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Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 21 June 2017

**Amendments to motion on
“Safeguarding animal rights”**

Further to LC Paper No. CB(3) 648/16-17 issued on 8 June 2017, five Members (Hon Claudia MO, Dr Hon Priscilla LEUNG, Hon Jeremy TAM, Dr Hon Elizabeth QUAT and Hon CHAN Hak-kan) have respectively given notice of their intention to move separate amendments to Hon KWONG Chun-yu's motion on “Safeguarding animal rights” scheduled for the Council meeting of 21 June 2017. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the five amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon KWONG Chun-yu to speak and move his motion;
- (b) the President proposes the question on Hon KWONG Chun-yu's motion;
- (c) the President calls upon the five Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Claudia MO;
 - (ii) Dr Hon Priscilla LEUNG;

- (iii) Hon Jeremy TAM;
 - (iv) Dr Hon Elizabeth QUAT; and
 - (v) Hon CHAN Hak-kan;
- (d) the President calls upon the public officer(s) to speak;
 - (e) the President invites other Members to speak;
 - (f) the President gives leave to Hon KWONG Chun-yu to speak for the second time on the amendments;
 - (g) the President calls upon the public officer(s) to speak again;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the five Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon Claudia MO to move her amendment to the motion, and forthwith proposes and puts to vote the question on Hon Claudia MO's amendment;
 - (i) after Hon Claudia MO's amendment has been voted upon, the President deals with the other four amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Hon KWONG Chun-yu to reply. Thereafter, the President puts to vote the question on Hon KWONG Chun-yu's motion, or his motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Appendix

(Translation)

Motion debate on “Safeguarding animal rights” to be held at the Council meeting of 21 June 2017

1. Hon KWONG Chun-yu's original motion

That in view of growing public concern over animal rights, this Council has passed legislative amendments to increase penalties for cruelty to animals, but animal cruelty cases still keep occurring; Hong Kong's animal welfare policy lags far behind that of other places, and definitions in the relevant legislation are based on concepts in the early part of the last century; since the Administration has failed to implement an 'animal-friendly policy', there is insufficient animal-friendly space in the communities, resulting in the euthanization of more than 10 000 animals a year; to safeguard animal rights, this Council urges the Government to:

- (1) draw reference from the relevant legislation in other places to expeditiously enact legislation on providing comprehensive animal protection, with contents covering affirmation of the definition of animal cruelty, inclusion of the concept of 'a duty of animal care', and the classification of abandonment of animals as an act of animal cruelty;
- (2) step up enforcement actions against unlicensed animal breeding facilities, enhance the inspection power of law enforcement officers, consult the public on extending the regulatory system for animal registration and breeding to cover cats and other animals commonly kept as pets, and impose a total ban on the online sale of animals;
- (3) study and follow other countries' practice of establishing specialized teams of 'animal police' to investigate animal cruelty cases, with a view to curbing animal cruelty;
- (4) comprehensively take forward the scheme of 'Trap-Neuter-Vaccinate-Return' in various districts, prohibit the euthanization of stray cats and dogs, and enhance the transparency of handling stray animals by the Agriculture, Fisheries and Conservation Department;
- (5) increase activity space in the communities for the integration of animals and human beings, including exploring the feasibility of providing more

parks and leisure venues admitting animals and permitting passengers to bring along their pets when travelling on public transport; and

- (6) step up publicity and public education, including studying the inclusion of the subject of animal care in school curricula, and collaborating with community organizations to promote animal-friendly measures.

2. Motion as amended by Hon Claudia MO

That ~~in view of as there is a~~ growing public concern over animal rights, ***and the civilized development of society is not restricted to the perspective of human beings, there should be integration of human beings and animals; animals in the wild and domesticated animals, especially pigs, bovines and birds, are all members of the community and deserve protection;*** this Council has passed legislative amendments to increase penalties for cruelty to animals, but animal cruelty cases still keep occurring; Hong Kong's animal welfare policy lags far behind that of other places, and definitions in the relevant legislation are based on concepts in the early part of the last century; since the Administration has failed to implement an 'animal-friendly policy', there is insufficient animal-friendly space in the communities, resulting in the euthanization of more than 10 000 animals a year; to safeguard animal rights, this Council urges the Government to:

- (1) draw reference from the relevant legislation in other places to expeditiously enact legislation on providing comprehensive animal protection, with contents covering affirmation of the definition of animal cruelty, inclusion of the concept of 'a duty of animal care', and the classification of abandonment of animals as an act of animal cruelty;
- (2) step up enforcement actions against unlicensed animal breeding facilities, enhance the inspection power of law enforcement officers, consult the public on extending the regulatory system for animal registration and breeding to cover cats and other animals commonly kept as pets, and impose a total ban on the online sale of animals;
- (3) study and follow other countries' practice of establishing specialized teams of 'animal police' to investigate animal cruelty cases, with a view to curbing animal cruelty;
- (4) comprehensively take forward the scheme of 'Trap-Neuter-Vaccinate-Return' in various districts, prohibit the euthanization of stray cats and dogs, and enhance the transparency of handling stray animals by the Agriculture, Fisheries and Conservation Department;

- (5) increase activity space in the communities for the integration of animals and human beings, including exploring the feasibility of providing more parks and leisure venues admitting animals and permitting passengers to bring along ~~their~~ *animals kept as* pets when travelling on public transport; **and**
- (6) step up publicity and public education, including studying the inclusion of the subject of animal care in school curricula, and collaborating with community organizations to promote animal-friendly measures;
- (7) *spare no efforts in conserving the marine ecosystem, so as to avoid harms to marine life, such as white dolphins, arising from large-scale infrastructural projects; and*
- (8) *transfer matters relating to animal rights and welfare from the portfolio of the Food and Health Bureau to that of the Environment Bureau, so that the latter can formulate policies on safeguarding biodiversity, conservation and sustainable development.*

Note: Hon Claudia MO's amendment is marked in ***bold and italic type*** or with deletion line.

3. Motion as amended by Dr Hon Priscilla LEUNG

That in view of *our society*'s growing ~~public~~ concern over animal rights, this Council has passed legislative amendments to increase penalties for cruelty to animals, but animal cruelty cases still keep occurring; Hong Kong's animal welfare policy lags far behind that of other places, and definitions in the relevant legislation are based on concepts in the early part of the last century; since the Administration has failed to implement an 'animal-friendly policy', there is insufficient animal-friendly space in the communities, resulting in the euthanization of more than 10 000 animals a year; to safeguard animal rights, this Council urges the Government to:

- (1) draw reference from the relevant legislation in other places to expeditiously enact legislation on providing comprehensive animal protection, with contents covering affirmation of the definition of animal cruelty, inclusion of the concept of 'a duty of animal care', and the classification of abandonment of animals (*including non-mammalians*) as an act of animal cruelty, ***and amend the Rabies Ordinance to make microchip implantation of all cats mandatory;***
- (2) step up enforcement actions against unlicensed animal breeding facilities, enhance the inspection power of law enforcement officers,

- consult the public on extending the regulatory system for animal registration and breeding to cover cats and other animals commonly kept as pets, and ~~impose a total ban on the online~~ *draw up a timetable for further tightening the regulation of* sale of animals;
- (3) study and follow other countries' practice of establishing specialized teams of 'animal police' *in the 23 police districts throughout Hong Kong* to investigate animal cruelty cases, with a view to curbing animal cruelty;
- (4) comprehensively take forward the scheme of 'Trap-Neuter-Vaccinate-Return' in various districts, ~~prohibit the euthanization of stray cats and dogs, and enhance the transparency of handling stray animals by the Agriculture, Fisheries and Conservation Department, actively pursue the setting up of a central animal adoption centre under the purview of the Agriculture, Fisheries and Conservation Department, and consider providing funding as well as sites for non-governmental organizations to set up animal adoption centres, so as to minimize the euthanization of stray cats and dogs due to insufficient facilities and manpower;~~
- (5) increase activity space in the communities for the integration of animals and human beings, including exploring the feasibility of providing more parks and leisure venues admitting animals, *such as requiring the provision of dog parks when formulating development plan for new development areas, and permitting passengers to bring along their pets in pet carriers (bags or cases) when travelling on public transport, and consider conducting a trial programme on franchised buses first; and*
- (6) step up publicity and public education, including studying the inclusion of the subject of animal care in school curricula, and collaborating with community organizations to promote animal-friendly measures.

Note: Dr Hon Priscilla LEUNG's amendment is marked in ***bold and italic type*** or with deletion line.

4. Motion as amended by Hon Jeremy TAM

That in view of growing public concern over animal rights, this Council has passed legislative amendments to increase penalties for cruelty to animals, but animal cruelty cases still keep occurring; Hong Kong's animal welfare policy lags far behind that of other places, and definitions in the relevant legislation are based on concepts in the early part of the last century, *one example being the Stockholm Metro, operated by a wholly-owned subsidiary of the MTR Corporation Limited ('MTRCL'), has long since allowed animals to travel on*

its trains, but MTRCL is still unwilling to designate compartments for animals on the trains of local railways; since the Administration has failed to implement an ‘animal-friendly policy’, there is insufficient animal-friendly space in the communities, resulting in the euthanization of more than 10 000 animals a year; to safeguard animal rights, this Council urges the Government to:

- (1) draw reference from the relevant legislation in other places to expeditiously enact legislation on providing comprehensive animal protection, with contents covering affirmation of the definition of animal cruelty, inclusion of the concept of ‘a duty of animal care’, and the classification of abandonment of animals as an act of animal cruelty;
- (2) step up enforcement actions against unlicensed animal breeding facilities, enhance the inspection power of law enforcement officers, consult the public on extending the regulatory system for animal registration and breeding to cover cats and other animals commonly kept as pets, and impose a total ban on the online sale of animals;
- (3) study and follow other countries’ practice of establishing specialized teams of ‘animal police’ to investigate animal cruelty cases, with a view to curbing animal cruelty;
- (4) comprehensively take forward the scheme of ‘Trap-Neuter-Vaccinate-Return’ in various districts, prohibit the euthanization of stray cats and dogs, and enhance the transparency of handling stray animals by the Agriculture, Fisheries and Conservation Department;
- (5) increase activity space in the communities for the integration of animals and human beings, including exploring the feasibility of providing more parks and leisure venues admitting animals and permitting passengers to bring along their pets when travelling on public transport; **and**
- (6) step up publicity and public education, including studying the inclusion of the subject of animal care in school curricula, and collaborating with community organizations to promote animal-friendly measures;
- (7) *explore setting up an animal adoption centre under the Agriculture, Fisheries and Conservation Department, and streamline the existing animal adoption procedure of requiring applications to be made via community organizations, so as to encourage people to adopt instead of buying animals;*
- (8) *expeditiously disband the two wild pig hunting teams under the Agriculture, Fisheries and Conservation Department comprising*

- civilian volunteers with arms licences issued by the Police, require that upon receipt of a report on wild pig nuisance, the staff of the Agriculture, Fisheries and Conservation Department should only take the wild pigs back to the wild by tranquilization and leading, and expeditiously conduct a comprehensive study on the wild pigs in Hong Kong to give the public an understanding of the ecological information about wild pigs;*
- (9) *explore requiring safety supervisors of construction sites to be responsible for handling matters relating to the behaviours and welfare of the dogs kept on their construction sites, and strictly require contractors of construction sites to comply with the ‘Code of Practice for Keeping Dogs on Construction Sites’ issued by the Agriculture, Fisheries and Conservation Department; and*
- (10) *expeditiously explore formulating a conservation programme for stray cattle, including ascertaining the habits of different cattle herds and the areas they frequent for the purpose of weighing the pros and cons of the ‘Capture-Sterilize-Relocate’ Programme for stray cattle, identifying suitable sites for installing additional cattle grids, improving the soil of cattle relocation sites to facilitate their adaptation, and building additional cowsheds and cattle paths etc. to provide them with more effective protection.*

Note: Hon Jeremy TAM’s amendment is marked in ***bold and italic type*** or with deletion line.

5. Motion as amended by Dr Hon Elizabeth QUAT

That in view of *in recent years, there has been a growing public concern over animal rights, welfare, and topics on animal have gained increasing attention in society*; this Council has passed legislative amendments to increase penalties for cruelty to animals, but animal cruelty cases still keep occurring; Hong Kong’s animal welfare policy lags far behind that of other places, and definitions in the relevant legislation are based on concepts in the early part of the last century; since the Administration has failed to implement an *‘animal-friendly policy’, a comprehensive ‘animal welfare policy’ to implement regulations on adoption and handling stray animals and improve the space shared by people and animals harmoniously, etc.*, there is insufficient animal-friendly space in the communities, ~~resulting in the euthanization of more than 10 000 animals a year; to safeguard animal rights making it difficult to protect and safeguard animal welfare; in this connection~~, this Council urges the Government to:

- (1) draw reference from the relevant legislation in other places to expeditiously enact ***comprehensive*** legislation on ~~providing comprehensive animal protection~~ ***animal welfare***, with contents covering affirmation of the definition of animal cruelty, inclusion of the concept of ‘a duty of animal care’, and ~~the classification of abandonment of animals as an act of animal cruelty~~ ***increasing the criminal liabilities for the act of abandoning animals, and explore imposing other penalties on offenders, such as requiring them to receive psychological counselling and attend courses on animal welfare, and forbidding them to keep animals for a period of time;***
- (2) step up ***monitoring of licensed animal breeding facilities and take*** enforcement actions against unlicensed animal breeding facilities, enhance the inspection power of law enforcement officers, ***explore empowering frontline officers to take appropriate rescue actions on animals in danger***, consult the public on extending the regulatory system for animal registration and breeding to cover cats and other animals commonly kept as pets, ~~and impose a total ban on the~~ ***step up enforcement actions against the illegal online sale of animals, and explore the regulation of the online sale of animals;***
- (3) ***enhance the training of frontline enforcement officers on handling cases of animal cruelty and their awareness of such cases, enhance the knowledge of prosecutors on animal welfare-related legislation to ensure the strict enforcement of the legislation, and*** study and follow other countries’ practice of establishing specialized teams of ‘animal police’ to investigate animal cruelty cases, with a view to curbing animal cruelty;
- (4) comprehensively take forward the scheme of ‘Trap-Neuter-Vaccinate-Return’ in various districts, ~~prohibit the euthanization of~~ ***actively encourage the public to neuter animals and adopt animals, refrain from using euthanization as a means to control the number of*** stray cats and dogs, ~~and~~ enhance the transparency of handling stray animals by the Agriculture, Fisheries and Conservation Department, ***and explore the enactment of legislation to regulate animal shelters to ensure their compliance with animal welfare requirements;***
- (5) increase activity space in the communities for the integration of ~~animals~~ ***pets*** and human beings, including exploring the feasibility of providing more parks and leisure venues admitting ~~animals~~ ***pets to enable pet owners to use public facilities together with their pets,*** and permitting passengers to bring along their pets when travelling on public transport; ~~and~~

- (6) *set up an ‘animal welfare fund’ for application by non-profit-making or charitable organizations, so as to promote animal welfare-related matters; step up publicity and public education, including studying the inclusion of the subject of animal care in school curricula, and collaborating with community organizations to promote animal-friendly animal welfare measures;*
- (7) *formulate measures to enhance the protection of dogs such as ‘construction site dogs’ and ‘warehouse dogs’ that are kept as working dogs, ensure that persons in charge of such sites will comply with dog keeping-related legislation and take proper care of their dogs, and deploy staff for stepping up inspection and prosecution against offenders;*
- (8) *explore the enactment of dedicated legislation on deliberate acts of animal poisoning and actively examine the investigation and prosecution procedures on related offences, so as to ensure that offenders are brought to justice;*
- (9) *allocate additional resources and manpower to relevant departments for promoting stray cattle welfare, improve the existing scheme of ‘Capture-Sterilize-Return/Relocate’ for stray cattle, explore building cattle grids or ecology trails at road sections frequented by cattle herds, and step up public education and publicity to deepen the public’s understanding of stray cattle; and*
- (10) *tighten the regulation of sale of animals to ensure that vendors sell healthy animals, and explore introducing a cooling-off period for the sale of animals.*

Note: Dr Hon Elizabeth QUAT’s amendment is marked in ***bold and italic type*** or with deletion line.

6. Motion as amended by Hon CHAN Hak-kan

That ~~in view of as many Hong Kong people keep animals as pets and they have a~~ growing public concern over animal rights, this Council has passed legislative amendments to increase penalties for cruelty to animals, but animal cruelty cases still keep occurring; Hong Kong’s animal welfare policy lags far behind that of other places, and definitions in the relevant legislation are based on concepts in the early part of the last century; since the Administration has failed to implement an ‘animal-friendly policy’, there is insufficient animal-friendly space in the communities, resulting in the euthanization of more

than 10 000 animals a year; to safeguard animal rights, this Council urges the Government to:

- (1) draw reference from the relevant legislation in other places to expeditiously enact legislation on providing comprehensive animal protection, with contents covering affirmation of the definition of animal cruelty, inclusion of the concept of ‘a duty of animal care’, and the classification of abandonment of animals as an act of animal cruelty, *and explore making arrangements for convicted persons to attend courses on animal protection and receive psychological counselling;*
- (2) *increase the minimum penalties for animal cruelty cases to reflect the social concern about offences of animal cruelty;*
- (3) *improve the hygiene conditions in the animal management centres under the Agriculture, Fisheries and Conservation Department, allow Legislative Council Members, District Council members and animal welfare organizations to regularly inspect these centres, and increase the number of qualified animal adoption organizations;*
- (4) step up enforcement actions against unlicensed animal breeding facilities, enhance the inspection power of law enforcement officers, consult the public on extending the regulatory system for animal registration and breeding to cover cats and other animals commonly kept as pets, and impose a total ban on the online sale of animals;
- (3)(5) study and follow other countries’ practice of establishing specialized teams of ‘animal police’ to investigate animal cruelty cases, with a view to curbing animal cruelty, *and set up a ‘dedicated hotline for reporting animal cruelty’, with the Police conducting proactive investigation into animal cruelty cases reported or disseminated by the public;*
- (4)(6) comprehensively take forward the scheme of ‘Trap-Neuter-Vaccinate-Return’ in various districts, prohibit the euthanization of stray cats and dogs, and enhance the transparency of handling stray animals by the Agriculture, Fisheries and Conservation Department;
- (5)(7) increase activity space in the communities for the integration of animals and human beings, including exploring the feasibility of providing more parks and leisure venues admitting animals and permitting passengers to bring along their pets when travelling on public transport; *and*
- (6)(8) step up publicity and public education, including studying the inclusion of the subject of animal care in school curricula, and collaborating with community organizations to promote animal-friendly measures;

- (9) *provide subsidy to the public to neuter the animals they keep and train up more veterinarians and related health care personnel;*
- (10) *set up a ‘animal protection fund’ for application by animal welfare organizations, so that these organizations can organize more animal welfare activities and carry out publicity and education on animal care;*
- (11) *amend the Road Traffic Ordinance to require that, apart from having to stop after their vehicles have hit any horse, cattle, donkey, mule, sheep, pig or goat, drivers must also stop their vehicles and report to the Police after hitting any cat or dog;*
- (12) *increase the numbers of public toilets for dogs and dog excreta collection bins in public places, and step up the frequency of cleaning these facilities;*
- (13) *step up publicity on endangered species and the relevant regulatory system, and require that animal traders must provide appropriate labels for distinguishing endangered species and provide buyers with points to note on keeping endangered species, so as to strengthen the management of endangered animals;*
- (14) *explore regulating food products for pets and imposing the requirement of affixing composition labelling on these products, so as to protect the health of animals;*
- (15) *explore regulating animal hospice services through licensing;*
- (16) *expeditiously put in place cattle grids for keeping stray cattle in specified areas, so as to avoid accidents arising from cattle trespassing into the urban area and pedestrian crossings.*

Note: Hon CHAN Hak-kan’s amendment is marked in ***bold and italic type*** or with deletion line.