



Animal Earth

Position Paper in relation to

ADDITIONAL CONDITIONS ATTACHED TO THE ANIMAL TRADER LICENCE

(Issued under Section 5(3) of Public Health (Animals and Birds) (Animal Traders)

Regulations, Cap.139)

in the context of

the “*Progress Report on the Proposed Amendments to the Prevention of Cruelty to Animals Ordinance and the Public Health (Animals & Birds) (Animal Traders) Regulations*” (LC Paper No. CB(2)1061/07-08(01))

Submitted to LegCo Panel on Food Safety and Environmental Hygiene

11th May, 2008

PURPOSE

In response to the “Additional Conditions” (captioned) issued by the Agriculture, Fisheries and Conservation Department (“AFCD”) (Revision 1/2008), Animal Earth wishes to express its comments and position, stated in the following paragraphs.

BACKGROUND

2. The proposed Additional Conditions are understood as part of the Government’s proposed amendments to enhance regulation on the pet trade, as mentioned in Section A (paragraphs 6 to 10) of the captioned Progress Report (LC Paper No. CB(2)1061/07-08(01)). Specifically, as proposed in Paragraphs 7 and 8 of the Progress Report, breaching of *licensing conditions* may incur a maximum penalty of \$50,000 fine, and possibly revocation of licence. The “*licensing conditions*” refers to the “Additional Conditions” that are currently being proposed by the AFCD, and commented in this paper.



COMMENTS AND POSITION

A. *Loopholes in animal breeding and trading*

3. According to Paragraph 6 of the Progress Report, many unscrupulous breeders in the pet trade ignore the statutory requirement of licensing for animal traders by claiming that they are only private individuals selling their own pets or offspring of the pets. The report went on to propose revising the licensing conditions for pet shops to better safeguard animal welfare. We welcome such effort of the Government to acknowledge this loophole in the laws that, over the years, has given ample opportunities to unscrupulous people to exploit animals for profiteering, thereby causing incalculable suffering to many animals and, in many cases, producing a large population of stray or “unwanted” animals.

4. We welcome the AFCD’s proposal to amend the licensing condition for pet shops by restricting their source of dog supply to only a few origins. However, the latest issued Additional Conditions failed to plug the loophole mentioned in paragraph 3 above.

5. In particular, condition (f)(iii) in the Additional Conditions permits pet owners, including private individuals in residential and other premises, to sell their pet animals and offspring of the animals to licensed animal traders. We think that introducing this as a legitimate source of animal supply largely defeats the purpose of restricting sources of supply as a measure to safeguard animal welfare originally intended by the Government, for reasons explained below.

6. First, no condition is specified in the proposed amendment that requires the pet owners who supply animals to have sufficient veterinary, biological, professional knowledge, or be bound by relevant ethical standards to safeguard the welfare of animals and their offspring concerned. Permitting laypersons to produce animals for commercial supply will open up huge opportunities for animals to be mistreated when operating costs and profits of businesses are at stake. Worst, when mistreatment to animals happens in residential premises, it is highly difficult and impractical for enforcement agencies to detect.



7. We appreciate that the Government, it seemed, has given some consideration to our concern explained in the previous paragraph by qualifying condition (f)(iii) in the note “#” which tries to further restrict such approvable “pet owners” to those who has kept one type of dog breed and no more than two entire bitches at the same time. In reality, such requirement is quite arbitrary, unsound, and does not serve the purpose of protecting the welfare of animals concerned, including the “bitches”, the males on the premises, and the offspring, for at least the following reasons:

- (i) the proposed restriction does not deal with reproduction between males and females with close bloodline, which could produce animals with physical and mental defects, often resulting in unwanted animals, killed or abandoned; and
- (ii) it does not protect female animals from over-breeding which is a form of sustained torture to the animals.

8. As can be seen from paragraphs 5 to 7 above, condition (f)(iii) will open up a huge loophole for the unscrupulous to exploit, at the expense of animals’ basic well-being. There is no rationale for opening up such loophole in the law. We, therefore, urge the Government to remove and/or replace this condition with well-justified one(s).

9. Condition (f)(iii) also requires dogs under 5 months of age be ascertained by veterinary surgeon as true offspring of specified licensed dogs. In principle, we welcome this as part of the condition. However, we have reservation on the technical viability and reliability of such certification process. Since this part of the condition is crucial to the effectiveness of the control, we urge the Government to thoroughly consult the veterinary profession and practices to arrive at feasible and reliable solutions.

B. Breeder licence versus trader licence

10. At present, and also in the amended licensing scheme, there is only one type of Animal Trader Licence, covering establishments who primarily conduct



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animal trading (for example, pet shops) and those who breeds animal for commercial supply. In reality, operating an animal breeding business differs significantly from operating a pet shop in terms of technical knowledge, professional standards, and physical condition of the premises required. Therefore, in a proper scheme of regulation and control, different licensing conditions should apply separately to these two types of establishments.

11. Appropriate delineation of animal breeder licence from animal trader licence that takes into account specific needs of the industry can also serve to nurture feasible improvements in the trades, thereby protecting the welfare of the animals as well as the interests of consumers.

12. We maintain that ALL commercial breeding establishments should be licensed on the same stringent conditions that ensure the operator has sufficient technical knowledge, are bound by relevant ethical standards, and operates in proper premises with appropriate physical condition. Pet owners, including those who often claim themselves as “hobby breeders”, should not be allowed to supply animals to licensed animal traders in return for money.

C. Implementation considerations for affected animals

13. In view of the potential impacts that the proposed amendments to the regulations and conditions are likely to cause to the trades, some establishments who would not be able to satisfy the new requirements may need to terminate their operations. Consequently, they would not be able to carry the animals they would otherwise continue to keep, albeit likely in bad conditions. We maintain that the Government has the responsibility NOT to leave these innocent animals to the hands of the trade who, in face of adjusting to the new regulations, would unlikely pay sufficient attention to the well-being of the animals. It has even been threatened by some people from the industry that mass abandonment or killing of these animals would be considered as a response.

14. We emphasize that each and every one of these animals is a sentient being to whom our respect and responsibility, considering the long unregulated industry that had brought them into humble existence, are owed.



15. Therefore, we urge the Government to devise transitional arrangements as an integral part of implementing the new regulations, so that the fundamental well-being of all the affected animals are reasonably and transparently taken care of. We, therefore, suggest that mandatory registration of all affected animals should be the first step in the implementation effort. Subsequent steps should be worked out among relevant Government departments and non-government organizations.

D. Timetable for post-implementation review

16. For all good intentions and effort from the Government, the trades, and animal welfare organizations, regulation of the animal-related industry is undeniably a complex matter. Some issues and problems are bound to surface only upon actual implementation. We acknowledge this reality and accept that improvement would be a continuous effort rather than a one-off exercise.

17. We, therefore, expect the Government to plan for a timely post-implementation review and, possibly, revision of all relevant and affected laws, regulations, and policies within a reasonable period, say one year, after the new regulations come into effect.

CONCLUSION

18. Apart from the views presented above, we welcome the Additional Conditions being proposed by the Government. Provided that the remaining loopholes are properly closed, we think the amendments would be useful steps forward towards improving animal rights and welfare.

19. We reiterate that the measures proposed in the Progress Report, together with the Additional Licensing Conditions, are only first attempts to fulfill the Government's commitment towards improving animal rights and welfare. Against the backdrop of deteriorating conditions of animal rights and rising expectation from the general public, we urge the Government to accord priority to thoroughly examining recommendations from animal welfare organizations, conducting adequate consultation, and come up with holistic schemes and legislation to protect the basic



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rights and welfare of animals and of the people who render care for the animals.