

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

**Government's responses to the motions passed by the Subcommittee**

At the meeting on 21 February 2017, Members of the Subcommittee passed the following motions under the agenda item "Promotion of responsible pet ownership" and requested the Government to provide responses.

- (a) This Subcommittee considers that the Agriculture, Fisheries and Conservation Department ("AFCD") and the Buildings Department ("BD") should consider requiring "safety supervisors" of construction sites to be responsible for the behaviour and welfare of the dogs kept on their construction sites as well as the associated legal liabilities, so as to ensure compliance by construction sites with the "Code of Practice for Keeping Dogs on Construction Sites" issued by AFCD (Moved by: Hon Jeremy TAM Man-ho);
- (b) This Subcommittee requests the Administration to proceed to study revising the penalties against animal abandonment and the details of the follow-up procedures, so as to enhance the deterrent effect on animal abandonment (Moved by: Hon Claudia MO); and
- (c) In view of the substantial increase in the number of cats kept by households in Hong Kong, this Subcommittee requests the Government to strengthen the protection for cats, consider the introduction of legislation to require cat owners to have their cats microchipped and licensed, so as to enable the Government and relevant organisations to more easily locate the owners of the cats caught by them, as well as to facilitate the Government to identify the irresponsible cat owners (Moved by: Hon Michael TIEN Puk-sun).

2. A consolidated reply of relevant bureaux and departments is set out below:

- (a) BD regulates the planning, design and construction of buildings and associated works on private land under the powers conferred by the Buildings Ordinance (Cap. 123) (“BO”) to ensure their compliance with safety and health standards. In this connection, the BO prescribes building design and construction standards on various aspects including structural and fire safety as well as sanitation, and regulates the construction safety and the quality supervision of construction work. Since keeping of dogs on construction sites is not related to the construction safety and the quality supervision of construction work, it falls outside the BO’s regulation.

For the safety of staff of construction sites and the welfare of dogs kept at construction sites, AFCD has established the “Code of Practice for Keeping Dogs on Construction Sites” to lay down the control measures that should be taken for keeping dogs on such sites. AFCD and BD will actively promote the above Code to the construction industry and encourage compliance by all relevant parties, with a view to safeguarding the health and welfare of dogs.

According to AFCD’s record, complaints received in the past three years about stray or unattended dogs being found near construction sites were all related to dog nuisance. Upon receipt of a complaint, depending on the circumstances, AFCD will conduct inspection, including checking whether there is a valid licence for the concerned dog, educating the dog keeper on handling the dog properly according to the relevant legislation, and investigating whether there is any suspected act of cruelty. Stray dogs will be caught if they are found during inspection. The dogs caught, if unclaimed, will be properly arranged for adoption by animal welfare organisations according to the general practice. AFCD will regularly carry out inspections at the black spots.

- (b) AFCD has been actively enforcing the law against abandonment of animals. 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. In addition, 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. In taking an enforcement action, in the absence of any witnesses or if the evidence gathered is not sufficient to go beyond the threshold of “reasonable doubt” to substantiate a case for prosecution against abandonment of the animal, AFCD will consider other possible enforcement actions, including prosecuting the keeper of a dog on his failure to control the dog properly. 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 –

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

- (c) Under the Rabies Regulation (Cap. 421A), all dogs over the age of five months old kept by any person are required to be vaccinated, microchipped and licensed. Such requirement is based primarily on the fact that the risk of pet dogs spreading rabies is relatively high and, for public health considerations, it is necessary to prevent and control the spread of rabies by dogs. On the other hand, pet cats are mostly kept indoors, and present a lower risk of contracting and spreading rabies in the community than dogs. Although the current legislation does not require cats to be vaccinated or microchipped, cat owners may take their cats to practising veterinary surgeons for vaccination against feline epidemic diseases and/or rabies and microchipping for identification purposes.

**Food and Health Bureau  
Development Bureau  
Agriculture, Fisheries and Conservation Department  
Buildings Department  
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