

**For discussion
on 13 May 2008**

LegCo Panel on Food Safety and Environmental Hygiene

**Proposed Amendments to the
Conditions for Animal Traders Licence issued under the
Public Health (Animals & Birds) (Animal Traders) Regulations**

PURPOSE

The Administration has conducted a review on and intends to amend the licensing conditions for pet shops involved in dog trading in order to tighten the control on the sources of dogs offered for sale for public health and animal welfare reasons. This paper briefs Members on these amendments.

BACKGROUND

2. Under the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) (“the Regulations”), any person who sells, or offers to sell, animals or birds has to obtain an animal trader licence (ATL). The only exception is where a person sells, or offers to sell, any animal or bird kept by him as a pet or any offspring thereof. Thus a pet shop is an animal trader. So is a pet breeder.

3. Under the Regulations, in granting an ATL, the Director of Agriculture, Fisheries and Conservation (DAFC) may attach such conditions to an ATL as he may think fit. Different licensing conditions have been prescribed for different types of animal traders. For example, pet shops selling dogs and those selling birds have different licensing conditions; and dog breeders also have specific licensing conditions applicable to them. For instance, dog breeders are required to provide resting and exercise areas for dogs, while pet shops trading in dogs are only required to provide the former.

4. The Administration keeps the ATL conditions under review. In consultation with various stakeholders, we have reviewed and concluded that the present ATL conditions for pet shops selling dogs require improvement. This is because these conditions currently do not regulate the sources of dogs offered for sale. Dogs from questionable sources could bring about disease risks, animal health and welfare issues. There is also the need to better safeguard the public from the risks of zoonotic diseases, notably rabies, associated with dogs. We, therefore, intend to amend the ATL conditions of pet shops involved in dog trading.

CONSIDERATIONS

5. The Agriculture, Fisheries and Conservation Department (AFCD) has formed a consultative group last year with representatives from the pet trade, kennel clubs, dog breeders and animal welfare groups to study how the existing animal laws and the ATL conditions could be improved to better safeguard animal welfare. During the discussions, representatives from the pet trade were generally in support of revisions to the conditions to tighten the control on the sources of dog supply. When the Administration briefed the LegCo Panel on Food Safety and Environmental Hygiene on 19 February 2008 on the package of proposals to further promote animal welfare, Members welcomed the proposal to revise the ATL conditions to combat illegal animal trading activities. Members also called on the Administration to expedite the early implementation of the revised licensing conditions prior to introducing other legislative amendments.

6. On 11 April 2008, a briefing was organised by AFCD for representatives from the pet trade, kennel clubs, dog breeders, animal welfare organisations and the Animal Welfare Advisory Group on, inter alia, the proposed changes to the ATL conditions. Very broadly, animal welfare groups were supportive of the proposed amendments. They considered that this could help promote animal welfare, and asked the Administration to expedite the introduction of the proposed amendments. Pet traders did not object to the conditions as such, but they did not see the matter with the same sense of urgency as animal welfare groups. Some dog breeders asked if the present ATL already covers them sufficiently and whether the law should be amended to provide a new type of licence to cover them alone.

7. We have carefully explained to stakeholders the rationale behind our proposed amendments. We will start with pet shops involved in dog trading first given the more significant public health and animal welfare concerns. We will consider the need for extending the conditions to pet shops selling other animals at a later stage. As regards the concerns of dog breeders, the ATL already covers pet breeders and the current amendment to the ATL for pet shops dealing in dogs would not affect the legal position for dog breeders nor their ATL conditions. As pointed out in paragraphs 2 and 3 above, the law already provides for any person who sells, or offers to sell, animals or birds to be licensed. Different ATL conditions may be prescribed for different types of animal traders. Thus we consider that there is no need to introduce another type of licence to cover dog breeders only. The ATL conditions for dog breeders have taken into account the welfare needs of dogs and are not unreasonable.

8. Having taken into account comments from various stakeholders, the Administration has now drawn up the following amendment proposals.

PROPOSALS

9. The new ATL conditions would stipulate that pet shops may only obtain dogs for sale from four sources, namely -

- (a) dogs legally imported into Hong Kong;
- (b) dogs bred by dog breeders with valid ATLs;
- (c) dogs obtained from other pet shops with valid ATLs; and
- (d) dogs obtained from persons selling their pets or offsprings of their pets.

In the case of (d), the pet shop has to obtain AFCD's prior approval for each such transaction. This seeks to prevent commercial breeders from putting themselves forward as ordinary pet owners, thus evading their statutory responsibility. Approval would be given only if there is sufficient documentary

proof from a practicing veterinarian that the dog being sold is the offspring of a dog covered by a dog licence and is properly vaccinated. In addition, the seller should only keep a single dog breed with not more than two entire bitches.

WAY FORWARD

10. We consider that the proposed amendments would serve to strengthen our existing controls on pet shops dealing in dogs to safeguard public health and animal welfare. Since we have been discussing this proposal with the trade extensively for quite some time, we intend to introduce the new conditions in a few months' time. This should give the pet trade sufficient time to make the necessary arrangements.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
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