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Panel on Food Safety and Environmental Hygiene

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

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 16 February 2016**

Prevention of cruelty to animals

Purpose

This paper outlines the Administration's policy on animal welfare and management with emphasis on the measures adopted by the Administration for the prevention of cruelty to animals, and summarizes major views and concerns of Legislative Council ("LegCo") Members on the subject.

Background

Current legislation

2. In Hong Kong, the concept and practice of the protection of animals is mainly enshrined in the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO"). As a centre-piece legislation for the protection of animals, it not only safeguards animals against acts of cruelty, but also imposes a duty of care requirement on the animal owners or keepers.

3. Under PCAO, cruelty to animals includes cruelly beating, kicking, ill-treating, torturing, infuriating, or terrifying any animals to cause unnecessary suffering to them. Cruelty to animals also covers the improper carriage of animals and putting animals in captivity. Anyone who fails to supply animals

with sufficient food and fresh water or causes unnecessary suffering to an animal commits an offence. The Prevention of Cruelty to Animals Regulations (Cap. 169A) made under PCAO also set out the basic requirements for keeping animals in confinement or during transport, contravention of which may constitute an offence notwithstanding that the animal has yet to be harmed. The current legislation empowers authorized officers to enter any premises or vehicle to inspect any animal and to seize it if cruelty is suspected. Officers from various government departments, including senior veterinary officers, health officers, health inspectors, police officers and authorized officers from the Agriculture, Fisheries and Conservation Department ("AFCD"), may take enforcement actions depending on the circumstances.

4. In 2006, the maximum penalty for animal abuse under PCAO was increased to a fine of \$200,000 and to imprisonment for three years. The numbers of prosecutions instituted under PCAO between 2012 and 2014 were 19, 20 and 29; and there were 18, 15 and 24 cases of successful convictions respectively.

Inter-departmental cooperation

5. For the purpose of enhancing cooperation among the government departments and organizations concerned in handling animal cruelty cases, AFCD, in conjunction with the Hong Kong Police Force ("the Police"), the Food and Environmental Hygiene Department ("FEHD") and the Society for the Prevention of Cruelty to Animals (Hong Kong) ("SPCA"), has set up a working group ("working group") in 2011 to examine the work on handling such cases.

6. Members of the working group render mutual support to one another. The Police and AFCD investigate into animal cruelty cases and, where appropriate, institute prosecution. In the process, they would exchange information with SPCA from time to time. AFCD provides professional veterinary advice necessary for taking forward the investigation and judicial proceedings, with FEHD assisting in handling environmental hygiene issues and animal carcasses. SPCA has set up a 24-hour hotline for public enquiries about animal cruelty cases. It also provides medical services to the animals involved and assists law enforcement agents as and where necessary. In discharging its duties on animal management and welfare, AFCD is responsible for publicity, education, intelligence gathering as well as the inspection of the sale outlets for pets.

7. In 2011, the Police introduced the Animal Watch Scheme ("AWS") with the support from AFCD, SPCA, veterinary associations and animal concern groups to strengthen the Police's capacity in the investigation of animal cruelty

cases. AWS has the support of two professional veterinary associations, namely the Hong Kong Veterinary Association and China (Hong Kong) Veterinary Association. The two associations help encourage their members to report suspected acts of cruelty to animals or the suspected culprits.

8. To safeguard and promote animal welfare, AFCD has established a dedicated team to devise, implement and fortify public education and publicity programmes for disseminating messages that help promote care for animals and foster a responsible attitude towards pet ownership. The activities planned for the purpose include producing Announcements in the Public Interest to be broadcast on television and radio, advertising on such platforms as public transport, magazines and websites, organizing promotional events in shopping arcades, regularly conducting village and community campaigns, holding talks in schools as well as conducting annual surveys on pet care.

Members' views and concerns

9. Members' major views and concerns on issues relating to prevention of animal cruelty are summarized in the ensuing paragraphs.

Review of existing legislation

10. There was a view that the Administration should consider increasing the penalty for offences relating to cruelty to animals to enhance the deterrent effect. The Administration advised that the maximum penalty under PCAO was significantly increased in 2006, bringing the fine of \$5,000 to \$200,000 and imprisonment from six months to three years. The level of penalty imposed by the court was generally higher than what used to be the case before the penalty provisions under PCAO was amended in 2006. In the Administration's view, apart from penalties with substantial deterrent effect and appropriate sentencing, the most effective way to reduce the number of animal cruelty cases was to enhance public awareness of respect for life and care for animals. The Administration would continue to step up its efforts in public education.

11. There was a suggestion that a blacklist of persons convicted of offences under PCAO should be drawn up to permanently forbid those on the list from keeping any animals. The Administration considered the nature of the proposal controversial. Its feasibility had to be considered carefully before a firm view was to be taken.

Work progress of the working group and effectiveness of AWS

12. Concern was raised about the work progress of the inter-departmental working group set up in 2011, including whether it had proposed any effective measures to combat cruelty to animals. According to the Administration, the working group was used for forging closer cooperation and mutual support in handling animal cruelty cases. The working group met regularly to discuss the handling of individual cases, and devised and reviewed guidelines for improving efficiency in the detection and prevention of animal cruelty cases. It had been organizing training courses for building up better understanding of animal welfare issues and skills for handling animal cruelty cases. It had also kept in view the level of penalty handed down by the court in convicted cases, including the need to make recommendations to the Department of Justice for review of sentence as and when necessary.

13. In response to queries about the effectiveness of AWS launched by the Police, the Administration advised that AWS aimed at consolidating cooperation among various stakeholders and enhancing the efficacy of the Police's efforts in the investigation of such cases. Stressing that the Police, in collaboration with different stakeholders, had been combating cruelty to animals through the four-pronged approach of education, publicity, intelligence gathering and investigation, the Administration advised that the measures had started to yield positive results. Most of the cases that had been acted upon by the Police came about by virtue of reports and information furnished by members of the public. This bore testimony to the effectiveness of AWS in raising public awareness of the need to combat animal cruelty cases.

Enforcement

14. There were suggestions that the Administration should establish an "animal police" team dedicated to handling animal cruelty cases and authorize, through enacting legislation, animal welfare organizations in the community to perform frontline patrols, handle complaints and refer cases to the Police for law enforcement actions upon collection of sufficient evidence.

15. The Administration advised that reports of suspected animal cruelty cases received by the Police would be taken up immediately by its crime investigation teams which had the professional investigation skills and experience required to follow up any criminal cases, including those involving cruelty to animals. Depending on the geographical distribution and prevailing trend of cases, the Police might consider assigning cases to dedicated crime investigation teams in various police districts in the interest of ensuring

comprehensive and focused investigation and early detection. The above arrangement allowed the Police to flexibly deploy its limited resources in tandem with AWS to efficiently handle animal cruelty cases, thereby enhancing the overall effectiveness of its efforts in combating acts of cruelty to animals. The Administration considered that the existing mechanism had proved to be effective and it had no plan to establish an animal police team.

Latest development

16. The Administration will brief the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals on measures currently in place to better prevent and combat acts of animal cruelty at its meeting on 16 February 2016.

Relevant papers

17. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
15 February 2016

Relevant papers on prevention of cruelty to animals

Committee	Date of meeting	Motion/ Question / Paper
Panel on Food Safety and Environmental Hygiene	14.6.2011 (Item VI)	Agenda Minutes
Legislative Council	15.6.2011	Official Record of Proceedings Pages 11836 to 11845 (oral question raised by Hon Miriam LAU on "Cruelty to animals")
Legislative Council	23.1.2013	Official Record of Proceedings Pages 5174 to 5179 (written question raised by Hon Claudia MO on "Measures preventing cruelty to animals")
Legislative Council	20.3.2013	Official Record of Proceedings Pages 7591 to 7597 (written question raised by Dr Hon Helen WONG on "Prevention of cruelty to animals")
Legislative Council	16.10.2013	Official Record of Proceedings Pages 626 to 628 (written question raised by Dr Hon Helena WONG on "Prevention of cruelty to animals")
Legislative Council	6.11.2013	Official Record of Proceedings Pages 1796 to 1807 (oral question raised by Hon Michael TIEN on "Prevention of animal cruelty")
Panel on Food Safety and Environmental Hygiene	14.1.2014 (Item V)	Agenda Minutes
Legislative Council	19.2.2014	Official Record of Proceedings Pages 7224 to 7227 (written question raised by Hon Chan Hak-kan on "Prevention of cruelty to animals")

Legislative Council	10.6.2015	Official Record of Proceedings Pages 12827 to 12833 (written question raised by Hon James To Kun-sun on "Animal welfare")
Legislative Council	17.6.2015	Official Record of Proceedings Pages 13128 to 13138 (oral question raised by Hon Chan Hak-kan on "Protection of animals' rights")

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