



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

來函檔號 YOUR REF :  
本函檔號 OUR REF : LS/S/24(2)(A)/15-16  
電話 TELEPHONE : 3919 3510

傳真 FACSIMILE : 2877 5029  
電郵 E-MAIL : wwylo@legco.gov.hk

By Fax (2102 2577)

13 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 7 June 2016, I should be grateful if you could clarify the following:

Regulation 5H – One-off permit to sell dog without licence

Please clarify whether one permit would only cover the sale of one dog.

Further, paragraph 10 of the LegCo Brief states that "[o]nly an individual who is the licensed keeper in respect of the dog concerned<sup>1</sup> will be eligible to apply for a one-off permit to sell that dog...". The new regulation 5H(7) also provides that the Director (i.e. the Director of Agriculture, Fisheries

<sup>1</sup> Section 20(1) of Rabies Regulation (Cap. 421A) provides that no person shall keep a dog over the age of 5 months except under and in accordance with a licence granted by the Director.

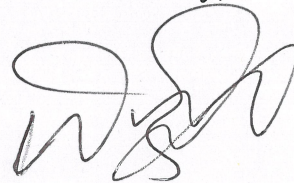
and Conservation and any Assistant Director of Agriculture, Fisheries and Conservation) must not grant a one-off permit to an individual in respect of a dog unless "...the individual has kept the dog...as a licensed keeper...". This indicates that only a licensed keeper needs to apply for a one-off permit to sell a dog.

However, the new regulation 5H(2) provides that "[a] person must not sell, or offer to sell, a dog otherwise than under a one-off permit.". Please explain whether the scope of the new regulation 5H(2) is wider than the Administration's contemplation as reflected in the LegCo Brief.

Please also clarify whether sale of dogs by an individual (for example baby dogs of his pet dog) who is not required to apply for licence under section 20 of Cap. 421A would commit an offence under the new regulation 5H(2) if that person applies for a permit to sell a dog but his application is refused under the new regulation 5H(7).

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

c.c. LA  
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