

(Ref : ( ) in AF LSK 19/2 XI : Code of Standards : AT 2012)

**Public Health (Animals & Birds)(Animal Traders) Regulations Cap. 139**

**Code of Standards for Licensed Animal Traders**

All licensees licensed under these regulations will observe, under the conditions of their licence, the following standards.

**Standards of Enclosures** (All Traders)

- (1) Any primary enclosure, which means any pen, cage, compartment, hutch or structure used to immediately restrict animals or birds to a limited amount of space shall be : -
  - I. structurally sound and maintained in good repair;
  - II. so designed as to contain adequately the animals or birds kept therein and to protect them from injury and predators;
  - III. so constructed and maintained as to enable the animals or birds kept therein to -
    - (i) remain dry and clean;
    - (ii) have convenient access to food and water; and
    - (iii) move about freely and to stand, sit, lie and perch comfortably; and
  - IV. so located as to avoid excessive illumination;
  - V. so constructed as to have inner surfaces which are completely free of any projecting nails, screws, ends of mesh or any other sharp or jagged materials which could cause injury to the animals kept therein.
- (2) The water receptacles should be securely fastened or fitted at all times in such a manner as to effectively prevent their being over-turned by the animals or birds, and shall be designed so that they can always be kept clean.

- (3) The slatted portion or the mesh portion, if any, of the floor of any primary enclosure shall be so designed and constructed that there is no possibility of the feet of the animals or birds being trapped or hurt or injured between the slats or mesh openings. *NB It is a Condition of every Animal Trading Licence (for dogs and cats) that not less than 50% of the floor area of the primary enclosure be solid or covered at all times with a solid platform.*
- (4) Any housing facility which means any room, building or premises used to enclose a primary enclosure shall –
- I. be structurally sound and maintained in good repair;
  - II. be so designed as to contain adequately the animals and birds kept therein and to restrict the entrance of other animals and birds;
  - III. contain an adequate supply of potable water and suitable drainage for the escape of excess water;
  - IV. provide sufficient space for the storage of fresh food and bedding;
  - V. provide for the removal and disposal of animal or bird waste, food waste, used bedding, dead animals or birds, and debris, so as to minimize infestation, contamination, nauseating odours and the risk of disease;
  - VI. be provided with sufficient fresh air ventilation, by means of windows, doors, vents or air conditioning, to promote the health and comfort of the animals or birds kept therein and to minimize draughts, odours and moisture condensation;
  - VII. Have ample lighting, by natural or artificial means or both, of good quality and so distributed as to provide sufficient light intensity to permit routine inspection and cleaning during trading hours; and
  - VIII. Contain interior surfaces which are substantially impervious to moisture and may be readily sanitized.

(5) **Any outdoor area** which means any outdoor area or space whether containing a primary enclosure or not, used for the keeping, exercise or containment of animals or birds shall provide : -

- I. sufficient shade to enable the animals or birds kept therein to protect themselves from the direct rays of the sun;
- II. adequate shelter to afford to the animals or birds kept therein for protection in inclement weather; and
- III. suitable drainage for the escape of excess water.

**Standards of Enclosures** \*All breeding premises (Dogs & Cats) Points 6, 7 and 8.

(6)\* At all trading premises where breeding occurs, each animal shall be provided with both **a sleeping area** (generally a primary enclosure designed as a sleeping and confinement area) and **an exercise run** which may not be an outdoor area).

(7)\* Any exercise run shall in addition to the requirements for primary enclosure, have a flooring comprised of either a hard surface substantially impervious to water, or of a well drained mineral or earth substrate. Mesh flooring of any kind is not suitable.

(8)\* The internal requirements for individual primary enclosures and exercise runs are : -

| <u>Animal Category</u>   | <u>Sleeping Area</u>  | <u>Adjoining Exercise Area</u>                     |
|--|---|--|
| (i) CATS   | Not less than 2.0sq.m;<br>length and width not less than 0.9m | Sleeping area & exercise area combined             |
| (ii) SMALL DOGS<br>(less than 12kg)                                    | Not less than 1.1sq.m;<br>length and width not less than 0.9m | Not less than 3.7sq.m;<br>width not less than 0.9m |
| (iii) MEDIUM SIZE DOGS<br>(12kg to 30kg)                               | Not less than 1.4sq.m;<br>length and width not less than 1.2m | Not less than 5.5sq.m;<br>width not less than 1.5m |
| (iv) LARGE DOGS<br>(over 30kg)   | Not less than 1.4sq.m;<br>length and width not less than 1.2m | Not less than 7.4sq.m;<br>width not less than 1.5m |
| (v) Or any other requirements as the Director may think fit to impose. |   |  |

**Standards of Enclosures** (All Animals or Birds Traders)

- (9) Where a stall or other facility is exposed to sunlight so as to create a risk of overheating, an effective means shall be provided to shade the facility to the satisfaction of the Director. Such shading arrangement shall be structurally sound and maintained in good repair. It shall not interfere with ventilation, etc.
- (10) Where a licence has been granted, the licensee shall not, thereafter, save with the permission in writing of the Director, make any material alteration or modification to the primary enclosure, housing facilities or outdoor area.
- (11) A licensed animal trader shall only keep any animals or birds for the purpose of his business in licensed premises.

**Husbandry & Hygiene**

- (12) The licensed animal trader shall comply with the following requirements at all times : -
  - I. the housing facilities, primary enclosure, exercise area and outdoor area shall be maintained in a clean and sanitary condition;
  - II. all excreta and other waste matter shall be removed from the licensed premises not less than once a day;
  - III. a programme for the control and destruction of insects, ectoparasites, avian and mammalian pests on the licensed premises shall be approved by, and maintained to the satisfaction of, the Director.
  - IV. the food served to the animals or birds shall be adequate, free from contamination, wholesome and nutritive;
  - V. the water supplied to the animals or birds shall be potable and uncontaminated;
  - VI. food and water receptacles shall be –
    - (i) readily accessible to animals and birds;
    - (ii) kept clean; and

- (iii) sanitized which means to physically clean and to remove and destroy agents injurious to health, at such intervals as may be necessary to prevent contamination of the food and water; and
  - VII. a supply of disinfectants shall be available for the purpose of sanitation.
- (13)
  - I. Animals or birds shall not be housed in the same primary enclosure unless they are of the same or of a compatible genus, and shall not be placed in the proximity of their natural predators.
  - II. Notwithstanding that they are of the same or of a compatible genus –
    - (i) Breeding females (and males where appropriate) whether in late pregnancy, giving birth or nurturing young must be provided with privacy in separate and isolated facilities;
    - (ii) females in season (oestrus) shall not be housed in the same primary enclosure with males except for breeding purposes;
    - (iii) animals or birds of vicious disposition shall be housed individually in separate primary enclosures;
    - (iv) except where permanently maintained in breeding colonies young animals or birds shall not be housed in the same primary enclosure with any adult animals or birds other than their dams or equivalent; and
    - (v) animals or birds under treatment for a communicable disease shall be kept separate from other animals or birds.
- (14) At no time shall the licensee sell or offer for sale or allow to be sold on the licensed premises any un-weaned animals, neither shall he permit any hawking of animals or birds from his premises.
- (15) The licensee shall at all times take precautions to prevent the molestation or the teasing of any animals or birds from his premises.
- (16) The licensee shall in accordance with good husbandry ensure that animals and birds are not kept in overcrowded conditions.

(17) The licensees' attention is drawn to the provisions of the Wild Animals Protection Ordinance (Chapter 170) which includes the following : -

Section 4. No person shall hunt any protected wild animals.

Section 5. No person shall take, remove, injure, destroy or will fully disturb a nest or egg of any protected wild animals.

Section 8. No person shall have in his possession or under his control –

I. any live protected wild animal taken in Hong Kong;

II. any dead protected wild animal, or part of a protected wild animal, killed or taken in Hong Kong; or

III. any nest or egg of any protected wild animal taken in Hong Kong.

Section 9. No person shall buy, sell, export or offer for sale of export –

I. any protected wild animal, or part of a protected wild animal, killed or taken in Hong Kong; or

II. any nest or egg of any protected wild animal taken in Hong Kong.

(18) Attention is also drawn to the (Protection of Endangered Species of Animals and Plants Ordinance, Chapter 586), wherein it is an offence, except with a licence from the Director of Agriculture, Fisheries and Conservation, for any person on his own behalf or on behalf of any other person to import or export any scheduled species; neither shall he have in his possession any scheduled species except under and in accordance with a licence from the Director of Agriculture, Fisheries and Conservation.

- (19) A register will be kept of all animals & birds which are taken into stock by breed and species and the register will be in the following form :

| <b>Date in</b> | <b>Species of animal</b> | <b>Age on arrival</b> | <b>Vaccination date</b> | <b>Obtained from who/where</b> | <b>Date out</b> |
|----------------|--------------------------|-----------------------|-------------------------|--------------------------------|-----------------|
|                |                          |                       |                         |                                |                 |

This register shall be available for inspection by any authorized officer at all times.

- (20) A quarterly return will be submitted to the Director on the 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September, 31<sup>st</sup> December of all animals & birds imported by the licensee from areas outside the Hong Kong Special Administrative Region including other parts of China using the following form :

| <b>Date imported</b> | <b>Species of animals/birds</b> | <b>Quantity</b> | <b>Country of origin</b> | <b>Route and method of transportation</b> |
|----------------------|---------------------------------|-----------------|--------------------------|---|
|                      |                                 |                 |                          |   |

- (21) All imported animals and birds must, without delay, as soon as possible after arrival Hong Kong Special Administrative, subject to fulfillment of other statutory requirements, be taken in an escape-proof and humane means of transportation to the licensed premises of an animal trader where they must without delay be housed in a satisfactory primary enclosure and housing facilities, and be provided with fresh clean drinking water. (“Licensed premises of an animal trader” means a premises specified in a licence issued under the Public Health (Animals & Birds) (Animal Traders) Regulations Cap. 139, in accordance with Regulation 5(1)(b) of the said regulations, provided that the licence permits trade in the types of animals or birds concerned.)
- (22) The licence cannot, in any way, be construed as a waiver by the Government of any of its rights against the Government lease or Government permittee of the lot on which the premises stand or an acknowledgement of any right on your part to any tenure or renewal of tenure of the premises.
- (23) If the licence applies to a building erected on Government land otherwise than with the consent of the Government, the granting of a licence cannot be construed as giving you any right of tenure on the land, nor as a waiver by the Government of any of its rights in respect of an illegal occupation of the land.

(24) The licensee's attention is drawn to all the provisions of :-

- I. The Prevention of Cruelty to Animals Ordinance and Regulations, Cap. 169;
  - II. The Dogs & Cats Ordinance and Regulations, Cap. 167;
  - III. The Rabies Ordinance and Rabies Regulation, Cap. 421;
  - IV. The Public Health (Animals & Birds) Ordinance and Subsidiary Legislation, Cap. 139;
  - V. The Public Health & Urban Services Ordinance and Subsidiary Legislation, Cap. 132;
  - VI. The Antibiotics Ordinance and Regulation, Cap. 137;
  - VII. The Pharmacy and Poisons Ordinance and its Regulations, Cap. 138;
  - VIII. Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586;
- IX. The Wild Animals Protection Ordinance, Cap. 170;

and all other relevant legislation.

The licensee should acquaint himself with these and take steps to ensure that he does not contravene them. The possession of an Animal Trading licence does not give any exemption.

(25) Trade in poisonous/venomous or dangerous animals/birds is not permitted, and such animals or birds must not be kept in the licensed premises.

[Traders licensed to trade in snakes for food may be permitted to trade in up to five species of venomous snakes subject to additional conditions and specially designed premises and enclosures]

(26) This Code of Standards supersedes any "Code of Standards for Licensed Animal Traders" which was issued prior to January 2012.

(27) The Director of Agriculture, Fisheries and Conservation hereby reserves the right to revise the Code of Standards from time to time and the revised Code of Standards shall take immediate effect unless otherwise stated.

