

Panel on Food Safety and Environmental Hygiene

Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals

**Administration's Responses to
views expressed/suggestions made by deputations at the meeting on 22 March 2016**

	Major views expressed/suggestions made	Administration's response
(1)	<p>The Administration should make reference to animal protection legislation in developed countries/places, to comprehensively review and amend the Prevention of Cruelty to Animals Ordinance (Cap. 169) and other existing animal welfare related ordinances for the purpose of catching up with international standard, including:</p> <ul style="list-style-type: none"> (a) reviewing the definition of cruelty to animals; (b) making intentional abandonment of animals an offence of animal cruelty; (c) increasing the maximum penalties under the existing ordinances so as to increase the deterrent effect; (d) emphasizing the responsibility of animal owners; and (e) setting up a dedicated bureau/department to formulate policies on animal rights. 	<p>The Government attaches 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. Over the years, we have been promoting animal welfare in line with the changing values and expectations of the community. In keeping with growing public awareness of issues related to animal welfare, we are regularly reviewing the propriety of our measures and practices and exploring new approaches to further promote animal welfare. An overview of the Government's policy and measures on this front is set out in LC Paper No. CB(2)870/15-16(02) submitted to this Subcommittee for the meeting on 16 February 2016. Our responses to the comments of the deputations are as follows:</p> <p>(a) – (d)</p> <p>The Prevention of Cruelty to Animals Ordinance (Cap. 169) makes it an offence for inflicting unnecessary harm to animals. Under 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 is liable on conviction to a fine of \$200,000 and imprisonment for three years. The penalty levels were last</p>

	Major views expressed/suggestions made	Administration's response
		<p>updated in 2006 and substantially increased to strengthen deterrence. Since then, the heaviest sentence handed down by the court for convicted cases under the Ordinance is imprisonment for 16 months. We believe that the current penalty levels provide sufficient deterrence against acts of animal cruelty.</p> <p>That said, noting the comments made by Members of the Subcommittee and the deputations, the Government is prepared to review the definition of cruelty as defined in Cap. 169, drawing reference from the practices adopted in other places such as the United Kingdom, the United States, Australia, Japan, Singapore and Taiwan.</p> <p>Abandonment of animals is an offence under the Rabies Ordinance (Cap. 421). The law states that a keeper of any animal who, without reasonable excuse, abandons that animal commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for six months. Whilst relevant government departments will continue to enforce the law diligently, we consider it more important and effective to tackle the issue by promoting responsible pet ownership. In this connection, the Agriculture, Fisheries and Conservation Department (AFCD) has been deploying resources for promoting responsible pet ownership. Details of AFCD's work on this front are set out in LC Paper No. CB(2)1097/15-16(01) submitted to this Subcommittee for the meeting on 22 March 2016.</p>

	Major views expressed/suggestions made	Administration's response
		<p>(e) Policy matters relating to animal welfare and management are under the oversight of the Food and Health Bureau, and AFCD is the executive department responsible for the regulation of animal trading and related business, management of pet and stray animals, and prevention of animal cruelty, and promotion of animal welfare. In addition, the Animal Welfare Advisory Group (AWAG) has been established since 1996 to advise the Director of Agriculture, Fisheries and Conservation on animal welfare and related matters, including keeping under review animal-related legislation, regulation and control of the pet trade, public education and publicity programmes, etc. Appointments to AWAG are made by the Secretary for Food and Health. The membership of AWAG comprises representatives from a wide spectrum of fields including veterinary science, animal welfare and management, the pet trade as well as other professional fields. The current framework has served the purpose of achieving our policy objectives well. The Government has no plan to change it.</p>
(2)	<p>Regarding the proposed amendments to the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B), the Administration should:</p> <p>(a) consider raising the threshold for granting the new animal breeder licences;</p>	<p>In response to the public's concern about animal health and welfare issues related to the sale and breeding of animals, the Government conducted a review and consulted the public in the last quarter of 2012 on proposed changes to the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) for the purpose of strengthening regulation over the sale, and breeding for sale, of dogs. Around 2700 responses were received and the legislative proposals as set out in the consultation paper received strong support from respondents.</p>

	Major views expressed/suggestions made	Administration's response
	<p>(b) consider issuing a single animal breeder licence with a high threshold to facilitate easier enforcement of the Regulations and better protection of animal rights and welfare;</p> <p>(c) consider introducing an examination system and quota for the granting and renewal of licences; and</p> <p>(d) consider imposing a total ban on animal trading and breeding.</p>	<p>Subsequent to the public consultation, the subject matter was further discussed at the Panel on Food Safety and Environmental Hygiene (FSEH Panel) on 16 April 2013 and 8 July 2014. LC Papers No. CB(2)944/12-13(07) and No. CB(2)1955/13-14(01) are relevant. The FSEH Panel had no adverse views on the legislative proposals when consulted on 8 July 2014.</p> <p>The issues raised by the deputations as listed in the left-hand column had been thoroughly discussed in the consultation process. The Government's responses are set out in the above Panel papers. The Government notes the different views expressed by different stakeholders. Indeed, at the meeting of this Subcommittee on 22 March 2016, deputations attending the meeting also expressed different views towards the proposed amendments to Cap. 139B. Whilst some raised objection thereto, others considered the strengthened regulatory regime an improvement conducive to better protection of animal health and welfare, and supported early introduction of the amendment regulation.</p> <p>Having weighed the views received and other relevant considerations, the Government remains of the view that the proposed amendments to Cap. 139B would serve the policy objectives of enhancing animal health and welfare well, and strike a right balance between protection of animal welfare and the interests of pet owners and animal traders. The Government has initiated the legislative process and is expecting to table the amendment regulation before the Legislative Council in the second half of May 2016.</p>

	Major views expressed/suggestions made	Administration's response
		<p>To complement the legislative framework under Cap. 139B, AFCD will promulgate a set of Code of Practices (CoP) for animal traders and dog breeders. The CoP will be attached to the Animal Trader Licence and Dog Breeder Licence as licence conditions. A breach of the licence conditions is an offence under Cap. 139B and DAFC may cancel the licence in accordance with section 10(2) of the Public Health (Animals and Birds) Ordinance. The Government plans to consult the FSEH Panel on the draft CoP at its coming meeting on 14 June 2016.</p>
(3)	<p>The Administration should establish "animal police" teams specially tasked to investigate cases of animal cruelty and abandonment, enhance the training of frontline enforcement officers on handling relevant cases, with a view to preventing the occurrence of animal cruelty and abandonment.</p>	<p>An overview of Government's efforts in handling cases of animal cruelty is set out in LC Paper No. CB(2)870/15-16(02) submitted to this Subcommittee for the meeting on 16 February 2016. As mentioned therein, AFCD has since 2011 set up an inter-departmental special working group for forging closer cooperation and mutual support in handling animal cruelty cases, and the Police has also introduced the Animal Watch Scheme since 2011 to tackle such cases through education, publicity, intelligence gathering and investigation. 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. The Police will continue to provide training to frontline officers to enhance their awareness and ability to handle cruelty to animal cases. Depending on the manpower of the police district, the nature and prevailing trend of cases, the Police may consider assigning cases to dedicated teams in the interest of ensuring comprehensive and</p>

	Major views expressed/suggestions made	Administration's response
		<p>focused investigation. This would allow the Police to flexibly deploy its limited resources, thereby enhancing the overall effectiveness of its efforts in combating acts of cruelty to animals.</p> <p>The Government considers the existing mechanism generally effective and has no plan to establish an animal police team.</p>
(4)	<p>The Administration should co-operate with District Councils and animal rights organizations to fully implement the "Trap-Neuter-Return" programme, i.e. to extend the programme to all the 18 districts, and use more humane means to deal with the problem of stray animals.</p>	<p>The Government's policy and measures related to the management of stray animals, including the "Trap-Neuter-Return" (TNR) programme, will be discussed by the Subcommittee at the meeting scheduled for 9 May 2016. Members may refer to the paper submitted to the Subcommittee for that meeting.</p> <p>Among other measures for managing stray animals, AFCD has, since January 2015, lent support to the Society for the Prevention of Cruelty to Animals (SPCA) and the Society for Abandoned Animals (SAA) in launching the TNR pilot schemes for stray dogs in specified sites in Yuen Long and Cheung Chau respectively. The pilot schemes will run for 3 years and AFCD will closely monitor the progress and evaluate the effectiveness of TNR in controlling the number of stray dogs. AFCD will consider the way forward thereafter, taking into account the outcome of the programme.</p>

	Major views expressed/suggestions made	Administration's response
(5)	<p>The Administration should step up publicity and public education on animal care and responsible pet ownership. It should promote animal adoption, with a view to reducing the number of animal trading.</p>	<p>The efforts being made by the Government to promote responsible pet ownership were discussed at the Subcommittee meeting on 22 March 2016. Details are set out in LC Paper No. CB(2)1097/15-16(01).</p>
(6)	<p>The Administration should examine the extension of the microchipping and licensing schemes to cats and other kinds of animals which are commonly kept as pets, so as to help owners reclaim their missing pets, prevent the abandonment of pets by irresponsible owners and institute prosecutions against those owners who abandoned pets without a good reason.</p>	<p>Under the Rabies Regulation (Cap. 421A), dogs have to be vaccinated, microchipped and licensed. The primary purpose is to prevent and control the spread of rabies. At present, the risk of rabies in southern China is primarily associated with dogs. Dogs contracted with rabies will generally become exceptionally furious, irritable and could be easily incited into taking aggressive action against anything in motion. As dogs need outdoor exercise frequently, infected dogs are more likely to transmit the rabies virus in the community. On the contrary, cats contracted with rabies are more prone to go into hiding. Pet cats are mainly kept indoors and seldom taken out for a walk. Therefore, the risk of infected cats spreading rabies is relatively lower than in the case of infected dogs.</p> <p>Having regard to the risk posed to public health, the habits and the welfare of the animals in question, the requirement to be vaccinated, microchipped and licensed under the existing Rabies Regulation (Cap. 421A) is only applicable to dogs.</p> <p>Although the current legislation does not require cats to be vaccinated, microchipped and licensed, cat owners may, as they think fit, take their cats to practising veterinary surgeons for vaccination (against feline epidemic diseases and/or rabies) and microchipping (for identification purposes).</p>

	Major views expressed/suggestions made	Administration's response
(7)	<p>The Administration should set up under the Agriculture, Fisheries and Conservation Department more Animal Management Centres, and explore the provision of subsidy to recognized animal adoption organizations so that they can have sufficient resources for keeping abandoned animals, thereby reducing the number of animals eventually euthanized.</p>	<p>AFCD has four Animal Management Centres (AMCs) across the territory. They are set up for the purpose of providing services to the public, such as vaccination and licensing of dogs, as well as temporarily housing animals under rabies quarantine, stray animals caught or animals surrendered by owners that are pending adoption. The AMCs are not designed to keep stray animals or animals surrendered by owners on a long-term basis. Only animals that remain unclaimed or not adopted at the end of the process will be euthanised. A number of international animal organisations, including the World Organisation for Animal Health (OIE)¹, 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.</p> <p>AFCD will keep in view the utilisation of the animal keeping facilities at the AMCs and the need for expanding their capacities.</p> <p>The Government has been adopting a multi-pronged approach in tackling the issue of stray animals. On the one hand, we have been promoting in the community a culture of care for animals</p>

¹ 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 support the use of euthanasia in handling stray animals. According to the Animal Health Code issued by the OIE, after various stray dog management measures have been deployed, euthanasia of stray dogs caught should be an effective way of controlling their population.

	Major views expressed/suggestions made	Administration's response
		<p>and responsible pet ownership, while on the other hand we have been encouraging members of the public to adopt stray animals. AFCD has been partnering with animal welfare organisations (AWOs) on the provision of animal adoption services and providing financial support to these AWOs, including the provision of neutering service for animals re-homed. We also support the establishment and improvement of animal re-homing centres which provide temporary shelters for stray animals awaiting re-homing. Currently, 15 AWOs are in partnership with AFCD in this respect.</p> <p>With the continuous efforts mentioned above, we have seen improvement in controlling the stray animal population. Such efforts will continue.</p>
(8)	<p>The Administration should review the cooperation with animal welfare organizations, and consider providing them with more financial assistance for improving the work of animal welfare organizations in the promotion of animal welfare and animal adoption.</p>	<p>AFCD has been collaborating with AWOs to enhance animal welfare and promote better animal management, including the provision of subvention to these AWOs in supporting their work as long as resources permit. Currently, AFCD provides funding support to nine AWOs. In 2016-17, AFCD has set aside \$1.5 million for this purpose. 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.</p>

	Major views expressed/suggestions made	Administration's response
(9)	<p>The Administration should review the work of the Society for the Prevention of Cruelty to Animals, and put in place a mechanism to evaluate its effectiveness in safeguarding animal welfare.</p>	<p>The Society for the Prevention of Cruelty to Animals (SPCA) is a corporation of trustees incorporated under the Registered Trustees Incorporation Ordinance (Cap. 306). It has its own governance structure. The Government is not in a position to review or evaluate its work.</p>
(10)	<p>The Administration should increase the room for survival for animals, including:</p> <ul style="list-style-type: none"> (a) reviewing the policy on the keeping of animals by tenants living in public rental housing; (b) examining the practice of allowing animal owners to board public transport with their animals; and (c) constructing more facilities for pets, such as animal parks and public toilets. 	<p>While 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. Hong Kong is a densely populated and metropolitan city. There are diverse views on the part of members of the public regarding the keeping of animals in public rental housing, and boarding public transports with animals. We should strike a balance between public interest and protection of animal welfare under the current legislative basis. At the same time, the Government would also need to balance different needs and views of the public when considering provision of facilities for pets. Having consulted the relevant bureau and departments, we set out below our responses to the issues raised –</p> <ul style="list-style-type: none"> (a) In formulating the policy of animal keeping in Public Rental Housing (PRH) estates, the ultimate consideration of the Housing Authority (HA) is to achieve a harmonious community whereby the different interests of all PRH residents are being respected at large. As PRH estates are densely populated with very limited space in domestic blocks and public areas, keeping of dogs may cause adverse effects to the environmental hygiene. Therefore dog keeping in PRH,

	Major views expressed/suggestions made	Administration's response
		<p>except under special conditions, is prohibited under the clauses of the Tenancy Agreement.</p> <p>(b) Public transport services play an important role in the transport system in Hong Kong. In considering whether to allow passengers to board public transport with their pets, we have to strike a balance over various factors, such as the reaction of the pets in a confined compartment which is limited in space and very crowded at certain time periods, the views of other passengers, the hygienic issue, etc. In addition, we also have to ensure the safety of all passengers and the pets during their journeys.</p> <p>The current legislative provisions governing different modes of public transport services do not impose any restriction on a guide dog accompanying a blind person to be carried on board. While pets, other than a guide dog accompanying a blind person, are not permitted on rail and franchised buses under the respective regulations, the existing legislation does provide flexibility to the operators of other public transport modes, which are having relatively more space in the compartment (including public light buses, taxis, non-franchised buses and ferries), to allow passengers to carry pets on board at their discretion.</p> <p>The Transport Department (TD) considers that the current regulatory arrangements already strike a reasonable balance between the needs of persons who go out with their pets and the views and needs of other passengers. TD will continue</p>

	Major views expressed/suggestions made	Administration's response
		<p>to encourage the operators of public light buses, taxis, non-franchised buses and ferries to provide appropriate assistance to passengers with pets.</p> <p>(c) At present, the Leisure and Cultural Services Department (LCSD) provides 41 pet gardens for use by the public. LCSD is open to proposals for provision of more pet gardens at leisure venues. Since the general public has diverse views on the designation of venues to which the public may be allowed to bring their pets, LCSD has to balance different needs of the public and consider carefully issues relating to environmental hygiene, public health and facility management, etc. If there are genuine local demands, the site is suitable and there is support from the relevant District Councils and local communities, LCSD will open more suitable venues for provision of pet gardens. In 2016 and 2017, LCSD plans to provide seven more new pet gardens in leisure venues.</p> <p>The Food and Environmental Hygiene Department (FEHD) has provided a total of 450 dog latrines in public places. Provision of dog latrines will be considered subject to local demand and availability of suitable sites.</p>

	Major views expressed/suggestions made	Administration's response
(11)	<p>Regarding captive animals, the Administration should consider:</p> <ul style="list-style-type: none"> (a) improving the welfare of captive animals kept in the Hong Kong Zoological and Botanical Gardens in areas of nutrition, environment, health, behaviour and mental state; (b) phasing out animal exhibits at the Hong Kong Zoological and Botanical Gardens, with a view to closing down the Zoo eventually; (c) establishing an independent body to monitor the operation of Ocean Park; (d) forbidding any form of performance by captive animals; and (e) enacting legislation on prohibiting the breeding of captive animals in Hong Kong. 	<p>The issue of keeping captive animals at zoos and aquariums has been a subject of growing debates at the global level. While the educational and conservation values associated with the exhibition of animals are widely recognized, there have been concerns over the operation of such establishments and the welfare of the captive animals. The World Association of Zoos and Aquariums (WAZA)² is one of the leading international organisations providing guidance to zoos and aquariums around the world in animal care and welfare, environmental education and global conservation. WAZA also sets standards for its members with regard to animal welfare and husbandry. The Government will keep in view developments and discussions on this front to facilitate consideration of the relevant policy and practices in Hong Kong.</p> <p>The Hong Kong Zoological and Botanical Gardens (HKZBG), under the administration of the Leisure and Cultural Services Department (LCS D), is a member of WAZA. Since the 1970's, HKZBG has been playing an important role in educating the public on wildlife conservation through the display of rare and endangered animal species. LCS D will continue to liaise with overseas zoos and through the international Studbook keepers of the animal species to enrich the animal collection and conservation. HKZBG is serviced by a team of dedicated staff comprising a veterinary officer and well-trained staff in animal husbandry, providing appropriate diet and proper health care to</p>

² The WAZA, with a history of nearly 80 years, has a membership of over 340 leading zoos, aquariums, associations, affiliate organisations and corporate partners from around the world. It aims to promote cooperation between zoological gardens and aquariums with regard to the conservation, management and breeding of animals in human care and to encourage the highest standards of animal welfare and husbandry.

	Major views expressed/suggestions made	Administration's response
		<p>the animals. It also strives to provide better environment and facilities for the animals to express their natural behaviour taking into account the space and topographical setting of the gardens. LCSD has also put in place a series of environmental enrichment programmes that promote species appropriate behavioural opportunities. LCSD will continue to upgrade the facilities and keep close monitoring of the animals and facilities to ensure the prompt delivery of animal health care and effective use of enrichment programmes for the well-being of the animals in its care.</p> <p>The Ocean Park is also a member of WAZA. Besides, it is the first zoological facility outside North America to be accredited by the Association of Zoos and Aquariums (AZA)³, which signifies its level of animal care and welfare being on par with the international standards. The Ocean Park has established policies and guidelines to ensure that its animal care and welfare programmes meet all relevant statutory requirements in Hong Kong as well as international standards. According to information provided by the Commerce and Economic Development Bureau, the Ocean Park established an Animal Welfare, Ethics and Care Committee in 2008, which includes an independent external representative. In 2012, the Ocean Park made a commitment to strengthen its assurance in relation to all acquisitions and dispositions involving the zoological collection and publishing this data within the Park's annual reports.</p>

³ The AZA is a non-profit organisation founded in 1924, dedicated to the advancement of zoos and aquariums in the areas of conservation, education, science, and recreation. It sets accreditation standards with regard to animal welfare for zoos and aquariums applying for AZA's accreditation.

	Major views expressed/suggestions made	Administration's response
		<p>The Ocean Park is managed and controlled by the Ocean Park Corporation (OPC), which was established under the OPC Ordinance (Cap. 388). As provided in that Ordinance, the Board of the OPC is the governing and executive body of the OPC, and it comprises both Government officials and non-official members appointed by the Government from different sectors of society.</p> <p>The Ocean Park is subject to licensing requirement under the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139F). For law enforcement purposes, AFCD conducts regular inspection at the Park to ensure that the animals are being properly cared for, and to determine if the husbandry and keeping environment, as well as the physical facilities are suitable for the species concerned. The Ocean Park is obliged to report to AFCD immediately upon abnormal animal mortality and the department will conduct necessary investigation to assess if the above requirements are complied with and to scrutinise any possible act of animal cruelty. Besides, animal acquisitions by the Ocean Park must comply strictly with importation regulations set out by AFCD.</p>

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
May 2016**