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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 16 April 2013**

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

Purpose

This paper summarizes the concerns raised by relevant committees of the Legislative Council ("LegCo") in respect of the preventive and surveillance measures against avian influenza ("AI") for both local and imported poultry, including the ban on keeping backyard poultry since 2006.

Background

Preventive and surveillance measures against AI

2. AI is caused by influenza viruses that mainly affect birds and poultry. However, some can infect humans and cause disease. The most well known example is the AI subtype H5N1 viruses which have caused human disease and deaths. The first case of human infection of the H5N1 viruses in Hong Kong was in August 1997. Since then, four imported human cases were recorded, with two in 2003, and one each in 2010 and 2012. No AI outbreaks have occurred on local chicken farms since December 2008¹. To enable early

¹ After the first AI outbreak occurred on local chicken farms in 1998, three further AI outbreaks had occurred in 2001, 2002 and 2008 respectively.

detection of AI viruses and prevention of AI outbreaks, the Administration has implemented a surveillance programme for both local poultry and imported poultry since 1998. To further enhance surveillance, the Agricultural, Fisheries and Conservation Department ("AFCD") has provided a sick and dead wild bird collection service since October 2005. Members of the public could report to AFCD the presence of sick and dead birds for collection and laboratory examination. Other main preventive and surveillance measures adopted by the Administration to reduce the risk of AI outbreaks in Hong Kong are as follows -

- (a) implementing a surveillance programme to monitor the live poultry supply chain, pet bird shops, recreational parks and the wild bird environment including wild bird parks;
- (b) requiring all local chicken farms to vaccinate their chickens and adopt stringent biosecurity measures;
- (c) implementing import control by requiring all imported Mainland poultry sourced from registered farms with health certificates; requiring all chickens imported from the Mainland to be vaccinated; and conducting regular inspections by the Food and Environmental Hygiene Department to registered poultry farms on the Mainland to ensure compliance with AI control requirements;
- (d) imposing stringent hygiene requirements in the wholesale market and retail outlets, including thorough cleansing and disinfection of transport cages and vehicles; cleansing of the faecal trays of cages housing chickens at retail outlets after the end of daily business; no overcrowding of live chickens in the cages; and market "rest days" twice every month to reduce the virus load in the market;
- (e) banning overnight stocking of live poultry at all retail outlets and prohibiting the sale of live waterfowl, which can be natural carriers of AI viruses, in retail outlets;
- (f) banning the rearing of backyard poultry;
- (g) preventing illegal importation and smuggling of live poultry and raw poultry meat into Hong Kong through joint-departmental efforts; and

- (h) monitoring of the AI situation in humans by the Department of Health, as well as raising the community's awareness on the prevention of AI by organizing education forums for different target groups.

3. To reduce the likelihood of human contact with live poultry so as to minimize the risk of human infection of AI, the Administration introduced a voluntary surrender scheme for live poultry operators in 2004 and a buyout scheme for the farmers, wholesalers, retailers and transporters of the live poultry trade in 2008. Following the two schemes, the number of retail outlets fell from over 800 to 132 in 2012, while that of poultry farms dropped from 192 to 30. The total licensed rearing capacity of poultry farms in Hong Kong also fell from 3.9 million to about 1.3 million during the same period. The supply of live chickens in Hong Kong, including some 7 000 live chickens imported from the Mainland, also declined from a daily average of 92 000 chickens in 2003 to some 16 500 in 2012.

Deliberations of the relevant committees

4. Issues relating to the preventive and surveillance measures against AI implemented for both local and imported poultry were discussed at a number of meetings held by the Panel on Food Safety and Environmental Hygiene ("the Panel"), the Subcommittee on Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006, the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006 as well as the Subcommittee on Food Business (Amendment) Regulation 2008. The major deliberations and concerns of Members are summarized below.

Measures to minimize the risk of AI outbreaks on local chicken farms

5. Members noted with concern the biosecurity vulnerabilities and breaches on local chicken farms as revealed by an epidemiology report on an AI outbreak on a chicken farm in Yuen Long ("the index farm") in 2008. Members pointed out that instead of laying the blame on wild birds, trees, winds, farm workers and rodents for the outbreak, the Administration should step up surveillance and

enhance monitoring of local chicken farms. Consideration should also be given to providing financial assistance to chicken farm owners to help them implement the enhanced biosecurity measures.

6. According to the Administration, AFCD had visited all the local chicken farms to help them develop a tailor-made biosecurity plan covering bird protection, rodent control and farm management practices. To facilitate early detection of AI, AFCD had also increased the frequency of inspections on chicken farms with stepped up veterinarian audit. As regards assistance to local chicken farm owners on the implementation of enhanced biosecurity measures, the Administration advised that AFCD had helped the poultry farmers improve their farms' biosecurity measures through the provision of low interest unsecured loans, up to \$130,000, under the Kadoorie Agricultural Aid Loan Fund and the J.E. Joseph Trust Fund.

7. Some Members questioned the effectiveness of using sentinel chickens (i.e. unvaccinated chickens) as a means to detect whether a chicken farm was infected with the AI viruses, having regard to the fact that both vaccinated chickens and sentinel chickens on the index farm died from being infected with the H5N1 viruses. Moreover, as sentinel chickens could be infected with the AI viruses more easily than vaccinated chickens, these Members considered it unfair to the poultry farmers if all live poultry on the farm had to be culled and destroyed even when only one sentinel chicken was found infected with the AI viruses. These Members also pointed out that the Mainland had dispensed with the practice of using sentinel chickens to detect the AI viruses.

8. According to the Administration, if there were no sentinel chickens placed among poultry on a farm, the chicken farmer might not be alerted in the first instance when the chickens were infected with the AI viruses, as vaccinated chickens could still be infected and alive and be able to shed viruses. Moreover, the symptoms that the infected chickens displayed were generally not obvious during the onset of the disease.

9. Concern was also raised over the efficacy of the vaccine used by the local chicken farms against the AI viruses. According to the Administration, the Investigation Group on Vaccine Study had been set up to conduct research and tests on the efficacy of the vaccine used in Hong Kong and to explore alternative vaccines. The Administration would keep in view the development of new vaccines and consider introducing new vaccine into Hong Kong when its

efficacy, safety and quality were proven. The new Re-6 H5N1 AI vaccine that conferred better protection against the predominant strain of the AI viruses circulating in wild birds in the region had thus been introduced since November 2012. All local poultry would be vaccinated with the new vaccine by mid 2013.

Preventive and control measures at the retail level

10. Some Members queried the effectiveness of banning the keeping of live chickens overnight at retail outlets in reducing the risk of AI outbreaks. In their view, a more practical approach to prevent AI outbreaks was to enhance biosecurity measures at all levels of the supply chain. There was also concern that the introduction of the compulsory banning of overnight stocking of live poultry at retail outlets was detrimental to the whole live poultry trade in Hong Kong. Some Members expressed concern that a majority of live poultry retailers would withdraw from the market and in turn, force local farmers and wholesalers to cease their operation. While some other Members were supportive of the arrangement of "no overnight keeping of live poultry" at the retail level, they cautioned that a balance should be struck between safeguarding public health and the interests of the trade. They urged the Administration to work out complementary measures to assist live poultry wholesalers, retailers and transport operators in running their business under the new mode of operation.

11. According to the Administration, the detection of the AI viruses in June 2008 in environmental swabs collected at four retail markets indicated that the preventive and control measures put in place were inadequate in containing the public health risks posed by AI, especially at the retail level. While the Administration was well aware of the difficulties of the trade, it stressed the need to enhance the measures to arrest any possible spread of the AI viruses in Hong Kong. It was also necessary to implement "no overnight keeping of live poultry" in order to further reduce the health risk posed by AI and help combat the smuggling of live chickens. The Administration considered that the trade had adapted quite well and declined to conduct a review on the arrangement of "no overnight keeping of live poultry" as suggested by Members.

Control on the import of live poultry or poultry products

12. Members noted that the Administration had developed a zonal approach policy to control the import of live poultry and poultry products under different scenarios of AI outbreaks in Guangdong Province. Under the policy, the import of live poultry and poultry products from the "import control zone" (i.e. the area of 13 km radius from the possible place of infection) would be prohibited for 21 days if there was a confirmed outbreak of AI in Guangdong Province. While Members were in general supportive of the zonal approach policy, they also expressed concern that the time lapse between the patient's disease onset and notification on confirmed human cases of AI infection from the Mainland authorities might undermine the effectiveness of the policy.

Banning of backyard poultry keeping

13. Members were generally in support of the banning of backyard poultry keeping as a preventive measure against AI outbreaks in the local poultry population. However, in view of the grave concern expressed by backyard poultry keepers, some Members sought the view of the Administration on the feasibility of permitting backyard poultry keepers to keep a few live domestic chickens on condition that the chickens were vaccinated against AI.

14. In the Administration's view, there was a need to ban backyard poultry keeping in view of the imminent threat to public health posed by the increased risk of live poultry being infected with H5N1 through direct contacts with wild birds, as well as the recent human infection cases caused by backyard poultry in other places. Unlike licensed farms, backyard poultry were not protected by biosecurity measures and systematic vaccination to prevent the outbreak of AI. To reduce the risk of AI outbreaks and protect public health, the Administration stressed the need for banning backyard poultry keeping.

15. Noting that the ban on backyard poultry keeping would affect some 1 800 local households, Members expressed concern on the availability of compensation to backyard poultry keepers who surrendered their poultry. The Administration advised that it had decided not to provide compensation to the affected backyard poultry keepers. The main considerations were to forestall delay in the surrender of poultry due to negotiations over the compensation payments and reduce the possibility of poultry smuggling activities in search of compensation. Since backyard poultry was mainly for owners' consumption

and not an economic activity, the Administration would appeal to the backyard poultry keepers to cease keeping poultry.

16. Noting that the ban on backyard poultry keeping would also affect keeping pigeons (including racing pigeons) and there had not been any reports of pigeons infected with H5N1, some Members urged the Administration to consider providing special arrangements or exemptions for keeping racing pigeons. They also shared the views of some deputations that pigeon racing activities should be treated as a sport in Hong Kong as in other overseas countries. These Members considered it inappropriate to regulate racing pigeons under the Public Health (Animals and Birds) Ordinance (Cap.139). They urged the Administration to consider developing a new regulatory regime for pigeon racing activities.

17. Pointing out the occurrence of a number of AI outbreaks in the past and the presence of AI viruses in a pigeon in 2002, the Administration considered it necessary to properly regulate pigeon racing activities in order to protect public health and safeguard environmental hygiene. It also considered appropriate to require keepers of racing pigeons to obtain an "animal/birds exhibition licence" under the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139 sub. leg. F) in order to bring the keeping and exhibition of pigeons under proper biosecurity conditions.

Review of AI preventive measures

18. Members sought information as to whether the Administration had any tools to measure the effectiveness of the various initiatives which aimed at reducing the risk of AI outbreaks. The Administration advised that there was yet scientific literature on the measurement of AI risk. Nevertheless, various risk indicators, developed from the past experience in handling AI outbreaks, had been adopted by the Administration in formulating strategies and measures to tackle the problem.

19. Considering that AI had been well-controlled in Hong Kong, some Members held the view that the Administration should regularly review the AI risk in Hong Kong and consider relaxing the control on the sale of live poultry and the rearing capacity of local chicken farms.

20. In the Administration's view, the low AI risk in Hong Kong was the result of a basket of complementary measures implemented, which included the prohibition of the sale of live waterfowl in retail outlets, the control on the rearing capacity of local poultry farms, the enforcement of biosecurity measures at local farms and the wholesale level, and the prohibition of overnight stocking of live poultry at all retail outlets. The Administration stressed the need for maintaining the existing control measures in order to contain the risk of poultry infection with the AI viruses.

21. Some Members expressed concern about the supply of live chickens in Hong Kong. They considered that the number of daily live chickens supply should be increased so as to meet the market demand and bring down the price of live chickens. The Administration advised that to effectively contain the risk of AI, the number and rearing capacity of chicken farms and the supply of live chickens should be kept unchanged. Members were also advised that the market demand for imported chilled chickens had gradually increased in recent years and had largely substituted that for live chickens.

22. There was a view that the Administration should increase the supply of day-old chicks from the Mainland, so as to promote the sustainable development of the local poultry trade. According to the Administration, the supply of Mainland day-old chicks was dictated by a few factors including local demand, the number of Mainland day-old chicks available for export to Hong Kong, the AI risk in the region, and the production capacity of local hatcheries.

Smuggling of live or slaughtered raw chickens into Hong Kong

23. Members expressed concern about the smuggling of live or slaughtered raw chickens into Hong Kong. They called on the Administration to step up enforcement actions against poultry smuggling activities at the border and strengthen communication with the Mainland authorities to combat illegal poultry importation activities across the border.

24. According to the Administration, carrying live or slaughtered poultry into Hong Kong across the boundary was prohibited. To combat against poultry smuggling activities, apart from conducting more inspections on travellers who were suspected of bringing in live poultry when crossing the border, detector dogs were deployed to ensure effective surveillance at the immigration checkpoints. Under the Food Safety Ordinance (Cap. 612), retailers were

required to provide the procurement records of food, which would facilitate the tracking of the sources of smuggled poultry. The Administration also assured Members that it had maintained close and direct communication with the Mainland authorities regarding enforcement against poultry smuggling activities and the contingency measures in case of AI outbreaks.

Recent developments

25. The Centre for Health Protection ("CHP") of the Department of Health and the World Health Organization ("WHO") received notification from the National Health and Family Planning Commission on 31 March 2013 concerning three cases of human infection with influenza A (H7N9) in the Mainland. The three reported cases with two deaths were the first time the AI subtype H7N9 viruses detected in humans. There were also subsequent reports of new confirmed cases of H7N9 human infection in the Mainland. According to the Administration, influenza A (H7) is a statutorily notifiable infectious disease in Hong Kong. CHP is maintaining close liaison with the Mainland health authorities to obtain more information on the cases and would closely monitor the advice from WHO. The Centre for Food Safety would also closely liaise with the Mainland authorities over any abnormal situations concerning farms supplying chickens and pigs to Hong Kong. The Administration would enhance surveillance for suspected influenza A cases and continue to maintain stringent port health measures against influenza. In view of the latest development on the issue, the Administration would formulate appropriate actions and measures as and when necessary.

Relevant papers

26. A list of the relevant papers on the LegCo website is in the **Appendix**.

**Relevant papers on the avian influenza prevention measures,
including the ban on keeping backyard poultry**

| Committee | Date of meeting | Paper |
|--|-------------------------|--|
| Panel on Food Safety and Environmental Hygiene | 7.2.2006 (Item I) | Agenda Minutes CB(2)1083/05-06(01) |
| Panel on Food Safety and Environmental Hygiene | 14.3.2006 (Item III) | Agenda Minutes |
| Subcommittee on Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 | | Report of the Subcommittee on Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 to House Committee on 24 March 2006 |
| Panel on Food Safety and Environmental Hygiene | 11.4.2006 (Item IV) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 9.5.2006 (Item V) | Agenda Minutes CB(2)2008/05-06(01) |
| Panel on Food Safety and Environmental Hygiene | 11.7.2006 (Item V) | Agenda Minutes |
| Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006 | -- | Report of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006 to House Committee on 20 October 2006 |

| Committee | Date of meeting | Paper |
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| Panel on Food Safety and Environmental Hygiene and Panel on Health Services | 12.12.2006 (Item II) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 13.3.2007 (Item V) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 8.4.2008 (Item IV) | Agenda Minutes CB(2)1466/07-08(01) |
| Panel on Food Safety and Environmental Hygiene | 16.6.2008 (Item I) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 27.6.2008 (Item I) | Agenda Minutes |
| Subcommittee on Food Business (Amendment) Regulation 2008 | -- | Report of the Subcommittee on Food Business (Amendment) Regulation 2008 to House Committee on 28 October 2008 |
| Panel on Food Safety and Environmental Hygiene | 22.10.2008 (Item I) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 18.12.2008 (Item II) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 10.2.2009 (Item V) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 10.3.2009 (Item V) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 9.11.2010 (Item IV) | Agenda Minutes |
| Panel on Food Safety and Environmental Hygiene | 12.6.2012 (Item IV) | Agenda Minutes |

| Committee | Date of meeting | Paper |
|--|-------------------------|------------------------|
| Panel on Food Safety and Environmental Hygiene | 12.3.2013 (Item VII) | Agenda |

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