

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1874/15-16  
(These minutes have been seen  
by the Administration)

Ref : CB2/PS/1/15

**Panel on Food Safety and Environmental Hygiene**

**Subcommittee on  
Issues Relating to Animal Welfare and Cruelty to Animals**

**Minutes of 1<sup>st</sup> meeting  
held on Tuesday, 16 February 2016, at 2:30 pm  
in Conference Room 2 of the Legislative Council Complex**

**Members present** : Hon Tommy CHEUNG Yu-yan, GBS, JP (Chairman)  
Hon Claudia MO (Deputy Chairman)  
Hon Cyd HO Sau-lan, JP  
Hon CHAN Hak-kan, JP  
Hon Steven HO Chun-yin, BBS  
Hon CHAN Chi-chuen  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon Helena WONG Pik-wan

**Member absent** : Hon CHAN Han-pan, JP

**Public Officers attending** : Item III  
  
Ms Hinny LAM Shuk-yee  
Principal Assistant Secretary for Food and Health (Food) 3  
  
Miss Swing YAU Sze-wing  
Assistant Secretary for Food and Health (Food) 5  
  
Dr Thomas SIT Hon-chung  
Assistant Director (Inspection and Quarantine)  
Agriculture, Fisheries and Conservation Department

Dr Esther TO Man-wai  
Senior Veterinary Officer (Animal Management) Operations  
Agriculture, Fisheries and Conservation Department

Dr Mary CHOW Ka-wai  
Senior Veterinary Officer (Animal Management) Development  
Agriculture, Fisheries and Conservation Department

Mr Patrick Douglas Gerard HODSON  
Assistant Commissioner of Police (Support)  
Hong Kong Police Force

Mr WONG Tak-cheung  
Superintendent of Police (Field) (Support Branch)  
Hong Kong Police Force

Ms TSANG Ka-kiu  
Senior Inspector of Police (Field) 3 (Support Branch)  
Hong Kong Police Force

**Clerk in attendance** : Miss Josephine SO  
Chief Council Secretary (2) 2

**Staff in attendance** : Ms Wendy LO  
Senior Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Election of Chairman and Deputy Chairman**

Election of Chairman

Mr Tommy CHEUNG, the member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr Tommy CHEUNG was nominated by Mr Steven HO and the nomination was seconded by Miss Alice MAK. Mr Tommy CHEUNG

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accepted the nomination. As Mr Tommy CHEUNG was nominated for the office, Mr CHAN Hak-kan, the member present who had the highest precedence among members not nominated, took over from Mr CHEUNG to preside over the election. Mr CHAN Hak-kan called for other nominations.

3. Ms Claudia MO was nominated by Mr CHAN Chi-chuen and the nomination was seconded by Dr Helena WONG. Ms Claudia MO accepted the nomination.

4. Dr Helena WONG suggested that the two candidates be given time to present their election platforms and answer questions from members. At the suggestion of Mr CHAN Hak-kan, members agreed that each candidate would be given one minute to present the platforms, followed by their answering of questions from members. One minute would be allowed for each question asked and the answer(s) to be provided by the two candidates.

5. Mr Tommy CHEUNG said that he did not consider it necessary to present his election platform. Ms Claudia MO said that she was glad that a subcommittee was formed under the Panel on Food Safety and Environmental Hygiene to discuss issues relating to animal welfare and cruelty to animals. In her view, the existing legislation on protection of animals was outdated. She hoped that the Subcommittee would look into issues relating to animals rights, including reviewing the relevant animal-related legislation and exploring the feasibility of setting up "animal police" teams to combat acts of animal cruelty.

6. Dr Helena WONG asked Mr Tommy CHEUNG how he would steer the work of the Subcommittee to achieve the intended objectives if he was elected as the Chairman. Due to time constraint, Mr CHEUNG chose not to respond to the question.

7. As there was no other nomination, Mr CHAN Hak-kan announced that voting be conducted by secret ballot. After all the members present had cast their votes, Mr CHAN invited Mr Steven HO and Mr CHAN Chi-chuen, who had nominated the two candidates respectively, to monitor the counting of votes.

8. Mr CHAN Hak-kan announced that four members voted for Mr Tommy CHEUNG and four members voted for Ms Claudia MO respectively. As the two candidates received the same number of votes, Mr CHAN announced that lots would be drawn by him to decide how he should give the casting vote. In accordance with the lot drawn,

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Mr CHAN gave the casting vote to Mr Tommy CHEUNG. Mr CHAN declared Mr Tommy CHEUNG elected as the Chairman of the Subcommittee. Mr CHEUNG then took the chair.

Election of Deputy Chairman

9. Members agreed to elect a Deputy Chairman. The Chairman called for nominations for the deputy chairmanship of the Subcommittee. Ms Claudia MO was nominated by Dr Helena WONG and the nomination was seconded by Ms Cyd HO. Ms Claudia MO accepted the nomination. The Chairman called for other nominations.

10. Miss Alice MAK was nominated by Mr Steven HO and the nomination was seconded by Mr CHAN Hak-kan. Miss Alice MAK accepted the nomination.

11. As there was no other nomination, the Chairman announced that voting be conducted by secret ballot. After all the members present had cast their votes, the Chairman invited Dr Helena WONG and Mr Steven HO, who had nominated the two candidates respectively, to monitor the counting of votes.

12. The Chairman announced that four members voted for Ms Claudia MO and four members voted for Miss Alice MAK respectively. As the two candidates received the same number of votes, the Chairman announced that lots would be drawn by him to decide how he should give the casting vote. In accordance with the lot drawn, the Chairman gave the casting vote to Ms Claudia MO. The Chairman declared Ms Claudia MO elected as the Deputy Chairman of the Subcommittee.

**II. Schedule of meetings and item(s) for discussion at the next meeting**

13. The Subcommittee deliberated (index of proceedings attached at **Annex A**).

14. Members agreed to schedule four more meetings between March and June 2016. Members also agreed to receive public views on issues relating to animal welfare and cruelty to animals at the meeting scheduled for 22 March 2016. In line with the usual practice, a general notice would be posted on the Legislative Council website to invite

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views from the public. The 18 District Councils would also be invited to submit their views.

15. Members noted that to avoid clashing with the anticipated continuation of the Council meeting commencing on 13 April 2016, the third meeting tentatively scheduled for 15 April 2016 might need to be rescheduled to another date. The Secretariat would inform members once rescheduling was confirmed necessary.

*(Post-meeting note: The meeting schedule of the Subcommittee between March and June 2016 was issued to members vide LC Paper No. CB(2)904/15-16 on 17 February 2016. Another circular notifying members of the rescheduling of the third Subcommittee meeting was issued vide LC Paper No. CB(2)1153/15-16 on 23 March 2016.)*

**III. Prevention of animal cruelty**

(LC Paper Nos. CB(2)870/15-16(02) and (03))

16. At the invitation of the Chairman, Principal Assistant Secretary for Food and Health (Food) 3 briefed members on the Government's policy and measures on the promotion of animal welfare and prevention of acts of animal cruelty, details of which were set out in the Administration's paper (LC Paper No. CB(2)870/15-16(02)).

Follow-up actions arising from the discussion

17. The Administration was requested to provide written response to issues raised by members as set out in **Annex B**.

*(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)1138/15-16(02)).*

**IV. Any other business**

18. There being no other business, the meeting ended at 4:22 pm.

**Proceedings of the meeting of the  
Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals  
on Tuesday, 16 February 2016, at 2:30 pm  
in Conference Room 2 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action Required</b>
<i>Agenda item I - Election of Chairman and Deputy Chairman</i>			
000102 - 001807	Mr Tommy CHEUNG Mr Steven HO Miss Alice MAK Mr CHAN Hak-kan Mr CHAN Chi-chuen Ms Claudia MO Dr Helena WONG Ms Cyd HO	Election of Chairman and Deputy Chairman	
<i>Agenda item II - Schedule of meetings and item(s) for discussion at the next meeting</i>			
001808 - 002144	Chairman Mr CHAN Chi-chuen Clerk Dr Helena WONG Deputy Chairman Mr Steven HO	Schedule of Subcommittee's subsequent meetings and items for discussion, including receiving public views.	
<i>Agenda item III - Prevention of animal cruelty</i>			
002145 - 002839	Chairman Admin	Briefing by the Administration on Government's policy and measures on the promotion of animal welfare and prevention of acts of animal cruelty (LC Paper No. CB(2)870/15-16(02)).	
002840 - 003702	Chairman Mr CHAN Hak-kan Admin	Mr CHAN Hak-kan expressed concern that the detection rate of animal cruelty cases was low and the penalties handed down by the court in convicted cases did not provide sufficient deterrence against acts of animal cruelty. Noting that only five districts among the 18 police districts (i.e. Yau Tsim Mong, Tai Po, Tuen Mun, Tsuen Wan and Yuen Long) had set up dedicated teams to investigate animal cruelty cases, he urged the Police to set up a dedicated team in each of the police districts to follow up cases of cruelty of animals. His view that professional training should be provided to frontline police officers to enhance their investigation capability. His suggestion that "animal police" teams be set up to tackle animal cruelty cases in the long run.	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>The Administration's response that:</p> <p>(a) the Police had been providing training programmes for frontline officers to enhance their awareness and ability to handle animal cruelty cases. In 2015, a total of 24 and 152 lectures on relevant issues were provided respectively for probationary inspectors and recruit constables. An e-learning package on "Investigation of Cruelty to Animal Case" was also developed as an additional platform to enhance the professional and consistent handling of relevant cases;</p> <p>(b) on the enforcement front, reports of animal cruelty cases received by the Police would be taken up by the crime investigation teams which had sufficient experience and professional investigation skills to follow up cases of such nature. Where necessary, the Police would seek professional advice from the Agriculture, Fisheries and Conservation Department ("AFCD"), the Society for the Prevention of Cruelty to Animals and the Department of Justice to facilitate the investigation and prosecution work; and</p> <p>(c) at present, seven police districts had set up their dedicated team to look into animal cruelty cases. Depending on the manpower of the police district, nature and prevailing trend of cases, the District Commander might consider the need of setting up dedicated team in the district to follow up animal cruelty cases. This arrangement allowed the Police to flexibly deploy its limited resources, thereby enhancing the overall effectiveness of its efforts in combating acts of cruelty to animals.</p>	
003703 - 004309	Chairman Deputy Chairman Admin	<p>The Deputy Chairman's views on the difference between the terms "animal welfare" and "animal rights".</p> <p>Regarding the proposed legislative amendments to the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations"), the Deputy Chairman expressed concern that the Administration's proposal to issue two different types of licences for dog</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>breeders (i.e. Dog Breeder Licence Category A and Dog Breeder Licence Category B would have the unintended effect of legalizing private breeding of dogs. She urged the Administration to review its proposal and consider issuing one single type of licence for dog breeders with a high threshold.</p> <p>The Administration's response that:</p> <p>(a) the proposed amendments to the Regulations sought to enhance animal health and welfare through strengthening regulation of animal trading, as well as the breeding and selling of dogs. In 2012, the Administration conducted a two-month public consultation on the proposals and subsequently discussed the legislative proposals with the Panel on Food Safety and Environmental Hygiene in April 2013 and July 2014. The Administration aimed to introduce the amendment regulation for scrutiny by the Legislative Council in the second quarter of 2016; and</p> <p>(b) the Administration was of the view that the introduction of a two-tier licensing regime for dog breeders would serve the policy objectives of enhancing animal health and welfare and strike a reasonable balance between protecting animal welfare and the interest of pet owners and animal traders.</p> <p>On the suggestion of setting up a dedicated team in all police districts to tackle animal cruelty cases, the Administration reiterated its stance as mentioned above.</p>	
004310 - 004948	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's concern about dogs being left unattended in construction sites or abandoned after the completion of the relevant construction works. Her enquiry as to whether AFCD had conducted inspections in construction sites and instituted prosecutions against cruelty to dogs in response to complaints.</p> <p>The Administration's response that:</p> <p>(a) if there were reports of suspected cruelty cases taking place in construction sites, AFCD's officers would conduct investigation</p>	



Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>and take prosecution actions pursuant to the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO") if there was sufficient evidence;</p> <p>(b) according to the Code of Practice for Keeping of Dogs in Construction Sites in Hong Kong issued by AFCD, upon closure of a site or when the site was no longer compatible for keeping dogs, the dogs must be re-homed or moved to a new location. If there was no alternative, the responsible person of the site might surrender the dogs to AFCD; and</p> <p>(c) AFCD had reminded the responsible person of construction sites to adopt the control measures listed in the code of practice. Members of the public might report suspected cruelty cases in construction sites to AFCD for its further investigation.</p> <p>The Administration was requested to:</p> <p>(a) provide a copy of the relevant guidelines issued by AFCD on proper management and keeping of dogs in construction sites; and</p> <p>(b) provide (i) the number of complaints received in the past three years, if any, by AFCD about dogs being left unattended in construction sites or abandoned after the completion of the relevant construction works; (ii) the number of inspections conducted by the personnel of AFCD on construction sites in each of the past three years for the purpose of preventing animal cruelty; and (iii) the number of prosecutions instituted by the authorities against cruelty to dogs that took place in construction sites.</p>	<p><b>Admin (items (a) and (b) of Annex B refers)</b></p>
004949 - 005914	Chairman Mr CHAN Chi-chuen Admin	Mr CHAN Chi-chuen shared the Deputy Chairman's views about the difference between "animal rights" and "animal welfare". The Administration was requested to explain the difference between "animal welfare" and "animal rights" with supporting documents issued by internationally renowned animal welfare organizations.	<b>Admin (item (d) of Annex B refers)</b>

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Mr CHAN Chi-chuen's opinion that the Administration should review the penalty levels for offences relating to animal cruelty under PCAO so as to afford better protection to animals. The Administration's advice that the penalty levels were last updated in 2006 and substantially increased to strengthen deterrence. The Administration believed that the current penalty levels provided sufficient deterrence against acts of animal cruelty.</p> <p>On Mr CHAN's concern about the use of euthanasia in handling stray animals failed to be re-homed, the Administration's response that only animals which remained unclaimed or not adopted at the end of the process would be euthanized. A number of international animal organizations, including the World Organisation for Animal Health, agreed that in situations where the number of stray dogs caught remained high or the dogs were not fit for adoption despite the deployment of various stray dog management measures, euthanasia would be an appropriate and humane solution. Many overseas countries also adopted euthanasia in handling stray animals.</p> <p>Mr CHAN's enquiry and the Administration's response about the scope of the legislative proposals to amend the Regulations.</p>	
005915 - 010848	Chairman Mr Steven HO Admin	<p>Responding to Mr Steven HO's view that more facilities for housing stray animals awaiting re-homing should be provided in a bid to reduce the number of animals euthanized, the Administration advised that AFCD had been encouraging adoption of stray animals. While AFCD had provided four Animal Management Centres ("AMCs") for temporarily housing of stray animals which were awaiting re-homing/adoption, euthanasia would be the last resort. The Administration would continue to step up its efforts in fortifying publicity and public education, with a view to reducing the number of stray animals.</p> <p>Mr HO's concern about the low detection rate of animal cruelty cases. His suggestion that the Police should study and make reference to overseas experience in the investigation of animal cruelty cases. He noted that at present,</p>	<b>Admin (item (e) of Annex B refers)</b>

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>section 56 of the Road Traffic Ordinance (Cap. 374) ("RTO") provided that a driver of a vehicle should stop the vehicle where an accident involving that vehicle occurred whereby damage was caused to, amongst others, an animal. The driver was also required to report the accident to the Police as soon as practicable after the accident. For the purpose of this provision, "animal" was defined to mean any horse, cattle, ass, mule, sheep, pig or goat, with cats and dogs not included in the definition. His concern about the Police's handling of road accidents involving knocking down or killing of cats and/or dogs.</p> <p>The Administration's advice that the approach adopted by the Police in handling animal cruelty cases was similar to that of other jurisdictions. A number of factors, including the difficulties in collecting evidence, might affect the detection of animal cruelty cases. The Administration considered public education most important for safeguarding and promoting animal welfare. With enhanced publicity efforts made on this front, the number of reports of animal cruelty cases received by the Police had reduced from 120 cases in 2013 to 58 cases in 2015.</p>	
010849 - 011752	Chairman Ms Cyd HO Admin	<p>Ms Cyd HO's suggestion that the Police should explore if a mechanism/system could be put in place for members of the public/animal welfare groups to enquire about the progress of the Police's investigation of animal cruelty cases. The Administration's willingness to explore platforms for enhancing exchange between the Police and animal welfare groups.</p> <p>Ms Cyd HO's enquiry and the Administration's response regarding the progress of preparation and drafting of the legislative amendments to the Regulations.</p>	<b>Admin (item (e) of Annex B refers)</b>
011753 - 012313	Chairman Miss Alice MAK Admin	Miss Alice MAK called on the Administration to consider the need to review and amend the relevant provisions in RTO to the effect that (i) a driver would have a duty to stop in case of accidents involving knocking down or killing of cats and/or dogs and to report the accident to the Police and (ii) the driver concerned should hold responsibility for the accident if he/she deliberately caused damage to the cats and/or	<b>Admin (item (f) of Annex B refers)</b>

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>dogs. The Chairman's view on Miss MAK's suggestion.</p> <p>The Administration responded that cats and dogs were not included in the definition of "animal" under section 56 of RTO. It undertook to conduct research into the practices of other places and consider whether the relevant provision in RTO should be amended to include cats and dogs in the definition.</p>	
012314 - 013332	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG requested the Administration to provide written responses on:</p> <p>(a) how the authorities would ascertain the responsibility of the relevant parties (e.g. construction firms/subcontractors/security companies) in cases of cruelty of dogs that took place in construction sites; and</p> <p>(b) whether and how the use of euthanasia in handling stray animals in Hong Kong aligned with the international trend for managing stray animals.</p> <p>Dr WONG echoed the view that the Administration should consider whether section 56 of RTO should be amended. She suggested that consideration be given to enacting a new Animal Welfare Ordinance, consolidating animal welfare protection legislation to afford better protection to animals.</p> <p>Dr WONG's enquiry and the Administration's response concerning the investigation into suspected animal cruelty cases in Tai Tong Organic EcoPark.</p>	<b>Admin (items (c) and (d) of Annex B refers)</b>
013333 - 014533	Chairman Deputy Chairman Admin	<p>The Deputy Chairman considered the existing section 56 of RTO outdated. In her view, the provision should be amended to include cats, dogs and monkeys in the definition of "animal". The Administration should also consider whether other animal-related legislation (e.g. PCAO) should be amended to hold the driver responsible for intentionally causing suffering to cats and/or dogs by knocking it down by a vehicle.</p> <p>The Deputy Chairman's enquiry and the Administration's response about the death rates of animals kept in the Ocean Park and AFCD's inspection work in this respect.</p>	<b>Admin (item (f) of Annex B refers)</b>

Time marker	Speaker	Subject(s)/Discussion	Action Required
		In response to the Deputy Chairman's concern about AFCD's handling of stray animals, the Administration gave an account of the measures being taken by AFCD for promoting animal welfare and animal adoption. It stressed that the number of animals euthanized had substantially reduced in recent years as a result of those measures.	
014534 - 015248	Chairman Mr CHAN Hak-kan Admin	<p>Mr CHAN Hak-kan's concern that the number of animals surrendered to AMCs in 2014 by owners was high. His enquiry on whether consideration would be given to adopting punitive measures (e.g. imposing a fine) against animal abandonment.</p> <p>The Administration's explanation that owners surrendered their animals to AMCs due to various reasons. AFCD did not keep statistics on animals abandoned. The Administration stressed that AFCD would continue to promote animal adoption and step up its public education and publicity efforts on animal care and responsible pet ownership, with a view to reducing the number of animal abandonment cases.</p>	
<i>Agenda item IV - Any other business</i>			
015249 - 015319	Chairman	The Chairman's closing remarks	

**Panel on Food Safety and Environmental Hygiene**

**Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals**

**List of follow-up actions**

Date of meeting	Follow-up action required	Administration's response
16 February 2016	<p>The Administration was requested to -</p> <ul style="list-style-type: none"> <li>(a) provide a copy of the relevant guidelines issued by the Agriculture, Fisheries and Conservation Department ("AFCD") on keeping of dogs in construction sites;</li> <li>(b) provide for members' reference (i) the number of complaints received in the past three years, if any, by AFCD about dogs being left unattended in construction sites or abandoned after the completion of the relevant construction works; (ii) the number of inspections conducted by the personnel of AFCD on construction sites in each of the past three years for the purpose of preventing animal cruelty; and (iii) the number of prosecutions instituted by the authorities against cruelty to dogs that took place in construction sites;</li> <li>(c) advise how the authorities would ascertain the responsibility of the relevant parties (e.g. construction firms/subcontractors/ security companies) in cases of cruelty to dogs that took place in construction sites;</li> <li>(d) explain the difference between "animal welfare" and "animal rights" with supporting documents issued by internationally renowned animal welfare organizations; and advise whether</li> </ul>	<p>The Administration's response was issued to members vide LC Paper Nos. CB(2)1138/15-16(02) and CB(2)1566/15-16(02).</p>

Date of meeting	Follow-up action required	Administration's response
	<p>and how the use of euthanasia in handling stray animals in Hong Kong aligned with the international trend for managing stray animals;</p> <p>(e) provide response to the suggestions that the Police should (i) study and make reference to overseas experience in the investigation of animal cruelty cases, in a bid to reduce the number of animal cruelty cases in Hong Kong; and (ii) explore if a mechanism/system could be put in place for members of the public/animal welfare groups to enquire about the progress of the Police's investigation of animal cruelty cases; and</p> <p>(f) provide information on overseas practices in handling road accidents involving knocking down or killing of cats and/or dogs, and consider the need to review and amend the relevant provisions in the Road Traffic Ordinance (Cap. 374) and/or other animal-related legislation (e.g. the Prevention of Cruelty to Animals Ordinance (Cap. 169)) to the effect that (i) a driver would have a duty to stop in case of accidents involving knocking down or killing of cats and/or dogs and to report the accident to the Police and (ii) the driver concerned should hold responsibility for the accident if he/she deliberately caused damage to the cats and/or dogs.</p>	