WONG Yuk-man
Hon Claudia MO
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Dr Hon Helena WONG Pik-wan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members attending** : Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
- Member absent** : Dr Hon LEUNG Ka-lau

**Public Officers : Item III
attending**

Dr KO Wing-man, BBS, JP
Secretary for Food and Health

Mrs Marion LAI CHAN Chi-kuen, JP
Permanent Secretary for Food and Health (Food)

Dr Shirley Veronica CHUK Sheung-ying
Senior Veterinary Officer (Animal Health)
Agriculture, Fisheries and Conservation Department

Dr LEE Siu-yuen, JP
Assistant Director (Food Surveillance & Control)
Centre for Food Safety, Food and Environmental
Hygiene Department

Items III and V

Dr Thomas SIT Hon-chung
Assistant Director (Inspection & Quarantine)
Agriculture, Fisheries and Conservation Department

Items III and VI

Mr FAN Yung-kai
Assistant Director (Operations)²
Food and Environmental Hygiene Department

Items IV to VI

Professor Sophia CHAN Siu-chee, JP
Under Secretary for Food and Health

Item IV

Miss Diane WONG Shuk-han
Principal Assistant Secretary for Food and Health
(Food)²

Ms Ava CHIU Wai-fan, JP
Deputy Director of Food & Environmental Hygiene
(Administration and Development)

Mr Thomas WU Kui-wah
Senior Administrative Officer (Administration and
Development)
Food and Environmental Hygiene Department

Ms Esther WANG Oi-kuen
Chief Treasury Accountant
Food and Environmental Hygiene Department

Ms Rita YEUNG Yuk-ip
Senior Superintendent (Licensing)
Food and Environmental Hygiene Department

Mr Edward CHAN Yiu-keung
Superintendent (Hawker)
Food and Environmental Hygiene Department

Items V and VI

Mr Christopher WONG Kwok-bun, JP
Deputy Secretary for Food and Health (Food)1

Item V

Dr Jeffrey JAI Man-ho
Senior Veterinary Officer (Animal Management)
Operations (Acting)
Agriculture, Fisheries and Conservation Department

Attendance : Item III
by invitation

Federation of Hong Kong Agricultural Associations

Mr WONG Yuen-tai
Vice Chairman

The New Territories Chicken Breeders Association Ltd

Mr TANG Wai-lun
理事長

Mr LEUNG Wai-hay

救救寵物禽鳥大聯盟

Mr SHEK Kwok-keung
Representative

Mr LEUNG Kam-hung

Society for the Prevention of Cruelty to Animals (HK)

Dr Fiona WOODHOUSE
Deputy Director (Welfare)

Clerk in attendance : Ms Elyssa WONG
Chief Council Secretary (2) 5

Staff in attendance : Miss Carrie WONG
Assistant Legal Adviser 4

Mr Jove CHAN
Senior Council Secretary 2 (6)

Ms Priscilla LAU
Council Secretary (2) 5

Ms Michelle LEE
Legislative Assistant (2) 5

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I. Information paper(s) issued since the last meeting
(LC Paper No. CB(2)786/12-13(01))

Members noted that the referral from the meeting between Legislative Council ("LegCo") Members and Wan Chai District Council members on 24 January 2013 on issues relating to liquor licences and the regulation of feeding wild pigeons in the urban area had been issued since the last meeting.

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II. Items for discussion at the next meeting

(LC Paper Nos. CB(2)944/12-13(01), CB(2)944/12-13(02) and CB(2)843/12-13(01))

2. Members agreed to discuss the following items at the next regular meeting scheduled for 14 May 2013 at 2:30 pm -

- (a) Liquor-licensing - Guidelines for upstairs bar;
- (b) Supply of live cattle in Hong Kong;
- (c) Reduction of salt or sugar content in food, and;
- (d) Mosquito Control.

3. Members also agreed to receive views from deputations on item "Liquor-licensing - Guidelines for upstairs bar" at the next regular meeting. To allow sufficient time for discussion, the Chairman suggested and members agreed to extend the meeting for two hours to end at 6:30 pm.

(Post-meeting note: At the meeting of the House Committee on 19 April 2013, Members expressed concern about the implementation of the Import and Export (General) (Amendment) Regulation 2013 ("Amendment Regulation") in its original form since the amendments proposed to the Amendment Regulation could not be dealt with owing to the adjournment of the Council meeting of 17 April 2013. The Panel was asked by the House Committee to follow up on the matter. On the instruction of the Chairman, an item "Issues relating to the implementation of the Import and Export (General)(Amendment) Regulation 2013" was added to the agenda for the regular meeting in May 2013. Due to the heavy agenda of the meeting, the discussion of the items "Mosquito control" and "Reduction on salt or sugar content in food" was deferred and the Administration was requested to provide information papers on these items for members' reference. Two papers on "The dengue vector surveillance programme and the Anti-mosquito Campaign 2013" and "Reduction of salt and sugar content in food" were circulated to members on 10 May 2013 and 13 May 2013 vide LC Paper No. CB(2)1078/12-13(01) and CB(2)1118/12-13(01) respectively.

To avoid clashing with the anticipated continuation of the Council meeting of 8 May 2013, with the concurrence of the Chairman, the next regular meeting originally scheduled for 14 May 2013 had been re-scheduled to Tuesday, 28 May 2013 at 4:30 pm.)

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4. Members noted a letter dated 15 March 2013 from Dr Hon Kenneth CHAN Ka-lok requesting discussion on hawker policy (LC Paper No CB(2)843/12-13(01)). Members agreed that deputations would be invited to give views on hawker policy at a special meeting to be held on 21 June 2013.

III. Avian influenza prevention measures, including the ban on keeping backyard poultry

(LC Paper Nos. CB(2)944/12-13(03), CB(2)944/12-13(04) and CB(2)928/12-13(01))

Views of deputations and individuals

5. At the invitation of the Chairman, the following four deputations and two individuals presented their views on the avian influenza ("AI") prevention measures, including the ban on keeping backyard poultry -

- (a) Federation of Hong Kong Agricultural Associations;
- (b) The New Territories Chicken Breeders Association Ltd;
- (c) Mr LEUNG Wai-hay;
- (d) 救救寵物禽鳥大聯盟;
- (e) Mr LEUNG Kam-hung; and
- (f) Society for the Prevention of Cruelty to Animals (HK)

6. A summary of the views of deputations is in the **Appendix**.

Discussion

7. Secretary for Food and Health ("SFH") briefed members on the prevailing measures adopted by the Administration in preventing AI, including the ban on keeping backyard poultry introduced in 2006, details of which were set out in the Administration's paper (LC Paper No. CB(2)944/12-13(03)).

8. Members also noted the background brief entitled "Avian influenza prevention measures, including the ban on keeping backyard poultry" (LC Paper No. CB(2)944/12-13(04)) prepared by the LegCo Secretariat.

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H7N9 AI Outbreak in the Mainland

9. Mr WONG Kwok-hing was concerned about the H7N9 AI outbreak in the Mainland. He enquired whether the Administration would activate the "Alert Response Level" under the Government's Preparedness Plan for Influenza Pandemic and whether the Administration would consider suspending the import of live poultry and undertake culling operations in the event that AI infection was detected in feral birds, imported poultry, or with confirmed human cases of AI infection in Hong Kong. Ms Claudia MO and Mr WONG Yuk-man raised similar concern. Mr WONG Yuk-man also enquired whether the Administration would consider restricting the number of Mainland residents travelling to Hong Kong when there were confirmed human cases of AI infection in the Mainland.

10. SFH advised that the Administration was also concerned about the AI outbreak in the Mainland. According to the National Health and Family Planning Commission ("NHFPC") of the People's Republic of China ("PRC"), all the human infection cases were individually infected and distributed sporadically in Central and Eastern China. While it remained unclear about the main exposures and routes of transmission about this virus, the Administration would stay vigilant and take appropriate preventive and control measures. If there was AI outbreak (whether H5 or H7) in the local poultry population or confirmed human cases of AI infection in Hong Kong, the Administration would activate a higher response level and take actions in accordance with the preparedness plan. It would undertake culling operations in accordance with the advice of the World Organization for Animal Health, and suspend the trading of live poultry if circumstances required.

11. Mr CHAN Chi-chuen was worried that the actual number of human cases of H7 AI infection might be greater than that reported by the Mainland authority. He asked the Administration to elaborate more on the "sporadic distribution" of AI infection cases in the Mainland and whether the Mainland had adopted similar preparedness plan for influenza pandemic. He was also concerned about whether the current preparedness plan for influenza pandemic in Hong Kong was able to deal with the current situation.

12. SFH advised that "sporadic distribution" of AI infection cases referred to the occurrence of AI infection cases in different places and at different times. Different places might develop different contingency plans and response measures based on a host of factors such as the local circumstances and their risk assessment. The current three response levels,

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namely Alert, Serious and Emergency, adopted in Hong Kong were classified with each response level representing a graded risk of pandemic affecting Hong Kong. The Administration would review the risk assessment from time to time to ensure that the appropriate response level would be activated and corresponding response measures would be adopted.

13. Dr Helena WONG enquired whether the control surveillance system in the Mainland was similar to that in Hong Kong and information about any AI outbreaks would be shared among the relevant authorities in Hong Kong and the Mainland. Dr WONG further enquired whether the Administration had assigned any officers to collect information about AI outbreaks in the Mainland, and if so, whether the information collected was the same as that supplied by the Mainland authorities.

14. SFH explained that information on AI had been collected globally through World Health Organization and NHFPC of PRC. NHFPC was responsible for the verification of data and information collected from the local governments in the Mainland. The Administration had also assigned four teams of officers to the Mainland for information exchange. In general, any updated information on AI outbreaks would be delivered to the relevant Mainland authorities and the Administration within the same day.

Prevention measures against AI

15. Mr WONG Kwok-hing expressed grave concern about AI prevention measures taken by the Administration. He reiterated his suggestion made at the special meeting of the Finance Committee held on 12 April 2013 that the Administration should consider organizing a territory-wide cleansing campaign for all the 18 districts to step up AI prevention measures. Ms Claudia MO also considered that there was a need to step up AI prevention measures.

16. SFH advised that the Administration was discussing with the 18 District Councils on the details of organizing district-wide cleansing days for all districts. Activities would include cleansing public places, particularly those blackspots of environmental hygiene concerns. Permanent Secretary for Food and Health (Food) supplemented that the Administration would announce the details in a few days.

17. Dr Helena WONG was concerned about bird droppings. She enquired about measures taken by the Administration to address the hygiene problems brought about by bird droppings.

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18. SFH advised that the Food and Environmental Hygiene Department ("FEHD") and the Housing Department would step up surveillance on hygiene blackspots and bird gatherings, cleansing of public areas, as well as enforcement against illegal feeding of wild birds. The Home Affairs Department would also liaise with owners' corporations or property management companies of private housing buildings to step up cleansing operations and remind residents not to feed wild birds. Members of the public might also call the Government hotline 1823 for reporting hygiene problems of public places.

19. Dr Helena WONG enquired whether members of the public should be advised to suspend bird watching activities in Hong Kong having regard to the AI outbreaks in the Mainland. She also asked whether bodies of dead wild birds would be collected and tested for AI viruses. Mr WONG Yuk-man raised similar enquiries. Noting that migratory birds posed a higher risk, Mr WONG enquired about the surveillance on migratory birds. SFH explained that the surveillance had already covered wild bird parks to watch for signs of AI outbreaks. Hong Kong had a standing practice of conducting H7 AI surveillance in dead wild birds and so far, no H7 AI virus had been detected. While wild birds might carry AI viruses, the risk of transmission of AI viruses from wild birds to the general public was small, as it was unlikely that the general public would have close and direct contact with wild birds. This notwithstanding, it was theoretically possible for AI viruses to be transmitted from wild birds to poultry and mutate into a highly pathogenic strain in poultry. SFH advised that the Administration had already stepped up surveillance in live poultry and drawn up prevention and contingency measures for different scenarios of AI outbreaks.

20. Mr Vincent FANG said that the poultry trade was supportive of the Administration's prevention measures. However, he did not consider it necessary to restrict import of live chickens at this stage, as the current measures could effectively prevent any infected poultry from being sold in the market.

Admin 21. Dr Helena WONG enquired whether the feeding of wild birds was illegal. Given the time constraint, the Chairman requested the Administration to provide written information after the meeting.

Difficulties faced by the trade

22. The Deputy Chairman pointed out that local poultry farms had invested substantially to enhance their biosecurity measures to prevent AI. However, if there was any case of AI infection in imported poultry, the

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Administration would close the wholesale market, banning the sale of live poultry. This would adversely affect the livelihood of local poultry farmers. The Deputy Chairman asked the Administration to take into consideration the difficulties faced by the poultry farmers when deciding whether to step up the control measures. He also urged the Administration to adopt measures with a view to facilitating the long-term development of the trade.

23. SFH explained that the first human infection of AI in 1997 had aroused wide public concern and since then, the Government had introduced a series of control and prevention measures to minimize the risk of recurrence of the virus. SFH stressed the importance of these stringent measures and reiterated that the current control and measures were appropriate and necessary to prevent AI outbreaks.

24. Mr CHAN Chi-chuen referred to the views expressed by the New Territories Chicken Breeders Association Ltd., a deputation attending the meeting, which called on the Administration to promote local poultry farms with a view to meeting the local demand for live poultry so that it was not necessary to import live poultry from the Mainland. SFH expressed reservations about this suggestion. He advised that the Government had imposed a maximum rearing capacity on local poultry farms to contain the AI risk. Local supply of live poultry would unlikely be able to meet the local demand without a raise of the rearing capacity.

25. Mr CHAN Chi-chuen enquired whether the voluntary surrender scheme and the buyout scheme for poultry retailers, wholesalers, transporters and farmers were still in place. SFH replied in the negative.

26. Mr TANG Wai-lun of the New Territories Chicken Breeders Association Ltd. informed members that while the total licensed rearing capacity of local chicken farms was 1.3 million at present, the actual number of chicken reared was only about 900 000. Chicken farmers were facing keen competition from the Mainland, as 7 000 chickens were imported from the Mainland daily. He criticized the Administration for its lack of assistance to local chicken farmers to improve their operating environment. He reiterated his view that through some merging and integration of local poultry farms, the local poultry farms should be able to satisfy the local demand. Mr WONG Yuen-tai of the Federation of Hong Kong Agricultural Association echoed Mr TANG's view. Mr WONG further said that with the development of rural areas in the New Territories, it was also necessary to move the chicken farms further away from these developments in order to contain the possible spread of AI viruses.

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27. Mr WONG Yuk-man expressed the view that the Administration should look into the difficulties faced by the local chicken farmers and provide them with appropriate assistance. SFH advised that the Administration had no intention of phasing out the poultry trade. The aim of the prevention and control measures at the farm, wholesale, retail and import levels was to minimize the risk of AI outbreaks in Hong Kong.

28. The Chairman pointed out that while the Administration had no intention of phasing out the live poultry trade, the tough control measures would eventually cause hardship to the trade. He enquired whether the Administration would formulate a policy conducive to the development of the live poultry trade so as to alleviate the difficulties faced by the farmers and to increase supply to meet demand.

29. SFH advised that the Administration's policy was to maintain the operational landscape of the live poultry trade and to ensure the effective implementation of the preventive and control measures at wholesale and retail points with a view to minimizing the risk of AI outbreaks. While the Administration was aware of the difficulties faced by the local chicken farmers and would continue to provide assistance to help them address the difficulties, it was considered not appropriate to expand the scale of local chicken farms and increase the number of chickens reared in local farms.

Keeping backyard poultry and the case concerning the keeping and selling of racing pigeons

30. Mr CHAN Chi-chuen enquired about the enforcement of the ban on keeping backyard poultry and the progress of combating smuggling of live poultry or raw poultry meat. SFH advised that currently no case of illegal backyard poultry was found. The Administration would provide information after the meeting on the Administration's efforts in combating the smuggling of live poultry or raw poultry meat across the boundary.

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31. Citing the case of Mr LEUNG Kam-hung, a deputation attending the meeting, Ms Claudia MO enquired about the Administration's policy on the management of the Yuen Po Street Bird Garden in Mong Kok ("the Bird Garden"). She asked whether Mr LEUNG's pigeon store could be relocated to the Bird Garden if he undertook to vaccinate his racing pigeons. The Chairman raised similar concern. He urged the Administration to consider granting Mr LEUNG an exhibition licence which would allow him to continue with his business in the Bird Garden.

32. SFH and the Assistant Director (Inspection & Quarantine) of the Agriculture, Fisheries and Conservation Department ("AD(IQ)/AFCD")

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advised that only pet birds were allowed for sale at the Bird Garden. Pigeons were regarded as poultry under the law and they were not allowed for exhibition and sale at the Bird Garden. As racing pigeons might be more likely to have contact with other wild birds, they might pose a higher risk of AI and to other birds in the Bird Garden. The Chairman invited Mr LEUNG Kam-hung to follow up his case with the Agriculture, Fisheries and Conservation Department ("AFCD") after the meeting.

IV. Alignment of fees and charges of the Food and Environmental Hygiene Department

(LC Paper Nos. CB(2)944/12-13(05) and (06))

33. Under Secretary for Food and Health ("USFH") briefed members on the proposals to align the different levels of fees and charges for similar municipal facilities and services provided by FEHD in the urban areas and the New Territories, details of which were set out in the Administration's paper (LC Paper No. CB(2)944/12-13(05)).

34. Members also noted the background brief entitled "Alignment of fees and charges of the Food and Environmental Hygiene Department" (LC Paper No. CB(2)944/12-13(06)) prepared by the LegCo Secretariat.

Implementation of the alignment exercise

35. While welcoming the Administration's proposal to align the different levels of fees and charges for similar municipal facilities and services in the urban area and the New Territories based on the lesser of the two levels, Mr WONG Kwok-hing expressed concern about the publicity arrangements for the alignment exercise.

36. USFH advised that the Administration would introduce the proposed subsidiary legislation into LegCo in May 2013. At the same time, a press release would be issued to announce the gazettal of the subsidiary legislation. Details of the alignment exercise would also be disseminated through FEHD's website as well as relevant trade associations.

37. Pointing out that the proposed filibuster of some Members on the Appropriation Bill 2013 might cause a backlog of Council business, Mr WONG Kwok-hing enquired whether this would affect the implementation of the alignment exercise.

38. Principal Assistant Secretary for Food and Health (Food) 2 advised that barring unforeseen circumstances, the Government's target was to table

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the relevant subsidiary legislation in LegCo on 15 May 2013 for negative vetting. Subject to the approval of LegCo, the revised fees would come into operation on 4 July 2013.

(Post-meeting note: The subsidiary legislation was subsequently tabled in LegCo on 29 May 2013 for negative vetting which was completed on 26 June 2013. It came into operation on 19 July 2013.)

Review of fees and charges of municipal facilities and services provided by FEHD

39. Noting that a comprehensive review would be conducted after the alignment exercise, Dr Kenneth CHAN was concerned about the objectives for the review. He was worried that the Administration would increase the fees and charges following the comprehensive review in order to recover the reduction of Government revenue which amounted to about \$54 million annually.

40. Deputy Director of Food and Environmental Hygiene (Administration and Development) advised that there was a need to conduct the comprehensive review as the fees and charges inherited from the two former Municipal Councils had remained unchanged since 2000. While cost recovery would be one consideration in determining the fee levels and charging policy, the Administration assured members that affordability of the public and the views of the trade would also be taken into account. The Administration would also review the relevant procedures and streamline the operations with a view to reducing their costs.

V. Proposals to better regulate pet trading - report on the outcome of public consultation and legislative proposals

(LC Paper Nos. CB(2)944/12-13(07), CB(2)944/12-13(08), CB(2)973/12-13(01), CB(2)984/12-13(01), CB(2)991/12-13(02) and CB(2)991/12-13(03))

41. USFH briefed members on the outcome of the public consultation exercise conducted from October to November 2012 on proposed measures to better regulate pet trading in the interest of enhancing animal health and welfare. She also briefed members on the legislative proposals drawn up in the light of the views received, details of which were set out in the Administration's paper (LC Paper No. CB(2)944/12-13(07)).

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42. Members also noted the background brief entitled "Regulation of pet trading" (LC Paper No. CB(2)944/12-13(08)) prepared by the LegCo Secretariat.

43. Members noted the two referrals from the Public Complaints Office of the LegCo Secretariat on issues relating to regulation on pet breeding and animal breeder licensing, and regulation on pet breeding respectively (LC Paper Nos. CB(2)973/12-13(01) and CB(2)984/12-13(01)).

44. Members also noted the submission from STOP! Save Hong Kong's Cats and Dogs and the joint submission from 9x9 Guy Fond Dogs Animal Earth, Animal-Friendly Alliance, Hong Kong Scottish fold Sickness Concern Group and Non-Profit making Veterinary Services Society Ltd (LC Paper Nos. CB(2)991/12-13(02) and (03)).

45. Ms Claudia MO expressed strong dissatisfaction with the consultation exercise conducted by AFCD. She considered that the views of some animal rights groups had not been given due consideration. She also questioned about treating pets as properties of their owners. She urged the Administration to review the proposals for regulating animal breeders and give consideration to issuing a single animal breeder licence for all commercial and private animal breeders and traders.

46. Mr WONG Kwok-hing urged the Administration to extend the proposed licensing conditions to cover cats. He asked whether the Administration had any legislative timetable for the regulation of cats. USFH explained that since the microchip scheme for dogs had been in place, the proposed regulation would apply to dogs as a first step. The Administration would keep in view the effectiveness of the new regulation and assess the need to extend the regulation to cover cats and other pet animals at a later stage.

47. Mr WONG Kwok-hing suggested prohibiting breeding activities at residential buildings to avoid nuisance caused to neighbouring residents and to protect the welfare of animals from the poor environment. Mr Vincent FANG suggested the Administration to consider providing a one-stop service for licence application. AD(IQ)/AFCD advised that AFCD officers would inspect proposed venues for breeding animals to ensure that they were suitable for breeding operations before granting the licences. Breeder licences would only be granted to applicants who were able to meet the licensing requirements as well as other relevant regulatory requirements. The relevant government departments would also take corresponding enforcement actions as appropriate.

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48. Mr WONG Kwok-hing also suggested restricting breeders to breed dogs across different species to avoid creating health problems to the new puppies. AD(IQ)/AFCD explained that there was no scientific evidence indicating that any hybrid of dogs species should be restricted. Dog owners should consult their veterinarians if their dogs had any genetic diseases.

Admin

49. Dr Helena WONG expressed support for stepping up any regulation of pet trading. She expressed concerns about the proposed Code of Practice ("CoP"). She enquired whether the maximum number of Animal Breeder Licence Category A and Animal Breeder Licence Category B would be specified in the legislative proposals. She also enquired whether the Administration would require hobby breeders to complete relevant training programmes before approving their applications for licences. In view of the time constraint, the Administration was requested to provide a written response to Dr WONG's enquiry after the meeting.

50. Noting the meticulous requirements set out in the proposed CoP, Dr Kenneth CHAN expressed queries on how the law enforcement actions could be taken. The Chairman echoed Dr CHAN's view and opined that the latest draft CoP should be submitted to LegCo in conjunction with the proposed amendments to the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("Amendment Regulations"). Pointing out that a large number of animal breeder licences might be issued, Mr CHAN Chi-chuen expressed worries about the adequacy of manpower for enforcing the licensing conditions and other regulatory requirements. He also commented that the draft CoP was ambiguous.

51. USFH advised that the Administration had conducted an extensive consultation with and would continue to engage relevant stakeholders on the draft CoP. When the proposed Amendment Regulations came into operation, the details of CoP would be publicized. The Administration would step up publicity so as to enhance public awareness of the Amendment Regulations and CoP.

52. Mr Tommy CHEUNG expressed support for the legislative proposals. Nevertheless, noting the heavy workload of AFCD officers, he was worried that the Administration would require the breeder to pay a high licensing fee based on the "user-pay" principle. He urged the Administration to thoroughly consider the manpower need for enforcement and the relevant financial resources involved before tabling the subsidiary legislation in LegCo.

53. Deputy Secretary for Food and Health (Food)1 ("DSFH(F)1") and AD(IQ)/AFCD advised that the Administration would deploy additional

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manpower to ensure effective enforcement after the Amendment Regulations came into operation. The Administration would take into account the number of inspections and the manpower involved in enforcement when considering the levels of licence fees.

54. Mr CHAN Chi-chuen expressed concern about whether the rights of private pet owners would be affected when the Amendment Regulations came into operation, as private pet owners were required to obtain the proposed One-off Permit before they could sell their pets. Mr CHAN further enquired whether the doing away of the One-off Permit would constitute a breach of Article 105 of the Basic Law which was in relation to individual rights to property ownership, acquisition, use and disposal. Dr Kenneth CHAN expressed similar concern. He requested the Administration to provide its legal grounds for refusing to do away with the proposed One-off Permit.

55. USFH and DSFH(F)1 advised that the legal advice sought by the Administration revealed that a complete ban on trading of pets by private pet owners would amount to a control of the use of property. Such infringement of individual rights was considered disproportionate when compared with the objective to regulate commercial pet breeders. The proposed One-off Permit was considered appropriate to better regulate commercial pet trading.

56. The Chairman expressed doubt on whether pet animals could be considered as private property. He asked the Administration to further review the subject.

Motion moved by member

57. Hon Claudia MO proposed to move the following motion -

"本委員會促請漁護署於建議發牌規定中，只發出單一動物繁殖者牌照，而該牌照適用於所有商業及私人動物飼養及買賣者，此舉以助進一步保障香港動物福利。"

(Translation)

"That this Panel urges the Agriculture, Fisheries and Conservation Department, to merely issue under its proposed licensing requirements a single animal breeder licence which applies to all commercial and private animal breeders and traders, so as to further protect the welfare of animals in Hong Kong."

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58. The Chairman ruled that the motion was directly related to the agenda item.

59. The Chairman put Ms Claudia MO's motion to vote. Ms Claudia MO requested a division.

The following three members voted in favour of the motion:
Ms Claudia MO, Dr Kenneth CHAN and Dr Helena WONG.

The following member voted against the motion:
Mr Tommy CHEUNG.

The following two members abstained in the vote:
Mr CHAN Chi-chuen and Mr Steven HO

60. The Chairman declared that three members voted in favour of the motion and one member voted against it and two members abstained from voting. The Chairman declared that the motion was carried.

VI. Improvement of operating environment of public markets and related issues

(LC Paper Nos. CB(2)944/12-13(09) and (10))

61. USFH updated members on the Administration's plan to engage a consultant to identify measures and develop proposals for improving the operating environment of public markets to enable them to fulfil their updated functions befitting their positioning, details of which were set out in the Administration's paper (LC Paper No. CB(2)944/12-13(09)).

62. Members also noted the background brief entitled "Improvement of operating environment of public markets and related issues" (LC Paper No. CB(2)944/12-13(10)) prepared by the LegCo Secretariat.

63. The Chairman extended the meeting for 15 minutes beyond its appointed time to allow more time for discussion.

Proposal for rental adjustment mechanism and air-conditioning charges

64. USFH advised that SFH and she had recently made a number of visits to public markets and observed that there were divergent views among stall operators on the installation of air-conditioning facilities in public markets. As the current rental freeze would expire by the end of 2013, the Administration wished to handle the issues of rental adjustment

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mechanism and air-conditioning charges separately. She added that subject to the Panel's views, the Administration would consult the Panel on the proposed rental adjustment mechanism for public market stalls before the end of session 2012-2013.

65. The Chairman and Mr WONG Kwok-hing stressed that the proposal for rental adjustment mechanism for public market stalls should be considered in conjunction with the installation of air-conditioning facilities and the setting of air-conditioning charges.

66. Mr Michael TIEN considered it unreasonable to charge a uniform air-conditioning rate to stall tenants operating at different locations in a public market. He asked the Administration to seriously study the reasons of stall tenants who did not support the installation of air-conditioning facilities before developing its air-conditioning charging policy.

67. The Deputy Chairman urged the Administration to put in more efforts in installing air-conditioning facilities in public markets and developing proposals for air-conditioning charges. He was also of the view that the Administration should bear the air-conditioning charges for common areas.

Consultancy study on public markets

68. In response to the enquiry of the Deputy Chairman about the scope of the consultancy study on the review of public markets, USFH and DSFH(F)1 advised that the study would seek to identify measures to improve the operating environment of public markets. The Administration would require the consultant to provide professional advice on improvement proposals for a number of selected public markets, as well as some general improvement proposals which could be applied to all public markets.

69. Dr Helena WONG considered that the consultancy study should cover the demand and supply of public markets, an analysis on the merits and demerits of the various public markets, as well as the need for constructing new public markets.

70. The Chairman requested the Administration to provide a detailed scope or the proposed outline of the consultancy study to the Panel so as to ensure that the consultancy study would be driven in the right direction and able to address members' concerns. Noting that the Administration was unlikely to revert to the Panel on the consultancy report in July 2013, the Chairman considered that the Administration might need to further

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extend the rental freeze for public market rental stalls. He requested the Administration to discuss with him and the Deputy Chairman the proposed scope and outline of the consultancy study.

(Post-meeting note: The Chairman and the Deputy Chairman had met SFH, USFH and representatives of FEHD on 30 April 2013 to discuss the proposed consultancy study.)

Public market visits

71. Mr WONG Kwok-hing welcomed that SFH and USFH would join the Panel in making visits to public markets to better understand the difficulties faced by stall operators.

72. The Chairman informed members that nine and eight members had advised the Clerk that they would participate in the visits to public markets scheduled for 30 April and 28 May 2013 respectively. Given the crowded environment of public markets, members agreed that both visits would not be open to non-Panel Members.

(Post-meeting note: To avoid clashing with the anticipated continuation of the Council meeting on 30 April 2013, the first visit to public markets was re-scheduled to 28 May 2013, and the second visit to 25 June 2013.)

VII. Any other business

73. There being no other business, the meeting ended at 7:45 pm.

Panel on Food Safety and Environmental Hygiene

Meeting on Tuesday, 16 April 2013

on Avian influenza prevention measures, including the ban on keeping backyard poultry

Summary of views and concerns expressed by deputations/individuals

Organization / Individual	Major views and concerns
Sustainable development of local chicken farms	
<ul style="list-style-type: none">Federation of Hong Kong Agricultural AssociationsThe New Territories Chicken Breeders Association Ltd	1. The deputations consider that under existing regulations, it is difficult for farm operators to relocate their chicken farms. They call on the Administration to provide assistance in identifying suitable sites for resiting chicken farms, so that farm operators could enhance the biosecurity measures against avian influenza ("AI"). Complaints on environmental nuisance by neighbouring residents might also be reduced.
<ul style="list-style-type: none">The New Territories Chicken Breeders Association Ltd	1. In the deputation's view, it is difficult to ensure that chickens reared in the Mainland for export to Hong Kong are not infected with AI. Given the sufficient rearing capacity of local chicken farms, the deputation calls on the Administration to promote the sustainable development of local chicken farms and the poultry trade.
Measures against avian influenza	
<ul style="list-style-type: none">Society for the Prevention of Cruelty to Animals (HK)	1. While recognizing the Administration's efforts in carrying out its preventive and surveillance measures to reduce the risk of AI outbreaks in Hong Kong, the deputation is of the view that the Administration should consider the banning of the sale of live poultry in wet markets and the

Organization / Individual	Major views and concerns
	<p>import of live poultry for the food trade. The control and management of the pet bird trade also need further improvement.</p> <p>2. On animal welfare, the deputation considers that poultry should not be transported over long periods from outside of Hong Kong or be kept in wet markets for an additional period prior to slaughter. If poultry culling operations are necessary to prevent AI outbreaks, the deputation considers that the Administration should follow international best practice that the personnel involved should be properly equipped and trained in order to minimize the negative impact on the welfare of poultry.</p>
<ul style="list-style-type: none"> • 救救寵物禽鳥大聯盟 	<p>1. In view of the threat of AI posed by wild birds, particularly pigeons and swallows, the deputation expresses grave concern over the adverse impact of bird droppings on public health. It urges the Administration to step up its efforts in monitoring activities of wild birds and cleaning up bird droppings in public areas and residential areas, as well as collecting bird droppings for AI testing.</p>
<p>Ban on keeping backyard poultry</p>	
<ul style="list-style-type: none"> • Mr LEUNG Kam-hung 	<p>1. The deputation engages in the racing pigeon business. Pointing out that racing pigeons are kept in cages and no flying activities will be carried out, the deputation considers that the business should not bring potential AI risks. The deputation urges the Administration to allow the racing pigeon business in the Yuen Po Street Bird Garden.</p>
<ul style="list-style-type: none"> • Mr LEUNG Wai-hay 	<p>1. The deputation suggests the Administration to consider allowing the keeping of poultry at backyards of domestic households.</p>

<u>Name of Organization / individual</u>	<u>Submission (LC Paper No.)</u>
Federation of Hong Kong Agricultural Associations	LC Paper No. CB(2)991/12-13(01)
The New Territories Chicken Breeders Association Ltd	LC Paper No. CB(2)964/12-13(01)
Society for the Prevention of Cruelty to Animals (HK)	LC Paper No. CB(2)944/12-13(12)
救救寵物禽鳥大聯盟	LC Paper No. CB(2)998/12-13(01)
Mr LEUNG Wai-hay	LC Paper No. CB(2)944/12-13(11)

Council Business Division 2
Legislative Council Secretariat
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