



Society for the Prevention
of Cruelty to Animals (HK)
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Dr Hon CHIANG Lai-wan, JP
Chair
Subcommittee to Study Issues Relating to Animal Rights
Legislative Council
Hong Kong

Dear Dr Chiang,

"Illegal Selling of Dogs on the Internet and the Regulation of Pet Food"

The SPCA would like to make the following points for the Subcommittee's consideration.

Selling of Dogs and Other Animals on the Internet

The SPCA believes that no animals should be sold over the internet and advertising animals for sale should be regulated.

With regards to recent amendments under CAP 139B, Hong Kong is currently in a transitional period which will end on the 19th of March 2018. As a result some dog breeders and traders have valid licences that pre-date the amendment, so there may be advertisements from bona fide, licensed traders appearing that do not have to comply with the new requirements dating from March 20th 2017 for advertisements placed by licensees (who obtained their licences on or after that date).

This may lead to some confusion over the coming year. However, from 20th March 2018 all parties offering dogs for sale (under the new definition of sale) should either be licensed traders, licensed breeders or one-off permit holders. As such they will need to display their licence or permit number and the microchip number of the dog(s) offered for sale. Unfortunately, there is the possibility some parties may attempt to defraud people by using fake licence, permit or microchip numbers.



To ensure compliance, it is vital the legislation regarding the trading of animals remains highly visible and that it continues to be promoted to both potential sellers and buyers. In addition, support mechanisms need to be developed where potential buyers can quickly and easily identify that the source and the animal offered for sale is part of the legal trade.

Similarly buyers also need to be able to easily report parties they believe are breaking the law to the licensing authorities.

The internet trade of all animals (including direct sales and advertisements for sale) is extremely problematic and difficult to regulate especially when social media platforms and instant messaging systems are used to avoid detection when laws are being broken. The internet is globally recognised as problematic in terms of animal trade. In England, proposed amendments to animal trade related legislation have specifically identified the need to regulate trade activities in relation to the internet.¹

Advertising for sale or engaging in negotiations for sale should be considered as part of conducting animal trade; people involved in such activities should be prosecuted for trading without a licence. If buying from illegitimate sources continues to be a problem, consideration should be given to the responsibilities of the purchaser and the possibility of legal liability if they knowingly took part in such transactions.

Furthermore, many species other than dogs are being kept and traded as pets but remain unprotected by law.

One hindrance to regulating the trade in some species is that the definition of animal under CAP 139 is deficient. Currently the definition is: "*animals*" (動物) means *cattle, sheep, goats, all other ruminating animals, swine, equines, and all other warm-blooded vertebrates except man and birds, and reptiles; (Replaced 24 of 1950 Schedule. Amended 25 of 1960 s. 2)*². As a result fish and amphibians (common pet species) are currently omitted from the definition of animals under CAP 139, despite the fact the welfare of such animals used by the trade is highly problematic. The number of 'new' species not covered by CAP 139 being traded and kept as pets in Hong Kong has also increased exponentially. Currently, pet shops selling species not defined as animals under CAP 139 do not have to be licensed, thus the trade is not regulated and these animals have no proper protection from misuse or abuse by traders.

Recommendations:

- The definition of an animal under CAP 139 should be expanded to match that under CAP 169.
- The breeding and selling (trade) of other species of animals should be better regulated under CAP 139B.
- The selling of any animal over the internet should be banned.

¹ "Consultation Outcome. Animal welfare: reviewing animal establishments licensing in England", UK government website, <https://www.gov.uk/government/consultations/animal-welfare-reviewing-animal-establishments-licensing-in-england>

² Hong Kong Legislation <http://www.legislation.gov.hk/eng/home.htm>



- The advertising of any animal for sale over the internet or any other format should be regulated and be considered as animal trade requiring a licence (or permit), as should entering negotiations as a potential seller.
- AFCD needs to be sufficiently equipped and resourced to carry out complex investigations into illegal animal trade.
- AFCD should work with the police on investigating and prosecuting criminal offences where parties have behaved fraudulently and used false instruments in pet trading activities.
- There needs to be targeted publicity and public education campaign discouraging the sale of animals online
- There should be easier to access related information to encourage potential educated buyers to ensure that they are supporting current licensing measures. These could include:
 - A publicly accessible database or other mechanism to verify identity of licensed traders quickly. Current verification is only through the general enquiry line 1823 and email (mailbox@afcd.gov.hk). Recent media coverage reported a day was needed to verify that an online breeder license number was fake.³
 - A specialised reporting hotline similar to the AFCD's Endangered Species Intelligence hotline where members of the public can report suspicious sale/ advertising activity.
 - Raising awareness that some transactions can be carried out at AFCD's Animal Management Centres (as suggested by the AFCD for "One Off" Permit transactions⁴). Sellers and buyers of "one-off" permit dogs who want to follow the law can thus be assured that due process is followed and details of the licensee can be changed at the same time

Regulation of Pet Food

It should be noted the majority of commercially produced pet food sold in Hong Kong comes from countries that have systems in place to ensure pet food quality (for example Europe, New Zealand and the US). However, in recent years, there has been an increasing number of products entering the Hong Kong market from countries with less stringent controls or none

³ "網上無牌賣狗 新例難遏 (New regulations do not stop the illegal sale of dogs online)", Oriental Daily, 20th April 2017 http://hk.on.cc/hk/bkn/cnt/news/20170420/bkn-20170420050029920-0420_00822_001.html

⁴ One-off Permit, Frequently Asked Questions (5), AFCD Animal Management website, http://www.pets.gov.hk/en_business_One_Off_Permit.php



in place at all. This is obviously a cause for concern for pet owners. Implementing measures to ensure that these imports are of suitable quality would be a welcome move that would reassure Hong Kong pet owners with regard to pet food safety.

Some pet owners may elect to feed their pets home-cooked / formulated diets or raw meat based diets. Both of these approaches can present problems. Home-cooked / formulated diets may not always provide all the nutrients required and long term imbalances could lead to health problems.

Raw meat based diets may cause problems related to contamination and poor handling, potentially causing harm to animals fed the diets and to the humans who help to prepare it. When infectious (and zoonotic) diseases result (such as Salmonella) other in-contact animals and humans are at risk of becoming infected. In 2015, the Consumer Council noted that 18% of commercially produced raw meat / undercooked diets tested positive for Salmonella contamination⁵.

Recommendations:

- Pet owners should seek dietary advice from their veterinary surgeon.
- The Veterinary Associations and the Consumer Council should work together to educate consumers on the benefits and risks of different diet options.
- Labelling on pet food should be improved in general and should also be in Chinese. Specifically raw or undercooked commercially produced diets should have included in their labelling warnings about potential risks and clear instructions on safe handling.
- There should be some oversight on the import and export of pet food into Hong Kong to ensure quality and safety.
- There should be a centralised system of reporting manufacturers' recalls so that the general public can be more easily alerted and the reporting of problems should also be encouraged e.g. US Food and Drug Administration Animal and Veterinary recalls and withdrawal website⁶; the Centre for Food Safety has a Food Alert webpage⁷.

Conclusion

The Society for the Prevention and Cruelty to Animals (Hong Kong) believes besides the implementation of specific additional measures to prevent the internet trade of all animals in Hong Kong and to enhance pet food safety that the education and engagement of the pet buying and pet owning public is vital.

⁵ "Salmonella Found in Three Raw Pet Food Posing Risk to Pet Owners", Consumer Council, Hong Kong, 15 October 2015, https://www.consumer.org.hk/ws_en/news/press/rawpetfood_1510

⁶ Animal and Veterinary Recalls and Withdrawals, Food and Drug Administration, USA <https://www.fda.gov/animalveterinary/safetyhealth/recallswithdrawals>

⁷ Food Alerts, Centre for Food Safety, Hong Kong http://www.cfs.gov.hk/english/whatsnew/whatsnew_fa/whatsnew_fa.html



Efforts to improve regulation of the pet trade can only succeed if the public is educated to understand what the trade should and should not be doing. Equally the pet buying public need to understand the role they can play in helping animals - how they should properly source pets and how they can properly and safely provide them with a nutritious, well-balanced diet.

We would be delighted to assist in further improving the welfare of animals in Hong Kong. Should you have any enquiries in relation to this submission please do not hesitate to contact us on [REDACTED] or by email c/o: [REDACTED]

Yours Sincerely,

Dr Fiona Woodhouse

(electronically)

BA. Hons. Vet MB. MVPHMgt

Deputy Director (Welfare)

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