



# Animal welfare legislation in selected places

IN09/16-17

## 1. Introduction

1.1 In Hong Kong, more than one-tenth of families keep pets. The Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO") is the key legislation on animal protection in Hong Kong. Enacted in 1935, PCAO focuses on prohibiting and punishing cruelty to animals.<sup>1</sup>

1.2 Recently, there have been growing concerns about issues relating to animal welfare.<sup>2</sup> Conventionally, "prevention of cruelty to animals" considers the control of pain and physical suffering of animals, whereas "animal welfare" encompasses animals' physical state, mental state and ability to fulfil their natural needs and desires.<sup>3</sup> Amid the development of scientific knowledge about animal welfare and changing public attitudes towards animals, some overseas places have reviewed their animal welfare legislation. The new legislative approach adopted by these places emphasizes the physical and mental needs of animals on top of preventing animals from cruelty acts.

1.3 At the request of Dr Hon Elizabeth QUAT, the Research Office has conducted a research study to review (a) existing animal protection legislation in Hong Kong; and (b) animal welfare legislation in those selected overseas places with good animal protection practice.<sup>4</sup> For the purpose of this study, three places namely the United Kingdom ("the UK"), Queensland of Australia and Singapore are selected, as these "animal-friendly" places have enacted new legislation on animal welfare over the past decade or so. This information note begins with a review of the local legislation and the background of legislative amendments in the three selected places. It then discusses the salient features of the animal welfare legislation in these places, along with three summary tables (**Appendices I to III**).

<sup>1</sup> As set out in its long title, the purpose of PCAO is "to prohibit and punish cruelty to animals".

<sup>2</sup> For example, the Panel on Food Safety and Environmental Hygiene has set up a subcommittee in both the Fifth and Sixth Legislative Council to study issues relating to animal welfare.

<sup>3</sup> See World Organisation for Animal Health (2016).

<sup>4</sup> The request was made under a pilot scheme of a new initiative to strengthen research support to individual Members in the Sixth Legislative Council.

## 2. Recent developments of animal protection in Hong Kong

2.1 According to the most recent statistics from the Census and Statistics Department ("C&SD") in 2010, some 249 400 or 11% of households kept dogs and/or cats.<sup>5</sup> Between 2005 and 2010, the number of dogs and cats kept by households increased by 40% from 297 100 to 415 100.<sup>6</sup> According to the Agriculture, Fisheries and Conservation Department ("AFCD"), there are some 140 licensed pet shops in the territory.<sup>7</sup>

2.2 There are at least 10 ordinances touching upon animal protection and management in Hong Kong ([Appendix I](#)). PCAO is generally regarded as the centre-piece legislation, which was adapted from the Protection of Animals Act 1911 ("the 1911 Act") of the UK. While three major amendments had been made to PCAO in 1950, 1979 and 2006 respectively, all of them were related to revision in penalty for cruelty to animals, without changing the underlying legislative principles.

2.3 This apart, the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B) ("the Regulations"), along with the Codes of Practice for animal traders and dog breeders ("the Codes")<sup>8</sup>, regulate the activities of animal traders and breeders. The key amendments of the new Regulations, among other things, set out that any person who sells a dog requires a licence or permit<sup>9</sup> while a licence will only be issued to a person who is considered "suitable".<sup>10</sup> Furthermore, it is prohibited to sell a dog to a person under 16 years old. These amendments came into effect on 20 March 2017.

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<sup>5</sup> In 2005, C&SD conducted a household survey on keeping of pets, which are not limited to dogs and cats. In 2010, C&SD conducted a similar survey but confined its scope to dogs or cats only. See C&SD (2006) and C&SD (2011).

<sup>6</sup> Between 2005 and 2010, the number of dogs kept by households increased by 25% from 197 900 to 247 500, while the corresponding number of cats increased by 69% from 99 200 to 167 600.

<sup>7</sup> Upon the agreement of licensed pet shops, their names can be included in the "Licensed Pet Shops List", which is published on the website of AFCD.

<sup>8</sup> The Codes set out the standards of both enforceable requirements and best-practice recommendations for improving animal welfare. Such standards are used to determine whether the keepers of animals meet their responsibilities to protect animal welfare.

<sup>9</sup> There are three types of licence and one type of permit. The former comprises animal trader licence and two types of dog breeder licence (depending on the number of female dogs for breeding purpose). The permit is of one-off nature. It is for a person selling an individual dog. A maximum of two permits may be issued to the same person in a four-year period.

<sup>10</sup> For example, a person with a conviction for cruelty to animals may not be considered a suitable person to hold an animal trader licence.

2.4 While the Regulations have been revised, there are views that gaps in the legislation in addressing animal welfare needs still exist, as summarized below:

- (a) **Animal welfare requirement:** PCAO focuses on cruelty relating to the physical suffering of animals. As such, it relies on a list of legal definition of "cruelty", which is almost the same as that seen in the relevant 1911 Act of the UK.<sup>11</sup> Some Members have expressed concerns that PCAO is "more lenient than the relevant legislation in other jurisdictions"<sup>12</sup> and urged the Government to comprehensively review and amend PCAO and other existing animal welfare ordinances by making reference to other developed places.<sup>13</sup> In response, the Government conducted a review on the "definition of cruelty" in January 2017 and concluded that the definition was comparable to that adopted in other places.<sup>14</sup>
- (b) **Regulation of animal breeding:** Despite the recent amendments to the Regulations and the Codes, some animal concern groups still consider that the amended Regulations and Codes are insufficient to safeguard animal health and welfare. *First*, the breeding regulations apply to the breeding of dogs only, but not cats.<sup>15</sup> Yet, according to the Government's statistics, the proportions of dogs and cats which were bred at home were the same, at 8% respectively<sup>16</sup>, reflecting that cat breeding activities might not be negligible. *Secondly*, dog breeders are required to attend a 24-hour training course only. Some concern groups consider that such a short course might not be able to provide sufficient training or knowledge on breeding of dogs.

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<sup>11</sup> Under both PCAO of Hong Kong and the 1911 Act of the UK, any person who cruelly beats, kicks, ill-treats, over-rides, over-drives, overloads, tortures, infuriates or terrifies any animal, or by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary suffering to any animal commits an offence. The relevant provisions are set out in section 3(1)(a) of PCAO and section 1(1)(a) of the 1911 Act of the UK.

<sup>12</sup> See GovHK (2016).

<sup>13</sup> See Legislative Council Secretariat (2016).

<sup>14</sup> See Food and Health Bureau (2017).

<sup>15</sup> See SPCA HK (2016) and Animal Asia Foundation (2017).

<sup>16</sup> See C&SD (2011).

- (c) **Regulation of pet shops:** As for pet shops which are the major source of supplying dogs for keeping as pets<sup>17</sup> as well as serving the first point of contact for buyers to seek information on feeding, licensing and basic care of animals, some concern groups consider that pet shops should play a more proactive role in promoting responsible pet ownership and help minimize impulse purchase of pets. However, pet shop staff are only required to attend a training course of 12 hours to 18 hours only. Some concern groups worry that the pet shop staff may not have sufficient knowledge to take care of the animals or give advice to the customers.
- (d) **Animal abandonment:** According to the World Organisation for Animal Health, microchipping is an effective measure to minimize stray animals. Currently in Hong Kong, only dogs are required to be microchipped by law. Members have urged the Government to extend the mandatory microchipping to cats in order to "help owners reclaim their missing cats and prevent the abandonment of cats by irresponsible owners"<sup>18</sup>. However, the Government considers it not suitable to impose the same legislative control on cat owners.<sup>19</sup>
- (e) **Law enforcement:** Animal cruelty cases received by the Police would initially be attended by uniformed officers. Staff from AFCD and the Society for the Prevention of Cruelty to Animals ("SPCA") might also be called to the scene to provide advice. While inspectors of SPCA may also routinely visit pet shops, markets and animal shelters, and handle the cases initiated by members of the public through the SPCA hotline, SPCA is not empowered by the law to undertake enforcement actions.<sup>20</sup> Some Members are concerned about whether sufficient manpower is available to take effective enforcement actions against cases of non-compliance.<sup>21</sup>

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<sup>17</sup> In 2010, 41% of all dogs kept by households were bought from pet shops. See C&SD (2011).

<sup>18</sup> See Legislative Council Secretariat (2017a).

<sup>19</sup> According to the Government, the primary purpose of requiring all dogs to get vaccinated, microchipped and licensed was to prevent and control the spread of rabies. However, the risk of infected cats spreading rabies was lower than that of dogs. See Legislative Council Secretariat (2017a).

<sup>20</sup> SPCA may provide "advice" or issue "warning" to pet owners. It may initiate private prosecution in severe cases.

<sup>21</sup> See, for example, Minutes of Meeting of the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals of the Legislative Council (2016) 22 March.

Members are also concerned about the difficulties in establishing a case of abandonment for prosecution under the current legislation. According to the Government, even if the owner of an abandoned animal is identified, "it is not uncommon that the owners would defend themselves by claiming that the animals have gone astray". In the absence of any witnesses or other evidence, it would be difficult to establish a case for prosecution.<sup>22</sup>

### **3. Reasons for revision of animal welfare legislation in selected places**

3.1 In the **UK**, 10.8 million or 40% of households owned at least a pet in 2016. It is estimated that there are altogether 20 million pets in the UK. Dogs and cats are the most prevalent pets there, accounting for 43% and 38% respectively of the pet population. There are some 2 300 licensed pet shops and 650 licensed dog breeders in the UK.

3.2 At present, the key legislation to protect domestic animals in the UK is the Animal Welfare Act ("AWA"), which was enacted in 2006 to replace the Protection of Animals Act 1911<sup>23</sup>. The old act was considered inadequate to protect the animals as it "failed to define how the animal ought to be treated"<sup>24</sup> and "effective action could not be taken until an animal suffering occurred at some future point"<sup>25</sup>. Moreover, the wording defining the offence of cruelty was described by the court as "unnecessarily confusing". The court suggested that the policy underlying the legislation be expressed in "clear, intelligible modern language".<sup>26</sup> Ultimately, the new AWA adopted modern welfare concept that animal owners need to have a positive duty of care.

3.3 In **Australia**, the overall pet population was 15.4 million in 2016, within which dogs and cats accounted for the largest share of 31% and 25% respectively. Pet ownership in Australia is one of the highest in the world, with as much as 62% of Australian households owning a pet at home.

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<sup>22</sup> See Government's responses to the follow-up items requested by the Subcommittee (2016).

<sup>23</sup> The first legislation to prohibit cruelty to animals was enacted in 1822, focussing on cruel treatment of cattle. It was replaced by the Protection of Animals Act 1911. Since then, over 20 other acts touched upon animal protection had been enacted.

<sup>24</sup> See UK Parliament (2004).

<sup>25</sup> See Department for Environment, Food and Rural Affairs (2004).

<sup>26</sup> See *Isted v Crown Prosecution Service* (1998).

3.4 In Australia, the legislative responsibility for animal welfare rests primarily on the state and territory governments, of which the legislation in Queensland is generally considered as fairly comprehensive in respect of its scope<sup>27</sup> and enforcement. Queensland enacted its legislation in the early 1900s to prevent cruelty to animals. In 2001, a new legislation, namely Animal Care and Protection Act ("ACPA"), was enacted to replace the old one enacted in 1925.<sup>28</sup> Apart from addressing "modern society's views on animal welfare", ACPA also tried to keep "pace with technology and community expectations" on animal control such as registration, microchipping and desexing of dogs and cats, and control over stray dogs and cats.<sup>29</sup> It also increased the powers of the enforcement agencies<sup>30</sup> in certain areas.

3.5 In **Singapore**, there were some 62 000 dogs and 51 500 cats during 2015-2016, and 270 licensed pet shops and 10 pet farms for animal breeding as at 2012. During 2007-2011, there were increasing complaints over animal welfare in Singapore<sup>31</sup>, mostly related to the pet industry which kept animals in poor living conditions and improper handling of animals by the workers. As such, the Animals and Birds Act ("ABA") was reviewed and amended in 2015 to replace the old one enacted in 1965.<sup>32</sup> Similar to the UK and Queensland, the new legislation in Singapore requires pet owners to provide reasonable care for animals. In particular, it lays down the minimum standards to regulate the pet industry and introduces a tiered penalty structure to enhance the deterrent effect.

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<sup>27</sup> It aims to address the growing demand in the community to treat animals humanely in all areas, ranging from agriculture, science, sports, recreation, entertainment, and animal companions.

<sup>28</sup> The Animals Protection Act ("1925 Act") was enacted for "prevention of cruelty to animals", followed by at least nine amendments between 1925 and 1991. After the national conference on urban animal management in 1992, the Queensland Parliament considered that the 1925 Act did not adequately reflect the expectations of society on animal welfare. As such, the Queensland government conducted a review on the legislation in 1993. As the government and the stakeholders could not reach a consensus ultimately, the reform failed. The review was re-launched afterwards and the new legislation was passed in 2001.

<sup>29</sup> See Queensland Parliamentary Library (2001).

<sup>30</sup> Clause 114 of ACPA stipulates that the local government may appoint public service officers or employees of the Royal Society for the Prevention of Cruelty to Animals (Queensland) as the law enforcement agencies.

<sup>31</sup> During 2007-2011, the number of cases handled by the Agri-Food & Veterinary Authority rose from 292 to 399 and the number of reports received by SPCA (Singapore) steadily increased from 870 to 1 027.

<sup>32</sup> The first piece of animal protection legislation, namely Animals and Birds Ordinance 1965, was introduced to deal with matters relating to animal health, quarantine procedures, and prevention and penalization of misconduct or cruelty to animals. In 1971, the Ordinance was renamed as the Animals and Birds Act. In 2012, Singaporean government set up the Animal Welfare Legislation Review Committee to review the relevant legislation and to advise the government on approaches to enhance stakeholders' collaboration on animal welfare. The review led to the amendments and passing of ABA 2015.

## 4. Common features of animal welfare legislation in selected places

4.1 The animal welfare legislation in the three selected places shares some common features, albeit with variations to address their local circumstances. The common features include:

- (a) **Modern animal welfare requirements:** The legislation in the three places expressly provides for a positive duty of care for the person in charge of an animal. Animal carers have to pay heed to the welfare needs of animals following the "Five Freedoms" principle laid down by the Farm Animal Welfare Council in 1965.<sup>33</sup> In short, animals should be (i) free from hunger and thirst; (ii) free from discomfort; (iii) free from pain, injury or disease; (iv) free from fear and distress; and (v) free to express normal behaviour. The legal provisions of the three places based on the "Five Freedoms" principle are set out in **Appendix II**.

In addition, under the legislation of the three places, the persons in charge of an animal are required to take necessary steps to protect the animal from unnecessary suffering, which is construed as "physical or mental suffering". This apart, codes of practice/standards have also been developed to set out the statutory requirements and best practice.<sup>34</sup>

- (b) **Regulation of animal breeding:** In the UK, the national legislation<sup>35</sup> only regulates dog breeding at present, but an extension of the regulation to cat breeding is currently being considered by the UK government. In Singapore, breeders of all animals (not limited to dogs and cats) are required to obtain a licence. In Queensland, the government introduced an amendment act in 2016 to require dog breeders to register with the government, regardless of the number of litter bred and

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<sup>33</sup> The Farm Animal Welfare Council of the UK developed the "Five Freedoms" in 1965, setting out important factors influencing the welfare of animals. See Farm Animal Welfare Council (2009).

<sup>34</sup> In the UK and Queensland, although breach of the provisions of the codes is not an offence itself, if proceedings are brought against a person in charge of an animal for an offence, the court will take into consideration whether the person has complied with the codes. As for Singapore, the codes of practice associated to the legislation set out both the legally binding minimum standards and best-practice recommendations in animal welfare.

<sup>35</sup> The Breeding and Sale of Dogs (Welfare) Act 1999 is the key legislation regulating dog breeding.

whether the puppies are for sale or not.<sup>36</sup> Cat breeders may be required to register with a government-appointed cat control body.<sup>37</sup>

Broadly speaking, the codes of practice and licensing conditions in the UK and Singapore set out detailed requirements relating to the breeding of animals and training of animal breeders. For example, dog breeders in the UK are required to receive professional training.<sup>38</sup> In Singapore and Queensland, animal breeders are required to be knowledgeable about breed standards and breed-specific genetic problems.<sup>39</sup>

- (c) **Regulation of selling animals:** In the three places, the sale of animals is regulated by legislation in conjunction with the relevant codes and licensing conditions. The code of practice has separate sections catering for sellers of different types of animal.<sup>40</sup>

In the UK and Singapore, staff of pet shops are required to receive adequate training leading to professional qualification. In the UK, pet shop staff are required to hold a qualification equivalent to Level 3 of the National Vocational Qualifications.<sup>41</sup> In Singapore, pet shop staff are required to attend compulsory structured training in pet welfare and animal management conducted by the government-recognized course providers such as Temasek Polytechnic.<sup>42</sup>

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<sup>36</sup> See Department of Agriculture and Fisheries (2016a).

<sup>37</sup> Registration of cat breeders is subject to the requirement of different local governments. According to the Queensland government, there are significantly fewer concerns regarding the number of kitten mills as compared to puppy mills. Mandatory cat breeder registration was therefore not part of the commitment of the Queensland government. See Department of Agriculture and Fisheries (2016b).

<sup>38</sup> Taking a National Vocational Qualifications ("NVQs") Level 2 Certificate in Work-based Animal Care (Animal Care and Welfare) as an example, it is a 158-hour training course covering such topics as maintaining animal care, implementation of basic animal training and animal grooming. Training courses at NVQs Level 2 is equivalent to grade C or above of the General Certificate of Secondary Education Examination (commonly known as GCSE Exam). See City & Guilds (2016a).

<sup>39</sup> See Agri-Food & Veterinary Authority of Singapore (2016).

<sup>40</sup> In the UK, the code sets out different requirements for sellers of dogs, cats, rabbits and guinea pigs, ferrets, birds, reptiles and amphibians, and fish in separate sections respectively in view of the special needs of these animals. In Hong Kong, there are only two codes of practice to address the needs of all animals. One is the Code of Practice for Animal Traders (Dogs) and the other is the Code of Standards for Licensed Animal Traders collectively for sellers of all other pets.

<sup>41</sup> Taking an NVQs Level 3 Diploma in Work-based Animal Care (Pet Care and Retail) as an example, it is a 351-hour training course. See City & Guilds (2016b).

<sup>42</sup> See Agri-Food & Veterinary Authority of Singapore (2017).



To raise standards of animal welfare and professionalism in the pet retail industry, Singapore introduced the Pet Shop Grading Scheme in 2007. Under the scheme, all pet shops are graded from A to D according to their compliance with the licensing conditions and their adoption of best practice. The grades of pet shops are also published on the website of the Agri-Food & Veterinary Authority ("AVA"). This apart, Singapore has also put in place measures to promote responsible pet ownership for pet buyers. Since 2014, pet shops have been required to conduct a pre-sale screening to help buyers make informed decisions, knowing the "true implications of pet ownership"<sup>43</sup> and avoiding impulse purchase. As such, both pet sellers and buyers are required to complete the Pet Purchase Declaration Form<sup>44</sup> and the sellers have to keep the forms for audit checks by AVA, as a condition to renew the licence of the pet shops.

- (d) **Prevention of abandonment of animals:** All the three places take animal abandonment as failure to meet the duty of care requirement stipulated in their respective legislation. In other words, if a person leaves his or her animal without taking reasonable steps to ensure that its needs are met, he or she has committed an offence of abandonment.<sup>45</sup>

In Queensland and Singapore, it is a mandatory requirement for pet shops and animal owners to microchip their dogs and cats.<sup>46</sup> Specifically in Queensland, a study conducted by the University of Queensland showed that microchipping is effective in preventing animal abandonment, with significantly higher reclaiming rates of microchipped stray dogs (80%) and cats (51%), contrasted against the corresponding figures of 37% and 5% for dogs and cats without microchip implanted.<sup>47</sup> Leveraged on the policy of compulsory microchip implantation, the Royal Society for the

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<sup>43</sup> See Animal Welfare Legislation Review Committee (2013).

<sup>44</sup> The Pet Purchase Declaration Form serves as a pre-sale screening checklist, which includes questions about the buyer's age, pet ownership history, familiarity with the needs and inherited traits of the pet and whether the new owner has the time and resources to care for it. Buyers are required to declare that the shops have provided them with detailed information on pet care, including food, exercise and health needs.

<sup>45</sup> See UK Parliament (2007), Queensland Government (2017), and section 41C(1)(b) of the Animals and Birds Act of Singapore.

<sup>46</sup> In the UK, it is a mandatory requirement to microchip dogs only.

<sup>47</sup> See University of Queensland (2015).

Prevention of Cruelty to Animals ("RSPCA") of Queensland has been actively promoting the concept that microchipped, desexed and vaccinated dogs and cats are healthy companion animals, resulting in more adoption of such pets in the local community.<sup>48</sup>

- (e) **Law enforcement:** In the UK and Queensland, the law enforcement agencies comprise the Police, relevant government departments and RSPCA whereas in Singapore, the law enforcement agencies comprise the Police and authorized officers from the government only.<sup>49</sup> In the three places, the enforcement agencies issue improvement notices to the persons in charge of animals to make necessary improvement if animal welfare needs are not met. The serving of improvement notices is underpinned by the respective animal welfare legislation of the three places. Prosecution may be undertaken when the person fails to remedy.

This aside, police officers in Queensland have the responsibility and power to inquire into animal welfare matters under the Police Powers and Responsibilities Act 2000. In Singapore, ABA sets out a tiered penalty structure to enhance deterrence.<sup>50</sup>

## 5. Observations

5.1 While the animal protection legislation in Hong Kong focuses on prevention of cruelty to animals, the three selected places have already switched to a more comprehensive approach to enhance animal welfare in their new legislation. Prior to the enactment of the new legislation, animal welfare law was largely reactive and actions could only be taken when an animal had suffered. With the new legislation, pet owners, pet breeders and dealers are required to actively observe positive duty of care of animals based on the "Five Freedoms" principle. It is considered that the new legislation is able to bring improvement to animal welfare.

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<sup>48</sup> Reflecting its success, the number of dogs and cats adopted increased by 14% and 58% respectively during 2011-2015, while the corresponding number of dogs and cats euthanized dropped significantly by 74% and 73% over the same period.

<sup>49</sup> Like the case in Hong Kong, SPCA (Singapore) does not have enforcement powers under ABA. Serious cases that warrant further action are referred to AVA or the police. See SPCA of Singapore (2016).

<sup>50</sup> Under the tiered penalty structure, first-time offenders could be fined up to S\$15,000 (HK\$83,000) and/or jailed up to 18 months, while subsequent offence could be fined up to S\$30,000 (HK\$166,000) and/or jailed up to three years.

5.2 In **the UK**, RSPCA handled 143 004 complaints in 2015, but most of them (99%) were related to duty of care instead of cruelty to animals. These cases were settled by serving improvement notices. During 2012-2015, the number of conviction cases involving cruelty decreased by more than half from 3 961 to 1 781. About 10% of the convicted persons were given an immediate custodial sentence for an average of 3.3 months.

5.3 The UK Parliament is currently reviewing AWA. A recent report by the Environment, Food and Rural Affairs Committee concluded that "the Animal Welfare Act 2006 has the potential to significantly improve levels of animal welfare".<sup>51</sup> Nonetheless, the Committee has identified gaps in the legislation. In response, the UK government promised to take follow-up actions, among other things, to (a) regulate online advertising and sale of animals, (b) regulate cat breeding, (c) review the magistrates' court sentencing guidelines, and (d) better use of the databases of animal abusers and enhance information sharing. The review is expected to be completed by end-2017, which may lead to legislative amendments.

5.4 In **Queensland**, the number of complaints about animal welfare handled by RSPCA increased from 10 704 to 18 499 cases over the 15-year period since the enactment of ACPA in 2001. However, the number of prosecution dropped from 87 to 20 cases over the same period.<sup>52</sup> Most mild cases have been settled by serving improvement notices. In this regard, many people consider that the improvement notices provide an effective tool to ensure compliance with the relevant laws and codes of practice.<sup>53</sup> Furthermore, the measures of mandatory microchipping dogs and cats, and the promotion of microchipped, desexed and vaccinated healthy dogs and cats were also effective in preventing animal abandonment and encouraging more adoption of such pets in the community.

5.5 In **Singapore**, as the new legislation on animal welfare has been in place for just two years, there is limited publicly available information on its effectiveness.

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<sup>51</sup> See UK Parliament (2016).

<sup>52</sup> See Griffith University (2017).

<sup>53</sup> See Australian National University (2007).

### Legislation on animal protection and management in Hong Kong

Ordinance	Main purpose of relevant provisions	Scope	Enactment	Latest amendment
1. Prevention of Cruelty to Animals Ordinance (Cap. 169)	<ul style="list-style-type: none"> <li>To provide for prohibition on and punishment for cruelty to animals.</li> </ul>	Animal protection	1935	2006 (about penalty)
2. Pounds Ordinance (Cap. 168)	<ul style="list-style-type: none"> <li>To provide for impounding and disposal of stray animals.</li> </ul>		1911	-
3. Dogs and Cats Ordinance (Cap. 167)	<ul style="list-style-type: none"> <li>To provide for the keeping, regulation, control and prohibition on slaughter of dogs and cats.</li> </ul>		1950	-
4. Road Traffic Ordinance (Cap. 374) <sup>(1)</sup>	<ul style="list-style-type: none"> <li>To set out the responsibility of drivers to stop the vehicle when knocking down an animal.</li> </ul>		1984 <sup>(1)</sup>	-
5. Rabies Ordinance (Cap. 421)	<ul style="list-style-type: none"> <li>To regulate the disposal of animals.</li> </ul>		1992	-
6. Public Health (Animals and Birds) Ordinance (Cap. 139)	<ul style="list-style-type: none"> <li>To set out the requirements for animal trades and animal breeders</li> </ul>	Animal trading and breeding	1936	2016 <sup>(2)</sup>
	<ul style="list-style-type: none"> <li>To provide for livestock keeping and slaughter for human consumption.</li> </ul>	Animals for human consumption		-
	<ul style="list-style-type: none"> <li>To provide for protection and safety of the public at places where wild animals and birds are exhibited.</li> </ul>	Wild animals		-
7. Animals (Control of Experiments) Ordinance (Cap. 340)	<ul style="list-style-type: none"> <li>To provide for the control of experiments on living vertebrate animals.</li> </ul>	Animals for experiments	1963	-
8. Wild Animals Protection Ordinance (Cap. 170)	<ul style="list-style-type: none"> <li>To provide for the conservation of wild animals</li> </ul>	Wild animals	1976	-
9. Marine Fish Culture Ordinance (Cap. 353)	<ul style="list-style-type: none"> <li>To regulate and protect marine fish culture.</li> </ul>	Marine and fish culture	1980	-
10. Veterinarian Surgeons Registration Ordinance (Cap. 529)	<ul style="list-style-type: none"> <li>To regulate the practice of veterinary surgery and registration of veterinary surgeons.</li> </ul>	Animal health	1997	2015

Notes: (1) The relevant provisions are set out in sections 56(1)(b)(ii) and 56(4) of the Road Traffic Ordinance (Cap. 374).

(2) The subsidiary legislation of the Public Health (Animals and Birds) Ordinance (Cap. 139), namely Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B), was amended and came into effect in March 2017.

### Five Freedoms and its application in the legislation of selected overseas places

Five Freedoms	United Kingdom	Queensland	Singapore
Relevant legislation and provisions	Section 9(2), Animal Welfare Act	Clause 17(3), Animal Care and Protection Act	Section 41C, Animals and Birds Act
1. Freedom from hunger and thirst 2. Freedom from discomfort <sup>(1)</sup> 3. Freedom from pain, injury or disease 4. Freedom from fear and distress 5. Freedom to express normal behaviour <sup>(2)</sup>	An animal's needs shall be taken to include— (a) its need for a suitable environment, (b) its need for a suitable diet, (c) its need to be able to exhibit normal behaviour patterns, (d) any need it has to be housed with, or apart from, other animals, and (e) its need to be protected from pain, suffering, injury and disease.	A person breaches the duty only if the person does not take reasonable steps to— (a) provide the animal's needs for the following in a way that is appropriate— (i) food and water; (ii) accommodation or living conditions for the animal; (iii) to display normal patterns of behaviour; (iv) the treatment of disease or injury; or (b) ensure any handling of the animal by the person, or caused by the person, is appropriate.	Every owner of an animal — (a) must take reasonable steps to ensure that — (i) the animal is provided with adequate and suitable food and water, taking into account its dietary needs; (ii) the animal is provided with adequate shelter; (iii) the animal is not kept in confinement, conveyed, lifted, carried or handled in a manner or position that subjects the animal to unreasonable or unnecessary pain or suffering; and (iv) the animal is protected from, and rapidly diagnosed of any significant injury or disease.

Notes: (1) Freedom from discomfort can be achieved by providing an appropriate environment including shelter and a comfortable resting area.

(2) Freedom to express normal behaviour can be achieved by providing sufficient space, proper facilities and company of the animal's own kind.

## Key features of legislation on animal protection and welfare in Hong Kong and selected places

		Hong Kong	United Kingdom	Queensland	Singapore
Key legislation		Prevention of Cruelty to Animals Ordinance	Animal Welfare Act	Animal Care and Protection Act	Animals and Birds Act
Year of enactment		1935	2006	2001	2016
Legislative principle		Prevention of: (a) cruelty to animals; and (b) unnecessary physical suffering to animals.	(a) Imposing positive duty of care on persons in charge of animals; and (b) prevention of unnecessary physical and mental suffering to animals.		
Regulation of animal breeding	Scope	<ul style="list-style-type: none"> <li>• Dog breeding.</li> </ul>	<ul style="list-style-type: none"> <li>• Dog breeding.<sup>(1)</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Dog and cat breeding.</li> </ul>	<ul style="list-style-type: none"> <li>• Breeding of all animals.</li> </ul>
	Requirement of breeding premises	<ul style="list-style-type: none"> <li>• Basic conditions.<sup>(2)</sup></li> <li>• Whelping facilities: <ul style="list-style-type: none"> <li>■ Whelping area separate from other dogs.</li> <li>■ Clean bedding, to be changed daily.</li> <li>■ Appropriate temperature.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Basic conditions.<sup>(2)</sup></li> <li>• Whelping facilities: <ul style="list-style-type: none"> <li>■ Separate whelping room for each bitch.</li> <li>■ Whelping bed with sufficient bedding, and higher sides to prevent puppies from falling out.</li> <li>■ Increase social contact with humans when the bitch is separated.</li> <li>■ With natural daylight.</li> <li>■ Appropriate temperature.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Basic conditions only.<sup>(2)</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Basic conditions.<sup>(2)</sup></li> <li>• Whelping facilities: <ul style="list-style-type: none"> <li>■ Keeping pregnant animals individually.</li> <li>■ Sufficient size to keep the fully stretched-out mother comfortably.</li> <li>■ Beds with higher sides to confine the offspring but allow the mother to step out, have time-out from the offspring, exercise or relieve herself.</li> <li>■ Warm environment.</li> </ul> </li> </ul>

Notes: (1) Regulation of cat breeding is being considered by the UK government.

(2) In Hong Kong and the three selected places, "basic conditions" refer to the requirements of environment and condition of premises (e.g. drainage, lighting, ventilation, temperature, humidity and cleanliness), care of animals and breeding management (i.e. arrangement for animal mating, birthing, and breeding age and frequency).

## Key features of legislation on animal protection and welfare in Hong Kong and selected places

		Hong Kong	United Kingdom	Queensland	Singapore
Regulation of animal breeding (cont'd)	Training requirements for animal breeders	<ul style="list-style-type: none"> <li>24 hours of training.</li> </ul>	<ul style="list-style-type: none"> <li>Training courses at Level 2 of NVQs<sup>(3)</sup></li> </ul>	<ul style="list-style-type: none"> <li>Not expressly provided for, but the animal breeders are required to be knowledgeable about breed standards<sup>(4)</sup> and breed-specific genetic problems.</li> </ul>	<ul style="list-style-type: none"> <li>Not expressly provided for, but the animal breeders are required to be knowledgeable about breed standards<sup>(4)</sup> and breed-specific genetic problems.</li> </ul>
Regulation of selling animals	Scope of codes of practice	<ul style="list-style-type: none"> <li>Codes of practice for sale of (a) dogs; and (b) other animals.</li> </ul>	<ul style="list-style-type: none"> <li>Code of practice providing different sections for sellers of dogs, cats, rabbits and guinea pigs, ferrets, birds, reptiles and amphibians, and fish respectively.</li> </ul>	<ul style="list-style-type: none"> <li>Code of practice providing different sections for sellers of dogs, cats, birds, rats, mice, guinea pigs, reptiles and amphibians, and fish respectively.</li> </ul>	<ul style="list-style-type: none"> <li>Code of practice providing different sections for sellers of dogs, cats, small mammals (chinchillas, rabbits, guinea pigs, hamsters, and gerbils), and birds respectively.</li> </ul>
	Training requirements for pet shop staff	<ul style="list-style-type: none"> <li>12 to 18 hours of training.</li> </ul>	<ul style="list-style-type: none"> <li>Training courses at Level 3 of NVQs<sup>(5)</sup></li> </ul>	<ul style="list-style-type: none"> <li>Formal training in a technical college.</li> </ul>	<ul style="list-style-type: none"> <li>Compulsory structured training conducted by government-recognized training providers such as Temasek Polytechnic.</li> </ul>
	Other special features	--	--	--	<ul style="list-style-type: none"> <li>Pet Shop Grading Scheme.</li> <li>Pre-sale screening for buyers.</li> </ul>

Notes: (3) In the UK, Level 2 of the National Vocational Qualifications ("NVQs") is equivalent to grade C or above of the General Certificate of Secondary Education Examination (commonly known as "GCSE Exam").

(4) Breed standards mean the desired characteristics of the breed, such as size, proportion, coat, colour, and temperament.

(5) In the UK, Level 3 of NVQs is equivalent to "pass" in the Advanced Level of the General Certificate of Education Examination (commonly known as "A Level of GCE Exam").

### Key features of legislation on animal protection and welfare in Hong Kong and selected places

		Hong Kong	United Kingdom	Queensland	Singapore
Application of compulsory microchipping		<ul style="list-style-type: none"> <li>Dogs only.</li> </ul>	<ul style="list-style-type: none"> <li>Dogs only.</li> </ul>	<ul style="list-style-type: none"> <li>Dogs and cats.</li> </ul>	<ul style="list-style-type: none"> <li>Dogs and cats.</li> </ul>
Law enforcement	Enforcement agencies	<ul style="list-style-type: none"> <li>Police officers.</li> <li>AFCD officers.</li> </ul>	<ul style="list-style-type: none"> <li>Police officers.</li> <li>Officers from relevant government department.</li> <li>RSPCA officers.</li> </ul>	<ul style="list-style-type: none"> <li>Police officers.<sup>(6)</sup></li> <li>Officers from relevant government department.</li> <li>RSPCA officers.</li> </ul>	<ul style="list-style-type: none"> <li>Police officers.</li> <li>Authorized officers from the government.</li> </ul>
	Statutory enforcement measures	<ul style="list-style-type: none"> <li>Investigation.</li> <li>Prosecution.</li> </ul>	<ul style="list-style-type: none"> <li>Investigation.</li> <li>Prosecution.</li> <li>Serving improvement notices.</li> </ul>	<ul style="list-style-type: none"> <li>Investigation.</li> <li>Prosecution.</li> <li>Serving improvement notices.</li> </ul>	<ul style="list-style-type: none"> <li>Investigation.</li> <li>Prosecution.</li> <li>Serving improvement notices.</li> </ul>
	Measures to enhance deterrent effect	<ul style="list-style-type: none"> <li>Increasing penalty.</li> </ul>	<ul style="list-style-type: none"> <li>Increasing penalty.</li> </ul>	<ul style="list-style-type: none"> <li>Increasing penalty.</li> </ul>	<ul style="list-style-type: none"> <li>Increasing penalty.</li> <li>Introducing a tiered penalty structure.</li> </ul>

Note: (6) Police officers in Queensland have the responsibility and power to inquire into animal welfare matters under the Police Powers and Responsibilities Act 2000.



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Prepared by YU Chun-ho  
Research Office  
Information Services Division  
Legislative Council Secretariat  
27 March 2017  
Tel: 2871 2142

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