

**For discussion
on 21 April 2020**

LegCo Panel on Food Safety and Environmental Hygiene

**Proposals to Enhance Animal Welfare –
Report on the Outcome of Public Consultation**

PURPOSE

This paper sets out the outcome of the public consultation conducted on proposed measures to enhance animal welfare.

BACKGROUND

2. From 26 April to 31 July 2019, the Agriculture, Fisheries and Conservation Department (AFCD) conducted a public consultation on the proposals to enhance animal welfare through amendment of the Prevention of Cruelty to Animals Ordinance (Cap. 169) (the Ordinance). During the consultation period, we consulted this Panel (LC Paper No. CB(2)1381/18-19(03)) and various advisory bodies, including the Advisory Council on Food and Environmental Hygiene, Advisory Committee on Agriculture and Fisheries, Animal Welfare Advisory Group and the Veterinary Surgeons Board, and organised five public forums with over 300 attendees (including representatives from animal welfare organisations (AWOs)). Letters and emails were also issued to over 600 stakeholders¹ inviting their comments on the proposals.

OVERALL RESPONSES RECEIVED

3. A total of 2507 written responses were received. Of these, 2114 responses were based on the Government's proposals and 393 were in the format of a different feedback form designed by an animal welfare group based on its proposals to be included in the legislation. Of the responses based on the Government's proposals, majority (94%) were from individuals and the remainder from AWOs or other stakeholders and around 88% agreed that animal welfare should be enhanced and supported the proposed

¹ Stakeholders included AWOs, licensees of animal-related businesses and related associations, kennel clubs, veterinary associations, livestock and farmers' associations, slaughterhouse operators, LegCo members, District Councils, Heung Yee Kuk and its Rural Committees, etc.

amendments to the Ordinance overall. A summary of views received is in Annex. Major views received are set out below –

PROPOSED MEASURES TO BE IMPLEMENTED

(a) To introduce a positive ‘Duty of Care’

Proposal in the consultation document

4. We proposed to impose a positive “Duty of Care” on persons responsible for animals to provide for their welfare needs, empower a public officer to issue an improvement notice to those failing to comply with the duty of care, and set an appropriate level of penalty for the contravention of the duty of care. To complement the duty of care, we proposed to promulgate Codes of Practice (CoPs) for those types of animals which are commonly kept in Hong Kong. CoPs would give practical guidance on how to provide for the welfare needs of animals to the extent required by good practice.

Views received

5. The proposal to introduce a duty of care on responsible persons received a good measure of support (88%)². While some respondents considered that the duty of care should apply to all types of situations in which animals are kept (e.g. farms, wet markets, breeders and Government) and not only pet animals, the agriculture and fisheries sector was concerned about how the duty of care would affect the industry. The proposal to empower a public officer to issue an improvement notice where the duty of care has not been fulfilled received strong support (85%).

6. In light of the views received, we intend to take forward the proposal of introducing the duty of care on any person who is responsible for an animal, and issuing improvement notices where the duty of care has not been fulfilled. We also plan to issue CoPs, starting with pet animals as first priority and would consult relevant stakeholders on the CoPs when finalising the legislative amendments. Nevertheless, the duty of care would still apply even in the absence of a CoP for a particular species, i.e. the responsible person has the responsibility to know and provide for the welfare needs of the animal concerned.

7. We noted that some respondents and forum attendees were of the view that feeders of stray animals should be exempted from the duty of care.

² The quoted percentages in this paper refer to the responses based on the Government’s proposals.

While we intend to exclude animals living in a wild or feral state not under the control of any person from any requirement under the duty of care, we propose that persons who have obtained a dog licence (including the “feeders” who have obtained a dog licence and subsequently released the dog to live at large) would not be exempted from the proposed regulatory requirement, to avoid creating a loophole for enforcement against abandonment and other existing legislative provisions for control of dogs³.

8. Regarding the penalty for breaching the duty of care, the heaviest penalty option included in the consultation document, i.e. three years’ imprisonment and up to \$200,000 fine, was the most frequently chosen by respondents (40%). We will consider a suitable penalty level for this new offence during the law drafting process, having regard to the views received during the consultation, legal advice as well as the need to ensure that the penalty is consistent with that of offences of similar severity.

(b) To enhance the provisions for prevention of cruelty

Proposal in the consultation document

9. It was proposed to specify that the release of an animal into an unsuitable environment, which causes it to suffer, is an act of cruelty to animals. We also proposed to introduce an indictable offence for severe cases of cruelty and increase the maximum penalty for those offences as well as empowering the courts to disqualify a person convicted of an animal cruelty offence from keeping animals within a specified period of time or permanently.

Views received

10. The proposal to specify that release of an animal into an unsuitable environment, which causes it to suffer, is an act of cruelty received a good measure of support (86%). We plan to take forward the proposal in view of the support. Some respondents recommended setting out in more detail what constitutes an “unsuitable” environment. A small number of respondents (3%) disagreed with the proposal and some considered that release of animals for religious purposes was protected under the Hong Kong Bill of Rights Ordinance (HKBORO). We will ensure the proposed legislative amendment is consistent with relevant articles of the HKBORO and the Basic Law.

³ Instead, proponents of trap, neuter and return (TNR) schemes for dogs may approach AFCD for consideration in order to obtain the proper legal exemptions through the established mechanism.

11. There was broad agreement on the proposals to introduce an indictable offence for severe cases of cruelty and to increase the maximum penalty for such cases. 86% of respondents agreed with introducing conviction by indictment. The most popular option out of the penalty ranges put forward in the consultation document was a maximum of 10 years' imprisonment (56%) and a \$2,000,000 fine (44%). Some (7.7%) respondents considered the suggested ranges too lenient and proposed even higher fines (up to \$10,000,000 or unlimited) while a small number of respondents (2%) proposed life imprisonment as the maximum sentence. Taking into account the views above, we intend to introduce an indictable offence and increase the penalty, and will consider an appropriate penalty level having regard to the views received, legal advice as well as the need for consistency with penalties for offences of similar severity.

12. Majority of the respondents (87%) agreed with the proposal to empower the court to disqualify offenders from keeping animals. Some respondents (1.4%) suggested publicising a list of disqualified persons or allowing AWOs to access the list to avoid rehoming animals to such persons. In taking forward the proposal to empower the court to disqualify offenders from keeping animals, we intend to explore the possibility of maintaining a register of persons to whom a disqualification order applies for access by relevant parties (e.g. AWOs or animal traders, etc.) whilst having regard to requirements on personal data protection.

(c) To enhance enforcement powers to prevent and protect animals from suffering

Proposal in the consultation document

13. We proposed to provide public officers with the necessary powers of entry to premises and seizure of animals with a view to enhancing the protection of animals from suffering⁴. We also proposed to allow a Senior Veterinary Officer to release a seized animal from detention under the Ordinance, instead of only upon the order of a Magistrate, if the animal has been surrendered by the owner and is no longer required for evidence purposes.

⁴ The existing Ordinance provides for an authorised officer to enter and search any building or vehicle, etc. if there is a reason to suspect that an offence is being committed. To better safeguard animal welfare, we proposed to give authorised officers the power to intervene before an animal suffers, i.e. entering the premises and / or seizing an animal if there is a reason to suspect that an animal is likely to suffer if the circumstances do not change. We also proposed to add a provision empowering a Magistrate to issue a warrant to allow an authorised officer to enter and search buildings and premises.

Views received

14. The majority of submissions (86%) supported enhancing enforcement powers to enter premises and seize animals to better safeguard animal welfare. Some respondents and forum attendees pointed out that the law must ensure a balance between protection of animals and the right to privacy. We propose to implement the above proposals in light of the support of the majority of respondents.

OTHER VIEWS RECEIVED

15. Apart from the proposals set out in the consultation document, we received additional suggestions related to enhancing animal welfare. Some forum participants and respondents including AWOs, and most submissions in the feedback form of the animal welfare group, suggested that unnecessary “mutilations”, such as tail-docking, ear-cropping, de-barking and de-clawing, etc., should be prohibited under the proposed legislation even though such procedures are considered an act of veterinary surgery and have already been covered under the Code of Practice for the Guidance of Registered Veterinary Surgeons⁵. In addition, while poisoning of an animal resulting in its suffering could be an offence under the existing Ordinance, some respondents suggested introducing an offence of administering a poison to an animal, in order that action can be taken even if no animal has in fact suffered.

16. In light of the views received, we will further study the above suggestions having regard to the local situation and practices of other jurisdictions. Apart from the above, we have also received other comments and suggestions during the consultation as set out in Annex⁶. We would also carefully consider these views and whether they should be addressed in the current legislative exercise, as some views may be related to other aspects of Government’s work involving animals and not directly related to the Ordinance.

⁵ According to the Code of Practice for the Guidance of Registered Veterinary Surgeons, such procedures should only be carried out for “proper medical or generally accepted animal husbandry reasons”.

⁶ For example, currently, animals seized are generally taken care by AFCD or the Society for Prevention of Cruelty to Animals. Some respondents pointed out that the cost of caring for the animals could be substantial and suggested that a mechanism for recovery of such costs should be provided.

WAY FORWARD

17. Taking into account the views received, we will draw up legislative proposals to amend the Ordinance

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
April 2020**

Summary of Views Received during the Public Consultation on the Proposals to Enhance Animal Welfare

BACKGROUND

- From 26 April to 31 July 2019, the Agriculture, Fisheries and Conservation Department (AFCD) conducted a public consultation on the proposals to enhance animal welfare¹. Responders were invited to fill in a feedback form attached to the consultation document (Appendix).

RESPONSES RECEIVED

- A total of 2 507 written responses were received, including –
 - 2 114 responses based on the Government's proposals; and
 - 393 responses in the format of a different feedback form designed by an animal welfare group based on its proposals for topics to be included in the legislation.
- Of the 2 114 responses based on the Government's proposals, majority (94%) were from individuals and the remainder from Animal Welfare Organisations (AWOs) or other stakeholders. Around 88% of respondents agreed that animal welfare should be enhanced and supported the proposed amendments to the Prevention of Cruelty to Animals Ordinance (Cap. 169) (the Ordinance) overall.
- The responses to the questions on the feedback form are tabulated below.

Question	% Agree	% Disagree	% No response
1. Legislative amendment of Cap. 169 is required to enhance animal welfare.	87.7	0.5	11.8
2. A "Duty of Care" should be introduced so that persons responsible for animals are legally required to take reasonable steps to provide for the welfare needs of their animals.	88.6	0.6	10.8
3. Improvement Notices should be issued in certain cases where the duty of care has not been fulfilled.	84.7	2.5	12.8

¹ As tropical cyclone signal number 8 was in force on 31 July, responses sent on 1 August were also included.

4. The definition of cruelty shall be updated to specify that release of an animal into an unsuitable environment, which causes it to suffer, is an act of cruelty.	86.0	3.0	11.0
5. An indictable offence should be introduced for severe cases of cruelty.	86.2	0.6	13.2
6. The courts should be enabled to disqualify offenders from keeping animals.	87.2	1.0	11.8
7. Enforcement powers to enter premises and seize animals should be enhanced to better safeguard animal welfare.	86.1	1.4	12.5
8. Seized animals should be released from detention earlier if circumstances permit.	85.9	0.7	13.4
11. I support the proposed amendments to Cap. 169.	87.9	0.5	11.6

For the levels of maximum penalty (questions 9 and 10), the responses were as follows:

Indictable Cruelty Offence									
Imprisonment (years)					Fine (\$)				
4 – 5 years	6 – 8 years	9 – 10 years	Others	No response	200,000 – 500,000	500,000 – 1 million	1 – 2 million	Others	No response
9.5%	12.5%	56.2%	9.0%	12.8%	12.6%	25.0%	44.3%	3.8%	14.3%

Contravention of Duty of Care									
Imprisonment (years)					Fine (\$)				
≤1 year	2 year	3 year	Others	No response	≤50,000	50,000 – 100,000	100,000 – 200,000	Others	No response
16.2%	14.1%	39.0%	13.4%	17.3%	8.1%	27.1%	42.0%	6.6%	16.2%

COMMENTS AND SUGGESTIONS

- A number of additional comments, suggestions and opinions were received. Common views received, including those expressed during public forums², are tabulated as follows –

² Five public forums were organised by AFCD with over 300 attendees to hear the public's views on the proposals.

Proposals	Comments and Suggestions
Part A : Introducing a positive “Duty of Care”	
(a) To impose a positive “Duty of Care” on persons responsible for animals to provide for their welfare needs.	<ul style="list-style-type: none"> ● Over 88% of respondents agreed that a duty of care should be introduced, whereby persons responsible for animals should be required to take reasonable steps to meet the welfare needs of their animals to the extent required by good practice. ● Some respondents considered that more details and guidance on how to fulfil the duty of care should be provided. Others noted that the duty of care should apply to all types of situations in which animals are kept (e.g. farms, wet markets, breeders, slaughterhouses, Government and other large organisations) and not only pet animals. ● The agriculture and fisheries sector expressed concern about how the duty of care would affect the industry. ● 0.6% of respondents disagreed with introducing a duty of care and some were concerned that it would impose a burden on pet owners and may even lead to abandonment. ● Some respondents and forum attendees were of the view that feeders of stray/feral animals should be exempted from the duty of care. Whilst the consultation document stated that “animals living in a wild or feral state not under the control of any person are excluded from any requirement under the duty of care”, those respondents were mainly concerned about the liability of persons who had obtained a dog licence and subsequently released the dog to live at large. Under the consultation proposals, the licensed keeper of a dog would be considered as one of the persons responsible for it, as part of the measures to address existing difficulties with enforcement against abandonment (see paragraph 4.11 of the consultation document).

<p>(b) To empower a public officer to issue an improvement notice to the responsible person where the duty of care has not been fulfilled.</p>	<ul style="list-style-type: none"> ● Around 85% of respondents agreed with the proposal to issue improvement notices in certain cases where the duty of care has not been fulfilled but the breach of duty of care presents a relatively lower risk to the welfare of the animal. ● Some respondents were of the view that failure to comply with the notice, or recurrence of the problem, should result in prosecution of offenders. ● 2.5% of respondents disagreed with issuing improvement notices, those mainly being of the view that prosecution or fine should be carried out immediately and that an improvement notice did not have sufficient deterrent effect. ● Some respondents suggested introducing a points system or fixed penalties for breaches of the duty of care and some suggested that persons to whom an improvement notice was issued should be required to attend a training course.
<p>(c) To set an appropriate level of penalty for the contravention of the duty of care. Suggested penalty options for a person convicted of breaching the duty of care were included in the consultation document.</p>	<ul style="list-style-type: none"> ● The heaviest option (3 years' imprisonment and up to \$200,000 fine) was the most frequently chosen with around 40% of respondents supporting. ● Lower penalties such as 1 or 2 years' imprisonment and up to \$100,000 fine had the support of around 25% of respondents. ● On the other hand, around 5% of respondents proposed higher penalties (e.g. up to 20 years' or even life imprisonment) than the heaviest option in the consultation document. ● Comments also included setting a minimum penalty or sentencing guidelines for the courts to follow under different scenarios, and having differential penalties for individuals and corporations (or offences committed in the course of business).

<p>(d) To promulgate Codes of Practice (CoPs) for those types of animals which are commonly kept in Hong Kong, starting with pet animals as the first priority. CoPs will give practical guidance on how to provide for the welfare needs of animals to the extent required by good practice.</p>	<ul style="list-style-type: none"> ● Some noted that CoPs should be based on objective, evidence-based, and scientific measures.
<p>Part B : Enhancing the provisions for prevention of cruelty</p>	
<p>(a) To specify that the release of an animal into an unsuitable environment, which causes it to suffer, is an act of cruelty to animals.</p>	<ul style="list-style-type: none"> ● The proposal was supported by 86% of the respondents. ● Most respondents who submitted the feedback forms of the animal welfare group also supported regulation of “mercy release”. ● On the other hand, around 3% of respondents disagreed with this proposal. ● Over 1.4% of respondents were of the opinion that release of animals for religious purposes is protected under the Hong Kong Bill of Rights Ordinance.
<p>(b) To increase the penalty for the offence of cruelty to animals and introduce an indictable offence. Suggested options for the increased penalty levels were included in the consultation document.</p>	<ul style="list-style-type: none"> ● 86% of respondents supported the introduction of conviction by indictment and only 0.6% disagreed. ● The most popular selection out of the suggested penalty ranges was a maximum 10 years’ imprisonment (56% of respondents) and \$2,000,000 fine (44%). ● Some respondents proposed even higher fines (up to \$10,000,000 or unlimited) while over 2% of respondents proposed life imprisonment as the maximum sentence. ● Although there is no specific time bar for prosecution of indictable offences, some respondents also suggested extending the time bar

	<p>for cruelty cases tried as summary offences from the current 6 months to 3 years.</p> <ul style="list-style-type: none"> ● Some respondents as well as forum attendees pointed out that the punishment handed down by the courts in previous cases had been too low. ● Around 2.8% of respondents therefore suggested setting a minimum penalty and some advocated introducing sentencing guidelines for the courts. ● Some respondents also suggested increasing the penalties for the existing offence of cruelty by summary conviction (e.g. to 5 years' imprisonment and a fine of \$300,000). ● A few respondents suggested different penalty ranges for individuals and corporations.
(c) To empower the courts to disqualify a person convicted of an animal cruelty offence from keeping animals within a specified period of time or permanently.	<ul style="list-style-type: none"> ● 87% of respondents agreed with the proposal while only 1% disagreed. ● Frequent comments included the importance of enforcing the disqualification order. In this regard, over 1.4% of respondents suggested publicising a list of disqualified persons or allowing AWOs to access the list to avoid rehoming animals to such persons. ● Several respondents also suggested that the disqualification should apply to other persons living with the offender, so as to avoid the situation that the offender could still live with animals in the same household. ● Some respondents also noted that the disqualification order should also cover working with animals, or transporting them, etc. ● Some respondents suggested that the court should be required to give a reason if they do not issue a disqualification order. ● A few respondents mooted a lifelong ban for all offenders.

Part C : Enhancing enforcement powers for safeguarding animal welfare	
<p>(a) To give authorised officers the power to intervene before an animal suffers, i.e. entering the premises and / or seizing an animal if there is a reason to suspect that an animal is likely to suffer if the circumstances do not change³</p> <p>(b) To add a provision empowering a Magistrate to issue a warrant to allow an authorised officer to enter and search buildings and premises.</p>	<ul style="list-style-type: none"> ● Around 86% of respondents supported enhancing enforcement powers to enter premises and seize animals. ● A number of respondents and forum attendees pointed out that the right to privacy may be infringed if officers had power to enter premises without warrant and that the law must ensure a balance between protection of animal welfare and the right to privacy.
<p>(c) To permit early release of animals detained under the Ordinance which have been surrendered by the owner and are no longer required for evidence purposes.</p>	<ul style="list-style-type: none"> ● Respondents were supportive overall with around 86% in agreement.
Part D : Other suggestions for enhancing animal welfare	
<p><i>[Note: Apart from the proposals in the consultation document, respondents made some additional suggestions related to the scope of the consultation.]</i></p>	
<p>(a) Unnecessary “mutilations”</p>	<ul style="list-style-type: none"> ● Some forum participants and respondents including some AWOs and most respondents who completed the feedback forms of the animal welfare group, suggested that unnecessary “mutilations” such as tail-docking, ear-cropping, de-barking and de-clawing, etc. should be prohibited under the proposed legislative amendment. ● Whilst such procedures are considered an act of veterinary surgery and, according to the Code of Practice for the Guidance of Registered Veterinary Surgeons, should only be carried out for “proper

³ The existing Ordinance provides for an authorised officer to enter and search any building or vehicle, etc. if there is a reason to suspect that an offence is being committed.

	<p>medical or generally accepted animal husbandry reasons”, respondents considered that specifically prohibiting unnecessary “mutilations” under the legislation is in line with the practice of other overseas jurisdictions.</p>
(b) Poisoning of animals	<ul style="list-style-type: none"> ● Whilst poisoning of animals can be an offence under the existing legislation if it results in the suffering of an animal, some respondents, including an AWO and a veterinary association, suggested introducing an offence of administering a poison to an animal or even possessing poison with an intent to administer, in order to take proactive action even if an animal had not suffered. This was also said to be in line with some other jurisdictions.
(c) Enforcement	<ul style="list-style-type: none"> ● Concern was raised by around 2% of respondents as well as some forum attendees about the capacity of AFCD to enforce the proposed new provisions. ● Some suggested allowing the inspectorate officers of the Society for Prevention of Cruelty to Animals or other AWOs to enforce the legislation, or to issue and follow up on improvement notices and seize animals in danger.
(d) Welfare of food animals	<ul style="list-style-type: none"> ● Around 2% of respondents (as well as most respondents who completed the feedback forms of the animal welfare group) expressed concern about the welfare of food animals in farms, slaughterhouses or wet markets.
(e) Cost recovery mechanism	<ul style="list-style-type: none"> ● Several respondents, including one AWO, suggested a mechanism to recover the cost of caring for animals involved in cruelty cases (including any necessary veterinary treatment) from the offender for reimbursing AWOs which incur expenditure in looking after them.
(f) Animal fighting	<ul style="list-style-type: none"> ● Several respondents, including one AWO, recommended that the prohibitions relating to animal fighting currently imposed under the Ordinance should be extended to include various acts such as publicising a proposed fight, making or accepting bets on animal fights, possessing anything designed or adapted for use in animal

	fighting, keeping or training an animal for the purposes of fighting, and supplying, publishing or showing a recording of an animal fight.
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OTHER VIEWS RECEIVED

- Apart from the proposals put forward in the consultation document, respondents and forum attendees also provided other feedbacks on various areas of animal management –

Other suggestions	Details
(a) Establishing “animal police”	<ul style="list-style-type: none"> ● Around 10% of respondents urged the Government to establish “animal police”.
(b) Reducing the number of animals surrendered / euthanised	<ul style="list-style-type: none"> ● Around 10% of respondents were of the view that measures could be taken to further reduce the number of euthanised animals and increase the number rehomed. ● Some suggested that the Government should adopt a “no-kill” policy, pointing out that a similar approach had been adopted in Taiwan. ● Some respondents were of the view that the Government should not permit owners to surrender their animals to AFCD, or should charge a penalty to discourage the practice.
(c) Animal trading	<ul style="list-style-type: none"> ● Around 10% of respondents expressed concern about animal trading and breeding and suggested the Government to further tighten up or even ban the breeding and selling of pet animals and strengthen enforcement of the existing regulations. ● Some considered that the enhanced regulation on breeding of dogs for sale, introduced in 2017, should be extended to cats and other animals.
(d) Trap-Neuter-Return (TNR) for stray dogs	<ul style="list-style-type: none"> ● Around 9% of respondents and many forum participants requested the Government to promote a wider implementation of TNR for stray dogs which they believed would reduce the number of animals being euthanised.

(e) Promoting responsible pet ownership and proper care and respect for animals	<ul style="list-style-type: none"> ● Around 7% of respondents highlighted the importance of education to promote responsible pet ownership and proper care and respect for animals. ● Suggestions received include incorporating animal welfare into school curriculum, strengthening of public education and publicity on animal welfare by the Government (6.6%); requiring pet owners to undergo mandatory training and/or pass a qualifying test before being allowed to keep a pet (3.3%).
(f) Promoting animal-friendly measures	<ul style="list-style-type: none"> ● Around 3% of respondents suggested relaxing the regulations on keeping pets in public rental housing and 1% suggested allowing pets on public transport. Some requested more parks and public space for animals.
(g) Microchipping of cats and other pets	<ul style="list-style-type: none"> ● 3% of respondents were of the view that cats (and other pets if practicable) should be microchipped/licensed, for benefits such as tracing of lost pets, facilitation of enforcement against abandonment, and encouraging responsible pet ownership, etc.
(h) Providing more resources and support to AWOs	<ul style="list-style-type: none"> ● Around 2.5% of respondents requested the Government to provide more resources and financial support to AWOs to enable them to look after more animals, provide better medical care and adoption services, and carry out more education activities and stray animal management programmes such as TNR for dogs, etc. ● Some respondents opined that the Government should set up animal hospitals to provide free/subsidised treatment to pet owners.
(i) Road accidents involving cats and dogs	<ul style="list-style-type: none"> ● Around 1% of respondents suggested the Government to include cats and dogs in the list of animals for which drivers are required to report road accidents under the Road Traffic Ordinance (Cap. 374). Some respondents suggested incorporating such requirement under the Ordinance as well.

(j) Use of animal traps	<ul style="list-style-type: none"> ● Around 1% of respondents objected to AFCD's use of snares to capture stray dogs. One AWO suggested regulating possession and use of animal traps in general as well as devices such as electric shock collars and prong collars for training or controlling dogs.
(k) Animals potentially affected by New Development Areas	<ul style="list-style-type: none"> ● Some forum participants and respondents expressed concern about the animals potentially affected by New Development Areas. They were of the view that persons who were required to move out of such areas should be permitted to take their pets with them to public housing. ● Furthermore, the Government should have a plan to handle the stray, feral and wild animals to be affected by development projects. Some respondents also suggested the Government to pay more attention to the welfare of construction site and warehouse dogs.
(l) Regulation or banning of animal performances for entertainment	<ul style="list-style-type: none"> ● A few respondents, as well as most respondents who completed the feedback forms of the animal welfare group suggested regulation or banning of animal performances for entertainment. This was also an issue raised at some of the public forums.
(m) Stray cattle management	<ul style="list-style-type: none"> ● One AWO handed in a petition urging the Government to stop the relocation of cattle. A few other respondents shared a similar view on relocation of cattle. ● Besides, some respondents were of the view that the Government should have a duty of care to the feral and wild animals.
(n) Other views included in the feedback forms of the animal welfare group	<ul style="list-style-type: none"> ● Euthanasia of racehorses and animals in general should be regulated. ● Cats with hereditary disease should not be bred or sold. ● Reverse burden of proof should be imposed such that defendant accused of cruelty has to prove innocence in certain situations.

	<ul style="list-style-type: none"> ● Psychological harm to animals should be counted as cruelty.
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Food and Health Bureau
Agriculture, Fisheries and Conservation Department
April 2020

Appendix

Feedback Form

To help us collect your opinion on the proposals to amend Cap. 169 as set out in the consultation document we would appreciate if you'd take a few minutes to complete this questionnaire. Please tick the box that best represents your views ☒.

Name: _____

Telephone: _____

Organisation: _____

	Agree	Disagree	Remarks
1. Legislative amendment of Cap. 169 is required to enhance animal welfare.	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. A "Duty of Care" should be introduced so that persons responsible for animals are legally required to take reasonable steps to provide for the welfare needs of their animals.	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Improvement Notices should be issued in certain cases where the duty of care has not been fulfilled.	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. The definition of cruelty shall be updated to specify that release of an animal into an unsuitable environment, which causes it to suffer, is an act of cruelty.	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. An indictable offence should be introduced for severe cases of cruelty.	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. The courts should be enabled to disqualify offenders from keeping animals.	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Enforcement powers to enter premises and seize animals should be enhanced to better safeguard animal welfare.	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Seized animals should be released from detention earlier if circumstances permit.	<input type="checkbox"/>	<input type="checkbox"/>	_____

9. The maximum penalty for an **indictable offence of cruelty** should be increased to:

Imprisonment

- ☐ 4 - 5 years ☐ 6 - 8 years ☐ 9 - 10 years
☐ Others (Please specify : _____)

Fine

- ☐ \$200,001 - \$500,000
☐ \$500,001 - \$1,000,000
☐ \$1,000,001 - \$2,000,000
☐ Others (Please specify : _____)

10. The maximum penalty for **the contravention of the duty of care** should be:

Imprisonment

- ☐ <1 year ☐ 1 year ☐ 2 years ☐ 3 years
☐ Others (Please specify : _____)

Fine

- ☐ \$50,000 or below
☐ \$50,001 - \$100,000
☐ \$100,001 - \$200,000
☐ Others (Please specify : _____)

11. I support the proposed amendments to Cap. 169.

☐
☐

Other opinions:

THANK YOU FOR YOUR FEEDBACK.