

**For discussion  
on 17 January 2017**

**LegCo Panel on Food Safety and Environmental Hygiene  
Subcommittee to Study Issues Relating to Animal Rights**

**Policy and Measures on Promoting Animal Welfare and  
Handling and Combating Animal Cruelty Cases**

**INTRODUCTION**

This paper briefs Members of the Subcommittee on the Government's policy and measures on promoting animal welfare and handling and combating animal cruelty cases.

**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 and the welfare of animals in a pragmatic way in Hong Kong.

3. The Agriculture, Fisheries and Conservation Department (AFCD) is responsible for the promotion of animal welfare, including regulation of animal trading and related business (such as animal exhibitions), management of pet and stray animals, collaboration with other departments in preventing cruelty to animals, and provision of funding in support of the work of some animal welfare organisations (AWOs). The Animal Welfare Advisory Group ("AWAG") was established in 1996 to advise the Government on animal welfare and related matters, such as review of animal-related legislation, regulation and control of the pet trade, public education and publicity programmes. AWAG's membership comprises representatives from a wide spectrum of fields, covering veterinary science, animal welfare and management, pet trade, as well as other professional fields. In carrying out its work in animal welfare, AFCD takes into account AWAG's views to ensure public health and safety can be safeguarded while having regard to animal welfare and the international trend.

## **Multi-pronged approach**

4. The Government adopts a multi-pronged approach towards animal welfare and management including –

- (a) strengthening public education;
- (b) handling and preventing acts of animal cruelty ;
- (c) proper controlling animal trading;
- (d) proper managing stray animals; and
- (e) fostering close partnership with AWOs.

(a) Strengthening public education

5. Public education is of utmost importance in safeguarding and promoting animal welfare. As pointed out by the World Organisation for Animal Health (OIE), the promotion of responsible pet ownership can significantly reduce the number of stray dogs and the incidence of zoonotic diseases. 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 2016, AFCD has organised a wide range of public events, including 78 school seminars, 15 estate talks, five educational programmes co-organised with other AWOs, and 12 roving educational exhibitions in urban areas, as well as eight roving educational exhibitions in rural areas and the outlying islands. In the past year, AFCD placed advertisements in different media platforms, public transport, buses and light buses, to promote animal welfare and messages of responsible pet ownership.

(b) Handling and preventing acts of animal cruelty

*Prevention of Cruelty to Animals Ordinance (Cap. 169)*

6. Under the Prevention of Cruelty to Animals Ordinance (Cap. 169) (the Ordinance), 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.

7. Relevant Government departments take enforcement actions under and in accordance with the Ordinance where circumstances

warrant. Both the Hong Kong Police Force (the Police) and AFCD will investigate into cases of cruelty to animals and institute prosecution. In the past three years (2014-2016), the Government has received an average of 245 suspected cases per year on cruelty to animals. The investigations done by the departments concerned showed that most of these cases did not involve criminal element. However, the heaviest sentence handed down by the court for cases convicted under the relevant legal provisions is 16 months of imprisonment.

8. Having regard to the views given by Members of the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals in the Fifth LegCo and AWOs, the Government is prepared to review the definition of cruelty to animals as defined in the Ordinance, by drawing reference to the practices adopted in other places (such as the United Kingdom (UK), the United States (US), Australia, New Zealand, Japan, Singapore, Taiwan and Macau). For details, please refer to the other discussion paper submitted at this meeting.

#### *Inter-departmental Special Working Group*

9. In 2011, AFCD, in conjunction with the Police, the Food and Environmental Hygiene Department (FEHD) and the Society for the Prevention of Cruelty to Animals (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 review the guidelines from time to time. In addition, 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 legal provisions is necessary.

10. More specifically, AFCD will provide professional veterinary advice on suspected animal cruelty cases, while FEHD will assist in handling environmental hygiene issues and dead animals. In addition, SPCA operates a 24-hour enquiry hotline for such cases and will provide medical treatment to the animals and assist law enforcement officers in their work.

### *Animal Watch Scheme*

11. Besides, the Police, in collaboration with AFCD, SPCA and veterinary associations, introduced the Animal Watch Scheme (the 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. The 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. Under the framework of the Scheme, the stakeholders maintain close communication among themselves, actively exchange ideas, work together to combat acts of cruelty to animal, and review the Scheme from time to time with a view to perfecting the Scheme. In a recent review, the stakeholders conclude that the Scheme has been running smoothly and is effective in combating animal cruelty acts.

12. On the enforcement front, 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 resources, nature and prevailing trend of cases, each district may consider assigning cases to dedicated teams in the interest of ensuring comprehensive and focused investigation. This arrangement allows the Police to flexibly deploy the limited resources of each district, thereby enhancing the overall effectiveness of its efforts in combating acts of cruelty to animals.

13. 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 it to AFCD. Upon receipt of the report, the relevant departments will take appropriate and prompt action to follow up.

(c) Proper controlling animal trading

14. 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 licence 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 amended the above Regulations last year to better regulate animal trading, as well as dog breeding and trading activities. The commencement notice of the amendment to the Regulations is being scrutinised by the LegCo.

(d) Proper managing stray animals

15. Regarding the management of stray animals, while safeguarding animal welfare, we must also take appropriate measures to properly deal with the possible nuisance 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.

16. In this regard, AFCD adopts a catch and removal approach aimed at reducing the nuisance at source and controlling the population of stray animals. AFCD will act on complaints against stray animals and try to locate and catch them. Animals caught will be put in the Animal Management Centres (AMCs) for observation. AMCs will try to contact the owner of animals implanted with microchip based on the information thereon. In general, these animals will stay in AMCs temporarily for about 10 to 20 days. Those without a microchip will be put in AMCs for at least four days, pending reclaim by their owners.

17. Animals left unclaimed and in good health and assessed by a veterinary surgeon as having a gentle temperament and suitable for adoption will be transferred to AWOs for adoption by members of the public. In parallel, AFCD also actively encourages members of the public to adopt stray animals. Apart from education and publicity, AFCD also cooperates with the partnering AWOs in providing animal re-homing services. AFCD will provide financial support to these AWOs, including for providing neutering service for animals re-homed, and for establishing and improving animal re-homing centres that provide temporary shelters for stray animals awaiting re-homing. Currently, the number of AWOs in partnership with AFCD is 15. Only animals

unclaimed or not adopted at the end of the process will be euthanised. A number of international animal organisations, including OIE<sup>1</sup>, subscribe to the view that in situations where stray dogs caught are excessive or not fit for adoption despite the implementation of various stray dog management measures, euthanasia would be an appropriate and humane solution.

18. With the continuous implementation of the above-mentioned measures, we have seen positive results in controlling the stray animal population. The number of stray dogs caught due to complaints has decreased from 4722 in 2012 to 1 919 in 2016, representing a drop of 60%. We will continue to implement and step up the measures in this respect with a view to attaining even better effects.

19. In addition, AFCD is assisting SPCA and the Society for Abandoned Animals (SAA) in implementing a three-year Trap-Neuter-Return (TNR) trial programme in designated zones, with a view to assessing the effectiveness of TNR as a means to reduce the stray dog population and associated nuisance. The trial programme was launched in January 2015. As the co-ordinators of the trial zones in Cheung Chau and Tai Tong, Yuen Long respectively, SPCA and SAA are implementing the trial programme according to the operational procedures agreed with AFCD.

20. AFCD has commissioned an independent consultant for assessing the effectiveness of the programme in due course. AFCD will review the situation regularly during the three-year trial period and reflect on the experience upon completion of the programme.

(e) Fostering close partnership with AWOs

21. AFCD has been working in close collaboration with various AWOs in promoting animal welfare and publicising messages of responsible pet ownership. Recognising that most AWOs are non-profit making with limited resources, the Government has been providing

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<sup>1</sup> 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](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 authoritative animal welfare organisations also support the use of euthanasia in handling stray animals.

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 2016/17 for application by AWOs. Currently, AFCD provides funding support to nine AWOs including funding 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 funding AWOs for offering adoption service and publicising messages of animal care and responsible pet ownership. 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.

## **ADVICE SOUGHT**

22. Members are requested to note the content of this paper, and offer comment on the current policy and measures adopted by the Government on promoting animal welfare and handling and combating animal cruelty cases.

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