



Society for the Prevention  
of Cruelty to Animals (HK)  
香港愛護動物協會

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Mrs Carrie Lam  
Chief Executive  
Office of the Chief Executive,  
Tamar,  
Hong Kong.

Dear Mrs Lam,

### **"Consultation on the Chief Executive's policy address 2018"**

The Society for the Prevention of Cruelty to Animals notes that over the years there have been efforts to improve animal welfare in Hong Kong and make Hong Kong more animal friendly and welcome the positive changes however there is still more that Hong Kong could easily do in this respect.

#### **Improved Animal Protection through improved legislation, enforcement and related policies**

The SPCA welcomes the Government's initiative announced in May this year to review existing legislation to further enhance the animal welfare and considering the introduction and inclusion of the concept of "duty of care" in the legislation with a focus on "the Ordinance" (CAP 169). We note that there will be a consultation process and will give our full support and further input in due course however we make the following points at this stage.

#### **Recommendation: The duty of care concept must be included in the revised legislation ("the Ordinance") alongside the traditional but important anti- cruelty elements.**

It is also timely to point some areas of specific concern with different areas of animal related legislation especially as CAP 169 - The Prevention of Cruelty to Animals Ordinance will be the main focus of the current review and hope that these can also be considered and addressed during the consultation process.

- a.) **Many of the current animal-related ordinances are primarily concerned with public health and hygiene and lack animal welfare focused components. Some areas of animal use are not regulated or are under regulated.**

Much of the legislation that regulates animal trade, slaughter or other animal uses is deficient in terms of protecting animals and giving guidance on how best to care for the animals used or how to avoid needless suffering.

For example, CAP 139 *Public Health (Animals and Birds) (Animal Traders) Ordinance* regulates animal trade including farming, animal boarding, riding schools and pet shops, CAP 132 *Public*



*Health and Municipal Services Ordinance* that regulates slaughter and markets and CAP 340 *Animals (Control of Experiments) Ordinance* that regulates use of animals for teaching and research. However, these regulations do not extend much beyond sanitation levels and health or very basic concepts related to animal welfare.

**Recommendation: The “duty of care” concept should be integrated into all animal related legislation**

**b.) There needs to be a review of current practices and trends in animal keeping / businesses.**

New regulations for the keeping and use of animals that are currently not specifically covered in the legislation is long overdue. For instance, working dogs and other working animals are not protected by legislation. Businesses that use animals as attractions (pet cafes, entertainers, recreational facilities etc) use loopholes to avoid licensing and oversight. Some service providers such as trainers and dog groomers and related premises are similarly not regulated or inspected. Animal shelters too are not regulated under any specific mechanism requiring them to be licensed, inspected or meet certain minimum standards even though a very large number of different types of animals are kept in shelters often for long periods.

**Recommendation: New regulations should be added to CAP 139 Public Health (Animals and Birds) (Animal Traders) Ordinance in order to regulate all businesses or activities that use animals and better safe guard the animals welfare**

**c.) Certain species are not adequately protected under some existing legislation or their trade regulated– the omission of fish and amphibians from the definition of animals under CAP 139 is one such example.**

Currently, shops selling these species do not have to be licensed and these animals have no proper protection from misuse or abuse by traders or other parties. One example of poor welfare that triggers repeated calls for concern to the SPCA is the use of fish for the ‘fish scooping’ game – where live fish as used as elements in a game which people pay to play and where live fish can be won as prizes. As fish are not defined as animals under CAP 139 this activity with its negative impacts on the fish can be carried out without a licence.

As such the definition of animals under CAP 139 should more broadly match to that under CAP 169.

**Recommendation: The definition of animal under CAP 139 Public Health (Animals and Birds) (Animal Traders) Ordinance should be amended and improved to better protect all animals traded or used for business as well as properly safeguarding animal and human health.**

**d.) In 2017 the Government improved the regulation of the pet trade with a particular focus on dog breeding and trading. However many other species of animals continue to be traded and would benefit from similar improvements to regulate breeding and trade and improve standards of care across the different species.** The loop holes that were exploited by the dog trade and still exist for other species should be closed. Additional supportive measures such as more Codes of Practice to help guide the pet trade, animal related businesses and pet owners must be developed and issued.



Cats suffering whilst being bred to supply the pet trade.

**Recommendation: The Government continues to amend the regulations under CAP 139B Public Health (Animals and Birds) (Trading and Breeding) and add new elements where necessary to better regulate the trade in other species and improve their welfare.**

**e.) Many species of animals outside the traditional companion animals may be kept as pets and sold by the pet trade.** In some instances with exotic pets it can be very difficult for pet owners to behave responsibly, as many exotic pets are fundamentally wild animals and they should not be kept in captivity, as they are unsuited to lives as pets or companion animals. Many of these animals have complex needs and suffer at many stages during their life as an exotic pet. The exotic pet trade can also have an impact on the conservation of species in the wild and encourage illegal trade and smuggling.

The Agricultural, Fisheries and Conservation Department should conduct a review of the exotic pet trade on welfare and other grounds and change policy on this trade and thereby introduce 'positive lists' to determine species that reasonably could have their welfare needs met by an average responsible pet keeper and consequently, can be more safely kept and traded as pets. "Positive lists" should also consider public and animal health concerns (health risks) and conservation and environmental factors. Many exotic animals may be bought for use in religious / "mercy" release activities. These are detrimental to the welfare of the individuals traded and released as they are effectively abandoned and it is also detrimental to the native fauna and flora – invasive, non-indigenous species compete with native ones and also diseases can be introduced damaging the health of wildlife and having a significant impact on the ecosystem.

**Recommendation: The exotic pet trade should be reviewed and oversight and regulation improved. "Positive Lists" should be introduced. Religious / "Mercy" release activities should be banned or tightly regulated.**

**f.) Enforcement powers can be expanded to facilitate enforcement of legislation.**

There should be an increased number of officers empowered to take action under the different pieces of legislation both in general and also under specific circumstances.



For instance, following examples from overseas some SPCA Inspectors, who meet defined criteria and standards under the legislation, may be given some limited powers. These powers could be such that would enable them to assist and, if necessary, take possession of animals that are suffering or in danger of suffering without the need for an offence to be charged or prosecuted.

**Recommendation: Enforcement resources should be increased with more officers empowered as appropriate under the different pieces of legislation to ensure that there is proper oversight and enforcement in support of the intent of the legislation.**

### **Policy and commitment**

**There needs to be a truly “animal friendly” policy position that is adopted and adhered to across all bureaus and departments in the Government.**

A holistic approach to animal welfare means that legislation, policies and programmes of different departments should take into consideration any impact (direct or indirect) these may have on the welfare of animals. At present, there is no consolidated animal welfare strategy at a high level that spans across departments. Many ordinances that directly involve animals are enforced by different departments.

In addition sometimes actions taken by different Bureaus or Departments will trigger an animal welfare crisis and a social issue impacting animal keepers. The animals’ owners, carers and their family members are often left traumatised by events, frequently having been frustrated in their attempts to find solutions themselves. Eventually the burden of trying to help with animals negatively impacted by such actions will often fall on animal welfare NGOs or AFCD.

Cross Bureau and Department collaboration at the outset in the strategy and planning stage should lead to a deeper understanding of any potential animal related issues. Joint responsibility should be accepted and the different Bureaus and Departments should work together in developing strategies to avoid triggering animal related crises in the first place. Mitigation measures (including changes to policy or the removal of administrative barriers) should be fully supported in a timely manner.

In light of the above the Society for the Prevention of Cruelty to Animals (Hong Kong) would like to make the following recommendations with regards to adopting a coordinated and holistic approach.

### **Recommendations:**

**There should be better Bureau and Department collaboration on issues that impact animals and their welfare.**

**A panel consisting of animal welfare specialists, animal welfare scientists and technical experts should advise the administration at a high government level on animal welfare issues and this advisory panel should be cross bureau and department.**

**Note:** *Currently, the AFCD has an Animal Welfare Advisory Group (AWAG) of various stakeholders and technical experts that advises the Department on animal welfare issues. However, the extent that the group can make improvements to actual animal welfare policy is limited.*

*The terms of reference of this committee state that the role of this committee is advisory and is limited to providing input to the AFCD. This severely limits the extent that the group can make improvements on actual animal welfare policy that affects animals across the board especially when issues relate to other departments and bureaus either in part or in whole (such as dogs in public housing, welfare during transport, in markets and at slaughter and the welfare of animals used in teaching and research).*

**Stakeholder engagement should be increased.**



**Increased resources should be committed to assist with practical implementation of policies strategies and programmes.**

**Animal friendly planning and development strategy**

Following on from the request that Hong Kong adopts a cross Bureau animal friendly policy position we specifically ask that the Government includes the consideration of animals and animal welfare in its general planning vision and strategy as well as in areas more easily recognised as directly relating to animals.

People are more concerned about how animals fare in our society and how they are treated across the different species and uses.

Development is putting pressure on the natural habitats of wild animals and more and more people in Hong Kong wish to keep an animal as a companion - with pet ownership increasing however much of Hong Kong's housing and infrastructure is out of step with such aspirations.

**In light of the above the Society for the Prevention of Cruelty to Animals (Hong Kong) would like to make the following recommendations with regards to developing a planning vision and strategy for Hong Kong:**

**Recommendations:**

**Environmental protection and wild life conservation (biodiversity) should be a core consideration.**

**Hong Kong's Country Parks and Special Areas and Sites of Scientific Interest need to be protected as do other green areas that provide natural open space and are important habitats for wild animals.**

**Animal welfare needs to be considered - animal friendliness should be included in planning, design and implementation.**

For instance:

- Wild animal habitats should not be fragmented
- Barriers to natural wild animal movements should be avoided
- Fencing and drainage channels etc. that could be hazardous for animals should be designed to minimise risks to animals
- Public open space should be increased, well-designed, conveniently located and be accessible to pet owners
- Public (and other) housing should be designed and managed to be animal owner and animal friendly
- Walkability and pedestrian connectivity is to be encouraged and pet owners should also be able to freely access all pedestrian routes
- Public transport should also cater for the needs of pet owners
- Sufficient land needs to be provided to support conservation, bio-diversity and animal welfare activities (including dedicated facilities) to meet the needs of both the NGOs and the Government working in these fields.



**Legislative barriers or policy positions that could hinder implementing the above recommendations should be reviewed and removed.**

Thank you for considering our views and aspirations. If you have any queries on our submission please do not hesitate to contact us on 22325563 or by email c/o: [fiona.woodhouse@sPCA.org.hk](mailto:fiona.woodhouse@sPCA.org.hk).

Yours sincerely,

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