

立法會

Legislative Council

LC Paper No. CB(2)1675/15-16(05)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Information note prepared by the Legislative Council Secretariat for the meeting on 14 June 2016

Code of practice on animal trading

Regulation 4(1)(a) of the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations") provides that a person must not carry on business as an animal trader¹ unless with a licence (i.e. an Animal Trader Licence ("ATL")) granted by the Director of Agriculture, Fisheries and Conservation ("DAFC"). Under the Regulations, DAFC is empowered to attach to a licence such conditions as he may think fit. Licensed animal traders must comply strictly with the statutory requirements concerning housing facilities, sanitary conditions, provision of food and water, pest control, etc. for their animals as stipulated in the Regulations as well as any relevant conditions imposed by DAFC and attached to their licence. The Agriculture, Fisheries and Conservation Department conducts inspections on licensed animal traders from time to time or in response to public reports for compliance check. Any trader contravening the statutory requirements or any condition specified in his licence may render himself liable to prosecution and on conviction to a fine at level 1.

Revised regulatory regime

2. The Administration has proposed to amend the Regulations with a view to enhancing regulation of sale, and keeping for breeding and sale, of dogs, by introducing two new types of licence and also a type of one-off permit, in addition to the existing ATL. The revised regulatory regime will cover four types of licence/permit, namely:

¹ According to Regulation 2 of Cap. 139B, an "animal trader" means a person who sells, or offers to sell, animals or birds, other than a person selling or offering to sell any animal or bird kept by him as a pet or any offspring thereof.

- (a) ATL – the type of licence which is currently in place, for any person who sells, or offers to sell, dogs and/or other animals or birds at one premises, but does not keep dogs for breeding, as an animal trader;
- (b) Dog Breeder Licence Category A² ("DBLA") – for any individual who keeps four or fewer female dogs for breeding purposes at one premises, and sells, or offers to sell, those breeding dams or their offspring. Any individual may hold only one DBLA at any one time;
- (c) Dog Breeder Licence Category B³ – for any person who keeps a number of female dogs for breeding purposes up to the limit provided for in the licence at one premises, and sells, or offers to sell, those breeding dams, their offspring or dogs from other approved sources; and
- (d) One-off Permit – for any dog owner who sells, or offers to sell, a dog that the dog owner keeps as the licensed keeper of that dog. A maximum of two one-off permits only can be granted to any single individual within any four-year period.

Code of Practice

3. According to the Administration, each of the three types of licences mentioned in paragraph 2(a) to (c) above will be granted alongside a set of licensing conditions. All licensees will be subject to one common condition, i.e. the Code of Practice ("CoP") must be adhered to. Hence, any breach of CoP may be considered as a breach of the licensing conditions, subjecting the licensee to prosecution. The main provisions of CoP have been outlined in the relevant public consultation document and the Administration's paper for the meeting of the Panel on Food Safety and Environmental Hygiene ("the Panel") held on 16 April 2013 (LC Paper No. CB(2)944/12-13(07)) (see **Appendix**).

4. When the Panel discussed the Administration's revised package of the legislative proposals to strengthen the regulation for animal trading at the meeting on 8 July 2014, members were advised that the Administration was working on and refining the draft CoP in consultation with the trade.

² Formerly named as Animal Breeder Licence (Category A)

³ Formerly named as Animal Breeder Licence (Category B)

Latest developments

5. To give effect to the revised regulatory regime, the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 ("the Amendment Regulation"), which is subject to the negative vetting procedure, was tabled before the Legislative Council at its meeting of 25 May 2016. A subcommittee has been formed to scrutinize the Amendment Regulation. In tandem, the Administration will consult the Panel on the draft CoP at the meeting on 14 June 2016.

Council Business Division 2
Legislative Council Secretariat
7 June 2016

Appendix

Requirements for Animal Trader Licence, Animal Breeder Licence Category A and Animal Breeder Licence Category B set out in the draft Code of Practice

Key requirements

- (a) For Animal Breeder Licence Category A ("ABLA") licensed premises, a saleable floor area of 9.3m², 16.72m² and 23.23m² is required for each small, medium and large dogs respectively.
- (b) For Animal Breeder Licence Category B ("ABLB") licensed premises, an individual sleeping area of 1.1m², 2.4m² and 3.5m² is required for each small, medium and large dogs respectively. In addition, an exercise area of 7.4m², 11m² and 14.8m² is required for each of them respectively.
- (c) Dogs are required to have exercise at least one hour per day.
- (d) Bitches shall only give birth after maturation from the second heat and are between 18 months to six year old. They are allowed to give birth to three litters within two years.
- (e) Licensees and staff working in licensed premises must be trained to the satisfaction of the Agriculture, Fisheries and Conservation Department ("AFCD").
- (f) Licensees will be required to let AFCD authorized personnel to collect samples from all bitches and offsprings for DNA testing.
- (g) Animal trader licence, ABLA and ABLB licensees must not sell dogs to any person under the age of 18 years, and all dogs offered for sale must be at least eight weeks old and have received first vaccination by veterinary surgeon not less than 14 days before sale.

Other basic requirements

Other basic requirements include such as necessary protection for the dogs from adverse conditions, enough appropriate feeds and fresh water, protection of dogs from pest and disease, lighting and temperature, prompt veterinary treatment for sick dogs, hygiene of the premises, cleansing and waste disposal, proper conduct of whelping and care of new born puppies.