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港大研究指虐畜懲罰太輕



港大研究指出，現行的《防止殘酷對待動物條例》過時，只能保護已遭到殘酷對待的動物，對動物主人處罰較輕；監管寵物店發牌條件的法例亦嚴重不足。報告建議政府立法賦予愛護動物協會、警察、漁護署有保護動物免受傷害的權力。

是次研究由研究資助局及中央政策組織資助，報告指出，本港仍沿用一九三五年通過的《防止殘酷對待動物條例》，根據條例，主人殘酷對待寵物時，才能被起訴，對動物保護不足，建議政府仿效英美，立法賦予主人照顧、保護動物的責任。

港屠豬電壓太低

負責此項調查的港大法律系副教授Amanda Whitfort（見圖）指出，本港對殘酷對待動物的動物主人處罰較輕：「〇三年至今，香港共有十九個因殘酷對待動物被起訴案例，其中九個處以罰款，金額平均為一千二百元；十個被判坐監，時間一般都少於六周，最長的也少於兩個月。」

報告指出，本港缺少條例監管寵物店的發牌條件。她表示，研究過程中，曾在寵物店見到，狗籠裏的狗與籠一樣高，狗轉不到身；烏龜一隻疊一隻地放在水桶裏；蜥蜴被放在一個飯盒裏，這些情況在新加坡、英美是不允許的。她建議政府立法讓愛護動物協會、警察、漁護署有保護動物免受傷害的權力。

另外，本港屠宰廠用來電暈動物的電壓不合國際標準，Amanda Whitfort說：「英國一項調查顯示，利用二百五十伏或以上電壓電暈動物，效果較好，但香港大部分的豬都是用一百八十伏的電壓電三秒，屠宰時，它們可能還是有知覺的。」

記者 黃艷

港防虐待動物法例嚴重過時

研究：應收緊發牌 賦愛協檢控權



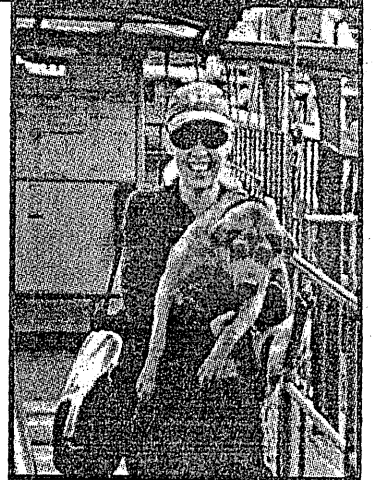
港大與愛護動物協會了解到不少動物被主人虐待，卻因法例漏洞而無法作檢控。

愛協提供圖片

兩團體查詢農場、寵物店等地，了解是否有動物遭虐待。

黃賢創攝

【本報訊】僵化不變的條例被指是虐待動物的真兇。港大法律系與愛護動物協會報告指，現時本港採用的防止殘酷對待動物條例嚴重過時。就算動物面對缺水缺糧、酷熱暴曬，仍然無法入罪。團體建議政府引入全新的動物權益條例，包括收緊寵物店發牌制度、容許愛護動物協會擁有檢控權力等。AD 記者：夏志禮



檢討報告獲研究資助局及中央政策組撥款50萬元資助，為期兩年。走訪本港多間寵物店、農場及上水屠房，檢查現行動物權益法例應用情況。

店賣出後一周必定生病，顯示個別店舖照顧動物明顯存有問題。

「小狗隔內轉身都不能」

愛護動物協會助理總監侯安娜表示，早前查訪寵物店發現，因動物條例約束力不足，間接造成虐待動物情況，「7隻手板大小的蜥蜴被放在一個如飯盒大小的盒內；小狗在玻璃間隔內連轉身也不能，水也不給一滴，但你卻無法檢控店舖，而有前科的店舖又可繼續經營」。

「始於1935年不合時宜」

港大法律系副教授 Amanda Whitfort 表示，以執行普通法如英國等國家作比較，香港的動物權益法例相對很落後，「條例由1935年應用至今，肯定不合時宜。等到動物受傷漁護署或警方才介入調查及檢控，太遲了，在外國疏忽照顧已可作警告」。

Whitfort 建議政府應成立全新的動物權益條例，並仿效英美做法，禁止有虐畜前科的寵物店繼續經營，並收緊寵物店發牌制度，要求店舖列明員工需接受相關訓練等，同時亦賦予愛護動物協會高級調查員檢控及警告權力。

她續指，政府於06年通過提高虐待動物最高罰則至罰款20萬元及監禁3年，但實際阻嚇力不大，翻查過去4年紀錄，從未有人被判監超過兩個月，平均只需監禁6星期即可出獄，罰款者平均只需付出1,200元即可「甩身」，去年只有9宗成功檢控個案。

據協會統計，逾九成小狗於寵物

蘋果網睇片

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港大報告列五宗罪

港保護動物法例落後

【明報專訊】港大法律系與愛護動物協會的一份研究報告發現，目前香港防止虐待動物的相關法例嚴重落後於英美甚至新加坡及台灣，存在殘虐動物「五宗罪」，未能有效保護動物權益，政府有需要大幅改革目前法例。

報告由香港大學法律系副教授 Amanda Whitfort 和愛護動物協會助理總監獸醫侯安娜 (Fiona M Woodhouse) 用兩年時間撰寫，研究目前香港保護動物權益的法律，結果顯示目前香港有關動物的法例未能有效保護和防止動物受虐。

Whitfort 表示，香港現行的《防止殘酷對待動物條例》，其真是以英國 1911 年的動物保護法 (Protection of Animals Act 1911，下稱「保護法」) 為藍本，近年除提高刑罰外，未有作重大修改。她表示，這些英國法例至今已經不合時宜，而英國方面亦於 2006 年以新法例取代，她說：「現時 (香港) 法例出現根本性的問題，只有在虐待動物的事情發生後，法例才會適用，但不少歐美澳紐等地的法例，已經列明動物有權受到保護。」除了過時外，報告亦指出現行法例覆蓋範圍、執法權力不足等「五宗罪」(見表)。

未有效監管商業繁殖寵物

報告指出，目前法例亦未能有效監管私人為商業用途繁殖寵物的行為，有關行為基本上不受任何監控，間接導致一些私人繁殖場出現無節制的繁殖活動，令動物數目增長過快，衛生和活動空間等生活質素下降至不合理水平。Whitfort 指出，英國的法例雖然未有限制私人飼養寵物的數目，但卻有嚴格將出售繁殖寵物的數量限制在每年 4 隻，間接令相關人士有計劃地安排寵物繁殖。

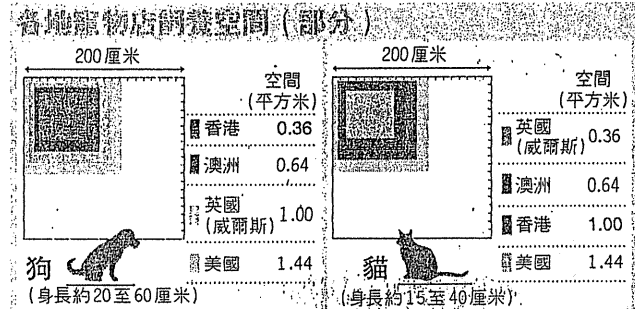
只保護羊牛 對豬雞不公平

侯安娜亦批評，雖然政府於年前將殘虐動物的刑罰增至最高罰款 20 萬元及監禁 3 年，但當局執法的力度仍嫌不足。她舉例，在近 19 宗虐待動物的檢控中，有 10 宗都是罰款了事。另外，香港法例只專門保護羊和牛兩種畜牲，對豬和雞鴨等並不公平。研究人員期望，研究報告可以加強大眾關注保護動物權益。漁護署發言人表示，署方會與食衛局研究報告內容，然後作出適當的跟進。



等待領養

有寵物店負責人表示，每隻狗都需要有自己的「地盤」，如果與其他同類擠在狹窄空間內生活，或會出現情緒問題，長遠影響健康。圖為愛護動物協會的待領養狗。



按：除香港外，其餘 3 地對寵物店的飼養空間均有最低要求
資料來源：港大報告

香港保護動物法例五宗罪

1 法例本身
香港法例第 169 章《防止殘酷對待動物條例》(下稱《條例》)，根據英國 1911 年的動物保護法 (Protection of Animals Act 1911，下稱「保護法」) 撰寫，與後者一樣，有關法例一直極少修訂，在科學及動物權益的概念上，未能與時並進，但後者已經於 2006 年被動物福利法 (Animal Welfare Act 2006) 所取代，香港法例則沒有。

2 定義過時
「保護法」對「殘酷對待」的定義過時亦難以理解，英國法院就曾批評有關定義令人疑惑，但香港目前仍沿用相同定義。

3 保護動物方式過時
「保護法」雖然會制裁殘酷對待動物者，但沒有說明動物應如何對待。根據「保護法」，案情必須達到檢控標準，檢控部門才會拯救受殘虐的動物，此要求在香港仍未被修改，落後於歐盟、美國、澳紐及台灣。

4 相關法例不足
「保護法」一直為人詬病，未能保障重要的動物福利，亦未有給予公共部門權力保護動物，香港《條例》亦有同樣問題。

5 執法力度不足
法例給予執法機關的權力有限，不足以保障動物，雖然個別刑罰已經提高，但實際運作上，法院的刑罰仍然過輕。

資料來源：港大及愛護動物協會報告

午餐盒盛蜥蜴 豬未電暈已屠宰

報告的兩名作者表示，撰寫報告期間視察了不少香港寵物店和屠房，目睹動物慘遭虐待，籠子擠迫已屬「例牌」，更有寵物店以午餐盒作為安置蜥蜴的器皿，又見過運送工人用膠水桶運送大隻烏龜；蜥蜴等冷血動物平時需要透過「曬太陽」維持日常活力，在寵物店中則會以照射紫外光燈的形式代替，但因為飼養的空間不足，燈與蜥蜴的距離過近，結果曬傷收場。

不少港人每日都吃到的肉類，其實牲畜在屠宰過程中亦遭受不必要的虐待，例如農場環境惡劣，居住的地方

陰暗無光，加上衛生情況欠佳。作者們在了解屠宰程序時又發現，部分屠場在宰殺前「電暈」豬所用到的電擊電壓不足，例如上水屠房用的電壓為 180 伏特，與美國 250 伏特的建議有一定距離，豬可能會在清醒下被屠宰。而屠夫的手勢又未如理想，即使不少豬被「電暈」，但亦會在屠宰過程完成前清醒過來，變相承受不必要痛楚。

屠場以外，其實濕貨市場也有很多對動物不仁的事，報告批評，魚類和家禽在濕貨市場待售時的環境亦值得

關注，一些魚在擠迫的魚缸中受傷，另外有魚則被放到桌上展示，缺氧死亡；至於雞在完全清醒的情況被宰殺，程序上亦有不當。

港大研究報告全文：
code.mingpao.com



1334

搜尋碼

二維碼

防虐畜條例過時 港大學者促檢討



港大法律學系副教授Amanda Whitfort(右)和香港愛護動物協會福利部副總監侯安娜(左)建議港府全面檢討現行法例，使寵物免受傷害。 本報記者羅敬文 攝

【本報訊】(記者 羅敬文) 香港大學聯同愛護動物協會合作的研究發現，香港現行法例已嚴重過時，未能保障動物免受虐待，即使港府近年修例提高刑責，但警方在新例實施後首18個月提出19宗檢控，當中約半數被判監，刑期平均2個月，遠低於3年的最高刑罰，有學者認為當局應全面檢討有關動物權益的法例。

香港近年被揭發多宗虐待動物事件，港大法律學系與愛護動物協會過去2年檢討現行保障動物權益的法例，發現法例不足以保障動物免受虐待，其中1935年通過的《防止殘酷對待動物條例》已嚴重過時；即使當局於2006年把最高罰則由罰款5,000元及監禁半年提高至罰款20萬元及監禁3年，但動物受虐的情況未有改善。

新例實施後 刑期多輕判

港大法律學系副教授Amanda Whitfort昨稱，警方在新例實施後首18個月提出19宗檢控，當中僅9宗被判監，平均刑期2個月，多數個案被判監少於6周，有關刑責難起警惕作用。她又稱，現行法例要待寵物受到實際傷害時，漁護署才介入調查，建議當局應制訂新例，確保當局能及早介入，避免寵物受到傷害。

愛護動物協會福利部副總監侯安娜表示，現有法例未有規管飼養寵物的環境，過往曾有狗隻被安置在狹窄環境而出現疾病，但因舉證困難未能以蓄意虐待罪起訴其主人。Amanda Whitfort表示，本港有人違法繁殖寵物，使動物病毒容易散播，要求當局加強監管。

漁護署發言人表示，會研究報告內容，再作出適當的跟進。 *WJ/A14*

愛護動物會促修訂防虐例

【商報訊】愛護動物協會聯同港大法律系進行研究後，認為本港現行的防止殘酷對待動物條例，早於1935年通過後沿用至今超過70年，嚴重過時，未能全面保障動物權益。協會建議政府修訂相關法例，包括收緊寵物店發牌制度，及立法禁止有虐畜前科的寵物店經營。

建議收緊寵物店發牌制

動物權益近年備受關注，不少人士關注動物受虐情況。該報告由研究資助局和中央政策組撥款資助，歷時兩年完成。報告指，現行有關

防虐動物條例已嚴重過時，未能阻嚇主人虐待寵物。根據條例，只可以在動物受到嚴重虐待的情況下，漁護署才介入調查，對主人採取法律行動，是對動物保護不足。

報告又指出，現時寵物店的發牌條件中，沒有要求職員接受相關訓練，是規管不足，需要檢討；另外，現時法例也未有規管一些業餘人士繁殖動物出售，不能足夠保障動物的健康狀況。報告研究者港大法律系副教授Amanda建議當局制訂新例，確保主人要對寵物提供適當保護，令寵物免受傷害。 *WJ/A13*

動物例落後 縱容寵物虐待畜

【本報記者蔡浩嘉報導】不少港人視寵物為子女，但本港有關動物福利法例落後的同時，更縱容虐待畜的情況。

港大考察發現，寵物店狗隻困於小籠內難以轉身、蜥蜴和蛇被擠在發泡膠盒內仍然合法；屠場家畜因電擊用具落後，動物慘叫聲此起彼落。學者呼籲當局，參考外國改善本港動物法例。

狗囚小籠 屠場屠具過時

香港大學法律系受中央政策組及大學教育資助委員會研究資助局資助，進行有關動物福利法例研究，包括檢討1935年通過的防止殘酷對待動物條例，發現本港法例不但較英、美、澳紐落後，亦趕不上新加坡等亞洲地區。

研究人員曾到寵物店考察，發現狗隻囚於體積相若的小籠內難以轉身，又見烏龜堆在水桶內層層疊疊，難以走動；但根據現行法例，商店只需將牠們安置於能「自由地走動和舒適地站立、坐下、躺臥與棲息」的地方，以上情況仍屬合法。

法律系副教授Amanda Whitfort形容，條約定義模糊：「所謂舒適的環境其實很主觀，只要剛好能安置動物，我們便束手無策！」她促請政府，為不同動物設立圍封範圍下限，確保牠們有足夠的活動空間。

學者籲參考外國法例改善

繁殖場方面，政府雖為動物圍封範圍設限制，但不代表保障充足，30公斤或以上的狗隻，圍封範圍只需1.4平方米，遠低於澳洲維多利亞州為40cm以下小狗訂立的7平方米；此外，寵物店內其他環境要求本港亦一一欠奉，例如新加坡規定提供的玩具和抓板等，即使寵物店被發現違規照顧動物，政府亦無權立即終止其牌照。

寵物居住環境狹隘，屠宰禽畜的情況更慘不忍睹，報告指出，屠場屠宰豬隻前會先

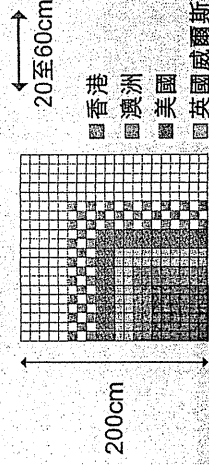
把豬隻電暈，免牠受皮肉之苦，然而本港屠房使用只有180伏特的舊式電具（英國建議用250伏特以上），電流往往不足以令豬隻昏迷，結果牠們被屠宰時仍有知覺；另外，屠房工人亦常不必要地電擊豬隻，令牠們服從，導致豬隻慘叫連連。

Amanda Whitfort促請政府參考外國法例，盡快改善有關的動物福利法例。漁農自然護理署回應表示，會與食物及衛生局研究報告內容，再作適當跟進。



港大法律系副教授Amanda Whitfort出席記者會，發表保護動物權益法例全面檢討報告。

狗隻基本圍封範圍



圖為各地狗隻於寵物店的最少圍封範圍，同是已發展區，但香港狗隻於寵物店的住所比美國細；藍白格顯示澳洲提供予60cm大的狗隻之最少圍封範圍。

香港動物福利法例4大落後

- 1 寵物店和繁殖場環境要求過於寬鬆，發牌制度落後
- 2 屠場員工不理家畜感受，家畜被宰時仍有知覺
- 3 法例過於被動，未能主動避免動物受虐
- 4 判刑過輕，阻嚇力不足

資料來源：港大法律系「動物福利法例研究報告」

虐待增罰則



報告除批評法條過時外，亦質疑本港判刑阻嚇性。政府曾於06年，增加虐待畜最高刑罰至3萬元及入獄3年，但半年以來，法院判刑依舊過輕。

19宗罪成 僅9判囚

報告指加刑後半年期間，共有19宗虐待畜罪名成立個案，但只有9宗被判入獄，大部分刑期少於6星期，所有案件平均罰款只有1,200元。

「我們明白法官有不同的考慮，但在我們眼中，現時判刑阻嚇性很低！」愛護動物協會核檢部總監何子榮憶述，07年錦綉花

判刑仍過輕

園一住戶飼養的4隻狗，一隻慘遭截死、一隻骨瘦如柴、一隻患上皮膚病，但最後主人僅被判罰3,000元，及120小時社會服務令。

港大法律系副教授Amanda Whitfort建議政府仿效英國做法，立法制定主人照顧寵物責任，並給予執法人員更大權力：「若警方、漁護署人員和愛護動物協會高級督察發現寵物有被虐風險，法律應賦予他們暫時將動物移到安全地方。」

Amanda指英國06年曾推行以上做法一年，虐待畜起訴個案減少99%，成效顯著。愛護動物協會認為該做法能令阻止寵物被虐悲劇，促請政府全面提升動物福利。

防虐待動物例被評過時

【本報訊】虐待動物個案不時發生，港府四年前雖提高虐待動物的罰則，但過往三年，每年接獲近二百宗舉報中，成功檢控平均僅十五宗，去年更減至九宗。港大法律系與愛護動物協會進行為期兩年的研究發現，由〇六年至今，大部分因虐畜被判入獄的個案，刑期僅六周內，罰款平均約一千多元，相對最高刑罰為罰款二十萬元及監禁三年，相當輕微。研究又比較本港與新加坡等地的動物福利法例，批評本港的防止殘酷對待動物條例嚴重過時，在動物受虐後才檢控，保護不足。

刑罰太輕 保護不足

港大法律系副教授Amanda S. Whitfort昨表示，本港約有七條有關動物福利的條例，包括《防止殘酷對待動物條例》，早於一九三五年通過，四年前雖提高罰則，但內容大致一樣，明顯已嚴重過時。條例僅保障動物受虐後，當局可採取法律行動，對動物保護不足，建議本港倣效英國等地，加入主人對待寵物應有義務等條文。

Whitfort指相關條例眾多，執法人員易生混亂。即使罰則已提高，但法庭實際判處的刑罰與之前相若，〇六年至今，因虐畜被判入獄的刑期不過兩個月，罰款平均約一千二百元。她認為執法人員不足，建議加入關注動物組織的協會代表任執法人員，加強執法。

她亦舉出近十項其他相關法例的不足之處，如寵物店發牌條件，不包括店內職員需受訓等，促請收緊寵物店發牌制度。她估計若要進行一系列改善建議，至少需兩、三年時間。TS 97 A18

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A6

學者斥虐畜條例過時 對寵物保護不足

【新報訊】過去3年，漁護署和警方共接到534宗虐待動物的舉報，當中只有45宗成功被檢控，比率只有8%。

促禁曾有虐畜寵物店經營

香港大學法律系副教授 Amanda Whitfort，早前與愛護動物協會合作進行一項研究，在比較香港、台灣及新加坡等其他地區的「防止殘酷對待動物條例」後發現，香港有關條例嚴重過時，只有主人殘酷虐待寵物時，才可對主人採取法律行動，條例對寵物的保護明顯不足。

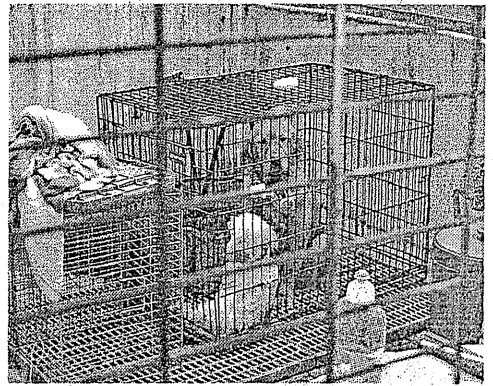
調查又發現，寵物店現行的發牌

制度有不足之處，發牌條件中未有列明員工需要接受相關訓練，例如為動物治療等，發牌制度有需要作檢討。同時，現行法例亦未有規管業餘人士繁殖動物出售，未能保障動物的健康狀況。

他建議政府修訂該條已有75年的法例，賦予警方、漁護署及愛護動物協會權力，採取適當的行動保護動物；而主人和寵物店亦有責任提供適當保護，避免寵物受到傷害。

此外，他又建議仿效英美的做法，立例禁止有虐畜前科的寵物店繼續經營。

採訪：實習記者沈佩瑩



■有主人將寵物關於細小籠中，寵物連轉身都有困難。

- 8 JUL 2010

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動物權益法例過時 港大學者促訂新例

港大法律系與愛護動物協會於過去兩年進行研究，他們認為，現行動物權益條例在1935年通過，並且只是在主人殘酷對待寵物，寵物受到傷害時，漁護署才介入調查，才能對主人採取法律行動。

調查機構建議當局應該制訂新例，確保主人要對寵物提供適當保護，令寵物免受傷害。他們又認為，現時寵物店的發牌條件中，沒有要求職員接受相關訓練，是規管不足，需要檢討，並建議仿效英美的做法，立例禁止有虐畜前科的寵物店繼續經營。

動物權益法例過時 團體促賦權保護



生命無分貴賤，動物亦應受人道對待和法律保護。愛護動物協會聯同港大法律系，過去兩年就動物權益法例進行研究，研究報告指香港現時有關動物權益法例過時，如寵物店狗籠太細小等，建議改善法律漏洞，並賦予警方和漁農署適當權力保護動物。

小，動物完全没有活動空間。報告建議政府賦予警方和漁農署適當權力保護動物，而且修訂法例規定主人亦有責任適當保護動物，確保動物受到適當的照顧和保護。

香港

港大學法律系副教授 Amanda S. Whitton (見上圖) 表示，現行的「防止殘酷對待動物條例」於一九三五年通過，已經嚴重過時，根據條例，只有當主人殘酷虐待動物時才可對主人作出檢控，未能有效阻嚇主人。

而且現時政府發給寵物店牌照時存在漏洞，寵物店職員不需要接受訓練。漁農署亦沒有權力對待動物的寵物店撤銷牌照。Amanda 續指，有狗隻被主人遺留於密封的汽車中，亦有寵物店狗籠太細

漁農署沒權釘牌

吉之家寵物店負責人黃先生表示，業界經常出現虐待動物情況，輕則打罵，重則餵藥以減低動物的活動能力，以方便打理，他贊成修訂條例保護動物。



有狗隻被囚於太細小的狗籠，缺乏活動空間。

Study finds 75-year-old anti-cruelty legislation leaves pets without adequate protection

Animal welfare laws 'seriously outdated'

Leading life

A review of ordinances in Hong Kong related to animal welfare found outdated legislation

As of 2006, 27 per cent of households in Hong Kong kept pets, of which

48.4 per cent were dogs

HK

Prevention of Cruelty to Animals Ordinance

Based on Britain's Protection of Animals Act 1931 (which in the UK has recently replaced with a new law enacted in 2006)

enacted in 1935, definition of cruelty outdated

Singapore

The Animals and Birds Act 2002

is a comprehensive law that covers animal welfare, licensing of pet shops, regulation of veterinary clinics, importation of animals and the management of livestock

enacted in 1965, and has been revised in 1970, 1982 and 2002 clearly defines acts of cruelty under eight subclauses

Penalty

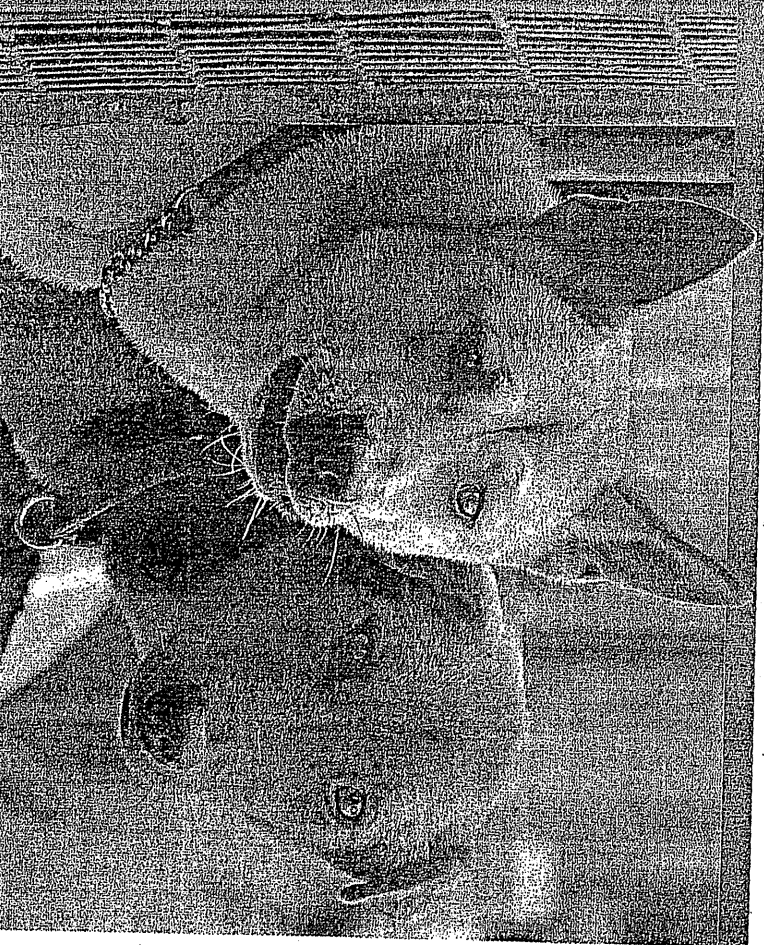
If found guilty, a person faces a fine of not more than \$10,000 (HK\$56,000) or imprisonment not exceeding 12 months or both

22.3 per cent

29.3 per cent

Other pets such as rabbits and tortoises

The review SA7024 licensed dogs in 2006 compared with 67,098 in 2000



Abattoirs 'fail to meet standards'

Standards at Hong Kong's major slaughterhouses to protect animal rights are below those adopted widely overseas, a law professor says.

University of Hong Kong associate law professor Amanda Whitford made the assessment after leading a comprehensive study of animal welfare in the city.

She said that pigs, for example, were stunned with 180-volt electric shocks at the Sheung Shui Slaughterhouse - which accounts for up to 90 per cent of slaughtered livestock in the city - and 70 to 110 volts at the Isuen Wan and Cheung Chau slaughterhouses, compared to at least 250 volts recommended in Britain and Australia.

The pigs may still be conscious when they are put to death, Whitford said. The study team found other mistreatment in the Sheung Shui slaughterhouse. Pigs with hind-leg injuries and suspected fractured pelvises are being forced to walk up ramps by having their legs tied together and being prodded with electric goads, the report said. The team also found workers in a slaughterhouse turned off the closed-circuit cameras installed to monitor the slaughtering process.

Whitford said most local farmers kept pigs and chickens but outdated laws address the welfare of cattle, sheep and goats. She said there was no local requirement on stocking density in cages or rules to require humane killings on farms.

The Food and Environmental Hygiene Department, which oversees slaughterhouses, said it would provide humane slaughter equipment as part of new licensing conditions and this was closely monitored.

Patsy Moy, Amy Mip

Lizards and snakes kept in cartons the size of a lunch box, dogs in cages where they can barely turn around, tortoiseshells piled in buckets with nowhere to climb out and get dry.

These are some of the conditions under which animals are being kept in Hong Kong - and they are perfectly legal under the city's "seriously outdated" animal welfare laws and regulations. The examples were given by researchers who conducted a two-year study comparing Hong Kong's rules with those in force elsewhere.

The study by the University of Hong Kong law faculty's centre for comparative and public law - partly funded by the government's Central Policy Unit - concluded that neither an anti-cruelty law enacted in 1935 nor licensing conditions for pet shops are up to overseas standards.

The government has yet to set minimum legal cage sizes for pet shops that keep animals but are not involved in breeding, associate professor of law Amanda Whitford said. As long as the animals can "move freely" in a cage the operators will not be prosecuted, she said.

In Australia, the government has set minimum legal cage sizes for specific animal species such as dogs, cats and rabbits. The law also forbids shops from keeping pets for more than four weeks.

Yet in Hong Kong, animal traders adhere to keep pets for as long as they want. They are also not required to walk the dogs they keep for sale.

Even if a trader is convicted of an animal cruelty offence, the Agricultural, Fisheries and Conservation Department does not have the power to revoke the licence. Also, the research team point out, no major updates have been made to the Prevention of Cruelty to Animals Ordinance since it was enacted seven decades ago.

Currently an animal which has not suffered an overt act of cruelty cannot be assisted, Whitford said. "Authorities must stand by and wait

for the animal's situation to deteriorate to the level of prosecutable cruelty. Before they can do anything," she said. Such an arrangement fails to help animals which are at risk, but not yet "harmful".

It is not possible for animal groups to help animals at risk unless they show clear signs of illness, Tony Ho Ts-tung, chief superintendent of the Society for the Prevention of Cruelty to Animals' inspectorate team, said.

If a dog is left unattended in a house or car, the group has no power to break into private property and save it immediately - unless it is abandoned for days, he said.

In Britain, authorities can issue notices to pet owners which require them to improve a pet's condition, Whitford said. In 99 per cent of cases, the owners fulfilled the requirement and would not be prosecuted.

"Modern animal welfare laws don't just protect animals from suffering. They prevent it," she said. The rare few prosecutions for animal cruelty in Hong Kong, and offenders usually receive sentences well below the maximum, which does not send a strong warning, she said. An offender can face up to three years' jail, but usually the sentence is shorter than six weeks. The average fine imposed is about HK\$1,200.

Government authorities received 157 reports of animal abuse last year. Nine people were prosecuted, according to the Agricultural, Fisheries and Conservation Department.

Veterinarian Dr Pauline Taylor described the legal protection for animal welfare in Hong Kong as "very basic". Even though it had made some progress.

She said pet shops were only required to provide space for an animal to stand in and turn around, and there were inadequate resources to check on pet shops. The department and the Food and Health Bureau would study the report, a government spokeswoman said.

Tighter laws urged to fight animal cruelty

Only after animals are seriously harmed can authorities confront their owners, the University of Hong Kong has found.

In a two-year study of animal abuse, the university said Hong Kong's Prevention of Cruelty to Animals Ordinance, enacted 75 years ago, can only be enforced when the animal is already the victim of overt cruelty.

"The authorities now must wait for a neglected animal to have been harmed by its owner before police can do anything to help," one of the authors of the report, HKU associate law professor Amanda Whittorf, said.

The research, funded by the Research Grants Council and the



To avoid victims of abuse, the study wants to impose on owners a duty to provide a proper diet, shelter and veterinary care.



government's Central Policy Unit, studied animal abuse in pet shops, slaughterhouses and laboratories.

It suggested the government should introduce a new animal welfare ordinance — which is enforced in Britain, Australia and Taiwan — to impose on owners a

positive duty to provide a proper diet, shelter and veterinary care.

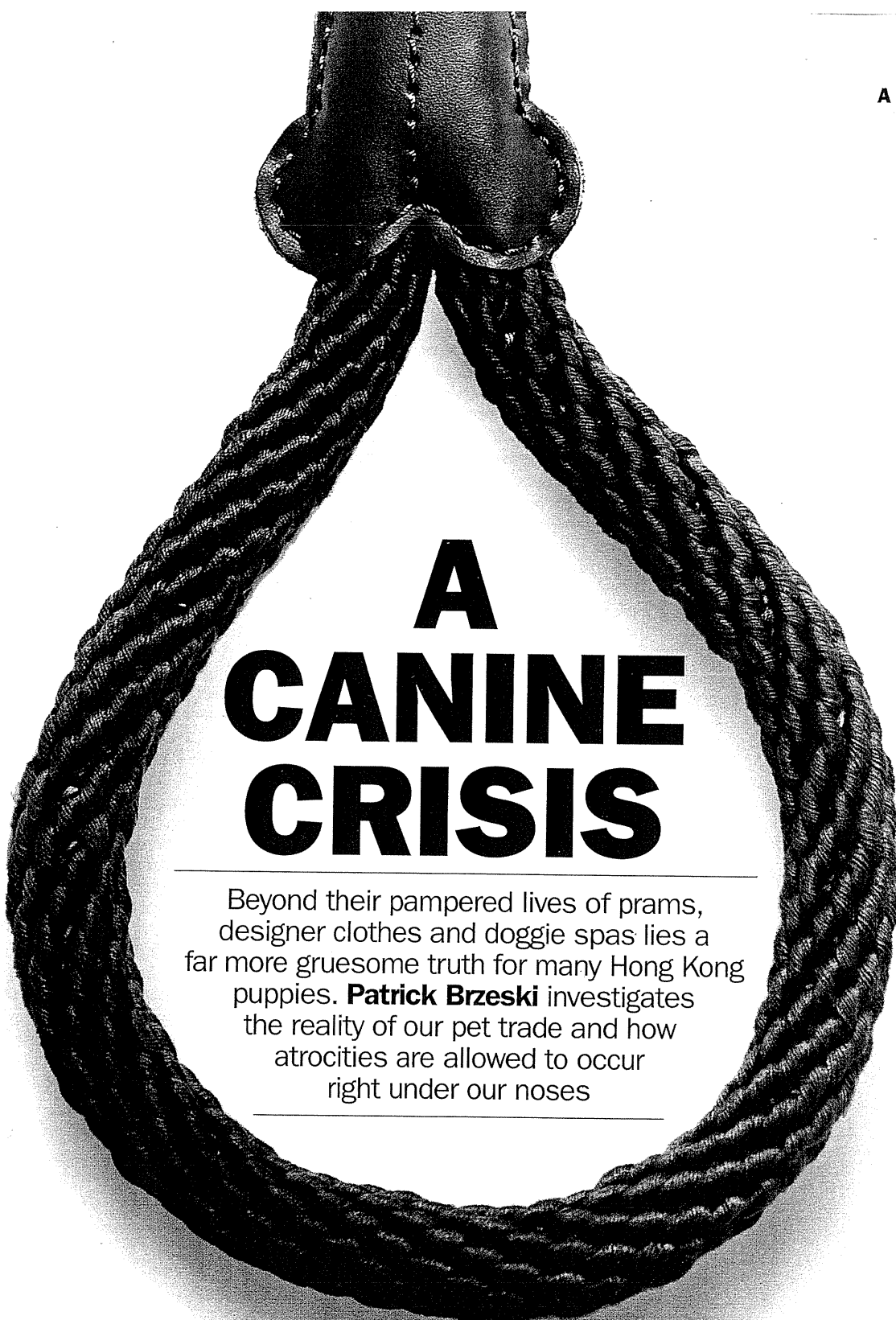
Whittorf said though maximum jail sentences for animal cruelty were raised to three years in 2006, the actual sentences imposed by courts have been inadequate.

The study proposed that

inspectors of the Society for the Prevention of Cruelty to Animals be given enforcement powers, along with police or officials of the

Agriculture, Fisheries and Conservation Department, to intervene in incidents of cruelty.

NATALIE WONG



A CANINE CRISIS

Beyond their pampered lives of prams, designer clothes and doggie spas lies a far more gruesome truth for many Hong Kong puppies. **Patrick Brzeski** investigates the reality of our pet trade and how atrocities are allowed to occur right under our noses

THE PRIZE POODLE

Esther the toy poodle is perched nervously atop a tall grooming table, her small pointy face alternating between happy-tongued smiles and paroxysms of desperate-eyed doggie terror. A short leash attaches Esther's Gucci dog collar to an aluminium rod suspended above the table, holding her in place, as Ms Mak, her groomer, methodically snips, clips and vacuums Esther's white coat into the fluffy balls and queasy bare zones of the poodle's classic Continental show cut. As the grooming session comes to a close,

Ms Mak unclips Esther, presents her with an organic, vitamin-fortified mini milk bone, and gently passes her to Mrs Lam, Esther's ever-doting "mummy."

Like a great many of the prize purebred dogs one regularly sees paraded by leash or pushed in puppy prams around Hong Kong's upscale neighbourhoods on clement evenings, since her purchase at a Causeway Bay pet shop as a young pup for \$4,000 two years ago, Esther has enjoyed a lifestyle of near-constant anthropomorphic pampering. She goes to the doggie spa at least twice a month, dines at a

Soho-pet bakery at prices competitive with human meals, dons the latest season's designer dog wear, and is just generally showered with cuddles and kisses and coos throughout all her waking hours.

But while such treatment is fairly typical for spoiled pets in big cities everywhere, Esther and many Hong Kong dogs like her harbour a dreadful secret history. For, despite all the love and luxury of her present day lifestyle, before her purchase from the pet shop, Esther likely lived through a puppyhood of indescribable horror and suffering.

“Most of these breeding grounds are worse than refugee camps and this is where a lot of puppies sold at Hong Kong pet stores come from” William Tung, animal welfare activist

THE PUPPY FACTORY

Purebred golden retrievers, bulldogs, terriers, basset hounds, poodles, and other unrecognisable breeds are all cramped in cages so small they can hardly turn around, their skin covered in sores, teats sagging, nails overgrown – nearly all visibly malnourished. “Most of these breeding grounds are worse than refugee camps,” says William Tung, as he shows me the photos he has taken at the underground puppy farms he has discovered throughout the New Territories over the years. “And this is where a lot of the puppies sold at Hong Kong pet stores come from.”

Since retiring from his manufacturing management job six years ago, Tung, 51 years old and a lifelong animal lover, has devoted nearly all of his free time to rescuing neglected and abused animals. He maintains a diffuse network of contacts of likeminded animal lovers throughout Kowloon and the New Territories who come to him when they hear of abused or unwanted animals in their neighbourhoods.

“For the most part, the puppy breeding farms are very well hidden,” Tung explains. “The owners treat the dogs like money

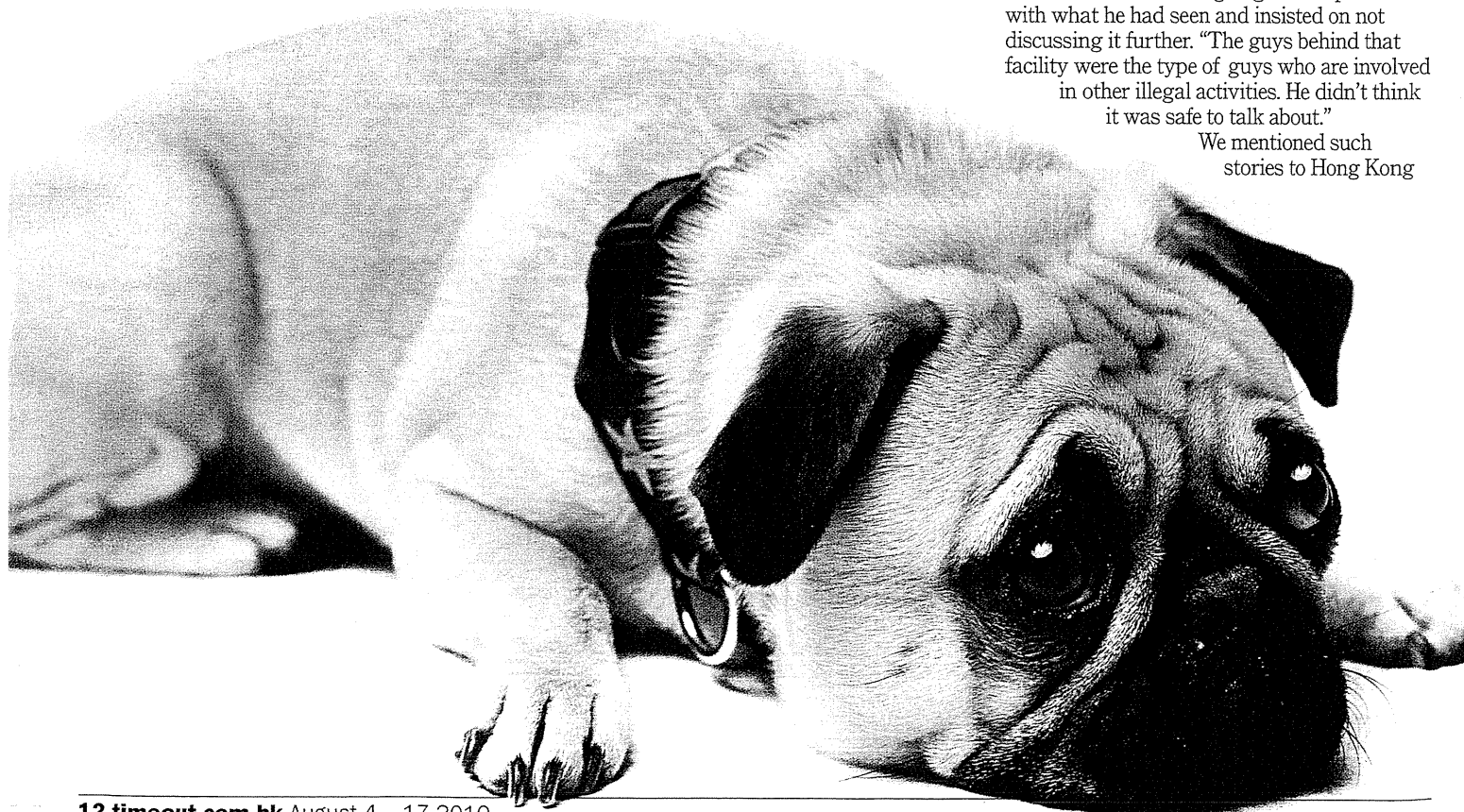
machines. They keep them in small cages, sometimes on balconies, where they aren't protected from the rain, or in small dark shacks.” Many breeders have told him they feed the dogs leftover scraps collected from bakeries and restaurants to save on expenses. “They breed them over and over, so that they can sell as many puppies as possible.”

Last fortnight, Hong Kong Dog Rescue, a well known dog rehabilitation and rehoming charity based in Tai Po, made news by adopting 18 British Bulldogs from an anonymous breeder based in Sheung Shui. One of the dogs died in transport, and two of the three puppies collected died the day after arrival at the kennel; nearly all of the surviving dogs were female, overweight, heavily fatigued and suffering from serious skin rashes, having been kept in small cages, denied exercise and presumably bred without respite for years. As various news outlets reported, the donation to Hong Kong Dog Rescue was brokered by an unidentified middleman who approached the owner after learning that the dogs were to be killed or sold to another breeder if no one intervened. That middle man was William Tung.

“One of my friends in the area told me about a breeder who was looking to get rid of a bunch of dogs because the guy was going bankrupt from gambling debts,” he explains. “We knew that if we didn't get the dogs out of there, they probably would end up killed or sold to someone else who would keep breeding them in miserable conditions. This is how it usually happens; we hear about some dogs and we do whatever it takes to get them out of there. Sometimes we have to raise money in the community to buy them ourselves.”

Although Tung estimates that he's helped rescue and re-home between 400 and 500 dogs over the years, there are notable cases that still haunt him, instances where the animal abuse was nightmarishly grotesque and there was nothing he could do to stop it. “One of my friends once got into a breeding facility in Yuen Long, where they were keeping hundreds of purebred dogs in a dark warehouse,” he remembers, growing quiet. “They had cut the mothers' throats in a way so they couldn't bark, and they had knocked out most of their teeth, because sometimes the mothers go crazy being kept in those small cages in the dark all the time, and they'll bite the babies.” Tung says his friend was unwilling to go to the police with what he had seen and insisted on not discussing it further. “The guys behind that facility were the type of guys who are involved in other illegal activities. He didn't think it was safe to talk about.”

We mentioned such stories to Hong Kong



University Associate Professor of Law Amanda Whitfort, author of a two-year comprehensive legal review of Hong Kong's animal welfare and animal cruelty laws. "Yes, we know pets are coming off puppy farms and kitten farms," she says. "If you buy a pet shop puppy, you're asking for a world of trouble. You will be very lucky if that animal's not sick or inbred."

A scholar and leading domestic expert on animal welfare, Whitfort is not the sort to make extemporaneous assertions. In 2006, working with local veterinarians and animal clinics, the Society for the Prevention of Cruelty to Animals launched a survey investigating the health of puppies purchased from Hong Kong pet shops. Earlier this year they released their findings, which were included in Professor Whitfort's report. Of the 202 puppies studied, 10 per cent were sick on the day of purchase, 72 per cent of them became sick within a week, and a staggering 30 per cent died shortly after. "So what does that tell you about where these animals come from," asks Whitfort. "It's disgusting, that's what it is."

THE PET SHOP WINDOW

How – you're now probably wondering – is such a state of affairs possible in an international city like Hong Kong? Surely there are animal cruelty laws and enforcement bodies charged with preventing such egregious and grotesque abuse of animals within the SAR.

Indeed, there are. In order to breed animals commercially in Hong Kong, one must obtain an Animal Trading licence from the Agricultural and Fisheries Control Department. While the requirements concerning the size of enclosures, feeding and exercise regimens, and other assorted criteria concerning the care of the animals are embarrassingly behind international animal welfare standards (on which, more later), the AFCD are actually quite scrupulous in enforcing Hong Kong's limited laws and only grant licences to those who patently prove that they are meeting the basic legal standards. None of the conditions described above would be permissible under Hong Kong's Animal Trader licensee requirements. But the licenced breeders aren't the problem, because in fact, there are only two of them in all of Hong Kong, and both of them sell animals direct to customers, circumventing the pet shop industry entirely.

Regulated imports are a second legal source of puppies and kittens in Hong Kong,

explains Whitfort, but in recent years the AFCD has reported a considerable decline in dog and cat import numbers. From 2005 to 2006, 1,970 dogs were imported to Hong Kong for sales each year, while from 2007 to 2009, an average of 1,033 dogs were brought in. A similar downward trend is observed in cat imports.

So if the licenced breeders don't sell to pet shops, and legal import numbers are on the decline, where do Hong Kong's hundreds of pet shops get the tens of thousands of animals they sell annually?

LOOPHOLES AND SMUGGLERS

The third and final legal source for pet store puppies and kittens are "private pet owners." If your dog happens to have puppies, you are legally entitled to sell the pups to a licenced Hong Kong pet store. And surely such an allowance makes sense, as a means of preventing unwanted puppies from going abandoned. Yet there is currently no cap on how many puppies a so-called "private pet owner" can sell to a pet store; and therein lies the loophole through which untold thousands of puppies and kittens are channelled into the Hong Kong pet market with little to no regulation. "This loophole allows people to sell their animals to pet shops without licences, because they say they are selling their own pets," explains Whitfort. "And if they are unlicensed, then of course there is no welfare check, no requirement that you let anybody from AFCD onto your premises, no requirement that you provide your animals with a certain amount of space, that you vaccinate them, that you care for them. There's just nothing. You can have your thousands of animals, and nobody can control what you're doing."

Cross-border smuggling is also believed to be a major source of pet shop animals, although confirming the extent of the activity is notoriously difficult to determine. "We've heard about all different ways in which puppies are being smuggled over – in trucks and boats," says Tony Ho, who joined the SPCA as Chief Inspector three years ago, after 35 years of service on the Hong Kong Police Department as a Chief Superintendent. Tung also reports hearing stories from community members about puppies pulled from container trucks in chicken crates, apparently drugged into a stupor so that they don't bark during passage. "It's something that is very difficult to trace back. You can try to tighten the border, but you can't just rely on enforcement action," says Ho.

Pigs to the slaughter

For most people the phrase "animal welfare" evokes images of abandoned puppies. Yet few of us think of food animals – pigs, cattle, chicken, etc. – and the abuse they suffer on their way from the farm to the dinner table.

In fact, 90 per cent of all animals in Hong Kong are food animals, but there are few laws to ensure their humane treatment.

For instance, in contrast to basic international animal welfare standards, Hong Kong has no laws requiring pigs to be anaesthetised prior to castration. Sick and dying pigs are also commonly dumped at rubbish collection sites alive, instead of being euthanised. There are no laws to ensure that the 1.3 million chickens produced annually by local chicken farms have adequate food and water, and these birds are routinely killed through bloodletting, a practice banned in the UK, Australia, and New Zealand.

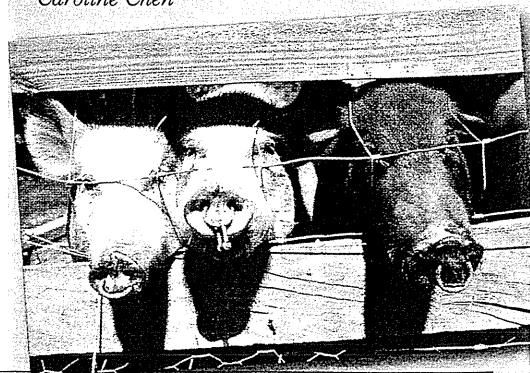
At the Sheung Shui slaughterhouse, which handles 1.5 million pigs every year, CCTV cameras are often turned off or pointed away from the slaughter areas, rendering them useless for inspection purposes. HKU Professor Amanda Whitfort discovered that workers use electric goads to strike the pigs, and force pigs with fractured pelvises to struggle up ramps with their legs tied together.

The underlying problem is that Hong Kong's laws concerning slaughterhouses are both outdated and irrelevant. Not only do regulations fall short of the standards set by the World Organization for Animal Health, but the existing laws were also written for the wrong animals. "We are stuck with archaic laws that relate to what the colony considered likely to be farmed here – cattle, goat and sheep, none of which we farm," explained Whitfort. "We have pigs and chicken, but we have no ordinances covering them."

But why should we care about the treatment of food animals, anyway? "Just because we eat them doesn't mean their suffering is any different from dogs', cats', or birds'," argues Whitfort. Even disregarding any interest in animal welfare, there are human health concerns to consider. The lack of regulations to ensure adequate disinfection and proper handling of sick or dying animals means that disease could easily spread in Hong Kong.

Perhaps we would rather be ignorant. But if the saying is true – that "we are what we eat" – then maybe we should take a minute to consider how our food arrived on our plate.

Caroline Chen



Letter of the law

Our current animal welfare laws are based on British legislation enacted nearly 100 years ago and are considerably out of the line with international standards. In addition to identifying the breeding loophole (see Feature), HKU's recent Review into Animal Welfare Legislation in Hong Kong also highlights several other amendments that are required to achieve any sort of parity with those overseas regulations. Here are four of the most significant. *Phyllis Lui*

REQUIRE SOME CARE

Current cruelty laws remain based on 1911 standards. The UK has recently amended their laws to recognise that people have a duty to care for animals, which is imposed on people regardless of whether they were the legal owner of the animal. Such a change in Hong Kong would prevent people pleading ignorance in starvation and negligence cases.

GUILTY YOUR HONOUR, BUT I STILL GOT MY SHOP

Even in the event of a pet store owner's blatant breach of the animal welfare legislation, the AFCD lacks the power to revoke licences upon conviction. An amendment to allow such a stripping is fundamental to the protecting animals in danger.

EVERYTHING'S FINE

The penalty for animal cruelty may have been significantly increased in 2006, but the fines for breaching a licence condition (\$1,000) and trading or breeding without a licence (\$2,000) remain measly. The AFCD is currently proposing to raise the penalties for these offences respectively to \$50,000 and \$100,000, a move that should act as a significant deterrent to flagrant breaches.

GIVE US SOME SPACE

When it comes to pet shop enclosures, the current law only requires that animals be able to "move about freely and stand, sit, lie and perch comfortably", without specifically outlining a minimum cage size. In contrast, US states and Australia outline detailed regulations for enclosure sizes in relation to cats, dogs and rabbits. Such laws should be introduced to ensure that, while waiting for that perfect owner, animals are subject to a reasonable level of comfort.

"We followed an old UK law, the UK changed it, but we're still sitting here with the old rubbish"

Professor Amanda Whitfort

ENFORCEMENT FAILURES

In February of this year, the AFCD introduced significant improvements to Hong Kong's pet trader licensing requirements. Under the new regulations, all dogs for sale must be implanted with a microchip containing the animal's ID number, which can then be scanned to access its official vaccination records and licencing data. All pet stores are also required to keep a record of every animal bought, sold or deceased on its premises; stores are additionally responsible for verifying that puppies bought from private breeders have the proper certificate verifying that they are the offspring of a particular licenced dog.

These requirements would presumably provide the AFCD with the data necessary for determining which so called private pet sellers are breeding animals on an unregulated commercial scale – simply by collating the data to track which "private pet sellers" are producing puppies by the hundreds – yet, our inquiries suggest that the AFCD are in no way collecting and implementing this new data for tactical use. When we asked an information officer at the AFCD how they plan to use the new pet store info at their disposal, he politely corrected us, saying, "We do not keep this information, the pet stores do." To what end that information is being kept is by no means clear.

LEGAL IMPOTENCE

Despite these presumed failures, to some extent the AFCD are in an untenable position, for which they alone cannot be blamed. "The AFCD patrols, but they only have eight staff allocated to this, patrolling pet shops and looking for unlicenced breeders and checking welfare generally," explains Whitfort. "So you can imagine the level of care that's going into this. They can be doing their very best, but it's impossible. It's not enough for all of Hong Kong." And even when the AFCD does discover underground breeding or savage animal cruelty, the legal tools at their disposal for punishment and deterrence are paltry. At present, the maximum penalty the AFCD can impose for unlicenced breeding is \$2,000 – which is roughly equivalent to the profit of a single puppy sale. Likewise with animal cruelty laws and licencing standards. "Believe it or not, if a pet store owner is convicted of an act of animal cruelty – which is highly unlikely in Hong Kong, but still – the AFCD currently lacks the authority to withdraw the individual's animal trading licence," says

Whitfort. "All they can do is wait for it to expire."

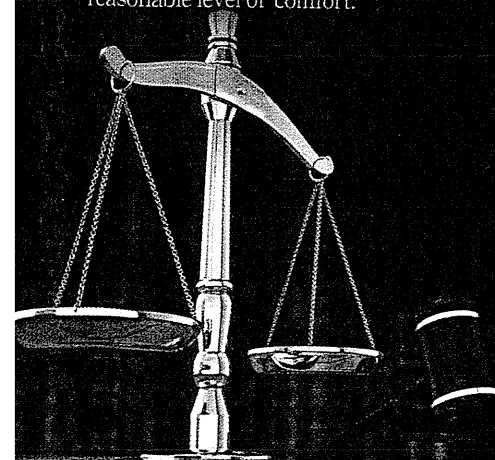
As Whitfort laments in her legal review, Hong Kong's Animal Cruelty Ordinance is based on a British Protection of Animals Act introduced in 1911. The Hong Kong Ordinance was enacted in 1935 and hasn't been comprehensively updated since. "We followed an old UK law, they have changed it, and we are still sitting here with the old rubbish," she says. "We haven't done anything about the fact that the world has moved on." Chief Inspectorate Ho concurs: "The AFCD works with the resources at their disposal, but the main area in need of improvement is the enhancement of the law." [See *Letter of the Law* sidebar]

HONG KONG HEARTS ANIMALS

It's a hot July Sunday in Sheung Shui and hundreds of people from all walks of life have gathered in the concrete courtyard of the local AFCD outpost – local villagers, urban professionals, and countless university-aged kids, everyone sweaty, uncomfortable, and energised. One week prior, a neighbourhood animal lover caught two AFCD dog catchers on video as they brutally choked two stray dogs in the process of capturing them for disposal. The footage was quickly uploaded to Facebook, whereupon hundreds of outraged comments came pouring in and a protest was promptly organised. "I've never been a part of any activist group," says Rembert Meyer-Rothchow, a German-born lawyer and 12-year resident of Hong Kong. "But I saw that horrible footage online and felt compelled to come out and check this out." Meyer-Rothchow turns towards the front of the crowd and joins in the chants.

"Hong Kong people are showing that they care very significantly about animals," says Professor Whitfort. "And I believe that the government itself recognises the public wants animal cruelty to be taken seriously." While a legal overhaul is likely to be slow in coming, a great many Hong Kong individuals – out of nothing more than large-hearted personal conviction – are working independently to counter the system's insufficiencies. "A lot of the time when I get dogs away from breeders and get them donated to different groups, no one even knows I'm the guy who made it happen," says William Tung. "But I honestly don't care. I just want to get them out and living in a better place."

Turn the page to meet four of the leaders of Hong Kong's animal welfare fight.



Abused and neglected animals need far more help from Hong Kong's law and courts, writes Amanda Whitfort

In harm's way

SCMP 10.9.10

Hong Kong's animal cruelty legislation is entirely unable to assist animals in danger or distress. The law was enacted in 1935, and can only be enforced against an owner where an animal has already been the victim of an overt act of cruelty. Nothing proactive can be done for neglected animals in danger of suffering, unless or until they are seriously harmed. Authorities must stand by and wait for a neglected animal to have been cruelly harmed by its owner before the law allows them to do anything to help.

This is not the case in Europe, the United States, Australia and New Zealand. There, animals are not just protected from cruelty but are required to receive a minimum standard of care.

People who keep animals are required to provide them with a suitable diet, safe shelter, medical care and the opportunity to behave normally—for example, dogs must be exercised.

If people do not live up to their duties to

A neglected animal, in danger of serious harm, is not enough to attract the protection of Hong Kong law

provide adequate care, the law can intervene. Neglect, just like cruelty, is an actionable criminal offence.

In most cases of neglect in Britain, for example, police or the RSPCA will try to remedy the situation by explaining to the owner what the animal needs. Where the animal is not in imminent danger of suffering, they will give the owner time to rectify the problem.

For example, an owner may need time to build a shelter to protect his animals from the sun. Meanwhile, the owner would be required to keep his animals indoors. This achieves a sustainable solution to the problem and protects the animals over the long term.

If an animal is in imminent danger, then the solution must come more quickly: it may be as simple as opening the door of a stifflingly hot car, or the gate to an excessively confined area. The law gives police and officers from the Royal Society for the Prevention of Cruelty to Animals the

power to enter private premises where an animal is at serious risk. Everyone wins under this kind of law. The danger to the animal is averted and, if they have co-operated and rectified the problem, the owner avoids being charged.

The state is not put to the inconvenience and expense of a prosecution at court. In most cases, the owner learns a valuable lesson about what they must do to provide care for their animal and the problem does not arise again. This year, the RSPCA in Britain reported that, in the past three years, 99 per cent of neglect cases investigated were satisfactorily resolved without the need to go to court.

Aside from the inconvenience of prosecution, taking animal abusers to court is hardly worth the effort in Hong Kong. In 2006, the maximum penalty for

cruelty to animals was raised to three years' imprisonment. Yet, since that time, statistics collected from the police and the Agriculture, Fisheries and Conservation Department have shown that the sentences being passed by magistrates have not changed at all.

Even in the worst cases of prolonged starving, violent beatings, poisoning and suffocation, the average sentence passed by the magistrates' courts is only two months' imprisonment. Of those sentenced to imprisonment, most are ordered to serve less than six weeks. Fewer than half of all defendants face any prison time at all. Nor has there been a change in the average fine imposed. Despite an increase to a maximum of HK\$200,000 in 2006, the average fine is only HK\$1,200.

Clearly, the intention of the legislature is not being recognised by the courts.

Most complaints of animal abuse in Hong Kong involve owner negligence rather than overt cruelty. An owner will go out and leave their dog tied up in the sun or with insufficient water—often both.

In such cases, it is difficult for the police to prove an intention to be cruel. The owner may be warned, but there is nothing the law can do to protect the animal unless or until it shows overt signs of suffering. A neglected animal, in danger of serious harm, is not enough to attract the protection of the law.

It is high time for us to take animal welfare seriously and bring in a law that will actually deliver on its promise: to protect our animals.

Amanda Whitfort is associate professor in the Faculty of Law at the University of Hong Kong



A dog's life

BY DANIEL PORDES

Published: Dec 17 2010 11:00

Among the dogs at the Hong Kong Dog Rescue center, Whizz, the 2-year-old Chihuahua mix can't help but stand out. Spinning like a whirling dervish, growling and snapping, he repeatedly attempts to grab his tail in a rotating frenzy. It seems cute at first, until you notice his tail is no longer there. It had become so mutilated that it had to be cut off.

"That's what happens when you cage a dog," says Norma Mitrovich, a volunteer at the center. "It makes them go stir-crazy."

Whizz was kept in a cage prior to being abandoned by his owners and was driven mad by the lack of space. His close confines forced him to go round and round in circles, chasing and biting incessantly at the tail until it had to be surgically removed. An anxious twitch that kicks in on occasion, Whizz's behavior now is actually far improved from when he was first brought to the center as a nervous wreck. Meanwhile, curled up asleep in a basket nearby, away from all the commotion, is Turbo, a Shih Tzu, almost completely blind and partially deaf. At 10 years old, he has been a long-term resident here, and it's likely that he will see out his days at the center.

Turbo and Whizz, and 16 other dogs fill the small two-story building in the southern district of Ap Lei Chau. Another 300 larger dogs reside in their kennels in Tai Po. All of these former pets were first abandoned to the government's animal management centers run by the Agriculture, Fisheries and Conservation Department (AFCD) by owners who decided they were too old, too boisterous, required too much work or simply went out of fashion.

These dogs actually are the lucky ones, taken in by the dog charity. According to government statistics, 90 percent - a total of around 44,000 - of the dogs taken in by the AFCD from 2006 to 2009 were put down. This year it is estimated that 10,000 dogs (as well as several thousand cats) will have been given their four days' period of grace and then euthanized by the time the year is out.

Despite these numbers, the AFCD has reported gradually lower overall numbers of strays and abandoned dogs over the year. In an emailed statement the department stated: "The public has become more aware about responsible pet ownership; and hence fewer dogs are being turned out on the street as strays." While there are some developments, these numbers are considered misleading by animal welfare groups that claim the situation has not improved: government indifference, public ignorance, and pet shops' iniquity aid and abet continued canine mistreatment.

With Christmas coming, pet shops, like other businesses in Hong Kong, have gone into product-pitch over-drive; the front stall windows of pet-shops in Mong Kok are dominated by vast quantities of colourful doggy paraphernalia: coats, booties, hats and other anthropomorphic oddities. While some playful poodle pups delight the onlookers at the front window, inside the shops are fewer signs of life. Toward the rear of the store, an English bulldog lies mournfully on its side on the unprotected plastic grid floor, with eyes glazed over and his breathing heavy, his muzzle and hind legs are pressed up against each side of his cage, which although of Hong Kong regulation size, is far smaller than those delineated by other developed countries. His neighbour, a

Chow Chow, is equally squashed into his allotted space; neither are responsive to outside stimulation. Brightly colored price tags cut into Christmas shape tout their prices: here they are commodities, not animals, worth a combined HK\$19,000.

A research paper that came out this summer, written by Amanda Whitfort, an Associate Professor of Law at the University of Hong Kong, and Dr Fiona Woodhouse, Deputy Director of Welfare Services, Society for the Prevention of Cruelty to Animal (HK), noted that "there are no legislated enclosure size requirements imposed on ordinary pet shops" and it further notes, "Hong Kong licensing conditions provide no requirement for the enrichment or active exercise of animals kept in pet shops for trade, or in breeding establishments." Such conditions cause psychological distress to the animals, such as in Whizz's case, as well as other physical problems. According to the SPCA, 78 percent of animals bought at pet stores become ill within one week of purchase, over 20 percent of those which fall sick eventually die.

Dr Woodhouse condemned the lack of transparency in pet shops: "Where do the puppies come from?" she asked. "The breeding here is not properly regulated, there are only two officially licensed breeders in Hong Kong - so where are all these dogs coming from?" Stories of unregulated puppy mills, "hobby breeders" and smuggling of animals from the mainland are all alleged to bolster pet shops that have increased in number throughout Hong Kong - now over 150 licensed stores. In July, a breeder dumped 17 bulldogs, which were found by Hong Kong Dog Rescue in appalling conditions: the older ones were reported by the organization's founder, Sally Andersen, as being "obese with huge teats like cows udders, having been made to have and feed litter after litter." One of the dogs died.

Some people who gaze at the toy poodles at the front of the pet stores may well join the ranks of Hongkongers who think a puppy will make a suitable Christmas gift, but just a month or two later when Chinese New Year comes round the animal centers are swamped by these same dogs, now abandoned.

"It's the big dog-dumping time of the year," Andersen said. "Many people go away over Chinese New Year and don't know what to do with the dog." Mitrovich suggested it might be to do with the culture in Hong Kong: "Chinese New Year is a time when it's out with the old and in with the new, and sometimes that also includes the dog!"

Not until the early 1990s was keeping pet dogs a popular habit in Hong Kong, just a few years before they were still seen as a food source in places like Kowloon Walled City, and people are still learning about responsible pet ownership.

Jen McCombie, vice-chairman of STOP!, an animal welfare organization, is only too well aware of the lengths Hongkongers still need to go. Her mix-breed dog, Cassie, who died a year ago this month was originally found by the SPCA tied up outside a petrol station beside another dog. Both had been covered in gasoline. And then set on fire. Cassie barely survived; the other dog, her sister, did not.

"There's still a general misunderstanding about dogs here," McCombie said. "When I take them for a walk people pull their children away, or tell me to muzzle the dogs." McCombie is also scathing toward others, when it comes to the pains some people will take to accessorize their dogs: "I see dogs wearing little shoes, sometimes even with heels, they have pads on their feet for a reason! That or they are being pushed around in prams, it can be cute but it's not appropriate."

Welfare groups like Stop! are looking to government to lead public opinion, but so far have been frustrated. Five years of negotiations on issues such as solutions to the high kill-rate of abandoned animals have not seen any breakthrough. However there do seem to be recent grounds for optimism.

Following a large protest by Stop! and other animal rights groups in July, and continued campaigning in promotion of a trap-neuter-release scheme for stray animals, Chief Executive Donald Tsang acknowledged the criticism in his policy address in October, and promised to "tackle the problem of stray cats and dogs at the source." While this was dismissed by some as lacking substance, a meeting of the Animal Welfare Advisory Group on December 14, led to the agreement of the AFCD director to allow a trial of trap-neuter-release, a method relying on sterilization of street dogs or cats to reduce their populations. This will reportedly take place somewhere in the Sai Kung area in the next few months and the numbers of animals taken in and put down by the AFCD should be reduced dramatically.

Programs like the trap-neuter-release scheme, and greater understanding by the public have resulted in more public involvement than ever, with more people phoning to report animal abuse, according the SPCA. Increases in facilities, services and updated legislation will help Hong Kong to reach the level of other developed countries in terms of animal welfare, according to Sheila McClelland, Founder of Lamma Animal Protection.

"Having a dog is a long-term commitment; there is still so much abandonment that it is difficult to say whether it is significantly worse after Christmas," McClelland said. "All the homeless dogs want for Christmas is a family, a home for life!"

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Hong Kong urged to tackle animal welfare

Christine Webster

Last Updated: Wed, 19 Jan 2011 13:46:00 +1100

Animal rights activists in Hong Kong have raised concerns over the treatment of animals used for breeding.

The Society for Prevention of Cruelty to Animals (SPCA) says dogs and other animals, which are used for breeding by pet shops and breeders are being kept in isolation in cages, which are far too small.

It says they are often only allowed out of their cages to reproduce.

SPCA Executive Director, Sandy Macalister, has told Radio Australia's Connect Asia program the laws in Hong Kong urgently need to be changed to ensure those who breed animals have a legal obligation to take better care of them.

"Our law is substantially, out of date, in that it provides only for cruelty - the end result of cruelty - and not a duty of care," he said.

"[That is] the responsibility of owners or breeders or pet shops or anybody to meet certain requirements along the way. Cruelty can only be acted upon once it's been committed, which is obviously, in many cases, too late."

In a statement, Hong Kong's Agriculture, Fisheries and Conservation Department said all animal traders must be licensed and follow its Code of Practice by ensuring animals in enclosures remain dry and clean and have access to food and water.

The department said they should also be able to move about freely and to stand, sit, lie or perch comfortably.

It said the Hong Kong Government keeps animal welfare-related policies and measures under constant review and will consult the Legislative Council later this year on proposed measures to further enhance animal welfare.

Amanda Whitfort, Professor of Law at the University of Hong Kong, says the legislation being used in Hong Kong is based on a UK law developed in 1911.

She says Hong Kong is way behind other cities in other developed countries when it comes to protecting animals from cruelty.

"Particularly in the last few years, countries such as Australia, the United Kingdom, America and many parts of the EU have introduced a requirement that animals are given a minimum standard of care that meet their basic needs," she said.

"Their need to be socialised, their need to be mentally stimulated, their need to be able to behave and interact with their environment in a normal way. Hong Kong doesn't have a law like that - it doesn't have a welfare law, only a prevention of cruelty law, which basically means if you're not overtly cruel to your animals, nothing can be done about the way you treat your animals."



PHOTO
Puppies make popular pets in Hong Kong and usually end up in comfortable homes, but the plight of their parents is causing concern amongst animal liberationists. [Reuters]

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