



The University of Hong Kong

Faculty of Law

10th Floor, Cheng Yu Tung Tower, Centennial Campus,
Pokfulam, Hong Kong

Clerk to Subcommittee on Public Health (Animals and Birds) (Animal Traders) (Amendment)
Regulation 2016 and Specification of Public Offices (Amendment) Notice 2016
Legislative Council Secretariat Legislative Council Complex
1 Legislative Council Road Central, Hong Kong

Attn: Ms Camy YOONG

Dear Subcommittee members,

Thank you for the opportunity to provide a representation to you on the administration's proposed amendments to the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016. This is a timely and critical amendment to the law, which has my full support.

The HKU/SPCA *Review of Animal Welfare Legislation in Hong Kong* (2010), of which I was the primary author, identified serious shortcomings in the legislation controlling the pet trade in Hong Kong, many of which pose a serious threat to human and animal welfare. Most critically of all, the current law provides a loophole permitting the majority of dog traders supplying the market to sell animals without any form of licencing control, if they claim the puppies are the offspring of their pets. The proposal to amend Cap 139B will finally bring to an end this farce, and force all breeders to get a licence and submit to inspections of their premises. The amendments will also impose a binding Code of Practice on all those who sell dogs (whether breeder or shopkeeper), requiring them to ensure their animals receive prompt vet care, exercise, environmental enrichments and other minimum standards of care essential to animals.

I do not believe any person on the Subcommittee would deliberately vote against the improvement of animal welfare laws in Hong Kong. However it is critical that members are not waylaid by the ill-informed arguments of those who have spoken publically against the amendments. On the misguided criticisms that have been made of the proposal, I make the following observations:

- (1) It is wrong to suggest that the proposal legalizes breeding. Breeding is already legal. Legality is not the issue. The real problem is that most breeding is legal but not regulated as there is no law to allow inspections of hobby breeders (who breed approximately 74% of the dogs on the market). The AFCD have no legal right to access the breeding sites of hobby breeders because hobby breeders are not currently required to hold a licence. With no licence requirement there is no power of inspection. What the proposed amendment will do is impose a set of conditions on all breeders (whether hobby breeding or not), requiring them to hold a licence which states that they must let inspectors onto their property and follow a Code of Practice to treat their animals humanely.



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- (2) It is incorrect to suggest that the amendment will encourage more people to enter the trade. The proposed amendments seek to finally ensure that everyone who breeds dogs has to hold a licence, submit to inspections and treat their animals properly. The new Code of Practice imposes more stringent conditions on traders than have ever been proposed before and will require those who breed dogs to spend money building new enclosures with space for exercise, set up 24 hour access to vet care and receive mandatory training in the monitoring of the health and welfare of their animals. The most likely result of the amendments is not that more people will enter the trade but less, as current breeders give up their operations when they realise the expense involved in complying with the new licencing conditions.
- (3) Some have argued that the proposal should not be supported as all dog breeding should be illegal in Hong Kong. This is tantamount to suggesting Hong Kong should have no laws to control dangerous drugs as people should not be taking them. It is naïve. No country in the world bans all dog breeding outright. What is critical is that what is taking place here is regulated properly.
- (4) Suggestions have been made that the new licensing system should not be supported as AFCD do not have the manpower to oversee it (based on their low inspection rates in the past). This argument misses the critical point that inspections can only take place where an inspector has been granted the power to inspect. Currently AFCD inspectors have no power to access premises operated by hobby breeders, as they are not licensed and need not open themselves up to inspection. The proposed amendment will correct this problem and give inspectors the power to access the facilities of all breeders. Further, which breeders are targeted for more frequent inspections will depend on whether they have a Category A or Category B licence. More animals are present, and at risk, in a commercial facility, and it is a sensible enforcement policy to inspect those premises more often, as is the stated intent of the AFCD inspectorate.
- (5) Finally it has been suggested that having a two tier licensing system is unnecessarily complicated. In fact, the proposed system is quite simple; any person who wishes to sell a dog will require a licence. The more dogs bred, the more stringent the terms of the licence will be and, as has been explained above, the category of licence sought (large or small scale) will determine the level of scrutiny imposed on the breeder's premises.

I invite the members of this Subcommittee to endorse the amendments and act to address the current state of unregulated breeding in Hong Kong. A failure to pass the amendments proposed



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will effectively condemn the majority of dogs in the pet trade to continue to suffer a life without legal protection. The people, and animals, of Hong Kong deserve better.

Yours sincerely

Amanda S Whitfort

Associate Professor and Barrister at Law

Department of Professional Legal Education