

立法會
Legislative Council

LC Paper No. CB(2)813/16-17(02)

Ref : CB2/PS/2/16

Panel on Food Safety and Environmental Hygiene

Subcommittee to Study Issues Relating to Animal Rights

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 21 February 2017**

Promotion of responsible pet ownership

Purpose

This paper provides background information on the Administration's efforts in promoting responsible pet ownership. It also summarizes the major views and concerns expressed by the Legislative Council ("LegCo") Members on the subject.

Background

2. According to the Administration, public education is of utmost importance in safeguarding and promoting animal welfare. To this end, the Government has been actively engaged in disseminating messages advising members of the public to weight up carefully before deciding to raise a pet the full burden of the responsibility that goes with being a pet owner and the commitment that is called for, and the determination that it takes to be a responsible pet owner. At the same time, it also appeals to the public for a solemn undertaking of not abandoning their pets and emphasizes the need for getting their dogs licenced and vaccinated against rabies, as well as the benefits of neutering their dogs.

3. The Agriculture, Fisheries and Conservation Department ("AFCD") has established a dedicated team in 2010 to devise, implement and fortify public education and publicity programmes for disseminating messages of caring for animals and responsible pet ownership.

Members' major views and concerns

4. Members' major views and concerns on the subject are summarized in the ensuing paragraphs.

Abandonment of animals

5. Some Members were concerned about the light penalty for abandonment of animals and considered that the Administration should consider making animal abandonment an offence under the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO") and introducing punitive measures against acts of animal abandonment. Some other Members, however, considered it more appropriate for the Administration to disseminate messages on caring for animals and responsible pet ownership through public education and publicity programmes.

6. According to the Administration, AFCD had organized a wide range of educational and publicity activities in 2016 to educate the public on responsible pet ownership, raise awareness of animal welfare and promote re-homing of pets. These included 78 school seminars, 15 estate talks, 5 educational programmes co-organized with other Animal Welfare Organizations ("AWOs"), and 12 roving educational exhibitions in urban areas, as well as 8 roving educational exhibitions in rural areas and the outlying islands. In 2015, AFCD had placed advertisements in different media platforms, public transport, buses and light buses, to promote animal welfare and messages of responsible pet ownership. AFCD had also revamped its website and established an online "Animal Management Channel" on YouTube to further promote messages on caring for animals, responsible pet ownership and prevention of animal cruelty.

7. The Administration further advised that while abandonment of animals was an offence under the Rabies Ordinance (Cap. 421) which stipulated that a keeper of any animal who, without reasonable excuse, abandoned that animal committed an offence and was liable on conviction to a fine of \$10,000 and to imprisonment for six months, it was difficult to prove the deliberate intent of the pet owners to abandon their animals. More often, AFCD would prosecute the pet owners concerned by invoking section 23 of Cap. 421 for their failure to keep the dogs under control.

8. In response to Members' enquiry, the Administration advised that there were around 200 to 300 cases of successful prosecution a year under section 23 of Cap. 421. In 2013, AFCD had successfully convicted an owner under Cap. 421 for animal abandonment without a reasonable excuse and was

fined \$500. AFCD would review with the Department of Justice the prosecution threshold for abandonment of animals.

Microchipping of cats

9. Members considered that the Administration should explore the extension of the present microchipping and licensing schemes for dogs to cats so as to help owners reclaim their missing cats and prevent the abandonment of cats by irresponsible owners.

10. The Administration explained that the primary purpose of requiring all dogs over the age of five months old to get vaccinated, microchipped and licensed under the Rabies Regulation (Cap. 421A) was to prevent and control the spread of rabies. The risk of infected cats spreading rabies was relatively lower than in the case of infected dogs. Although the existing legislation did not require cats to be vaccinated, microchipped and licensed, cat owners might, as they thought fit, take their cats to practicing veterinary surgeons for vaccination (against feline epidemic diseases or rabies) and microchipping (for identification purposes). The Administration further advised that owing to the differences in the behavior of cats and dogs, the Administration considered it not suitable to impose the same legislative control over these two types of animals. The need for a separate legislative regime for the management of cats had to be further studied.

Keeping of dogs on construction sites

11. Some Members were concerned about dogs being left unattended in construction/open storage sites or abandoned after the completion of the relevant construction works. These Members pointed out that although dogs had to be vaccinated, microchipped and licensed under Cap. 421A, many of the dogs kept in these sites were not microchipped. Concern was raised about whether AFCD had manpower to inspect these construction/open storage sites and investigate the suspected animal cruelty cases.

12. The Administration advised that AFCD had issued a "Code of Practice for Keeping Dogs on Construction Sites" (**Appendix I**) which stipulated that upon closure of a site or when the site was no longer compatible for keeping dogs, the dogs must be re-homed or moved to a new location. The responsible person of the site might surrender the dogs to AFCD if there was no alternative. According to the Administration's response provided in March 2016 to the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals of the Fifth LegCo, the complaints received in the past three years about stray or unattended dogs being found near construction sites were mainly dog nuisance. The number of complaints about dog nuisance in construction sites received in 2013, 2014 and 2015 were

100, 79 and 78 respectively and over 200 inspections were conducted each year in response to these complaints. If there were reports of suspected cruelty cases taking place in construction sites, as in other cases, investigations and prosecution actions under PCAO would be taken if there were sufficient evidence. In 2013-2015, AFCD had received two complaints concerning suspected cruelty to dogs in construction sites. Four follow-up inspections were conducted but there was no evidence of cruelty in these cases.

13. At the meeting of the Subcommittee to Study Issues Relating to Animal Rights held on 17 January 2017, the Administration advised in response to Members' concern that to tackle the problems relating to the keeping of dogs on construction/open storage sites, AFCD had, in addition to conducting on-site inspections, provided funding to AWOs for offering free or low-cost neutering services to dogs and to educate the owners concerned about the importance of having their dogs neutered.

Partnership with AWOs

14. Some Members considered that the Administration should strengthen its cooperation with AWOs and consider providing non-profit making AWOs with more financial assistance for them to improve their work in the promotion of animal welfare as well as to expand their neutering and animal adoption services. According to the Administration, AFCD was partnering with and providing financial support to AWOs on the provision of free/low-cost neutering services and animal adoption services. AFCD also supported the establishment and improvement of animal re-homing centres which provided temporary shelters for stray animals awaiting re-homing. In 2016-2017, \$1.5 million was being set aside by AFCD for interested AWOs to apply for funding support.

Relevant papers

15. A list of relevant papers available on the LegCo website is in **Appendix II**.



漁農自然護理署
Agriculture, Fisheries and Conservation Department

附錄I

Appendix I

die cut area

本守則適用於所有飼養狗隻的建築地盤。為了保障員工及公眾的安全，並保障動物福利，請建築地盤的管理人員和負責巡視建築地盤的人員遵行本宣傳單張所列的守則。

This code sets out the control measures for all construction sites with dogs. For the safety of your staff, the public and the welfare of animals, both controllers and inspection officers of construction sites are advised to abide by the measures listed in this leaflet.



1

所有超過五個月大的狗隻必須接受預防狂犬病疫苗注射、植入微型晶片，以及以負責人的名字領取牌照（可以要求本署到場為狗隻發牌）。

All dogs over five months of age must be vaccinated against Rabies, microchipped and licensed in the name of the responsible person. (This can be done on site upon request to this department.)



2

無論任何時候，均須有最少一名地盤人員負責地盤所飼養狗隻的行為、福利和法律責任，該名負責人最適宜由該地盤的公司代表擔任。

At least one person, preferably a company representative of the site, should take responsibility at all times for the proper behaviour and welfare of, and liabilities for any dogs kept on the site.



漁農自然護理署
Agriculture, Fisheries and Conservation Department

九龍長沙灣道 303號長沙灣政府合署 5樓
5/F, Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon

電話 Tel 1823

網址 Website www.pets.gov.hk



建築地盤
飼養狗隻守則
Code of Practice
for Keeping Dogs on
Construction Sites

5

為地盤內所有狗隻絕育。
Neuter all dogs on site.

7

請勿餵飼流浪狗隻。
Do not feed stray dogs.



3

必須清理你的狗隻留下的糞便。
Remove all excreta left by your dogs.



4

時刻把狗隻約束在地盤內。
Keep the dogs within the site at all times.



6

不得遺棄狗隻。若建築地盤完工或不再在該處飼養狗隻，必須妥善安置有關狗隻，把其遷往新地點。如沒有其他可供選擇的安排，負責人可把狗隻送交本署動物管理中心。

No dogs should be abandoned. Upon closure of a site or when the site is no longer compatible for keeping the dog(s), the animal(s) must be re-homed or moved to a new location. As a last resort, the responsible person may surrender them to the Animal Management Centre of this department.



8

觸犯《狂犬病條例》的行為包括遺棄動物、無牌畜養狗隻、容許狗隻在公眾地方到處流浪及未能在公眾地方妥善管理其狗隻。你必須確保狗隻不會亂吠或以其他不當的行為滋擾鄰居或途人。

Acts which contravene the Rabies Ordinance include abandoning animals, keeping dogs without a licence, permitting dogs to stray in public places and not keeping dogs under proper control in public places. You must also ensure that dogs do not annoy neighbours or pedestrians by excessive barking or other undesirable behaviour.

**Relevant papers on
Promotion of responsible pet ownership**

Committee	Date of meeting	Paper
Legislative Council	22.1.2014	Official Record of Proceedings Pages 5834 to 5839 (written question raised by Hon Gary FAN on "Handling of Animals Received or Caught by Agriculture, Fisheries and Conservation Department")
	10.6.2015	Official Record of Proceedings Pages 12827 to 12833 (written question raised by Hon James TO on "Animal Welfare")
	17.6.2015	Official Record of Proceedings Pages 13128 to 13138 and A4 to A5(oral question raised by Hon CHAN Hak-kan on "Protection of Animals' Rights")
	28.10.2015	Official Record of Proceedings Pages 535 to 540 (written question raised by Hon CHAN Hak-kan on "Animal Abandonment")
Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals	22.3.2016 (Item I)	Agenda Minutes
	-	Administration's response to issues raised at the Subcommittee meeting on 16 February 2016
Panel on Food Safety and Environmental Hygiene	-	Report of the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals