

**For discussion
on 16 May 2017**

**LegCo Panel on Food Safety and Environmental Hygiene
Subcommittee to Study Issues Relating to Animal Rights**

Handling of illegal sale of dogs on the Internet

INTRODUCTION

This paper briefs members on the Government's handling of illegal sale of dogs on the Internet.

BACKGROUND

2. "Animal Traders" selling or offering to sell dogs (as well as other animals and birds¹) which are not their pets or the pets' offspring have all along been required to obtain an Animal Trader Licence (ATL) from the Agriculture, Fisheries and Conservation Department (AFCD). In the past, other persons were free to sell their own pet dogs (or the dogs' offspring) without the need to obtain any licence or permit.

3. Since 20 March 2017, under the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B) (Regulations)², any person who sells or offers to sell a dog is required to obtain an ATL, a Dog Breeder Licence (DBL) or a One-off Permit (OOP) from AFCD, and comply with the conditions attached by AFCD to the licence / permit. One of the conditions attached to ATL (issued on or after 20 March 2017), DBL and OOP requires that the licensee / permittee must display the licence / permit number as well as the microchip number of the dogs on any advertisements, Internet or other forms of promotion for selling dogs³. The dog offered for sale must be vaccinated by a registered veterinary surgeon. The vaccination certificate, issued by the registered veterinary surgeon, must be transferred to the buyer when the dog is sold.

¹ The types of animals or birds permitted to be traded are specified on the licence.

² The Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016, which amended the Regulations to strengthen the licensing regime on animal trading and dog breeding activities, came into operation on 20 March 2017.

³ Animal Traders who are holding a valid ATL issued prior to 20 March 2017 are not bound by this licence condition until renewal of their licences.

4. In addition, licensed dog traders and breeders holding ATL or DBL must keep and sell the dogs at the licensed premises and cannot display the dogs elsewhere. All licensees are required to display the licence in a prominent place in the licensed premises.

5. To safeguard animal welfare, AFCD has been conducting a series of publicity programmes at different media and channels, including Announcement in the Public Interest programmes, leaflets and posters, routine exhibitions and information booths at events, to remind the public to be a responsible pet owner and think carefully before acquiring a dog. Those intend to buy a pet dog are encouraged to only buy from a licensed trader / breeder or a permit-holding person, physically inspect the dog before buying it, and obtain all the relevant documentation from the seller. A buyer may contact AFCD to verify if a seller holds a valid licence/permit for selling dog.

ENFORCEMENT AGAINST ILLEGAL DOG TRADING ONLINE

6. Since 2010, a dedicated investigation unit has been established under AFCD with the remit to monitor advertisements for animal trading and boarding activity on the Internet, and respond to related complaints. The investigation unit also conducts regular inspections to shops selling pet accessories and/or offering pet-related services such as grooming, to prevent and detect any illegal trading activity. Over the past five years (2012-2016), AFCD has conducted on average about 900 Internet inspections annually against suspected illegal online sale of dogs.

7. When any suspicious illegal activity is detected, the unit will conduct further investigation (for example, by means of decoy operations) in order to collect evidence for possible prosecutions. For instance, AFCD would examine whether a seller is in fact operating an animal trading business or whether he / she is only selling his / her own pet dogs. Advertising for a large number of animals, multiple litters, multiple species and/or different breeds, or advertising across multiple Internet platforms often suggest that the seller is in fact running an animal trading business, which requires the trader to apply for ATL and comply with the licence conditions.

8. Over the past 5 years, AFCD has initiated a total of nine prosecutions against illegal online sale of dogs and all cases were successful. During the same period, the number of complaints against suspected illegal sale of dogs on the Internet received by AFCD annually has decreased from 27 in 2012 to 15 in 2016. Hitherto, there has been no strong evidence to suggest that there is an extensive scale of illegal sale of dogs on the Internet, or the situation is aggravating.

9. As the Regulations now provide for a strengthened licensing regime regulating the selling and breeding of dogs, AFCD will step up their enforcement action against illegal sale of dogs. The investigation unit will proactively look for 'dogs for sale' advertisements posted on the Internet and follow up all cases of selling dogs without a licence or permit, including contacting the purported seller to obtain further information on the dog(s) for sale, visiting the concerned premises, and taking decoy operations. Up to 4 May 2017, a total of 19 complaints have been received about offers on the Internet (such as social media sites) to sell dogs, and three decoy operations have been conducted. Investigations into these cases are ongoing and prosecution will be considered having regard to the evidence. So far, we have not found any cases of a licensee / permittee placing an advertisement without posting the licence / permit number.

10. AFCD will continue the efforts in publicity and enforcement to combat against illegal sale of dogs. The public may report to AFCD any suspicious illegal dog trading activities via the 1823 hotline. Upon receipt of such reports, AFCD will take appropriate follow up action.

ADVICE SOUGHT

11. Members are invited to note the Government's handling of illegal sale of dogs on the Internet.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
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