

**For information
on 21 December 2009**

Legislative Council Panel on Food Safety and Environmental Hygiene

**Introduction of Additional Conditions of
Animal Traders Licence**

Purpose

This paper briefs Members on the Administration's plan to introduce additional licensing conditions for animal traders involved in the trading of dogs with a view to tightening the control of the sources of dogs offered for sale for public health and animal welfare reasons.

Background

2. Under the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B), any person who sells, or offers to sell, animals or birds has to obtain an Animal Trader Licence (ATL), unless that animal or bird is kept by him as a pet or any offspring thereof. The Director of Agriculture, Fisheries and Conservation may attach appropriate conditions to an ATL to ensure effective control.

Additional Licensing Conditions

3. At the meeting of the Panel on 9 June 2009, we updated Members on the preparation for the introduction of the additional licensing conditions for pet shops selling dogs after consultation with interested parties such as animal welfare groups and the pet trade. In brief, the additional 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 bona fide private pet owners. By a bona fide private pet owner, we refer to an owner who keeps a single breed of dog and not more than two entire (non-desexed) bitches at the same time.¹

4. From the above-mentioned Panel meeting and the seminars and briefing sessions subsequently held between July and September 2009, we gathered that all stakeholders supported the proposed additional licensing conditions, but some of them shared the view that the proposed interpretation of bona fide private pet owner as one who keeps a single breed of dogs and not more than two entire (non-desexed) bitches at the time of selling the puppies could give rise to enforcement problems.

5. After a thorough review, we consider it justifiable and practical to replace the dog limit requirement by requiring private pet owners to obtain a detailed Veterinary Certificate from a local registered veterinary surgeon for each of the puppies less than 5 months old to be sold to the pet shop to certify that the puppy is the offspring of the specified licensed bitch. The certification will imply that the puppy is originated from a place with minimum rabies risk as it is born from a bitch with a valid Dog Licence issued by AFCD. This is also in line with AFCD's role to prevent unwanted animal diseases, in particular rabies, a life-threatening disease from being introduced into Hong Kong.

Implementation

6. Having established the understanding with relevant stakeholders, we have finalised the additional ATL conditions as at **Annex** and will proceed with the following implementation timetable –

Date	Action
December 2009	Issue advance notice to all existing licensees before implementation.
December 2009 to January 2010	Conduct visits to pet shop during "advance notice" period, offering advice and assistance to facilitate their preparation for compliance of the new licensing conditions.
January 2010	Set up a one-stop "Hotline" service to answer enquires

¹ This requirement for a single breed of dog and not more than two entire (non-desexed) bitches was deleted after consultation.

	and receive intelligence regarding non-compliance to ATL.
Mid-January 2010	Carry out a "Freezing Survey" to record microchip numbers of all existing dogs in pet shops before implementation (such that the dogs present before the implementation will be exempted from the new requirement).
1 February 2010	Implementation of the new additional conditions

7. To allow the trade and pet owners to familiarize themselves with the new requirements, AFCD would issue advance notice to all existing licensee before implementation. Meanwhile, AFCD would also conduct visits to pet shops, offering advice and assistance as appropriate to facilitate their preparation for compliance of the new licensing conditions. We would step up efforts in publicizing the new arrangements through various channels including uploading the relevant information to AFCD's website, dissemination of leaflets and other publicity materials, as well as set up a one-stop "Hotline" services to answer enquiries and receive intelligence regarding non-compliance to ATL.

8. To check the compliance of pet shops and breeders after introduction of the additional licensing conditions, AFCD will step up inspection of licensed pet shops. Animal traders who are found to be in breach of the licensing conditions are liable to a fine and suspension of their licence. We will also conduct investigations into reports of suspected illegal dog trading activities and take prosecution actions whenever there is sufficient evidence.

9. We will review the effectiveness of the additional licensing conditions in one year's time after the implementation of new requirements.

Advice Sought

10. Members are invited to note the contents of this paper.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
December 2009**

ADDITIONAL CONDITIONS ATTACHED TO THE ANIMAL TRADER LICENCE

(Issued under Section 5(3) of

Public Health (Animals and Birds) (Animal Traders) Regulations, Cap.139)

(Applicable to dog and cat traders who are not dog breeders)

- (a) The licensee must not permit any animal which is suspected of having any disease to be kept in the licensed premises nor allow such animal to be sold or offered for sale.
- (b) The licensee must take all possible precautions to prevent the occurrence or spread of any infectious or contagious disease in any animal kept in the licensed premises.
- (c) All dogs for sale in the licensed premises must be implanted with a device (microchip) of the description set out in Schedule 3 of the Rabies Regulation, Cap. 421A; the device (microchip) must be implanted by a registered veterinary surgeon¹ in Hong Kong (or by a registered veterinarian in the place of origin for imported animals). Alternatively, dogs for sale must be fully licensed (i.e. the dog must be covered by a valid Dog Licence issued by the Agriculture, Fisheries and Conservation Department (this Department)). A scanner for reading the device must be readily available in the licensed premises at all times.
- (d) All dogs and cats for sale in the licensed premises must receive vaccination provided by a registered veterinary surgeon. Dogs must be vaccinated against canine distemper, canine parvovirus and infectious hepatitis and cats must be vaccinated against feline panleukopaemia and feline respiratory disease by means of a vaccination programme with records stating the validity period to the satisfaction of the Senior Veterinary Officer to effectively prevent these diseases. The vaccinations must be supported by a vaccination certificate issued by a registered veterinary surgeon, listing full details including the microchip number of the dog, date and place of vaccination, recommended date of boosters and other relevant details. Vaccination carried out before arrival in Hong Kong (imported dogs) must be certified by a veterinarian registered in the place of origin.
- (e) The original and up-to-date vaccination certificate of each dog and cat for sale issued and signed by a registered veterinary surgeon or a veterinarian registered in the place of origin must be immediately available in the licensed premises for inspection by an authorized officer at all times.
- (f) All dogs kept in the licensed premises must be from the following sources only, and must all be weaned and implanted with a microchip:-

¹ "A registered veterinary surgeon" means a registered veterinary surgeon within the meaning of the Veterinary Surgeons Registration Ordinance (Cap. 529).

- (i) Legally imported and covered by a valid import permit/special permit issued by this Department, together with a valid health certificate issued by the veterinary authority of the exporting place;
- (ii) Acquired from other licensed Animal Traders (including licensed local dog breeders) and covered by documentation (e.g. invoice, sale receipt, etc.) detailing the microchip number, breed, quantity, date of transaction and source; or
- (iii) Acquired from a private pet owner[#]. For a dog under 5 months of age, it must be covered by a certificate issued by a registered veterinary surgeon stating its microchip number and that the dog is the offspring of a specified licensed dog.

To accept dogs for sale in the pet shop, the licensee shall –

- (i) ensure that the private pet owner is the actual keeper of the dogs by checking that both the name and the Hong Kong Identity Card (HKID card) number of the private pet owner correspond to those of the keeper as recorded in the dog licence;
 - (ii) obtain a declaration of the private pet owner and such declaration shall be in the form as set out by this Department; and
 - (iii) keep the declaration of the private pet owner and other documents provided by the private pet owner (including copies of veterinary certificate) readily available in the licensed premises for a minimum period of one year after the dog in question has been accepted by the licensee for inspection by an authorized officer at all times.
- (g) (i) Unless it can be demonstrated that the animals concerned are from one of the sources specified in (f) above, the “trading-in” of dogs from clients and display for sale on behalf of clients and persons other than licensed animal traders are prohibited.
 - (ii) The licensee shall not accept for sale any dogs (including offspring of such dogs) specified by this Department under certain restrictions.
 - (h) The final destination of dogs imported for retailing to other licensed animal traders or on behalf of clients must be reported to Import and Export Division of this Department within 24 hours from arrival time in Hong Kong.
 - (i) The licensee may only accept dogs returned on the client’s production of sufficient proof that the dog was previously acquired from the licensee.
 - (j) In addition to the requirement set out in paragraph 19 of the Code of Standard for Licensed Animal Traders (Code of Standard), the licensee is required to keep a detailed and up-to-date record of each transaction (for a minimum period of one year), including the purchase, sale, transfer or death of any animal kept in the

licensed premises and the balance of the animal stock in a register in a format prescribed by this Department for inspection by an authorized officer at all times.

- (k) A notice as at Appendix A, in both English and Chinese, provided by this Department must be displayed at all times in a prominent position at the entrance of the licensed premises.
- (l) When a dog is sold or otherwise changes ownership or location, the original vaccination certificate must be given to the new owner/keeper when selling or transferring the dog. The microchip must be checked and details displayed in the scanner must be shown to the purchaser or new keeper, and checked in their presence against the vaccination certificate.
- (m) The transaction including the microchip number must be fully recorded in the register as required in paragraph 19 of the Code of Standard.
- (n) Not less than 50% of the floor area of each primary enclosure in which dogs or cats are kept must be solid or covered at all times with a solid platform or sleeping board of a size and design suitable to enable all animals kept in the primary enclosure to stand, sit and lie comfortably. Such solid area, platform or board must be constructed of a material which is substantially impervious to moisture and may be readily sanitized.
- (o) For dogs and cats imported for trading, the original or copy of the health certificate showing the identification microchip number of the animal issued and signed by a veterinarian registered in the place of origin must be immediately available in the licensed premises for inspection by an authorized officer at all times.