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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 9 June 2009**

Regulation of pet shops and pet breeders

Purpose

This paper gives an account of the past discussions by the Panel on Food Safety and Environmental Hygiene (the Panel) on the regulation of pet shops and pet breeders.

Background

2. Under the Public Health (Animals & 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, 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, and so is a pet breeder.

3. The pet trade has expanded considerably over the past years. Unfortunately, there are some unscrupulous breeders in the trade who have little regard for the welfare and health of their animals. Many ignore the statutory requirement of licensing for animal traders by claiming that they are only private individuals selling their own pets or offspring of their pets. These unlicensed “traders” may also sell sick and unhealthy animals to unsuspecting members of the public, some of whom end up paying hefty veterinary bills as a result.

4. The Agriculture, Fisheries and Conservation Department (AFCD) has formed a consultative group in 2007 with representatives from the pet trade, kennel clubs and animal welfare groups to study how the Prevention of Cruelty to Animals Ordinance (Cap. 169) and the related laws could be improved to better safeguard animal welfare.

5. On 16 January 2008, the Legislative Council (LegCo) held a motion debate on safeguarding animal welfare during which Members raised a number of proposals to better promote animal welfare. At the debate, Members

unanimously called on the Administration to better control the sale and breeding of animals to protect pet owners and safeguard animal rights.

Past discussions

6. At the meeting on 19 February 2008, the Administration briefed the Panel on the following preliminary proposals to amend the Regulations and revise the licensing conditions for pet shops to enhance the regulation on animal trading activities -

- (a) increasing the maximum penalty for illegal trading of animal from \$2,000 to \$100,000 and for breaching of licensing conditions from \$1,000 to \$50,000;
- (b) empowering the Director of Agriculture, Fisheries and Conservation to revoke the licence of an animal trader even if the latter had committed various animal welfare related offences;
- (c) prohibiting the sale of animals or birds with infectious disease to the public; and
- (d) revising the licensing condition to require animal traders to source animals from legitimate sources.

In respect of (d), AFCD would first implement the new licensing condition in the dog trade. AFCD would consider extending the new licensing condition to other animal trades, depending on the practicality involved for different species of animals.

7. Members were supportive of the proposals, and urged the Administration to expedite the early implementation of the revised licensing condition prior to the introduction of legislative amendments.

8. At the meeting on 13 May 2008, the Administration briefed members on the proposed amendments to the licensing condition for pet shops involved in dog trading. Seven deputations also attended the meeting to give views on the matter.

9. Members noted that the new ATL condition would stipulate that pet shops might 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 had to obtain AFCD's prior approval for such transaction. This sought to prevent commercial breeders from putting themselves forward as ordinary pet owners, thus evading their statutory responsibility. Approval would be given only if there was sufficient documentary proof from a practicing veterinarian that the dog being sold was the offspring of a dog covered by a dog licence and was properly vaccinated. In addition, the seller should only keep a single dog breed with not more than two entire bitches.

10. Members further noted that 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. AFCD intended to introduce the new conditions in a few months' time, to allow sufficient time for the pet traders to make the necessary arrangements.

11. Whilst expressing support for the proposed amendments in principle, members were unconvinced that the measures to prevent commercial breeders from putting themselves forward as ordinary pet owners, mentioned in paragraph 9 above, were sufficient. They requested the Administration to also require ordinary pet breeders to only allow their breeding bitches to give birth once a year, as practised in New Jersey of the United States.

12. Hon Audrey EU opined that pet shops should be required to provide refund to consumers if the dogs they sold were found to be unhealthy after purchase. AFCD advised that under the existing ATL conditions applicable to dog and cat traders, the licensee must not offer for sale any animal which was suspected of having any disease. The sale of unweaned dogs and cats was also prohibited. Prosecution action would be taken against pet shops selling diseased dogs and/or cats.

13. On the suggestion of amending the law to provide a new type of licence to cover dog breeders alone, the Administration considered that there was no need to do so, as different licensing conditions might be prescribed for different types of animal traders and specific ATL conditions were prescribed for dog breeders. The current amendment to the ATL conditions for pet shops dealing in dogs would not affect the legal position for dog breeders nor their ATL conditions.

14. To better assist dog breeders to apply for ATL, including permitting dog breeding farms to be set up on farmland, Hon Tommy CHEUNG urged AFCD to provide a "one-stop" service for ATL applications and a performance

pledge for approving such applications within a specified time period. The Administration agreed to discuss with other relevant Government departments on how best to streamline the application process and shorten the processing time.

Relevant papers

15. Members are invited to access LegCo website (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of the meetings.

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