

LCQ20: Preventing spread of epidemic from animals to humans

Following is a question by the Hon Cheung Kwok-kwan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (April 6):

Question:

In January this year, samples of hamsters collected from a pet shop were tested positive for the coronavirus disease 2019 virus. To minimise the risks of spreading the epidemic, the Agriculture, Fisheries and Conservation Department (AFCD) strongly advised members of the public to surrender their hamsters purchased from local pet shops which involved two import consignments to the AFCD for humane dispatch. However, some people stopped members of the public from surrendering hamsters to the AFCD outside the New Territories South Animal Management Centre of the AFCD, and took over the hamsters concerned. In this connection, will the Government inform this Council whether the existing legislation (including the Public Health (Animals and Birds) Ordinance (Cap. 139) and the Prevention and Control of Disease Ordinance (Cap. 599), as well as the related subsidiary legislation) expressly empowers the AFCD, the Department of Health or other government departments to (i) order members of the public to surrender a particular type of animals kept by them on the ground that there is a risk of virus transmission from such type of animals to humans, and (ii) impose penalties on those persons who obstruct members of the public from complying with such an order; if so, of the reasons why the relevant government departments did not exercise such powers in the aforesaid incident; if not, whether it will amend the legislation to expressly confer such powers on the relevant departments to enable them to effectively discharge their duties of protecting public hygiene and safeguarding the health of members of the public?

Reply:

President,

On January 17, 2022, a pet shop worker in Hong Kong was confirmed to be infected with the coronavirus disease 2019 (COVID-19) and samples collected from hamsters at the shop concerned subsequently tested positive for the virus concerned. Upon consulting experts, the Government considered that the two consignments of hamsters imported into Hong Kong on December 22, 2021 and January 7, 2022 from the Netherlands have a higher risk of carrying the virus, and hence, after assessing the risks and relevant factors, strongly advised members of the public to surrender hamsters purchased in local pet shops on or after December 22, 2021, to the Agriculture, Fisheries and Conservation Department (AFCD) for humane dispatch. As at end of March, a total of 145 hamsters were given up and surrendered by owners to the AFCD for follow-up.

To minimise the potential risks of COVID-19 transmission, the AFCD immediately adopted a range of measures, including taking animals at the pet shop concerned and its warehouse, and hamsters at other local pet shops for humane dispatch, as well as temporarily banning import of all small mammals (including hamsters) for commercial trade purpose.

In response to some people stopping others from surrendering hamsters and taking over hamsters from members of the public intended for surrender to the New Territories South Animal Management Centre of the AFCD, the AFCD publicly condemned such action, stressing that it might pose health risks to the persons concerned and the public. The AFCD also reported the case to the police for follow up and handling.

Pursuant to the Prevention and Control of Disease Ordinance (Cap. 599) and Prevention and Control of Disease Regulation (Cap. 599A) (the Regulation), if a health officer has reason to believe that an article (including an animal) is, or may have been, infected with a specified infectious disease, the health officer may order a disease control measure to be carried out in respect of the article or destroy the article. Obstructing, or assisting to obstruct a health officer in the exercise of a power or performance of a function is a criminal offence and offenders are liable on conviction to a fine of \$5,000 and to imprisonment for two months. The Government recently introduced amendments to the Regulation which include, amongst others, clear provisions requiring the owner of an article (including an animal) to surrender the article upon a health officer's direction. The amendments also provide for offences and penalties for non-compliance, the maximum of which is a fine of \$10,000 and imprisonment for six months on conviction. The amendments have come into effect on March 31, 2022. As for the Public Health (Animals and Birds) Ordinance (Cap. 139) (the Ordinance), it aims to regulate matters relating to quarantine and the prevention of disease among animals and birds, etc. The Ordinance's definition of "disease" includes various animal diseases, such as foot-and-mouth disease and swine fever etc., but does not include COVID-19.