

Dear Sir/Madame,

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

**Amendments to the Regulations of Animal Breeding and Trade (Cap.139B)**

According to the public consultation on the regulation amendment to animal breeders and traders, I am very glad that the authority would like to make some changes to improve animal welfare level in Hong Kong, while the animals, the NGOs and pet owners have suffered a lot from these breeding farms with poor conditions for a long time. The direction seems to be correct to control these animal breeders and increase the penalties against those harm animal welfare and health. However, some points of the amendments do not go far enough to cover the loophole of 'hobby breeders'.

**To revoke Animal Trader Licenses for offences under Cap.169**

First of all, I definitely support this point. This is totally compulsory that those offenders cannot operate their industry closely related the animals.

**Insufficient deterrence under Cap.139B**

I do support the fine increase in the proposed amendments, but the maximum penalty of level 5 and 6 seem still too low to deter people from the illegal trading or breeding of animals. Therefore, I suggest that the penalty should go further. A fixed penalty can also be considered in order to avoid the time-consuming procedure of justice, as well as shorten the period that the animals should be kept as exhibits, so it can also reduce the stress of the animals.

**New license system proposed**

Regarding to the four categories of license or permit in the proposal, I don't see any point of adding more types of license needed – while we aim at controlling the animal traders to enhance animal welfare. Giving more choices of license may eventually encourage more breeders or puppy mills, leading to more animals suffered from this industry. Since the authority is encouraging animal adoption in recent years instead of buying, I think the AFCD should restrict the breeding and trading more severely.

The One-off Permit seems to be unnecessary. The representatives of AFCD took the pet owners who plan to migrate as an example during the public consultation forum. In fact, pet owners seldom sell their dogs to others while they do not want to or cannot keep the dogs anymore. People usually just surrender them to the AFCD or other NGOs for adoption. It is not a correct attitude of course and should not be encouraged. However, selling the dogs is neither an appreciative way. Actually, there is a very low possibility to find a buyer for an adult dog if the owners' situation is really one-off. So it may be another loophole for the commercial traders while they sell some highly 'valuable' breeds with their whole family in every 24 months. They can still make a good profit with this type of permit.

Besides, I feel shocked after reading the point of Animal Breeder License B when there is no limit of maximum number of female dogs kept. The requirement of ventilation, sewage disposal facilities, hygiene status and spaces vary according to the quantity of animals kept on a premise. The authority should set a maximum limit of dogs being kept by every single licensee. To ensure the animals are not overcrowded can prevent tragedy of mass animal abuse. It also reduces the burden of confiscated animals to the animal management centre and NGOs once the breeding farms are shut for any reason.

I suggest that there should be only two types of license offered to the breeders and traders. The authority should ensure that all people who operate breeding for sale and animal trading must obtain either the animal breeder license or the animal trader license, depending on their practice. The more categories of license may complicate more the work of monitoring, inspection and enforcement.

Also, the proposed amendment focuses only on dogs and I hope cats and other species can also be included in the regulations. I understand that it will be difficult for now as cats are not in a microchip system. But, therefore, it can just get it started from now to enhance a better welfare and health for cats, and humans too – since I do believe that rabies and microchip should be applied on cats as well while rabies does not only found on canines.

The welfare of male dogs and puppies should also be considered when the current proposal based on the females dogs, or bitches. There should also be a limit of amount of males and puppies allowed to be kept by the licensees to make a real improvement of welfare on dogs, regardless of their gender. When the authority runs the DNA system in order to track the resources of puppies, and to ensure they are

from the recognized bitches, covering the breeding males is also important. It will be very useful to record the details of both males and females in the data base for monitoring these breeding places.

Furthermore, the amendment also has not mentioned a 'retired age' and a limit of litter allowed for the breeding dogs. To ensure the health condition, the dogs should stop being used for breeding at the age of six and a mandatory desexing should be done afterward. The limit of litter should be regulated to one litter per year. The authority should make a point in the licensing conditions that the breeders must not abandon the retired dogs.

In the proposal, there is still a lack of details like code of practice and licensing conditions. I wish that the authority will work on it seriously as soon as possible with animal welfare groups and the publics.

Apart from the points above, I have also thought of some ideas that the proposal has not covered. I hope the authority will kindly consider as well.

#### **Business registration and tax**

All people who operate animal breeding for sale and animal trade must obtain a business registration. Anyone involves in a commercial activity should pay the taxes, including those from the animals breeding and trading industry.

#### **Training/Qualification**

When the authority runs a license system for the breeders, it is an action to professionalize these folks. Therefore, they, as well as their staff who work closely to the animals, should obtain some qualification through training to ensure that those breeders and their staff have a concept of animal husbandry, care and genetics. It can avoid problems of animals being mistreated and animals with genetic sicknesses.

#### **Dangerous breeds**

Some breeds of dogs should be banned and should not be allowed to be bred. Apart from the 5 breeds of dangerous dogs in the current law, Tibet mastiff should also be added on the list. Due to the limit of spaces and conditions in Hong Kong, and their powerful attack ability, Tibet Mastiff seems to be not suitable to be a breed for pet dogs in Hong Kong.

**Animals on display**

Plus, the display of puppies in pet shops has been a problem for years. Some pet shops put the puppies which are too young on display or they are too young to be separated from their siblings. Many of them have no enough space for their physical and behavioral health. The authority should work more on inspection and propose a standard of display room for these animals.

**Smuggling**

Last but not least, dog smuggling from China has been a very big problem during the recent years. Some pet traders import animals illegally from China or some of them even act as an agent to put the buyers in touch with the breeding farms in China and provide medical certificates and vaccination records inappropriately. According to the existing regulations, it has been outlawed. However, the authority does not seem strict enough regarding enforcement and inspection to deter the smugglers.

**Enforcement**

Finally, enforcement is a key component to make the problem solved. While the proposed amendment suggests more categories of license and permit, it will require more manpower for monitoring and enforcement. That is also why I would suggest only two licenses needed - one license for 'animal breeding and trade' and one for 'animal trade'. I would also like to see the authority will spend more resources on inspection and enforcement. Without enforcement, the amended regulation will become useless and tragedies from animal breeding will just go on and on. I would be happy to support the proposal with reasonable points as I have listed above.

Yours Faithfully,

Laurence LIEU