

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

**Government' responses to the follow-up items
requested by the Subcommittee**

At the meeting on 17 January 2017, Members of the Subcommittee raised a number of issues relating to the Government's efforts in promoting animal welfare and combating acts of cruelty to animals. Specifically, Member asked the Government to advise on the following –

- (a) provide the number of complaints received, the number of prosecutions instituted, the number of successful prosecutions as well as the penalties handed down by the court in the past three years against:
 - (i) acts of cruelty to dogs on construction/open storage sites;
 - (ii) abandonment of animals;
 - (iii) failure to keep dogs under control in accordance with section 23 of the Rabies Ordinance (Cap. 421);
 - (b) advise whether there were successful prosecutions in the past three years, for example, by putting an animal in a case, crate or basket of such small dimensions as to subject it to unnecessary pain or suffering; if yes, of the details;
 - (c) provide the number of dogs/cats being killed in road accidents in recent years; and
 - (d) provide the guidelines adopted by the Agriculture, Fisheries and Conservation Department (“AFCD”) on euthanasia of animals.
2. The requested information is set out below:-
- (a)(i) According to AFCD's record, complaints received in the past three years about stray or unattended dogs being found near construction sites/open storage sites were related to dog nuisance. Upon receipt of complaints, AFCD conducted inspection and investigation as appropriate. The number of complaints and inspections conducted is set out below –

Year	Number of complaints received	Number of inspections conducted
2014	79	215
2015	78	202
2016	89	239

If there are reports of suspected cruelty cases in construction sites/open storage sites, the authorities would conduct investigation. Prosecution actions will be taken as provided in the Prevention of Cruelty to Animals Ordinance (Cap 169) (“Ordinance”) if there is sufficient evidence. Depending on the evidence, the licensee and the keeper of the dogs concerned may be liable to be prosecuted under the relevant Ordinances. In the past three years, AFCD has not received any complaints concerning suspected cruelty to dogs in construction sites/open storage sites.

- (a)(ii) Under the Rabies Ordinance (Cap. 421), a keeper of an animal who, without a reasonable excuse, abandons that animal commits an offence and is liable on conviction to a maximum fine of \$10,000 and imprisonment for up to six months. Whilst AFCD has been actively enforcing the law, successful prosecutions of a case of animal abandonment are few and far apart, mainly because of the difficulties encountered in collecting sufficient evidence to substantiate successful prosecution. Where AFCD manages to identify the owners of the abandoned animals, it is not uncommon for an owner to defend that the animal has gone astray. In the absence of any witnesses or other evidence, it would be difficult for AFCD to establish a case for prosecution, against the threshold of “beyond reasonable doubt”. Over the past three years, no complaint concerning abandonment of animals has been received by AFCD, and there has been no prosecution initiated against abandonment of animals as well.

- (a)(iii) Under the Rabies Ordinance, the keeper of a dog and any person who fails to control his/her dog properly by allowing it to loiter in public places commits an offence and is liable on conviction to a maximum fine of \$10,000. The number of successful prosecutions against failure to keep dogs under control, and the relevant penalties, in each of the past three years is as follows –

Year	Number of successful prosecutions	Penalties (Range of Fine)
2014	331	\$20 to \$1,200
2015	246	\$300 to \$2,000
2016	174	\$200 to \$4,000

- (b) Successful prosecutions under the Ordinance initiated by AFCD and the Police, and the relevant penalty ranges in the past three years are appended below –

Year¹	Number of Convicted Defendants	Penalties	
		Range of Fine	Range of Imprisonment
2014	24	From \$2,000 to \$20,000	Six days to one year and four months
2015	10	\$2,000*	14 days to two months
2016 (Jan – Sep)	8	\$5,000*	28 days to two months

Note: Only one defendant was involved.*

¹ Due to progress of investigation and other factors, the year of reports received and that of prosecutions instituted by the Police may be different.

The nature of each convicted case varies. Successful prosecutions in the past included cases involving providing insufficient ventilation, water and space for transporting animals; causing suffering to animals which were improperly tied, etc.

- (c) The Police do not maintain the requested statistics.
- (d) Only animals which are assessed to be unsuitable for rehoming due to health or temperament reasons, or cannot be rehomed by animal welfare organisations (AWOs) will be euthanised. Whether an animal is suitable for rehoming is based on professional assessment of AFCD and AWOs with reference to international standards. For animals which are assessed to be suitable for rehoming but cannot yet be rehomed, AFCD may continue to detain the animal until rehoming can be arranged.

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