

Role-play on Mock Question Time
Protection of animal welfare
Sample oral question in Council meeting

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Meeting date: 13 June 2018

Question 5: Prevention of incidents of cruelty to animals

DR PRISCILLA LEUNG (in Cantonese): *Deputy President, last year, this Council passed a motion on “Safeguarding animal rights”, urging the Government to adopt 26 measures to safeguard animal rights. Moreover, since April this year, dedicated investigation teams have been set up, in the 22 Police districts across the territory which have criminal investigation teams, to handle animal cruelty cases. However, a number of appalling incidents of cruelty to animals still happened in recent months. In this connection, will the Government inform this Council:*

- (1) as the Secretary for Food and Health indicated last month that the law would be amended to introduce a concept of positive duty of care of animals on animal keepers, of the details of the proposal and the legislative timetable; whether it will comprehensively review the penalties under the Prevention of Cruelty to Animals Ordinance in order to enhance the deterrent effect;*
- (2) whether the dedicated investigation teams under the Police have strengthened the exchange with each other of the experience in investigating cases of cruelty to animals, and established a close communication and cooperation mechanism with the Agriculture, Fisheries and Conservation Department, the Society for the Prevention of Cruelty to Animals (Hong Kong) and concern groups on animal interests; if so, of the details; if not, the reasons for that; and*
- (3) whether it will consider allocating additional resources to implement an animal caring community ambassador programme to raise public awareness of caring for animals and offer all-round support for animal keepers, so as to reduce the occurrence of incidents of cruelty to animals?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, the Government attaches great importance to protecting animal welfare and implements a series of measures in this regard. Apart from prohibiting and punishing acts of animal cruelty, efforts in public education are being increasingly stepped up.

Having consulted the Security Bureau, my reply to various parts of the question raised by Dr Priscilla LEUNG is as follows:

- (1) We are reviewing the existing legislation relating to animal welfare, including exploring the introduction of a concept of positive duty of care on animal keepers, i.e. requiring animal keepers to take all necessary measures to

protect the welfare of their animals, such as providing proper care and sufficient space for their animals and preventing them from disease, injury or suffering, etc. by taking necessary measures. Having regard to overseas experience and opinions of animal welfare organizations and other stakeholders, the Agriculture, Fisheries and Conservation Department (“AFCD”) will exchange views with the stakeholders in relation to the preliminary proposals in the second half of this year, with a view to consulting the public in 2019. Although the maximum penalty under the existing Prevention of Cruelty to Animals Ordinance (Cap. 169) is higher than that of other developed places, we will also take this opportunity to re-examine the penalty level under the Ordinance.

- (2) In 2011, the Police, together with AFCD, the Society for the Prevention of Cruelty to Animals (“SPCA”), veterinary associations and concern groups, introduced the Animal Watch Scheme (“the Scheme”) to combat and handle animal cruelty cases more effectively through a four-pronged approach, covering education and training, publicity, intelligence gathering and investigation. The Scheme reinforces collaboration among various stakeholders and strengthens the Police’s efforts in the investigation of animal cruelty cases. The College of Veterinary Medicine and Life Sciences of the City University of Hong Kong joined the Scheme in 2017.

On training, officers from AFCD and SPCA enlighten the multi-agency approach for the investigation of animal cruelty cases to police officers participating in foundation training and criminal investigation courses. AFCD also provides animal welfare training for officers of the dedicated investigation teams set up by the Police in 22 police districts across the territory to strengthen their efforts in combating animal cruelty cases. The investigation teams of various districts also share their experience on a common platform.

On intelligence gathering, the Scheme encourages SPCA, veterinarians, animal concern groups and members of the public to report any persons or activities suspected to be involved in animal cruelty. Individual police districts maintain close communication with the animal concern groups in their respective districts, with a view to stepping up intelligence gathering efforts and following up on cases. On investigation, the Police, AFCD and SPCA have established a cooperation mechanism, whereby officers from AFCD and SPCA will provide professional advice and assist in the investigation at the scene of suspected animal cruelty cases where necessary.

- (3) As for the Member’s proposal to allocate additional resources to raising public awareness of caring for animals, such as by implementing an animal caring community ambassador programme, we agree with the importance of enhancing the work in this regard. On publicity and education, a dedicated team was set up by AFCD in 2011 to disseminate messages of caring for animals and responsible pet ownership through various activities, including dog adoption carnivals, pet adoption days, dog training programmes, and

school and estate seminars, etc. Each year AFCD invites artists to promote the animal adoption carnivals and pet adoption days. Announcements in the Public Interest are also produced and broadcast on buses and online platforms to raise the public awareness of caring for animals. AFCD also invited famous artists as the ambassadors of the pet adoption day held last weekend. The event had successfully attracted around 16 000 participants and contributed positively in encouraging the public to consider animal adoption.

Furthermore, the Police promote the Scheme to members of the public through various channels to convey the message of prevention of animal cruelty, and enlist community support to enhance public awareness in this respect. At the same time, AFCD has been working closely with, and providing financial support to, animal welfare organizations for carrying out work in this regard.

Support from society at large is essential to enhancing animal welfare. We will continue the work on this front with relevant departments, and look forward to receiving Members' support for our work on reviewing the legislation relating to animal welfare.

DR PRISCILLA LEUNG (in Cantonese): *I thank the Secretary for her reply. I think apart from arrests and punishment, it is more important to provide assistance and counselling. As we can see from those cases in which animals were tortured to death, it was often because the owners are unable to cope with the ageing of animals and so, even the owners themselves need counselling. Part (2) of the main reply mentioned the College of Veterinary Medicine and Life Sciences of the City University of Hong Kong ("CityU")—I also teach in CityU—and I wish to mainly talk about community ambassadors. Will the Government play a more active role by, among others, appointing current students in that discipline to be ambassadors, in order for the scheme to be more down-to-earth? We certainly welcome celebrities or artistes to be appointed as ambassadors but a down-to-earth approach is more important. Even in public estates there are people keeping small animals as pets at home but as the animals grow old, the owners often do not know how to handle them. Therefore, a pertinent and down-to-earth approach may be necessary in this respect. Apart from the participation by current students in this discipline and veterinary associations, these activities must not be organized only once and efforts should be made for the animal ambassador scheme to be more pertinent and thorough. Is this possible?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, I thank Dr LEUNG for her views. With regard to our work in the promotion of animal welfare, we are glad to see participation by an institution that provides the veterinary programme, because just as Dr LEUNG said, it is our wish that this area of work can be carried out in a sustained and effective manner. Therefore, we are open to involving more participation from the relevant students in these activities.

MR WILSON OR (in Cantonese): *Deputy President, in part (2) of the main reply the Secretary mentioned that a multi-pronged approach covering education, publicity, training, intelligence gathering, etc. will be adopted by the Government to handle issues relating to animal welfare. In her reply the Secretary said right at the outset that the*

Government attaches great importance to protecting animal welfare and in this connection, I wish to ask the Secretary a further question: Apart from conducting publicity through academic institutions, will the Bureau consider adopting more measures, such as carrying out the relevant work through the 18 District Councils (“DCs”)? Another hat that I am wearing is a member of the Kwun Tong District Council. Honestly, in my impression I have never heard that the relevant Policy Bureaux or SPCA or even staff of AFCD have come to DCs to promote the relevant work or step up training. We have never seen anything like this before. Will the Bureau consider utilizing the existing three-tier representative structure of district administration comprising DCs, Area Committees and Mutual Aid Committees in the districts to help carry out the publicity work? Is the Secretary willing to make a pledge in public that she will carry out work in this respect?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, I thank Mr Wilson OR for his suggestion. As I said earlier, when carrying out any promotional work, actually it should always aim at reaching out to the public. We are open to the suggestion that work can be carried out through various organizations or as Mr Wilson OR suggested, by involving DCs, academic institutions, and so on. Our objective is to take forward publicity and education on the one hand and on the other, we hope that the message can penetrate into the community. To this end, we take an open attitude towards any suggestion that can effectively serve the purpose. I thank Mr OR for his suggestion. We hope that in future, apart from forging cooperation with animal welfare organizations and animal concern groups, AFCD will also conduct publicity in DCs.

MR CHAN HAK-KAN (in Cantonese): *Deputy President, I noticed that after assuming office, the Secretary has conducted some reviews of the work relating to animal welfare. For instance, as she said in the main reply, the penalty of animal keepers will be increased, and the proposal made some time ago of requiring drivers to report to the Police after knocking down cats or dogs. These seem to be a good direction but quite a number of animal welfare organizations think that these are only minor patch-up work. The Secretary has spent so much time doing just minor patch-up work. Why does she not review the overall animal welfare policy in Hong Kong in one go? For issues such as the implantation of microchips in cats as proposed by many organizations now, the Trap-Neuter-Return Programme, “animal police”, and imposing heavier penalty for animal cruelty cases, all these can be reviewed in one go. Why should the relevant legislation be tabled to the Legislative Council piece by piece separately? Is it possible to conduct an overall review?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, I thank Mr CHAN Hak-kan for his views. As I pointed out earlier on, we will, after reviewing the legislation in relation to animal welfare, exchange views with the stakeholders on the preliminary proposals in the second half of this year. Therefore, the review has a broad coverage. On the one hand, we will review the existing legislation in relation to animal cruelty or animal welfare, in order to ascertain the areas where efforts should be stepped up. At present, our initial view is that with regard to Cap. 169, we have come up with some preliminary proposals which include how we should draw up codes of practice for animal keepers, how government officers can issue “animal care improvement notices” to persons failing to take proper care of animals, how regulation can be enhanced on

abandoned animals, and examining the feasibility of empowering the Courts to prohibit convicted persons from keeping animals again. These are the initial directions and we will continue to listen to the views of Members. We will exchange views with the stakeholders on the preliminary proposals in around the second half of this year to find out about their views on these directions before launching a public consultation.

As for the other issues raised by Mr CHAN, they have all along been under review by the authorities, and work has also been taken forward targeting these areas. Therefore, with regard to the review suggested by the Honourable Member, it is what we have been doing. On the direction of the legislation, or legislation in relation to animal welfare that I have just mentioned, the relevant work will be carried out expeditiously. As for other aspects in which we should do better, the relevant work is also in progress now.

DR ELIZABETH QUAT (in Cantonese): *Deputy President, on 3 May, I arranged for Prof Mike RADFORD of the University of Aberdeen to come to Hong Kong for a meeting with the Under Secretary and representatives of the department to discuss the introduction of an all-embracing law on animal welfare in Hong Kong. At the meeting it was proposed that reference could be drawn from the existing law in the United Kingdom, so that above the existing legislation, an “umbrella” can be established, or an overall principle or animal welfare concept can be set to stipulate that animal keepers are required to take necessary measures to protect the well-being of their animals.*

I am very glad to hear the Secretary mention in her main reply today that the authorities are studying the introduction of this concept. That said, I wish to make a point clear. We pointed out at the time that under the overall principle, the many existing fragmentary laws relating to animals will require certain amendments. But I can see that when the main reply referred to the introduction of this concept, only Cap. 169 was mentioned, and this is why I feel rather concerned. Is it that apart from including in the future consultation the introduction of an overall principle and concept, the authorities will actually make certain amendments to every piece of legislation relating to animal welfare and will then conduct consultation and introduce legislative amendments comprehensively, as suggested by Mr CHAN Hak-kan just now?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, I thank Dr Elizabeth QUAT for her continuous concern about animal welfare. Just now I mentioned some initial directions and if they can command support or after we have exchanged views with the stakeholders or even after completion of the public consultation, we will decide on the directions. Certainly, we will look into whether the existing legislation can cover these directions and if they cannot be covered, how amendments should be made. This will be reviewed altogether.

MR GARY FAN (in Cantonese): *Deputy President, in part (2) of the main reply the Secretary stressed publicity and at the same time, she also stressed intelligence gathering and investigation. I particularly wish to ask a question in this connection because the main reply mentioned that the Legislative Council passed the motion on “Safeguarding animal rights” in June 2017, and three months before this motion was passed, the amended Public Health (Animals and Birds) (Animal Traders) Regulation*

(Cap. 139B) came into effect, giving a green light to the breeding of animals by private individuals for sale.

I would like to ask the Secretary this question. If intelligence gathering, publicity and investigations are important, what is the actual situation of surprise inspections and regular inspections after the legislative amendments were made in March 2017? Are there figures available for our reference? Because back then the Legislative Council was extremely concerned, thinking that mere regular inspections would not produce effective results and that only through surprise inspections would there be a chance for cases of animal cruelty to be exposed for prosecution or follow-up by the Government. Does the Secretary have the actual information to provide to this Council?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, I thank Mr Gary FAN for his supplementary question. In fact, we are also very concerned about the situation after Cap. 139B was brought into effect. I do not have the actual figures up my sleeves but I can provide them later. (Appendix I)

As far as I understand it, regarding the implementation of the Regulation after it came into effect and if Mr FAN can recall, we have increased the provision of resources and manpower for AFCD to carry out the relevant work, including inspections, arrangements after the Regulation was brought into effect, and so on. Therefore, we have actually stepped up work in this regard. We will provide the relevant figures later. According to the information that I have with me now, the implementation and enforcement of the Regulation have been smooth.

MR GARY FAN (in Cantonese): *Deputy President, the Secretary did not answer ...*

DEPUTY PRESIDENT (in Cantonese): Mr Gary FAN, you can only point out the part of your supplementary question that has not been answered.

MR GARY FAN (in Cantonese): *I understand. To follow up, I would like the Secretary to provide the figures of surprise inspections, not those of regular inspections, for that is where the key lies. I am asking for the figures of surprise inspections. If there is no surprise inspection, the effectiveness would be questionable.*

DEPUTY PRESIDENT (in Cantonese): Mr FAN, you have already stated clearly your request to the Secretary for the figures of inspections, and the Secretary has also promised to provide the relevant figures after the meeting. Last oral question.