

**For discussion
on 22 March 2016**

**LegCo Panel on Food Safety and Environmental Hygiene
Subcommittee on Issues Relating to Animal Welfare and
Cruelty to Animals**

**Promotion of Animal Welfare and
Prevention of Acts of Animal Cruelty**

INTRODUCTION

This paper briefs Members of the Subcommittee on Government's policy and measures on the promotion of animal welfare and prevention of acts of animal cruelty.

POLICY ON ANIMAL MANAGEMENT

2. The Government attaches great importance to animal welfare and management. Our policy objective is to ensure that animals and people co-exist in a harmonious way in Hong Kong. In achieving this, we need to strike a balance between the well-being of people in Hong Kong on the one hand and the welfare of animals on the other. Over the years, we have been promoting animal welfare in line with the changing values and expectations of the community. In keeping with increasing public awareness towards animal welfare, we have been reviewing regularly our measures and practices on this front and exploring new approaches to further promote animal welfare.

3. The Agriculture, Fisheries and Conservation Department (AFCD) is responsible for the regulation of animal trading and related business (such as animal boarding and animal exhibitions), management of pet and stray animals, prevention of animal cruelty and promotion of animal welfare. In carrying out its duties, AFCD has to ensure that public health and safety are safeguarded at all times and that our animal management policy aligns with the international trend.

Animal Welfare Advisory Group

4. We fully appreciate that measures to safeguard and promote animal welfare have to be kept up to date. In this regard, the Animal Welfare Advisory Group (AWAG) was established in 1996 to advise the Government on animal welfare and related matters. The terms of reference of AWAG and its committees covers review of animal-related legislation, regulation and control of the pet trade, public education and publicity programmes, etc. AWAG's membership currently comprises representatives from a wide spectrum of fields covering veterinary science, animal welfare and management, the pet trade as well as other professional fields. Animal welfare and management has been the main work focus of the AWAG. The AWAG has assisted AFCD in the development and updating of the various Codes of Practice concerning different types of animals, as well as other publicity materials.

Multi-pronged approach

5. The Government adopts a multi-pronged approach towards animal welfare and management as follows –

- (a) strengthening public education and publicity;
- (b) fostering close partnership with animal welfare organisations (AWOs);
- (c) proper management of stray animals;
- (d) proper control of animal trading; and
- (e) prevention of cruelty to animals.

(a) Strengthening public education and publicity

6. We consider that public education is most important for safeguarding and promoting animal welfare. To this end, AFCD has established a dedicated team to devise, implement and fortify public education and publicity programmes for disseminating messages of caring for animals and responsible pet ownership. In the past year, AFCD has launched a series of educational and publicity activities, including producing and broadcasting APIs on TV and radio; placing advertisements

on public transport, magazines and websites; organising promotional events in shopping arcades; regularly conducting village and community programmes; holding talks in schools; as well as conducting surveys on pet care. AFCD has also revamped its website to further promote the message of showing respect to and caring for animals, and provide information on taking proper care of pets. In fact, the World Organisation for Animal Health (OIE) has pointed out that the promotion of responsible pet ownership can significantly reduce the number of stray dogs and the incidence of zoonotic diseases.

7. AFCD also provides funding to the Society for the Prevention of Cruelty to Animals (SPCA) for offering free or low-cost neutering services to cats and dogs in restricted areas, rural areas, construction sites and warehouses, assisting in investigations in animal cruelty cases and taking care of animals injured in connection with such cases, as well as providing educational talks and trainings to schools and other institutions and organisations.

(b) Fostering close partnership with AWOs

8. Animal welfare policy must be in tandem with the values shared by the community in general. To achieve synergy, we need to have the support of the community, including the AWOs. As such, AFCD has been working in close collaboration with various AWOs in promoting animal welfare and better animal management. Recognising that most AWOs are non-profit making with limited resources, the Government has been providing partial funding to these AWOs in supporting their work as long as resources permit. In this regard, AFCD has set aside \$1.5 million in 2015-16 for application by AWOs (including SPCA). Currently, AFCD provides funding support to nine AWOs. Interested AWOs may submit their applications together with details of their animal welfare initiatives and associated performance indicators as well as the estimated budget to AFCD for consideration. Successful applicants are required to submit to AFCD regular progress reports on the approved projects and audited accounts upon completion of the projects for scrutiny so as to ensure the proper use of public money.

(c) Proper management of stray animals

9. Regarding the management of stray animals, while safeguarding animal welfare, we must take appropriate measures to properly deal with the possible nuisances and public health problems caused by animals, especially the stray ones, with a view to effectively preventing the spread of diseases transmitted by animals and safeguarding public hygiene and safety.

10. In this regard, AFCD adopts a catch and removal approach aimed at reducing the nuisance at source and controlling the population of stray animals. After receiving complaints against stray animals, AFCD will try to locate and catch them. When caught, these animals will be put in the Animal Management Centres (AMCs) for observation. For animals with a microchip implanted, the AMCs will try to locate their owners based on the information on the microchips. In general, these animals will stay in the centres temporarily for about 10 to 20 days. Those without a microchip will stay in the centres for at least four days, allowing time for their owners to reclaim them. In cases where the animals being left unclaimed are in good health and assessed by a veterinary surgeon as having a gentle temperament and suitable for adoption, AFCD will arrange for their transfer to AWOs for adoption by members of the public. Only animals that remain unclaimed or not adopted at the end of the process will be euthanised. In fact, a number of international animal organisations, including the OIE¹, agree that in situations where the number of stray dogs caught remain high or the dogs are not fit for adoption despite the deployment of various stray dog management measures, euthanasia would be an appropriate and humane solution.

1 According to the Animal Health Code issued by OIE (http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_aw_stray_dog.htm), euthanasia of dogs should be done humanely and in combination with other measures to achieve effective control on stray dog population. Besides, the World Society for Protection of Animals and the Royal Society for the Prevention of Cruelty to Animals International published a report in 2007 on the controlling method of stray cats and dogs in around 30 European countries. The report pointed out that these countries had to use euthanasia to handle animals with diseases and injuries, and to control the number of stray animals. Other countries, such as the UK, the US, Australia, Japan and Singapore, etc. have also adopted euthanasia in handling stray animals. In fact, several internationally renowned animal welfare organisations also support the use of euthanasia in handling stray animals.

11. Furthermore, AFCD has been encouraging members of the public to adopt stray animals. Apart from education and publicity, AFCD also cooperates with the partnering AWOs in providing animal adoption services. AFCD will provide financial support to these AWOs, including for the provision of neutering service for animals re-homed, and for the establishment and improvement of animal re-homing centres which provide temporary shelters for stray animals awaiting re-homing. Currently, the number of AWOs in partnership with AFCD has increased to 15.

12. With the continuous implementation of the above-mentioned measures, we have seen improvement in controlling the stray animal population. The number of stray dogs caught due to complaints has decreased from 5,800 in 2011 to 2,412 in 2015, or 58% by percentage. We will continue to implement and enhance the measures in this respect to maximise effectiveness.

(d) Proper control of animal trading

13. At present, the business activities of animal traders are subject to the Public Health (Animal and Birds) (Animal Traders) Regulations (Cap. 139B). All animal traders must obtain an animal trader license issued by the Director of Agriculture, Fisheries and Conservation (DAFC). Any trader breaching the statutory requirements and relevant licensing conditions imposed by DAFC is liable to prosecution. To further enhance animal health and welfare, the Government has proposed amending Cap. 139B to better regulate animal trading, as well as breeding and trading of dogs. We are now working on the drafting of the amendments and we aim to table and complete scrutiny of the amendment regulation at the Legislative Council within the current legislative session.

(e) Prevention of cruelty to animals

14. Apart from the above measures, the relevant Government bureaux and departments have been working hard to combat and prevent acts of animal cruelty.

Prevention of Cruelty to Animals Ordinance (Cap. 169)

15. Under the Prevention of Cruelty to Animals Ordinance (Cap. 169), any person who cruelly beats, kicks, ill-treats, over-rides, over-drives, overloads, tortures, infuriates or terrifies any animal, or by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary suffering to any animal commits an offence and shall be liable on conviction to a fine of \$200,000 and imprisonment for three years. So far, the heaviest sentence for convicted cases handed down by the court is imprisonment for 16 months. This gives certain deterrence against acts of animal cruelty.

16. Relevant government departments will take enforcement action under and in accordance with Cap. 169 where circumstances warrant. Both the Hong Kong Police Force (the Police) and AFCD will investigate into cases of cruelty to animals and institute prosecution. Where necessary, AFCD will provide professional veterinary advice, while Food and Environmental Hygiene Department (FEHD) will assist in handling environmental hygiene issues and dead animals. SPCA has set up a 24-hour enquiry hotline for such cases. It will also provide medical treatment to the animals and facilitate law enforcement officers in their work.

Inter-departmental Special Working Group

17. In 2011, AFCD, in conjunction with the Police, FEHD and SPCA, set up an inter-departmental special working group (WG) for forging close cooperation and mutual support in handling animal cruelty cases. The WG meets regularly to discuss the handling of individual cases, formulate guidelines for improving efficiency in the detection and prevention of animal cruelty cases, and reviewing the guidelines from time to time. Meanwhile, the WG has been organising training courses for building up better understanding of animal welfare issues and skills for handling animal cruelty cases. It keeps in view the level of penalty handed down by the court for the purpose of considering whether a review of the relevant regulations is necessary.

Animal Watch Scheme

18. Besides, the Police, in collaboration with AFCD, SPCA and veterinary associations, introduced the Animal Watch Scheme in 2011 to tackle cases of animal cruelty through education, publicity, intelligence gathering and investigation. The scheme aims at consolidating cooperation among various stakeholders and enhancing the efficacy of the Police's efforts in the investigation of such cases. This scheme has the support of two professional veterinary bodies, namely the Hong Kong Veterinary Association and the China (Hong Kong) Veterinary Association. AFCD and SPCA also provide professional advice to assist the Police in the investigation of animal cruelty cases. Under the scheme, training programmes and forums are organised for police officers to further enhance their professional knowledge and investigation skills in handling related offences.

19. On the enforcement front, reports of animal cruelty cases received by the Police will be taken up by the crime investigation teams in various districts which have sufficient experience and professional investigation skills to follow up cases of cruelty to animals. Depending on the manpower of the police district, nature and prevailing trend of cases, the Police may consider assigning cases to dedicated teams in the interest of ensuring comprehensive and focused investigation. This arrangement allows the Police to flexibly deploy its limited resources, thereby enhancing the overall effectiveness of its efforts in combating acts of cruelty to animals. The Government considers that the existing mechanism has proved to be effective and therefore has no plan to establish an animal police team.

20. Nevertheless, the Police and AFCD encourage animal welfare groups and members of the public to take part in combating acts of cruelty to animals. Should any member of the public come across a case of animal cruelty, he/she may call the Police or report to AFCD. Upon receipt of the report, the relevant departments will take appropriate and prompt action to follow up.

ADVICE SOUGHT

21. Members are requested to note the content of this paper, and offer comment on the current policy and measures adopted by the Government on the promotion of animal welfare and prevention of acts of animal cruelty.

**Food and Health Bureau
Security Bureau
Agriculture, Fisheries and Conservation Department
Hong Kong Police Force
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