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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 11 May 2021**

**Publicity and public education for promoting animal welfare and
responsible pet ownership**

Purpose

This paper provides background information on the work of the Administration in relation to the publicity and public education for promoting animal welfare and responsible pet ownership. It also summarizes the major views and concerns expressed by the members of the Subcommittee to Study Issues Relating to Animal Rights ("the Subcommittee") on relevant issues.

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 licensed and vaccinated against rabies, as well as the benefits of neutering their dogs.

3. The Agriculture, Fisheries and Conservation Department ("AFCD") 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 relevant issues are summarized in the ensuing paragraphs.

Abandonment of animals

5. Some members noted with grave concern that according to the Administration's response provided to the Subcommittee in February 2017, no prosecution was initiated against abandonment of animals in the previous three years. In addition, a penalty of \$500 only was imposed on a successful prosecution against animal abandonment in 2013. These 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 adequate deterrent 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 its deterrent effect.¹ There was also a view that the Administration should consider making animal abandonment an offence under the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO").

6. 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. 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 of Cap. 421. The Administration further advised that in view of the cases in

¹ For wording of the motion and the Administration's response, please refer to LC Paper No. CB(2)1179/16-17(01).

recent years, it would propose to amend PCAO to specify that abandonment of an animal which had caused it to suffer, including some acts of release of animals into unsuitable environment, was an act of cruelty to animals.²

7. According to the Administration, AFCD had been promoting animal welfare and responsible pet ownership through public education and publicity programmes. Over the past three years, the activities conducted by AFCD included production and broadcasting of educational videos and Announcements in the Public Interest on animal welfare through various platforms, publication and distribution of leaflets, posters and pamphlets on animal welfare through various channels, placing of advertisements on various platforms, organization of events to promote pet adoption and holding of talks at school and housing estates on a regular basis, etc. In addition, a dedicated website on pet keeping and animal management had been established to enhance the public's knowledge of keeping pet and for prospective pet owners to assess their own suitability for keeping pets by completing a corresponding questionnaire on the website.

8. Some members suggested that the Government's policy on keeping of pets in public rental housing ("PRH") estates should be relaxed to minimize the need for tenants to give up their pets thereby resulting in animal abandonment. At its meeting on 26 June 2017, the Subcommittee passed a motion requesting the Administration to study a further relaxation of the dog keeping policy in PRH estates, so as to alleviate the problem of abandonment of dogs after their owners had been allocated PRH units.³

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. The Subcommittee passed a motion at its meeting on 21 February 2017 urging the Administration to consider the introduction of legislation to require cat owners to have their cats microchipped and licensed.⁴

² According to the Administration, its target was to present the relevant amendment bill, which will include a number of other proposed amendments to PCAO, to the Council as soon as possible in the next Legislative Council term.

³ For wording of the motion and the Administration's response, please refer to LC Paper No. CB(2)1933/16-17(01).

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

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. The Administration further advised that as it was less common for owners to walk their cats, the chance of cats going astray was considerably low. 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 was of the view that owing to the differences in the behaviour of cats and dogs, it was not suitable to impose the same legislative control on cats. 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 also 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" ("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. According to the Administration, the complaints received in recent years about stray or unattended dogs being found near construction sites were mainly related to dog nuisance. The number of complaints about dog nuisance in construction sites received in 2014, 2015 and 2016 were 79, 78 and 89 respectively and over 200 inspections were conducted each year in response to these complaints. If there were reports of suspected animal 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.

13. Some members pointed out that although it was specified in the Code of Practice 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, the requirement had no binding power

on the persons in charge of the construction sites. They considered that such an arrangement was far from satisfactory from the enforcement point of view. The Subcommittee passed a motion at its meeting on 21 February 2017 requesting AFCD and the Buildings Department ("BD") to consider requiring "safety supervisors" of constructions sites to be the person to assume the aforesaid responsibility.⁵

14. 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 animal welfare organizations ("AWOs") for offering free or low-cost neutering services to dogs and to educate the owners concerned. AFCD, with the assistance of BD, would actively promote the Code of Practice 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, among others, regulated the construction safety and the quality supervision of construction work. Since the 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.

Partnership with animal welfare organizations

15. Some members considered that the Administration should strengthen its cooperation with AWOs and provide more assistance and financial support to AWOs 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 in undertaking various projects and educational activities that aimed at enhancing animal management and promoting animal welfare. AFCD also supported the establishment and improvement of animal rehoming centres which provided temporary shelters for stray animals awaiting rehoming. In 2021-2022, \$3 million would be set aside by AFCD for eligible AWOs to apply for funding support.

⁵ For wording of the motion and the Administration's response, please refer to LC Paper No. CB(2)1179/16-17(01).

Latest development

16. The Administration will update the Subcommittee regarding its work on the publicity and public education for promoting animal welfare and responsible pet ownership at the Subcommittee meeting on 11 May 2021.

Relevant papers

17. A list of relevant papers available on the Legislative Council website is in **Appendix**.

Council Business Division 2
Legislative Council Secretariat
5 May 2021

Appendix

Relevant papers on publicity and public education for promoting animal welfare and responsible pet ownership

Committee	Date of meeting	Paper
Subcommittee to Study Issues Relating to Animal Rights	17.1.2017 (Items II and III)	Agenda Minutes Administration's response to issues raised at the Subcommittee meeting (LC Paper No. CB(2)848/16-17(01))
	21.2.2017 (Item I)	Agenda Minutes Administration's response to motions passed at the Subcommittee meeting under agenda item I (LC Paper No. CB(2)1179/16-17(01))
	26.6.2017 (Item I)	Agenda Minutes Administration's response to a motion passed at the Subcommittee meeting under agenda item I (LC Paper No. CB(2)1933/16-17(01))
Legislative Council	13.12.2017	Official Record of Proceedings Pages 3975 to 3982 (written question raised by Hon Claudia MO on "Protection of animal rights and welfare")
	20.6.2018	Official Record of Proceedings Pages 12808 to 12814 (written question raised by Hon CHAN Hak-kan on "Protection of animal rights, interests and welfare")

Committee	Date of meeting	Paper
	26.6.2019	Official Record of Proceedings Pages 11799 to 11805 (written question raised by Hon CHAN Hak-kan on "Welfare of animals")
Subcommittee to Study Issues Relating to Animal Rights	22.3.2021 (Item I)	Agenda
	19.4.2021 (Item I)	Agenda

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