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Panel on Food Safety and Environmental Hygiene

Subcommittee to Study Issues Relating to Animal Rights

**Information note prepared by the Legislative Council Secretariat
for the meeting on 16 May 2017**

Handling of illegal sale of dogs on the internet

The Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations") regulate the activities of animal traders. In order to strengthen the regulation of animal trading and dog breeding activities through licensing arrangements, the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 was gazetted on 20 May 2016 to amend the Regulations. The amended Regulations called the Public Health (Animals and Birds) (Trading and Breeding) Regulations ("the amended Regulations") has come into operation on 20 March 2017 ("the Commencement Date").¹

2. Under the amended Regulations, any person who sells, or offers to sell, dogs must obtain an Animal Trader Licence ("ATL")² or a one-off permit³, whereas any person who keeps for breeding and sells, or offers to sell, a dog, must obtain a dog breeder licence, viz. a dog breeder licence (category A)

¹ Two Subcommittees were formed in the Fifth Legislative Council ("LegCo") and the Sixth LegCo to scrutinize the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 (L.N. 64 of 2016) and the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 (Commencement) Notice (L.N. 176 of 2016) respectively. Members may refer to the two Subcommittees' reports (LC Paper Nos. CB(2)1804/15-16 and CB(2)517/16-17) for details of the deliberations.

² ATL is for selling (but not breeding) dogs from permitted sources from a licensed premises.

³ One-off permit is for person selling a dog kept by him/her as a pet. Dog owner must have had the dog licensed under his/her name for a minimum of four months. And only two permits will be issued to the same person in a four-year period.

("DBLA")⁴ or a dog breeder licence (category B) ("DBLB")⁵. The maximum penalty for any person who sells, or keeps for breeding and sells, a dog without a licence or a one-off permit is a fine of \$100,000.

3. According to the information on the website of the Agriculture, Fisheries and Conservation Department, licence or permit holders selling dogs are allowed to advertise on the internet. However, licensees whose licences have been issued on or after the Commencement Date must include their licence or permit number in the advertisement.⁶ If an individual dog is advertised, the microchip number of that dog must also be included in the advertisement. Although licensed traders and breeders are allowed to advertise dogs for sale on the internet (or other media) the dog must be physically kept at the licensed premises and not taken for display elsewhere.

4. Some members have expressed concern about the illegal sale of dogs on the internet under the name of private breeding as reported by some media. According to the media report, the licence number quoted by some traders on the internet were found to be fake. The Subcommittee will discuss the subject of handling of illegal sale of dogs on the internet at its meeting on 16 May 2017.

Council Business Division 2
Legislative Council Secretariat
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⁴ DBLA is for a person keeping up to four female dogs for breeding purpose and selling those dogs or their offspring from a licensed premises (which should be the licensee's normal place of residence).

⁵ DBLB is for a person keeping more than four female dogs for breeding purpose and selling those dogs or their offspring from a licensed premises.

⁶ Licensed traders whose licence was issued prior to the Commencement Date can still advertise without showing the licence number. They are, however, required to follow the new conditions on advertising when their licence is renewed.