



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF :

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17 June 2016

Miss Hinny LAM
Prin AS for Food & Health (Food)3
Food and Health Bureau
Food Branch
17/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Miss LAM,

**Public Health (Animals and Birds) (Animal Traders)
(Amendment) Regulation 2016 (L.N. 64 of 2016)**

Further to the meeting on 14 June 2016, I should be grateful if you could clarify the following:

Renewal of a licence

Under the amended regulation 5(4), and the new regulations 5B(5) and 5C(4), a licence is valid for a period of 12 months. As there is no provision relating to the time within which a licensee is required to apply for renewal of a licence, it is possible that the renewal of a licence is applied for before the expiry of the licence but is only granted after the expiry of the licence. Please explain what the Administration's intention is in the circumstances.

Please clarify whether an applicant for renewal of a licence will be given an opportunity to be heard before a decision is made to refuse to renew a licence.

Regulation 13 – Offences and penalties

In cases where the licensee is a body corporate or partnership, please clarify whether, apart from the licensee, the individual authorized to act as its representative for the purpose of the licence will also be held liable for the offence.

Appeal against the Director's decision

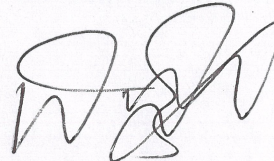
It is noted that there is a mechanism available to aggrieved persons to appeal to the Chief Executive in Council under section 11 of the Public Health (Animals and Birds) Ordinance (Cap. 139). Such appeal mechanism was established many years ago. Is such appeal mechanism still viable nowadays? Will such appeal mechanism be reviewed?

Code of Practice

It is indicated in the draft Code of Practice provided to the Subcommittee that failure to comply with the same will result in liabilities. However, Cap. 139B does not provide for an offence and penalty in case of failure to comply with the Code of Practice. Please explain how this could be done.

I would appreciate if you could let me have the said information (in both Chinese and English with soft copy to Miss Kathy NG at pcng@legco.gov.hk) as soon as possible.

Yours sincerely,



(Winnie LO)

Assistant Legal Adviser

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