

L.N. 138 of 2014

Rabies (TNR Programme) (Exemption) Notice

(Made by the Director of Agriculture, Fisheries and Conservation under sections 47 and 51(3) of the Rabies Ordinance (Cap. 421))

1. Commencement

This Notice comes into operation on 16 January 2015.

2. Interpretation

In this Notice—

Department (漁護署) means the Agriculture, Fisheries and Conservation Department;

major dog disease (嚴重狗隻疾病) means rabies, parvovirus infection, canine distemper, infectious canine hepatitis or leptospirosis;

programme coordinator (計劃統籌者) means—

- (a) the Society for the Prevention of Cruelty to Animals (Hong Kong) Trustees Incorporated, a corporation of trustees incorporated under the Registered Trustees Incorporation Ordinance (Cap. 306); or
- (b) the Society for Abandoned Animals Limited, a company incorporated under the Companies Ordinance (Cap. 32) as in force at the time of the incorporation;

registered veterinary surgeon (註冊獸醫) has the meaning given by section 2 of the Veterinary Surgeons Registration Ordinance (Cap. 529);

TNR programme (“捕絕放計劃”) means a trial programme which—

- (a) aims at assessing the effectiveness of the trap-neuter-return mechanism in reducing the number of stray dogs within the trial zones; and
- (b) is implemented by the programme coordinators;

trial zone (試驗區) means—

- (a) the Cheung Chau trial zone, as delineated and edged blue on the map deposited at the Department's headquarters which was—
 - (i) signed by the Director on 14 October 2014; and
 - (ii) numbered AFD-LS-2014-53-2B; or
- (b) the Tai Tong trial zone, as delineated and edged blue on the map deposited at the Department's headquarters which was—
 - (i) signed by the Director on 14 October 2014; and
 - (ii) numbered AFD-LS-2014-53-1B.

3. Exemption from provisions on abandonment and control of animals

- (1) Section 22(1) of the Ordinance does not apply to a keeper of a dog when the dog is released under the TNR programme.
- (2) Section 23(1) of the Ordinance does not apply to a dog when the dog is released under the TNR programme.

4. Release of dogs under TNR programme

- (1) For section 3(1) and (2), a dog is released under the TNR programme if—
 - (a) it is released within a trial zone by a person carrying an identification card issued by a programme coordinator to show that the person—

- (i) is an employee or volunteer of the coordinator; and
 - (ii) has completed a training course organized by the coordinator; and
- (b) it bears an identification mark which is affixed by the coordinator on the basis that it—
 - (i) has been assessed, in terms of health and temperament, as being suitable for release within a trial zone;
 - (ii) has been neutered by a registered veterinary surgeon; and
 - (iii) has been vaccinated against each of the major dog diseases.
- (2) For subsection (1)(a)(ii), the training course—
 - (a) must cover animal nutrition, animal behaviour, environmental safety and dog catching methods; and
 - (b) must be approved by the Director.
- (3) For subsection (1)(b)(i)—
 - (a) an assessment regarding the health of a dog must be carried out by a registered veterinary surgeon; and
 - (b) an assessment regarding the temperament of a dog must be carried out by—
 - (i) a registered veterinary surgeon; or
 - (ii) a dog trainer recognized by the programme coordinator.

5. Exemption from requirement on licensing of dogs

- (1) Section 20(1) of the Rabies Regulation (Cap. 421 sub. leg. A) does not apply to a person keeping a dog under the TNR programme.

- (2) For subsection (1), a person is keeping a dog under the TNR programme if—
- (a) the person keeps the dog within the premises of a programme coordinator for the purposes of—
 - (i) assessing its suitability for being released within a trial zone; and
 - (ii) if applicable, neutering it and vaccinating it against each of the major dog diseases; or
 - (b) the person is issued with an identification card referred to in section 4(1)(a) and keeps the dog—
 - (i) after it has been captured within a trial zone, with a view to bringing it to the premises of the programme coordinator for the purposes specified in paragraph (a)(i) and (ii); or
 - (ii) after it has been affixed with an identification mark referred to in section 4(1)(b), with a view to bringing it to, and releasing it within, a trial zone.

WONG Chi-kong
Director of Agriculture, Fisheries
and Conservation

11 November 2014

Explanatory Note

This Notice is made in connection with the TNR programme (*programme*) which is a trial programme aiming at assessing the effectiveness of the trap-neuter-return mechanism in reducing the number of stray dogs within selected areas in Cheung Chau and Tai Tong (*trial zones*). The Society for the Prevention of Cruelty to Animals (Hong Kong) Trustees Incorporated and the Society for Abandoned Animals Limited (*programme coordinators*) will implement the programme.

2. Section 22(1) of the Rabies Ordinance (Cap. 421) prohibits a keeper of an animal from abandoning the animal without reasonable excuse. Section 23(1) of that Ordinance provides that a dog must not be in a public place or a place from which it may reasonably be expected to wander into a public place unless it is on a leash or is otherwise under control. Section 3 of this Notice provides that sections 22(1) and 23(1) of that Ordinance do not apply when a dog is released under the programme.
3. Section 4(1) of this Notice provides that a dog is released under the programme if certain conditions are met. Firstly, the dog must be released within a trial zone by a person carrying an identification card (*identification card*) issued by a programme coordinator to show that the person is an employee or volunteer of the coordinator and has completed a training course organized by the coordinator. Secondly, the dog must be affixed with an identification mark by the coordinator on the basis that it has been assessed as being suitable for release within a trial zone, and has been neutered and vaccinated against certain dog diseases. Section 4(2) and (3) of this Notice sets out the

supplementary requirements regarding training courses and the assessment of dogs.

4. Section 20(1) of the Rabies Regulation (Cap. 421 sub. leg. A) provides that a person may only keep a dog over the age of 5 months under and in accordance with a licence. Section 5 of this Notice exempts a person from that provision if the person keeps the dog within the premises of a programme coordinator for the purposes of assessing the dog's suitability for being released within a trial zone and, if applicable, neutering and vaccinating the dog. A person will also be exempt if the person is issued with an identification card and keeps the dog with a view to bringing it to the premises of the programme coordinator for the above purposes, or to bringing it to, and releasing it within, a trial zone.