



# The University of Hong Kong

## Faculty of Law

10<sup>th</sup> Floor, Cheng Yu Tung Tower, Pokfulam, Hong Kong

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Attention Legislative Council

Panel on Food Safety and Environmental Hygiene

6 November 2012

Dear Panel Members

Thank you for your invitation to provide a representation to you on the AFCD's Consultation Document: "Better Regulating Pet Trading to Enhance Animal Health and Welfare". The AFCD is to be commended for seeking to improve the welfare of dogs used in the pet trade.

The HKU/SPCA Review of Animal Welfare Legislation in Hong Kong (2010) identified numerous shortcomings in the legislation controlling the pet trade in Hong Kong, many of which pose a serious threat to human and animal welfare. It is encouraging that a number of the HKU/ SPCA recommendations for improvement to the legislation have been adopted by the AFCD in the Consultation Document, including introducing a binding Code of Practice for pet traders and closing the legal loophole which currently allows unscrupulous puppy farm operators, posing as hobby breeders, to keep animals in appalling conditions and sell them to unsuspecting members of the public. The AFCD is to be congratulated on attempting to stop this unethical and cruel trade.

The AFCD's proposal is essentially sound but would benefit from some important additions. In particular, it is of concern that the licensing scheme does not provide for a maximum number of bitches which may be kept under licence for breeding, a maximum number of litters each bitch is permitted per year and a maximum number of times each bitch may be mated, before she is retired. The proposal also does not regulate the welfare of male dogs, and should be amended to include their welfare.

In the UK and Australia the pet trade is regulated to ensure dogs are not mated until they are at least one year of age, a bitch may only produce one litter per year and she must be permanently retired after producing 6 litters. Such regulations seek to protect the welfare of the animals concerned by providing them with a baseline standard of care and should be introduced in Hong Kong.

The current proposal also sets no limit on the number of animals a licensee can keep under Animal Breeder Licence Category B. If a cap is not placed on the number of animals kept by a breeder then issues of appropriate husbandry, sanitation, socialization, health and welfare cannot be effectively controlled without continual inspections of premises. Such inspections are unlikely given the manpower and expense which would be required.



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It should also be stipulated that only one licence holder is permitted to operate at any licensed premises. If multiple license holders are permitted to operate out of the same premises it will cause problems in establishing the providence of puppies. Regulations should require that a maximum number of litters can be sold from any one premises. The trade or transfer of the ownership of bitches must also be controlled to ensure animals are only bred from once a year and retired appropriately.

It is commendable that the maximum fine for unlicensed trading and breaching licensing conditions is to be significantly raised however the deterrent effect of this change will only be felt if prosecutions are more vigorously pursued. Enforcement of the law requires manpower and deployment of a larger number of staff to police the trade must be made a priority. In the UK, specifically accredited members of the RSPCA inspectorate have been designated to assist the local authority to inspect pet shops and breeding establishments, issue warnings and enforce the laws. Such a practice should be adopted in Hong Kong. It should also be noted that in the UK unlicensed breeding or breach of licensing conditions carries a maximum penalty of 3 months imprisonment. Consideration should be given to introducing a comparable sentencing power here.

It is of concern that only business traded dogs are protected under the proposal. Dogs bred for gifts (or for any other reason) should also benefit from any legislative improvements made to the welfare of animals in Hong Kong.

The HKU/SPCA Review of Animal Welfare Legislation in Hong Kong recommended that no person under the age of 16 should be permitted to purchase an animal and this should be stipulated in animal trader licensing conditions. A person under the age of 16 cannot obtain a dog licence from the AFCD and accordingly should not be permitted to purchase a dog.

Finally it should be illegal, under any circumstances, for an animal to be sold on the internet. Such practice effectively undermines the safety of the animal and the best interests of the purchaser and flies on the face of all established principles of good animal welfare.

Yours sincerely

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