

動物售賣商牌照 - 牌照條件
LICENCE CONDITIONS ATTACHED TO THE
ANIMAL TRADER LICENCE

(根據《公眾衛生(動物及禽鳥)(售賣及繁育)規例》(第139B章)第5(3)條而制定)
(Issued under Reg. 5(3) of the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B))
(只適用於獲准出售狗隻的動物售賣商)
(Only applicable to animal traders permitted to sell dogs)

第 I 部：詞彙

Part I: Glossary

在本牌照條件中，除非文意另有所指，否則下列詞語只具有下文所述意義：
In these Licence Conditions, the following terms shall only be construed according to the interpretations assigned to them herein, except when it is stated otherwise:

詞語 <u>Term(s)</u>	釋義 <u>Interpretation(s)</u>
獲授權人員 authorised officer	獲授權人員指根據第 139 章第 17 條獲委任為督察的本署公職人員。 An officer of this Department appointed as an inspector under Section 17 of Cap. 139.
營業守則 Code of Practice (CoP)	附加於本牌照條件的動物售賣商營業守則(狗隻)。 The Code of Practice for Animal Traders (Dogs) attached to these Licence Conditions.
本署 this Department	漁農自然護理署(漁護署) Agriculture, Fisheries and Conservation Department (AFCD)
牌照 Licence	動物售賣商牌照 Animal Trader Licence (ATL)
持牌人 licensee	動物售賣商牌照上所示的持牌人。 The licensee as indicated on the ATL.

領有牌照的處所 licensed premises	此詞的涵義與第 139B 章第 2 條中的涵義相同。 According to the definition given in Regulation 2 of Cap. 139B.
出售 sell	
賣方 seller	按本牌照規定出售動物的一方(包括持牌人及其代理人或員工等)。 The party selling animals in accordance with this Licence (including the licensee and his/her representatives or staff, etc.)

第 II 部：對持牌人的規定

Part II: Regulatory requirements for the licensee

1. 牌照發出後，只供持牌人使用，不得轉讓。
The Licence is granted and valid exclusively for the licensee and is non-transferrable.
2. 持牌人必須遵守本牌照條件及營業守則，並時常督促其代理人及員工依從本牌照條件及營業守則，以經營有關的動物售賣活動。
The licensee must comply with these Licence Conditions and the Code of Practice, and always instruct his/her representatives and staff to carry on the animal trading activities in accordance with these Licence Conditions and the Code of Practice.
3. 牌照的發出不應被視為可豁免遵守其他現行法例。持牌人須負起遵守所有法例規定的責任，包括但不限於下列條例：
The grant of the Licence should not be construed as an exemption from compliance with other current legislations. The licensee has the responsibility for observing the relevant legislations, including but not limited to the following:
 - (i) 《公眾衛生(動物及禽鳥)條例》(第 139 章)及其附屬法例；
Public Health (Animals & Birds) Ordinance (Cap. 139) and its subsidiary legislations;
 - (ii) 《貓狗條例》(第 167 章)及其附屬法例；
Dogs & Cats Ordinance (Cap. 167) and its subsidiary legislations;

- (iii) 《防止殘酷對待動物條例》(第 169 章)及《防止殘酷對待動物規例》(第 169A 章) ;
Prevention of Cruelty to Animals Ordinance (Cap. 169) and Prevention of Cruelty to Animals Regulations (Cap. 169A);
- (iv) 《野生動物保護條例》(第 170 章);
Wild Animals Protection Ordinance (Cap. 170);
- (v) 《狂犬病條例》(第 421 章)及《狂犬病規例》(第 421A 章) ;
Rabies Ordinance (Cap. 421) and Rabies Regulation (Cap. 421A);
- (vi) 《保護瀕危動植物物種條例》(第 586 章) ;
Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586);
- (vii) 《公眾衛生及市政條例》(第 132 章)及其附屬法例 ;
Public Health & Municipal Services Ordinance (Cap. 132) and its subsidiary legislations;
- (viii) 《藥劑業及毒藥條例》(第 138 章)及其附屬法例 ;
Pharmacy and Poisons Ordinance (Cap. 138) and its subsidiary legislations;
- (ix) 《獸醫註冊條例》(第 529 章) ;
Veterinary Surgeons Registration Ordinance (Cap. 529);
- (x) 《商品說明條例》(第 362 章) ; 及
Trade Descriptions Ordinance (Cap. 362); and
- (xi) 《稅務條例》(第 112 章) 。
Inland Revenue Ordinance (Cap. 112).

第 III 部：對領有牌照的處所的規定

Part III: Regulatory requirements for the licensed premises

4. 牌照只適用於牌照上登記成為領有牌照的處所的單一地址。在任何情況下，本牌照不得被視為政府放棄本身對政府土地租約或政府土地許可證持有人在牌照所指處所的地段所有的任何權利，亦不得視為政府承認持牌人對該處所的任何租期或租期的續期有任何權利。倘本牌照所指定的建築物建於未獲政府同意的政府土地上，持牌人不得視本牌照為已獲政府批准使用該幅土地，亦不得視為政府對被非法佔用的政府土地放棄本身的權利。

The Licence is granted and valid exclusively for the single address which is registered as the licensed premises on the Licence. 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 to any tenure or renewal of tenure of the premises. If the Licence applies to a building erected on the Government land otherwise than with the consent of the Government, the granting of the Licence cannot be construed as giving 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.

5. 在領有牌照的處所內，持牌人除經營牌照上規定的業務外，如未獲署長允許，不得擅自經營其他業務。不過，持有署長根據《公眾衛生(動物及禽鳥)條例》(第 139 章)訂立的規例而簽發的牌照者，則可兼營牌照上所指定的業務。
No other business, apart from that specified in this Licence, shall be conducted on the licensed premises without the written permission of the Director, or unless licensed by the Director to do so under the Regulations made under the *Public Health (Animals and Birds) Ordinance (Cap. 139)*.
6. 持牌人必須在領有牌照的處所內當眼處清楚展示牌照。
The Licence must be clearly displayed in a conspicuous place within the licensed premises.
7. 持牌人必須在領有牌照的處所內當眼位置展示寫上「嚴禁出售狗隻予未滿十六歲的人士」之告示。告示須以中文及英文寫成，其尺寸不得少於 A5 大小(148 x 210 毫米)。
A notice shall be displayed in a prominent place within the licensed premises which states as follows: “Sale of dogs to persons under the age of 16 years is prohibited.” The notice shall be written in both Chinese and English and shall be no smaller than A5 size (148 x 210mm).
8. 持牌人必須時刻按照營業守則第 5 條有關環境及設施的標準和規定，維持、使用或營運領有牌照的處所。
The licensed premises shall be kept, maintained, used and operated in compliance with the standards and requirements for the environment and facilities set out in section 5 of the CoP at all times.
9. 持牌人必須時刻按照營業守則第 6 條，提供足夠人員應付領有牌照的處所的正常運作，確保處所內狗隻的福利，並確保自己和員工具備相關技能營運領有牌照的處所。
The licensee shall provide adequate manpower to meet the operational needs of the licensed premises and the welfare of the dogs, and also ensure competencies

of the licensee and the licensee's staff for the operation of the licensed premises in accordance with the requirements set out in section 6 of the CoP.

10. 持牌人必須時刻遵守營業守則第 7 條有關識別狗隻、食水及狗糧、健康檢查及獸醫護理（包括接種疫苗）、記錄卡、日常活動、清潔及護理的規定，妥善照顧供出售狗隻。

The licensee shall take good care of the dogs for sale on the licensed premises and for such purpose, to comply with the requirements for dog identification, provision of water and food, health check and veterinary care (including vaccinations), record-keeping, daily exercise, and cleaning and grooming set out in section 7 of the CoP at all times.

11. 任何滿五個月大的狗隻，必須根據《狂犬病規例》(第 421A 章)第 20 條領有狗隻牌照。

Any dogs at or over five months of age must be licensed in accordance with Section 20 of the *Rabies Regulation (Cap. 421A)*.

12. 獲授權人員會定期巡查領有牌照的處所，以確保該處所符合有關法例、本牌照條件及營業守則的規定。持牌人必須協助獲授權人員進行有關巡查（於任何合理時間內，不論是否已經預約），包括讓獲授權人員進出處所及提供所需文件。於巡查期間，持牌人亦必須讓獲授權人員檢驗處所內的任何狗隻，並在有需要時提供協助。持牌人如拒絕獲授權人員進入處所進行上述巡查，將被視作違反牌照條件，並有可能遭檢控及/或取消牌照。

The authorised officers will carry out regular inspections to the licensed premises for the purpose of ensuring the licensee's compliance with the Regulations, these Licence Conditions and the Code of Practice. The licensee must facilitate the inspections by authorised officers (at any reasonable time whether by appointment or otherwise) by providing access to the licensed premises and relevant documentation. The licensee shall also allow the authorised officer to inspect and examine any dog on the premises during the inspection and shall provide such assistance as may be required. Failure to comply with a request by an authorised officer to gain access to the licensed premises for the purposes stated above will be considered a breach of this licence condition and may be subject to prosecution and/or cancellation of the licence.

第 IV 部：對供出賣狗隻的規定

Part IV: Regulatory requirements for the dogs for sale

13. 持牌人不得出售或要約出售牌照上所示以外的任何動物或禽鳥。所有供出售或要約出售的狗隻必須屬於以下類別，並須附有下文規定的合法來源證明(包括任何從持牌動物售賣商／持牌狗隻繁育者獲得作再轉售用的狗隻)：

The licensee must not sell or offer to sell any animals and birds other than as specified on the Licence. All dogs for sale or offered for sale must ONLY belong to the following categories and accompanied by the proof of legal source as stipulated (including any dogs acquired from other licensed animal traders/licensed dog breeders for resale):

(i) 由本牌照的持有人合法進口狗隻：

legally imported by the licensee:

附有本署發出的有效進口許可證／特別許可證(副本亦可)，以及出口地獸醫機構發出的有效健康證明書正本；持牌人必須為該入口許可證／特別許可證的持證人。

accompanied by a valid import permit/special permit issued by this Department (photocopy is acceptable), together with the original valid health certificate issued by the veterinary authority of the exporting place; the licensee must be the permittee of the import permit/special permit.

(ii) 由其他持牌狗隻繁育者合法繁育的後代：

offspring legally bred by a licensed dog breeder:

如狗隻屬狗隻繁育者聲明書適用類別，必須附有有關聲明書的黃色副本；如狗隻不屬狗隻繁育者聲明適用類別，則必須附有文件證明(例如：發票、收據)，當中須列明狗隻繁育者的名稱及牌照號碼、出售狗隻的晶片號碼、品種、交易日期及來源。

if the dog is the subject of a Dog Breeder's Declaration the yellow duplicate of the Declaration bearing this Department's endorsement must accompany the dog; if the dog is not the subject of a Declaration it must be accompanied by documentation (e.g. invoice, receipt) detailing the name and licence number of the dog breeder, microchip number, breed, date of transaction and original source.

(iii) 從單次許可證持證人獲得：

acquired from a permittee of a One-off Permit:

附有許可證黃色副本;

accompanied by the Yellow Duplicate of the One-off Permit;

或 **OR**

(iv) 從其他持牌動物售賣商獲得：

acquired from a licensed animal trader:

狗隻必須來源自上列第 13 (i)至(iii)項的獲認可來源，並附有相應的合法來源證明。

The dogs must originally be from one of the sources listed in items 13 (i) to (iii) above, accompanied by respective proof of legal source.

14. 所有供出售或要約出售的狗隻必須植入第 421A 章附表 3 所規定格式的晶片 (即 AVID *XXX*XXX*XXX)。晶片必須由註冊獸醫或獲授權人員植入。
All dogs sold or offered for sale must be implanted with a microchip of the description set out in Schedule 3 of Cap. 421A (i.e. AVID*XXX*XXX*XXX). The microchip must be implanted by a registered veterinary surgeon or an authorised person.
15. 所有供出售或要約出售的狗隻必須滿十週大。
All dogs sold or offered for sale must be at least ten weeks of age.
16. 為檢定領有牌照的處所內任何狗隻的親子關係，本署將在有需要時進行脫氧核糖核酸(DNA)親子鑒定。獲授權人員將從有關狗隻抽取口腔細胞樣本，而持牌人須予以協助。
To verify the parental relationship of any dogs present on the licensed premises, deoxyribose nucleic acid (DNA) parentage test may be carried out by this Department when necessary. Buccal swab sample shall be acquired by the authorised officers from the dogs concerned and the licensee must offer necessary assistance.

第 V 部：對出售狗隻程序的規定

Part V: Regulatory requirements for procedures of the sale of dogs

17. 出售狗隻時，必須向新狗主提供狗隻的防疫注射記錄、杜蟲及治療記錄正本、

現有的狗隻牌照(如狗隻超過五個月大)正本、商業發票／單據及任何牌照條件中列明的文件等。上述所有文件均須註明狗隻的晶片號碼，以資識別。此外，必須根據營業守則第 8 條向新狗主提供適當照顧狗隻的資料及建議。

On sale of a dog, the new owner shall be provided with the original of vaccination certificate, deworming and treatment records, current dog licence (for dogs over 5 months), invoice/receipt and other documents as listed in the licence conditions; each of these documents should bear the microchip number of the dog. The new owner shall also be given information and advice on proper care of dog in accordance with the requirements set out in section 8 of the CoP.

18. 賣方須將第(13)項所訂明的合法來源證明交予購買者保存。賣方亦須自行保留有關文件的複印本。

The seller is required to transfer the proof of legal source as stipulated in item (13) to the buyer for his/her retention. The seller must also retain a photocopy of such document.

19. 按照《狂犬病規例》(第 421A 章)第 20A 條，出售的狗隻如已領有狗隻牌照，賣方須將該牌照交予購買者，並指示購買者依照狗隻牌照背頁的指示，向本署更改狗隻畜養人資料。賣方亦須於狗隻交易後五天內，通知本署狗隻畜養人已經轉換。

In accordance with Regulation 20A of the *Rabies Regulation (Cap. 421A)*, if the dog being sold is licensed, the seller shall transfer the current Dog Licence to the buyer and advise the buyer to notify this Department of the change of dog ownership by following the instructions printed on the back of the current Dog Licence. The seller shall also inform this Department of the change of dog ownership within five days after the transaction.

20. 出售的狗隻如未領有狗隻牌照，賣方亦應提醒購買者於狗隻滿五個月大時(或之前)，向本署提交狗隻牌照申請。

If the dog being sold is not licensed, the seller should also remind the buyer to submit a new application for Dog Licence when the dog reaches 5 months of age (or earlier).

21. 賣方須在購買者面前掃描晶片，並向購買者展示掃描器上所顯示的晶片號碼，同時把該晶片號碼與其他文件加以核對，例如防疫注射證明書、狗隻繁育者聲明書、狗隻牌照等。在領有牌照的處所內，必須時刻備有用以閱讀該晶片

所載資料的掃描器，以供隨時使用。

The microchip must be checked and the number displayed on the scanner must be shown to the buyer and checked in his/her presence against other documents, such as the vaccination certificate, the Dog Breeder's Declaration, the Dog Licence, etc. A scanner for reading the microchip must be readily available on the licensed premises at all times.

22. 持牌人須依照附件 SR 的格式，保留一份詳列所有供出售狗隻的記錄冊，當中須列明有關出售或轉讓[^]的記錄。每宗出售或轉讓的詳情必須在出售或轉讓當日載於記錄冊上。記錄冊須保留最少兩年(建議七年)，並存放於領有牌照的處所內，以供獲授權人員隨時查閱。

The licensee is required to keep a register detailing the information of all dogs for sale using the form as prescribed in Annex SR, which must include their sale or transfer[^] records. The records of each sale or transfer must be entered into the register **on the day** of the sale or transfer. The register must be kept to a minimum period of two years (seven years is recommended) and available at all times on the licensed premises for inspection by the authorised officers.

[^]註：“轉讓”包括所有不具任何代價的擁有權轉換。

[^]Note: “Transfer” includes all forms of ownership change without any consideration.

23. 持牌人只可在顧客提供充分的狗隻身分證明下，接受該顧客退回原先從持牌人購入的狗隻(例如：發票)。該證明文件須列明退回狗隻的晶片號碼。持牌人亦應掃描及核實退回狗隻的晶片號碼。

The licensee may only accept dogs returned on the client's production of sufficient proof of the dog's identity that the dog was previously acquired from the licensee (e.g. invoice). Such documentary proof must bear the microchip number of the dog which should be also be checked by scanning.

24. 有關進口以供零售予其他持牌動物售賣商或代顧客進口的狗隻的最終目的地，必須於在抵達香港的 24 小時內通知本署進出口科。

The final destination of the dogs imported for retailing to other licensed animal traders or on behalf of clients must be reported to the Import and Export Division of this Department within 24 hours from the arrival time in Hong Kong.

第 VI 部：對售賣狗隻的規定

Part VI: Regulatory requirements for trading dogs

25. 所有供要約出售狗隻的實體展示，只可於領有牌照的處所範圍內進行。
All physical display of dogs offered for sale must be restricted to the licensed premises.
26. 持牌人必須將牌照號碼刊登在用以銷售狗隻的任何廣告、網站或其他形式的宣傳品上，並在個別狗隻的廣告或宣傳品上，刊登有關狗隻的晶片號碼。
The licensee must display the Licence number on any advertisement, websites or other forms of promotion for selling the dogs, and, where individual dogs are advertised, the microchip numbers.
27. 承上文第(26)項，持牌人不得將牌照或牌照編號用於銷售或以任何形式宣傳第(13)項所限來源以外的狗隻，或牌照上准予出售或要約出售以外的動物或禽鳥。
Further to item (26) above, the licensee must not use the Licence or its number in the trading or any forms of advertising of any animals or birds other than the dogs from the sources stipulated in item (13) and other animals and birds which the licensee is permitted to sell or offer to sell as specified on the Licence.
28. 持牌人不得出售或要約出售任何懷疑患病的狗隻。
The licensee must not sell or offer to sell any dog which is suspected of having any disease.

完
End

MS5805(d)