

## LCQ5: Prevention of incidents of cruelty to animals

Following is a question by the Dr Hon Priscilla Leung and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 13):

Question:

Last year, this Council passed a motion on "Safeguarding animal rights", urging the Government to adopt 26 measures to safeguard animal rights. Moreover, since April this year, dedicated investigation teams have been set up, in the 22 Police districts across the territory which have criminal investigation teams, to handle animal cruelty cases. However, a number of appalling incidents of cruelty to animals still happened in recent months. In this connection, will the Government inform this Council:

(1) as the Secretary for Food and Health indicated last month that the law would be amended to introduce a concept of positive duty of care of animals on animal keepers, of the details of the proposal and the legislative timetable; whether it will comprehensively review the penalties under the Prevention of Cruelty to Animals Ordinance in order to enhance the deterrent effect;

(2) whether the dedicated investigation teams under the Police have strengthened the exchange with each other of the experience in investigating cases of cruelty to animals, and established a close communication and cooperation mechanism with the Agriculture, Fisheries and Conservation Department, the Society for the Prevention of Cruelty to Animals (Hong Kong) and concern groups on animal interests; if so, of the details; if not, the reasons for that; and

(3) whether it will consider allocating additional resources to implement an animal caring community ambassador programme to raise public awareness of caring for animals and offer all-round support for animal keepers, so as to reduce the occurrence of incidents of cruelty to animals?

Reply:

President,

The Government attaches great importance to protecting animal welfare and implements a series of measures in this regard. Apart from prohibiting and punishing acts of animal cruelty, efforts in public education are being increasingly stepped up.

Having consulted the Security Bureau, my reply to various parts of the question raised by Dr Hon Priscilla Leung is as follows:

(1) We are reviewing the existing legislation relating to animal welfare, including exploring the introduction of a concept of positive duty of care on animal keepers, i.e. requiring animal keepers to take all necessary measures to protect the welfare of their animals, such as providing proper care and sufficient space for their animals and preventing them from disease, injury or suffering, etc by taking necessary measures. Having regard to overseas experience and opinions of animal welfare organisations (AWOs) and other stakeholders, the Agriculture, Fisheries and Conservation Department (AFCD) will exchange views with the stakeholders in relation to the preliminary proposals in the second half of this year, with a view to consulting the public in 2019. Although the maximum penalty under the existing Prevention of Cruelty to Animals Ordinance (Cap. 169) is higher than that of other developed places, we will also take this opportunity to re-examine the penalty level under the Ordinance.

(2) In 2011, the Police, together with AFCD, the Society for the Prevention of Cruelty to Animals (SPCA), veterinary associations and concern groups, introduced the Animal Watch Scheme (Scheme) to combat and handle animal cruelty cases more effectively through a four-pronged approach, covering education and training, publicity, intelligence gathering and investigation. The Scheme reinforces collaboration among various stakeholders and strengthens Police's efforts in the investigation of animal cruelty cases. The College of Veterinary Medicine and Life Sciences of the City University of Hong Kong joined the Scheme in 2017.

On training, officers from AFCD and SPCA enlighten the multi-agency approach for the investigation of animal cruelty cases to police officers participating in foundation training and criminal investigation courses. AFCD also provides animal welfare training for officers of the dedicated investigation teams set up by the Police in 22 police districts across the territory to strengthen their efforts in combating animal cruelty cases. The investigation teams of various districts also share their experience on a common platform.

On intelligence gathering, the Scheme encourages SPCA, veterinarians, animal concern groups and members of the public to report any persons or activities suspected to be involved in animal cruelty. Individual police districts maintain close communication with the animal concern groups in their respective districts, with a view to stepping up intelligence gathering efforts and following up on cases. On investigation, the Police, AFCD and SPCA have established a cooperation mechanism, whereby officers from AFCD and SPCA will provide professional advice and assist in the investigation at the scene of suspected animal cruelty cases where necessary.

(3) As for the Member's proposal to allocate additional resources to raise public awareness of caring for animals, such as by implementing an animal caring community ambassador programme, we agree with the importance of enhancing the work in this regard. On publicity and education, a dedicated team was set up by AFCD in 2011 to disseminate messages of caring for animals and responsible pet ownership through various activities, including dog

adoption carnivals, pet adoption days, dog training programmes, and school and estate seminars, etc. Each year AFCD invites artists to promote the animal adoption carnivals and pet adoption days. Announcements in the public interest are also produced and broadcast on buses and online platforms to raise the public awareness of caring for animals. AFCD also invited famous artists as the ambassadors of the pet adoption day held last weekend. The event had successfully attracted around 16,000 participants and contributed positively in encouraging the public to consider animal adoption.

Furthermore, the Police promote the Scheme to members of the public through various channels to convey the message of prevention of animal cruelty, and enlist community support to enhance public awareness in this respect. At the same time, AFCD has been working closely with, and providing financial support to, AWOs for carrying out work in this regard.

Support from society at large is essential to enhancing animal welfare. We will continue the work on this front with relevant departments, and look forward to receiving Members' support for our work on reviewing the legislation relating to animal welfare.

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## **Effective Exchange Rate Index**

The effective exchange rate index for the Hong Kong dollar on Wednesday, June 13, 2018 is 99.8 (same as yesterday's index).

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## **Make prior work arrangements for rainstorms**

The Labour Department (LD) today (June 13) reminded employers to make prior work arrangements for staff in times of rainstorms as soon as possible.

"To avoid disputes and confusion, employers should make prior work arrangements for staff and contingency measures in times of rainstorms," an LD spokesman said.

"In working out and enforcing the arrangements, employers should give prime consideration to employees' safety both in the workplace and during their journeys to and from work, and adopt a flexible approach. Whenever possible, they should consult their staff."

The work arrangements should cover the following matters:

- \* Whether employees are required to report for duty when different rainstorm warnings are issued;
- \* After a rainstorm warning is cancelled, the time for staff who have not reported for duty to resume work and the arrangements;
- \* How wages and allowances (if any) will be calculated for staff who are required to report for duty and those who are late for work or absent from work during rainstorms; and
- \* For employees who are required to travel to and from workplaces during rainstorms, whether transport facilities will be provided to them and, if so, the arrangements.

"Employers should make realistic assessments of the requirements for essential staff and require only absolutely essential staff to report for duty in adverse weather conditions. If an Amber, Red or Black Rainstorm Warning is issued during working hours, employees working indoors should remain on duty as usual and stay where they are unless it is dangerous to do so. Supervisors of employees working outdoors in exposed areas should suspend outdoor duties as soon as practicable. They should arrange for their employees to take shelter temporarily and resume duty when weather conditions permit. When the Black Rainstorm Warning is issued, those employees should not resume duty until the warning is lowered and weather conditions permit. If the Black Rainstorm Warning remains in force at the end of working hours, for safety reasons, employers should provide employees with an area in the workplace as temporary shelter for them to stay if they want to.

"If possible, employers should provide transport services for employees who are still required to travel to and from workplaces when the Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement.

"For staff who have practical difficulties in resuming work promptly upon cancellation of a rainstorm warning, employers should give due consideration to the circumstances of individual employees and handle each case flexibly.

"As rainstorms are natural occurrences that cannot be avoided, employers should not deduct wages of employees who are absent from or late for work because of inclement weather. Neither should employers dismiss an employee summarily based on these grounds," he said.

The spokesman also reminded employers to observe the statutory liabilities and requirements under the Employment Ordinance, the Occupational Safety and Health Ordinance, the Employees' Compensation Ordinance and the Minimum Wage Ordinance.

Employers should not deduct the annual leave, statutory holidays or rest days employees are entitled to under the Employment Ordinance so as to compensate for the loss of working hours resulting from employees' failure to report for duty upon the announcement of a Black Rainstorm Warning. An

employer who without reasonable excuse fails to comply with relevant provisions under the Employment Ordinance is liable to prosecution.

Employers should also note that they have an obligation to maintain a safe workplace for their employees under the Occupational Safety and Health Ordinance.

"If employees are required to work in times of rainstorms, employers should ensure that the risks at work are properly controlled and reduced to levels that are as low as reasonably practicable," the spokesman said.

Under the Employees' Compensation Ordinance, employers are liable to pay compensation for deaths or injuries incurred when employees are travelling by a direct route from their residences to workplaces, or from workplaces back to residences after work, four hours before or after working hours on a day when Typhoon Signal No. 8 or above or a Red or Black Rainstorm Warning is in force.

To provide practical guidelines and samples of work arrangements for the reference of employers and employees, the LD has issued the booklet "Code of Practice in times of Typhoons and Rainstorms". The code can be obtained from the branch offices of the Labour Relations Division or downloaded from the department's webpage ([www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf](http://www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf)).

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## **SFH speaks on e-cigarettes**

Following is the transcript of remarks made by the Secretary for Food and Health, Professor Sophia Chan, at a media session after the Legislative Council meeting today (June 13):

Reporter: (About e-cigarettes being introduced into the market in Hong Kong.)

Secretary for Food and Health: We are very concerned about the existence of e-cigarettes. We understand that e-cigarettes have already existed in the market and there are many unknown constituents or components in e-cigarettes. According to international studies and some of the testing of e-cigarette samples in Hong Kong, we have discovered that many of these constituents in electronic cigarettes are harmful to health. So we need to quickly strengthen our regulatory framework and legislative framework in order to better control and also regulate e-cigarettes.

(Please also refer to the Chinese portion of the transcript.)

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## LCQ6: Reducing the use of disposable plastic tableware

Following is a question by the Hon Chan Hak-kan and a reply by the Acting Secretary for Environment, Mr Tse Chin-wan, in the Legislative Council today (June 13):

Question:

During the decade from 2005 to 2015, plastic waste discarded at landfills increased by one quarter, and the proportion of plastic tableware in discarded plastic waste increased by 3 per cent to eight percentage points. The findings of a survey conducted last year by a green group have shown that two major fast food chains distributed disposable tableware to their customers, irrespective of whether they dined in or took away the food. Based on the survey, it is estimated that five major fast food chains handed out a total of more than 420 million pieces of disposable plastic tableware in 2016. In this connection, will the Government inform this Council:

(1) whether it will discuss with the operators of major fast food chains the setting of a target and an implementation timetable for reducing and ultimately ceasing the use of disposable plastic tableware; if so, of the details; if not, the reasons for that;

(2) whether it will issue guidelines to small eateries to encourage and help them to reduce the use of disposable plastic tableware; if so, of the details; if not, the reasons for that; and

(3) given that the Environment Bureau set out in the Hong Kong Blueprint for Sustainable Use of Resources 2013-2022 published in 2013 a target to reduce the per-capita municipal solid waste disposal rate by 40 per cent by 2022 as compared with 2011, whether the Government has assessed how far the current situation is off target; of the measures in place to further encourage restaurants and members of the public to reduce the use of disposable plastic tableware, so as to achieve such target expeditiously?

Reply:

President,

The Hong Kong Blueprint for Sustainable Use of Resources 2013-2022 (Blueprint) formulated by the Government sets out the 10-year waste management strategies as well as the target of waste reduction by 40 per cent by 2022. Owing to factors such as the continuous growth of our economy, the tightening of import requirements for certain recyclables by the Mainland and the change in demand for recyclables in the global market, the quantity of local waste generation has shown a rising trend at this stage due to an increase in commercial and industrial waste generation despite slight reduction in domestic waste generation.

To achieve the Blueprint's waste reduction target, the Environmental Protection Department (EPD) has been implementing or initiating a number of measures. These include making various efforts to promote and educate the message of "use less, waste less", strengthening source separation and clean recycling of waste, implementing producer responsibility schemes progressively, exploring more technologies and means to process recyclables, assisting the recycling industry to upgrade their standards and capabilities through the Recycling Fund, making laws to implement municipal solid waste (MSW) charging, etc.

In terms of disposable plastic tableware, although they account for only about 2 per cent of the MSW disposed of locally, once entering the marine environment, these waste plastics will exist for a prolonged period of time and pose threats to marine organisms. There is no way that Hong Kong can remain aloof from the issue. To achieve a "plastic-free ocean", eliminating plastics at source is the most fundamental way. The Government is thus deeply concerned about the environmental impacts brought by disposable plastic tableware. We have been paying close attention to the research and development in other countries or regions on the control of disposable plastic tableware and the policies and measures proposed therein, as well as the various ways to reduce and even phase out disposable plastic tableware.

The EPD plans to commence a study within this financial year to obtain the in-depth knowledge about the mainstream proposals worldwide on the future control mechanism of disposable plastic tableware and their means of implementation, and consider whether it is suitable to implement the control on disposable plastic tableware in future having regard to the local situation. If any suitable proposal is identified, we will study the scope of control and various related matters, including such details as the types of tableware for control, the means of control, the applicable substitutes, etc. We will also look into the implications of such control on various sectors, including the public and the trades concerned, and consult the relevant trades and stakeholders. Based on the findings of our study and analysis, we will draw up a specific proposal that is suitable for implementation in Hong Kong.

As regards the catering sector, the Government has been providing various types of restaurants with guidelines and assistance to encourage them to implement green measures, and to reduce the use of disposable tableware. These measures include providing dine-in customers with only reusable tableware, avoiding the use of plastic foam food containers for keeping take-away food, welcoming customers to bring their own food containers for buying take-away food, etc. Under the Sustainable Development Fund, the Government has earlier supported the food and beverage sector to formulate guidelines on green procurement by the trade, with the aim of encouraging various types of restaurants and eateries to practise green procurement, including the use of reusable or plant-fibre tableware instead of disposable plastic ones. Through the annual Hong Kong Awards for Environmental Excellence, the EPD also commends restaurants that have excelled in waste reduction at source, such as those taking measures to encourage customers not to ask for disposable tableware.

The Government has taken the lead in adopting a green procurement policy, which includes avoiding the use of disposable tableware. Internal guidelines have been issued to advise all bureaux and departments to avoid the use of disposable items as far as practicable. In future, we will explore means to require canteen operators in government properties to, where circumstances permit, avoid offering plastic straws, avoid distributing disposable tableware to dine-in customers, avoid distributing disposable tableware sets for take-away food, avoid distributing any single-use tableware by default, and use tableware or lunch boxes made of greener materials (e.g. plant fibre) to replace disposable plastic tableware. In addition, we will consider launching voluntary schemes on using less plastic and disposable tableware in the food and beverage sector under the Food Wise Hong Kong Campaign. The EPD will take into consideration the experience gained in these voluntary schemes, as well as the stakeholders' views, in tandem in conducting the above-mentioned study on the control of disposable plastic tableware.

At the community level, the EPD is committed to facilitating the general public and various sectors to reduce the use of disposable plastic tableware, and to enhancing public awareness in environmental protection through proactive promotional and educational efforts. For instance, green lunch has been promoted in schools through the Environment and Conservation Fund (ECF). Local non-profit-making organisations have also been subsidised by the ECF to run community projects to inspire citizens and students to bring and use their own reusable tableware.

Avoiding the entry of plastic waste into the marine environment is a common challenge currently faced by the international community. To protect the nature and our next generation, the Government will keep on promoting waste reduction by encouraging every sector and citizen to treasure our resources, and as far as practicable minimise the use of disposable items, including disposable plastic tableware, thereby joining hands to build a cleaner and greener Hong Kong.

Thank you, President.