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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 22 March 2021

Management of stray cats and dogs

Purpose

This paper provides background information on the programmes introduced by the Administration for the management of stray cats and dogs, 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. In achieving this, the Administration aims to strike a balance between the well-being of people and the welfare of animals in a pragmatic way. 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 Health¹ ("OIE") for the

¹ OIE is an inter-governmental organization responsible for improving animal health worldwide, with 182 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 in Hong Kong.

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 trial programme for stray dogs

4. In recent years, some AWOs advocate the Trap-Neuter-Return ("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 Cheung Chau and Tai Tong, Yuen Long. Stray dogs caught and selected to be kept in the trial programme would be neutered, microchipped and given anti-rabies vaccination before they are released back to the trial zones. AFCD has commissioned an independent consultant to monitor the progress and assess the effectiveness of the programme. The Panel on Food Safety and Environmental Hygiene ("the Panel") was briefed on the outcome of the TNR trial programme at its meeting on 8 May 2018.

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 held a strong view that it was inhumane to euthanize stray animals and had requested the Administration to consider adopting the "zero euthanasia" of stray animal policy. These Members pointed out that Taiwan had already implemented the "zero euthanasia" of stray animal policy starting February 2017. The Administration was requested to set up more AMCs, step up its efforts in encouraging animal adoption and 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. The Subcommittee to Study Issues Relating to Animal Rights ("the Subcommittee") passed a motion at its meeting on 24 April 2017 urging the Administration to, amongst others, set up rehoming centres and allow members of the public to adopt animals directly from these centres.²

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 rehoming, they would be retained in AMCs for at least four days, and in some cases for as long as a month, until rehoming could be arranged. According to the Administration, there were 18 AWOs partnering with AFCD in providing rehoming services in 2019. The Administration explained that AMCs were not designed to keep stray animals or animals surrendered by owners on a long-term basis. In addition, as compared to the four AMCs in Hong Kong, there was a larger network of AWOs offering rehoming service to facilitate adoption of animals. According to the Administration's replies to Members' questions in relation to the 2020-2021 Budget, AFCD would not arrange for adoption by members of the public at the four AMCs due to biosecurity and public health reasons. 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

² For wording of the motion and the Administration's response, please refer to LC Paper No. CB(2)1624/16-17(01).

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 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 in the past few years. Coupled with an increase in the proportion of animals rehomed, the number of dogs and cats euthanized by AFCD had decreased in recent years.³ According to the Administration, as Taiwan had adopted the "zero euthanasia" of stray animal policy for a short period only, its implementation and assessment were subject to further observation. AFCD would pay close attention to the development and closely monitor the measures on the management of stray animals adopted by the international community with a view to improving its stray animal management measures having regard to the unique local situation.

10. Some Members were of the view that in addition to public education and publicity on responsible pet ownership, the penalty for abandonment of animals should also be increased in order to achieve the desired deterrence effect. At its meeting on 21 February 2017, the Subcommittee passed a motion requesting the Administration to study revising the penalties against animal abandonment to enhance the deterrent effect on animal abandonment.⁴ The Administration advised that under section 22 of the Rabies Ordinance (Cap. 421), a keeper of an animal who, without reasonable excuse, abandoned that animal committed an offence and was 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 failed to control his/her dog properly by allowing it to loiter in public places committed an offence and was liable on conviction to a maximum fine of \$10,000 pursuant to section 23 of Cap. 421. While AFCD had been actively enforcing the law, successful prosecutions of a case of animal abandonment were few and far between, mainly because of the difficulties encountered in collecting sufficient evidence beyond the threshold of "reasonable doubt" to substantiate a case for prosecution against abandonment of the animal. Under such circumstances, AFCD would consider other enforcement actions, such as pressing charges against the keeper of a dog for failing to take proper control of the dog in public places pursuant to section 23

³ According to the Administration's replies to Members' questions in relation to the 2020-2021 Budget, the number of cats and dogs euthanized by AFCD had decreased from about 1 860 in 2017 to about 1 060 in 2019

⁴ For wording of the motion and the Administration's response, please refer to LC Paper No. CB(2)1179/16-17(01).

of Cap. 421. According to the Administration, AFCD had instituted 169 prosecutions against failure to take proper control of dogs in public places in 2019 and the heaviest penalty imposed by the Court on convicted cases was a fine of \$3,000.

Trap-Neuter-Return trial programme

11. Members noted with concern that the three performance targets⁵ set out in the protocol for the TNR trial programme were not achieved in both the Cheung Chau and Tai Tong trial sites. In their view, it was unreasonable to assess the effectiveness of the trial programme primarily by the trend of change in the population of stray dogs and the number of complaints received concerning nuisance caused by stray dogs. Taking into account the average lifespan of dogs (around 10 to 12 years or more for pet dogs), the three-year study period was too short to draw a conclusion. Some Members were of the view that the lack of concrete support from AFCD to SPCA and SAA in implementing the trial programme could significantly impact on the outcome of the trial programme.

12. The Administration explained that the target of an average annual reduction of 10% in the stray dog population had taken into account the birth rate and the death rate of stray dogs. This target was not achieved probably due to the following reasons: (a) difficulty in recording accurately the number of dogs in the sites as they could move around the vast site areas; (b) new dogs entering the sites; and (c) the relatively short period of study when compared to the average lifespan of dogs, as well as the improved health conditions of stray dogs under the caring of and medical treatment given by AWOs. The Administration advised that AFCD had been providing financial resources to SPCA and SAA to support their work in various aspects, including the provision of neutering and medical services to animals at their veterinary clinics. The two AWOs were allowed to flexibly deploy the allocated resources.

13. 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. There was a view that the TNR trial programme should be continued and extended to other districts, as TNR could help slow down the continuous reproduction of stray dogs in the long run and hence, abating the use of euthanasia in handling stray dogs.

⁵ The three performance targets include: (a) neutering at least 80% of stray dogs in the trial sites during the first six months of the programme; (b) achieving an average of 10% annual decrease in the population of stray dogs in the sites during the trial period; and (c) complaints received should be matching with, or lower than, the territory-wide average during the trial period.

14. The Administration advised that it was open-minded about conducting further TNR if AWOs or other parties were interested in running such a programme to manage stray dogs at specific locations. Any proposal for conducting a TNR programme at other location(s) would be considered individually, taking account of factors such as population density, proximity to community facilities and traffic conditions. Support of the local community was also essential before exemption of relevant legislative provisions⁶ could be granted to the relevant AWO(s) and their carers to facilitate their implementation of a TNR programme. AFCD would assist proponents and facilitate the implementation of such a programme, including sharing experience gained in the trial programme, helping liaise with the relevant District Councils ("DCs") and local stakeholders, and seeking legislative exemption from LegCo.

15. Some Members enquired about the criteria for selecting sites(s) for conducting the TNR programme in the future. The Administration advised that an appropriate trial site should be one with an existing stable colony of stray dogs. To minimize the risk of rabies introduction, dog bites and traffic accidents caused by these stray dogs, the trial site must not be located around hospitals, schools, homes for the elderly and busy roads, etc. In addition, AWOs participating in the programme should recruit sufficient carers to properly take care of the dogs. If a proposal to conduct the TNR programme was put forward, AFCD would consult the relevant DCs and the local communities.

16. The Panel passed a motion at its meeting on 8 May 2018 urging the Administration to, among others, increase resource allocation for implementing the TNR programme, actively communicate and co-ordinate with DCs and local residents in order to alleviate the public's worries about the TNR programme. Another motion was also passed at this meeting requesting the Administration to consider implementing as soon as possible "trap-neuter-vaccinate-return" programmes for dogs in all the 22 police districts with designated animal cases investigation teams.⁷

Keeping of dogs on construction sites

17. 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

⁶ Exemption of the relevant provisions under the Dogs and Cats Ordinance (Cap. 167) and Cap. 421 have to be granted to the relevant AWO(s) and their carers to facilitate their implementation of a TNR programme.

⁷ For wording of the two motions and the Administration's response, please refer to LC Paper Nos. CB(2)1371/17-18(01) and CB(2)1693/17-18(01) respectively.

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.

18. 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 rehomed or moved to a new location. The responsible person of the site might surrender the dogs to AFCD if there was no alternative. In addition, the Code of Practice also stipulated that at least one person, preferably a company representative of the site, should take responsibility for the proper behaviour and welfare of, and liabilities for any dogs kept on the site. If there were reports of suspected cruelty cases taking place in construction sites, investigations and prosecution actions under the Prevention of Cruelty to Animals Ordinance (Cap. 169) would be taken if there was sufficient evidence.

19. Some Members pointed out that the requirements specified in the Code of Practice issued by AFCD had no binding power on the person in charge of construction sites. Members considered that such arrangement was far from satisfactory from enforcement point of view and the Subcommittee had passed a motion at its meeting on 21 February 2017 requesting AFCD and the Buildings Department ("BD") to consider requiring "safety supervisors" of construction sites to be the person to assume the aforesaid responsibility.⁸ According to the Administration, AFCD would conduct inspections to construction sites to check for non-compliance with the Code of Practice. In addition, AFCD had provided funding to AWOs for offering free or low-cost neutering services to dogs and to educate the owners concerned. AFCD and BD would 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. On the suggestion of requiring "safety supervisors" to assume the responsibility of the proper behaviour and welfare of, and liabilities for any dogs kept on construction sites, the Administration advised that BD regulated the planning, design and construction of buildings and associated works on private land under the powers conferred by the Buildings Ordinance (Cap. 123) ("BO") which prescribed building design and construction standards as well as regulates the construction safety and the quality supervision of construction work. Since keeping of dogs on construction site was not related to construction safety and the quality supervision of construction work, it was not within the remit of BO's regulation.

⁸ For wording of the motion and the Administration's response, please refer to LC Paper No. CB(2)1179/16-17(01).

Microchipping of cats

20. 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.

21. 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.⁹

Latest development

22. The Administration will update the Subcommittee on its efforts in management of stray cats and dogs at the Subcommittee meeting on 22 March 2021.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
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⁹ For wording of the motion and the Administration's response, please refer to LC Paper No. CB(2)1179/16-17(01).

Relevant papers on management of stray cats and dogs

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	<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>
	10.6.2015	<u>Official Record of Proceedings Pages 12827 to 12833 (written question raised by Hon James TO on "Animal Welfare")</u>
	14.10.2015	<u>Official Record of Proceedings Pages 106 to 109 (written question raised by Hon LEUNG Kwok-hung on "Stray dogs")</u>
	28.10.2015	<u>Official Record of Proceedings Pages 535 to 540 (written question raised by Hon CHAN Hak-kan on "Animal abandonment")</u>
Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals	9.5.2016 (Item II)	<u>Agenda</u> <u>Minutes</u>

Committee	Date of meeting	Question / Paper
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	17.1.2017 (Item II)	Agenda Minutes Administration's response to issues raised at the Subcommittee meeting on 17 January 2017 (LC Paper No. CB(2)848/16-17(01))
	21.2.2017 (Item I)	Agenda Minutes
	24.4.2017 (Item I)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	8.5.2018 (Item IV)	Agenda Minutes
Legislative Council	18.12.2019	Official Record of Proceedings Pages 3644 to 3649 (written question raised by Hon CHAN Hak-kan on "Control of wild and stray animal nuisances")