

立法會
Legislative Council

LC Paper No. CB(2)2077/16-17
(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, 26 June 2017, at 11:00 am
in Conference Room 3 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 CHAN Han-pan, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Elizabeth QUAT, JP
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 CHU Hoi-dick
Hon Kenneth LAU Ip-keung, MH, JP

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public Officers : Item I
attending**

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

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

Mr NG Shu-chung
Chief Manager/Management (Support Service 2)
Housing Department

Ms CHENG Yee-ling
Senior Housing Manager/Tenancy Management Policy
Housing Department

Ms Carol CHEUNG Lin-yung
Principal Transport Officer/Bus & Railway 1
Transport Department

**Attendance : Mongrel Dog Lovers
by invitation**

Miss Gabee MAK Shuk-ching

Animal Earth

Ms CHEUNG Yuen-man

Association for Tai O Environment & Development
(Cattle Concern Group)

Ms HO Pui-han
Chairperson

Sai Kung Shap Sze Heung Cattle Concern Group

Miss TO Pui-ching

元朗牛友

董斐斐女士

Society for the Prevention of Cruelty to Animals (HK)

Ms Fiona WOODHOUSE
Deputy Director (Welfare) SPCA

Hong Kong Seeing Eye Dog Services Limited

Mr CHEUNG Wai-man
Chairman

Liberal Party Pet's Right Concern Unit

Mr Kenneth WONG Ka-kei

城鄉動物隊

Miss Joycelyn CHEUNG Yuen-lai

Animal-Friendly Alliance

Mr Kevin CHEUK
Chairman

Give Dogs A Home

Mr LAM Chun-man

Cats Society (Hong Kong) Limited

Miss Elaine CHAN Ling-yi
Committee

Paws Hero

Miss LAM Ho-yi
Founder

大嶼山黃牛關注組

梁韶華女士

Tai Po Community Animal Concern Group

何家美女士

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. Issues relating to the promotion of animal-friendly measures (including public rental housing, public transport and public open space)
(LC Paper Nos. CB(2)1689/16-17(01) and (02))

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

2. At the invitation of the Chairman, Principal Assistant Secretary for Food and Health (Food)³ briefed members on issues relating to the promotion of animal-friendly measures in public rental housing ("PRH"), public transport and public open space (LC Paper No. CB(2)1689/16-17(01)).

3. The Subcommittee received oral representations from 15 deputations. The Subcommittee noted the following major views expressed by the deputations:

- (a) a policy commitment on the part of the Government was needed to instill an animal-friendly culture in Hong Kong and to develop Hong Kong into a truly animal-friendly city. Some deputations commented that the Government had all along formulated its animal policy mainly from the perspectives of human beings, thus leading to little improvement in respect of creating an animal-friendly environment in Hong Kong;
- (b) the Administration's policy on dog keeping in PRH and subsidized housing should be relaxed. Some deputations suggested that consideration might be given to allow residents to keep dogs in the newly built PRH estates and subsidized housing estates and to accord priority to senior tenants and tenants who had acquired their dogs through adoption. There was also a view that people who were forced to move out from their homes to make way for the Government's development projects should be allowed to keep their dogs/cats when they were being rehoused in PRH estates;

Action

- (c) some deputations expressed that passengers should be allowed to travel with animals on public transport. Regulatory measures could be introduced to allay concerns over environmental hygiene and possible nuisance caused to other passengers. The suggested measures included: designating access routes and train compartments for passengers boarding MTR trains with animals; specifying the ways in which passengers should carry animals on public transport (e.g. cats and small dogs must be put in pet carriers within specified dimensions and larger dogs must be kept on leashes and muzzled); and designating the time and day when boarding with animals would be allowed;
- (d) not only the number of pet gardens in Hong Kong was not enough, but also their distribution was not in proportion to the population of the respective districts and some of them were too small and inconveniently located. The Administration was called on to provide more pet gardens. There was also a concern that the regulations in the parks and gardens managed by the Leisure and Cultural Services Department ("LCSD") were hindering the implementation of voluntary "Trap-Neuter-Return" programme by animal welfare groups;
- (e) some deputations expressed difficulties in providing guide dog puppies with the necessary training in PRH estates as PRH tenants were not allowed to keep dogs, no matter they were guide dog puppies or not. In addition, some frontline staff of public transport operators and restaurants would at times refuse to allow guide dog puppies to board on the transport or enter the restaurants. In these deputations' view, the lack of legislative protection for guide dog puppies was hindering their effective training;
- (f) some deputations criticized the Government for relocating the stray cattle to Chong Hing Water Sports Centre ("CHWSC") under the "Capture-Sterilization-Relocation" ("CSR") programme implemented by the Agriculture, Fisheries and Conservation Department ("AFCD"). In their view, the land in CHWSC was barren and the vegetation there was not right for the cattle's diet. They opined that these cattle were part of the community and should be allowed to live freely in their original dwelling places, and that the Government should have due consideration to their survival needs including food, water and shelter/living spaces; and

Action

- (g) amendments should be made to the relevant legislations to enhance protection for animals.

4. In gist, the Administration made the following responses:

- (a) although the geographical location and size of pet gardens varied between districts, their total number had increased considerably over the past few years. Additional pet gardens would be provided in Yau Tsim Mong district, Shamshuipo district as well as Central and Western district in 2017;
- (b) the definition of cruelty to animals and the penalty level under the Prevention of Cruelty to Animals Ordinance (Cap. 169) was comparable to other countries. The Administration would continue to keep in view the situation;
- (c) the Housing Authority ("HA") provided PRH for low-income families who could not afford to rent a private accommodation. For equitable distribution of public housing resources, PRH units were allocated to applicants by random computer batching. As a matter of fairness, all PRH tenants, including cleartees affected by government actions on land clearance for development, were subject to the same tenancy agreement terms and conditions. HA would continue to discuss with relevant stakeholders on the keeping of guide dog puppies in PRH estates;
- (d) the current legislations regulating different modes of public transport services had no restriction on boarding by guide dogs accompanying the visually impaired. In addition, most ferries would allow passengers to board with pets. The Transport Department would continue to encourage public transport operators to provide appropriate assistance to those who need to travel with guide dogs;
- (e) regarding the proposal of designating animal compartments in MTR trains, due consideration had to be given to the appropriate allocation of public transport resources. The Administration would continue to keep in view the public views on this issue so as to consider whether there should be any changes to the existing arrangements; and
- (f) according to statistics, around 80% of the cattle involved in traffic accidents in Sai Kung (other than the Sai Kung Country

Action

Park) between 2013 and 2016 had died. To safeguard the safety of cattle and road users, wandering cattle frequently found to have caused obstruction to traffic would be captured, sterilized and relocated to more remote locations, including CHWSC, under CSR. AFCD would patrol "blackspots" where stray cattle frequented and would also act upon complaints about wandering cattle which were found to have caused nuisance or obstruction to traffic. AFCD considered that CHWSC was a suitable habitat for cattle and AFCD would continue to keep in view the cattle's conditions through on-site inspections. Most of the relocated cattle were found to be clinically healthy.

Follow-up action arising from the discussion

Admin

5. The Administration was requested to advise in writing whether and what actions had been taken to follow up Mr CHAN Han-pan's suggestion of requiring vehicles entering the closed roads in Lantau to install detective systems that could detect the presence of animals and other vehicles on roads so as to avoid collision.

Clerk

6. The Subcommittee agreed that the Chairman, on behalf of the Subcommittee, should write to LCSD to express the Subcommittee's dissatisfaction that despite the request of the Subcommittee, LCSD had failed to arrange representatives(s) to attend this Subcommittee meeting.

(Post meeting note: The letter to LCSD was issued on 28 June 2017 and circulated to members vide LC Paper No. CB(2)1763/16-17(01) on the same day.)

Motions moved by members

Motion 1

7. Mr Jeremy TAM moved the following motion, which was seconded by Mr LAU Kwok-fan:

本小組委員會要求政府責成鐵路公司研究設置動物車廂可行性，總結其海外全資附屬公司營運的斯德哥爾摩地鐵開放動物乘搭的經驗，半年內向小組委員會提交報告；及盡快就開設動物車廂向香港市民作出全港性諮詢，並將結果提交到立法會。

Action

(Translation)

This Subcommittee requests the Government to instruct the railway company to study the feasibility of introducing animal compartments by making reference to the experience of Stockholm Metro operated by its fully owned overseas subsidiary in allowing animals aboard and submit a report to this Subcommittee within six months; as well as to expeditiously conduct a territory-wide public consultation on the introduction of animal compartments and report the outcome of the consultation to the Legislative Council.

8. 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. All members present voted in favour of the motion. The Chairman declared that the motion was carried.

(Post meeting note: The Administration's letter enclosing the response of MTR to the motion was circulated to members vide LC Paper No. CB(2)1886/16-17(01) on 12 July 2017.)

9. The Chairman suggested that subject to MTR's response to the above motion, the Subcommittee might consider inviting the Administration and MTR to attend the Subcommittee meeting to explain MTR's stance and difficulties in acceding to the Subcommittee's requests in the motion.

Motion 2

10. The Deputy Chairman and Mr CHAN Chi-chuen jointly moved the following motion:

本小組委員會促請新一屆政府致力研究進一步放寬公屋養狗政策，以助減少因"上樓"而出現大量棄養狗隻問題。

(Translation)

This Subcommittee urges the new-term Government to be committed to studying a further relaxation of the dog keeping policy in PRH estates, so as to alleviate the problem of a large number of dogs being abandoned after their owners have been allocated PRH units.

11. The Chairman decided that the motion was directly related to the agenda item, and members agreed to deal with the motion. The Chairman

Action

put the motion to vote. All 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)1933/16-17(01) on 19 July 2017.)

II. Any other business

12. Members noted that the next meeting would tentatively be held in October 2017.

13. There being no other business, the meeting ended at 12:59 pm.

Council Business Division 2
Legislative Council Secretariat
14 September 2017

**Proceedings of the meeting of the
Subcommittee to Study Issues Relating to Animal Rights
on Monday, 26 June 2017, at 11:00 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
<i>Item I – Issues relating to the promotion of animal-friendly measures (including public rental housing, public transport and public open space)</i>			
000631 – 001320	Chairman Admin	The Chairman's opening remarks Briefing by the Administration on issues relating to the promotion of animal-friendly measures (including public rental housing, public transport and public open space) (LC Paper No. CB(2)1689/16-17(01))	
001321 – 001520	Chairman Miss Gabee MAK Shuk-ching, Mongrel Dog Lovers	Presentation of views (LC Paper No. CB(2)1689/16-17(06))	
001521 – 001832	Chairman Ms CHEUNG Yuen- man, Animal Earth	Presentation of views	
001833 – 002223	Chairman Ms HO Pui-han, Association for Tai O Environment & Development (Cattle Concern Group)	Presentation of views (LC Paper No. CB(2)1689/16-17(04))	
002224 – 002407	Chairman Miss TO Pui-ching, Sai Kung Shap Sze Heung Cattle Concern Group	Presentation of views	
002408 – 002721	Chairman 董斐斐女士，元朗 牛友	Presentation of views	
002722 – 003040	Chairman Ms Fiona WOODHOUSE, Society for the Prevention of Cruelty to Animals (HK) ("SPCA")	Presentation of views (LC Paper No. CB(2)1689/16-17(05))	

Time marker	Speaker	Subject(s)/Discussion	Action Required
003041 – 003355	Chairman Mr CHEUNG Wai- man, Hong Kong Seeing Eye Dog Services Limited	Presentation of views (LC Paper No. CB(2)1699/16-17(01))	
003356 – 003718	Chairman Mr Kenneth WONG Ka-kei, Liberal Party Pet's Right Concern Unit	Presentation of views	
003719 – 004040	Chairman Miss Joycelyn CHEUNG Yuen-lai, 城鄉動物隊	Presentation of views	
004041 – 004408	Chairman Mr Kevin CHEUK, Animal-Friendly Alliance	Presentation of views (LC Paper No. CB(2)1689/16-17(03))	
004409 – 004736	Chairman Mr LAM Chun-man, Give Dogs A Home	Presentation of views (LC Paper No. CB(2)1746/16-17(01))	
004737 – 005021	Chairman Miss Elaine CHAN Ling-yi, Cats Society (Hong Kong) Limited	Presentation of views (LC Paper No. CB(2)1745/16-17(01))	
005022 – 005313	Chairman Miss LAM Ho-yi, Paws Hero	Presentation of views (LC Paper No. CB(2)1699/16-17(02))	
005314 – 005735	Chairman 梁韶華女士, 大嶼 山黃牛關注組	Presentation of views (LC Paper Nos. CB(2)1724/16-17(02) and (03))	
005736 – 010049	Chairman 何家美女士, Tai Po Community Animal Concern Group	Presentation of views	
010050 – 011303	Chairman Admin	At the invitation of the Chairman, the Administration gave a consolidated response to the views expressed by deputations.	

Time marker	Speaker	Subject(s)/Discussion	Action Required
011304 – 011705	Chairman Deputy Chairman Ms HO Pui-han, Association for Tai O Environment & Development (Cattle Concern Group)	<p>The Deputy Chairman commented that although special permission would be granted to individual public rental housing ("PRH") tenant who was proved to be in need of keeping companion dog for mental support, the policy on dog keeping in PRH estates should be further relaxed. She also hoped that MTR could consider introducing animal compartments during non-peak hours.</p> <p>At the request of the Deputy Chairman, the Chairman invited Ms HO Pui-han to elaborate further her views on the government's policy on the management of community cattle.</p>	
011706 – 012144	Chairman Mr Nathan LAW	<p>Mr Nathan LAW commented that the bureaucratic mentality of the Administration had made Hong Kong lagging behind the global trend of promoting animal rights. Referring to the Public Housing Recurrent Survey conducted by the Housing Department as mentioned in paragraph 6 of the Administration's paper, he considered that information on the questionnaire of the survey should be made available for public reference.</p> <p>In response to Mr LAW's enquiry, the Administration advised that the question that the interviewees were being asked was: "Do you think the Housing Authority should relax the existing restriction on dog keeping in PRH estates?".</p> <p>On the deputations' suggestion of introducing animal compartments in MTR trains, Mr LAW asked about the reason(s) for not introducing such compartments in MTR trains during non-peak hours. The Administration responded that due consideration had to be given to the appropriate allocation of public transport resources. As the patronage of MTR was high regardless on weekdays or weekends, the designation of animal compartments might inevitably affect the use of the train service by other passengers.</p> <p>On the Administration's response, Mr LAW considered that as passengers not boarding with animals on trains would not be precluded from using the animal compartments, he did see any concern from the public transport resources perspective.</p> <p>The Chairman concurred with Mr LAW's view on the introduction of animal compartments and pointed out that compartments for pet animals were available in the metro system in some overseas countries.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
012145 – 012640	Chairman Mr CHAN Chi-chuen Admin	<p>Mr CHAN Chi-chuen expressed that:</p> <ul style="list-style-type: none"> (a) as the Subcommittee had requested the Leisure and Cultural Services Department ("LCSD") to arrange representative(s) to attend this meeting, LCSD should be condemned for failing to do so as it had the responsibility to respond to deputations' views and members' questions; (b) the statement "As dog-biting incidents were reported from time to time, ..." in paragraph 4 of the Administration's paper was a negative portrayal of dogs and such description should not be used unless substantiated by details and figures; (c) instead of asking a broad-brush question to gauge the tenants' views on the policy of prohibiting dog keeping in PRH estates, the Administration should refine its question and solicit tenants' views on different categories of dogs, such as guide dog puppies and dogs acquired through adoption etc.; and (d) the Administration should consider, as a pilot scheme, adopting a relaxed policy on dog keeping in the newly built PRH estates . <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) the dog-biting incidents referred to in paragraph 4 of its paper were news reported in the media; and (b) it understood that there were views requesting relaxation of the prevailing dog keeping policy in PRH estates, in particular, guide dog puppies, and would critically consider such views. 	
012641 – 013047	Chairman Mr LAU Kwok-fan Admin	<p>Mr LAU Kwok-fan noted that according to the Mass Transit Railway By-laws and the Public Bus Services Regulations, no animals were allowed to be carried on the trains/franchised buses. He enquired whether the Administration was willing to change its prevailing policy in this respect if the franchised bus company(ies) had no objection to such changes.</p> <p>Referring to a written response from The Kowloon Motor Bus Co. (1933) Ltd. ("KMB") to his earlier proposal on "pet bus routes", Mr LAU further said that KMB was willing to explore the feasibility of allowing passengers to board the buses with designated animals, such as dogs, provided that the animals were within</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>certain size limit and under the reasonable care of the passengers concerned.</p> <p>The Administration responded that:</p> <p>(a) the requirements that animals were not allowed to be carried on the trains/franchised buses were prescribed in the legislations and any change to them would involve amendment to laws; and</p> <p>(b) all pilot schemes had to be conducted within the laws.</p> <p>Mr LAU stressed that he would continue to communicate with the bus companies to follow up his proposal and welcome the animal welfare groups to join him to pursue the proposal.</p>	
013048 – 013508	Chairman Mr Jeremy TAM Admin	<p>Mr Jeremy TAM urged the Administration to engage in direct dialogue with the cattle concern groups on the management of stray cattle.</p> <p>Mr TAM indicated that he would move a motion to request MTR to study the feasibility of introducing animal compartments and conduct a territory-wide public consultation on the same. He commented that MTR had not conducted any formal consultation in this respect so far and all concerns put forward by MTR were one-sided views.</p> <p>The Administration responded that it would relay Mr TAM's views to MTR.</p> <p>The Chairman suggested that if the motion proposed by Mr TAM was passed by the Subcommittee and subject to MTR's response to the motion, the Subcommittee might consider inviting the Administration and MTR to attend the Subcommittee meeting to explain MTR's stance and difficulties in acceding to the Subcommittee's requests in the motion.</p>	
013509 – 013823	Chairman Mr KWONG Chun-yu	<p>Mr KWONG Chun-yu concurred with Mr Jeremy TAM's view on the need for a public consultation on the introduction of animal compartments in MTR trains. He mentioned that animals were long accepted in overseas communities and urged the Administration to make the necessary amendments to the legislations to promote an animal friendly environment in Hong Kong. Mr KWONG appealed members' support for his motion on "Safeguarding animal rights" to be moved at the Council meeting of 28 June 2017.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
013824 – 014237	Chairman Mr CHAN Han-pan Admin	<p>Mr CHAN Han-pan considered that public transport like buses and trains should have the capacity during non-peak hours to accommodate passengers boarding with animals and that the Administration should be more open-minded in this regard. He noted that the Subcommittee had to complete work within 12 months of its commencement and suggested that the Subcommittee could refer the issue of allowing passengers boarding public transport with animals to the Panel on Transport for follow up with the Administration if necessary.</p> <p>Mr CHAN also informed members that he had suggested to the Administration at a meeting of the Lantau Development Advisory Committee that vehicles entering the closed roads in Lantau should be required to install detective systems that could detect the presence of animals and other vehicles on roads so as to avoid collision. He enquired whether and what actions had been taken to follow up his suggestion.</p> <p>The Administration was requested to provide a written response to Mr CHAN's enquiry.</p>	Admin (paragraph 5 of the minutes)
014238 – 014550	Chairman Dr Elizabeth QUAT	<p>Dr Elizabeth QUAT considered that:</p> <p>(a) Hong Kong was in lack of a well-conceived legislation on animal welfare and an animal-friendly policy to better protect the welfare of animals;</p> <p>(b) resistance was often encountered at district level on the introduction of animal-friendly facilities, and the Administration should engage more educational and publicity work to promote and facilitate positive interaction between animals and people. The Administration should also provide support for animal welfare groups to conduct work in this regard; and</p> <p>(c) if the bus companies were willing to introduce animal-friendly measures, the Administration should follow up as necessary.</p>	
014551 – 014629	Chairman	At 12:41 pm, the Chairman extended the meeting for 15 minutes beyond the appointed ending time in order to provide sufficient time for discussion.	
014630 – 015418	Chairman 董斐斐女士, 元朗牛友 何家美女士, Tai Po Community Animal Concern Group	At the invitation of the Chairman, deputations presented further views on the subject.	

Time marker	Speaker	Subject(s)/Discussion	Action Required
	Mr LAM Chun-man, Give Dogs A Home Mr CHEUNG Wai- man, Hong Kong Seeing Eye Dog Services Limited 梁韶華女士, 大嶼 山黃牛關注組 Ms Fiona WOODHOUSE, SPCA Ms HO Pui-han, Association for Tai O Environment & Development (Cattle Concern Group) Miss Gabee MAK Shuk-ching, Mongrel Dog Lovers		
015419 – 015955	Chairman Admin	At the invitation of the Chairman, the Administration elaborated on the measures it adopted to manage stray cattle. With regard to Mr CHAN hang-pan's suggestion of installing detective systems in vehicles to reduce the chance of collision between vehicles and cattle, the Administration advised that it had to be considered by the Transport Department.	
015956 – 020016	Chairman	Members agreed to the Chairman's suggestion that the Chairman, on behalf of the Subcommittee, should write to LCSD to express the Subcommittee's dissatisfaction that despite the request of the Subcommittee, LCSD had failed to arrange representatives(s) to attend this Subcommittee meeting.	Clerk (paragraph 6 of the minutes)
020017 – 020132	Chairman Mr Jeremy TAM	Moving of motion by Mr Jeremy TAM (seconded by Mr LAU Kwok-fan)	
020133 – 020218	Chairman The Deputy Chairman	Moving of motion by the Deputy Chairman and Mr CHAN Chi-chuen	
Item II – Any other business			
020219 – 020311	Chairman	Date of next meeting	