

## **The Legislative Council Meeting on 3 November 2010**

### **Motion on “Formulating an Animal-Friendly Policy”**

#### **Progress Report**

##### **Purpose**

At the Legislative Council meeting on 3 November 2010, the motion on “Formulating an animal-friendly policy” moved by the Hon CHAN Hak-kan and amended by the Hon Miriam LAU Kin-ye, the Hon Fred LI Wah-ming, the Hon WONG Kwok-hing, Hon PAN Pey-chyou, Hon Alan LEONG Kah-kit and Hon Cyd HO Sau-lan was carried. The report briefs Members on the follow-up actions taken by the Administration in respect of the motion.

##### **Legislation Regarding Prevention of Cruelty to Animals Legislation and its Enforcement**

2. The Prevention of Cruelty to Animals Ordinance (Cap.169) provides proper protection of animal welfare and prevents unlawful acts of cruelty to animals. Since the Government substantially increased the penalties for animal abuses in 2006, the number of complaints and reported cases on suspected animal abuses is on the decline. The Government will review from time to time whether the existing legislation can adequately protect animal rights according to the values of the public and the needs of society. Since legislation on animal protection involves various sectors in society, it is necessary to conduct in-depth and detailed studies, as well as extensive and comprehensive consultations where necessary.

3. At present, various government officers are empowered to enforce the Prevention of Cruelty to Animal Ordinance under various circumstances. The Agriculture, Fisheries and Conservation Department (AFCD) has set up a

specialised team tasked with animal management and animal welfare. The Criminal Investigation Team of the Police has sufficient manpower, experience and professional investigation capability to follow up cases of cruelty to animals. If there is an increasing trend of cases relating to cruelty to animals in a district, the Police will consider assigning a designated team to investigate the cases. Both departments will exchange information from time to time and, where necessary, hold inter-departmental meetings to discuss effective ways to follow up such cases and enforce the relevant legislation. The law enforcement authorities will deploy resources flexibly in accordance with the needs, so as to handle cases of cruelty to animals in an effective manner.

### **Management of Stray Animals**

4. It is the Government's policy to encourage the public to adopt stray animals. The AFCD co-operates with 11 animal welfare organisations (partner organisations) on arranging animal adoption services. The AFCD has already introduced outsourced free neutering service for animals (mainly cats and dogs) adopted through its partner organisations.

5. The most effective way to tackle the problem of abandoned and stray animals is to reduce the number of stray cats and dogs at source. All along, the AFCD enhances public education on responsible pet ownership through Announcements in the Public Interest on television and radio as well as posters on public transport carriers. Besides, the AFCD produces promotional leaflets, posters and souvenirs as well as organises other promotional activities, with a view to reminding people of the importance of treating pets well, responsible pet ownership and respect for the life of animals. A carnival to promote responsible pet ownership was held at Lai Chi Kok Park on 11 December 2010. The AFCD will enhance outreach work this year, including organising talks in schools to instill in students the idea of treating pets well and in housing estates to promote responsible pet ownership and the relevant legal knowledge.

6. The Government also encourages animal welfare organisations to apply

funding from the AFCD to engage in work relating to animal welfare. Organisations concerned are required to submit project proposals, stating the objectives, detailed content and performance indicators, to the AFCD for consideration.

7. As regards the "Trap-Neuter-Return" programme for dogs, which allows neutered stray dogs without an owner to be returned to public places, the AFCD is now discussing the details of the programme with the relevant animal welfare organisations. Issues discussed include the legal liabilities and responsibilities for compensation in the event that returned stray dogs cause loss of life or property, ways to ensure the returned dogs will receive proper care, and ways to ensure they will pose no danger to residents nearby and minimise the nuisance they cause, and so on. The AFCD will assist the organisations concerned to consult the relevant DCs on the details of the programme as soon as possible.

### **Regulating the Trade and Practitioners**

8. In February 2010, the Government tightened the additional conditions attached to animal trader licences, stipulating that pet shops could only sell dogs obtained from authorised sources. The arrangement seeks to implement more stringent control over the sources of dogs on sale, so as to maintain public hygiene and protect the welfare of animals. At present, all animal traders, including animal breeding centres and pet shops, must obtain animal trader licences issued by the AFCD and strictly comply with the relevant licensing conditions and the code of practice. Since the additional conditions have come into effect, the AFCD has kept a close watch on the implementation by inspecting the licensed pet shops once a month on average. The AFCD will review the effectiveness of those additional conditions from time to time.

### **Leisure Facilities**

9. At present, the Leisure and Cultural Services Department (LCSD) has

provided 20 pet gardens in its leisure venues. In the next three years, seven new pet gardens will be completed. To meet the needs of dog owners, LCSD will continue to identify suitable venues for provision of more pet gardens, and will liaise with the Lands Department to identify suitable vacant government lands for providing more pet gardens. LCSD will also study the feasibility of opening up parts of the existing parks or some time slots for pet owners to bring their pets to these venues and to balance the interests of different types of users. Separately, FEHD has newly installed 40 dog excreta collection bins and will install another four dog latrines shortly. FEHD will continue to monitor the situation and step up the cleaning/washing frequency as necessary.

## **Stray Cattle**

10. At present, there are about 1 000 stray cows in Hong Kong. They usually inhabit in the northeastern part of the New Territories, Yuen Long, Tai Mo Shan, Lantau Island and Sai Kung. Although local oxen and buffaloes are not protected animals, the AFCD regularly exchanges views with animal welfare organisations and village representatives on the number of stray cows and their activity areas. Appropriate actions will be taken whenever necessary. For instance, the AFCD has carried out neutering for stray cows on Lantau Island. At the same time, the AFCD deploys officers to conduct regular inspections on the animal welfare organisations which accommodates stray cattle, with a view to ensuring their proper treatment. The AFCD will continue to monitor the distribution and number of stray cattle, and proactively study long-term measures to effectively tackle the stray cattle problem.

## **Pet Keeping in Public Housing Estates**

11. As public housing estates are densely populated with very limited space in domestic blocks and public areas, the keeping of dogs and other animals may cause adverse effect to the environmental hygiene. In this light, the tenancy agreements signed by the Hong Kong Housing Authority (HA) and the public

rental housing (PRH) tenants clearly stipulate that the tenant should not keep any animal or livestock in the premises without the prior written consent of the landlord. When the Marking Scheme was introduced by the HA on 1 August 2003, unauthorised animal-keeping was also included as one of the misdeeds where points will be allotted. Taking into consideration various views offered by tenants and interest groups on pet and dog keeping, the HA endorsed a new policy in September 2003 on keeping of pets and dogs. This included the implementation of the Temporary Permission Rule arrangement by which PRH tenants are permitted to continue keeping those small dogs that have been kept in their PRH flats before 1 August 2003 until the death of the small dogs. Such an arrangement is a one-off measure.

12. In August and September 2010, we have consulted about 140 Estate Management Advisory Committees (EMACs) on the policy of prohibiting the keeping of unauthorized dogs. All the EMACs supported the imposition of a ban on the keeping of unauthorised dogs in PRH.

13. Given the rising aspiration of PRH tenants for better living quality and environmental hygiene, the HA is obliged to continue implementing measures in relating to the public hygiene with a view to providing PRH tenants with a clean living environment. Having given due consideration and in order to strike a balance between the diverse views and aspirations of tenants in general and animal lovers/ groups, we consider that our prevailing arrangements should continue. The HA has no intention to further relax the control on dog-keeping by PRH tenants.

### **Animals Boarding Public Transport**

15. In view of the dense population, busy traffic and congested environment in Hong Kong, public transport operators have adopted various requirements relating to whether or not passengers are allowed to travel with their animals on board public transport. Such requirements aim at avoiding possible inconvenience, nuisance or danger to other passengers caused by such animals.

Currently, some public transport operators or drivers (of vehicles such as public light buses and taxis) may, at their discretion, decide if passengers are allowed to board the vehicles with their animals.

**Food and Health Bureau**  
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