



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

Our ref : FH CR 3/3231/07  
Your ref: LS/S/24(2)(A)/15-16

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14 June 2016

Miss Winnie LO  
Assistant Legal Adviser 7  
Legal Service Division  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong.

Dear Miss LO,

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

I refer to your letter of 13 June 2016, in which you sought clarification about the new regulation 5H of the Amendment Regulation. Our response is as follows.

As we have set out in paragraph 5 of the LegCo Brief, we propose to strengthen regulation of the sale, and keeping for breeding and sale, of dogs by introducing two new types of licences and also a type of one-off permit, in addition to the existing Animal Trader Licence (ATL), such that any person who sells, or offers to sell, a dog must obtain a licence or a permit which covers the dog, whereas any person who keeps for breeding and sells, or offers to sell, a dog, must obtain a licence which covers the dog. Therefore, depending on circumstances, either a licence or a permit is required for sale of dogs.



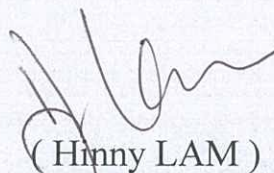
The prohibition of animal trading (including sale of dogs) without an ATL is dealt with under the revised regulation 4, whereas the prohibition of being a dog breeder without a Dog Breeder Licence is dealt with under the new regulation 4AA. The new regulation 5H(2), as read with regulation 5H(1), prohibits the sale of dogs without a one-off permit by persons who are not such licensees. The scope of regulation 5H(2), in effect, covers any dog that is kept by any person other than a licensee whose licence covers that dog.

On the other hand, pursuant to regulation 5H(7), only an individual who is the licensed keeper under the Rabies Regulation (Cap. 421A) in respect of a dog will be eligible to apply for a one-off permit to sell that dog. The person must have kept the dog as the licensed keeper for a minimum of four consecutive months immediately before the date of application. The permit, if granted, is specific to the dog concerned and is used once the sale of that dog is concluded. In other words, the scope of regulation 5H(7) only covers those dogs that are kept by persons who have been granted a licence under section 19A(1) of the Rabies Regulation.

If an individual (other than a licensee) keeps a dog of which the individual is not the licensed keeper, and if the individual intends to sell that dog, the individual would have to apply under the Rabies Regulation to be the licensed keeper of that dog and continue to keep that dog as the licensed keeper for four consecutive months before the individual is eligible to apply for a one-off permit to sell that dog. If the individual sells the dog before the individual is granted an one-off permit under regulation 5H(7), the individual commits an offence under regulation 5H(2) and is liable to be prosecuted.

Please let us know if further clarification is required.

Yours sincerely,



( Hanny LAM )

for Secretary for Food and Health

c.c. Director of Agriculture, Fisheries and Conservation  
(Attn : Dr. Thomas SIT)(Fax : 2311 3731)

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