Review of Animal Welfare Legislation in Hong Kong: A Successful KE Partnership with the SPCA (HK)

Associate Professor Amanda Whitfort
Faculty of Law
2008 Public Policy Research Grant

Comparative review of all Hong Kong legislation effecting the welfare of animals together with SPCA (HK) Deputy Director (Welfare) Dr Fiona Woodhouse

Animals in the pet trade, as food, in transport, at slaughter, in the wild, feral/strays, in laboratories and under vet care
Methodology

• Field research by veterinarians
• Consultation with local stakeholders
• Review of welfare laws of EU member states, USA, Australia, NZ, Singapore and Taiwan
• Consultation with law makers and law enforcers overseas
Outdated HK Cruelty Laws

HK law is based on an old UK law of 1911
We have not significantly changed our law since it was enacted in 1935
Update to max sentence in 2006
UK, USA, Australia, New Zealand, Singapore and Taiwan already recognise
owners have a positive duty of care to their animals
The current situation in Hong Kong

- Legally, an animal which has not yet suffered from an overt act of cruelty cannot be assisted by the law.
- Being in danger of suffering is not enough.
- Authorities must stand by and wait for the animal’s situation to deteriorate to the level of criminally prosecutable cruelty.
Modern Animal Welfare Laws

Modern laws require owners to meet a basic standard of care - at all times. Animals must have access to proper diet, shelter, vet care, protection, and the ability to act normally for the species (e.g. exercise).

If owners do not act meet these requirements, THEN they may be prosecuted but owners are given the chance to rectify the problem first.
Modern Animal Welfare Laws don’t just punish acts of cruelty - they prevent them

- In most cases the problem is rectified before the animal experiences suffering
- Majority of cases need never be prosecuted
- RSPCA (UK) reports they have resolved 99% of cases through warning notices and follow up action by owners, without the need to go to court
Serious cases which require court prosecution

Our review found that despite the increased penalties, sentences had not changed since 2006

Prosecutions are few
Magistrates can’t act on the prevalence of a crime if they can’t see that it is prevalent
Even for severe cruelty cases the average sentence is less than 2 months
Recently a new attitude?
Major problem with Pet Trade

Hobby breeders, supplying 75% of pet market, have been exempt from licensing requirements (no checks, at all, on animal welfare) allowing puppy and kitten mills
Pet Shops

- Easy to get a licence - no suitability or training required
- No requirement for vet care agreement
- No requirement to exercise dogs
- No requirement to explain welfare needs of animals to buyers
- No requirement to transfer ownership
- No size requirements for enclosures
Feral dogs and TNR policy
Slaughter

• FEHD guidelines are optional – they are not enforced as a licensing condition

• OIE ‘Terrestrial Animal Health Code’ requires stress reduction and minimisation of fear of animals at slaughter, careful handling at restraint, and prior to stunning, and use of only qualified and competent staff, and accurate and efficient equipment.
Slaughterhouse breaches of animal welfare standards

- Animals being beaten with electric goads, sticks and pipes
- Inadequate voltage used for stunning
- Injured pigs legs tied up to walk up ramps to slaughter
- CCTV turned off by workers
- Overcrowding, heat exhaustion, no water
- Inadequate skill of halal butchers
Wet markets

Need transport, enclosure and humane slaughter regulations
Non-compliance with OIE Terrestrial and Aquatic Animal Health Codes
e.g. New Zealand requires all lobsters, crabs, finfish and eels to be stunned before slaughter: “to allow anything else would be in breach of OIE Codes”.
Results of HKU/SPCA Review

- All major parties in Leg Co calling for animal friendly policies
- New laws passed to prohibit puppy mills and improve breeding/trading controls
- Trials for TNR and feral dogs
- DoJ reviewing sentences
- Police CID investigations
- Increased public awareness
Moving forward…..

- A new Animal Welfare Law- not just a law to prohibit cruelty
- Codes of practice for cats, exotics and other species in the pet trade
- Regulate transport of animals
- Regulate welfare of pigs/chickens on farm
- Regulate welfare of animals at slaughter
- Update licensing of animal experiments
- Improve protections for endangered and vulnerable wild animals in trade