



The Hong Kong Veterinary Association

6th November, 2012

The Chairman
Panel on Food Safety and Environmental Hygiene
Legislative Council on 13th November, 2012 (Agenda item IV)

The Hong Kong Veterinary Association fully supports the proposed changes to Cap. 139B regulating the dog trade. We believe it will improve animal welfare and better protect dogs being used for breeding. Whilst supporting the proposals as an excellent initial step to tighten the regulations we would like to draw your attention to certain issues which we feel if included would strengthen the regulations further.

We sincerely hope you will consider the following in finalising the amendments.

1. Increasing the Maximum Penalty:

Whilst agreeing the level of fines is currently grossly inadequate, we hope the proposed maximum penalties (\$100,000 and \$50,000 for illegal trading and breaches of conditions respectively) can be raised further and possibly include imprisonment for very serious offences.

2. Consideration of a Fixed Penalty System:

Due to the difficulty of pursuing prosecutions in court and the long time frame this often involves the introduction of a fixed penalty system would seem beneficial. "On the spot fines" for minor breaches of licensing conditions or codes with advice on improvement within a set time frame is a far more sensible course of action. Repeat offenders or failure to enact improvements cited should of course result in higher action being taken.

3. Licensing and Training of Breeding Establishment Employees:

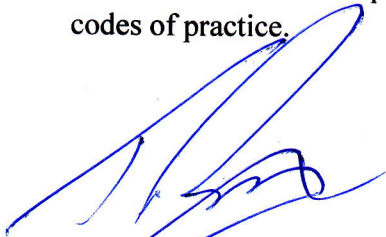
In addition to licensing the owner of the “breeding business”, with larger establishments in particular licensing of staff involved in the day to day care of dogs should be considered (such as managers or senior staff, number of licensed staff could be based on number of animals kept). This could be linked to a training programme for pet trade employees (not just for breeding establishments but expanded to include pet shop workers generally).

4. Concerns over Regulating the Breeding for Sale of Animals:

- a) *Litter numbers verses breeding bitches:*** particularly with the ABLA license in addition to stating the number of breeding bitches which can be kept a requirement for number of litters produced per year should be included. We would recommend one litter per bitch per year thus a maximum of 4 litters per year per breeder (ABLA). This will help prevent exchange of pregnant bitches between breeders and safe guard animal welfare.
- b) *Male dogs:*** we would recommend male dogs used for breeding should also be regulated and protected.
- c) *Minimum and maximum age for breeding:*** from a veterinary health point of view this should ideally be set at 18 months or at the third season to ensure the dog has matured sufficiently. Maximum age should be capped at 6 years.
- d) *General Health and Suitability for Breeding:*** dogs should be suitable and deemed healthy for breeding. For instance breeding dogs should be free from genetic defects e.g. hip dysplasia and patella luxation. In addition a bitch that has undergone a caesarian surgery is highly likely to require another caesarian if bred from again. Consideration should be given to the maximum number of caesarians a bitch should have on welfare grounds. Although difficult to enforce it is hoped there will be some recognition of the need to control breeding in this respect.
- e) *The Capping of Total Numbers of Breeding Bitches:*** currently under ABLB licensing there is no provision for maximum number of animals to be kept in one establishment. The long-term warehousing or farming of breeding dogs should be actively discouraged on welfare grounds. In large establishments it is very difficult to adequately provide for individual animals’ needs especially around the time of birth. If a large number of animals give birth at the same time (assuming litters of 2-10 puppies depending on breed) this can lead to serious deficiencies in care. Other problems associated with housing a large number of dogs include disease control and in the event of a crisis such as a fire, bankruptcy or cruelty making provision for these animals is fraught with difficulty.
- f) *Total number of Dogs:*** an additional concern to e) is the legislation only covers breeding (entire) females. As well as controlling entire females a provision for total number of dogs should be made to cover entire male and neutered dogs to ensure the total number kept is within acceptable welfare guidelines.
- g) *The giving away of puppies or dogs:*** unfortunately this is a potential loop hole for example the animals could be given away in exchange for other goods or services. Ideally we would like to see the breeding of all dogs strictly controlled (not just for sale).

- h) Registration of litters and DNA testing:** it is recommended the registration of puppies including licensing, micro-chipping and DNA testing is carried out by government veterinary surgeons and detailed computer records kept in order to highlight any irregularities in a timely manner.
- i) Minimum age of purchaser:** in line with the current Rabies Ordinance regarding the licensee it is recommended to the purchaser must be 16 years or older for consistency.
- j) Internet Advertising:** this is a serious animal welfare concern for animal welfare and is currently unregulated. Whilst we understand the difficulty in monitoring we firmly believe the selling of dogs over the internet should be banned and strict penalties enforced.
- k) Smuggling:** regulating the legal trade of dogs in Hong Kong is important. We would also like to point out the importance of preventing smuggling of animals which poses serious public health and animal welfare issues. The amendments must be accompanied by improvements in border controls and public education.
- l) Other Species:** we hoped in future these regulations can be expanded to include other species currently being sold in Hong Kong.

In closing the HKVA fully supports the proposed legislative amendments to the Public Health (Animal and Birds) (Animal Traders) Regulations (Cap. 139B). We hope the above points will be considered in developing the legislation and additional conditions for licenses and mandatory codes of practice.



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President
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