

立法會
Legislative Council

LC Paper No. CB(2)1643/16-17
(These minutes have been seen by
the Administration)

Ref : CB2/PS/2/16

Panel on Food Safety and Environmental Hygiene

Subcommittee to Study Issues Relating to Animal Rights

Minutes of the meeting
held on Monday, 24 April 2017, at 2:45 pm
in Conference Room 2 of the Legislative Council Complex

- Members present** : Dr Hon CHIANG Lai-wan, JP (Chairman)
Hon Claudia MO (Deputy Chairman)
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon CHAN Chi-chuen
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Elizabeth QUAT, JP
Hon CHU Hoi-dick
Hon SHIU Ka-fai
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
- Members absent** : Hon CHAN Han-pan, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Kenneth LAU Ip-keung, MH, JP

**Public Officers : Items I and II
attending**

Prof Sophia CHAN Siu-chee, JP
Under Secretary for Food & Health
Food and Health Bureau

Mr Bill WONG Kwok-piu
Principal Assistant Secretary for Food and Health
(Food)3
Food and Health Bureau

Miss Swing YAU Sze-wing
Assistant Secretary for Food and Health (Food)5
Food and Health Bureau

Dr Thomas SIT Hon-chung
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

Dr Mary CHOW Ka-wai
Senior Veterinary Officer (Animal Management)
Development
Agriculture, Fisheries and Conservation Department

Dr Candy NG Hoi-yim
Acting Senior Veterinary Officer (Animal
Management) Operations
Agriculture, Fisheries and Conservation Department

Item II

Mr Eric CHEUNG Kin-hung
Senior Engineer/Housing and Planning/ New Territories
East
Transport Department

Clerk in attendance : Ms Alice LEUNG
Chief Council Secretary (2) 6

Staff in attendance : Miss Connie AU
Council Secretary (2) 6

Miss Meisy KWOK
Legislative Assistant (2) 6

Action

I. Efforts in management of stray animals

[LC Paper Nos. CB(2)813/16-17(01), CB(2)1231/16-17(01) to (06) and CB(2)1260/16-17(01)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. At the invitation of the Chairman, Under Secretary for Food & Health ("USFH") briefed members on the policy and measures adopted by the Government on the management of stray animals, details of which were set out in the Administration's paper (LC Paper No. CB(2)1231/16-17(01)). With the aid of a powerpoint presentation, Senior Veterinary Officer (Animal Management) Development briefed members on the latest development of the "Trap-Neuter-Return" ("TNR") trial programme for stray dogs.

(Post-meeting note: The softcopy of the powerpoint presentation materials provided by the Administration was issued to members vide LC Paper No. CB(2)1266/16-17(01) on 24 April 2017.)

Follow-up actions arising from the discussion

Admin 3. The Subcommittee requested the Administration to provide written response on:

- (a) whether it would consider providing more financial assistance to animal welfare groups for operating voluntary TNR programme and assisting them to address the space shortage problem in housing captured stray animals; and
- (b) whether it would consider adopting the "zero euthanasia" of stray animals policy which Taiwan had recently implemented starting February 2017.

(Post meeting note: The Administration's response was circulated to members vide LC Paper no. CB(2)1624/16-17(01) on 14 June 2017.)

Action

Motion moved by member

Motion 1

4. The Deputy Chairman moved a motion as follows:

本小組委員會促請政府當局推行下列措施：

- (一) 設立領養中心，開放給市民直接領養動物；
- (二) 全面推行"捕捉、絕育、放回"計劃，從源頭減少社區犬隻數目；及
- (三) 檢討每收到市民投訴即不問情由出動捕捉社區動物，及通常於4日後將之人道毀滅的不人道政策。

(Translation)

This Subcommittee urges the Administration to implement the following measures:

- (1) to set up re-homing centres and allow members of the public to adopt animals directly from these centres;
- (2) to fully implement the "Trap-Neuter-Return" programme, so as to reduce the number of dogs in the community at source; and
- (3) to review its inhumane policy of setting out to catch community animals indiscriminately upon receiving complaints from members of the public and subjecting such animals to euthanasia usually after four days.

5. The Chairman decided that the motion was directly related to the agenda item, and members agreed to deal with the motion. The Chairman put the motion to vote. Majority of the members present voted in favour of the motion. The Chairman declared that the motion was carried.

(Post meeting note: The Administration's response to the motion was circulated to members vide LC Paper no. CB(2)1624/16-17(01) on 14 June 2017.)

Action

II. Management of stray cattle

[LC Paper Nos. CB(2)1231/16-17(07) to (09) and CB(2)1260/16-17(02)]

6. The Subcommittee deliberated (index of proceedings attached at **Annex**).

7. At the invitation of the Chairman, USFH briefed members on the measures adopted by the Government in managing stray cattle. With the aid of a powerpoint presentation, Acting Senior Veterinary Officer (Animal Management) Operations reported on the latest progress of the "Capture-Sterilization-Relocation" programme for stray cattle and the proposed installation of a cattle grid in Sai Kung Country Park as detailed in the Administration's paper (LC Paper No. CB(2)1231/16-17(07)).

(Post-meeting note: The softcopy of the powerpoint presentation materials provided by the Administration was issued to members vide LC Paper No. CB(2)1266/16-17(02) on 24 April 2017.)

Follow-up actions arising from the discussion

Admin

8. The Subcommittee requested the Administration to provide the implementation details and timetable of installing a cattle grid in Sai Kung Country Park.

(Post meeting note: The Administration's response was circulated to members vide LC Paper no. CB(2)1624/16-17(01) on 14 June 2017.)

Motion moved by member

Motion 2

9. The Deputy Chairman moved a motion as follows:

本小組委員會促請政府當局推行下列措施：

- (一) 制訂保育牛隻的可持續政策，代替目前不人道及不可持續的牛隻政策；及
- (二) 持續跟進被調遷牛隻的去向、評估健康狀況及適應情況；不應以不干涉野生動物活動為由推卸責任。國際間放回野生動物，特別是幼小動物，都會監察最少 1 年的時間。

Action

(Translation)

This Subcommittee urges the Administration to implement the following measures:

- (1) to formulate a sustainable policy on the conservation of cattle to replace its existing policy on cattle management which is both inhumane and unsustainable; and
- (2) to keep track of the whereabouts, and evaluate the health conditions and adaptability of relocated cattle. The Administration should not shirk its responsibilities on the excuse of not intervening in the activities of wild animals. According to international practice, wild animals (especially young ones) returned to the wild will be kept under surveillance for at least one year.

10. The Chairman decided that the motion was directly related to the agenda item, and members agreed to deal with the motion. The Chairman put the motion to vote. Majority of the members present voted in favour of the motion. The Chairman declared that the motion was carried.

(Post meeting note: The Administration's response to the motion was circulated to members vide LC Paper no. CB(2)1624/16-17(01) on 14 June 2017.)

III. Any other business

11. Members noted that the next meeting to be held in May 2017 would discuss "Issues relating to the safety of pet food products in Hong Kong" and "Handling of illegal sale of dogs on the internet".

(Post-meeting note: Subsequent to the meeting, on the advice of the Chairman, the next meeting of the Subcommittee was scheduled to be held on 16 May 2017 at 10:45 am. Notice of the meeting was issued to members vide LC Paper No. CB(2)1293/16-17 on 27 April 2017.)

12. There being no other business, the meeting ended at 4:38 pm.

**Proceedings of the meeting of the
Subcommittee to Study Issues Relating to Animal Rights
on Monday, 24 April 2017, at 2:45 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
000357-000515	Chairman	Opening remarks	
<i>Agenda item I – Efforts in management of stray animals</i>			
000516-001757	Chairman Admin	Briefing and powerpoint presentation by the Administration on the policy and measures it adopted on the management of stray animals (LC Paper Nos. CB(2)1231/16-17(01) and CB(2)1266/16-17(01))	
001758-002221	Chairman Deputy Chairman Admin	<p>The Deputy Chairman expressed the views that stray dogs and cats were not stray animals, but "community animals". Regarding the "Trap-Neuter-Return" ("TNR") trial programme, she enquired whether the Administration had endeavored to lobby the support of District Councils ("DCs") in response to objections from local communities. The Administration replied in the affirmative.</p> <p>In response to the Deputy Chairman's view that the policy responsibilities of the Food and Health Bureau relating to animal rights, welfare and protection should be transferred to the Environmental Bureau, the Administration advised that the Government had from time to time reviewed the allocation of policy responsibilities among different bureaux/departments. At the moment, there was no plan for the change suggested by the Deputy Chairman.</p>	
002222-002730	Chairman Mr CHAN Hak-kan Admin	<p>Mr CHAN Hak-kan expressed appreciation for the two Animal Welfare Organizations ("AWOs") participating in the TNR trial programme. Noting that the trial programme was a three-year programme, he was concerned that the two AWOs had used around eight months for preparation work and the data collection period might be shortened. He also pointed out that nine DCs had indicated support for the TNR trial programme when they were last consulted, and enquired whether and when the TNR trial programme would be expanded to those districts.</p> <p>The Administration responded that:</p> <p>(a) the eight months' preparation time was not counted towards the three-year trial period;</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
		<p>(b) before the launch of the trial programme, the Agriculture, Fisheries and Conservation Department ("AFCD") together with the two AWOs concerned had organized talks to local communities including representatives of the rural committees; and</p> <p>(c) it was open-minded about introducing the TNR trial programme in other districts. The three-year trial programme would provide useful experience for improvement on the programme if it was to be introduced in other districts after the completion of the trial programme.</p> <p>Mr CHAN's enquiry and the Administration's reply concerning the consultation work with the local community prior to the launch of the TNR trial programme.</p>	
002731-003231	Chairman Mr Nathan LAW Admin	<p>Mr Nathan LAW commented that:</p> <p>(a) as the two AWOs had taken around 10 months to achieve the target of neutering over 80% of the stray dogs in their respective trial sites against the original 6 months target, the Administration should review the sufficiency of manpower and resources deployed for the trial programme; and</p> <p>(b) some provisions in the Country Parks Ordinance (Cap. 208) and the Rabies Ordinance (Cap. 421) might hinder the implementation of voluntary TNR programmes by animal welfare groups. He enquired whether any prosecution had been instituted against TNR volunteers of animal welfare groups for violation of the relevant provisions under the above two Ordinances and whether the Administration would review the relevant legislative provisions to facilitate the implementation of voluntary TNR programmes.</p> <p>The Administration responded that:</p> <p>(a) in the TNR trial programme, the two AWOs were responsible for programme implementation, AFCD was responsible for handling complaints and the consultancy firm engaged by AFCD was responsible for data collection and analysis of the programme. The delay in achieving the target might in part due to the increasing difficulty in catching the stray dogs rather than problem with the resources available;</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
		<p>(b) AFCD had not prosecuted any person under Cap. 421 for feeding stray dogs and cats during the conduct of the TNR programme; and</p> <p>(c) the purpose of restricting the feeding of animals under Cap. 421 was to discourage the congregation of animals. Such provision was considered appropriate in order to prevent gathering of stray dogs so as to control the spreading of rabies diseases in Hong Kong.</p>	
003232-003745	Chairman Mr Jeremy TAM Admin	<p>Mr Jeremy Tam commented that the Government should take the lead in promoting animal adoption and provide adoption service at AFCD's Animal Management Centres ("AMCs").</p> <p>The Administration responded that:</p> <p>(a) AFCD had partnered with various AWOs in promoting animal adoption and provided financial assistance to them. With the concerted effort of AFCD and AWOs, the number of stray dogs and cats caught by AFCD in the past five years had decreased by 59% and 71% respectively while the number of dogs and cats euthanized had dropped by 68% and 77% respectively. At the same time, the percentage of dogs and cats provided by AFCD to AWOs for re-homing had increased by 6.7% and 8.9% respectively;</p> <p>(b) to minimize impulsive animal adoption decision, AWOs would assess the suitability of the person seeking to adopt animal; and</p> <p>(c) it had been promoting animal adoption as a way to address the problem of stray animals. Regarding the suggestion of providing animal adoption at AMCs, the arrangement would require long-range planning with regard to the facility, manpower and financial resources.</p> <p>Mr TAM said that the Government should not rely on AWOs alone in promoting animal adoption and members would support the Administration's request for extra resources for taking on additional duties of providing animal adoption service at AMCs by AFCD.</p> <p>The Chairman said that visit to AMCs could be arranged if there was a need. Members could put forward their request to the Secretariat if they so wished.</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
003746-004217	Chairman Mr KWONG Chun-yu Admin	<p>Mr KWONG Chun-yu said that it was inhumane to euthanize stray animals and some AWOs had therefore advocated the TNR concept to address the issue of stray dogs. He enquired:</p> <p>(a) the timetable for extending the TNR trial programme to other districts. He said that the Administration had consulted DCs on the TNR trial programme back in 2007 (out of the 18 DCs, nine supported the programme, seven not supported and the remaining two did not give a clear stand). Over the last 10 years, the public had an increased awareness for animal welfare; and</p> <p>(b) whether AFCD would provide animal adoption service at its AMCs.</p> <p>The Administration reiterated its responses regarding the provision of animal adoption service at AMCs and advised that extension of the TNR trial programme to other districts as well as arrangement of a fresh round of consultation with DCs would be considered after completion of the three-year trial programme.</p>	
004218-004732	Chairman Dr Elizabeth QUAT Admin	<p>Dr Elizabeth QUAT expressed grave concern regarding the problems on abandonment of animals and keeping dogs on construction sites. She enquired whether the Administration would:</p> <p>(a) actively conduct a comprehensive review of the current legislations with a view to improving them and consolidating them into a single piece of animal protection legislation;</p> <p>(b) consider providing more financial assistance to animal welfare groups for operating voluntary TNR programme and assisting them to address the space shortage problem in housing captured stray animals; and</p> <p>(c) consider adopting the "zero euthanasia" of stray animals policy which Taiwan had recently implemented starting February 2017.</p> <p>The Administration advised that:</p> <p>(a) it would take into account the views and concerns expressed by the Subcommittee on various aspects of animal welfare including those related to legislations;</p> <p>(b) abandonment of animals without reasonable excuse was prohibited under the Rabies Ordinance (Cap. 421). In cases where the</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
		<p>prosecution found it difficult to prove beyond reasonable doubt that a person abandoned an animal without reasonable excuse, particularly in those cases where there was no witness, AFCD would seek to identify ways to tackle the issue. For instance, in respect of cases involving dogs, the prosecution might press charges against the dog owners concerned for failing to take proper control of their dogs in public places pursuant to Section 23 of Cap. 421; and</p> <p>(c) AFCD had issued a "Code of Practice for Keeping Dogs on Construction Sites" and would continue its efforts in public education in this respect.</p> <p>Dr QUAT expressed dissatisfaction that despite the views and concerns repeatedly expressed by the Subcommittee members, the Administration had not provided any concrete commitment or measure on enhancing animal protection in Hong Kong.</p>	
004733-005210	Chairman Mr CHAN Chi-chuen Admin	In response to Mr CHAN Chi-chuen's enquiry regarding the performance indicators used to assess the effectiveness of the TNR trial programme, the Administration advised that there were at least three performance targets as detailed in paragraph 13 of the Administration's paper (LC Paper No. CB(2)1231/16-17(01)). Besides, the feedback and comments from the two participating AWOs would also be taken into consideration.	
005211-005628	Chairman Mr SHIU Ka-fai Admin	<p>Mr SHIU Ka-fai's enquiry and the Administration reply regarding the microchipping requirement for dogs and the penalty for non-compliance.</p> <p>Mr SHIU said that in addition to public education and publicity on responsible pet ownership, the penalty for abandonment of animals should be increased in order to achieve the desired deterrence effect.</p>	
005629-010036	Chairman Mr HUI Chi-fung Admin	<p>Pointing out that there was a rising trend in the number of complaints on suspected cruelty to cats in recent years, Mr HUI Chi-fung expressed concern that the number of successful prosecutions was very small.</p> <p>The Administration explained the characteristics of stray cats and the enforcement issues regarding cruelty to animals.</p>	
010037-010237	Chairman Admin	The Chairman's enquiry and the Administration's reply regarding the number of stray cats.	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
010238-010557	Chairman Deputy Chairman Admin	<p>The Deputy Chairman requested AFCD to provide animal adoption service at its AMCs, and also enquired if the Administration would consider providing financial assistance to animal welfare groups to implement voluntary TNR programmes.</p> <p>The Administration advised that:</p> <p>(a) in implementing the TNR trial programmes in Hong Kong, certain legislative exemptions were necessary and as such, a partnership arrangement between the Government and the participating AWOs was needed; and</p> <p>(b) as compared to the four AMCs in Hong Kong, there was a larger network of AWOs offering re-homing service to facilitate adoption of animals by members of the public.</p>	
010558-010925	Chairman Dr Elizabeth QUAT Admin	<p>Dr Elizabeth QUAT reiterated her dissatisfaction about the Administration's response to issues like microchipping of animals and abandonment of animals etc.</p> <p>The Administration was requested to provide a written response on:</p> <p>(a) whether it would consider providing more financial assistance to animal welfare groups for operating voluntary TNR programme and assisting them to address the space shortage problem in housing captured stray animals; and</p> <p>(b) whether it would consider adopting the "zero euthanasia" of stray animals policy which Taiwan had recently implemented starting February 2017.</p>	Admin (paragraph 3 of the minutes)
010926-011141	Chairman Mr HUI Chi-fung Admin	<p>Mr HUI Chi-fung said that certain legislative provisions were impeding the implementation of the TNR programme such as section 11 of the Pleasure Grounds Regulation (Cap. 132BC) which stipulated that no person should feed or attempt to feed any animal, bird or fish kept or found in any pleasure ground. He asked if the Administration would consider amending the legislation.</p> <p>The Administration advised that certain legislative exemption had been made to clear way for the implementation of the TNR trial programme. It would make appropriate arrangements if the TNR programme was to be extended to other districts in future.</p>	
011142-011609	Chairman Deputy Chairman	Moving of motion by the Deputy Chairman	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
<i>Agenda item II –Management of stray cattle</i>			
011610-011831	Chairman Deputy Chairman Dr Elizabeth QUAT	<p>The Deputy Chairman relayed to the Chairman a list of signatories from animal welfare group(s) in support of a petition requesting the Government to properly manage community cattle (LC Paper No. CB(2)1278/16-17(01)).</p> <p>Dr Elizabeth QUAT expressed her view regarding the meeting arrangement in respect of the number items for discussion at the Subcommittee meetings.</p>	
011832-013054	Chairman Admin	<p>Briefing and powerpoint presentation by the Administration on the measures adopted by the Government in managing stray cattle, including controlling the population of stray cattle, as well as addressing the nuisance caused to the public (LC Paper Nos. CB(2)1231/16-17(07) and CB(2)1266/16-17(02))</p>	
013055-013408	Chairman Deputy Chairman Admin	<p>The Deputy Chairman said that she had visited Chong Hing Water Sports Center ("CHWSC") shortly before the meeting, the site was barren and without much vegetation, some calves which were being taken away from their mothers and relocated to CHWSC had to compete with other adult cattle for food. She wondered why there was such a marked difference between her observation during the visit and the condition of vegetation as shown in the Administration's powerpoint presentation.</p> <p>She requested the Administration to:</p> <p>(a) keep track of the whereabouts of cattle under the "Capture-Sterilization-Relocation" ("CSR") programme; and</p> <p>(b) expedite the installation of a cattle grid in Sai Kung Country Park.</p> <p>The Administration responded that calves and cattle would not confine themselves to CHWSC and would forage around for food. Normally, AFCD would not take calves away from their mothers for relocation until they were weaned. Sometimes, people might have mistaken weaner calves as "baby calves" because of the small physique of certain cattle.</p>	
013409-013715	Chairman Mr KWONG Chun-yu Admin	<p>Mr KWONG Chun-yu noted with concern that, according to the information from certain animal welfare groups, a few cattle were found missing after being relocated under the CSR programme. In addition, some relocated calves were being rejected by other herds of cattle.</p> <p>The Administration advised that:</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
		<p>(a) AFCD would not remove calves (that were not weaned) away from their mothers except in special circumstances (e.g. a calf had to be transferred to AMC for medical treatment but its mother could not be removed at the same time). AFCD would ensure that the calves would be able to forage properly before releasing them to CHWSC; and</p> <p>(b) cattle herd had a sense of "hierarchy" and some cattle would demonstrate their dominance through certain behaviors. Staff from AFCD would visit CHWSC on a regular basis to ensure that the relocated calves could get along with other cattle.</p>	
013716-014025	Chairman Mr Jeremy TAM Admin	<p>Mr Jeremy TAM's enquiry and the Administration's reply on the number of cattle relocated in Sai Kung under the CSR program and the number of relocated cattle now dwelling in CHWSC.</p> <p>Mr TAM further enquired whether and what benchmark ratio the Administration had used for calculating the maximum number of cattle that CHWSC could accommodate without leading to the problem of overgrazing.</p> <p>The Administration responded that those ratios were only applicable to captive animals but not free roaming ones such as those in CHWSC.</p>	
014026-014551	Chairman Mr CHAN Hak-kan Admin	<p>Mr CHAN Hak-kan was concerned whether there were sufficient manpower in the Cattle Management Team of AFCD to handle the work involved. He considered that:</p> <p>(a) the installation of a cattle grid in Sai Kung Country Park could effectively prevent cattle from moving into the Sai Kung town thereby protecting the safety of both the cattle and the public; and</p> <p>(b) the progress on the installation of cattle grid was unsatisfactory. He pointed out that he had met with the representatives of the departments concerned to discuss this matter at a meeting about two years ago, but no progress had been made so far.</p> <p>The Transport Department ("TD") responded that, according to overseas experience, cattle grids might cause skidding and could be hazardous to pedal cycles and motor cycles. Since this was a facility for cattle management, AFCD should arrange for its design and ensure that not only cattle could be effectively confined but the safety of other road users would not be adversely affected.</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
		Mr CHAN opined that the Administration's responses to members' questions on the installation of cattle grid gave him the impression that AFCD and TD were trying to shrink their responsibilities in the cattle grid issue.	
014452-014710	Chairman Mr HUI Chi-fung Admin	Mr HUI Chi-fung said that the traffic sign currently used to indicate cattle on road ahead was not prominent and easily overlooked by drivers. He suggested that TD should design a more eye-catching one as many overseas countries used yellow background with a large black image of the animal in the centre. The Administration responded that the existing design of the traffic warning sign (i.e. a red border white background triangle sign with the image of a cattle in the centre) was in line with international standard.	
014711-015038	Chairman Dr Elizabeth QUAT Admin	In response to Dr QUAT's enquiry, the Administration advised that AFCD had been liaising with TD regarding the installation of a cattle grid in Sai Kung Country Park and AFCD could appoint a consultant to study the design of the cattle grid to address TD's concern regarding safety issues.	
015039-015153	Chairman Deputy Chairman	Moving of motion by the Deputy Chairman	
015154-015332	Chairman Dr Elizabeth QUAT Admin	Discussion on the counting of quorum. The Administration was requested to provide the implementation details and timetable of installing a cattle grid in Sai Kung Country Park.	Admin (paragraph 8 of the minutes)
<i>Agenda item III – Any other business</i>			
015333-015432	Chairman	Items for discussion at next meeting.	