

**Panel on Food Safety and Environmental Hygiene**

**Subcommittee to Study Issues Relating to Animal Rights**

**Summary of views expressed/suggestions made by deputations at the meeting on 21 February 2017**

	<b>Major views expressed/suggestions made</b>	<b>Administration's response</b>
(1)	<p>Public education was essential to the promotion of responsible pet ownership ("RPO"), the Administration should:</p> <p>(a) allocate more resources for the promotion of RPO;</p> <p>(b) provide seminars as well as training under the formal curriculum of primary and secondary schools on animal welfare, animal care and the principles of RPO. Such programmes could be delivered by related government departments or by funding non-profit making animal welfare groups;</p> <p>(c) educate the public to think carefully before taking on any pet and consider requesting new pet owners to sign an undertaking that reinforces the principles of RPO;</p> <p>(d) consider requiring all shops/animal welfare groups offering pets for sale/adoption to provide prospective owners with information and advice on the appropriate care needed and</p>	<p>(a) - (d) The Agriculture, Fisheries and Conservation Department (AFCD) has established a dedicated team to devise, implement and fortify public education and publicity programmes for disseminating messages on responsible pet ownership (RPO). Details of AFCD's work on this front are set out in LC Paper No. CB(2)813/16-17(01) submitted to this Subcommittee for the meeting on 21 February 2017. AFCD will continue to collaborate with animal welfare organisations (AWOs) to strengthen its efforts in promotion of responsible pet ownership and animal welfare.</p> <p>In addition, under the Code of Practice attached to Animal Trader Licences, dog traders are required to provide buyers with information on proper care and licensing requirements of their dogs. AFCD would also explore with AWOs / animal traders on the feasibility of having new pet owners to sign an undertaking / agreement to reinforce RPO before they take on any pet.</p>

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	<p>the associated legal liabilities etc.; and</p> <p>(e) consider requiring all prospective dog owners or domestic helpers who needed to look after dogs to complete a short course to equip them with the essential knowledge on keeping of dogs.</p>	<p>(e) AFCD organises training courses for dog owners to educate them of keeping their dogs properly. These courses consist of one theoretical session, introducing the basic principles of dog training, and one practical session where owners could bring their dogs along to practise training methods. Generally, positive feedbacks have been received from owners who attended the courses.</p> <p>To help domestic helpers who need to look after dogs, AFCD has produced an education slideshow DVD in six languages (including Cantonese, Putonghua, English, Tagalog, Thai and Bahasa Indonesia) and distributed it to domestic helper agencies in Hong Kong to educate the newly arrived domestic helpers about walking dogs in public places.</p>
(2)	<p>RPO had to be complemented by animal-friendly measures. In this regard, the Administration should review its policies on:</p> <p>(a) keeping of pets by tenants living in public rental housing and subsidized housing;</p> <p>(b) allowing passengers to board public transport with their pets; and</p> <p>(c) allowing pets to access public open spaces</p>	<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, and the welfare of animals in a pragmatic way. 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</p>

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	<p>such as parks under the management of the Leisure and Cultural Services Department.</p>	<p>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> <p>(a) According to the Housing Department, in formulating the policy of animal keeping in Public Rental Housing (PRH) estates and subsidised home ownership schemes housing (subsidised housing), the ultimate consideration of the Housing Authority (HA) is to achieve a harmonious community whereby the different interests of all PRH and subsidised housing residents are being respected at large. As PRH and subsidised housing estates/courts are in the form of multi-storey buildings and 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, except under special conditions, is prohibited under the clauses of the Tenancy Agreement signed between HA and tenants. With the same rationale, dog keeping in subsidised housing estates/courts is also prohibited in general under the relevant Deed of Mutual Covenant.</p> <p>(b) According to the Transport and Housing Bureau / the Transport Department (TD), the utilisation rate of public</p>

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		<p>transport services is high in Hong Kong. Public transport services carry 90% of the public daily with over 12 million passenger trips on average.</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. Public transport modes, which have relatively more space in the compartment (including public light buses, taxis, non-franchised buses and ferries), can allow passengers to carry pets on board at their discretion. For rail and franchised buses, pets, other than a guide dog accompanying a blind person, are not permitted on rail and franchised buses under their respective by laws or regulations. Given the compartments of trains and franchised buses have limited space and are very crowded in certain periods, we need to balance various concerns, including reaction of pets in crowded environment and impact on other passengers, in considering whether to allow passengers to carry pets on board. The Government will continue paying attention to public opinion on this matter to decide whether or not to change the existing arrangement.</p> <p>TD will continue 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 43 pet gardens for use by</p>

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		<p>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.</p>
(3)	<p>The Administration should promote adoption of animals and provide financial assistance to non-profit making animal welfare groups engaging in adoption and re-homing work.</p>	<p>AFCD has been collaborating with AWOs to enhance animal welfare including promotion of animal adoption. Details of AFCD's work on this front are set out in LC Paper No. CB(2)576/16-17(01) submitted to this Subcommittee for the meeting on 17 January 2017.</p>
(4)	<p>The Administration should extend the microchipping and licensing scheme to cats in order to help owners reclaim their missing cats and prevent abandonment by irresponsible owners.</p>	<p>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,</p>

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		cat owners may take their cats to practising veterinary surgeons for vaccination against feline epidemic diseases and/or rabies and microchipping for identification purposes.
(5)	The Administration should review the definition of "animal" under the Road Traffic Ordinance (Cap. 374) and require drivers to stop and report to the Hong Kong Police Force in case of accidents involving knocking down or killing of cats and/or dogs in order to ensure that these animals will not be left suffering unnecessarily. The procedures for carcass collection by the Food and Environmental Hygiene Department should also be reviewed, carcasses should be scanned for microchips so that possible owners could be identified.	<p>The Government has been reviewing the matter with reference to the practices in overseas jurisdictions, and will, upon the conclusion of the review, consider amending our legislation to bring dogs and cats within the scope of section 56 of the Road Traffic Ordinance (Cap. 374).</p> <p>If the cause of death of the animal is considered suspicious by the Police, the carcass concerned will be sent to AFCD or the Society for the Prevention of Cruelty to Animals (SPCA) for investigation, including scanning for microchip. If the cause of death of the animal is determined on the spot to be not suspicious, the Police will inform FEHD to remove the carcass.</p>
(6)	<p>Regarding the legislations on animal welfare and protection of animals, the Administration should:</p> <p>(a) improve and consolidate them to reflect the society's demand for a higher standard of animal welfare and impose a positive duty of care on the caretakers and people in charge of the animals;</p>	<p>(a) AFCD regularly reviews the relevant legislations as and when necessary, and has been studying legislations on animal welfare of other jurisdictions.</p> <p>(b) AFCD has been actively enforcing the law against abandonment of animals. Our detailed response on this issue, among others, is set out in LC Paper No. CB(2)1179/16-17(01).</p>

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	<p>(b) review the legislative provisions and prosecution threshold regarding the abandonment of animal in order to achieve a deterrent effect; and</p> <p>(c) review the definition of "animal" under the Public Health (Animals and Birds) Ordinance (Cap. 139) to cater for the increase in the number and types of animals being bred and traded and brought them under regulation.</p>	<p>(c) The definition of “animal”<sup>1</sup> under the Public Health (Animals and Birds) Ordinance (Cap. 139) already covers a wide range of animals.</p>
(7)	<p>Regarding the "Trap-Neuter-Return" ("TNR") program, the administration should:</p> <p>(a) adopt territory-wide TNR program;</p> <p>(b) provide more financial assistance to non-profit making animal welfare groups so that they could provide free/low cost neutering for dogs and cats; and</p> <p>(c) educate the public through different media on the importance of neutering their dogs and cats to prevent uncontrolled reproduction, improve the welfare of the animals concerned</p>	<p>(a) The “Trap-Neuter-return (TNR) trial programme for stray dogs commenced in 2015 and will be completed in 2018. AFCD will closely monitor the progress of the trial programme, and consider the way forward after the completion of the trial programme.</p> <p>(b) &amp; (c) Please see our response in part (1) above.</p>

<sup>1</sup> Under the Public Health (Animals and Birds) Ordinance (Cap. 139), “animals” means cattle, sheep, goats, all other ruminating animals, swine, equines, and all other warm-blooded vertebrates except man and birds, and reptiles.

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	and reduce the possible nuisances caused by the animals to the public.	
(8)	The Administration should tighten its regulation and control on keeping dogs on construction sites and open storage sites etc. Compliance with the "Code of Practice on Keeping Dogs on Construction Sites" issued by the Agriculture, Fisheries and Conservation Department should be made mandatory by law and incorporated into the relevant construction contracts.	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 the Buildings Department will actively promote the Code to the construction industry and encourage compliance by all relevant parties, with a view to safeguarding the health and welfare of dogs. In addition, AFCD works with AWOs to strengthen the rehoming of stray dogs.
(9)	In order to facilitate prospective buyers of residential properties, in particular those with pets, to make an informed decision, the Administration should consider requesting developers of residential properties to include in their sales brochures pertinent information regarding restrictions, if any, on keeping of pets within the premises.	According to the Sales of First-hand Residential Properties (SRPA) of the Housing Department, the Residential Properties (First-hand Sales) Ordinance (Cap. 621) (the Ordinance) has provisions (i.e. sections 19 to 22 of the Ordinance and Scheduled 1 to the Ordinance) on the information that must be set out in the sales brochure for a first-hand residential development. Section 23 of the Ordinance provides that the sales brochure for the development must not set out any information other than the information required or authorised by the Ordinance. Information on keeping of animals/pets is a piece of information to be included in the deed of mutual covenant (DMC) of the development but not information required or authorised by the Ordinance to be set out in sales brochure.



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		<p>Under the Ordinance, vendors must make available at the sales office and on the website designated by the vendor for the development a copy of the DMC (or its latest draft) free of charge for prospective purchasers' inspection. Prospective purchasers can check the DMC on whether animals/pets are allowed to be kept in the residential property and make an informed decision.</p> <p>Besides, section 19(1) of the Ordinance stipulates that the sales brochure for the development must first set out the steps that a person is advised to take for the person's own protection before deciding to purchase a residential property in the development. SRPA has issued the "Notes to Purchasers of First-hand Residential Properties" for the purpose of this section. In the Notes, prospective purchasers are reminded to check the DMC on whether animals can be kept in the residential property.</p>
(10)	<p>With the rising trend in keeping exotic species in the community, the Administration should conduct a review of the exotic pet trade and determine species that could be reasonably and safely kept and traded as pets.</p>	<p>The Government has already put in place measures to regulate the import of animals including exotic species for pet trade for the purpose of preventing the spread of disease and safeguarding public health.</p> <p>Exotic mammalian species are generally not allowed to be imported as pet. For the import of new reptile species, the importer is required to provide detailed information on the care of the concerned species for assessment before approval is granted for importation.</p>

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		While the species imported are intended to be kept as pets in captivity, there has been concern that the release of such exotic species to the wild may affect the local ecosystems. AFCD will step up its public education and publicity efforts to raise awareness on the impacts of releasing exotic species to the wild and promote animal welfare.
(11)	There was a view that in order to prevent dogs from going astray, hit by cars or causing nuisance to the public, the Administration should consider requiring all dogs, regardless of their size, be kept on a leash in public places.	Under the Rabies Ordinance (Cap. 421), dog keepers are required to keep their dog regardless of size under proper control at all times. Proper control could refer to the use of leash or other methods. Those keepers failing to properly control their dogs may be prosecuted under this Ordinance.