

**立法會**  
*Legislative Council*

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**Panel on Food Safety and Environmental Hygiene**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 14 June 2011**

**Animal welfare**

**Purpose**

This paper gives an account of the past discussions on animal welfare by the Panel on Food Safety and Environmental Hygiene ("the Panel") and related information.

**Background**

2. The Agriculture, Fisheries and Conservation Department ("AFCD") formed a consultative group in 2007 with representatives from the pet trade, kennel clubs and animal welfare groups to study how the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO") and the related laws could be improved to better safeguard animal welfare.

3. On 16 January 2008, the Legislative Council ("LegCo") held a motion debate on safeguarding animal welfare during which Members raised a number of proposals to better promote animal welfare. At the debate, Members unanimously called on the Administration to better control the sale and breeding of animals to protect pet owners and safeguard animal rights.

**Past discussions by the Panel**

4. At its meeting on 19 February 2008, the Panel was briefed on the Administration's preliminary proposals to amend PCAO and the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations") as follows -

Proposed amendments to PCAO

- (a) empowering a Senior Veterinary Officer to release any live animal seized or otherwise dealt with under PCAO for which it is impractical to keep in captivity;
- (b) replacing the power to request destruction of animals involved in a cruelty case by the offender with the right to surrender such animals to the Government;
- (c) empowering a Senior Veterinary Officer to issue directions to the owner or keeper of animals to require certain measures to be taken in order to safeguard the animals' welfare;
- (d) empowering a Magistrate to order the forfeiture of an animal and/or disqualify a person who has been found guilty of any offence related to animal abuse from keeping all or specified kinds of animals for a specified period of time;

Proposed amendments to the Regulations

- (e) increasing the maximum penalty for illegal trading of animal from \$2,000 to \$100,000 and for breaching of licensing conditions from \$1,000 to \$50,000;
- (f) empowering the Director of Agriculture, Fisheries and Conservation to revoke the licence of an animal trader if the latter had committed various animal welfare related offences;
- (g) prohibiting the sale of animals or birds with infectious disease to the public; and
- (h) revising the licensing conditions to require animal traders to source animals from legitimate sources (AFCD would first implement the new licensing conditions in the dog trade and consider extending the new licensing conditions to other animal traders, depending on the practicality involved for different species of animals).

5. While welcoming the Administration's legislative proposals, some members considered that abandonment of animals should be made an offence under PCAO. Concern was also raised that people might take advantage of the loophole in the Regulations as persons selling animals kept by them as pets or offspring of their pets were not subject to

regulation. There was a call for the early implementation of the revised licensing conditions for animal traders prior to the introduction of legislative amendments.

6. At its meeting on 13 May 2008, the Panel was briefed on the Administration's proposed amendments to the licensing conditions for pet shops involved in dog trading. Seven deputations also attended the meeting to give views on the matter.

7. Members noted the stipulation of the new conditions of an Animal Trader Licence ("ATL") that pet shops might only obtain dogs for sale from four sources, namely -

- (a) dogs legally imported into Hong Kong;
- (b) dogs bred by dog breeders with valid ATLs;
- (c) dogs obtained from other pet shops with valid ATLs; and
- (d) dogs obtained from persons selling their pets or offsprings of their pets.

In the case of 7(d), the pet shop had to obtain AFCD's prior approval for such transaction. This sought to prevent commercial breeders from putting themselves forward as ordinary pet owners, thus evading their statutory responsibility. Approval would be given only if there was sufficient documentary proof from a practicing veterinarian that the dog being sold was the offspring of a dog covered by a dog licence and was properly vaccinated. In addition, the seller should only keep a single dog breed with not more than two entire bitches.

8. Whilst expressing support for the proposed amendments in principle, members were unconvinced that the measures to prevent commercial breeders from putting themselves forward as ordinary pet owners, mentioned in paragraph 7 above, were sufficient. Members requested the Administration to also require ordinary pet breeders to only allow their breeding bitches to give birth once a year, as practised in New Jersey of the United States.

9. At the Panel meeting on 9 June 2009, members noted from the Administration the following implementation details of additional ATL conditions -

- (a) the Administration had assisted animal breeders to apply for ATL and re-examined quarantine status of potential sources of supply from outside Hong Kong;

- (b) for dogs imported or acquired from licensed pet shops/breeders (paragraph 7(a) to (c) above refers), pet shops were required to ensure that the dogs were either covered by valid import permits or documents indicating that they came from licensed pet shops or breeders;
- (c) for dogs acquired from bona fide private pet owners (paragraph 7(d) above refers), pet shops were required to ensure that the dogs held valid dog licences or were offspring of a licensed dog as stated in a veterinary certificate, and to obtain a declaration from the private pet owner that he/she kept a single breed of dogs and not more than two bitches not neutered to minimize abuses;
- (d) all pet shops were required to keep all documents detailing the sources of dogs acquired and make them available for inspection by staff of AFCD or authorized agencies; and
- (e) the Administration had liaised with private veterinarians and obtained their understanding of the new arrangements and the need for them to provide the necessary veterinary certificates.

10. Noting that the proposed introduction of the above additional licensing conditions for pet shops only involved dog trading, there was a call for extending these conditions to other animals, most notably cats. Some members also expressed concern over the euthanization of dogs and cats by AFCD, and they considered it necessary to regulate the breeding of animals by private pet owners.

### **Related information - recent debate by the Council**

11. At the Council meeting of 3 November 2010, a motion debate on formulating an "animal-friendly policy" was held. During the debate, Members considered that Hong Kong was lagging seriously in the protection of animal rights. There was a call for reviewing PCAO and implementing the "Trap-Neuter-Return" ("TNR") programme expeditiously with a view to saving stray animals.

12. In its progress report on the motion submitted to LegCo in January 2011, the Administration stated that PCAO provided proper protection of animal welfare and prevented unlawful acts of cruelty to animals. The Administration would review from time to time whether the existing legislation could adequately protect animal rights according

to the values of the public and the needs of society. As regards the TNR programme for dogs, which allowed neutered stray dogs without an owner to be returned to public places, AFCD was discussing the details of the programme with the relevant animal welfare organizations, and would assist the organizations concerned to consult the relevant District Councils on the details of the programme as soon as possible. The additional conditions attached to ATLS were tightened in February 2010. At present, all animal traders, including animal breeding centres and pet shops, must obtain ATLS issued by AFCD and strictly comply with the relevant licensing conditions and the code of practice.

### **Relevant papers**

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

Council Business Division 2  
Legislative Council Secretariat  
8 June 2011

## Relevant papers on animal welfare

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	19.2.2008 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">CB(2)1061/07-08(01)</a>
	13.5.2008 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">CB(2)1849/07-08(04)</a> <a href="#">CB(2)1849/07-08(05)</a>
	9.6.2009 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">CB(2)1755/08-09(03)</a>
Legislative Council	16.1.2008	<a href="#">Official Record of Proceedings</a> <a href="#">Pages 212 - 258 (Motion)</a>
	3.11.2010	<a href="#">Official Record of Proceedings</a> <a href="#">Pages 205 -274 (Motion)</a> <a href="#">Progress report</a>

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