

立法會 *Legislative Council*

LC Paper No. CB(2)1381/18-19(04)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Information note prepared by the Legislative Council Secretariat for the meeting on 14 May 2019

Legislation and measures safeguarding animal welfare

The Prevention of Cruelty to Animals Ordinance (Cap. 169) ("the Ordinance"), which was last updated in 2006, is the main legislation safeguarding animal welfare by prohibiting and punishing cruelty to animals. Under section 3 of the Ordinance, any person who cruelly beats, kicks, ill-treats, over-rides, over-drives, overloads, tortures, infuriates or terrifies any animal, or by wantonly or unreasonably doing or omitting to do any act, causes any necessary suffering to any animal commits an offence and shall be liable on summary conviction to a fine of \$200,000 and to imprisonment for three years.

2. The subject of animal welfare has always been high on the agenda of the Panel on Food Safety and Environmental Hygiene ("the Panel"). In the Fifth and Sixth Legislative Council ("LegCo"), two subcommittees to study relevant issues were formed under the Panel. Issues received considerable attention by the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals¹ of the Fifth LegCo and the Subcommittee to Study Issues Relating to Animal Rights² of the Sixth LegCo include:

¹ The deliberations of the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals are detailed in its report (LC Paper No. CB(2)1704/15-16) which is available at the LegCo website https://www.legco.gov.hk/yr15-16/english/panels/fseh/fseh_awca/reports/fseh_awcacb2-1704-e.pdf

² The deliberations of the Subcommittee to Study Issues Relating to Animal Rights are detailed in its report (LC Paper No. CB(2)689/17-18) which is available at the LegCo website https://www.legco.gov.hk/yr17-18/english/panels/fseh/fseh_ar/reports/fseh_arcb2-689-e.pdf

- (a) the need to review existing legislation and policy for preventing and combating acts of animal cruelty;
- (b) measures for enhancing animal welfare; and
- (c) initiatives in promoting responsible pet ownership.

3. At the Panel meetings on 9 January, 10 April and 11 October 2018, members expressed wishes that, in addition to the issues as referred to in paragraph 2 above, arrangement should be made for discussion of the feasibility of setting up "animal police" teams tasked to investigate into cases of animal cruelty and abandonment as well as measures taken by the Agriculture, Fisheries and Conservation Department ("AFCD") for tackling nuisance caused to the community by wild pigs.

4. According to the Administration's reply to a written question raised at the Council meeting of 2 May 2018, the Administration was reviewing the existing legislation relating to animal welfare, in particular the Ordinance, including exploring the introduction of a concept of positive duty of care on animal keepers, and authorizing Government officers to issue "animal care improvement notices" to persons failing to take proper care of animals. The Administration advised that it would formulate relevant legislative proposals by making reference to overseas experience, and considering the actual situation in Hong Kong and views of animal welfare organizations and other stakeholders.

5. On 26 April 2019, the Government launched a three-month public consultation exercise on the proposals for enhancing animal welfare, through amending the Ordinance.³ The Administration will brief the Panel on those proposals at the meeting on 14 May 2019.

Council Business Division 2
Legislative Council Secretariat
7 May 2019

³ The relevant public consultation document is available on AFCD's website https://www.pets.gov.hk/english/animal_health_and_welfare/Proposals_to_Enhance_Animal_Welfare.html