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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 14 January 2014**

Trap-Neuter-Release trial programme and handling of animal cruelty cases

Purpose

This paper highlights the views and concerns of Legislative Council ("LegCo") Members on the "Trap-Neuter-Release" ("TNR") trial programme for stray dogs and the handling of animal cruelty cases.

Background

2. According to the Administration, it adopts a multi-pronged approach towards animal welfare and management, including proper control of pet trade, proper management of stray animals, proactive prevention of cruelty to animals and fostering close partnership with animal welfare organizations ("AWOs"). 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.

TNR trial programme for stray dogs

3. Under AFCD's stray dogs management programme, AFCD will catch stray dogs in response to complaints of noise and environmental hygiene nuisances, potential danger to members of the public and dog biting incidents.

The captured stray dogs will be put in the Animal Management Centres for observation. Since owned dogs are licensed and implanted with a microchip, AFCD will search for 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 euthanized. According to the information provided by the Administration, the stray animals, including stray dogs, were kept by AFCD for 8.1 days on average in 2012 before they were reclaimed by their owners, re-homed or euthanized.

4. The Panel on Food Safety and Environmental Hygiene ("the Panel") was advised by the Administration at its meeting on 14 June 2011 that AWOs had widely promoted the concept of TNR as an alternative to the catch and removal strategy in the past few years. TNR aimed to control the population of stray animals through neutering them before returning them to their habitats to continue their lives until they died of natural causes.

5. On 8 May 2012, the Panel was advised that AFCD had agreed to assist two AWOs to carry out a TNR trial programme for stray dogs in selected areas to assess its effectiveness in reducing the stray dog population and its associated nuisance. Three areas in Ha Pak Nai in Yuen Long, Lo So Shing in Lamma Island and Ho Chung in Sai Kung were proposed as the trial zones. The AWOs concerned would manage the trial programme and AFCD would take up the monitoring role and provide technical support when necessary. For the implementation details of the proposed trial programme, please refer to LC Paper No. CB(2)1870/11-12(05).

Handling of the animal cruelty cases

6. On the prevention of animal cruelty, the concept and practice of the protection of animals is mainly enshrined in the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO"). Under PCAO, 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. In 2006, the penalty for animal abuse under PCAO was increased to a maximum fine of \$200,000 and three years' imprisonment. The number of prosecutions instituted under PCAO, the number of convicted cases and the penalties imposed on the persons convicted between 2010 and 2012 are set out in **Appendix I**.

7. According to the Administration, a number of government departments and organizations are presently involved in handling animal cruelty cases. AFCD, in conjunction with the Hong Kong Police Force ("the Police"), the Food

and Environmental Hygiene Department and the Society for the Prevention of Cruelty to Animals (Hong Kong), set up a working group in 2011 to examine the work on handling such cases. The Police introduced the Animal Watch Scheme in 2011 to step up co-operation among stakeholders for joint efforts to combat crimes of cruelty to animals through a four-pronged approach covering education, publicity, intelligence gathering and investigation.

Members' concerns

8. Issues relating to the TNR pilot programme for stray dogs were discussed at the Panel meetings on 14 June 2011 and 8 May 2012. Questions relating to the handling of the animal cruelty case were raised at various Council meetings in the past three years. Members' major concerns are summarized in the ensuing paragraphs.

TNR trial programme

9. Members in general supported the TNR trial programme for stray dogs. They noted that the evaluation of the effectiveness of the trial programme would be carried out with reference to a host of targets, including (a) catching at least 80% of stray dogs in the trial zone during the first six months of the trial programme; (b) achieving an average 10% annual decrease in the population of stray dogs in the trial zone; and (c) at least matching with the territory-wide trend in complaint figures during the trial period.

10. As explained by the Administration, the target of achieving an average 10% annual decrease in the population of stray dogs in the trial zone had taken into account the birth rate and the death rate of stray dogs. Stray dogs caught by the programme coordinators (i.e. the participating AWOs) and selected to be kept in the trial programme would be neutered, microchipped and given anti-rabies vaccination before they were released back to the trial zone. The programme coordinators would closely monitor whether there were new dogs entering the trial zone. The new dogs would undergo the same treatment as those already in the trial zone at the beginning of the trial programme. For the dogs that were abandoned in the trial zone by their owners, they could be traced back to their owners with their microchips.

11. There was suggestion that the Administration should maintain its flexibility and transparency in the operation of the trial programme and invite more AWOs to take part in it. Concern was also raised about whether sufficient assistance would be provided to the voluntary carers, for example, how to avoid dog bites.

12. The Administration assured Members that it would pay attention to the issue of transparency when operating the trial programme. If the trial programme was found successful, other partner organizations might be invited to join the operation in future. The voluntary carers would be provided with proper training on animal behaviour by the programme coordinators before they joined the trial programme.

Handling of animal cruelty cases

13. In response to some Members' enquiries about the suggestion of setting up of "animal police" teams to handle animal cruelty cases, the Administration advised that all cases of cruelty to animals were currently investigated by crime investigation teams of the Police. Members of the teams were professionally trained in crime investigation and equipped to handle such cases effectively. The crime investigation teams in various police districts had adequate manpower, experience and professional knowhow to follow up cases of cruelty to animals amongst others. Should such cases register a rising trend in a certain district, the Police would consider deploying special team to tackle the cases. By allowing greater flexibility in the deployment of resources to efficiently handle animal cruelty cases, such arrangement would be more effective than setting up "animal police" teams.

14. There was view that the Government should consider raising the penalties for offences relating to cruelty to animals to enhance the deterrent effect. The Administration advised that the maximum penalty under PCAO was significantly increased in 2006, bringing the fine of \$5,000 to \$200,000 and imprisonment for six months to three years. The level of penalty imposed by the court was generally higher than what used to be the case before the penalty provisions under PCAO were amended in 2006. In the Administration's view, apart from penalties with substantial deterrent effect and appropriate sentencing, the most effective way to reduce the number animal cruelty cases was to enhance public awareness of respect for life and care for animals. The Administration would continue to enhance its efforts in promotional and educational activities in this respect.

Latest development

15. To facilitate Members to better understand the operation of stray animal management by AFCD, the Panel visited the New Territories North Animal Management Centre on 23 December 2013. During the visit, Members expressed concerns about AFCD's criteria for assessing whether the captured

stray animal was suitable for re-homing, AFCD's guidelines on handling and catching stray dogs and cats and AFCD's manpower for the management of stray animals.

16. The Administration will update the Panel on the progress of the TNR trial programme, and also discuss with the Panel the subject of the handling of animal cruelty cases on 14 January 2014.

Relevant papers

17. A list of the relevant papers, the motion passed and questions raised at the Council meetings is in **Appendix II**.

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Appendix I

	2010	2011	2012
No. of prosecution cases	11	15	19
No. of cases with conviction	9	13	18
Penalties imposed on the persons convicted			
(i) Immediate imprisonment	3	1	3
(ii) Community service order	3	3	3
(iii) Probation order	1	1	0
(iv) Bound over/conditional discharge	0	0	0
(v) Fine	0	7	9
(vi) Suspended sentence	1	1	3
(vii) Caution/absolute discharge	0	0	0
(viii) Hospital order	1	0	0

(Source : Annex to the reply by the Secretary for Food and Health to the oral question raised by Hon Michael TIEN at the Council meeting of 6 November 2013)

**Relevant papers on Trap-Neuter-Release trial scheme
and the handling of animal cruelty cases**

Committee	Date of meeting	Motion/ Question / Paper
Legislative Council	3.11.2010	Motion moved by Hon CHAN Hak-kan on "Formulating an animal-friendly policy"
Panel on Food Safety and Environmental Hygiene	14.6.2011 (Item VI)	Agenda Minutes
Legislative Council	15.6.2011	Official Record of Proceedings Pages 11836 to 11845 (oral question raised by Hon Miriam LAU on "Cruelty to animals")
Panel on Food Safety and Environmental Hygiene	8.5.2012 (Item V)	Agenda Minutes LC Paper No. CB(2)1870/11-12(05) LC Paper No. CB(2)1870/11-12(06)
Legislative Council	23.1.2013	Official Record of Proceedings Pages 5174 to 5179 (written question raised by Hon Claudia MO on "Measures preventing cruelty to animals")
Legislative Council	20.3.2013	Official Record of Proceedings Pages 7591 to 7597 (written question raised by Dr Hon Helen WONG on "Prevention of cruelty to animals")
Legislative Council	17.4.2013	Official Record of Proceedings Pages 8255 to 8259 (written question raised by Hon Claudia MO on "Handling of the animals caught and received by the Agriculture Fisheries and Conservation Department")

Committee	Date of meeting	Motion/ Question / Paper
Legislative Council	16.10.2013	<u>Official Record of Proceedings Pages 626 to 628 (written question raised by Dr Hon Helena WONG on "Combating crimes of cruel treatment of animals")</u>
Legislative Council	6.11.2013	<u>Official Record of Proceedings Pages 1796 to 1807 (oral question raised by Hon Michael TIEN on "Prevention of cruelty to animals)</u>

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