

[ English Translation ]

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Clerk to LegCo Panel on Food Safety and  
Environmental Hygiene  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong.  
(Attn: Miss Josephine SO)

Dear Miss SO,

**LegCo Panel on Food Safety and Environmental Hygiene  
Follow-up Actions Arising from Meeting on 2 February 2016**

**Progress on Amendments to the Public Health (Animals and Birds)  
(Animal Traders) Regulations (Cap. 139B)**

At the meeting of the Legislative Council (LegCo) Panel on Food Safety and Environmental Hygiene (the Panel) on 2 February 2016, Members enquired about the progress of the Government's proposal to amend the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B). Our reply is set out as follows:

In October 2012, the Government conducted a two-month public consultation on the proposals to better regulate pet trading as well as breeding of dogs for sale, in the interest of enhancing animal health and welfare. The main proposals included : (a) introducing a new system of licence/permit to tighten the regulation of dog breeders and traders; (b) increasing penalties under the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B); and (c) providing the Director of Agriculture, Fisheries and Conservation with power to revoke animal trader licences under certain circumstances. At its meeting in April 2013, we reported to the Panel (vide LC Paper No. CB(2)944/12-13(07)) the outcome of the consultation, as well as our response and proposals. Members expressed different views on the proposals at the meeting. Some animal welfare organisations and stakeholders of the pet trading and breeding sector also raised further views on the proposals. After the meeting, the Agriculture, Fisheries and

Conservation Department revisited the proposed measures and the legislative proposals in the light of the views given by Panel Members, and communicated with animal welfare organisations, animal breeders/traders and other parties concerned.

Having considered the issues raised by Members, we briefed the Panel again in July 2014 on our views and response (vide LC Paper No. CB(2)1955/13-14(01)). The Panel had no adverse views at that time on our proposed measures and the legislative proposals.

We then proceeded to the drafting of the proposed amendments to the Public Health (Animals and Birds) (Animal Traders) Regulations. In the event, the time required for the drafting work has been longer than expected. This is because we have to consider carefully the relevant legal issues raised by the Department of Justice on the implementation details under the new regulatory regime, such as the description and wording of the offences, the proof required to substantiate the prosecution's case and the enforcement arrangements, so as to ensure that the new legislation proposed fully reflects our policy intention, is in line with other general legislative provisions, and may be implemented effectively. We are now working hard to expedite the drafting work, with a view to tabling, in the second quarter of this year, the amendment regulation before LegCo for scrutiny.

As the policy content of the proposed amendments has been fully deliberated upon and generally supported by Members at the abovementioned meetings of the Panel, we do not consider it necessary to submit the issues again to the Panel for discussion. We are now endeavouring to finalise the drafting work with a view to tabling, in the second quarter of this year, the amendment regulation before LegCo for scrutiny. At that juncture, Members could duly examine the full details of the various provisions when scrutinising the amendment regulation.

Yours sincerely,

( Hanny LAM )  
for Secretary for Food and Health

c.c. Director of Agriculture, Fisheries and Conservation  
(Attn : Dr. SIT Hon-chung ) (Fax : 2311 3731)