

# LCQ20: Prevention of cruelty to animals

Following is a question by the Hon Elizabeth Quat and a written reply by the Acting Secretary for Food and Health, Dr Chui Tak-yi, in the Legislative Council today (November 4):

Question:

It has been reported that a number of serious cases of cruelty to animals have occurred one after another in Hong Kong in recent months, including those in which a mongrel was abandoned after being abused, pets were found dead or reported missing during cross-boundary shipments, a large batch of cats and dogs were found trapped in a small flat, and 30 animals were thrown from height. There are comments that as the Prevention of Cruelty to Animals Ordinance (Cap. 169), which is the centre-piece legislation for animal welfare and management, was adapted as early as in 1935 from the Protection of Animals Act 1911 of the United Kingdom, it is outdated in regard to its penalties and legislative principles, albeit it has been amended on three occasions. In this connection, will the Government inform this Council:

(1) of the number of complaints about cruelty to animals accepted and followed up by the authorities in the past three years and, among such complaints, the respective numbers of those the investigation outcome of which was that the complaints were (i) substantiated and (ii) unsubstantiated, and the reasons for that;

(2) of the number of new initiatives implemented by the authorities in the past two years for protecting animal rights, interests and welfare, the details of such initiatives, and the annual public expenditure incurred;

(3) as the Government has indicated that it will expeditiously amend Cap. 169, including imposing a "duty of care" on animal keepers and enhancing the power of the law enforcement agencies, so as to step up efforts in combating acts of cruelty to animals, of the details of the proposed amendments and the legislative timetable;

(4) of the number of complaints received by the authorities in the past three years involving (a) pet relocation services, (b) other pet services, and (c) the use of animals in commercial activities; the legislation currently in place to regulate such activities; whether the Government will study introducing regulation on pet services, including (i) establishing statutory licensing and punishment mechanisms, and (ii) issuing practice guidelines to service providers, in order to better safeguard animal welfare; if so, of the details; if not, the reasons for that;

(5) given that the Police have, since November 2018, set up 22 dedicated

investigation teams across the territory to handle cases of cruelty to animals, of (i) the number of cases of cruelty to animals which were handled, and (ii) the number of cases in respect of which prosecutions were instituted against the persons involved, by the investigation teams so far; how the Police will strengthen its work on animal protection and enhance the efficiency of the relevant law enforcement efforts; and

(6) as it has been reported that (i) at present, animal protection police officers in New Taipei City of Taiwan are empowered to investigate on their own initiatives suspected cases of cruelty to animals, (ii) animal protection inspectors in Queensland of Australia are empowered to enter by force those premises suspected of being involved in crimes related to cruelty to animals, and (iii) animal police in foreign places have the powers which are comparable to those of police officers in general (including the powers of arrest, investigation, gathering of evidence and detention of offenders), whether the authorities will consider afresh establishing animal police teams specially tasked to investigate cases of cruelty to animals and abandonment of animals, and enhancing the capability and training of frontline law enforcement officers on handling cases of cruelty to animals; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the Security Bureau, my reply to the question is as follows:

(1) Upon receiving reports of suspected animal cruelty cases, the Police Force (the Police) or the Agriculture, Fisheries and Conservation Department (AFCD) will conduct investigation. Prosecution will be initiated if there is sufficient evidence.

The number of suspected animal cruelty reports received by the Police and AFCD and relevant prosecutions made over the past three years are tabulated as follows:

Year	Number of suspected animal cruelty reports received*	Number of prosecutions made
2018	368	27
2019	288	29
2020 (As at June 30)	150	5

\*Upon investigation, most of the cases were found to be related to nuisance and not animal cruelty.

(2) Over the past two years, AFCD implemented the following measures to safeguard and promote animal welfare:

(i) conducting a review on the existing legislation and overseas experience related to animal welfare, as well as launching a three-month public consultation exercise in 2019 on proposals to enhance animal welfare;

(ii) enhancing public education and publicity programme to promote responsible pet ownership and proper care of animals, advise against the abandonment and needless surrendering of pets, and champion the need for dog licensing and rabies vaccination, as well as the benefits of neutering;

(iii) implementing the licensing regime under the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B) to regulate pet trading and breeding of dogs for sale;

(iv) devising codes of practices for the proper trading, breeding and keeping of pets and other animals;

(v) enhancing enforcement against pet owners and traders in contravention of relevant legislation;

(vi) improving the handling of reports or complaints on cruelty through an inter-departmental special working group comprising representatives of the relevant government departments and the Society for the Prevention of Cruelty to Animals (Hong Kong)(SPCA);

(vii) strengthening collaboration with, and providing technical and financial support to animal welfare organisations (AWOs) in rehoming of animals and carrying out activities relating to animal welfare and management; and

(viii) implementing the long term strategy for the management of stray cattle, in collaboration with the relevant AWOs and local communities.

The expenditure involved in the above work by AFCD over the past two years are tabulated as follows:

Year	Expenditure (\$ million)
2018-19	74.7
2019-20	73.1

As for the Police, to encourage the public to support and assist in combating acts of cruelty to animals, the Police are actively implementing the "Animal Watchers" Scheme (AWS) to pool together the efforts of animal lovers at the community level through a four-pronged approach of education, publicity, investigation and intelligence gathering; raise public awareness on prevention of cruelty to animals; encourage the public to report in a timely manner; as well as provide information that could help investigation. AWS participants may, through planning and participating in various animal welfare promotional activities, disseminate messages on caring for animals and prevention of cruelty to animals to the community. Given that the expenditure of the AWS falls under the Programme of "Maintenance of Law and Order in the Community", a specific breakdown is not available.

(3) The Government proposes to amend the Prevention of Cruelty to Animals Ordinance (Cap. 169) to further safeguard animal welfare. Proposed amendments include introducing a positive duty of care on persons responsible for animals to provide for their welfare needs, as well as to enhance the provisions for prevention of animal cruelty and enforcement powers to prevent and protect animals from suffering, including the introduction of an indictable offence for severe cases of cruelty. The Government conducted a public consultation on the above proposals last year and reported the results of the consultation to the Panel on Food Safety and Environmental Hygiene of the Legislative Council in April this year. We understand the public's concerns and expectations towards the legislative amendment. We will draft the legislation expeditiously and introduce the bill to the Legislative Council as soon as possible.

(4) Currently, animal traders, dog breeders, animal boarding establishments, animal exhibitions and riding establishments who conduct animal-related commercial activities, are required to obtain a relevant licence. Licence holders must comply with the licence conditions and code of practice concerned. AFCD officers will conduct inspections at these licensed premises on a regular basis, to ensure all licence conditions are complied with. If any such licensed establishment is found to have breached its licence conditions, AFCD will consider initiating prosecution.

The numbers of complaints received by AFCD over the past three years about animal-related commercial activities that require a licence (including animal traders, dog breeders, animal boarding establishments, animal exhibitions and riding establishments) are tabulated as follows:

Year	Number of complaints received
2018	354
2019	300

2020 (As at August)	202
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Hong Kong currently does not impose restrictions on pet exports (apart from endangered species). However, AFCD will issue or endorse Animal Health Certificates for the export of local animals as required by the importing countries/places. When members of the public enquire about or apply for issuance or official endorsement of Animal Health Certificates, AFCD officers will remind the applicant to note the different importation requirements of different countries/places, enquire about documents required for transportation of the pets from the government authority of the destination and airline company concerned, and ensure animal welfare during transportation of the animals. Over the past three years, AFCD received two complaints regarding pet relocation to other places.

As for other pet service establishments, if AFCD receives reports of suspected animal cruelty, it will send officers to investigate and collect evidence. If any person is found to have contravened the Prevention of Cruelty to Animals Ordinance (Cap. 169), AFCD will initiate prosecution against the person concerned.

(5) and (6) The Police have set up a dedicated criminal investigation team in each of the 22 police districts with criminal investigation teams across the territory. The dedicated teams, comprising officers with experience and skills in investigating and handling other serious crimes, take up the animal cruelty cases in their respective districts. A platform is in place for dedicated investigation teams of various districts to exchange their experience in investigation. The Police also provide relevant officers with training on handling animal cruelty cases to ensure that they are able to conduct thorough investigations into such cases. In addition, the Police, AFCD and SPCA have established a co-operation mechanism whereby AFCD and SPCA officers will provide professional advice and assist in investigation at the scene of an animal cruelty case where necessary.

On education and training, topics on the handling of cruelty to animals have been incorporated in the Police's training courses. AFCD and SPCA officers are invited from time to time to explain the multi-agency approach for the investigation of relevant cases, with a view to enhancing frontline police officers' professional knowledge in handling animal cruelty cases. The Police have also uploaded e-learning software to their Intranet to help frontline officers learn more about the investigation of animal cruelty cases and the relevant legislation. Moreover, the Police invite relevant officers to share their experience at seminars from time to time, so that frontline officers can better grasp the latest situation and trend of cruelty to animals.