

**LegCo Panel on Food Safety and Environmental Hygiene**  
**Subcommittee on Issues Relating to Animal Welfare**  
**and Cruelty to Animals**

**Government' responses to the follow-up items  
requested by the Subcommittee**

At the meeting on 9 May 2016, Members of the Subcommittee raised a number of issues relating to the Government's efforts in managing stray animals. Specifically, Member asked the Government to advise on the following –

- (a) among the 2 412 stray dogs caught by the Agriculture, Fisheries and Conservation Department (AFCD) in 2015, the number of stray dogs with microchip implanted;
- (b) the number of convicted cases and the penalty imposed, including the heaviest penalty, by the court in the past five years on persons convicted of the offence of "abandonment of animals" and "improper control of dogs" under the Rabies Ordinance (Cap. 421); and whether the Government would consider reviewing the maximum penalty levels for such offences to enhance deterrence;
- (c) a breakdown of the number of stray cattle sterilised by AFCD since the implementation of the "Capture-Sterilisation-Relocation" (CSR) programme in late 2011, by their distribution in different districts/rural areas of Hong Kong;
- (d) whether the Government would offer support to the animal welfare groups for identifying suitable sites in the rural areas of Hong Kong for developing open cowsheds as feeding and resting places for stray cattle, so as to mitigate the nuisances caused by stray cattle to the local community; and
- (e) the criteria and performance indicators for evaluating the effectiveness of the three-year "Trap-Neuter-Return" (TNR) trial programme for stray dogs launched by the Society for the Prevention of Cruelty to Animals (SPCA) and the Society for Abandoned Animals (SAA) in designated zones.

2. The requested information is set out below:-

- (a) Amongst the 2 412 stray dogs caught by AFCD due to complaints in 2015, 28% of the dogs were implanted with a microchip. Most of these dogs were returned to their owners after AFCD located their owners based on the information in the microchip.
- (b) Under the Rabies Ordinance (Cap. 421), a keeper of an animal who, without a reasonable excuse, abandons that animal commits an offence and is liable on conviction to a maximum fine of \$10,000 and imprisonment for up to six months. Whilst AFCD has been actively enforcing the law, successful prosecutions of a case of animal abandonment are few and far apart, mainly because of the difficulties encountered in collecting sufficient evidence to substantiate successful prosecution. Where AFCD manages to identify the owners of the abandoned animals, 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 for AFCD to establish a case for prosecution, against the threshold of “beyond reasonable doubt”.

That said, it is open in most such cases for AFCD to take action against the dog owners concerned for failing to control their dogs properly. Under the Ordinance, the keeper of a dog and any person who fails to control his/her dog properly by allowing it to loiter in public places commits an offence and is liable on conviction to a maximum fine of \$10,000. The number of dog owners convicted in each of the past five years for “improper control of dogs” is as follows –

<b>Year</b>	<b>Number of convicted cases</b>
2011	325
2012	355
2013	296
2014	331
2015	246

The heaviest penalty handed down by the court for convicted cases under the Ordinance for improper control of dogs in the past five years is \$2,500. We have no plan at this stage to increase the penalty levels.

- (c) Since the implementation of the CSR programme in late 2011, AFCD has been taking action to capture and sterilise stray cattle and buffalo in the New Territories (N.T.), mainly in Lantau Island and Sai Kung, and then relocate them to more remote locations. The table below gives the number of stray cattle and buffalo sterilised by AFCD from late 2011 to 2015, and their distribution by districts/rural areas –

<b>Location</b>	<b>Number of stray cattle and buffalo sterilised</b>
Lantau Island	112
Sai Kung	167
Other places in the N.T.	36
<b>Total</b>	<b>315</b>

- (d) In recent years, the Government received proposals from various animal welfare groups for constructing cattle shelters for stray cattle with the provision of fodder and water in a few locations on the Lantau Island. Most of the proposed sites were close to traffic and residential areas. Since congregations of stray cattle at those sites might cause adverse traffic impact, nuisance and danger to residents nearby and members of the public, we could not see our way to lending support to these proposals.

The Government would consider the feasibility of any such further proposals on the merits of each case, taking into account factors including the location of the site proposed, the land use status of the site identified, and how the animal welfare group intends to go about taking care of the stray cattle.

Meanwhile, AFCD will continue to liaise closely with animal welfare organisations and local communities of the districts concerned to explore other possible measures, such as installing cattle grid to confine stray cattle in rural areas and their natural habitats, or to prevent them from roaming into town centres, with a view to minimising the nuisances caused to the public while protecting animal welfare.

- (e) The purpose of conducting the TNR trial programme is to assess its effectiveness in reducing the stray dog population and its associated nuisance. As agreed with SPCA and SAA, the specific programme targets include –
- (i) catching at least 80% of stray dogs in the trial zone during the first six months of the trial programme;
  - (ii) with reference to the previous data that there has been a 6% to 12% annual reduction of stray dogs being caught in response to complaints in the whole of Hong Kong from 2004 to 2013, the trial programme should achieve an average 10% annual decrease in the population of stray dogs in the trial zone; and
  - (iii) at least matching with the territory-wide trend in complaint figures during the three-year trial period.

AFCD has commissioned an independent consultant to assess the effectiveness of the programme. The Consultant has identified some areas with SPCA and SAA as control zones for the study. The data collected from the trial zones will be compared with those from the control zones. For observation purposes, both quantitative and qualitative analyses will be carried out. These would cover aspects including the health and welfare of the dogs in the trial programme, the number of animal rescues in the area, the dogs' reproductive rates and cost effectiveness, etc.

AFCD will review the situation regularly during the three-year trial period and reflect on the experience upon completion of the programme.

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