

立法會
Legislative Council

LC Paper No. CB(2)1997/16-17
(These minutes have been seen
by the Administration)

Ref : CB2/PS/2/16

Panel on Food Safety and Environmental Hygiene

Subcommittee to Study Issues Relating to Animal Rights

Minutes of the meeting
held on Tuesday, 16 May 2017, at 10:45 am
in Conference Room 3 of the Legislative Council Complex

- Members present** : Dr Hon CHIANG Lai-wan, JP (Chairman)
Hon Claudia MO (Deputy Chairman)
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon CHU Hoi-dick
Hon SHIU Ka-fai
Hon CHEUNG Kwok-kwan, JP
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
- Members absent** : Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Elizabeth QUAT, JP
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, MH, JP
Hon Nathan LAW Kwun-chung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers : Items I and II
attending

Mr Daniel CHENG Chung-wai, JP
Deputy Secretary for Food & Health (Food)1
Food and Health Bureau

Dr LEUNG Siu-fai, JP
Director of Agriculture, Fisheries & Conservation

Dr Henry CHEUNG Siu-ming
Principal Veterinary Officer
Agriculture, Fisheries and Conservation Department

Dr Mary CHOW Ka-wai
Senior Veterinary Officer (Animal Management)
Development
Agriculture, Fisheries and Conservation Department

Dr Michelle YEUNG Lee
Senior Veterinary Officer (Technical Services)
Agriculture, Fisheries and Conservation Department

Clerk in : Ms Alice LEUNG
attendance Chief Council Secretary (2) 6

Staff in : Miss Connie AU
attendance Council Secretary (2) 6

Miss Meisy KWOK
Legislative Assistant (2) 6

Action

I. Issues relating to the safety of pet food products in Hong Kong
[LC Paper Nos. CB(2)1373/16-17(01) and (02)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. At the invitation of the Chairman, Director of Agriculture, Fisheries & Conservation briefed members on issues relating to the safety of pet food products in Hong Kong, details of which were set out in the Administration's paper (LC Paper No. CB(2)1373/16-17(01)).

Action

II. Handling of illegal sale of dogs on the Internet
[LC Paper Nos. CB(2)1373/16-17(03) and (04)]

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

4. At the invitation of the Chairman, Director of Agriculture, Fisheries & Conservation briefed members on the handling of illegal sale of dogs on the Internet, details of which were set out in the Administration's paper (LC Paper No. CB(2)1373/16-17(03)).

III. Any other business

5. The Chairman informed members that the Subcommittee would hold another meeting in June 2017 before summer recess and no meeting would be held in July 2017. The next meeting would be scheduled for Monday, 26 June 2017 to discuss "Issues relating to the promotion of animal-friendly measures (including public rental housing, public transport and public open space)", and relevant animal welfare groups would be invited to make oral representations to the Subcommittee. Members raised no objection to the meeting arrangement.

(Post-meeting note: Subsequent to the meeting, on the advice of the Chairman, the next meeting of the Subcommittee was scheduled to be held on 26 June 2017 at 11:00 am. Notice of the meeting was issued to members vide LC Paper No. CB(2)1489/16-17 on 24 May 2017.)

6. There being no other business, the meeting ended at 12:27 pm.

Council Business Division 2
Legislative Council Secretariat
4 August 2017

**Proceedings of the meeting of the
Subcommittee to Study Issues Relating to Animal Rights
on Tuesday, 16 May 2017, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
000900 - 000949	Chairman	Opening remarks	
<i>Agenda item I – Issues relating to the safety of pet food products in Hong Kong</i>			
000950 - 001649	Chairman Admin	Briefing by the Administration on issues relating to the safety of pet food products in Hong Kong (LC Paper No. CB(2)1373/16-17(01))	
001650 - 002155	Chairman Mr Jeremy TAM Admin	<p>Expressing concern over the safety of commercial pet food products in Hong Kong, Mr Jeremy TAM enquired whether the Administration would consider regulating commercial pet food products, including those "homemade" pet food that were sold on the Internet.</p> <p>The Administration advised that:</p> <ul style="list-style-type: none"> (a) commercial pet food products on sale in Hong Kong were mainly imported from other places. Sale of "homemade" pet food on the Internet had only accounted for a small fraction of pet food sales in the territory; and (b) it was considered more important to increase the awareness of pet owners on the proper selection of pet food through enhanced publicity and education. Pet owners should seek the dietary advice of veterinary surgeon when necessary. <p>On Mr TAM's enquiry about the follow-up actions taken by the Administration after the discovery of Salmonella in three frozen raw pet food samples in the study conducted by the Consumer Council in 2015, the Administration advised that the Agriculture, Fisheries and Conservation Department ("AFCD") had approached the importers of the three pet food samples found to contain Salmonella but no formal reply had been received. However, according to the information in the announcements issued by the companies concerned, these companies had recalled the relevant products in Hong Kong and the manufacturers concerned had also reviewed their production processes despite it was claimed that the laboratory tests commissioned by the manufacturers did not indicate the presence of Salmonella.</p>	

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002156 - 002615	Chairman Mr CHAN Chi-chuen Admin	<p>Mr CHAN Chi-chuen expressed concern about the lack of legislation regulating commercial pet food products in Hong Kong. He enquired whether the current legislations on the safety of food for human consumption could regulate the safety of pet food.</p> <p>The Administration replied that:</p> <ul style="list-style-type: none"> (a) except for the Trade Descriptions Ordinance (Cap. 362), pet food in general was not subject to regulation in Hong Kong in respect of its production, import and distribution; (b) according to the past experience, Hong Kong importers were cooperative in handling pet food incidents, they would initiate product recalls and/or remove them from shelf as necessary; and (c) the purpose of the study on pet food safety to be commissioned by AFCD was to enable it to assess, on a more informed basis, whether and the extent to which the safety of pet food was a concern. Subject to the study results, it might consider strengthening public education, in particular, for pet owners. 	
002616 - 003053	Chairman Admin	<p>The Chairman suggested that the Administration should:</p> <ul style="list-style-type: none"> (a) compile statistics on the sales amount of commercial pet food products in Hong Kong; and (b) consider restricting the import of pet food products and only those from places where a stringent regulation of pet food was in place should be allowed to be imported into Hong Kong before regulating pet food in Hong Kong. Alternatively, the Administration might consider adopting the relevant safety standards in overseas countries. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) countries like the United States ("US"), the European Union member states ("EU"), the Mainland as well as Thailand had put in place legislations governing the safety of pet food whereas Canada was subject to the self-regulation by the industry; and (b) as Hong Kong adopted a free trade policy, it would not restrict the import of goods into the territory. 	
003054 - 003357	Chairman Deputy Chairman	<p>The Deputy Chairman opined that the term "pet" was not too appropriate for describing animals kept by households, they should be referred as domestic animals instead.</p>	

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		<p>She also commented that consolidating and updating the relevant legislations into a single piece of animal protection legislation should be given priority over issues relating to the regulation of commercial pet food products.</p>	
003358 - 003815	<p>Chairman Mr CHU Hoi-dick Admin</p>	<p>Mr CHU Hoi-dick concurred with the Deputy Chairman's view on the need for a consolidated animal protection legislation. To address the concern regarding the lack of legislation regulating the safety of commercial pet food products in Hong Kong, he suggested that the Administration should consider amending section 14 of the Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139N) to extend its coverage to pet food.</p> <p>The Administration responded that Cap. 139N was only applicable to fodder for food-production animals. In its view, issues on pet food safety could be managed through existing measures and the need for legislation had to be further considered in the light of the result of the study on pet food safety to be commissioned by AFCD soon.</p>	
003816 - 004702	<p>Chairman Mr Jeremy TAM Admin</p>	<p>Mr Jeremy TAM sought information on:</p> <ul style="list-style-type: none"> (a) the past pet food incidents in Hong Kong; (b) the sources from which the Administration obtained the information on pet food recalls and the presence of any notification system; (c) the channels through which the Administration and the importers communicated the information on pet food recalls to the local public; and (d) which overseas jurisdictions would be used as reference in drawing up the standards to be adopted by AFCD in its proposed study on pet food safety. <p>The Administration advised that:</p> <ul style="list-style-type: none"> (a) there was one pet food recall recorded each in 2004, 2007 and 2013 respectively; and three recalls in 2012. These pet food incidents were mainly related to the presence of Melamine and microbes, and one case was related to possible excessive vitamin content; (b) AFCD identified pet food incidents mainly through regular surveillance of announcements from related overseas authorities, e.g. the US Food and Drug Administration; 	

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		<p>(c) AFCD would contact related importers to follow up on pet food incidents. On the suggestion that information on local pet food recalls should be uploaded onto AFCD's webpage for easy reference by the public, the Administration advised that its feasibility had to be further considered having regard to issues like the intellectual property right of the trademarks concerned etc. The Administration held the view that all arrangements on pet food recalls were the responsibility of the importers concerned; and</p> <p>(d) the overseas jurisdictions which could be used as reference for drawing up the standards to be adopted by AFCD's study on pet food safety included the US, EU, Japan and Australia etc.</p>	
004703 - 005147	Chairman Mr WONG Ting-kwong Admin	In response to Mr WONG Ting-kwong's enquiry on the availability of a notification system between Hong Kong and overseas countries on pet food incidents, the Administration advised that in addition to regular surveillance of announcements from related overseas authorities, it had maintained close contacts with local importers to ascertain whether the incident was of local relevance. Besides, the Administration had also maintained contacts with some overseas authorities and they would notify Hong Kong on identification of any pet food incidents.	
005148 - 005546	Chairman Mr Jeremy TAM Admin	In response to Mr Jeremy TAM's enquiry on the pet food incident involving possible excessive vitamin content and the applicability of the Trade Descriptions Ordinance (Cap. 362) in the incident, the Administration replied that Cap. 362 might not be applicable as the incident occurred in 2012 which was before the implementation of Cap. 362 in 2013. Besides, the nutrition information on pet food products was usually listed in the sequence of their relative proportion without any exact figures.	
005547 - 005716	Chairman Admin	The Chairman urged the Administration to put in place at least some sort of regulation over commercial pet food products in Hong Kong. She added that our neighbouring country, Singapore, had put in place a comprehensive legislation on animal protection despite their number of dogs and cats were considerably less than that in Hong Kong.	
<i>Agenda item II – Handling of illegal sale of dogs on the Internet</i>			
005717 - 010329	Chairman Admin	Briefing by the Administration on its handling of illegal sale of dogs on the Internet (LC Paper No. CB(2)1373/16-17(03))	

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010330 - 010909	Chairman Mr Jeremy TAM Admin	<p>In response to Mr Jeremy TAM's enquiry, the Administration advised that no application for One-off Permit ("OOP") had been received to date since the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B) ("the Regulations") only came into operation on 20 March 2017. It clarified that OOP was only applicable to a person selling a dog kept by him/her whereas a person breeding and selling dogs or their offspring kept by him/her should apply a dog breeder licence (category A) ("DBLA") or a dog breeder licence (category B) ("DBLB"). Up to the moment, seven applications for DBLA had been received and under processing by AFCD.</p> <p>Mr Tam was skeptical about the Administration's effort in detecting illegal sale of dogs as only three decoy operations had been conducted since the implementation of the Regulations and up to 4 May 2017. In his view, the Administration should proactively initiate decoy operations to detect illegal sale of dogs rather than acting on complaints only. He asked about the details of the enforcement actions taken against such illegal trading activities.</p> <p>The Administration responded that around 30 staff were deployed to enforce the Regulations, a dedicated unit was in charge of monitoring advertisements for animal trading and boarding activities on the Internet, and responding to related complaints. The investigation unit would proactively look for "dogs for sale" advertisements posted on the Internet and took appropriate follow-up actions on suspicious cases. It stressed that decoy operation was only one of the investigation strategies and it might not be applicable to all suspicious cases and as such, the Administration had not set specific target in respect of the number of decoy operations to be conducted.</p>	
010910 - 011455	Chairman Mr CHAN Chi-chuen Admin	<p>Mr CHAN Chi-chuen pointed out that some Members had expressed concern about the difficulties in enforcing the Regulations when they scrutinized the Regulations. To improve the implementation of the Regulations, he strongly urged the Administration to consider:</p> <ul style="list-style-type: none"> (a) requesting new dog owners to provide information and documentary proof on the sources of their dogs when they applied for a dog licence or updated the dog owner information at the Animal Management Centres ("AMCs") of AFCD; and (b) uploading the licensee/permittee lists onto AFCD's website to facilitate prospective dog buyers to verify the sellers' status. 	

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		<p>The Administration advised that:</p> <p>(a) while it was not mandatory for new dog owners to provide information on the sources of their dogs when updating the dog owner information at AMCs, the Administration might consider requesting for voluntary provision of such data in the future;</p> <p>(b) the list of licensed pet shops was already available on AFCD's website while the licensee lists of DBLA and DBLB would also be uploaded onto AFCD's website soon. Members of the public could also call the 1823 hotline to request for the licensee's/permittee's information; and</p> <p>(c) the Regulations had come into operation for two months only and AFCD would keep the situation in view.</p>	
011456 - 011859	Chairman Mr CHAN Han-pan Admin	<p>Noting that the three decoy operations were carried out in response to complaints, Mr CHAN Han-pan was of the view that the Administration should be more proactive in initiating investigations on its own to detect illegal trading or breeding activities. The Administration advised that in addition to the 19 complaints under processing, there was another 10 self-initiated investigations and decoy operation would be arranged as necessary.</p> <p>Mr CHAN pointed out that as the main purpose of enacting the Regulations was to bring dog trading and breeding activities under legislative control, he called on the Administration to strengthen its enforcement actions.</p>	
011860 - 012627	Chairman Admin	<p>In response to the Chairman's enquiry, the Administration advised that:</p> <p>(a) the licensee of DBLA/DBLB must make a declaration regarding the parentage of the offspring before they could be sold. To make the declaration, the licensee must physically present the puppy along with its mother to AFCD officers. AFCD would take cheek swabs from the mother and puppy to verify the relationship by checking DNA; and</p> <p>(b) 15 applications for DBLB were received to date, with 2 applications for renewal of the old licence and 13 applications from new applicants. At the moment, there was no evidence to suggest that the closure of illegal dog breeding establishments upon implementation of the Regulations had brought about a surge in dog abandonment.</p>	

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		<p>The Chairman requested the Administration to strengthen its enforcement actions to combat illegal dog breeding activities.</p>	
012628 - 013637	Chairman Mr KWONG Chun-yu Admin	<p>Mr KWONG Chun-yu pointed out that as reported by the media and some animal welfare groups, activities on illegal breeding of dogs were still rampant. He considered that the Administration should take proactive enforcement actions against suspected illegal breeding establishments. He asked whether the Administration had initiated any enforcement actions to wipe out those illegal dog breeding establishments.</p> <p>The Administration advised that illegal breeding establishments would need to sell their dogs and by proactively looking for "dogs for sale" advertisements and follow-up suspicious cases, AFCD might track down illegal breeding establishments by following the clues.</p> <p>The Chairman was of the view that the Administration should strengthen public education to remind members of the public not to buy dogs from unknown sources. The Administration advised that effort to raise the awareness of the public regarding the new requirements under the Regulations was ongoing and AFCD had recently published a booklet called "A Guide to Taking Care of Your Dog" which provided useful guidelines on, amongst others, buying a dog.</p>	
013638 - 014230	Chairman Mr CHU Hoi-dick Admin	<p>Concerning the requirement that the licensee/permittee must display the licence/permit number as well as the microchip numbers of the dogs on any advertisements, Internet or other forms of promotion for selling dogs, Mr CHU Hoi-dick was concerned that that it would achieve little as it was not easy for an individual to ascertain whether the number quoted by a seller was genuine. He held the view that this might even create an opportunity for unscrupulous sellers to circumvent the legislative control. To avoid ambiguity, he supported the suggestion made by the Society for the Prevention of Cruelty of Animals (HK) in its written submission proposing a ban on the selling of any animal over the Internet.</p> <p>The Administration responded that:</p> <p>(a) one of the main reasons for requiring licensee/permittee to display the licence/permit number as well as the microchip numbers of the dogs on any advertisements (including on Internet) was to facilitate the tracing and identification of illegal dog trading/breeding activities, the investigation unit of AFCD would verify the</p>	

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		<p>number on these advertisements to identify suspicious cases;</p> <p>(b) in view of the global nature of Internet, it was considered impractical to prohibit the selling of animals over this platform. Besides, the presence of any legal backing for imposing such a ban must also be considered; and</p> <p>(c) if the sale of dogs on Internet was banned, sellers might resort to other private channels making it more difficult for the Administration to detect illegal dog trading activities.</p>	
<i>Agenda item III – Any other business</i>			
014231 - 014341	Chairman	<p>Date of next meeting and items for discussion.</p> <p>The Chairman informed members that the Subcommittee would hold another meeting in June 2017 before summer recess and no meeting would be held in July 2017. Should members wish to propose other subject that, in their view, must be discussed in the June meeting, they were requested to put forward their suggestion, if any, as soon as possible. Members raised no objection to the meeting arrangement.</p>	