

Mock Council debate: Question Time
Protection of Animal Welfare
Background Brief

Purpose

This paper briefs Members on the existing animal protection legislation in Hong Kong as well as the background and development of related issues.

Background

2. More than 10% of families in Hong Kong keep pets. There are currently at least 10 ordinances in Hong Kong related to animal protection and management. The Prevention of Cruelty to Animals Ordinance (“PCAO”) is generally regarded as the centrepiece of such legislation. PCAO aims to prohibit cruelty to animals and impose penalties for relevant offences. While the Government initiated three major legislative amendments to PCAO in 1950, 1979 and 2006 respectively, all the amendments only dealt with the penalties for cruelty to animals without making any changes to the legislative principles of PCAO.

3. Conventionally, “prevention of cruelty to animals” focuses on regulating situations in which animals are subjected to pain and physical suffering, whereas “animal welfare” encompasses animals’ physical state, mental state and ability to fulfil their natural needs and desires. Amid the development of scientific knowledge about animal welfare and changing attitudes of the public towards animals, some overseas places have adopted a relatively new legislative approach which emphasizes the physical and mental needs of animals on top of preventing cruelty to animals.

Recent development

Legislation on protection of animal welfare

4. The animal protection legislation in Hong Kong focuses on preventing cruelty to animals and is relatively passive in protecting animal welfare. Under PCAO, any person who, by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary suffering to any animal commits an offence. In 2019, the Administration completed a public consultation on the proposals to enhance animal welfare through amendment of PCAO. The majority of the respondents supported the proposals. The overall objective of the legislative amendment exercises is to shift the focus towards promotion of animal welfare, rather than just prevention of cruelty,

by requiring persons responsible for animals to take positive steps to provide for their welfare needs. Key elements of the proposals include introducing a positive “duty of care”, enhancing the provisions for prevention of cruelty to animals, and enhancing enforcement powers to prevent and protect animals from suffering. The Administration consulted members of the Panel on Food Safety and Environmental Hygiene on the major proposals to amend PCAO at its meeting in May 2022 and is now pressing ahead with the drafting of the legislation, with a view to introducing a bill to the Legislative Council for scrutiny as soon as possible.

5. The Administration also amended the Road Traffic Ordinance in 2021 to expand the definition of “animal” under this Ordinance to include not only livestock, but also “cat” and “dog”, so as to enable commonly owned pets, i.e. cats and dogs, injured in traffic accidents to receive more timely attention, and to heighten drivers’ alertness, which marks a key step forward in the overall efforts to enhance animal welfare.

Law enforcement

6. The Hong Kong Police Force (“the Police”) has set up Animal Crime Police Teams in 22 police districts across the territory, comprising officers with criminal investigation experience and skills in handling other serious crimes. Teams from various districts will share their experience in investigations with each other. The Police also provides relevant officers with training on handling of animal cruelty cases.

7. Moreover, the Police, the Agriculture, Fisheries and Conservation Department (“AFCD”) and the Society for the Prevention of Cruelty to Animals (Hong Kong) (“SPCA”) have established a cooperation mechanism whereby AFCD and SPCA officers will provide professional advice and assist in investigation at the scene of an animal cruelty case where necessary.

Publicity and education

8. AFCD is responsible for disseminating messages on caring for animals and responsible pet ownership, appealing to the public not to abandon pets or unnecessarily surrender them to the Government for disposal, emphasizing the need for dog licensing and rabies vaccination, as well as promoting pet neutering. In addition to organizing school and estate seminars, AFCD produces Announcements in the Public Interest to raise public awareness of caring for animals.

9. The Police also promotes messages on caring for animals and prevention of cruelty to animals to the public through channels such as the Police Magazine and the Police’s social media platforms.

10. Relevant government departments, including the Police, AFCD and the Food and Environmental Hygiene Department, have adopted a multi-agency approach for years to form a partnership with animal welfare organizations and the public, so as to make joint efforts to take forward measures on caring for animals. The Police are also actively implementing the Animal Watchers Programme to raise public awareness on prevention of cruelty to animals, encourage the public to report in a timely manner, and allow the public to plan and participate in various animal welfare promotional activities, so as to pool together the efforts of animal lovers.

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Legislative Council Secretariat
May 2023

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