

立法會
Legislative Council

LC Paper No. CB(1)313/20-21
(These minutes have been seen
by the Administration)

Ref : CB1/SS/3/20/1

**Subcommittee on Three Pieces of Subsidiary Legislation Relating to
Fees Payable for Marine Fish Culture Licences and
Renewal of Livestock Keeping Licences**

**Minutes of the second meeting
held on Tuesday, 3 November 2020, at 3:00 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Steven HO Chun-yin, BBS (Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Dr Hon KWOK Ka-ki
Dr Hon Helena WONG Pik-wan

Member attending : Hon WU Chi-wai

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council ("LegCo") of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being members of LegCo on 30 July 2020.]

**Public Officers
attending** : Agenda item II

Mr Louie NG Fai-ming
Principal Assistant Secretary for Financial Services
and the Treasury (Treasury)(MA)

Mr Amor WONG Yiu-tuen
Principal Assistant Secretary for Food and Health
(Food)3

Mr Peter MA Wai-chung
Assistant Director (Agriculture)
Agriculture, Fisheries and Conservation
Department

Mr Mickey LAI Kin-ming
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation
Department

Miss Celia HO Wai-kwan
Government Counsel
Department of Justice

Clerk in attendance : Mr Daniel SIN
Chief Council Secretary (1)6

Staff in attendance : Mr Cliff IP
Assistant Legal Adviser 8

Ms Mandy LI
Senior Council Secretary (1)6

Mr Patrick CHOI
Council Secretary (1)6

Miss Yolanda CHEUK
Legislative Assistant (1)6

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(1)78/20-21 -- Minutes of meeting held on
23 October 2020)

The minutes of the meeting held on 23 October 2020 were confirmed.

II. Meeting with the Administration

Relevant papers

- | | | |
|---|----|---|
| (L.N. 174 of 2020 | -- | Marine Fish Culture (Amendment) Regulation 2020 |
| L.N. 175 of 2020 | -- | Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (No. 2) Regulation 2020 |
| L.N. 176 of 2020 | -- | Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 |
| File Ref.:
TsyB MA 00/625-1/2/0 (C) Pt. 40 | -- | Legislative Council Brief |
| LC Paper No. LS125/19-20 | -- | Legal Service Division Report |
| LC Paper No. CB(1)81/19-20(01) | -- | Marked-up copy of the Marine Fish Culture (Amendment) Regulation 2020 prepared by the Legal Service Division ("LSD") (Restricted to members only) |
| LC Paper No. CB(1)81/19-20(02) | -- | Marked-up copy of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (No. 2) Regulation 2020 prepared by LSD (Restricted to members only) |

LC Paper No. CB(1)81/19-20(03) -- Marked-up copy of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 prepared by LSD (Restricted to members only))

2. The Chairman informed members that no written submission from the public expressing views on the three pieces of subsidiary legislation had been received by the submission deadline of 30 October 2020.

3. The Subcommittee deliberated (index of proceedings in the **Appendix**).

Follow-up actions to be taken by the Administration

4. The Administration was requested to provide statistics or other relevant information to illustrate the impact of the outbreak of coronavirus disease 2019 on the livestock keeping and marine fish culture sectors.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(1)213/20-21(02) on 16 November 2020.)

Legislative timetable

5. The Chairman said that the Subcommittee had completed the scrutiny of the three pieces of subsidiary legislation. Members noted that as agreed at the previous meeting, the Chairman would move a motion at the Council meeting of 4 November 2020 to extend the scrutiny period of the three pieces of subsidiary legislation to the Council meeting of 2 December 2020.

III. Any other business

6. There being no other business, the meeting ended at 4:04 pm.

**Subcommittee on Three Pieces of Subsidiary Legislation Relating to
Fees Payable for Marine Fish Culture Licences and
Renewal of Livestock Keeping Licences**

**Proceedings of the second meeting
held on Tuesday, 3 November 2020, at 3:00 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I — Confirmation of minutes of meeting			
000409 – 000428	Chairman	Minutes of the meeting held on 23 October 2020	
Agenda item II — Meeting with the Administration			
000429 – 000801	Chairman Administration	Briefing by the Administration	
000802 – 001510	Chairman Dr Helena WONG Pik-wan Administration	<p>Dr Helena WONG queried whether agriculture and fisheries sectors were among those most heavily hit by the pandemic. Dr WONG queried whether there were other sectors which might be in even more pressing need for financial support than the marine fish culture and livestock keeping sectors.</p> <p>The Administration replied that the marine fish culture sector suffered a slash in income as demand for high-priced seafood from the catering sector declined. Even food markets were less patronized in times of the pandemic, and this had affected both the marine fish culture and livestock keeping sectors.</p> <p>Dr WONG observed that licence fees represented only a small proportion of the operating costs of the marine fish culture and livestock keeping sectors. She queried whether the waivers and concessions could effectively ease the financial burdens on the operators of these sectors.</p> <p>The Administration commented that licence fees were a few percent of the overall costs of the businesses. Although the actual amount of money saved from licence fees might not be significant, the Administration held the view that the measures should help ease operators' financial burden in times of difficulties.</p>	

Time marker	Speaker	Subject(s)	Action required
001511 – 002244	Chairman Mr WU Chi-wai Administration	<p>Mr WU Chi-wai asked whether the Administration had assessed the impact of the outbreak of the coronavirus disease 2019 ("COVID-19") on the livestock keeping sector. Mr WU also asked what other relief measures, besides the licence fee concessions, were available to the livestock keeping sector.</p> <p>The Administration said that the livestock keeping sector was relatively less seriously affected by the COVID-19 outbreak. In fact, the sector had indicated that other financial support from the Administration was not needed.</p>	
002245 – 002805	Chairman Dr KWOK Ka-ki Administration	<p>Dr KWOK Ka-ki requested the Administration to provide statistics or other relevant information which could illustrate the impact of the outbreak of COVID-19 on the livestock keeping and marine fish culture sectors. The Administration undertook to provide the requested information after the meeting.</p> <p>Dr KWOK Ka-ki asked whether operators who had paid the licence fees before the respective measures came into effect on 1 October 2020 would receive ex-gratia payment, and whether the fee waiving and concession measures would be extended if COVID-19 was not contained by 30 September 2021 when the measures would expire.</p> <p>The Administration clarified that similar fee waivers and concessions had been put in place between 1 October 2019 and 30 September 2020, and a subsidy of \$10,000 under the Anti-epidemic Fund had been handed out to each eligible local marine fish culture operator. The Administration indicated that it was premature to consider whether the measures should be further extended, but the Administration would keep the situation under review.</p>	The Administration to follow up as per paragraph 4 of the minutes.
002806 – 003600	Chairman Administration	<p>The Chairman enquired about the concession rates on the respective fees payable for marine fish culture licences and renewal of livestock keeping licences.</p> <p>The Administration advised that the concession granted to both sectors was equivalent to a year's renewal fees of their respective licences. As</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>regards the concession rates, it was 100% (i.e. completely waived) for the annually renewable marine fish culture licences, and one-third reduction for the three-year livestock keeping licences.</p> <p>The Chairman asked whether the Administration's relief measures were provided on a household basis or on a licence-holder basis. The Administration advised that whereas rehabilitation grants for loss of crops, livestock or fish under the Emergency Relief Fund were issued on a household basis, subsidies under the Anti-epidemic Fund were available to each holder of the marine fish culture licence.</p> <p>The Chairman requested the Administration to pay attention to other difficulties faced by the livestock keeping sector which could be more damaging than COVID-19.</p>	
<p>Examination of the provisions of the Marine Fish Culture (Amendment) Regulation 2020 (L.N. 174 of 2020)</p>			
<p>003601 – 005039</p>	<p>Chairman Administration Assistant Legal Adviser 8 ("ALA8") Dr Helena WONG Pik-wan</p>	<p><u>Section 1 – Commencement</u> <u>Section 2 – Marine Fish Culture Regulations amended</u> <u>Section 3 – Regulation 10B added</u></p> <p>The Chairman sought clarification on whether the waivers covered the following situation: a marine fish culture operator passed on his/her business to a family member as a legacy between, say, 1 October 2020 and 30 September 2021, and the marine fish culture licence was being renewed in the meantime. The Chairman asked whether the licence fee would still be waived even if the licence renewal was approved after the period.</p> <p>The Administration advised that licence renewal under such circumstances could be handled rather quickly, and if the application was made within the prescribed period, the waivers might still apply.</p> <p>Dr Helena WONG asked if the Administration would, after the completion of scrutiny of the three pieces of subsidiary legislation, refund the licence fees collected since 1 October 2020. The Administration clarified that the relief measure had already been in effect since 1 October 2020 and no relevant licence fees had been received.</p>	

Time marker	Speaker	Subject(s)	Action required
Examination of the provisions of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (No. 2) Regulation 2020 (L.N. 175 of 2020)			
005040 – 010153	Chairman Administration Dr Helena WONG Pik-wan	<p><u>Section 1 – Commencement</u> <u>Section 2 – Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation amended</u> <u>Section 3 – Schedule 2 amended (specified fees)</u></p> <p>The Chairman noted that the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 104 of 2019) amended the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L) to prescribe a lower licence renewal fee within the concession period from 1 October 2019 to 30 September 2020, and L.N. 175 of 2020 amended Cap. 139L to extend the concession period for another year (i.e. the extended concession period would be from 1 October 2019 to 30 September 2021). This was achieved by replacing "2019 to 30 September 2020" in item 1A under Schedule 2 to Cap. 139L with "2020 to 30 September 2021".</p> <p>The Chairman queried whether the relevant wording in item 1A should simply be amended to read "1 October 2019 to 30 September 2021". He expressed concern that, with the current amendment, there might not be reference that the fee for a livestock keeping licence over the period between 1 October 2019 and 30 September 2020 had been waived. He asked if the amendment as drafted would give rise to questions about the validity of a licence renewed a year ago.</p> <p>The Administration explained that L.N. 175 of 2020 was part of a legislative exercise involving 24 groups of fee waiving/concession measures for a wide range of sectors, and most of these measures would be for a period of one year. To align with the other pieces of subsidiary legislation under the exercise and to reflect clearly the legislative intent to provide relief measures for another year, L.N. 175 of 2020 presented the concessions by reference to a one-year period. The validity of licences renewed within the concession period between 1 October 2019 and 30 September 2020 would not be affected.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Dr Helena WONG noted that the majority of licensed local pig farms held stocks of less than 2 000 pigs. Dr WONG observed that, according to L.N. 175 of 2020, livestock keeping licence holders might be able to enjoy concessions between \$250 and \$1,500 depending on the holding capacity of their farms. The licence fee reduction for keeping between 1 000 and 1 999 pigs was \$1,000 if the licence was renewed within the prescribed concession period. Dr WONG queried whether, in reality, any licence holders at all would be able to receive more than \$1,000 in licence fee reduction since no farm contained more than 2 000 pigs. She also queried why Cap. 139L should still retain the schedule of licence fees for farms holding more than 2 000 pigs as such farms did not exist and that the Administration would not issue further livestock keeping licences.</p> <p>The Administration explained that the number of local pig farms and their holding capacity had been frozen since 2006 with the introduction of the voluntary surrender scheme for pig farm licences. This policy was introduced on public hygiene and environmental considerations and the Administration had no intention to increase the number of livestock keeping licences. The Administration indicated that it was possible for an existing farm to increase its holding capacity by merging with another farm, and thereby, enjoy a higher rate of concession.</p>	
<p>Examination of the provisions of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 (L.N. 176 of 2020)</p>			
<p>010154 – 010642</p>	<p>Chairman Administration Dr Helena WONG Pik-wan</p>	<p><u>Section 1 – Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 amended</u> <u>Section 2 – Section 1 amended (commencement)</u></p> <p>Dr Helena WONG enquired about the range of poultry farm capacity in Hong Kong and the discontinuation of live food poultry from the Mainland.</p> <p>The Administration said that the capacity of local poultry farms ranged from several thousands to 160 000 chickens. Based on commercial considerations, the import of live chickens from the Mainland had been suspended and the Administration anticipated that the supply of live</p>	

Time marker	Speaker	Subject(s)	Action required
		food poultry from the Mainland would not resume in the short term.	
010643 – 010749	Chairman ALA8	Confirmation by ALA8 that no difficulties had been identified in relation to the legal or drafting aspects of the three pieces of subsidiary legislation Completion of scrutiny Legislative timetable	
Agenda item III — Any other business			
010750 – 010812	Chairman	Concluding remarks	