

**For discussion  
14 June 2011**

**LegCo Panel on Food Safety and Environmental Hygiene**

**Proposed Measures to Further Enhance  
Animal Welfare and Management**

**PURPOSE**

This paper outlines the Administration's policy on animal welfare and management and sets out proposed measures to further enhance our work in this area.

**POLICY ON ANIMAL MANAGEMENT**

2. The Administration attaches great importance to animal welfare and management. Our policy objective is to ensure that animals and people co-exist in a harmonious way in Hong Kong. In achieving this, we need to strike a balance between the well-being of people in Hong Kong on the one hand and the welfare of animals on the other. Over the years, we have been promoting animal welfare in line with the changing values and expectations of the community. In keeping with increasing public awareness towards animal welfare, we have also been reviewing our measures and practices on this front and exploring new approaches to further enhance animal welfare.

3. The Agriculture, Fisheries and Conservation Department (AFCD) is responsible for, amongst other things, the regulation of animal trading and related businesses (such as animal boarding and animal exhibitions), management of pet and stray animals, prevention of animal cruelty and promotion of animal welfare. In carrying out its duties, AFCD has to ensure that public health and safety are safeguarded at all times and that our animal management policy aligns with the international trend.

## **Animal Welfare Advisory Group**

4. We are keenly aware that measures to safeguard and promote animal welfare have to be kept abreast of the times. In this regard, the Animal Welfare Advisory Group (AWAG) was established in 1996 to advise the Government on animal welfare and related matters. The ambit of AWAG and its committees covers the review of animal legislation, regulation and control of the pet trade, education and publicity programmes, etc. Its current membership comprises representatives from a wide spectrum of fields covering veterinary science, animal welfare and management, the pet trade as well as other professionals.

5. Animal welfare and management has always been high on the agenda of the AWAG. The AWAG has assisted in the production of the Code of Practice on the Care and Use of Animals for Experimental Purposes as well as a booklet on responsible pet ownership.

## **Multi-pronged approach**

6. The Administration adopts a multi-pronged approach towards animal welfare and management as follows –

- (A) Proper control of pet trade
- (B) Proper management of stray animals
- (C) Proactive prevention of cruelty to animals
- (D) Fostering close partnership with animal welfare organisations (AWOs)

### **(A) Proper control of pet trade**

7. According to the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B), all animal traders, including those engaged in breeding of pet animals for trading purpose, must obtain an animal trader licence (ATL) issued by the AFCD and comply strictly with the statutory requirements concerning accommodation, living conditions,

provision of food and water, pest control, etc. for their animals as stipulated in the Regulations as well as the relevant licensing conditions. Any trader breaching these requirements is liable to prosecution without the need to prove that an act of cruelty has already been committed. Over the past two years, AFCD has conducted over 11,000 inspections to animal trading premises and successfully prosecuted over 25 cases as a result.

8. To ensure effective control of the pet trade, we put the licensing conditions of pet shops under constant review and update them as necessary. For instance, to prevent avian influenza, we amended the licensing conditions for pet bird traders in 2007 to prohibit selling of sick birds and to require that all birds have to come from approved sources. As recently as in February 2010, we imposed additional licensing conditions requiring that all dogs sold in pet shops must come from legitimate sources in order to tighten up control over the sources of dogs on sale, which will in turn protect the welfare of animals. Under the additional licensing conditions, imported dogs sold in pet shops must now have valid import permits issued by AFCD. For dogs sourced from private pet owners, documentation must show the valid licence of the dam, the microchip number and a declaration from the pet owner. These documents must be kept on the premises for a minimum of one year. AFCD has established a dedicated special task force to follow up on the verification of the requisite documents. Since the additional conditions have come into effect, AFCD has kept a close watch on the implementation by regularly (on average once a month) inspecting the licensed pet shops. In mid-March 2011, with the trail of the information kept in a pet shop, AFCD discovered an illegal dog breeding facility with over 90 dogs. AFCD is conducting a review to determine if the additional licensing conditions need to be amended and whether similar conditions should be extended to other pet animals in light of the prevailing situation and actual needs. The review is tentatively scheduled for completion by the end of 2011.

9. AFCD will continue its strengthened efforts in the inspection of licensed pet shops to ensure their compliance with the additional licensing conditions. Enforcement actions will be taken against illegal animal trading activities or breach of licensing conditions. In view of the growing trend of pet ownership in Hong Kong, we are also considering enhancing regulation on the pet trade, including –

- (a) increasing the penalty for illegal trading and breaching of licensing conditions by amending Cap. 139B to enhance the deterrent effect;
- (b) making any offences related to cruelty to an animal or bird committed by an ATL holder subject to revocation of his or her licence. This would send a clear message to the trade and the public that acts of cruelty to animals carried out by animal traders are unacceptable and such persons should not be allowed to continue with animal trading; and
- (c) devising and issuing Codes of Practice (CoPs) for pet businesses such as trading, breeding, boarding, etc. to ensure that such businesses are conducted in line with the latest animal welfare standards with emphasis on the concept of duty of care.

We will consult the trade later this year on these various initiatives.

10. At the meeting of this Panel on 13 May 2008, Members requested some further information on the applications for ATL. Our response is set out at **Annex A**.

**(B) Proper management of stray animals**

11. While the Government always strives to safeguard animal welfare, we are mindful of the fact that animals, especially stray ones, can be a major source of nuisance to members of the public. We receive over 20 000 complaints each year about nuisances brought about by pet or stray animals. These include noise nuisance, environmental hygiene problems as well as complaints about public health and safety. Dog-biting incidents and attacks by stray cattle also occur from time to time. AFCD is duty-bound to take prompt action to minimise such nuisances and potential danger to the public.

12. Another risk concerns diseases that may be spread by animals to humans, some of which may even lead to fatalities. One obvious example of such diseases is rabies, which is the only acute communicable disease with a 100% mortality rate in humans. To address the potential risk of rabies, the Government has developed an effective monitoring and control system which has been successful in keeping Hong Kong free of rabies cases

for the past two decades, despite the fact that rabies is still commonly found in the Mainland and many other places in the region. It is incumbent upon the Government to remain vigilant and implement a robust animal management regime to safeguard public health from both zoonotic and other animal diseases.

13. To address the problem of stray animal nuisance, AFCD adopts a catch and removal approach aimed at reducing the nuisance at source and controlling the population of stray animals. Under this approach, when there are complaints against stray animals, in most cases cats and dogs, AFCD will try to locate and catch them. When caught, these animals will be put in the Animal Management Centres (AMCs) for observation. Since owned dogs are licensed and therefore implanted with a microchip, AFCD will search for the owner's contact details and approach the owners to enable them to reclaim their animals. Those healthy, unowned or unclaimed animals will be arranged for rehoming if their temperament is considered suitable. Those which are sick, temperamentally unsuitable for rehoming or could not be rehomed will be euthanised. This is a practice commonly used in many other places and is internationally accepted as a necessary and humane way to deal with stray animals. This approach has been proved effective in controlling the stray dog population. Over the past three years, the total number of dogs and cats caught has decreased by 20% and the total number of dogs and cats euthanised by AFCD has dropped by 26%. Detailed statistics of dogs and cats euthanised by AFCD and the Society for Protection of Cruelty to Animals (SPCA) in the past three years as well as the number of dogs and cats micro-chipped are at **Annex B**.

14. To complement the catch and removal approach, we are continuously exploring ways to better manage stray animals. We believe that the most effective way is to tackle the problem at source, which is to minimise abandonment of animals by irresponsible owners. In this connection, we will step up our efforts in taking enforcement action against illegal keeping of dogs and abandonment and improper control of dogs and cats. Besides, we will continue to explore suitable means, such as applying differential dog licence fees for neutered and non-neutered animals with a view to promoting neutering of pets, which would in turn help reduce the stray dog population in the long run.

### *Strengthening education and publicity*

15. An important part of our work to manage stray animals is public education. In May 2010, AFCD established a dedicated education team to devise and implement an enhanced education and publicity programme to promote responsible pet ownership, advise against the abandonment and the needless surrendering of pets and champion the need for dog licensing and rabies vaccination as well as benefits of neutering. The activities include APIs on TV and radio, advertisement on public transportation, magazines and website, promotional events in shopping arcades, school talks and annual surveys on pet care, etc. Besides, in close collaboration with AWAG and in consultation with AWOs, we will devise and issue CoPs for the proper keeping of different species of pets. Such CoPs are aimed to provide guidance to pet owners and people who intend to keep pets on the specific needs of the animals concerned and the appropriate welfare standards to be adhered to.

### *Enhancing re-homing of animals and reducing euthanasia*

16. Currently, AFCD co-operates with 12 AWOs (partner organisations) in providing animal re-homing service, covering dogs, cats, rabbits, birds and reptiles. In an attempt to reduce the number of animals to be euthanised, AFCD has recently strengthened collaboration with and support to its partner organisations in re-homing of animals, including inviting more AWOs to partner with AFCD and providing free de-sexing services for animals re-homed through the partner organisations. Furthermore, we will also explore the provision of direct adoption service at AMCs. Since the re-homing service was enhanced in October 2010, the number of animals re-homed by AFCD through its partner organisations has increased by some 25% as compared with the same period in 2009-10. We will continue our efforts in this regard to further increase the number of animals to be re-homed.

17. In addition, we will explore the option of gradually scaling down with a view to ceasing the service for the AMCs of AFCD to take on animals surrendered by pet owners. We will couple this with the introduction of counselling services to encourage those pet owners who wish to give up their pets to continue keeping them or seek help from AWOs for their

rehoming. We have also enhanced the provision of technical advice and assistance to housing estates which plan to prohibit keeping of pet animals. For example, we will advise the management body of the housing estate concerned to allow sufficient time for the pet owners to properly dispose of their pets, such as through rehoming and approaching AWOs for assistance if necessary. This will help avoid large number of animals being abandoned or surrendered to AFCD. In so doing, we hope to continue to reduce the number of animals to be euthanised.

#### *“Trap-Neuter-Release” Pilot Scheme for stray dogs*

18. In the past few years, the concept of “Trap-Neuter-Return” (TNR) has been widely promoted by AWOs as an alternative to the catch and removal strategy. TNR aims to control the population of stray animals through neutering them before returning them to their habitats to continue their lives until they die of natural causes. Over the years, AWOs have advocated strongly for TNR to be adopted in Hong Kong for stray dogs. They reckon that this would be a viable way to control stray dog population while safeguarding animal welfare. Whilst there are few examples worldwide that have scientifically and categorically pointed to the success of TNR for dogs, we are prepared to allow some AWOs to conduct a pilot scheme to assess its effectiveness in controlling the stray dog population in selected areas in Hong Kong. We will assist the relevant AWOs in devising the details of the pilot scheme, and providing technical help and support to them in implementing, monitoring and evaluating the outcome of the trial scheme. To this end, we have been actively discussing with the SPCA and the Society for Abandoned Animals in the past few months on the operation protocol for the trial scheme and identifying suitable sites. Relevant District Councils will be consulted in due course. Details of the proposed trial scheme are at [Annex C](#).

#### *Management of stray cattle*

19. There are currently around 1 000 stray cattle in Hong Kong. The main nuisances associated with stray cattle are their excrement and disturbance to traffic when they stray onto public roads. Recently the number of public complaints and the number of road incidents have increased. Often these cattle get trapped in water catchment areas or are

injured by man-made objects. Currently, upon acting on a complaint, if no owner can be identified, AFCD will capture the cattle and arrange it to be sold to a farmer, or rehomed to a suitable farm or slaughtered if the animal is suitable to enter the food chain. Diseased or injured cattle will be euthanised.

20. AFCD intends to put in place a long-term strategy to properly manage the stray cattle population in addition to the existing catch and removal strategy. In devising such a strategy, we will bear in mind the fact that public views on this issue are divided. There are members of the community who consider the cattle as a nuisance and demand AFCD to catch and remove them regularly. However, there is an equally vocal group who object to the capture and disposal of the cattle and request AFCD to resort to other population control measures.

21. In late 2010, AFCD introduced a neutering programme for stray cattle on Lantau Island. Hitherto, 20 cattle have been neutered. It is our intention to extend this programme to other parts of the territory. Subject to resources being available, we plan to establish a new team to perform cattle neutering and to respond to cattle-related complaints in a more timely manner. Moreover, we will be commissioning a consultant later this year to conduct a territory-wide population survey of stray cattle.

22. We will be exercising a balanced approach in our stray cattle management and see to the cattle's welfare during the process.

**(C) Proactive prevention of cruelty to animals**

23. In Hong Kong, the concept and practice of the protection of animals is mainly enshrined in the Prevention of Cruelty to Animals Ordinance (the Ordinance), Cap. 169. As a centrepiece legislation for the protection of animals, it not only safeguards animals against active acts of cruelty, but also imposes a duty of care requirement on the animal owners or keepers. Under the Ordinance, cruelty to animals includes cruelly beating, kicking, ill-treating, torturing, infuriating, or terrifying any animal to cause unnecessary suffering to it. Cruelty to animals also covers the improper carriage of animals and putting animals in captivity, and so on. In addition,

anyone who fails to supply animals with sufficient food and fresh water or causes unnecessary suffering to an animal commits an offence. The current legislation empowers authorised officers to enter any premises or vehicle to inspect any animal and to seize it if cruelty is suspected. The Regulations enacted under the Ordinance also set out the basic requirements for keeping animals in confinement or during transport. Contravention of such requirements may constitute an offence notwithstanding that the animal has yet to be harmed.

24. The existing legislation protects animals against cruelty and unnecessary suffering. In 2006, the penalty for animal abuse under the Ordinance was increased substantially to a maximum fine of \$200,000 and three years' imprisonment. In the past three years, there have been 37 successful prosecution cases under the Prevention of Cruelty to Animals Ordinance.

25. Notwithstanding the above, we will review the Ordinance from time to time to ensure the legislative framework meets with the public expectation. In particular, we are considering –

- (a) measures to better prevent and combat acts of animal cruelty, including introducing new/enhanced provisions to (i) empower a Senior Veterinary Officer to give directions for the purposes of safeguarding animal welfare or preventing occurrence of acts of animal cruelty; and (ii) empower a Magistrate to order the early forfeiture of an animal or disqualify a person who has been found guilty of an offence related to animal abuse from keeping animals for a specified period of time; and
- (b) making the various CoPs concerning the keeping of animals statutory under the Ordinance. Currently the relevant CoPs are for general reference and failure to observe the CoPs does not in itself constitute an offence. Making the CoPs statutory would mean that any breach of a condition in a CoP would become an offence.

26. To further improve the handling of animal cruelty reports or complaints, AFCD has recently established an Animal Welfare Task Group involving the SPCA as well as other government departments, including the

Police and the Food and Environmental Hygiene Department, to enable better inter-departmental support for animal cruelty cases. The Task Group will meet regularly to review the handling of cruelty cases, devise guidelines for each department to improve efficiency and ensure that the welfare of animals involved in these cases is well protected. The Task Group will also analyse the penalty levels imposed by the courts for convicted cases, and make recommendations to the Department of Justice as necessary in cases where the penalty meted out by the court is considered too low.

**(D) Fostering close partnership with AWOs**

27. Animal welfare policy must resonate with common values shared by the community. To achieve synergy, we require the support of the community, including the AWOs. We will solicit more cooperation with AWOs through expanding the membership of AWAG and co-opting more representatives of AWOs to the various working groups under AWAG. In addition, we will be engaging more AWOs in the education and publicity as well as other animal management and welfare activities, such as rehoming services. Recognising that most of AWOs are non-profit making with limited resources, we will be providing appropriate financial assistance to AWOs in organising such activities through Government subvention or assisting them to apply for funds under the Sir Robert Ho Tung Fund. In this regard, AFCD has additionally set aside \$1 million for application by AWOs in 2011-12. Interested AWOs may submit their applications together with details of their animal welfare initiatives and associated performance indicators as well as the estimated budget to AFCD for consideration. To monitor the progress and results of the funded projects and safeguard the proper use of public money, AFCD will require successful applicants to submit regular progress reports on the approved projects and audited accounts upon completion of the projects for scrutiny.

**ADVICE SOUGHT**

28. Members are requested to note and advise on the contents of this paper.

**Food and Health Bureau  
Agriculture, Fisheries and Conservation Department  
June 2011**

**Further Information Regarding the Applications  
for Animal Traders Licence**

At the meeting of the Legislative Council Panel on Food Safety and Environmental Hygiene held on 13 May 2008, Members requested the Administration to provide further information regarding (i) the processing time of the applications for Animal Traders Licence (ATL); (ii) whether it was legally in order to set up a pet breeding farm in farmland and whether a special waiver to the existing pet breeding farms located in farmland would be considered; and (iii) the feasibility of providing a performance pledge and a “one-stop” service for approving ATL applications.

2. At present, the Animal Management Centres under Agriculture, Fisheries and Conservation Department (AFCD) already provides a “one-stop” service for ATL applications. The actual processing time of an ATL application depends on the time it takes for the applicant to submit the necessary documents and fulfil the relevant licensing requirements, such as the specific requirements in relation to size and materials for animal enclosures as well as provision of suitable ventilation and lighting for animals. During the processing, AFCD staff will need to liaise with the applicant on the requirements and inspect the premises, and this process may repeat a few times until all the requirements are met. As each trading premise is unique and applications always require thorough discussion and substantial assistance from our staff, it will be difficult to specify a targeted processing time for an ATL application. Generally speaking, an ATL can be issued within three days when all the requisite requirements are met.

3. There is no licensing requirement for pet breeding activities but an ATL is required for any subsequent commercial activities. The ATL will specify conditions that, among others, safeguard the welfare of the animals concerned as mentioned in paragraph 2 above. To streamline the application process as far as possible and avoid delays in conducting business, AFCD will issue an ATL once our requirements have been met. However, the applicant has a duty to ensure that all the relevant statutory

regulations and requirements, including those related to planning and land lease, should be met.

**Numbers of animals euthanised by AFCD**

<b>Year</b>	<b>Animals euthanised by AFCD</b>	
	<b>Dog</b>	<b>Cat</b>
2008	10,240	3,923
2009	9,085	3,497
2010	7,420	3,047

**Numbers of animals euthanised by SPCA**

<b>Year</b>	<b>Animals euthanised by SPCA</b>	
	<b>Dog</b>	<b>Cat</b>
2007-08	989	2,799
2008-09	1,155	2,838
2009-10	1,314	2,725

**Numbers of dogs microchipped**

(i.e. numbers of dog licence issued)

<b>Year</b>	<b>Numbers of dog licence issued</b>		
	<b>New</b>	<b>Renewed</b>	<b>Total</b>
2008	27,331	26,453	53,784
2009	23,311	38,577	61,888
2010	23,172	36,131	59,303

Note: There is currently no licensing /  
microchipping requirement for cats.

## **“Trap-Neuter-Release” Pilot Scheme for Stray Dogs**

This annex sets out the latest proposals of the “Trap-Neuter-Release” (TNR) pilot scheme for stray dogs.

### **Objectives**

2. The TNR programme aims to reduce gradually the population of stray dogs through reducing the number of reproductive dogs. As there is currently no conclusive evidence demonstrating the effectiveness of a TNR programme, a pilot scheme will be implemented in selected districts in Hong Kong with a view to collecting relevant empirical evidence. The pilot scheme will assess the outcome in terms of the size of the stray population in each selected area as well as nuisances caused to the public.

### **Implementation**

3. The pilot scheme will be run by animal welfare organisations (AWOs) which agree to follow a pre-designed and agreed protocol. A broad framework is as set out in ensuing paragraphs.

4. The AWO will assume the role of Programme Coordinator (PC). The Agriculture, Fisheries and Conservation Department (AFCD) will provide technical help and support as necessary. The pilot scheme will be conducted over a three-year period during which the PC will be required to submit annual progress reports to AFCD.

5. Under the pilot scheme, an area will be first selected for operation of TNR. The choice of the selected area will be subject to the endorsement of the relevant District Council. The PC will designate volunteer Carer(s) who will be tasked to catch dogs within the selected area and take care of the dogs subsequently selected to join the pilot scheme (subject dogs).

6. The Carer(s) will actively catch dogs in the selected area and arrange for the dogs caught by them to be transported safely and directly to the holding facilities of the PC for assessment and, where appropriate, treatment. Veterinary examination and temperament assessment will be performed by a registered veterinary surgeon of the PC during the holding period. Aggressive dogs and dogs with serious health problems will be euthanised. If a dog is found with a microchip or is suspected to have an owner, it will be held in the holding facilities of the PC until ownership status is verified. Any dogs found to be owned will be returned to their owners.

7. Dogs selected to join the pilot scheme will first be treated for parasites. Thereafter, they will be neutered, microchipped and vaccinated for rabies and other common canine diseases.

8. After examination, vaccination and neutering, the PC can decide which of the dogs are to join the pilot scheme and which are to be rehomed. The Carer(s) will monitor the dogs after release. Apart from their day-to-day duty to feed and care for the subject dogs, the Carer(s) will also be required to ensure that the environmental hygiene of the location is satisfactorily maintained. Prior training will be provided to the Carer(s) by the PC with AFCD-endorsed training material.

9. Although aggressive dogs will not be returned to public places under the pilot scheme, incidents involving subject dogs may still occur. Common incidents include dog bites and traffic accidents, which may cause injuries to members of the public. In this connection, as the PC of the TNR pilot scheme, the AWO concerned will be required to obtain adequate third-party insurance coverage.

### **Assessment and Monitoring**

10. To ensure an independent assessment of the outcome of the pilot scheme to be carried out, a research institution will be commissioned to conduct a baseline population survey in collaboration with the PC before the commencement of the scheme. All stray dogs and their offspring found in the selected area during the study period will be identified as far as possible.

11. AFCD will, along with the research institution, monitor all the field work conducted and records collected by the PC in the selected area during the three-year trial period.

12. The research institution will analyse and submit regular reports on the data concerning the change in the number, distribution and ecology of stray dogs as well as the number of complaints received in the selected area during the study period and the correlation among them. A mid-term review of the effectiveness of the pilot scheme will also be conducted. Upon completion of the pilot scheme, the research institution will submit a final report with assessments on its effectiveness.

13. During the trial period, AFCD will continue to handle public complaints relating to the subject dogs and other dogs in the study area under the existing operating procedures. However, subject dogs caught during the pilot scheme in response to complaints will be returned to the PC. Dogs not yet included in the pilot scheme will be processed according to the procedures stated in paragraphs 6 – 8 above. In order to safeguard animal welfare as well as public health and safety, the pilot scheme will be suspended if any of the following conditions arise:

- (i) Emergence of public health risks (e.g. outbreaks of rabies or other serious zoonotic diseases).
- (ii) Significant increase in the number of complaints concerning animal nuisance or animal welfare in respect of the pilot scheme.
- (iii) Serious accident(s) caused by one or more subject dogs of the pilot scheme which leads to public outcry.
- (iii) Serious procedural irregularities or non-compliance with the agreed protocol.