



5<sup>th</sup> November, 2012

Ref : AIM/L001/11/2012

Hon. Alan Leong Kah-kit  
Chairman  
Panel on Food Safety and Environmental Hygiene  
Legislative Council  
Hong Kong

Dear Chairman,

**Panel on Food Safety and Environmental Hygiene**  
**Meeting on 13 November 2012**  
**Agenda item IV - Public consultation on proposals to**  
**better regulate pet trading**

For many years, the SPCA has been working towards improving the welfare of dogs in the pet trade industry. We fully support the proposal to increase regulation of the dog trade and ensure better welfare and protection for the dogs being used for breeding.

In general we believe the measures proposed are appropriate and agreeable. This said we feel there could be refinement of the proposals and consideration given to additional measures or factors to further improve the regulations and dog welfare. The following are our comments:

**1. Insufficient deterrence under CAP 139B**

**Proposal:** *To increase the maximum penalty for the illegal trading of animals from Level 1 (\$2,000) to Level 6 (\$100,000) and to increase that for breaches of licensing conditions or other animal keeping requirements from \$1,000 to Level 5 (\$50,000).*

**Comments**

- 1.1 We agree that the level of fines should be raised but hope the maximum penalty for breaching licensing conditions could also be set at a higher level (at least Level 6) so that there is sufficient deterrent against serious breaches or repeat offences.
- 1.2 We note that currently the Ordinance (CAP 139) sets a maximum fine limit for offences under the regulations (\$100,000); we would suggest that the wording of the regulations in relation to penalties be made flexible so as to minimise legislative amendment should there be future needs to adjust the fine levels.
- 1.3 We would suggest that the primary Ordinance CAP 139 should also be reviewed in terms of the maximum penalties. Currently, the penalties under the regulations are limited to a maximum of \$100,000 (equivalent Level 6).
- 1.4 A fixed penalty system should be considered. In the case of minor breaches of licensing conditions or the Code of Practice, or where improvement has been recommended as the result of an inspection but not carried out in a timely manner or to the satisfaction of the



licensing authority, a fixed penalty system could be utilised. By avoiding the delay and costs associated with pursuing prosecution under the court system, trade practices and dog welfare could be improved more rapidly and cost-effectively. The fixed penalty system should be structured so that repeat or multiple offences may be dealt with under the regulations with the option of higher penalties (and / or license revocation).

## **2. No power to revoke Animal Trader Licenses for offences under CAP 169**

**Proposal:** *In order to stop unsuitable persons from running animal trading businesses (or breeding and selling dogs), the DAFC will have specific power to revoke or rescind licenses issued under CAP139b.*

### **Comments**

2.1 We fully support this proposal.

2.2 There should be consideration of the licensing of key personnel within the trade under Cap 139b. Often the business licensee is not in control of the day to day management and husbandry of the animals they own, leaving employees to fulfil the role of a steward or stockman. Good stewardship (stockmanship) has been identified as critical in terms of animal welfare. Stockmanship (used for food animals) has been defined as the interaction between animals and people intending to create a positive experience for both, with the OIE adding that ‘a good stockman has empathy for animals in their care and the ability to identify their needs and will take action to provide their requirements’. In the lives of animals, the people who are in direct control of the animals and interact with them on a daily basis have the biggest influence over their welfare and quality of life. Key people within the industry who have day to day oversight of the care of the animals, such as shop or facility managers, should be licensed.

2.3 Bearing in mind points raised under 2.2, this principle should be extended to preclude unsuitable persons from working within the licensed businesses and having direct control or influence over the animals.

## **3. Proposals to regulate the breeding of dogs for sale**

**Proposal:** *To remove the loophole that allows any person to sell or offer to sell any animal kept by him as a pet or any offspring thereof without a license*

### **Comments**

3.1 We fully support this proposal.

3.2 Currently, the new categories of licenses focus on the breeding bitches. Further consideration should be given to the regulation and monitoring of use and the welfare needs of male dogs used by the trade and the puppies produced. Male dogs kept for breeding should also be regulated and protected under the proposed system.

3.3 Rather than solely focusing on the number of breeding bitches for both ABLA and ABLB's in terms of puppy production, there should also be consideration of the numbers of litters produced and the welfare of individual bitches. There is potentially a loophole and also a welfare issues for the bitches:



- The buying, selling or gifting of pregnant / post partum bitches could lead to litter / puppy production beyond that expected in relation to the number of bitches a facility could hold.
- If there is a limit of litters per year, the sale or other transfer of ownership of breeding bitches within the trade and associated outside parties could further allow room for over breeding of a bitch who has already had one litter in a year

Not only should there be a limited number of bitches allowed, a maximum possible total number of litters produced each year should also be considered. This limit should be 1 litter per bitch per year for the licensed breeder. Trade or other transfer of ownership of breeding bitches should also be regulated to avoid any loopholes, it should mean 1 litter per year for the individual breeding bitch.

3.4 There should be a maximum number of breeding bitches allowed under ABLB, currently there is no cap. The ABLB category and ABLB/ATL are potentially problematic as this could result in a puppy farming / puppy milling scenario, where a large number of dogs are used to produce a large number of puppies on one site. In an animal cruelty case in 2010, the police, SPCA and AFCD seized 149 neglected pedigree dogs from a suspected illegal breeding establishment. Some of the bitches were already pregnant and subsequently gave birth to 40 puppies. The further development or legitimisation of puppy milling is problematic on many fronts for dog welfare:

- Disease control, larger numbers of animals are more problematic in relation to disease outbreaks and health management.
- Meeting the additional welfare needs of mothers and puppies in terms of husbandry and behaviour can become problematic. Depending on the breed, average litter size can vary from between 3 to 8 puppies. This means that an ABLB with 50 breeding bitches could potentially produce 400 puppies each year (or more if twice yearly breeding is practised). To ensure the puppies' future wellbeing and their ability to integrate happily into society as man's best friend, it is vital that they receive individual attention and adequate socialisation with humans at an early age, such practice is almost impossible when dealing with the aforementioned scale of breeding and offspring numbers.
- Disaster management, the term 'disaster' loosely means an event that disrupts the lives of the animals and puts their welfare at risk, examples include fire, bankruptcy, natural disaster, prosecution and animal seizure. During disaster management, facilities with a large number of animals are likely to have serious problems with logistics and resources, making it difficult to maintain a high standard of welfare for the animals.

3.5 We fully support the proposed development of Additional Conditions for licenses and mandatory Codes of Practice (which are linked to the legislation) as these are suitable, flexible vehicles to improve standards over time. Allowing Hong Kong to match current best practice, thus improving the welfare of dogs used and produced by the trade. Besides setting standards for animal care, the Conditions and Codes can allow for the consideration and easier implementation of improved consumer and business practices. Examples include declaration of permit numbers and individual chip numbers in adverts or on receipts, registration of mothers, fathers and offspring and DNA testing, staff training and management of breeding.



- 3.6 **Minimal age requirement for purchasing dogs.** The SPCA has advocated for a minimum age for the purchasers of animals and has previously suggested 16 years. This is of particular relevance to the purchase of dogs, as it is a legal requirement that an owned dog be vaccinated, micro-chipped and licensed in accordance with CAP 421 the Rabies Ordinance, where it is stated that ‘after the age of 3 months and before the age of 5 months and only a person aged 16 or above can obtain a licence for a dog’. It makes administrative and legislative sense to introduce into the Additional Conditions or the Codes that dogs should not be sold to persons under the age of 16 years.
- 3.7 **Internet trade.** The trading over the internet of animals is problematic in terms of monitoring welfare and the actual source of the dogs (it is our belief that a large percentage of these dogs will be smuggled). The actual selling of dogs over the internet should be banned.
- 3.8 **Restriction of dogs on licensed premises.** Often, dogs belonging to other parties may be present on premises where facilities to house large numbers of dogs are found. Currently, breeding bitches are regulated on licensed premises but neutered dogs or entire male dogs are not, this is a potential loophole for an illegal boarding scenario.
- 3.9 **Deficiencies.** Whilst we support the improvements proposed, they do not go as far as the SPCA has advocated for. Only breeding for sale is regulated, which leaves a potential loophole related to the gifting of dogs. Often, the dogs involved in ‘gifting’ are in fact part of an exchange with some commercial value or gain to the “giver”, but the claims may be difficult to prove. We would prefer that **all breeding is regulated** as this would capture the dogs used and produced by the trade, the illegal trade as well as irresponsible pet owners. This would aim to manage and control the breeding of all owned dogs (pedigree, mixed breed and mongrels) and could be considered under CAP 139.
- 3.10 **Smuggling.** The proposals so far aim to regulate and control the trade of animals legally imported or bred in Hong Kong. However, smuggling of pet trade dogs into Hong Kong remains a serious issue both in terms of animal welfare and public health. More oversight of the legitimate trade in Hong Kong will help to expose any smuggled dogs entering the legal trade, but increased action needs to be taken at the border with enhanced cooperation between Customs and AFCD on education to deter individuals and enforcement targeting organised efforts.

In summary we support the proposal to further regulate the pet trade and improve dog welfare. We look forward to the day when all dog breeding can be regulated and await the introduction of similar measures for some of the other species used by the pet trade.

Yours faithfully,

A.I. Macalister  
Executive Director

**1. A large scale illegal dog breeder. Inadequate and unhygienic housing. (2010)**



**2. A suspected illegal breeder inside a residential premise, Yuen Long (2012)**



**3. A breeding Corgi bitch with chronic skin disease and pressure sores confined on bare wire floor.**



**4. Dogs with deformed paws and over grown nails from living on a wire floor in squalid and cramped conditions.**



**5. A bitch used for illegal breeding in filthy and inhumane conditions.**



**6. Breeding bitches kept in filthy, crowded cages.**





7. A breeding husky bitch kept in a small wired floored cage unsuitable for its size with no room to exercise or barely turn round.



8. A breeding poodle bitch kept confined in a small and filthy cage.

