

SPCA ref : AIM/L013/06/09

To : Legislative Council Panel on Food Safety and Environmental Hygiene

Date : 4th June 2009

Ref : LC Paper No. CB 2)1755/08-09(03)

Subject: **Progress in Introducing Additional Conditions of Animal Traders License for discussion on 9th June 2009**

The SPCA (HK) welcomes the proposed introduction of additional licensing conditions for animal traders. Below are our comments on the document. Our further suggestions are attached at Annex I.

Without knowing the specific details at this stage our comments are:

(1) PROPOSED SOURCES

a. *Dogs legally imported.*

SPCA believes this is vital for the reasons of animal welfare and for the prevention of rabies in Hong Kong.

b. *Licensed breeders.*

SPCA agrees that this is the preferred source.

c. *Other pet shops.*

SPCA feels that with a tightening of the conditions attached to the ATLS, this is acceptable

d. *Private pet owners.*

This source is potentially a loop hole with implications for veterinary and public health and welfare. The SPCA believes that all breeders should be licensed, even non-commercial ones. However if this source can be effectively policed and controlled by the Administration (not the pet traders themselves), the SPCA feels that this may be acceptable as an interim measure at this stage.

However it should be noted that the detail of how this will be monitored and enforced and what role the Administration will play in this (if any) is not clear. The SPCA believes that the ideal situation is that pet shops should only source their animals from licensed traders and that the public should be able to obtain their pets directly from the (licensed) breeder, who may be commercial or non-commercial.

(2) PROGRESS MADE

The SPCA welcomes and supports the progress made (as detailed above) in terms of these issues under CAP 139b with reference to dog trading (selling and breeding). However it should be pointed out that there needs to be a significant review of the primary legislation and secondary legislation under CAP 139.(See Annex I).

(3) IMPLEMENTATION

The SPCA agrees that familiarisation is necessary and that this will take some time. We await further details from the Administration so that we can give our fully informed opinion on the proposals especially in respect to item 4d.

If 4d is adopted as an interim measure (bearing in mind that licensing all animal breeding is the ultimate aim) we would suggest that there is a commitment to adequately review 4d and a mechanism to improve or remove this clause should the “loop holes” arise.

(4) SPCA's COMMENT

The SPCA believes that the most important and fundamental issue is that any dog sold in a pet shop should be able to be traced to its mother.

This can be achieved by micro-chipping the puppy before it leaves its mother.

There is presently no requirement for a pet shop to transfer ownership once they have sold a dog to the purchaser. SPCA believes that a simple procedure similar to the present Motor Vehicle Transfer of Ownership requirement would solve the present problem of the inability to trace the current owner of a found or abandoned dog.

The SPCA believes that there should be tighter regulations relating to the keeping of registers, showing where a dog has come from and to whom it has been sold to.

(5) PROMOTION OF GOOD WELFARE FOR ANIMALS WITHIN THE PET TRADE

The SPCA has for many years been calling for a comprehensive review of all animal related legislation with the aim of producing comprehensive and consolidated legislation that is in line with the best international standards and which takes in to account advances in animal welfare science.

This review should look at both primary and secondary legislation and other legal instruments such as conditions attached to licenses. It should ensure that the improvement of animal welfare is a fundamental point for consideration. We understand that this will not be a quick process but feel that there should be commitment from the Government of Hong Kong to this and a time frame and mechanism proposed.

ANNEX I

As the law stands it would be possible to dramatically improve the welfare of animals traded under CAP 139 by adding in more conditions to the licenses.

Below is a list of some of the SPCA's suggestions for measures, some of which could be introduced as licensing conditions in the short term under CAP 139b. It should be noted that eventually some of these may be better included in the legislative instrument itself. Some are applicable to traders of species other than dogs:

- Minimum age to purchase a pet (16 years)
- Codes of practice and standards of care be introduced for traders to follow for each species (covering breeding and retail sales) They should cover such aspects as nutrition, housing, enrichment, prophylactic care and other husbandry considerations.
- Retailer must provide specific information on care and responsibilities for each species at point of sale.
- All registered traders should be identifiable to the public. There should be a published list of registered premises and license holders.
- All traders, including breeders should be obligated to provide records relating to all animals that have entered their premises. Such records shall include information relating to origin and outcome. This data can be analysed for anomalies.
- Breeding standards should be set, with many aspects to be covered (dependant on species) including minimum and maximum ages to be bred, maximum breeding cycles per year, maximum numbers of times to be bred, hereditary screening and breed planning.
- The amount of fines under the licensing conditions should be increased
- A license should be able to be revoked. This could be related to offences under CAP 139 but also under other ordinances; for instance, CAP 169 Prevention of Cruelty to Animals.
- There should be restrictions on persons convicted of certain offences from being able to work in a trading establishment or from holding a license.
- Commercial breeding should be clearly defined, as should non-commercial.
- Consideration should be given to setting maximum numbers of animals in commercial breeding establishments, to ensure that situations such as puppy mills or dog farms do not arise where there are likely to be severe welfare issues.
- There should be set requirements on provision of veterinary care; for instance, a named veterinary surgeon for each trader. Records relating to such should be kept.

- People working in animal trading establishments should have relevant training and qualifications.
- In light of the trend towards exotic pet keeping, there should be a definitive list of legally traded pet species in Hong Kong provided by the Government.
- Where there is legal regulation on the ownership of certain species being traded in Hong Kong; for example Cites II species being legally imported but ownership regulated under CAP 187, there should be a robust system (including permanent identification where possible) that identifies the animal as legally obtained. This may be micro-chipping and licensing.

In summary we support the amendments (with reservations as stated) we believe that there can be further improvement in the regulation of, and standards applied to, animal trading amongst other animal welfare issues and believe that the mechanism for achieving this can be developed during a comprehensive review of animal welfare laws. We feel such a review is long overdue.

The SPCA is willing to assist in any way it can.