

## **CHAPTER 4**

**Agriculture, Fisheries and Conservation Department  
Housing Department**

**Control of pet animals**

**Audit Commission  
Hong Kong  
29 March 2010**

*This audit review was carried out under a set of guidelines tabled in the Provisional Legislative Council by the Chairman of the Public Accounts Committee on 11 February 1998. The guidelines were agreed between the Public Accounts Committee and the Director of Audit and accepted by the Government of the Hong Kong Special Administrative Region.*

Report No. 54 of the Director of Audit contains 8 Chapters which are available on our website at <http://www.aud.gov.hk>.

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# CONTROL OF PET ANIMALS

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## PART 1: INTRODUCTION

1.1 This PART describes the background to the audit of the Agriculture, Fisheries and Conservation Department (AFCD)'s control of pet animals, and outlines the audit objective and scope.

### Background

#### *Keeping of pet animals in Hong Kong*

1.2 According to a 2006 survey conducted by the Census and Statistics Department (C&SD), 286,300 (1 in every 8) households in Hong Kong were keeping pets, 48.4% of which were keeping dogs, 22.3% were keeping cats and the remaining 29.3% were keeping other pets (e.g. rabbits and tortoises).

1.3 Over the past 10 years, there was an increase in the number of licensed dogs kept by households as pets (Note 1), and an expansion of the pet trade, as shown in Table 1.

Table 1

#### Increase in number of licensed dogs, pet shops and hostels

	Year		Percentage increase (c) = $\frac{(b) - (a)}{(a)} \times 100\%$
	2000 (a)	2009 (as at end of November) (b)	
Licensed dogs	67,098	317,024	372%
Licensed pet shops selling dogs and cats	77	155	101%
Licensed pet hostels for dogs and cats	5	25	400%

Source: AFCD records

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**Note 1:** As no licence is required for keeping other pet animals (e.g. cats), the AFCD does not maintain information on the number of such pets kept by households.

***Role of AFCD on control of pet animals***

1.4 The Animal Management Division (AMD) of the Inspection and Quarantine Branch (IQB) of the AFCD is responsible for the control of pet animals with the aim of protecting public health and safeguarding animal welfare. To meet this aim, the AMD performs the following major work:

- (a) issuing licences for premises where animals are kept for the purpose of trading (e.g. pet shops) and boarding (e.g. pet hostels);
- (b) inspecting the licensed premises to ensure that the licensing conditions are complied with;
- (c) administering animal matters (e.g. issuing licences for dogs kept by households and providing quarantine services for controlling the import of animals);
- (d) instigating prosecution against offenders under the following animal-related legislation:
  - (i) ***Public Health (Animals and Birds) Ordinance (Cap. 139)***. It provides for the regulation and licensing of animal and bird trades;
  - (ii) ***Dogs and Cats Ordinance (Cap. 167)***. It mainly provides for the regulation and control of dangerous dogs (e.g. fighting dogs and dogs over 20 kilograms in weight), the prohibition of dog and cat slaughtering, and the AFCD's power to seize, remove and detain dogs and cats;
  - (iii) ***Prevention of Cruelty to Animals Ordinance (Cap. 169)***. It empowers the AFCD to prohibit and punish people for any cruelty to animals; and
  - (iv) ***Rabies Ordinance (RO — Cap. 421)***. It provides for the regulation and control of animals in order to prevent and control rabies (Note 2);

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**Note 2:** *According to the World Health Organization (WHO), rabies is a zoonotic disease (i.e. transmittable to humans from animals) caused by a virus. Rabies is spread to people through close contact with infected saliva (via bites or scratches). Once the symptoms of rabies develop, there is no treatment and the disease is almost always fatal. The WHO considers that the most cost-effective strategy for preventing rabies in people is by eliminating rabies in dogs through inoculation.*

- (e) handling complaints against nuisance caused by animals (e.g. dogs); and
- (f) monitoring and improving animal welfare.

1.5 An organisation chart of the AMD is at Appendix A. As at 30 November 2009, the AMD had an establishment of some 160 staff, most of whom worked at four Animal Management Centres (AMCs) — one located on Hong Kong Island (HKAMC), one in Kowloon (KAMC) and two in the New Territories North and South (NTNAMC and NTSAMC). An AMC has facilities such as animal inoculation room and kennel for keeping stray animals (see Photographs 1 to 3). For 2009-10, the estimated expenditure of the AMD amounted to some \$37 million.

## Photographs 1 to 3

### An AMC and some of its facilities

1.



An AMC

2.



Animal inoculation room

3.



Kennel for keeping stray animals

Source: Photographs taken by Audit

***Government initiatives to tighten pet control***

1.6 In recent years, the Administration (the AFCD and its policy bureau, the Food and Health Bureau — FHB) launched a number of initiatives to tighten pet control for animal welfare and public health reasons. The following are examples of such initiatives:

- (a) in 2006, the Administration increased the maximum penalty under the Prevention of Cruelty to Animals Ordinance from a fine of \$5,000 and 6 months' imprisonment to a fine of \$200,000 and 3 years' imprisonment;
- (b) in 2008, at a meeting of the Legislative Council Panel on Food Safety and Environmental Hygiene (Panel), the Administration reported that the pet trade had expanded considerably over the years, but there were some unscrupulous breeders who had little regard for the welfare and health of their animals. They ignored the statutory requirement of licensing for animal traders and sold sick and unhealthy animals to unsuspecting members of the public. With effect from 1 February 2010, additional licensing conditions are imposed on animal traders to ensure that dogs for sale must be obtained from approved sources (see Appendix B); and
- (c) from time to time, the AFCD launched publicity programmes, such as production of announcements of public interest (API) on animal welfare and broadcasting them in public places.

**Audit review**

1.7 The Audit Commission (Audit) has recently conducted a review to examine the AFCD's work in controlling pet animals. The review has focused on dogs and cats as they are the most common types of pets kept by households (see para. 1.2). As part of the review, Audit visited three of the four AMCs, namely the HKAMC, the KAMC and the NTNAMC.

1.8 While the AFCD has made improvements to prevent rabies outbreak (Note 3), Audit has found that there is still scope for improvement in the following areas:

- (a) control of pet trade (PART 2);
- (b) administration of dog keeping (PART 3);
- (c) enforcement action (PART 4);
- (d) control of stray dog and cat population (PART 5); and
- (e) animal welfare matters (PART 6).

### **General response from the Administration**

1.9 The **Director of Agriculture, Fisheries and Conservation** accepts all the audit recommendations. He has said that the AFCD initiated in 2009 two comprehensive reviews, one on the manpower resources situation in the IQB, and the other on the operational and enforcement guidelines for animal management. The former review has just been completed, and improved arrangements would be implemented to strengthen the provision of manpower and staff training to the AMD with a view to enabling them to cope with the ever increasing workload and enhancing the quality of services. The latter review, which covers a wide spectrum of activities/services relating to animal management and control (including those areas/issues covered in this audit report), is being conducted. The AFCD will take into account the audit recommendations in the review.

### **Acknowledgement**

1.10 Audit would like to acknowledge with gratitude the full cooperation of the staff of the AFCD during the course of the audit review. Audit would also like to thank the Society for the Prevention of Cruelty to Animals (SPCA) of Hong Kong for its valuable advice on animal welfare.

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**Note 3:** *The last outbreak of animal rabies in Hong Kong occurred in 1987. Since this outbreak, the AFCD has implemented a comprehensive preventive vaccination programme which is linked to dog licensing. Since then, Hong Kong has been declared free of rabies.*

## **PART 2: CONTROL OF PET TRADE**

2.1 This PART examines the following matters relating to the AFCD's control of pet trade:

- (a) unlicensed pet trading and boarding (PTB) establishments (paras. 2.2 to 2.10);
- (b) renewal of PTB licences (paras. 2.11 to 2.15); and
- (c) inspection of PTB establishments (paras. 2.16 to 2.20).

### **Unlicensed pet trading and boarding establishments**

2.2 Under the relevant subsidiary regulations of the Public Health (Animals and Birds) Ordinance, a person shall not carry on a business of selling animals (e.g. a pet shop) without an "animal trader licence" (ATL) or maintaining an animal boarding establishment (ABE — e.g. a pet hostel) without an "animal boarding establishment licence" (ABEL). As at 30 November 2009, the AFCD issued a total of 155 ATLs and 25 ABELs (see Table 1 in para. 1.3).

2.3 ATLs and ABELs are valid for one year, and their annual licence fees are \$2,670 and \$3,810 respectively. A person who carries on the aforesaid business without a valid licence may face a maximum fine of \$2,000 upon conviction.

### **Audit observations and recommendation**

#### ***Unlicensed pet trading establishments***

2.4 In December 2009, Audit visited two streets, one on Hong Kong Island and another in Kowloon. Audit found suspected pet shops and pet grooming shops (Note 4) selling pets without an ATL. Details are shown in Table 2.

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**Note 4:** *A pet grooming shop (with grooming as its sole business) is not required to obtain an ATL.*

**Table 2**  
**Shops suspected of selling pets without ATL**  
**(December 2009)**

Street	Number of pet shops/ pet grooming shops		Percentage  $(c) = \frac{(b)}{(a)} \times 100\%$
	in operation  (a)	selling pets without ATL (Note)  (b)	
A	5	1	20%
B	4	1	25%

*Source: Audit inspection and AFCD database*

*Note: Based on the AFCD licence records, these pet shops/pet grooming shops did not hold valid ATLS. Through enquiries, Audit staff obtained from the shopkeepers the selling prices of pets on display in these shops, suggesting that they were selling pets.*

#### ***Unlicensed pet boarding establishments***

2.5 Pet shops and pet grooming shops are not allowed to provide pet boarding service unless they have an ABEL. In December 2009, Audit visited a sample of these shops and found suspected shops providing pet boarding service without an ABEL. Table 3 shows the details.

**Table 3**  
**Shops suspected of providing pet boarding service without ABEL**  
**(December 2009)**

Street	Number of pet shops/ pet grooming shops		Percentage  $(c) = \frac{(b)}{(a)} \times 100\%$
	in operation  (a)	providing pet boarding service without ABEL (Note)  (b)	
A	5	2	40%
B	4	3	75%
C	1	1	100%
D	5	4	80%

*Source: Audit inspection and AFCD database*

*Note: Based on the AFCD licence records, these pet shops/pet grooming shops did not hold valid ABELs. Through enquiries, Audit staff obtained from the shopkeepers the prices of their pet boarding service, suggesting that these shops were providing such a service.*

#### ***Efforts to tackle unlicensed PTB establishments***

2.6 The three AMCs that Audit visited (see para. 1.7) had made the following efforts to deal with unlicensed PTB establishments:

- (a) the HKAMC conducted inspections of relevant pet shops/pet grooming shops when it received complaints about unlicensed PTB establishments;
- (b) upon receiving complaints, the NTNAMC sometimes conducted decoy operations at subject pet shops/pet grooming shops; and
- (c) in addition to the actions in (a) and (b) above, the KAMC conducted street patrols, followed by decoy operations when suspicious pet shops/pet grooming

shops were found. It also performed Internet surveillance (Note 5). In 2009 (up to September), the KAMC detected four unlicensed PTB establishments through such activities and instigated prosecutions against them.

2.7 Audit noted that the decoy operations were effective means to detect unlicensed PTB establishments as most of the prosecution cases against them were detected by such operations. Of the 11 prosecutions initiated by the AMCs during selected periods (Note 6), 9 originated from decoy operations.

2.8 Audit has found that unlicensed PTB establishments are still a problem (see paras. 2.4 and 2.5). To better protect public health and safeguard animal welfare (see para. 1.4), the AFCD needs to take further actions to tackle unlicensed PTB establishments which may include:

- (a) requiring the AMCs to conduct decoy operations and street patrols as far as possible; and
- (b) to deter unlicensed pet trading, expediting (in consultation with the FHB) the finalisation of the proposal on increasing the maximum penalty for illegal trading of animal from \$2,000 to \$100,000 (see item (a) at Appendix C).

#### ***Audit recommendation***

2.9 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should step up efforts to cope with the problem of unlicensed PTB establishments.**

#### **Response from the Administration**

2.10 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendation. He has said that when implementing the improvement measures of the IQB manpower resources review (see para. 1.9), the AFCD will set up a task force to formulate and implement suitable measures, including the deployment of additional manpower resources as necessary, to deal with the issue of unlicensed PTB establishments.

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**Note 5:** *Since April 2009, the KAMC has employed part-time staff to conduct Internet surveillance of illegal PTB establishments covering the whole territory. If a suspicious website is found, it will perform decoy operation either on its own or jointly with another AMC.*

**Note 6:** *The periods selected for audit examination were April 2008 to March 2009 (HKAMC), August 2008 to July 2009 (NTNAMC), and October 2008 to September 2009 (KAMC).*

## Renewal of pet trading and boarding licences

2.11 ATLs and ABELs are renewed on a yearly basis. Two months before the expiry of an ATL/ABEL, the AFCD sends a licence renewal notice to the licensee to remind him to renew the licence. Table 4 shows an analysis of the renewal of ATLs and ABELs.

**Table 4**  
**Renewal of ATLs and ABELs**  
**(2007 to 2009)**

Year	Number of ATLs not renewed in time						Number of ATLs renewed in time (b)	Percentage $(c) = \frac{(a)}{(a) + (b)} \times 100\%$
	(days after licence expiry)					Total (a)		
	1-10	11-30	31-60	61-90	Over 90			
2007	12	28	14	3	1	58	59	50%
2008	25	23	19	4	1	72	64	53%
2009 (up to November)	29	27	6	5	1	68	55	55%
Year	Number of ABELs not renewed in time						Number of ABELs renewed in time (e)	Percentage $(f) = \frac{(d)}{(d) + (e)} \times 100\%$
	(days after licence expiry)					Total (d)		
	1-10	11-30	31-60	61-90	Over 90			
2007	1	4	3	0	0	8	7	53%
2008	4	4	3	0	1	12	7	63%
2009 (up to November)	5	8	2	0	0	15	6	71%

Source: Audit analysis of AFCD records

## **Audit observations and recommendation**

2.12 As shown in Table 4, many ATLS and ABELs were not renewed in time. Audit examined 20 licence renewal applications (16 ATLS and 4 ABELs) processed by the three AMCs in 2008-09 and 2009-10 (see Note 6 to para. 2.7) to ascertain the reasons for the delays. Audit found that:

- (a) some licensees were late in responding to the AFCD's notice of licence renewal (see para. 2.11); and
- (b) some licensees were late in paying the licence renewal fees.

2.13 The high percentages of late renewal of ATLS and ABELs in Table 4 warrant the adoption of measures to encourage the timely renewal of licences. Such measures may include:

- (a) incorporating a warning statement in the licence renewal notices that operating without valid ATLS and ABELs is liable to prosecution; and
- (b) taking appropriate enforcement action against licensees who continue to operate pet business after expiry of their licences.

## ***Audit recommendation***

2.14 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should take measures, so as to ensure the timely renewal of ATLS and ABELs.**

## **Response from the Administration**

2.15 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendation. He has said that the AFCD will take measures, including promulgating new guidelines and instituting prosecution as necessary, so as to ensure the timely renewal of ATLS and ABELs.

## **Inspection of pet trading and boarding establishments**

2.16 The AMCs conduct surprise inspections to check whether licensees of ATLS and ABELs have complied with licensing conditions. After each inspection, the AMC staff have to complete an inspection report.

## Audit observations and recommendations

2.17 Audit examined some 1,000 inspection reports completed by the three AMCs in 2008-09 and 2009-10 (see Note 6 to para. 2.7). Audit found that about 90% of the reports indicated no anomalies. Audit attended as observers in some of the AMCs' inspections (Note 7), and found that the AMC staff did not check whether some of the essential licensing conditions had been complied with. Examples of licensing conditions not checked are shown in Table 5.

**Table 5**

**AMCs' checking of licensing conditions at PTB establishments  
(May to November 2009)**

Licensing condition	Checked by		
	HKAMC	KAMC	NTNAMC
<i>Pet shops</i>			
(a) Proper keeping of stock register (e.g. in respect of dogs for sale in the pet shop)	No	Yes	Yes
(b) Posting of notice advising customers to ensure that the animals for sale are vaccinated	Yes	No	No
(c) Maintaining a programme for the control and destruction of insects, ectoparasites, and avian and mammalian pests	No	No	No
<i>Pet boarding establishments</i>			
(d) Dogs over 5-month old are microchipped (see para. 3.3)	Yes	No	No

Source: *Audit inspection*

**Note 7:** *Audit attended the inspections of the HKAMC in May and November 2009, the NTNAMC in August 2009 and the KAMC in October 2009. The inspections covered 7 pet shops and 5 pet boarding establishments.*

2.18 Furthermore, Audit noted that:

- (a) although individual AMCs had drawn up their own inspection checklists, some licensing conditions (see items (b) to (d) in Table 5) were not included in the checklists;
- (b) the HKAMC did not complete inspection reports for the inspection of pet boarding establishments; and
- (c) regarding item (d) in Table 5, the KAMC staff did not bring a scanner to check whether dogs kept in the establishment had been microchipped. Upon Audit's enquiry, the staff selected a dog and requested the licensee to scan the dog. The licensee's scanner did not detect any microchip in the dog. On the other hand, according to the inspection report later completed by the staff, all the 32 dogs kept in the establishment were reported to have been microchipped.

#### *Audit recommendations*

2.19 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **draw up a comprehensive inspection checklist for the AMCs to follow during inspections of PTB establishments; and**
- (b) **conduct supervisory checks of the AMCs' inspections to ensure that the inspections are properly conducted in accordance with laid-down procedures.**

#### **Response from the Administration**

2.20 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that the AFCD has already drawn up a comprehensive checklist for inspection of PTB establishments by the staff of the AMCs.

## **PART 3: ADMINISTRATION OF DOG KEEPING**

3.1 This PART examines the following matters relating to the administration of dog keeping:

- (a) licensing of dogs (paras. 3.2 to 3.11);
- (b) keeping of dogs in public housing estates (paras. 3.12 to 3.18); and
- (c) arrangements with private veterinary surgeons (private vets) on licensing of dogs (paras. 3.19 to 3.25).

### **Licensing of dogs**

#### *Obtaining a dog licence*

3.2 According to section 20 of the Rabies Regulation (RR — the subsidiary legislation of the RO), no person shall keep a dog over the age of five months except with a licence granted by the AFCD. Any non-compliance with this is an offence and is subject to prosecution, with a maximum fine of \$10,000.

3.3 To obtain a dog licence, the dog will have to be inoculated against rabies and microchipped (Note 8). A dog keeper (keeper — Note 9) may obtain a licence for his dog from:

- (a) ***AFCD's licensing centres.*** These are the 4 AMCs and 11 Dog Inoculation Centres providing licensing services in different districts of the territory. The keeper has to pay a licence fee of \$80 (including the cost of the rabies vaccine and microchip). He is issued with the dog licence on the spot; or

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**Note 8:** *The microchip is inserted under the skin of a dog's neck. It lasts for the dog's life and carries a numeric code. The code can be read by a scanner. Based on the code, the AFCD can trace information about the keeper (e.g. his name and telephone number) and the dog (e.g. its age and inoculation records).*

**Note 9:** *Under the RO, a keeper is a person who: (a) owns the animal or has it in his possession or custody; (b) harbours the animal; (c) occupies land or premises on which the animal is usually kept or permitted to remain; or (d) is the parent or guardian of a person under the age of 16 years who is the keeper of the animal pursuant to (a), (b) or (c).*

- (b) **Private vets who are authorised by the AFCD.** These private vets charge for their service based on their own fee schedules. After inoculation and microchipping, a private vet submits a licence application on behalf of the keeper to the AFCD. The dog licence is sent to the keeper through the private vet.

A keeper should have his dog re-inoculated, and his dog licence renewed, every three years.

### **Importance of dog licensing**

3.4 Licensing of dogs protects public health as licensed dogs have been inoculated against rabies. It also facilitates traceability in the event of a rabies outbreak. According to the WHO, rabies is widely distributed over the world — more than 55,000 people die of rabies each year. In 2008 and 2009 (up to November 2009), Guangzhou, which is close to Hong Kong, had reported rabies causing 319 and 284 deaths respectively. Besides, licensing of dogs can help keepers reunite with their lost dogs and the AFCD prosecute irresponsible keepers.

### **Audit observations and recommendations**

3.5 Audit examined the AMD's dog licensing records as at 30 November 2009 and found that:

- (a) of 317,000 dog licences issued, 177,000 (56%) had expired. An analysis of the 177,000 expired licences is shown in Table 6; and

**Table 6**

**Expired dog licences  
(30 November 2009)**

<b>Number of years after expiry of licence</b>	<b>Number of licences (‘000)</b>
1 year or less	26
Over 1 year to 2 years	19
Over 2 years to 5 years	50
Over 5 years	82
<b>Total</b>	<b>177</b>

*Source: AFCD records*

- (b) according to the AFCD records, of the 177,000 expired dog licences, 91,000 licences related to dogs aged 10 or over which might have already died (Note 10). However, there were still 86,000 licences involving dogs which were probably alive and therefore warranted the AFCD's attention.

3.6 As a trial programme, since late March 2009, the AMD has instructed the AMCs to select weekly four expired licence cases (those that have expired since December 2008) for home visits. The purpose of home visits is to urge the relevant keepers to renew the dog licences. Audit examination of the visits conducted by the three AMCs from March to early November 2009 revealed that:

- (a) the HKAMC had conducted 105 visits;
- (b) the KAMC claimed that it had conducted visits, but it could produce the records of one visit only; and
- (c) the NTNAMC had conducted 26 visits between March and June 2009, but ceased to conduct visits since early June 2009.

3.7 Audit's analysis of the 105 visits conducted by the HKAMC indicated that:

- (a) the visits, carried out by a team of three to four staff (comprising a driver, a Field Assistant and one or two Workmen), were conducted without making appointments with the keepers. The visits were conducted on weekdays, weekends and public holidays; and
- (b) the HKAMC had only succeeded in renewing 3 dog licences in 3 visits. Table 7 shows the reasons as to why the licences were not renewed in the other 102 visits.

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**Note 10:** *According to the overseas SPCAs (e.g. Australia, Singapore and the United Kingdom (UK)), the lifespan of a dog is between 10 and 14 years.*

Table 7

**HKAMC's failure to have keepers' dog licences renewed during visits  
(March to November 2009)**

Reason	Number of visits
<i>Unable to meet the keeper</i>	
(a) There was no people at home	55
(b) The keeper did not live there anymore	20
(c) The AFCD staff were not allowed to enter the building	4
(d) The building was vacated and pending demolition, or had become a construction site	3
<i>Sub-total</i>	<b>82</b>
<i>Unable to find the dog</i>	
(e) The dog was not at home	9
(f) The dog died	6
(g) The dog was given to someone else	2
<i>Sub-total</i>	<b>17</b>
<i>Others</i>	
(h) The keeper claimed that he had already renewed, or was going to renew, the dog licence through a private vet	3
<b>Total</b>	<b>102</b>

Source: Audit analysis of AFCD records

- 3.8 Audit also noted that:
- (a) according to the AMD's guidelines, if an AMC finds that a dog licence has expired, it may ask the keeper to renew immediately the licence and require him to produce, within five days, a valid licence for its inspection (Note 11). However, for the three cases mentioned in item (h) of Table 7, the HKAMC had not verified the three keepers' claims that they had renewed or would renew the licences through the private vets. Up to late November 2009, two of the three keepers had still not renewed their dogs' licences; and
  - (b) under section 20A of the RR, a keeper should notify the AFCD within five days after changing his address or ceasing to be the dog owner, otherwise he is liable to a maximum fine of \$5,000. However, 25 keepers (the cases in (b), (d) and (g) of Table 7 refer) had not done so.

3.9 **Audit considers that the AFCD needs to take further actions to deal with the issue of expired dog licences.** Such actions may include:

- (a) reviewing the cost-effectiveness of the trial home visit programme and improving the methodology used;
- (b) issuing renewal reminders to keepers whose dog licences have expired or are about to expire;
- (c) verifying keepers' claims that they have renewed/will renew their expired dog licences;
- (d) exploring ways to facilitate keepers' reporting of the death of their dogs (which is a practice adopted in Singapore);
- (e) taking appropriate enforcement action against keepers who have failed to report change in address or dog ownership, or have failed to renew their dogs' licences; and
- (f) publicising widely:
  - (i) the importance of renewing dog licences;
  - (ii) that keepers failing to report change in address/dog ownership or renew their dogs' licences may be prosecuted; and

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**Note 11:** *According to section 15 of the RO, a keeper who fails to produce a valid dog licence upon the AFCD's request is liable to a maximum fine of \$10,000 and imprisonment for up to 6 months.*

- (iii) convicted cases so as to send a strong message to the public that non-compliance with the RR could be prosecuted.

#### *Audit recommendations*

3.10 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **review the cost-effectiveness of the trial home visit programme for renewing expired licences; and**
- (b) **step up efforts to tackle the issue of expired dog licences and monitor their effectiveness.**

#### **Response from the Administration**

3.11 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that the AFCD:

- (a) is reviewing its experience gathered from the trial programme (see para. 3.6) and, subject to the results, will devise a suitable strategy to follow up the dog licence expiry cases; and
- (b) will take further steps (including strengthening publicity and education efforts) to encourage dog owners to report the death of dogs to the AFCD and to remind them of the importance of, and the need for, timely renewal of dog licences.

#### **Keeping of dogs in public housing estates**

3.12 The AFCD has publicised on its website that as a responsible keeper, one should consider whether keeping of dogs is allowed in his dwelling place before getting one.

#### **Audit observations and recommendation**

3.13 To improve environmental hygiene and to contain nuisance, since September 2003, the Housing Authority (HA) has adopted the following temporary permission rules on keeping dogs in public rental housing flats (PRHFs):

- (a) with effect from 1 November 2003, tenants are prohibited to keep dogs in their flats unless they have obtained the HA's prior written consent (e.g. keeping guide dogs for people with visual or hearing disabilities). Tenants who breach the rule will be allotted five penalty points under the public housing marking

scheme (Note 12), and will also be asked to remove their dogs within 14 days; and

- (b) tenants who had already kept in their flats small dogs (not exceeding 20 kilograms in weight) before 1 August 2003 are allowed to continue keeping the dogs, provided that these dogs must be licensed and had been approved by the HA for continual keeping before 31 October 2003.

The HA has also imposed the same dog prohibition rules on tenants living in unsold flats of the Tenants Purchase Scheme (TPS — Note 13) estates.

3.14 Audit analysed the AFCD's dog licensing data with PRHF and TPS addresses. Audit found that, as at 9 December 2009, 12,949 dogs (kept by 11,346 residents of PRHF and TPS flats) were licensed for the **first time on or after 1 November 2003**. It would appear that, unless they were guide dogs, it was against the HA's rules to keep these dogs.

3.15 Unauthorised keeping of dogs in public housing flats has led to animals being deserted. For example, for the three months ended March 2009, 17% (5 dogs) and 8% (9 dogs) of the dogs taken to the HKAMC and the KAMC respectively for relinquishment were evicted from such flats. Besides, unauthorised dog keeping might lead to an increase in the number of stray dogs thereby causing nuisance to the public. Based on the 2006 C&SD survey (see para. 1.2), many households cited "let go at park" as the method for abandoning their pets.

3.16 In January 2010, the HA informed the Legislative Council Panel on Housing that it would step up enforcement actions against unauthorised dog keeping under the public housing marking scheme in the second quarter of 2010. In this connection, the 12,949 suspected cases of unauthorised dog keeping in public housing flats (see para. 3.14) warrant the HA's urgent attention. **Audit considers that the HA needs to work with the AFCD to cope with the problem of unauthorised dog keeping in public housing.** This may include:

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**Note 12:** *The marking scheme has been introduced by the HA since 1 August 2003. Under the scheme, which aims to achieve sustained improvements in public housing environmental hygiene, penalty points are allotted to the household for committing offences affecting public hygiene or posing health and safety hazards. An accumulation of 16 points within 24 months will trigger action for tenancy termination.*

**Note 13:** *The TPS was introduced in December 1997 to enable tenants of PRHFs to buy at discounted market prices the flats they rented. Under the Deed of Mutual Covenant, owners of sold TPS flats are also not allowed to keep dogs in their flats.*

- (a) investigating (by the HA) into the suspected cases (and where necessary, seeking legal advice and/or advice from the Office of the Privacy Commissioner for Personal Data on the feasibility of obtaining dog licensing information from the AFCD); and
- (b) enhancing (by the AFCD) the publicity that a responsible keeper should cogitate whether keeping of dogs is allowed in his dwelling place before getting a dog.

#### *Audit recommendation*

3.17 **Audit has recommended that the Director of Housing should liaise with the Director of Agriculture, Fisheries and Conservation to tackle the problem of unauthorised dog keeping in public housing flats.**

#### **Response from the Administration**

3.18 The **Director of Housing** agrees with the audit recommendation. The **Director of Agriculture, Fisheries and Conservation** has said that the AFCD will offer support to the Director of Housing as necessary and appropriate.

#### **Arrangements with private veterinary surgeons on licensing of dogs**

3.19 As mentioned in paragraph 3.3(b), to obtain dog licences, keepers may bring their dogs to the AFCD's authorised private vets for inoculation against rabies and microchipping. Stocks of rabies vaccines and microchips are supplied by the AMCs to the private vets on credit.

#### **Audit observations and recommendations**

##### *Reporting of stocks usage*

3.20 The private vets are required to report on the stocks usage at intervals not exceeding one month to the AMCs. At the time of reporting, they also have to pay the AMCs for the stocks used (\$5.7 for a dose of vaccine and \$43 for a microchip). If private vets are found misusing or cannot account for the stocks supplied by the AMCs, their names may be deleted from the AFCD list of authorised private vets.

3.21 Audit sample examination of the stocks usage reports of 87 authorised private vets (under the three AMCs' purview) in 2009 indicated that:

- (a) 31 vets had sometimes reported the stocks usage at intervals of more than one month (e.g. three months);
- (b) 1 vet (who commenced business in January 2009) had never filed any stocks usage reports; and
- (c) 1 vet had closed his clinic in March 2009. However, he had not returned the unused stocks to the AFCD. According to the latest stocks usage report he filed, his clinic had still kept 45 doses of vaccine.

### *Stocktaking at clinics*

3.22 The AMD has required the AMCs to conduct stocktaking at the private vets' clinics. However, the AMD has not laid down any specific guidelines on how the stocktaking should be conducted.

3.23 Audit found that from January to September 2009:

- (a) only the NTNAMC had conducted stocktaking at all 18 (100%) clinics under its purview, while the HKAMC and the KAMC had conducted stocktaking at only 7 (21%) and 30 (83%) clinics under their purview respectively;
- (b) for 3 of the 55 clinics in (a) above, the AMCs had conducted stocktaking twice. For the remaining 52 clinics, the AMCs had conducted stocktaking once only; and
- (c) during the stocktaking, the HKAMC performed reconciliations between the clinics' physical stocks and the AMC's stock ledger balances. Although the KAMC and the NTNAMC informed Audit that they had also performed reconciliations, they were unable to produce the related documentation. Based on the reconciliations performed by Audit for some of the clinics visited by these two AMCs, it was found that there were discrepancies between the clinics' stocks and the AMCs' records. Some examples are shown in Table 8.

**Table 8**  
**Stock discrepancies found by Audit**  
**(March to August 2009)**

Clinic	Stock item	Number of items		Discrepancy (c) = (a) – (b)
		found at clinic (a)	per AMC stock ledger balance (b)	
<b>KAMC</b>				
A	Rabies vaccine	15	62	–47
B	Microchip	123	142	–19
<b>NTNAMC</b>				
C	Rabies vaccine	53	154	–101
D	Microchip	236	582	–346

*Source: Audit analysis of AFCD records*

***Audit recommendations***

**3.24 Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **remind the authorised private vets to report on the usage of the AFCD supplied stocks at the stipulated one-month interval;**
- (b) **recover any arrears of payments for stocks used from the private vets;**
- (c) **warn those private vets who are repeatedly late in filing stocks usage reports that their names may be deleted from the AFCD list of authorised private vets;**

- (d) **provide guidelines (e.g. on the frequency and procedures of stocktaking) to the AMCs to ensure the proper performance of stocktaking at the private vets' clinics;**
- (e) **require the AMCs to keep proper record of stocktaking (including reconciliations) conducted at the private vets' clinics; and**
- (f) **follow up on discrepancies noted in stock reconciliations.**

### **Response from the Administration**

3.25 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that:

- (a) the AFCD will initiate actions to take on board the audit recommendations;
- (b) the AFCD has started investigating the discrepancies noted in stock reconciliations carried out by the AMCs, particularly the KAMC and the NTNAMC, and will take appropriate steps to rectify the situation; and
- (c) as a longer-term measure, with a view to devising a more cost-effective mechanism, the AFCD will review the existing arrangements with private vets on licensing of dogs (including the supply of microchips and vaccines).

## **PART 4: ENFORCEMENT ACTION**

4.1 This PART examines the AFCD's enforcement action against offences committed by pet traders (animal traders and ABE operators) and pet keepers.

### **Enforcement work**

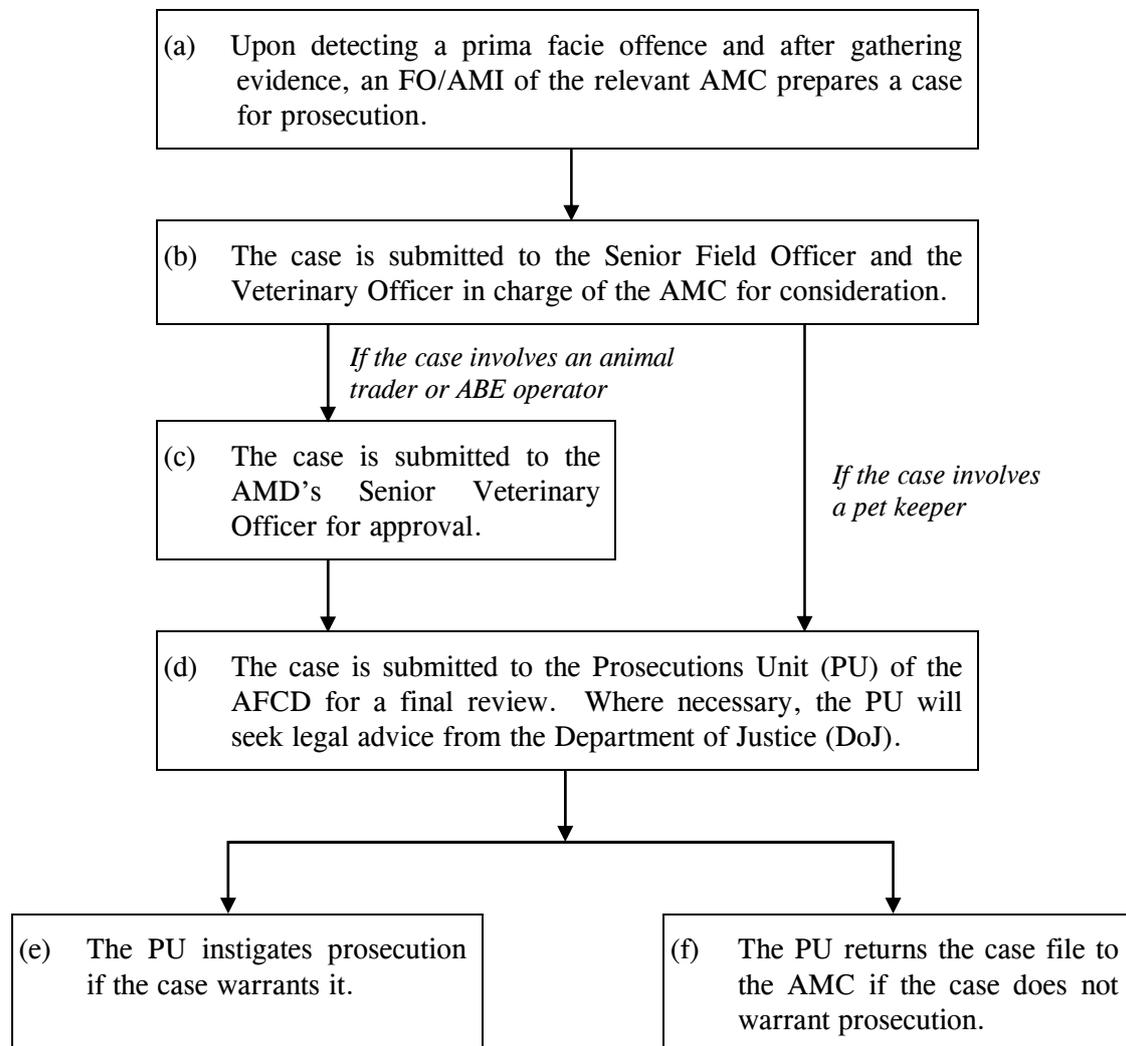
4.2 As mentioned in paragraph 1.4(d), the AFCD instigates prosecution against offenders under various animal-related ordinances. In practice, all prosecutions are initiated by frontline staff, including Field Officers (FOs — who are civil servants) and Animal Management Inspectors (AMIs — who are non-civil service contract staff) of the AMCs. As at 30 November 2009, the 4 AMCs had 25 FOs/AMIs, who inspected pet shops and ABEs, and followed up on offences committed by pet keepers (Note 14). Figure 1 shows the AFCD's prosecution process.

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**Note 14:** *Other than inspection and prosecution work, FOs and AMIs may also be assigned to perform other duties such as kennel management, handling complaints and processing licence applications.*

Figure 1

## AFCD's prosecution process



Source: AFCD records

4.3 Table 9 shows the nature and number of prosecutions instigated by the PU against pet traders and pet keepers in 2007, 2008 and 2009.

**Table 9**  
**Prosecutions instigated by PU**  
**(2007 to 2009)**

Legislation	Nature of prosecutions	Number of prosecutions		
		2007	2008	2009 (up to 30 November)
<i>Against pet trader</i>				
Public Health (Animals and Birds) Ordinance	Operating pet business without licence or committing a breach of licensing conditions	28	22	4
<i>Against pet keeper</i>				
Dogs and Cats Ordinance	Mainly on not keeping large dogs (over 20 kilograms in weight) under control in public places	25	40	58
RO and RR	Various nature such as abandoning pets or keeping dogs without licences (see Table 10 in para. 4.9)	894	913	840
<b>Total</b>		<b>947</b>	<b>975</b>	<b>902</b>

Source: AFCD records

#### *Audit examination*

4.4 Audit examination of the AFCD's enforcement work has revealed that there is room for improvement in the following areas:

- (a) enforcement against pet traders' offences (paras. 4.5 to 4.8);
- (b) enforcement against pet keepers' offences (paras. 4.9 to 4.31);
- (c) prosecution cases not pursued (paras. 4.32 to 4.40); and
- (d) staff training and other related matters (paras. 4.41 to 4.51).

## Enforcement against pet traders' offences

4.5 According to the Public Health (Animals and Birds) Ordinance, all licensed pet traders are required to comply with the licensing conditions of the ATLS or ABELs granted. Failure to comply with the conditions may render the licensees liable to prosecution (which could result in a maximum fine of \$2,000) or revocation of the licences by the AFCD (when a licensee has a record of two convictions). In practice, the AMCs may give verbal or written warnings before resorting to prosecution.

## Audit observations and recommendations

4.6 Audit examined some 1,000 inspection reports of 2008-09 and 2009-10 (see Note 6 to para. 2.7), and found that for those cases with reported breach of licensing conditions, the AMCs had not always taken enforcement actions (e.g. giving warnings or initiating prosecution). Cases 1 and 2 are examples.

### Case 1

#### No enforcement against selling animals not covered by ATL

1. One licensed pet shop A used to sell both dogs and cats. In 2006, pet shop A renewed its ATL for selling cats only. In June 2009, during an inspection of pet shop A, the NTNAMC found that both dogs and cats were kept in the shop for sale.
2. Another licensed pet shop B also used to sell both dogs and cats. In 2008, pet shop B renewed its ATL for selling dogs only. However, in May 2009, during an inspection of pet shop B, the NTNAMC found that both dogs and cats were kept in the shop for sale.
3. Up to the end of November 2009, there was no evidence that the AMC had taken enforcement actions against the two pet shops for selling animals which were not covered by their ATLS.

Source: AFCD records

## Case 2

### No enforcement against ABE operation for breach of licensing condition

1. In April 2008, an ABE operator applied for renewal of his ABEL. Licence renewal was granted with a condition that the operator should obtain approval within six months from the Town Planning Board (TPB) for his operation (Note 1).
2. Audit noted that:
  - (a) six months after the renewal of the licence (October 2008), the NTNAMC did not check whether the ABE operation had been approved by the TPB (a licensing condition);
  - (b) in April 2009, the AMC renewed the ABE operator's licence which continued to contain the condition of seeking the TPB's approval within six months of the issue of the licence;
  - (c) in November 2009, the AMC found that the ABE operator had still not sought the TPB's approval; and
  - (d) as at end of November 2009, the AFCD was seeking advice from the Planning Department (Note 2) on whether the latter had objection to the operation of the ABE.
3. Up to end of November 2009, the AMC had not taken any enforcement actions against the ABE operator for breach of the licensing condition.

*Source: AFCD records*

*Note 1: With effect from October 2007, to contain unauthorised use of government land, an ABE operator is required to obtain approval of the TPB for his operation within six months from the date of the issue of the licence.*

*Note 2: The Planning Department is the executive arm of the TPB, which is responsible for formulating, monitoring and reviewing town plans, planning policies and associated programmes for the physical development of Hong Kong.*

***Audit recommendations***

4.7 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **promptly check pet traders' compliance with the licensing conditions; and**
- (b) **take appropriate enforcement actions against pet traders who have breached the licensing conditions.**

**Response from the Administration**

4.8 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that the AFCD will set up a task force (see para. 2.10) to formulate and implement suitable measures, including drawing up guidelines and provision of staff training, to ensure that the pet traders' compliance with the licensing conditions would be promptly checked and appropriate enforcement actions would be taken if situation so warranted.

**Enforcement against pet keepers' offences**

4.9 Table 9 in paragraph 4.3 indicates that the majority of prosecutions in the past three years were instigated against pet keepers for contravention of the RO and RR. Relevant provisions of the RO and RR are shown in Table 10.

**Table 10**  
**Statutory offences under RO and RR**

Ordinance/ Regulation	Statutory offence	Maximum penalty
<b>RO</b>		
Section 22(1) (Note 1)	A keeper who abandons his animal (Note 2).	A fine of \$10,000 and imprisonment for 6 months
Section 22(2) (Note 1)	The owner/operator of a conveyance who abandons his animal from the conveyance (Note 2).	A fine of \$5,000 and imprisonment for 3 months
Section 23	A keeper who does not properly control his dog (e.g. letting it go astray).	A fine of \$10,000
Section 25	A keeper whose dog bites a person.	A fine of \$10,000
<b>RR</b>		
Section 20	A person who keeps a dog over 5-month old without obtaining a dog licence.	A fine of \$10,000
Section 20A	A keeper who fails to report change in address or dog ownership to the AFCD within five days of that change.	A fine of \$5,000

*Source: RO and RR*

*Note 1: Sections 22(1) and 22(2) of the RO apply to all mammals except human beings, while other sections in this Table apply only to dogs.*

*Note 2: Under section 22(5) of the RO, where an animal has been seized and detained by the AFCD for 96 hours and no person has claimed to be the keeper of the animal, it shall be presumed that the animal was abandoned.*

4.10 Each year, the AFCD receives many complaints relating to nuisance caused by stray dogs and cats (see para. 5.2). After capturing stray dogs, an AMC tries to identify the keepers (Note 15). For any identified case, the AMC opens a stray dog case file and determines whether prosecution (e.g. under sections 22 or 23 of the RO) should be initiated against the keeper.

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**Note 15:** *For dogs with microchips implanted (see para. 3.3), the AMC can trace the keepers based on the code stored in the microchips. For dogs without microchips, sometimes the keepers can also be identified if they come to the AMCs to look for their lost dogs.*

4.11 To assess the adequacy of the AMC prosecution action, Audit examined a sample of 41 stray dog case files submitted to the PU. Audit also examined a sample of 72 cases which the AMCs had not initiated prosecution. Altogether, 113 cases were examined (Note 16).

## Audit observations and recommendations

### *Consistency of prosecution practices*

4.12 ***Refusal to reclaim dogs.*** According to the AFCD “Procedures on Handling Captured Stray Dogs”, when a stray dog is caught by an AMC and the keeper can be traced, the keeper is asked to reclaim the dog. In claiming the dog, the keeper:

- (a) has to pay a detention fee (\$565 plus \$40 for each day of detention); and
- (b) is subject to prosecution under the RO (e.g. breach of section 23 for not keeping the dog under control).

4.13 However, if the keeper refuses to reclaim the dog, the AFCD Procedures stipulate that the AMC will:

- (a) ask the keeper to sign a statement declaring that he will give up his dog (which may be rehomed or euthanised); and
- (b) conduct prosecution under the RO (e.g. for abandoning the dog under section 22 or for not keeping the dog under control under section 23).

4.14 Of the 113 stray dog cases examined, Audit found that there were 21 (19%) cases where the keepers had refused to reclaim their dogs. The distribution of these 21 cases is as follows.

<b>HKAMC</b>	<b>4</b>
<b>KAMC</b>	<b>4</b>
<b>NTNAMC</b>	<b>13</b>
<b>Total</b>	<b>21</b>

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**Note 16:** *The cases examined related to stray dogs caught by the HKAMC in November 2008 (submitted to the PU in April 2009), the NTNAMC in February 2009 (submitted in June 2009) and the KAMC in May 2009 (submitted between July and October 2009).*

Audit found that all the three AMCs had not taken any prosecution action against the keepers as required by the AFCD Procedures. However, according to the PU's records, the NTSAMC did prosecute keepers who refused to reclaim their dogs. From 2007 to 2009 (up to 30 June), 8 dog keepers were so convicted under the RO.

4.15 ***Stray dogs delivered to AMCs.*** From time to time, animal welfare organisations (AWOs — such as the SPCA) or any members of the public may hand over to the AMCs stray dogs they have caught. The relevant keepers may be subject to prosecution for improper control of their dogs under section 23 of the RO.

4.16 Of the 113 stray dog cases examined, 8 cases involved dogs found by AWOs or members of the public. The AMCs had not initiated prosecution in all these 8 cases (7 pertaining to the NTNAMC and 1 to the HKAMC). However, there were cases where the KAMC and the NTSAMC had successfully prosecuted the keepers of dogs caught by AWOs or members of the public.

4.17 **Given the different prosecution practices adopted by different AMCs against dog keepers (see paras. 4.14 and 4.16), Audit considers that the AFCD needs to conduct an overall review and issue guidelines to ensure that a consistent enforcement standard is adopted.**

#### ***Levy of detention fee***

4.18 According to the AFCD Procedures (see paras. 4.12 and 4.13), keepers who reclaim their dogs caught by the AMCs are required to pay a detention fee and are subject to prosecution. Those who refuse to reclaim their dogs are also liable to prosecution (though, in practice, they may not be prosecuted by the AFCD — see para. 4.14), but do not need to pay any detention fee.

4.19 Audit considers that keepers need to pay detention fees even if they refuse to reclaim their dogs, given that the AFCD has incurred cost in maintaining the stray dogs (whether they are eventually reclaimed or not). **The AFCD may wish to review the existing practice, and consider levying detention fees on dog keepers (Note 17) who refuse to reclaim their dogs.**

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**Note 17:** *According to section 39 of the RO, the keeper of an animal detained in a quarantine centre, observation centre or other place shall be liable for all fees and charges in respect of the animal.*

*First-time offenders*

4.20 Before 1 October 2008, the AFCD did not prosecute first-time offenders who had let their dogs go astray, but had later reclaimed their dogs. After reviewing the situation relating to stray dogs in September 2008, the AFCD Headquarters has required the AMCs to prosecute, with effect from 1 October 2008, first-time offenders for improper control of their dogs.

4.21 Of the 113 stray dog cases, 13 cases involved first-time offenders whose stray dogs were found by the KAMC in May 2009 (i.e. after the new prosecution requirement came into effect on 1 October 2008). However, the KAMC had not taken prosecution action against these 13 first-time offenders.

*Difficulties in taking prosecution action*

4.22 ***Prosecution against abandonment of animals.*** As stated in paragraph 4.14, of the 113 stray dog cases examined by Audit, in 21 cases, the keepers had refused to reclaim their dogs.

4.23 A keeper who refuses to reclaim his dog may be prosecuted under the RO for abandonment of his dog (section 22(1)) or for improper control of the dog (section 23). Although both the offences are subject to the same maximum fine of \$10,000, conviction under section 22(1) has a stronger deterrent effect as it could also result in an imprisonment sentence of up to six months. Over the years 2007 to 2009 (up to 30 June), the AFCD prosecuted most of the keepers under section 23 (and not under section 22) for improper control of their dogs. The AFCD had instigated abandonment charges (i.e. under section 22) in only two cases, and was able to secure conviction in one case.

4.24 At a Panel meeting of February 2008, the AFCD informed Panel Members that it was difficult to prosecute a person for abandoning a dog under section 22 of the RO. Upon enquiry in November 2009, the PU informed Audit that conviction required the proof of wilful abandonment.

4.25 Audit notes that in the UK, an Animal Welfare Act was introduced in 2006 to facilitate the prosecution of abandonment of animals. Under the Act, it is an offence if the keeper does not take reasonable steps to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice (Note 18). Upon conviction, the keeper is subject to imprisonment of up to a term of 51 weeks and/or a fine of up to £ 5,000.

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**Note 18:** *Under the UK Animal Welfare Act 2006, an animal's needs include: (a) its need for a suitable environment; (b) its need for a suitable diet; (c) its need to be able to exhibit normal behaviour patterns; (d) any need it has to be housed with, or apart from, other animals; and (e) its need to be protected from pain, suffering, injury and disease.*

4.26 ***Prosecution against failure to report change of address or dog ownership.*** According to section 20A of the RR, a dog keeper should report any change of address or dog ownership within five days after that change. Of the 113 cases examined, Audit found 3 cases where the concerned AMCs had been able to trace the keepers and learned from them that the dogs had changed ownership without reporting to the AFCD.

4.27 The AMCs informed Audit that no prosecution had been initiated in the 3 cases in question because there was no specific provision in the RR (under which the prosecution was instigated) to extend the time limit for prosecution beyond that provided under the Magistrates Ordinance (Cap. 227).

4.28 Audit notes that similar problem of time restriction has been overcome in the UK by the Animal Welfare Act 2006 which provides that a magistrates' court may try an offence if the information relating to the offence is laid before the end of the period of:

- (a) three years beginning with the date of the commission of the offence; and
- (b) six months beginning with the date on which evidence, which the prosecutor thinks is sufficient to justify the proceedings, comes to his knowledge.

4.29 **Audit considers that the AFCD needs to take steps to resolve the prosecution difficulties mentioned in paragraphs 4.24 and 4.27.** Such steps may include:

- (a) seeking advice from the DoJ on other possible ways of resolving the prosecution difficulties; and
- (b) keeping abreast of international trends in animal management and considering, in consultation with the FHB, the need to amend the animal-related legislation to facilitate prosecuting irresponsible pet keepers.

#### ***Audit recommendations***

4.30 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

##### ***Consistency of prosecution practices***

- (a) **conduct an overall review of the prosecution practices adopted by different AMCs and issue guidelines to ensure that a consistent enforcement standard is adopted;**

*Levy of detention fee*

- (b) **review the practice of not charging dog keepers any detention fees if they refuse to reclaim their dogs, and consider levying such a fee;**

*First-time offenders*

- (c) **remind the AMCs to properly follow the laid-down requirement of taking appropriate enforcement action against offences of not keeping a dog under proper control (including first-time offenders); and**

*Difficulties in taking prosecution action*

- (d) **take measures to resolve the difficulties in taking prosecution action against pet keepers' offences.**

**Response from the Administration**

4.31 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that the AFCD:

- (a) is reviewing and standardising the prosecution practices of all the AMCs and will introduce a supervisory checking system to ensure that the enforcement work is properly carried out in accordance with the standardised procedures; and
- (b) will consult the DoJ and the FHB with a view to addressing the difficulties in taking prosecution action against pet keepers who have breached the animal-related law.

**Prosecution cases not pursued**

4.32 From 2007 to 2009 (up to 30 June), the PU had not pursued 31 prosecution cases (against pet traders and pet keepers) submitted by the AMCs. While most of these cases were considered not warranting prosecution after review by the PU, Audit found that there was scope for improvement in handling some cases.

## Audit observations and recommendations

### *Missing prosecution files*

4.33 Of the 31 prosecution cases not pursued by the PU, the whereabouts of 6 files (19%) could not be found either at the PU or at the relevant NTNAMC. According to the records of the AMC, these files had been submitted to the PU, but the PU informed Audit that it could not locate such files. Audit noted that both the PU and the NTNAMC did not record the movement of prosecution files between them.

4.34 Prosecution files are important enforcement documents. It is unsatisfactory that 6 prosecution files have been found missing. There is a risk that timely prosecution action could not be taken on some warranted cases. **Audit considers that the AFCD needs to trace the whereabouts of the 6 files, and institute a proper file control system to track the movement of prosecution files.**

### *Time-barred cases*

4.35 Of the 31 cases (see para. 4.32), 3 pertaining to the KAMC were time-barred from prosecution (see para. 4.27). An example of such cases is shown below.

#### Case 3

##### A time-barred case

1. On 1 December 2008, a woman reported that she was bitten by a dog in Kowloon. On the following day, the staff of the KAMC found the dog. As the dog had microchip implanted, the AMC could trace the keeper who reclaimed the dog on 3 December 2008.

2. However, it was only on 27 May 2009 that the AMC took a cautioned statement with the keeper and initiated a dog biting charge under section 25 of the RO. On 29 May 2009 (Friday), the prosecution file was submitted to the PU for further action.

3. Upon receipt of the file on 29 May 2009, the PU reviewed the case and commented that there was no case for prosecution as there were only two days left before the time-bar date of 31 May 2009 (Sunday), and that there was insufficient evidence to proceed with the case further.

##### *Audit comments*

4. There was a delay in handling the case. The AMC only submitted the prosecution file to the PU for action two days before the time bar.

Source: AFCD records

4.36 **Audit considers that the AMCs need to take prompt action on prosecution cases, with due regard to the relevant statutory time bar.**

*Need to follow up on alternative prosecution action*

4.37 Of the 31 cases, there was a case where the PU had advised an AMC to consider laying an alternative charge, as there was insufficient evidence to prosecute under the AMC's proposed charge. Audit, however, found that there was no further action on the case, as shown below.

**Case 4**

**Alternative charge not followed up**

1. On 31 July 2008, a dog was caught for biting a person on Hong Kong Island. On 11 December 2008, the HKAMC submitted the dog biting case to the PU for prosecution under section 25 of the RO.
2. On 12 December 2008, the PU returned the case to the HKAMC advising that: (a) there was insufficient evidence to prosecute under section 25; (b) the HKAMC could consider charging the keeper for improper control of the dog under section 23 of the RO; and (c) 13 January 2009 was the time-bar date for prosecution.
3. Audit found that neither the HKAMC nor the PU had followed up on the case.

*Source: AFCD records*

4.38 **Audit considers that the AMCs need to follow up with the PU on viable prosecution actions (e.g. the laying of an alternative charge).**

*Audit recommendations*

4.39 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **attempt to locate the whereabouts of the six missing prosecution files mentioned in paragraph 4.33;**
- (b) **institute a proper file control system to track the movement of prosecution files;**

- (c) **remind the AMC staff to take prompt action on prosecution cases, with due regard to the relevant statutory time bar; and**
- (d) **require the AMCs to properly follow up with the PU on viable prosecution actions (e.g. the laying of an alternative charge).**

### **Response from the Administration**

4.40 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that the AFCD:

- (a) has already put in place an enhanced system for proper tracking of the movements of prosecution files between the AMCs and the PU. Actions have been initiated and will be continued to locate the whereabouts of the six missing files. As at 10 February 2010, two of them had already been located; and
- (b) will issue regular reminders to the AMC staff and introduce a monitoring mechanism to ensure that prosecution cases are promptly processed with due regard to the relevant statutory time bar.

### **Staff training and other related matters**

4.41 As FOs and AMIs are frontline staff responsible for performing enforcement duties, it is essential that they have adequate and proper training to develop the skills necessary for their work.

### **Audit observations and recommendations**

#### ***Provision of enforcement training to FOs and AMIs***

4.42 From January 2007 to September 2009, the AFCD arranged the following training for FOs and AMIs:

- (a) the AFCD selected staff to attend two types of training — a one-day course on Mock Court Training and a three-day course on Investigation Skills (organised by the Hong Kong Police Force and the Civil Service Training and Development Institute for government servants performing enforcement duties). The two types of training courses were each held four times during the aforesaid period. However, FOs and AMIs of the NTNAMC had not been selected to attend either course (see Table 11); and

**Table 11**  
**Training courses attended by FOs and AMIs**  
**(January 2007 to September 2009)**

Training course	Attended by FOs/AMIs			
	HKAMC	KAMC	NTSAMC	NTNAMC
Mock Court Training	Yes	Yes	Yes	No
Investigation Skills	Yes	Yes	Yes	No

*Source: AFCD records*

- (b) in November 2008, the PU organised two training sessions on enforcement matters. However, due mainly to operational burden, the FOs and AMIs were unable to attend the training.

4.43 Audit also found from enquiries with the FOs and AMIs of the three AMCs visited (see para. 1.7) that they had not received any specific training before commencing their enforcement duties, and that they mainly relied on on-the-job training to build up their knowledge and experience.

4.44 Audit considers that the AFCD could benefit from providing more structured training (including induction training) to its FOs and AMIs, rather than leaving them to learn the skills from their work. Such benefits would include providing an opportunity to promulgate clearly the AFCD enforcement policy, and fostering a common approach in taking enforcement action. More structured training is particularly important in the light of the different prosecution practices adopted (see paras. 4.14 and 4.16). The AFCD also needs to work out a training time schedule and release staff to attend the training.

#### ***High staff turnover***

4.45 Table 12 shows the turnover of FOs and AMIs of the three AMCs.

**Table 12**  
**Turnover of FOs and AMIs**  
**(2008 and 2009)**

AMC	2008			2009		
	FO			FO		
	Left service (a)	Establishment (b)	Turnover rate (c) = $\frac{(a)}{(b)} \times 100\%$	Left service (d)	Establishment (e)	Turnover rate (f) = $\frac{(d)}{(e)} \times 100\%$
HKAMC	2	2	100%	1	2	50%
KAMC	1	5	20%	1	5	20%
NTNAMC	–	3	–	–	3	–
Overall	3	10	30%	2	10	20%
AMC	AMI			AMI		
	Left service (g)	Establishment (h)	Turnover rate (i) = $\frac{(g)}{(h)} \times 100\%$	Left service (j)	Establishment (k)	Turnover rate (l) = $\frac{(j)}{(k)} \times 100\%$
	HKAMC	2	3	67%	1	2
KAMC	2	3	67%	1	4	25%
NTNAMC	3	4	75%	3	5	60%
Overall	7	10	70%	5	11	45%

Source: AFCD records

4.46 As shown in Table 12, the turnover rates were particularly high for AMIs who were employed on one-year contract terms. According to the AFCD records, of the 12 AMIs who quit in 2008 and 2009, 6 left to take up other government posts on civil service terms. For the remaining 6 AMIs, 4 resigned before the end of their contracts, while 2 left upon their contract completion.

4.47 High staff turnover could hamper AMC capacity building. **Audit considers that the AFCD needs to review the situation and take measures to minimise staff turnover (in particular for the AMIs).** In this connection, the AFCD may wish to conduct exit interviews to ascertain the reasons for staff leaving the service and consider recruiting more staff on civil service terms, instead of on contract terms.

*Need to review cases without prosecution initiated*

4.48 Table 13 shows the number of investigation cases handled by the FOs and AMIs in 2007 and 2008.

**Table 13**  
**Cases handled by FOs and AMIs**  
**(2007 and 2008)**

Year	Cases with prosecution initiated		Cases without prosecution initiated	
	(Number)	(Percentage)	(Number)	(Percentage)
2007	724	29%	1,758	71%
2008	858	34%	1,699	66%

*Source: AMC records*

4.49 Table 13 shows that for over 65% of the cases, the FOs and AMIs did not initiate prosecutions. Audit sample checking revealed that there were cases where the AMCs should have pursued further (see paras. 4.14, 4.16 and 4.21). **Audit considers that the AFCD needs to consider setting up a quality review system for sample examination of cases not put up for prosecutions by the AMCs.**

*Audit recommendations*

4.50 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **provide more structured training (including induction training) for the FOs and AMIs, work out a training time schedule and release staff to attend the training;**
- (b) **conduct a review of the AMCs' high staff turnover and devise an appropriate staff retention strategy to minimise FO and AMI turnover; and**
- (c) **consider setting up a quality review system to examine cases not initiated for prosecutions by the AMCs.**

**Response from the Administration**

4.51 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that pursuant to the IQB manpower resources review, suitable arrangements would be implemented to strengthen the provision of staff training to the AMD. The AFCD has already begun planning its training schedule for the year.

## PART 5: CONTROL OF STRAY DOG AND CAT POPULATION

5.1 This PART examines the AFCD's efforts on controlling the population of stray dogs and cats.

### The problem of stray dogs and cats

5.2 In 2008 and 2009, the AMCs handled some 23,000 complaints each year. About 60% (Note 19) of these complaints related to nuisance caused by stray dogs and cats. These stray animals were mostly feral dogs and cats or those that had been abandoned by their keepers. These animals bred rapidly, resulting in more unwanted litters.

### Government's strategy

5.3 To resolve the problem of stray dogs and cats, the AFCD aims to control the population of these animals. The AFCD has:

- (a) set up **animal catching teams** in the AMCs to capture stray dogs and cats (see Table 14);

**Table 14**

**Stray dogs and cats caught by animal catching teams  
(2006 to 2009)**

<b>Year</b>	<b>Dogs (Number)</b>	<b>Cats (Number)</b>	<b>Total (Number)</b>
2006	8,600	5,060	<b>13,660</b>
2007	9,030	4,920	<b>13,950</b>
2008	8,370	4,640	<b>13,010</b>
2009	7,850	4,570	<b>12,420</b>

*Source: AFCD records*

*Remarks: Statistics before 2006 were not available.*

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**Note 19:** *The 60% figure was based on Audit's analysis of complaints handled by the three AMCs in different months (March for the HKAMC, June for the NTNAMC and August for the KAMC) of 2009. The AFCD did not have a breakdown of complaints received.*

- (b) arranged the **rehoming** of captured stray dogs and cats (see para. 6.23) and conducted **euthanasiation of** unwanted dogs and cats (see Table 15);

**Table 15**  
**Stray dogs and cats euthanised by AFCD**  
**(2006 to 2009)**

Year	Dogs (Number)	Cats (Number)	Total (Number)
2006	7,480	4,670	<b>12,150</b>
2007	8,080	4,140	<b>12,220</b>
2008	7,120	3,800	<b>10,920</b>
2009	6,530	3,790	<b>10,320</b>

*Source: AFCD records*

*Remarks: Statistics before 2006 were not available.*

- (c) taken **enforcement action** against keepers who let their dogs go astray or abandon their dogs (see paras. 4.12 and 4.13);
- (d) launched **education and publicity programmes** (EPP) to spread the message of responsible pet ownership (see para. 6.2); and
- (e) provided **recurrent subvention to the SPCA** (\$200,000 for 2009-10) to operate a Cat Colony Care Programme which, instead of resorting to euthanasia, controls the stray cat population by trapping, neutering and returning (TNR) the cats to their original habitats. As at December 2009, the AFCD and AWOs were examining the details of a trial TNR programme for stray dogs.

## **Audit observations and recommendations**

### *Strategy to control stray animal population*

5.4 The AMD spent substantial resources on controlling the population of stray dogs and cats. According to the AFCD, for 2009-10, the expenditure on the management of stray dogs and cats alone (comprising the costs of capturing, keeping and euthanising these animals) was about \$30 million, which accounted for 81% of the total AMD's expenditure

of some \$37 million. In particular, capturing of stray animals could be time-consuming and costly (see Case 5). In one special case, an AMC had conducted 83 dog-catching operations/inspections (see Case 6).

### Case 5

#### Six operations to catch stray dogs

1. In response to a complaint about stray dogs wandering near the Aberdeen Reservoir, the HKAMC's animal catching team conducted six operations from 28 April to 18 May 2009 to catch the stray dogs. During the first five operations, stray dogs were not found or could not be caught. In the sixth operation (when Audit's staff joined as observers), the team placed snares and, as a result, two stray dogs were caught. The team later caught four more puppies in some other structures nearby.
2. In each of the six operations, the team comprised a driver, a Field Assistant, and two to three Workmen.

Source: AFCD records

### Case 6

#### 83 dog-catching operations/inspections

1. In early April 2009, a person complained to the HKAMC about stray dogs killing stray cats after midnight in North Point. As the complainant was dissatisfied that the stray dogs had not been caught, she lodged over 20 complaints to the HKAMC from April to July 2009. She also complained to the Chief Executive's Office and the Office of the Ombudsman about the HKAMC's unsatisfactory performance.
2. From April to July 2009, the HKAMC's animal catching team (which usually included a driver, a Field Assistant and 2 Workmen) conducted 81 operations to catch the stray dogs. Of these operations, 7 were overnight operations carried out by a team of 4 to 7 staff costing \$34,000 overtime allowance payment. Two overnight inspections were also conducted by the Veterinary Officer of the HKAMC on his own (without claiming overtime allowance). During the 83 (81+2) operations/inspections, 18 stray dogs were caught.

Source: AFCD records

5.5 Audit is concerned that the substantial resources spent on controlling the stray dog and cat population might have been at the expense of the AMDs' other equally important work (e.g. control of pet trade and enforcement work — see PARTs 2 and 4). **The AFCD needs to review the cost-effectiveness of its existing strategy for controlling the stray dog and cat population.** In this connection, the AFCD needs to:

- (a) review the AMC methodologies in capturing stray dogs and cats;
- (b) research into overseas practices of controlling the stray dog and cat population. In Singapore, for example, to encourage pet keepers to neuter their dogs (which, even if abandoned, will not breed), the government charges a higher annual licence fee for a non-sterilised dog (see below);

For a sterilised dog:	Singaporean dollars 14
For a non-sterilised dog:	Singaporean dollars 70

- (c) make reference to the guidelines on stray animal population management produced by overseas organisations (such as the World Organisation for Animal Health — Note 20); and
- (d) explore the feasibility of outsourcing animal capturing operations (e.g. to AWOs).

#### ***Handling of suspected illegal structures***

5.6 As mentioned in Case 5 in paragraph 5.4, the HKAMC's staff discovered some structures (see Photographs 4 and 5) during a dog catching operation. These structures apparently were illegal and would provide a breeding ground for stray dogs and cats. The HKAMC, however, had not taken any action to deal with the structures. On the other hand, the NTNAMC referred suspected illegal structures found during dog catching operations to the Lands Department for follow-up action.

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**Note 20:** *The World Organisation for Animal Health is an intergovernmental organisation responsible for improving animal health worldwide. As at April 2009, the organisation had some 170 member countries (including Australia, Canada, China, the UK and the United States).*

**Photographs 4 and 5**  
**Suspected illegal structures**

4.



5.



*Source: Photographs taken by Audit*

*Audit recommendations*

5.7 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

*Strategy to control stray animal population*

- (a) **review the cost-effectiveness of the AFCD's existing strategy for controlling the population of stray dogs and cats;**
- (b) **improve the strategy with reference to overseas practices adopted;**
- (c) **examine the practicality of outsourcing stray animal capturing operations; and**

*Handling of suspected illegal structures*

- (d) **inform relevant government departments (e.g. the Lands Department) of suspected illegal structures found during stray animal catching operations for follow-up action.**

**Response from the Administration**

5.8 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that the AFCD has instructed its AMC staff to refer suspected illegal structures found obstructing stray animal catching operations to relevant government departments for follow-up action.

## **PART 6: ANIMAL WELFARE MATTERS**

6.1 This PART examines the following matters relating to safeguarding of animal welfare:

- (a) EPP on animal welfare (paras. 6.2 to 6.11);
- (b) handling of reported lost pets (paras. 6.12 to 6.20); and
- (c) other animal welfare matters (paras. 6.21 to 6.26).

### **Education and publicity programmes**

6.2 At a Panel meeting in 2008, the Administration informed Panel Members that it attached great importance to animal welfare. At a Legislative Council meeting in 2009, the Administration said that the most effective way to address the problem of abandoned and stray animals was to bring home the message of responsible pet ownership and well-treating the animals. As such, the AFCD had been endeavouring to build up a culture for protecting and respecting animal rights and interests through various EPP, which included:

- (a) broadcasting API, such as “Responsible Pet Ownership” and “Report Animal Cruelty”, on television and radio;
- (b) distributing the API on video compact discs to all kindergartens, and primary and secondary schools for use as teaching material for animal welfare education;
- (c) putting up posters on public transport;
- (d) distributing promotional leaflets, posters and souvenirs to the public (see below);  
and

### Examples of education and publicity materials



Source: AFCD

- (e) organising publicity activities, such as slogan competitions and roving exhibitions.

Apart from the EPP, the AFCD has also advised (through its website) the public on how to be a responsible pet owner.

6.3 Table 16 shows the AFCD's expenditure on EPP in recent years.

**Table 16**  
**AFCD's expenditure on education and publicity**  
**(2007-08 to 2009-10)**

Year	Expenditure (\$'000)
2007-08	1,616 (Note)
2008-09	718
2009-10 (up to December 2009)	532
<b>Total</b>	<b>2,866</b>

*Source: AFCD records*

*Note: Following the increase of penalty for offences relating to cruelty to animals (see para. 1.6(a)), the FHB allocated \$1.5 million to the AFCD to enhance publicity on animal welfare in 2007-08.*

## **Audit observations and recommendations**

### ***Planning and evaluation of EPP***

6.4 To ensure that the EPP are effective, it is a good practice to have proper planning that includes the following:

- (a) setting of clear programme objectives;
- (b) budgeting, prioritisation and scheduling of events for the coming year; and
- (c) establishing performance measures and evaluating programmes to determine the gap between intended and actual outcomes.

6.5 Audit however noted that the AFCD did not have formal planning for its EPP. There were no provisions for EPP implementation. The AFCD also had not developed performance measures to gauge the efficacy of its EPP.

6.6 **As a good management practice and given the importance of EPP in promoting animal welfare, Audit considers that the AFCD needs to allocate resources and formulate an annual plan for EPP. Furthermore, it should evaluate EPP effectiveness by developing key performance targets and indicators, and measuring performance through surveys.** The performance evaluation could emphasise on the effects of the EPP on children, as overseas AWOs (such as the UK's SPCA) have considered that it is more effective to nurture a culture of animal caring by educating the young.

*Need for consumer education*

6.7 Since November 2006, the SPCA has been conducting ongoing surveys of sick animals receiving treatment at private vets' clinics. Based on the survey responses for the period November 2006 to May 2009:

- (a) 72% of dogs became sick within a week of purchase from pet shops;
- (b) 32% of dogs purchased from pet shops were not implanted with a microchip in contravention of the licensing conditions of ATL (Note 21);
- (c) 13% of dogs purchased from pet shops were not provided with a vaccination certificate (Note 21); and
- (d) 11% of purchases from pet shops were not issued with a sales receipt.

Table 17 shows examples of problems relating to dogs purchased from pet shops that the private vets had found.

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**Note 21:** *According to the licensing conditions, dogs for sale in pet shops must be implanted with microchips, while dogs and cats must be vaccinated against diseases such as distemper (see Note 1 in Table 17) and feline respiratory diseases respectively.*

Table 17

## Examples of problems relating to dogs purchased from pet shops

Dog	Bought from licensed pet shop	Date bought from pet shop	Date visited vet clinic	Illness detected (Note 1)	Microchip implanted	Vaccination certificate provided	Sales receipt issued	Dog cured/died
A	No	12.4.2008	13.4.2008	Distemper	No	No	No	Cured
B	No	5.10.2008	5.10.2008	Crackle	No	Yes	Yes	Cured
C	Yes	17.2.2009	18.2.2009	Kennel cough	No	No	Yes	Cured
D	No (Note 2)	23.3.2009	30.3.2009	Parvo and distemper	No	No	No	Died

Source: SPCA

Note 1: *Distemper* is a viral disease causing fever, coughing and building up of mucus. *Crackle* is an abnormal respiratory sound consisting of discontinuous bubbling noises. *Kennel cough* is an infectious bronchitis characterised by a hacking cough. *Parvo* is a viral disease causing diarrhoea and vomiting.

Note 2: The shop was an online pet shop.

6.8 Audit noted that from time to time, the AFCD had reminded people (e.g. through press release) not to patronise illegal pet shops. **Audit considers that the AFCD could do more in protecting the interests of pet buyers.** These may include publishing on the AFCD website a list of licensed pet shops, and advising buyers on practical ways to protect their interests (e.g. obtaining vaccination certificates and sales receipts) when purchasing pets from such shops (including online pet shops). There is also merit to explore measures to raise the pet shops' professionalism. In Singapore, the Agri-Food and Veterinary Authority has graded pet shops according to their compliance with the licensing conditions and extent of adopting the recommended "Pet Shop Best Practices". The pet shops' grades are posted on the Internet. The shops are also required to display their grades inside the shop premises.

6.9 Consumer education and protection help reduce the chance of buying sick animals from pet shops. They would also complement the inspection work (see para. 2.16) and facilitate the enforcement work (an example is shown in Case 7) of the AFCD.

## Case 7

### Complaint against a pet shop

1. A person purchased a dog from a pet shop in early March 2009. He did not obtain a sales receipt. A few days later, his dog showed symptoms of sickness, so he took it to a vet for treatment. As the dog's symptoms were still not cured, he took it to the vet again. This time it had to be kept at the clinic for intensive treatment. He therefore made a complaint against the pet shop to the AFCD.

2. The AFCD investigated the case, but found that there was insufficient evidence to support prosecution. One reason was that the pet buyer had not obtained a sales receipt to support his purchase.

*Source: AFCD records*

#### *Audit recommendations*

6.10 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **allocate resources and formulate an annual plan for EPP on animal welfare;**
- (b) **develop performance measures to evaluate the effectiveness of the EPP; and**
- (c) **step up the AFCD's efforts on protecting the interests of pet buyers.**

#### **Response from the Administration**

6.11 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that:

- (a) an annual publicity plan for the EPP for 2010-11 is being drawn up;
- (b) evaluation of the effectiveness of the EPP will be included in the AFCD's pet survey to be conducted later this year; and
- (c) to enhance public health and protect the interests of pet buyers, since 1 February 2010, the AFCD has imposed additional ATL conditions to ensure that dogs offered for sale by licensed pet shops are healthy and originated from legitimate sources.

## Handling of reported lost pets

6.12 According to the AFCD, in 2009, 519 cats and 1,352 dogs were reported lost, 82 (16%) cats and 276 (20%) dogs of which reunited with their keepers. The AFCD stated on its website that, for speedy reunion of his pet, a keeper should promptly report lost pets to the nearest AMC, the SPCA and the police. In reporting the loss to an AMC, a keeper has to provide, on a lost animal form (LAF), his personal and his pet's information (e.g. breed, colour and microchip number).

6.13 According to the AFCD guidelines, an AMC receiving a completed LAF should, on the same day, fax it to other AMCs, so that all the AMCs will have the same up-to-date lost animal information for matching with stray dogs and cats caught.

## Audit observations and recommendations

6.14 *Completeness of LAFs.* Based on an examination of the AMC records for May 2009, Audit found that the three AMCs did not keep the same set of LAFs. The HKAMC, the KAMC and the NTNAMC had kept 133, 143 and 142 LAFs respectively.

6.15 Audit further noted that:

- (a) the HKAMC kept all the LAFs in a loose-sheet folder;
- (b) in addition to the LAFs kept, the KAMC maintained a manual register summarising the information on the LAFs of all the AMCs; and
- (c) besides the LAFs, the NTNAMC kept a computer record of reported lost dogs and cats in its region.

6.16 Without a complete set of LAFs, the AMCs might not be able to reunite some stray dogs and cats with their keepers and these animals might have been rehomed or euthanised (Note 22). **The AFCD needs to explore measures to ensure the completeness of the LAFs. Such measures may include, for example, requiring the AMCs to share the use of a common database (e.g. a computerised lost animal register) or to perform periodic LAF reconciliations.**

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**Note 22:** *A cat or dog caught will be detained at an AMC for 96 hours, after which the animal will be rehomed or euthanised.*

6.17 ***Matching stray animals caught with LAFs.*** The AMCs are required to match stray cats and un-microchipped stray dogs caught with the LAFs. Audit found that the HKAMC conducted the matching with the LAFs for the past **30 days**, while the KAMC and the NTNAMC conducted the same matching for the past **three months**. **Audit considers that the AFCD needs to specify the required period to be used for matching.** The setting up of a computerised lost animal register, as mentioned in paragraph 6.16, could help perform the matching more effectively.

6.18 ***Reunion of lost dogs with keepers.*** Dogs' microchip numbers could help the AMCs unite them with their keepers. An examination of the LAFs of the KAMC in May 2009 revealed, however, that only 52 (50%) of the 104 lost dogs were implanted with microchips. This indicates that there is still scope for further publicising the benefit of having dogs implanted with microchips. Furthermore, the fact that 52 (50%) lost dogs were not microchipped indicates that they had not been licensed. There is a need for the AFCD to consider taking appropriate enforcement actions against keepers who failed to obtain licences for their dogs.

#### ***Audit recommendations***

6.19 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **take action to ensure the completeness of the LAFs kept by the AMCs;**
- (b) **consider setting up in the AMCs a computerised lost animal register to comprehensively record the LAF information provided by individual AMCs;**
- (c) **specify the required period of LAFs to be used by all the AMCs for matching with stray animals found; and**
- (d) **publicise the benefit of having dogs implanted with microchips, and consider taking appropriate enforcement action against keepers who failed to obtain licences for their dogs.**

#### **Response from the Administration**

6.20 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that:

- (a) the guidelines on handling of reported lost pets have recently been revised and distributed for all the AMCs to follow. The guidelines require the AMC staff to properly fill in the LAFs and include the required periods for using LAFs for matching stray animals by all the AMCs; and
- (b) the AFCD will highlight the legal requirements and merits of microchipping dogs and obtaining dog licences (e.g. enhancing the chance of finding dogs in case of loss) in the EPP.

## **Other animal welfare matters**

### *2008 proposals*

6.21 At a Panel meeting of February 2008, the Administration put forth a number of proposals to better promote animal welfare and protect public health (see Appendix C). The Administration also informed the Panel that it was examining the feasibility of the proposals, including consultation with AWOs and pet trade representatives.

## **Audit observations and recommendations**

### *Implementation of the 2008 proposals*

6.22 One of the proposals, involving the revision of the licensing conditions to require animal traders to source animals from legitimate sources, was implemented in February 2010 (see item (d) at Appendix C). No timetable has yet been set for implementing the other proposals. **Audit considers that the AFCD needs to work with the FHB to finalise early other proposals to promote animal welfare for the Panel's consideration.**

### *Proactive action to rehome animals*

6.23 At present, the AFCD allows AWOs to adopt dogs and cats from its AMCs. The adoption rates were low (see Table 18).

**Table 18**  
**Statistics on adoption of dogs and cats**  
**(2006 to 2009)**

Year	Number of dogs and cats				Percentage of dogs and cats adopted by AWOs $(e) = \frac{(d)}{(a) + (b) - (c)} \times 100\%$
	caught by AFCD (a)	relinquished by keepers (b)	reclaimed by keepers (c)	adopted by AWOs (d)	
2006	13,660	4,870	900	840	4.8%
2007	13,950	4,810	1,340	650	3.7%
2008	13,010	3,740	1,350	900	5.8%
2009	12,420	3,180	1,550	740	5.3%
Overall	53,040	16,600	5,140	3,130	4.9%

Source: AFCD records

Remarks: Statistics before 2006 were not available.

6.24 Of the three AMCs, the HKAMC waits for AWOs' visits to adopt dogs and cats, whereas the KAMC and the NTNAMC take the initiative to inform AWOs when dogs and cats suitable for rehoming are found. Audit considers that the AFCD needs to take more proactive action to rehome dogs and cats by, for example, requiring all the AMCs to proactively contact AWOs for rehoming animals.

#### *Audit recommendations*

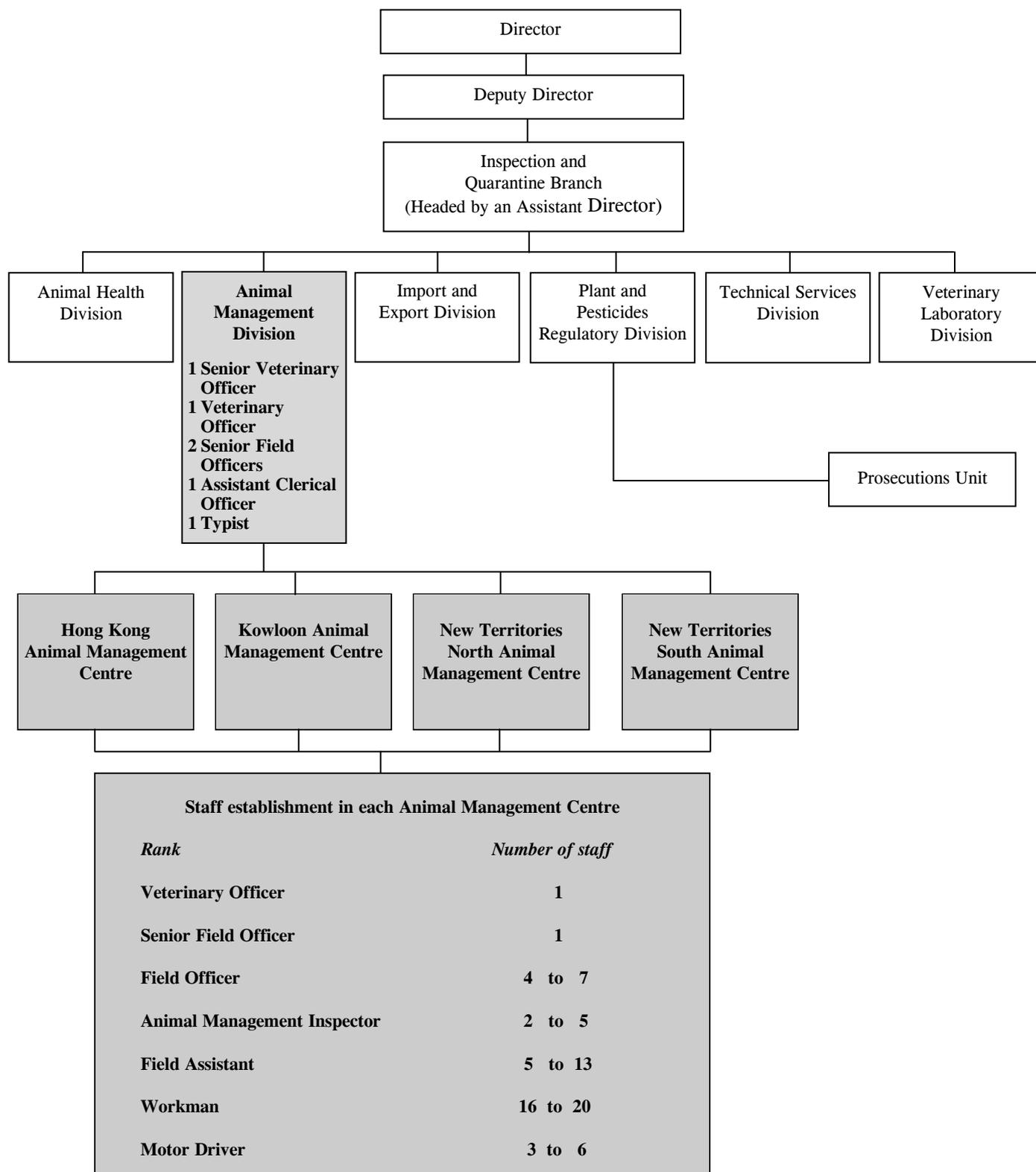
6.25 **Audit has recommended that the Director of Agriculture, Fisheries and Conservation should:**

- (a) **work with the Secretary for Food and Health to finalise early proposals to promote animal welfare for the Panel's consideration; and**
- (b) **take more proactive action to rehome dogs and cats.**

## **Response from the Administration**

6.26 The **Director of Agriculture, Fisheries and Conservation** accepts the audit recommendations. He has said that the AFCD will work with the FHB to map out the way forward for pursuing the proposals as set out at Appendix C. It will also review the existing practices for rehoming dogs and cats and seek to work more closely with AWOs.

Agriculture, Fisheries and Conservation Department  
Organisation chart (extract)  
(30 November 2009)



Source: AFCD records

**Additional licensing conditions to control pet shops' source of dogs for sale**

Under the additional licensing conditions, pet shops can only sell dogs acquired from:

- (a) importation with a valid AFCD's import permit and health certificate issued by the veterinary authority of the exporting place; or
- (b) local licensed dog breeders (who are required to obtain an ATL) or other local pet shops. A dog so acquired must be covered by documentation (e.g. invoices and sales receipts) detailing the dog's microchip number and breed, the quantity sold, the transaction date and the source; or
- (c) local private pet owners (Note). In such a case, a pet shop needs to obtain a declaration signed by the private pet owner (stating that he was the owner of the dog sold), and a certificate from a local registered veterinary surgeon stating the dog's microchip number and that the dog is an offspring of a licensed dog belonging to the private pet owner.

*Source: AFCD records*

*Note: Under the existing legislation, people who sell the offspring of their pets are not defined as animal traders. These people are often called "hobby breeders".*

**Administration's proposals to promote animal welfare**

At a meeting of the Legislative Council Panel on Food Safety and Environmental Hygiene in February 2008, the Administration put forth the following proposals to better promote animal welfare and protect public health:

- (a) increasing the maximum penalty for illegal trading of animal from \$2,000 to \$100,000 and for breaching of licensing conditions from \$1,000 to \$50,000;
- (b) empowering the Director of Agriculture, Fisheries and Conservation to revoke the licence of an animal trader if the latter had committed various animal welfare related offences;
- (c) including in the animal legislation that selling animals with infectious disease to the public is an offence;
- (d) revising the licensing conditions to require animal traders to source animals from legitimate sources (implemented in February 2010);
- (e) empowering a Senior Veterinary Officer to release earlier (e.g. to AWOs) any animals seized — at present, animals seized in a cruelty case are required by law to be detained by the AFCD until the court trial has been completed;
- (f) providing option for an offender of animal cruelty to surrender his animals to the AFCD — at present, the court may order animals involved in a cruelty case to be kept under temporary care by the AFCD. However, the law also provided absolute power to the offender in requesting the destruction of such animals under temporary care if he is the owner of the animals concerned;
- (g) empowering a Senior Veterinary Officer of the AFCD to issue directions to the keeper of animals to require certain measures (e.g. requiring the latter to secure appropriate veterinary treatment for his animals within a specified period) to be taken in order to safeguard the animals' welfare; and
- (h) empowering a Magistrate to order the forfeiture of an animal and/or disqualify a person who has been found guilty of any offence related to animal abuse from keeping all or specified kinds of animals for a specified period of time.

*Source: Panel papers*

**Acronyms and abbreviations**

ABE	Animal boarding establishment
ABEL	Animal boarding establishment licence
AFCD	Agriculture, Fisheries and Conservation Department
AMC	Animal Management Centre
AMD	Animal Management Division
AMIs	Animal Management Inspectors
API	Announcements of public interest
ATL	Animal trader licence
Audit	Audit Commission
AWOs	Animal welfare organisations
C&SD	Census and Statistics Department
DoJ	Department of Justice
EPP	Education and publicity programmes
FHB	Food and Health Bureau
FOs	Field Officers
HA	Housing Authority
HKAMC	Hong Kong Animal Management Centre
IQB	Inspection and Quarantine Branch

**Appendix D**  
(Cont'd)

KAMC	Kowloon Animal Management Centre
LAF	Lost animal form
NTNAMC	New Territories North Animal Management Centre
NTSAMC	New Territories South Animal Management Centre
Panel	Legislative Council Panel on Food Safety and Environmental Hygiene
PRHF	Public rental housing flat
PTB	Pet trading and boarding
PU	Prosecutions Unit
RO	Rabies Ordinance
RR	Rabies Regulation
SPCA	Society for the Prevention of Cruelty to Animals
TNR	Trapping, neutering and returning
TPB	Town Planning Board
TPS	Tenants Purchase Scheme
UK	United Kingdom
WHO	World Health Organization