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**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 24 April 2017**

**Efforts in management of stray animals**

**Purpose**

This paper provides background information on the programmes introduced by the Administration for the management of stray animals, with particular focus on dogs and cats, and summarizes the major views and concerns expressed by Legislative Council ("LegCo") Members on the subject.

**Background**

2. According to the Administration, its policy objective is to ensure that animals and people co-exist in a harmonious way in Hong Kong. When safeguarding animal welfare, the Administration is mindful of the fact that animals, especially stray ones, may be a source of nuisances to members of the public. In order to properly tackle the possible nuisances and public health problems caused by stray animals, the Agriculture, Fisheries and Conservation Department ("AFCD") has put in place a series of measures in line with the recommendations of the World Organization for Animal Health<sup>1</sup> ("OIE") for the

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<sup>1</sup> OIE is an inter-governmental organization responsible for improving animal health worldwide, with 180 member countries. OIE promulgates standards and practices for better protection of animal health and promotion of animal welfare. Since 2004, OIE has been developing animal welfare standards for inclusion in the Terrestrial Animal Health Code ("the Code"). In Article 7.7.6 of the Code, OIE sets out a number of control measures for stray and feral dogs which can be considered after taking into account the local circumstances and context.

management of stray animals, with a view to preventing the outbreak of diseases transmitted by animals and safeguarding public hygiene and safety.

#### Handling of stray animals by a catch and removal approach

3. AFCD adopts a catch and removal approach to address the nuisances caused by stray animals. On receiving complaints against stray animals, AFCD will try to locate and catch the animals concerned. Stray animals caught will be sent to one of AFCD's four Animal Management Centres ("AMCs") for observation. For animals with a microchip implanted, AMCs will try to contact their owners based on the information on the microchips for reclaiming the animals. Those without a microchip will stay in AMCs for their owners to reclaim them. In cases where the animals being left unclaimed are in good health and assessed by a veterinary surgeon as having a gentle temperament and suitable for adoption, AFCD will arrange for their transfer to animal welfare organizations ("AWOs") for adoption by members of the public. Only animals that remain unclaimed or not adopted at the end of the process will be euthanized.

#### Trap-Neuter-Return ("TNR") trial programme for stray dogs

4. In recent years, some AWOs advocate the TNR concept to gradually reduce stray dog population. It is believed that TNR can slow down the continuous reproduction of stray dogs through neutering them before returning them to their habitats to continue their lives and with the death of stray dogs by natural causes over time, their population will gradually decline. In this way, the number of stray dogs can be controlled without resorting to euthanasia. As neutered dogs are generally less aggressive, the nuisance caused by them may also subside.

5. However, as advised by the Administration, according to overseas experience and data available, the effectiveness of TNR in reducing stray dog population and the associated nuisances has yet to be proved scientifically. With a view to assessing the effectiveness of TNR in Hong Kong, AFCD has lent support to the Society for the Prevention of Cruelty to Animals ("SPCA") and the Society for Abandoned Animals ("SAA") in implementing a three-year TNR trial programme for stray dogs starting from January 2015 in designated zones in Yuen Long and Cheung Chau.

#### **Members' concerns**

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

### Use of euthanasia in handling stray animals and promotion of animal adoption

7. Some Members were concerned about the use of euthanasia in handling stray animals that had not been re-homed. In their view, more humane means should be employed to deal with the problem of stray animals. The Administration was requested to set up more AMCs and step up its efforts in encouraging animal adoption. These Members also requested the Administration to deploy more resources to assist animal welfare groups to improve and expand their work in the promotion of animal welfare as well as the provision of neutering and animal adoption services. There was also a view that the Administration should consider providing adoption service at AMCs in order to further reduce the need for euthanasia.

8. The Administration advised that AMCs would endeavour to contact the owners of stray dogs and cats caught by AFCD if they had been implanted with microchips. The animals would usually be detained for about 10 to 20 days pending reclaim by their owners. For stray dogs and cats which had not been implanted with microchips and were assessed to be suitable for re-homing, they would be retained in AMCs for an average of about eight days, and in some cases for as long as a month, until re-homing could be arranged. There were 15 AWOs currently partnering with AFCD in providing re-homing and free/low cost neutering services. The Administration also explained that AMCs were not designed to keep stray animals or animals surrendered by owners on a long-term basis. However, AFCD would keep in view the utilization of the animal keeping facilities at AMCs and the need for expanding their facilities.

9. According to the Administration, a number of international animal organizations, including OIE, agreed that in situations where the number of stray dogs caught remained high or the dogs were not fit for adoption despite the deployment of various stray dog management measures, euthanasia would be an appropriate and humane solution. The Administration also advised that it had adopted a multi-pronged approach in tackling the issue of stray animals. On the one hand, it had been promoting in the community a culture of care for animals and responsible pet ownership, while on the other it had been encouraging members of the public to adopt stray animals or animals surrendered by owners. With the concerted efforts of AFCD and AWOs over the years in promoting responsible pet ownership and promoting animal adoption, the number of stray cats and dogs caught by AFCD, as well as those given by owners and received by other channels, had dropped by 68% and 58% respectively in the past five years. Coupled with an increase in the proportion of animals re-homed, the number of dogs and cats euthanized by AFCD had decreased by 70% between 2012 and 2016.

### TNR trial programme

10. Noting that the effectiveness of the TNR trial programme would be evaluated with reference to a number of targets including achieving an average 10% annual decrease in the population of stray dogs in the trial zones, some Members expressed concern as to whether this target could be easily achieved since the decrease might not be able to catch up with the birth rate of stray dogs.

11. The Administration explained that the target of 10% annual decrease had taken into account the birth rate and the death rate of stray dogs. The two participating AWOs were required to catch at least 80% of stray dogs in the trial zones during the first six months of the trial programme. Stray dogs caught and selected to be kept in the trial programme would be neutered, microchipped and given anti-rabies vaccination before they were released back to the trial zones.

12. Noting that some AWOs had successful experience in operating voluntary TNR programmes in some districts with their own limited resources, some Members were concerned about the support that the Administration could provide to these AWOs. These Members suggested that the Administration should consider cooperating with District Councils and AWOs to extend the TNR trial programme across the territory.

13. The Administration advised that the statistical and empirical data collected in the voluntary TNR programmes operated by some AWOs were not sufficient to support the implementation of a territory-wide TNR programme. Successful results of the voluntary TNR programmes in certain sites might not be readily applicable to other places in Hong Kong, having regard to the differences in places in terms of dog population dynamics, human population densities, traffic conditions, public health, as well as animal health and welfare concerns. The trial programme pioneered by SPCA and SAA would be able to provide reference for consideration of whether TNR could effectively tackle the problems posed by stray dogs and associated nuisance in different districts. AFCD had commissioned an independent consultant to assess the effectiveness of the TNR trial programme. The Administration would review the situation regularly during the three-year trial period and consider the way forward thereafter. If the TNR programme was to be expanded to other districts, any such future sites would have to be assessed individually for suitability.

### Keeping of dogs on construction sites

14. Some Members were concerned about dogs being left unattended in construction/open storage sites or abandoned after the completion of the relevant construction works and became stray dogs. These Members pointed out that

although dogs had to be vaccinated, microchipped and licensed under the Rabies Regulation (Cap. 421A), many of the dogs kept in these sites were not microchipped. Concern was also raised about whether AFCD had manpower to inspect these construction/open storage sites and investigate the suspected animal cruelty cases.

15. The Administration advised that AFCD had issued a "Code of Practice for Keeping Dogs on Construction Sites" ("Code of Practice") 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 few 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, investigations and prosecution actions under PCAO would be taken if there was sufficient evidence. AFCD had received two complaints concerning suspected cruelty to dogs in construction sites in 2013-2015, four follow-up inspections were conducted but there was no evidence of cruelty in these cases.

16. At the meeting of the Subcommittee to Study Issues Relating to Animal Rights ("the Subcommittee") on 21 February 2017, a motion was passed requesting AFCD and the Buildings Department ("BD") to consider requiring "safety supervisors" of construction sites to be responsible for the behavior 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 issued by AFCD. The Subcommittee also passed another motion at the same meeting requesting 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.

#### Microchipping of cats

17. Some 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. The Administration advised that under Cap. 421A, all dogs over the age of five months old kept by any person were required to be vaccinated, microchipped and licensed. Such requirement was based primarily on the fact that the risk of pet dogs spreading rabies was relatively

high and, for public health considerations, it was necessary to prevent and control the spread of rabies by 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 practising veterinary surgeons for vaccination (against feline epidemic diseases and/or rabies) and microchipping (for identification purposes). The Administration also pointed out that as it was less common for owners to walk their cats, the chance of cats going astray was considerably low. In the Administration's view, owing to the differences in the behavior of cats and dogs, it was 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.

18. A motion was passed by the Subcommittee at its meeting on 21 February 2017 requesting 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 organizations 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.

19. The Administration's response to the three motions passed at the Subcommittee meeting on 21 February 2017 is in **Appendix I**.

### **Latest development**

20. The Administration will update the Subcommittee on its efforts in management of stray animals at the Subcommittee meeting on 24 April 2017.

### **Relevant papers**

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

**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  
April 2017**

## Relevant papers on efforts in management of stray animals

Committee	Date of meeting	Question / Paper
Panel on Food Safety and Environmental Hygiene	14.1.2014 (Item V)	<u>Agenda</u> <u>Minutes</u> <u>Administration's follow-up paper on the detention period for animals at the Animal Management Centres (LC Paper No. CB(2)788/13-14(01))</u>
Legislative Council	22.1.2014	<a href="#"><u>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")</u></a>
	10.6.2015	<a href="#"><u>Official Record of Proceedings Pages 12827 to 12833 (written question raised by Hon James TO on "Animal Welfare")</u></a>
	14.10.2015	<a href="#"><u>Official Record of Proceedings Pages 106 to 109 (written question raised by Hon LEUNG Kwok-hung on "Stray dogs")</u></a>
	28.10.2015	<a href="#"><u>Official Record of Proceedings Pages 535 to 540 (written question raised by Hon CHAN Hak-kan on "Animal abandonment")</u></a>
Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals	9.5.2016 (Item II)	<a href="#"><u>Agenda</u></a> <a href="#"><u>Minutes</u></a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Question / Paper</b>
Panel on Food Safety and Environmental Hygiene	-	<a href="#">Report of the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals</a>
Subcommittee to Study Issues Relating to Animal Rights	17.1.2017 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">Administration's response to issues raised at the Subcommittee meeting on 17 January 2017 (LC Paper No. CB(2)848/16-17(01))</a>
	21.2.2017 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a>

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