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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 26 June 2017**

**Issues relating to the promotion of animal-friendly measures in respect of
public rental housing, public transport and public open space**

Purpose

This paper provides background information on the Administration's policies in respect of animal keeping in Public Rental Housing ("PRH") estates, carriage of animals on public transport and animal access to public open space. It also summarizes the major views and concerns expressed by Members on the above issues.

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. In achieving this, it needs to strike a balance between the well-being of people in Hong Kong on the one hand and the welfare of animals on the other. Hong Kong is a densely populated and metropolitan city, the Government has to balance different needs and views of the public when considering provision of facilities for pets.

Keeping animals in PRH estates

3. Dog keeping is prohibited in PRH estates except for (a) permitted dogs under the Temporary Permission Rule¹ and (b) service dogs (including guide dogs for visually impaired tenants and companion dogs for tenants who have strong special needs for mental support). A general permission is granted for the keeping of small household pets (including desexed cats but excluding pigeons) that do not pose any health hazard and do not cause any nuisance. Wild lives, exotic animals and domesticated farm animals are strictly prohibited. Tenants who keep prohibited dog(s) or animal(s) in leased premises without the prior written consent of the Landlord will be allotted five penalty points without warning² under the Marking Scheme implemented by the Hong Kong Housing Authority ("HA") to strengthen control against hygiene-related misconduct in PRH estates since 2003. Allotted points will be valid for two years, if a tenant accumulates 16 valid points, HA will issue a Notice-to-quit to the tenant to terminate the tenancy.

Carriage of animals on public transport

4. 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. While pets, other than a guide dog accompanying a blind person, are not permitted on rail and franchised buses. According to the Administration, the existing legislation does provide flexibility to the operators of other public transport modes, which have relatively more space in the compartment (including public light buses, taxis, non-franchised buses and ferries), to allow passengers to carry animals on board at their discretion.

¹ The Subsidised Housing Committee of the Hong Kong Housing Authority ("HA") endorsed the implementation of a one-off Temporary Permission Rule in 2003, allowing tenants to continue keeping small dogs (i.e. less than 20kg in weight) which were already kept in PRH units before 1 August 2003 until the dogs' natural death.

² In order to encourage offending tenants to promptly rectify their undesirable habits, HA has put in place a warning system for certain types of misdeed, of which the offenders will first receive a written warning and points will only be allotted to the offenders if they relapse into the same misdeed. The warning system is not applicable to misdeeds which have a wider adverse impact on living environment and public safety (e.g. "smoking in estate common area" and "throwing objects from height that jeopardize environmental hygiene").

Access to public open space for animals

5. According to the information provided by the Administration to the Legislative Council on the use of public open space managed by the Leisure and Cultural Services Department ("LCSD") in June 2016, LCSD manages a wide range of public open space including parks and playgrounds of varying sizes. There are 41 pet gardens managed by LCSD as at 1 May 2016. Besides, pet access are provided in six parks (including four venues provided with pet gardens).

Members' major views and concerns

6. In some Members' view, there was insufficient activity space for the interaction of human beings and animals within the communities. They urged the Administration to formulate an animal-friendly policy to better protect the welfare of animals and introduce appropriate measures so as to increase the room for survival for animals.

Keeping dogs at PRH estates

7. Some Members requested the Housing Department ("HD")³ to grant exemption to tenants who used to keep dogs before they were allocated PRH units. These Members were concerned that when HD enforced the ban too strictly, PRH tenants would be forced to give up their dogs and this would aggravate the problem of animal abandonment. Some other Members expressed concern about hygiene issues stemming from the excrement of dogs at PRH estates.

8. According to the Administration, the ultimate consideration of HA in formulating the policy of animal keeping in PRH estates was to strike a balance between tenants with diverse needs and achieve a harmonious community whereby the different interests of all PRH residents were being respected at large. As PRH estates were densely populated with very limited space in domestic blocks and public areas, keeping of dogs might cause adverse effects to the environmental hygiene and create nuisance to tenants. Therefore dog keeping in PRH estates, except under special circumstances, was prohibited under the relevant clauses of the Tenancy Agreement. The Administration advised that it had consulted about 140 Estate Management Advisory Committees ("EMACs") in 2010 on the policy of prohibiting the keeping of unauthorized dogs, all EMACs supported the imposition of a ban on keeping

³ HD is the executive arm of HA.

unauthorized dogs in PRH estates.

9. Some Members considered that the Administration should consider allowing guide dog puppies undergoing training to be kept at PRH estates by visually impaired tenants, or tenants who were guide dog trainers, because training in the environment of PRH estates was essential to the guide dogs' service. The Administration advised that HD would exercise discretion in allowing guide dog puppies under training to be kept at PRH estates occupied by visually impaired tenants. However, it was considered inappropriate to grant such exemption to guide dog trainers residing at PRH estates based on their occupation.

Carriage of animals on public transport

10. Some Members called on the Administration to examine the practice of allowing animal owners to board public transport with their animals. There was a suggestion that the Administration should consider allowing animals to board public transport on selected days.

11. The Administration advised that public transport services played an important role in the transport system in Hong Kong. In considering whether passengers should be allowed to board public transport with their pets, it had to strike a balance over various factors, such as the reaction of pets in a confined compartment which was limited in space and often very crowded at certain time periods, the views of other passengers, the hygienic issue, and the safety of all passengers and the pets during their journeys, etc. The Transport Department ("TD") considered that the current regulatory arrangements (as stated in paragraph 4 above) had already struck a reasonable balance between the needs of persons travelling with their pets and the views and needs of other passengers. TD would continue to encourage the operators of public light buses, taxis, non-franchised buses and ferries to provide appropriate assistance to passengers with pets.

Pet gardens

12. While welcoming in general the increase in the number of pet gardens managed by LCSD from 19 to 41 between 2010-2011 and 1 May 2016, some Members suggested that additional pet gardens could be provided at certain venues in existing parks and waterfront promenades and requested LCSD to take on board the suggestions.

13. According to the Administration, the general public had diverse views on the designation of venues to which the public might be allowed to bring their

pets, LCSD had to balance different needs of the public and consider carefully issues relating to environmental hygiene, public health and facility management, etc. If there were genuine local demands, the site was suitable and there was support from the relevant District Councils and local communities, LCSD would open more suitable venues for provision of pet gardens. In 2016 and 2017, LCSD planned to provide seven more new pet gardens in leisure venues.

Latest development

14. Hon KWONG Chun-yu's motion on "Safeguarding animal rights" to urge the Administration to, amongst others, increase activity space in the communities for the integration of animals and human beings, including exploring the feasibility of providing more parks and leisure venues admitting animals and permitting passengers to bring along their pets when travelling on public transport has been put on the Agenda for the Council meeting of 21 June 2017. However, the motion has not been dealt with when the Council meeting of 21 June 2017 was adjourned and it will stand over to the Council meeting of 28 June 2017.

15. The Subcommittee will meet with deputations and the Administration to discuss issues relating to the promotion of animal-friendly measures (including public rental housing, public transport and public open space) at the Subcommittee meeting on 26 June 2017.

Relevant papers

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

**Relevant papers on issues relating to the promotion of
animal-friendly measures in respect of public rental housing,
public transport and public open space**

Committee	Date of meeting	Motion / Question / Paper
Legislative Council	3.11.2010	Motion on "Formulating an animal-friendly policy" Progress report on the motion
Panel on Housing	-	Housing Department's booklet on "General Housing Policies" dated 1 April 2015
Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals	22.3.2016 (Items I & II)	Agenda Minutes Administration's response to views and concerns expressed by deputations at the meeting.
Panel on Housing	6.6.2016 (Item VI)	Agenda Minutes
Panel on Home Affairs	14.6.2016 (Item III)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	-	Report of the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals
Subcommittee to Study Issues Relating to Animal Rights	16.12.2016 (Item II)	Agenda Minutes
Panel on Housing	9.5.2017 (Item VI)	Agenda