



Animal Welfare and Law in Hong Kong

TAILS Lantau

“The greatness of a nation can be judged by the way its animals are treated”

- Mahatma Gandhi

Introduction

Humans have countless types of interactions with non-human animals. The types of human-animal relationships are multifarious, and thus the laws and regulations of those relationships should concern us all. Nowadays, more and more people want to protect animals and global awareness against their suffering is on the increase as the legal status of animals has evolved from just “things” to sentient beings which have dignity and inherent value.

The welfare of an animal includes its physical and mental state. Proper animal welfare implies both fitness and a sense of well-being. Any animal that is kept and looked after by us, must be protected from unnecessary suffering.

The Five Freedoms

The Five Freedoms are an internationally accepted standard of care that affirm every living being’s right to humane treatment. These freedoms define ideal states rather than any standard for acceptable welfare. These standards were developed by Britain’s Farm Animal Welfare Council in 1965. The Five Freedoms ensure that we meet the mental and physical needs of animals in our care: -

- (1) Freedom from hunger and thirst: to ready fresh water and diet to maintain health and vigor which is specific to the animal.
- (2) Freedom from discomfort: by providing an appropriate environment including shelter and a comfortable resting area.
- (3) Freedom from pain, injury or disease: by preventing and quickly diagnosing and treating any injuries and providing appropriate medication.
- (4) Freedom to express normal behaviour: by providing sufficient space, proper facilities and company of the animal’s own kind. An ability to interact with, or avoid, others of their own kind as desired.

TAILS Lantau

☎ +852 6464 2908

✉ info@tailslantau.org

🌐 www.tailslantau.org

 @tailslantau

 @tails.lantau



- (5) Freedom from fear and distress: by ensuring conditions and treatment which avoid mental suffering of an animal – reducing psychological stress that can quickly transition into physical illness.

Relevant Legislation

In Hong Kong, the Prevention of Cruelty to Animals Ordinance (Cap 169) (“PCAO”) is the central piece legislation in relation to the protection of animals. Its primary focus is “to prohibit and punish cruelty to animals”.

What is “cruelty”?

Animal cruelty is a serious offence and is broadly defined to include actions or inactions by a person(s) that causes unnecessary suffering to an animal or animals.

Cruelty can include: -

- Physical abuse¹: any person who physically abuses animals by cruelly beating, kicking, ill-treating, torturing, infuriating, terrifying, or causing the unnecessary suffering of any animal.
- Neglect²: any person who is in charge of animals in confinement or captivity or whilst transporting animals, who deprives the animal of sufficient food and fresh water.
- Inappropriate carriage and transport³: any person who causes an animal to be transported in a manner which causes suffering, or in an animal transporter which is too small in size which causes pain and suffering to that animal.
- Fighting⁴: any person involved in any fighting and baiting of animals, including allowing their premise to be used for fighting and baiting, or receive any money related to this activity.
- Work and Labour⁵: any person who permits an animal to undergo work or labour which causes disease, wounds or sores.
- Import⁶: any person who brings or transports into Hong Kong an animal in a way which may cause it needless or avoidable suffering.

¹ Section 3(1)(a) PCAO.

² Section 3(1)(b) PCAO.

³ Section 3 (1)(c) and (d) PCAO

⁴ Section 3(1)(f) PCAO

⁵ Section 3(1)(f) PCAO.

⁶ Section 3(1)(g) PCAO

TAILS Lantau

☎ +852 6464 2908

✉ info@tailslantau.org

🌐 www.tailslantau.org

 @tailslantau

 @tails.lantau



The law prescribes a legal obligation on each and every person requiring them to maintain a reasonable standard care and supervision in respect of protecting animals. Any person who fails in their duty of care in ensuring that the animal's needs are met will have been deemed to have committed an offence, even if the animal has not actually suffered.

Penalties for offending

The current maximum penalty is three years' imprisonment and a fine of HK\$200,000 for acts of animal cruelty under the PCAO. This has been a six-fold increase from the original maximum imprisonment term of six months and 40 times the increase of the maximum fine of HK\$5,000.

As of April 2019, the Agriculture, Fisheries and Conservation Department of Hong Kong drafted a consultation document in relation to proposals to enhance animal welfare in Hong Kong⁷. Current provisions of the PCAO, possible areas for enhancement, as well as proposals to implement enhancement measures through legislative amendments are thoroughly discussed. Their proposals relate to three main areas: -

- (1) To introduce a positive “duty of care” on persons responsible for animals;
- (2) To enhance the provisions for prevention of cruelty; and
- (3) To enhance enforcement powers for safeguarding animal welfare;

What should I look for?

Animal abuse is something that is far too prevalent in our city and often goes unreported. It is important to understand what action the public of Hong Kong should take when it comes to reporting suspected animal cruelty. These are some of the key identifiers: -

- (1) Physical problems
 - Any physical discomfort, identifiable wounds, ongoing untreated injuries, signs of disease, or general thinness and poor health.

⁷ https://www.pets.gov.hk/english/animal_health_and_welfare/files/Consultation_doc_eng.pdf



(2) Behavioural problems

- Visible signs of lethargy, constant scratching or cleaning of fur/coat, immobility or impairment in movement or unwarranted aggression or submission.

(3) Environmental problems

- Living in substandard and unhygienic conditions, lack of proper shelter, confined to small or overcrowded enclosures, or failure to provide fresh water or proper food.

What can I do?

If you suspect animal cruelty taking place, do not hesitate and act immediately: -

(1) Call Someone:

- SPCA 24-hour rescue hotline: +852 2711 1000
- Agriculture Fisheries Conservation Department: 1823
- Hong Kong Police Force: 999
- TAILS (South Lantau Only): +852 6464 2908

(2) Record all relevant information:

- What type, breed and number of animal(s);
- Location of where the incident took place;
- Time and date of the incident;
- Frequency and length of the incident witnessed;
- Positively identify the person suspected of the incident;
- Take photographs, videos and other corroborative evidence.

Do not hesitate to report any suspected animal cruelty. Your information and proactive measures be key to saving an animal's life.

TAILS Lantau

☎ +852 6464 2908

✉ info@tailslantau.org

🌐 www.tailslantau.org

📘 @tailslantau

📷 @tails.lantau