

LCQ22: Prevention of cruelty to animals

Following is a question by the Hon Elizabeth Quat and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (April 27):

Question:

The findings of a survey revealed that there were a total of 335 cases of suspected animal cruelty between 2013 and 2019, with the majority of these cases involving traumatic physical injury to animals or neglect, and nearly one third of the animals being already dead when they were found. Regarding the prevention of cruelty to animals, will the Government inform this Council:

(1) given that the Government proposes to amend the Prevention of Cruelty to Animals Ordinance (Cap. 169) to enhance animal welfare, whether the Government will, by making reference to the practices of the relevant authorities of the United Kingdom, Queensland of Australia and Singapore, enact the Animal Welfare Ordinance to impose a positive duty of care of animals on persons in charge of animals, and require them to take necessary measures to prevent unnecessary physical and mental sufferings to animals; if so, of the details; if not, the reasons for that;

(2) whether the existing statutory requirements on animal breeding apply to the breeding of cats; if not, of the reasons for that, and whether it will consider bringing cats under regulatory control, so as to ensure that cats will not suffer as a result of being forced to breed;

(3) whether it will consider afresh extending the microchipping requirement to cover cats, so as to help cat owners reclaim their missing cats and prevent the abandonment of cats by irresponsible owners; if so, of the details; if not, the reasons for that;

(4) as it has been reported that some microchipped dogs were found to have expired dog licences or the dog owners could not be located due to incorrect information contained in the microchips, of the measures put in place by the Government to improve the microchips and the management of dog licences, so as to prevent owners from abandoning their dogs; and

(5) whether any legislation is currently in place to regulate animal release activities; if so, of the details, and whether it has reviewed if such legislation can effectively regulate the relevant activities and trades; if such legislation is not in place, whether the Government will, by following the practice of the authorities of the Taiwan region, enact legislation to prohibit unauthorised animal release activities, so as to avoid inflicting sufferings on animals after they are released?

Reply:

President,

The reply to the question is as follows:

(1) The Government proposes to amend the Prevention of Cruelty to Animals Ordinance (Cap. 169) (the Ordinance) 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; enhancing the provisions for prevention of animal cruelty, including the increase in the penalties and the introduction of an indictable offence; and enhancing enforcement powers to prevent animal cruelty and protect animals from suffering (including physical and mental suffering), etc. The Government will brief the Legislative Council Panel on Food Safety and Environmental Hygiene on the proposed amendments in May 2022 and expect to introduce the amendment bill to the Legislative Council in the second half of this year.

(2) Requirements regarding dog breeder licences under the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B) do not apply to other animals. Nevertheless, currently any person selling or offering to sell animals (including cats) must apply for an Animal Trader Licence. Any person who contravenes the said requirement is liable on conviction to a fine at level 6 (currently \$100,000). Furthermore, the Government proposes to amend the Ordinance by introducing a positive "duty of care" on persons responsible for animals (including animal breeders), requiring them to take reasonable steps to meet the welfare needs of the animals, including protection from pain, suffering and injury, etc.

(3) Regarding the requirement of microchipping, currently under the Rabies Regulation (Cap. 421A), any dog over the age of five months must be vaccinated, implanted with a microchip and licensed. The legislation concerned aims to better prevent and control the spread of rabies. Since the transmission risk of rabies through cats is relatively lower than that through dogs, there is no imminent need to mandate microchipping for cats. Notwithstanding, the Agriculture, Fisheries and Conservation Department (AFCD) is currently proactively considering to require all cats sold by licensed animal traders to be microchipped, through revising the Code of Standards for Licensed Animal Traders, to facilitate identification of owners and assist owners to find their cats that have gone astray. The AFCD will consult the trade on the aforementioned requirement within this year.

(4) The AFCD has enhanced enforcement action in relation to dog licensing and microchipping, including arranging officers to conduct regular dog licence inspections at various public places where dogs gather (such as dog gardens). During the inspections, AFCD staff will issue a written request to dog keepers if they find dogs without valid dog licences. These dog keepers will be requested to license their dogs or renew the licence within seven days and present the valid dog licence at the designated Animal Management Centres under the AFCD to ensure compliance with the written requests concerned, and the AFCD may otherwise take enforcement action against dog keepers who violate the requirements.

Apart from enhancing enforcement, the AFCD will endeavor to remind animal keepers of the requirement to renew licences, including revising the application form for dog licences, specifying that contact information of applicants will be used for notifications on licence renewal. The AFCD will notify dog keepers when their dog licences are about to expire, requesting them to renew the licenses within the specified period and reminding them of the legal consequences in case of non-compliance. The AFCD will also consider enhancing arrangements for dog licence applications and relevant communications to facilitate the public in handling applications.

The AFCD will continue to implement publicity and public education events to raise awareness of animal keepers to comply with the requirements regarding licensing and microchipping in the Rabies Regulation (Cap. 421A).

(5) Regarding release of animals, we have consulted the Environment Bureau. Animal release activities are not prohibited under the current legislation. However, improper release of animals, including placing animals in an unsuitable habitat, might affect their survival. If the released species is an alien species or is incompatible with the local ecology, it could compete for resources with the native species and adversely affect the local ecology. Therefore, the Government does not encourage the public to take part in animal release activities on their own.

Currently, under the Ordinance, any act that involves animal cruelty, causing any unnecessary suffering to an animal contravenes the Ordinance. An offender shall be liable on conviction to a fine of up to \$200,000 and imprisonment for three years. In order to further safeguard animal welfare in Hong Kong, the Government proposes to amend the Ordinance, including specifying that the release of an animal leading to unnecessary suffering of that animal, is an act of cruelty to animals, and proposing to increase the penalties concerned.

On the other hand, the Government believes it is important to strengthen public education so as to raise the public's attention to animal release, and remind them to think carefully before participating in any such activities to avoid effects on the natural environment. The AFCD works with organisations concerned about animal release activities to educate the public on the potential impact of animal release activities and remind the public to think carefully before participating in animal release, including through the use of promotional materials such as posters. The AFCD also appeals to the public to consider taking other virtuous actions in lieu of animal release, such as tree-planting, making donation to wild animal rescue organisations or environmental organisations, assisting in the rescue of local animals and protection of their habitats, and participating in relevant voluntary services, etc. The AFCD will continue to partner with organisations concerned about animal release activities in the promotion work on this front.