

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2013/15-16  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/7/15

**Subcommittee on Public Health (Animals and Birds)  
(Animal Traders) (Amendment) Regulation 2016 and  
Specification of Public Offices (Amendment) Notice 2016**

**Minutes of 2<sup>nd</sup> meeting  
held on Tuesday, 7 June 2016, at 9:00 am  
in Conference Room 2A of the Legislative Council Complex**

- Members present** : Hon Tommy CHEUNG Yu-yan, GBS, JP (Chairman)  
Hon Cyd HO Sau-lan, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Claudia MO  
Hon NG Leung-sing, SBS, JP  
Hon YIU Si-wing, BBS  
Hon Gary FAN Kwok-wai  
Hon MA Fung-kwok, SBS, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Dr Hon Helena WONG Pik-wan  
Dr Hon CHIANG Lai-wan, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon Alvin YEUNG Ngok-kiu
- Members absent** : Hon Steven HO Chun-yin, BBS (Deputy Chairman)  
Hon CHAN Hak-kan, JP  
Dr Hon Elizabeth QUAT, JP
- Members attending** : Hon WU Chi-wai, MH  
Hon Martin LIAO Cheung-kong, SBS, JP

**Public Officers** : Item I  
**attending**

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Ms Hinny LAM Shuk-yee  
Principal Assistant Secretary for Food and Health (Food) 3

Miss Swing YAU Sze-wing  
Assistant Secretary for Food and Health (Food) 5

Dr Thomas SIT Hon-chung  
Assistant Director (Inspection and Quarantine)  
Agriculture, Fisheries and Conservation Department

Dr Mary CHOW Ka-wai  
Senior Veterinary Officer (Animal Management) Development  
Agriculture, Fisheries and Conservation Department

Dr BENTON Steven David  
Veterinary Officer (Animal Management) Development  
Agriculture, Fisheries and Conservation Department

Ms Mandy NG Wing-man  
Senior Government Counsel  
Department of Justice

Mr Gary LI Ming-fung  
Government Counsel  
Department of Justice

**Clerk in** : Miss Josephine SO  
**attendance** Chief Council Secretary (2) 2

**Staff in** : Miss Winnie LO  
**attendance** Assistant Legal Adviser 7

Ms Wendy LO  
Senior Council Secretary (2) 2

Ms Camy YOONG  
Clerical Assistant (2) 2

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Action

**I. Meeting with the Administration**

[File Ref: FH CR 3/3231/07, L.N. 64 of 2016, L.N. 68 of 2016, LC Paper Nos. LS55/15-16 and CB(2)1645/15-16(02) & (03)]

The Subcommittee deliberated (index of proceedings attached at **Annex A**).

Follow-up actions required of the Administration

Admin

2. The Administration was requested to provide written response to issues raised by members as set out in **Annex B**.

*(Post-meeting note: The English and Chinese versions of the Administration's response were issued to members vide LC Paper No. CB(2)1707/15-16(02) on 13 and 21 June 2016 respectively.)*

**II. Any other business**

3. The Subcommittee completed consideration of the policy aspect and examination of the detailed provisions of the two items of subsidiary legislation under its scrutiny. Members agreed that the Subcommittee would receive public views on the subsidiary legislation at the next meeting scheduled for 14 June 2016 and consider amendments (if any) to the subsidiary legislation.

4. There being no other business, the meeting ended at 12:29 pm.

Council Business Division 2  
Legislative Council Secretariat  
31 August 2016

**Proceedings of the meeting of the  
Subcommittee on Public Health (Animals and Birds)  
(Animal Traders) (Amendment) Regulation 2016 and  
Specification of Public Offices (Amendment) Notice 2016  
on Tuesday, 7 June 2016, at 9:00 am  
in Conference Room 2A of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action Required</b>
000216 - 000641	Chairman Clerk	The Chairman's opening remarks.  The legislative timetable in relation to the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 ("the Amendment Regulation") and the Specification of Public Offices (Amendment) Notice 2016 ("the Amendment Notice").	
000642 - 001708	Chairman Admin	Briefing by the Administration on the Amendment Regulation which sought to amend the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations") in order to strengthen the regulation of animal trading and dog breeding activities. Members noted that the Amendment Notice sought to amend the Schedule to the Specification of Public Offices Notice (Cap. 1C) to facilitate the day-to-day operation of the new regulatory regime for animal trading and dog breeding. [Legislative Council Brief - File Ref.: FH CR 3/3231/07].	
001709 - 002407	Chairman Mr MA Fung-kwok Admin	Mr MA Fung-kwok expressed support for the implementation of the enhanced regulatory regime to put dog breeding activities under licensing control and the introduction of the dog breeder licence (category A) ("DBLA"), dog breeder licence (category B) ("DBLB") as well as the one-off permit for regulating dog breeding and trading activities. He, however, expressed concern about the practical difficulties that might be encountered by the Agriculture, Fisheries and Conservation Department ("AFCD") in conducting inspections on licensed premises of hobby-breeders, which in most cases were situated in residential buildings. He enquired whether AFCD had sufficient manpower resources to cope with the anticipated increase in workload after commencement of the Amendment Regulation.	

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		<p>The Administration's advice that:</p> <p>(a) the sale of one's own pet dogs and keeping for breeding and sale of dogs were excluded from the control of the existing licensing regime. The new licensing regime would give an anchoring point for AFCD to carry out inspection, promotion and education work concerning dog breeding activities. Under the Amendment Regulation, it would be an offence for any person who sold, or kept for breeding and sold, a dog without a licence or a one-off permit;</p> <p>(b) when the new regulatory regime was in full swing, it was estimated that there would be around 500 to 1 000 DBLAs, 25 DBLBs and 500 one-off permits in the market. Through the provision of seven additional permanent civil service posts and redeployment of staff currently engaged in duties related to the Regulations, AFCD anticipated that there would be some 30 officers deployed to discharge duties in relation to the licensing of animal trading activities and enhancing the relevant control measures after commencement of the Amendment Regulation; and</p> <p>(c) upon receipt of an application for a licence, AFCD would arrange inspection to the concerned premises before deciding on the grant of licence. During the validity period of a licence, licensed premises would be subject to inspections by authorized officers of AFCD to ensure licensees' compliance with the statutory requirements and conditions attached to the licence.</p> <p>Responding to Mr MA's enquiry about the maximum number of licences that would be issued to a particular breeding premises, the Administration advised that each DBLA or DBLB was tied to one specific premises and any individual might only hold one DBLA at any one time.</p>	
002408 - 002959	Chairman Mr YIU Si-wing Admin	Mr YIU Si-wing expressed support for the implementation of the enhanced regulatory regime for dog breeding, including prohibiting the sale of dogs by a licensee or permit holder	

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		<p>to any person under the age of 16 years and increasing the penalty levels for contravention of the relevant licensing requirements.</p> <p>Regarding Mr YIU's view that the Administration should consider extending the licensing system to cats, the Administration advised that empirical data showed that the welfare of dogs that were kept for breeding purposes had been compromised more frequently and to a greater extent than other types of animals. The Administration considered that there was a strong case to strengthen the regulation for trading of dogs first. It would keep in view the effectiveness of the new regulatory regime and assess the need to extend the coverage of the regulation to cats and/or other pet animals at a later stage.</p> <p>In response to Mr YIU's enquiry as to whether Animal Welfare Organizations ("AWOs") providing animals rehoming services would be qualified for the exemption from holding an Animal Trader Licence ("ATL"), the Administration advised that it proposed that the Director of Agriculture, Fisheries and Conservation ("DAFC") be empowered to exempt an AWO from the requirement to obtain an ATL if he was satisfied that the AWO concerned was conducting genuine rehoming activities for animal welfare purposes on a non-profit-making basis. In deciding on the exemption, DAFC might take into account all relevant factors, including whether (a) the person was a registered society, registered company, or registered trustees incorporated; (b) the person was holding a charitable institution or trust of a public character that was exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112); (c) the protection and promotion of animal welfare and rehoming were among the core activities and services of the person; and (d) the person engaged the services of a registered veterinary surgeon to act as an advisor on animal health and welfare.</p> <p>In response to Mr YIU's further enquiry, the Administration advised that "transfer, or agree to transfer, ownership of the animal or bird in consideration of entry by the transferee into</p>	

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		<p>another transaction" would constitute a sale under the new definition of "sell" and be subject to the licensing requirements.</p>	
003000 - 004010	<p>Chairman Ms Claudia MO Admin</p>	<p>Ms Claudia MO's enquiry on whether individuals conducting animal rehoming activities could be qualified for the exemption from holding an ATL and whether they had to take the initiative to apply for exemption. The Administration's advice that:</p> <p>(a) under the Amendment Regulation, DAFC was empowered to exempt a person (including individuals and AWOs) from the requirement to obtain an ATL if DAFC was satisfied that the person was conducting genuine rehoming activities for animal welfare purposes on a non-profit-making basis. DAFC would take into account all relevant factors, as mentioned earlier, in deciding on the exemption. Individuals were encouraged to apply for exemption so as to continue their animal rehoming activities. They could also form an AWO and apply for exemption; and</p> <p>(b) to enhance transparency, the Administration planned to make available, on AFCD's website, the list of persons/AWOs whom/which were exempt from holding an ATL.</p>	
004011 - 004639	<p>Chairman Mr Alvin YEUNG Admin</p>	<p>Mr Alvin YEUNG asked whether applicants would be required to submit the land leases/ deeds of mutual covenant ("DMCs") in relation to the premises for DAFC's consideration of the suitability of the premises concerned for breeding activities. The Administration advised that if there was evidence to indicate that any breach of the relevant provisions in the relevant DMCs might affect the suitability of the premises concerned for conducting the regulated activity (breeding of dogs in this case) or compliance with the relevant requirements, depending on the circumstances of the particular case, it might be one of the relevant factors for DAFC to take into account when considering whether or not to grant the licence.</p> <p>The Chairman's suggestion that the licensing requirements for ATL, DBLA and DBLB</p>	

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		<p>(including the documents and information required to be submitted for assessment) should be laid down clearly in the relevant application forms, so as to facilitate applicants' completion of the application process.</p> <p>Mr YEUNG asked whether consideration would be given to further increasing the maximum penalty (from a fine of \$100,000 to imprisonment) for selling, or keeping for breeding and selling, a dog without a licence/permit, so as to achieve greater deterrent effect. The Administration advised that section 3 of the Public Health (Animals and Birds) Ordinance (Cap. 139) ("the Ordinance") stipulated that the penalty for contravening the Regulations should not exceed a fine of \$100,000; and people convicted of offences relating to cruelty to animals under the Prevention of Cruelty to Animals Ordinance (Cap. 169) were liable to a fine of \$200,000 and to imprisonment for three years.</p>	
004640 - 005816	Chairman Mr CHAN Chi-chuen Admin	<p>Mr CHAN Chi-chuen expressed concern that the introduction of DBLA would encourage more people to breed dogs since the threshold for the granting of DBLA was lower than that of DBLB. Expressing worries that the Amendment Regulation might produce an unintended effect of legalizing private breeding of dogs, Mr CHAN sought detailed information on the licence conditions under the new licensing regime, such as the space and facility requirements for licensed premises, the responsibility on the part of licence holders, the training requirement on licensees and their staff, etc.</p> <p>The Administration explained the rationale for adopting a two-tier regulatory regime for dog breeding, as detailed in the Legislative Council Brief. It advised that ATL, DBLA and DBLB would each be granted by DAFC alongside a set of conditions attached to the respective licences, specifying requirements for the licensed premises, the source of the dogs for sale, procedures for the sale of dogs, etc. All licensees must comply with the Code of Practice ("CoP") of their respective licences. The Administration would brief the Panel on Food Safety and Environmental Hygiene at its</p>	



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		<p>meeting to be held on 14 June 2016 on the proposed CoPs which provided details on subjects ranging from requirements for environment and facilities, to temperature, ventilation, lighting, training for the licensees and their staff (if any), record keeping, etc.</p> <p>Mr CHAN shared the Chairman's view that the licensing requirements for ATL, DBLA and DBLB should be laid down clearly in the applications forms. The Administration advised that it would devise a set of guidance notes and document list to facilitate the submission of necessary information and documents by applicants.</p>	
005817 - 010619	Chairman Dr CHIANG Lai-wan Admin	Dr CHIANG Lai-wan's expression of support for enhancing the regulatory control over dog breeding activities and AFCD's issuance of CoPs for ATL, DBLA and DBLB as part of the licence conditions. Regarding her suggestion that guidelines be issued to dog owners to advise them on proper keeping of dogs, the Administration gave an account of the publicity efforts being made by AFCD to promote proper training of dogs and responsible pet ownership.	
010620 - 011422	Chairman Ms Claudia MO Admin	Ms Claudia MO's view that DAFC should not grant a licence unless the ATL, DBLA and DBLB licensed premises had a minimum gross floor area of 2 000 square feet. This was to ensure that the licensed premises had adequate space for the keeping of dogs. The Administration advised that it had made reference to overseas practices in setting out the detailed space requirement for the keeping of dogs in CoPs. In considering an application for licence, DAFC would take into account all relevant factors including an applicant's compliance with the licensing conditions.	
011423 - 012216	Chairman Mr WU Chi-wai Admin	Mr WU Chi-wai shared the concern on whether DAFC would grant or renew a licence if the land leases and DMCs in relation to the premises contained provisions forbidding the keeping of dogs/animals. He enquired about the rationale for restricting the number of female dogs kept at any premises licensed under a DBLA for breeding purposes to four. The Administration advised that the differentiation between DBLA and DBLB was primarily based	

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		<p>on the number of female dogs kept for breeding purposes by the licensee. Having regard to the actual circumstances that commercial breeders currently in the market were keeping five or more female dogs for breeding purposes on average, the Administration decided to draw reference to the practice of other comparable jurisdictions and adopted the "not more than four female dogs" ceiling for DBLA. The proposed ceiling had been discussed with and broadly agreed by different parties during the public consultation and liaison sessions with the relevant stakeholders.</p>	
012217 - 013038	Chairman Mr Paul TSE Admin	<p>Mr Paul TSE expressed support for the introduction of regulatory control over dog breeding activities. He was concerned about the suitability of allowing hobby-breeders to raise too many dogs at a premises, given that most hobby-breeders operated in residential buildings. He suggested that the number of female dogs that could be kept by DBLA holders for breeding purposes should be reduced from "four or fewer" to "not more than two". He enquired whether other densely populated cities had restrictions in this respect.</p> <p>The Administration explained the rationale for restricting the number of female dogs kept at any premises licensed under a DBLA for breeding purposes to four. Among various densely populated cities, Hong Kong was the first city to implement comprehensive regulatory control on dog breeding activities. DAFC would take into account all relevant factors in considering an application for licence.</p> <p>In response to Mr TSE's concern over the practical difficulties involved in enforcing the new regulation 4B which prohibited the sale of dogs to persons under the age of 16, the Administration advised that the proposal to prohibit an ATL, DBLA, DBLB or one-off permit holder from selling a dog to any person under the age of 16 years had been suggested by various parties during the public consultation exercise and was supported by animal traders.</p>	
013039 - 013648	Chairman Ms Cyd HO Admin	Ms Cyd HO suggested that the licensees should be required to provide patrons with basic information about proper keeping of dogs, so as	

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		<p>to ensure the dogs' welfare. On her concern about the space requirement, the Administration advised that CoPs would clearly set out, among others, requirements for environment and facilities for keeping dogs. DAFC would consider each application, having regard to the actual circumstances of the case.</p>	
013649 - 014006	<p>Chairman Mr Alvin YEUNG Admin</p>	<p>In response to the enquiries of Mr Alvin YEUNG and the Chairman, the Administration advised that in accordance with the new regulation 5G(2), DAFC must not cancel a licence without first giving the licensee an opportunity of being heard. Under section 11 of the Ordinance, any person who was dissatisfied with the decision of DAFC might appeal to the Chief Executive ("CE") in Council.</p> <p>The Chairman and Mr YEUNG both suggested the Administration consider reviewing the appeal mechanism, making reference to the appeal mechanism under the liquor licensing regime.</p>	
014007 - 014712	<p>Chairman Mr CHAN Chi-chuen Admin</p>	<p>Mr CHAN Chi-chuen expressed concern that the introduction of one-off permit would encourage pet trading by private pet owners. His enquiries and the Administration's responses regarding the application for a licence/permit under particular circumstances and the surrender of an unused permit by the licensee.</p> <p>Mr CHAN's further enquiry about the rationale of the Administration's decision to grant a maximum of two one-off permits to a particular individual within any four-year period. The Administration's explanation that there was concern that a complete ban on trading of dogs by private pet owners would be inconsistent with the provisions of the Basic Law which protected private property rights. In coming up with the above proposal, consideration had been given to the duration of tenancy agreements for renting private premises in normal circumstances (i.e. a period of two years for each tenancy).</p>	

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014713 - 015101	Chairman Dr CHIANG Lai-wan Admin	Dr CHIANG Lai-wan's suggestion that (a) people who purchased dogs from pet shops or licensed dogs breeders should be required to register with AFCD; and (b) AFCD should arrange training for dog owners on proper keeping of dogs.	
015102 - 015638	Chairman Ms Claudia MO Admin	<p>Ms Claudia MO's concern over the problem of inbreeding among particular species of dogs, such as causing genetics and hereditary diseases. The Administration's advice that genetic diseases might appear not only among inbreeding animals, and most overseas countries did not impose regulation over inbreeding activities.</p> <p>The views of the Chairman and Ms MO on whether tenants living in public rental housing estates should be allowed to keep animals.</p>	
015639 - 020228	Chairman Mr Paul TSE Admin	Mr Paul TSE requested the Administration to provide the number of prosecutions instituted in the past five years (i) in respect of contravention of provisions under the Regulations and (ii) against holders of ATL for breach of conditions attached to ATL.	<b>Admin (item 1(a) of Annex B refers)</b>
<i>Section-by-section examination of the Amendment Regulation and the Amendment Notice (LC Paper No. CB(2)1645/15-16(02))</i>			
020229 - 021251	Admin Chairman Mr CHAN Chi-chuen Ms Claudia MO	<p><u>Section 1</u></p> <p><u>Sections 2 to 5</u></p> <p>Application for a licence/permit under different circumstances.</p>	
021252 - 022604	Admin Chairman Ms Claudia MO	<p><u>Section 6 - to amend regulation 4 of the Regulations (prohibition of trading without a licence)</u></p> <p>Noting that the Administration planned to make available, on Government websites, information regarding all licensees and persons/AWOs to whom/which exemption from holding an ATL was granted, Ms Claudia MO requested the Administration to advise on what kind of information would be released for public access and whether the extent of disclosure of information for body corporates and non-profit-making AWOs would be the same for individuals. She opined that the</p>	<b>Admin (item (2) of Annex B refers)</b>

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Administration should carefully consider the extent of information to be uploaded onto the Government websites, in particular in relation to individuals, which might arouse personal privacy concern.</p> <p>The Chairman's view that the same approach should be adopted in handling disclosure of information in relation to licensees and persons/AWOs to whom/which exemption from holding an ATL was granted.</p> <p>The Administration advised that it would seek legal advice and consult the Office of the Privacy Commissioner on how to ensure compliance with the relevant legal requirements.</p>	
022605 - 022752	Chairman Admin Mr Alvin YEUNG	<u>Section 7 - to add the new regulations 4AA (prohibition of breeding dogs without licence etc.) and 4AAB (prohibition of keeping more dogs than permitted)</u>	
022753 - 023259	Admin Chairman Mr CHAN Chi-chuen	<p><u>Section 8 - to add the new regulation 4B (prohibition of selling dogs to persons under 16)</u></p> <p>Mr CHAN Chi-chuen considered that the Administration should conduct covert operations, in enforcing the new regulation 4B. Mr Alvin YEUNG further suggested that the Administration should consider requiring licensed animal traders/dog breeders to post a notice at a conspicuous place of their premises in respect of which a licence was granted to remind patrons that the minimum age of a person to whom a licence holder could sell dog was 16.</p>	<b>Admin (item (3) of Annex B refers)</b>
023300 - 023726	Chairman Admin Mr Alvin YEUNG	<p><u>Section 9 - to amend the existing regulation 5 (power of Director to license animal traders)</u></p> <p>In response to Mr Alvin YEUNG's enquiry, the Administration advised that any licensee who was dissatisfied with the conditions attached to an ATL by DAFC might appeal to CE in Council as provided for under section 11 of the Ordinance.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
023727 - 024457	Admin Chairman Ms Claudia MO Mr Alvin YEUNG	<p><u>Section 10 - to add the new regulations 5A to 5H</u></p> <p><i>The new regulation 5A</i></p> <p>Enquiry about DAFC's discretion to exempt certain persons from holding an ATL. The Administration advised that the new regulation 5A(5) provided DAFC with flexibility in deciding the exemption period when granting or renewing an exemption from holding an ATL.</p>	
024458 - 030206	Chairman Mr CHAN Chi-chuen Mr Paul TSE Ms Claudia MO Admin	<p>The Chairman's decision to extend the meeting time by 15 minutes.</p> <p><i>The new regulations 5B to 5E</i></p> <p>Mr CHAN Chi-chuen's enquiry and the Administration's response regarding the number of female dogs that could be kept at a premises for breeding purposes under a DBLB.</p> <p>In response to Mr Paul TSE's enquiry, the Administration explained that regulations 5D and 5B(6) provided that DAFC might only grant one licence in respect of one premises and an individual might at any time hold only one DBLA.</p>	
030207 - 030539	Admin Chairman Mr CHAN Chi-chuen	<p><i>The new regulation 5F</i></p> <p>In response to Mr CHAN Chi-chuen's enquiry, the Administration advised that the individual who had been authorized by the licensee to act as its representative for the purpose of the licence also had a "duty of care" to dogs.</p>	
030540 - 031119	Chairman Mr Paul TSE Admin	<p><i>The new regulation 5G</i></p> <p>Noting that under the new regulation 5G(2), DAFC should not cancel a licence without first giving the licensee an opportunity of being heard, the Chairman and Mr Paul TSE suggested that the new regulation 5G(2) be amended to the effect that the licensee should provide their representations "within a reasonable period of time". They were of the view that the suggested amendment could help forestall attempts on the part of the less than cooperative licensees who might seek to frustrate early cancellation of licence by delaying tactics.</p>	<p><b>Admin (item 1(b) of Annex B refers)</b></p>

Time marker	Speaker	Subject(s)/Discussion	Action Required
031120 - 031545	Admin Chairman Mr Paul TSE	<p><i>The new regulation 5H</i></p> <p>Mr Paul TSE's enquiry and the Administration's response regarding the criteria for granting a one-off permit.</p> <p>The Subcommittee's agreement to further extend the meeting time by another 15 minutes.</p>	
031546 - 031813	Chairman Admin	<p><u>Section 11 - to amend the existing regulation 9 (husbandry and sanitation)</u></p> <p><u>Section 12 - to amend the existing regulation 10 (certain animals or birds to be kept separate)</u></p> <p><u>Section 13 - to amend the existing regulation 13 (offences and penalties)</u></p> <p><u>Section 14 - to repeal the existing regulation 15 (transitional arrangement for existing licence holders)</u></p>	
031814 - 032647	Admin Chairman Ms Cyd HO Mr Paul TSE Mr CHAN Chi-chuen	<p><u>Section 15 - to add the new regulation 16 (transitional arrangements for existing licensed animal traders) and a new fee schedule</u></p> <p>In response to the enquiries of Ms Cyd HO and Mr Paul TSE, the Administration advised that the Amendment Regulation would come into operation on a date to be specified in a Commencement Notice (which would be a piece of subsidiary legislation to be introduced into the Legislative Council for scrutiny under the negative vetting procedure). During the transitional period, AFCD would continue to process the renewal of ATLS having regard to the applicants' compliance with the licensing conditions.</p> <p><u>Sections 16 and 17</u></p>	
032648 - 032806	Chairman Admin	Examination of the Amendment Notice - sections 1 to 3	
032807 - 033009	Chairman	Date of next meeting and the Chairman's closing remarks.	

**Subcommittee on Public Health (Animals and Birds)  
(Animal Traders) (Amendment) Regulation 2016 and  
Specification of Public Offices (Amendment) Notice 2016**

**List of follow-up actions arising from the discussion  
at the meeting on 7 June 2016**

1. The Administration was requested:
  - (a) to provide the number of prosecutions instituted in the past five years
    - (i) in respect of contravention of provisions under the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) and
    - (ii) against holders of Animal Trader Licence ("ATL") for breach of conditions attached to ATL; and
  - (b) to consider the suggestion of some members that while the Director of Agriculture, Fisheries and Conservation must not cancel a licence without first giving the licensee an opportunity of being heard under the new regulation 5G(2), the licensee should do so "within a reasonable period of time". Members were of the view that the suggested amendment on the new regulation 5G(2) could help prevent uncooperative behaviour of licensees who might try to procrastinate the intended cancellation.
2. According to the Administration, it planned to make available information regarding all licensees and persons/animal welfare organizations ("AWOs") to whom/which exemption from holding an ATL was granted on Government websites for public access. Members requested the Administration to advise on what kind of information would be released for public access and whether the extent of disclosure of information for public access for body corporates and non-profit-making AWOs would be the same for individuals. Some members opined that the Administration should carefully consider the extent of information to be uploaded onto the Government websites, in particular in relation to individuals, which might arouse personal privacy concern.
3. The Administration was also requested to consider a member's suggestion to require licensed animal traders/dog breeders to post a notice at a conspicuous place of their premises in respect of which a licence was granted to remind patrons that the minimum age of a person to whom a licence holder could sell dogs was 16.