

LCQ9: Combating animal cruelty

Following is a question by the Hon Lau Kwok-fan and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (April 2):

Question:

The Prevention of Cruelty to Animals Ordinance (Cap. 169) has not been updated since its amendment in 2018. The Government proposed in 2019 to amend the Ordinance to step up efforts to combat animal cruelty, but the specific bill has not yet been introduced into this Council to date for scrutiny. In this connection, will the Government inform this Council:

(1) as the Government indicated in its reply to a question raised by a Member of this Council on February 26 this year that it would complete the law drafting work as soon as possible after collating the views of the stakeholders concerned and introduce the proposed legislative amendments into this Council, of the specific timetable of the relevant work and the direction of the legislative amendments; whether it has encountered difficulties in the course of preparing for the legislative amendments; if so, of the details;

(2) as it is learnt that the community generally considers that the penalties for offences of cruelty to animals under the existing legislation (with the maximum penalty being a fine of \$200,000 and imprisonment for three years) fail to reflect the seriousness of some cases (such as cruelty resulting in death and organised cruelty) and to pose sufficient deterrent effect, whether the Government will consider substantially raising the maximum penalty, for example, by increasing the maximum fine to \$2,000,000, and raising the maximum term of imprisonment to seven years, so as to satisfy the principle of proportionality;

(3) as the Government has indicated that it will study the introduction of the concept of "Duty of Care" in Cap. 169 mandating persons responsible for animals to take proper care of the welfare of animals, but it is learnt that the community has rather strong and diversified views in this regard, whether the authorities will amend Cap. 169 in phases by raising the maximum penalty in the first place, followed by amendments and enhancements to the Ordinance as appropriate and necessary at the next phase;

(4) as there are views that the existing evidential threshold in Cap. 169 is too high, for example, requiring law enforcement agencies to prove that the perpetrator has the intent of "deliberately causing cruelty to animals" in order to secure a conviction, resulting in a large number of cases not proceeding to judicial proceedings due to insufficient evidence, whether the authorities will draw up dedicated prosecution guidelines so as to lower the evidential threshold and boost the conviction rate; if so, of the details; if not, the reasons for that; and

(5) apart from amending the existing legislation, of the details of the Government's other specific work in preventing cruelty to animals; whether the authorities will enhance public awareness of animal protection through publicity and educational efforts; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government adopts a multi-pronged approach to curb acts of cruelty to animals. This includes exploring raising penalties for offences under the Prevention of Cruelty to Animals Ordinance (Cap. 169) (the Ordinance) to enhance deterrent effect, taking stringent enforcement actions against illegal acts, and continuing to enhance relevant public awareness through education and promotion activities.

Having consulted the Security Bureau and the Department of Justice, the reply to the question from the Hon Lau Kwok-fan is as follows:

(1) and (3) The Government has been studying amendments to the Ordinance. The directions being explored in the legislative amendment include imposing a positive "Duty of Care" on persons responsible for animals, requiring them to take proper care of the welfare of animals (including diet, environment, health, and behaviour); raising penalties for animal cruelty offences; and enhancing enforcement power, etc. In preparing the bill, it is necessary to consult the relevant stakeholders again on some of the proposals. After collating the views, we will finalise the legislative amendment proposals, implementation arrangement, and law drafting work promptly. Once the work is completed, we will consult the Legislative Council on the proposal.

(2) Currently, any person who does or omits doing any act and causes unnecessary suffering to an animal, may constitute an offence for animal cruelty. Upon conviction, the maximum penalty is a fine of \$200,000 and imprisonment for three years.

The Government is studying raises to the penalties for animal cruelty offences to reflect more clearly the gravity of the offence, and to introduce an indictable offence to allow enforcement officers more time to instigate prosecution on complex or serious cruelty cases, in order to further enhance deterrent effect. In finalising the proposal on penalty, the Government will make reference to overseas experience, local penalties for relevant criminal offences, and views of stakeholders, etc.

(4) The existing offences under the Ordinance cover different forms of cruelty to animals, including causes any unnecessary suffering to an animal by wantonly or unreasonably doing or omitting to do any act; neglects to supply animal in confinement with sufficient food and sufficient fresh water; conveys an animal in such a manner as to subject it to unnecessary pain or suffering, etc. The Ordinance provides that an owner shall be deemed to have

permitted cruelty if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom, proof of intention to cause cruelty to animals is not required.

In making a decision of whether or not to prosecute in each case, the relevant departments make an objective and professional assessment of the available evidence and applicable law, and strictly act in accordance with the Prosecution Code issued by the Department of Justice. The current practice has worked well and we consider it not necessary to formulate a specific prosecution guideline.

On the other hand, according to the information of the Agriculture, Fisheries and Conservation Department (AFCD), over 90 per cent of the reports were found to be not related to animal cruelty after investigation, but nuisance or other situations, such as frequent noise from animals or odour from the premises where the animals were kept, and this misled the reporters into thinking that the animals suffered from acts of cruelty.

(5) The Hong Kong Police Force (HKPF), the AFCD and the Society for the Prevention of Cruelty to Animals (SPCA) jointly implement the Animal Watch Scheme to proactively prevent and detect suspected cases of animal cruelty through multi-agency collaboration. The HKPF would also invite the AFCD and the SPCA officers to provide professional advice at the scene of an animal cruelty case and assist thereafter where necessary.

On publicity and education, through various channels including the Animal Watchers Programme, the "Be a Responsible Pet Owner" thematic website and roving exhibitions, the HKPF and the AFCD are respectively promoting the message of preventing cruelty to animals at the community level and online platforms; encouraging the public to report cases timely and to provide information that aids investigations; as well as raising public awareness of animal welfare.

The AFCD has also launched a series of "Duty of Care" publicity programmes, including the production of posts on social media platforms to share information on how to take proper care of animals, and the recent launch of the "Animal Welfare Project: The Adventures of Meow" promotional video, which aims to educate the public on the content and importance of "Duty of Care" in an interesting manner.

LCQ17: Efforts in promoting waste reduction and recycling

Following is a question by Professor the Hon Priscilla Leung and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan,

in the Legislative Council today (April 2):

According to a paper submitted by the Environment and Ecology Bureau and the Environmental Protection Department to the Panel on Environmental Affairs and the Panel on Food Safety and Environmental Hygiene of this Council in December last year on the latest progress and achievements of the efforts in promoting waste reduction and recycling, the authorities were conducting a study on how to enhance the municipal solid waste (MSW) charging scheme, and would continuously monitor and assess public views and participation in waste reduction and recycling. It is expected that they will report to members again in the middle of this year on the relevant work progress and the Government's views on implementing MSW charging. In this connection, will the Government inform this Council:

- (1) of the specific measures currently put in place by the Government to enhance MSW charging scheme; of the expected time for implementing MSW charging;
- (2) how the Government assesses the level of public participation in the process of promoting waste reduction and recycling, and of the factors affecting such participation;
- (3) how the Government plans to increase the number of Food Waste Recycling Spots, and of the specific timetable; and
- (4) as regards the implementation of the Producer Responsibility Scheme on Plastic Beverage Containers and Beverage Cartons, of the challenges the Government expects to face; how it ensures that the implementation of the scheme can balance the interests of various parties?

Reply:

President,

Although the Government announced the suspension of the implementation of municipal solid waste (MSW) charging scheme, our determination to reduce MSW has never wavered. The reply to the question raised by Professor the Hon Priscilla Leung is as follows:

(1) and (2) The Environmental Protection Department (EPD) is continuously enhancing the community recycling network and strengthening public education to promote a green waste reduction and recycling culture in our society. We will assess public participation in waste reduction and recycling based on data such as the usage of public collection facilities, the amount of recyclables collected, and the total quantity of MSW disposed of at landfills. In this regard, the latest figures show that the number of visits to GREEN@COMMUNITY (G@C) in 2024 surged to approximately 12.7 million, representing an increase of about 80 per cent compared to that of 2023, while the quantity of recyclables collected (by weight) rose by nearly 60 per cent year-on-year. We have also successfully reversed the rising trend of waste disposal. Since 2021, the daily average quantity of MSW disposed of at

landfills has decreased for three consecutive years from 11 358 tonnes per day in 2021 to 10 510 tonnes per day in 2024, representing a 3.4 per cent decrease from 2023 and a 7.5 per cent decrease from 2021.

Convenient community recycling facilities and continuous public education are crucial in promoting and encouraging public participation in waste reduction and recycling. As revealed by the abovementioned figures, with the gradual enhancement of the community recycling network, public participation in waste reduction and recycling has risen continuously. To this end, the EPD has substantially increased the number of public collection points under G@C to over 800 in the first quarter of this year. Meanwhile, we are promoting the Waste Reduction and Recycling Charter (the Charter) to encourage private residential premises to set up convenient waste separation and recycling facilities, and to strengthen education and encourage residents to practise waste reduction at source and clean recycling. As of the end of February 2025, a total of 826 private residential premises have signed the Charter, accounting for approximately 40 per cent of the total number of households in private residential buildings with property management companies/owners' corporations/residents' organisations in Hong Kong and covering around 700 000 households.

On the other hand, through the outreaching services of the Green Outreach, the EPD has strengthened the publicity and education as well as the community support for waste reduction and recycling. In 2025-26, the Green Outreach will focus on territory-wide or district-based waste reduction and recycling publicity programmes, including "We-recycle@School" and Programme on Source Separation of Waste. The Green Outreach will also make more use of mass media platforms such as social media and the Internet to carry out publicity and promotional activities, and strengthen collaborations with G@C operators, local groups, non-governmental organisations, etc. to promote a green waste reduction and recycling culture to the public. Besides, the EPD launched the GREEN\$ Electronic Participation Incentive Scheme (GREEN\$ ePIS) in 2020. Through providing incentives, it has successfully motivated many members of the public to participate in waste separation and recycling. The EPD has further expanded the electronic redemption options since February 2024, allowing members of the public to convert their GREEN\$ points into a more diverse range of electronic rewards, including free MTR tickets, local eco-tours and supermarket items, thereby integrating waste reduction and recycling habits into their daily lives. As of the end of February 2025, the number of user accounts of GREEN\$ ePIS has reached over one million.

The total quantity of MSW disposed of at landfills has begun to decline steadily, and the recovery rate has risen. These results demonstrate that the public is actively participating in waste reduction and recycling, and that the community starts to build up a green waste reduction and recycling culture. Taking on the current positive momentum, we will continue to strengthen waste reduction and recycling initiatives, along with publicity and education, so as to encourage more public participation. At the same time, the Government is reviewing the MSW charging scheme. During the process, we will engage with relevant stakeholders, such as representatives from the property management, food and beverage, and cleaning sectors, to

continuously and comprehensively evaluate public sentiments and the level of public participation in waste reduction and recycling. The Government will report on the work progress in promoting waste reduction and recycling and present the way forward of MSW charging scheme to the Legislative Council (LegCo) Panel on Environmental Affairs in mid-2025 as planned.

(3) As at the end of 2024, the EPD installed around 1 200 food waste smart recycling bins (FWSRBs) in residential buildings across the territory, and will increase the number of FWSRBs or food waste collection facilities in residential premises to around 1 600 in 2025. The EPD will also progressively install additional FWSRBs in public rental housing estates with higher usage rates, with a view to achieving the "one FWSRB per block" target. For premises without sufficient space to install food waste recycling bins (e.g. single-block residential buildings and "three-nil" buildings), the EPD has set up approximately 200 fixed or mobile Public Food Waste Recycling Points, of which 76 are Food Waste Recycling Spots operating as night-time kerbside booths at fixed times and locations for the convenience of small business operators and nearby residents. To expand the service coverage, the EPD is preparing to increase the number of Food Waste Recycling Spots gradually to around 100 in 2025, with priority given to more densely populated districts where fixed food waste collection points have yet to be set up. By taking forward various initiatives, the overall quantity of food waste recovered is expected to increase progressively from an average of about 280 tonnes per day in 2024 to about 350 tonnes per day in 2025, representing an increase of nearly 30 per cent.

(4) The Government plans to introduce an amendment bill to the LegCo in April this year to establish a common legislative framework for the producer responsibility schemes (PRSs) applicable to different products. After the passage of the bill, we will extend PRSs to more products (including plastic beverage containers, beverage cartons, electric vehicle batteries, vehicle tyres and lead-acid batteries) as and when appropriate by means of subsidiary legislation. The Government continues the ongoing discussion with the trades about the implementation details and their readiness. Only if the trades are ready shall we consult the LegCo on various PRSs (including the PRS on Plastic Beverage Containers and Beverage Cartons) and gradually implement them in light of the prevailing circumstances.

We will maintain close communication with the trades and consider their views when fine-tuning the operational details of the schemes as appropriate, with a view to alleviating the compliance costs of the trades, setting appropriate recycling targets, assisting the trades in establishing recycling networks, and considering the provision of exemptions as appropriate, etc. In addition, we will provide sufficient preparatory and adaptation periods as well as strengthen publicity and education for members of the public, so as to ensure the smooth implementation of various PRSs in the future.

TD urges public to plan their cross-boundary trips in advance during long weekend of Ching Ming Festival holiday

The Transport Department (TD) announced today (April 2) that it anticipates there may be a large number of passengers, Mainland visitors and cross-boundary vehicles travelling to and from the Mainland or Macao via various land-based boundary control points (BCPs) during the long weekend of the Ching Ming Festival holiday, especially on the first day (April 4) and the last day (April 6). The TD particularly urges members of the public to plan their trips in advance and allow sufficient travelling time.

For public transport services, the TD has liaised with local and cross-boundary public transport services operators to strengthen their services during the long weekend. The waiting time for public transport services, including the Hong Kong-Zhuhai-Macao Bridge (HZMB) shuttle bus (Gold Bus), may be longer. Passengers are encouraged to make their journeys during non-peak hours, observe order and heed advice from on-site Police and staff of the public transport service operators concerned. Passengers of cross-boundary coaches are also advised to reserve their coach tickets in advance.

Motorists are advised that, subject to actual traffic conditions, special traffic arrangements may be implemented at the Lok Ma Chau Control Point and the Shenzhen Bay Port from April 4 to 6 to allow smooth access of public transport vehicles to the above control points. Cross-boundary private cars may need to queue up for crossing the BCPs. Motorists should pay extra attention to variable message signs and traffic signs along the road. They are also advised to be patient in case of traffic congestion and follow the instructions of on-site Police.

For the HZMB, in order to plan their journey ahead, the public can make use of the TD's HKeMobility mobile application to access snapshots of traffic conditions at inbound and outbound vehicle plazas of the Hong Kong Port. They can also check real-time situations of the vehicle clearance plaza of the Zhuhai port through the WeChat official accounts "hzmbzhport" or "zhuhaifabu" (traffic-info.gzazhka.com:5015/#/) (Chinese only), and check the forecast of peak hours of inbound and outbound vehicles at the HZMB Zhuhai Port through the WeChat official account of the HZMB integrated information dissemination platform (mp.weixin.qq.com/s/mT9D9et-FybKKXDw9nJ9Dg) (Chinese only). Moreover, motorists are reminded to always comply with the traffic control measures implemented by the Zhuhai authority when driving on the HZMB Main Bridge. Vehicles shall not occupy the emergency lane unless instructed by the Zhuhai authority.

The TD's Emergency Transport Co-ordination Centre will continue to operate 24 hours to closely monitor the traffic conditions and public transport services of different districts including various BCPs and major

stations. The TD will disseminate the latest traffic information through various channels. Members of the public are advised to check the latest traffic news through radio, television broadcasts, and HKeMobility.

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LCQ8: Government tunnels and trunk roads

Following is a question by the Hon Chan Siu-hung and a written reply by the Secretary for Transport and Logistics, Ms Mable Chan, in the Legislative Council today (April 2):

Question:

The 2025-2026 Budget announced that as the Government has invested heavily in building the infrastructure of major tunnels and strategic routes, the Transport and Logistics Bureau will review the tolls of various government tunnels and trunk roads to embody the "user pays" principle. In this connection, will the Government inform this Council:

(1) in the past year, of the respective average daily vehicular flows of the government-owned road tunnels (including the 10 tolled tunnels and 11 toll-free tunnels) and the Tai Lam Tunnel of which the franchise will expire on May 31 this year (collectively referred to as "the tunnels"), and the respective average percentages of the tunnels' vehicular flows during the morning and evening peak hours to the total vehicular flows;

(2) of the respective details of the actual/estimated expenditure and income (if applicable) involved in the daily management, operation and maintenance of the tunnels in the past three years and in the coming year (set out in a table); and

(3) of the relevant timetable and details of the Government's review of the tolls of various government tunnels and trunk roads; whether the Government will assess the impact of adopting different toll models for the aforesaid government tunnels and trunk roads on the travel habits of members of the public?

Reply:

President,

In respect of the questions raised by the Hon Chan Siu-hung, having consulted the Transport Department (TD), my consolidated reply is as follows.

(1) The average traffic flow, peak-hour traffic flow and its ratio to the daily traffic flow for government-tolled tunnels in 2024 are set out at Annex 1.

The traffic data for government toll-free tunnels are consolidated from the Annual Traffic Census (ATC). As the ATC 2024 is still being compiled, the average traffic flow, peak-hour traffic flow and its ratio to the daily traffic flow for government toll-free tunnels in 2023 are set out at Annex 2.

(2) The revenue and expenditure of government tunnels in the past three financial years are at Annex 3.

The projected revenue and expenditure of government tunnels in 2025-26 are at Annex 4.

(3) In determining the toll levels for government tunnels and trunk roads, the Government will give holistic consideration to four major principles, namely traffic management needs, "user pays", public transport first and efficiency first, as well as other factors including public affordability and the prevailing social circumstances. Among these, the Government will first consider traffic management needs and the public affordability. On the basis of "cost recovery", if toll levels are not sufficiently high enough for effective traffic management, the toll level will be further adjusted. The management and operation of tunnels require higher costs and more resources than those of ordinary roads built at ground level. For example, they require prolonged operation of the ventilation and lighting systems, more complicated structural inspections and maintenance, the engagement of operators for management. Therefore, the Government has all along adhered to the "user pays" and "cost recovery" principles and imposed reasonable tolls to ensure the financial sustainability of these transport infrastructures. For example, when the Government adjusted the tolls of the three road harbour crossings and the Tai Lam Tunnel, the aforesaid four major principles were fully taken into account. The TD has been closely monitoring the traffic conditions and the changes in traffic flow of government tunnels, so as to assess the effectiveness of traffic management under different toll models.

As the specific circumstances of each government tunnel and trunk road are different, such as geographical location, the target users, and traffic management needs, the Government needs to weigh various principles in order to set an appropriate toll level. For example, the Aberdeen Tunnel and the Shing Mun Tunnels encountered operating deficits of \$16 million and \$52 million in 2023-24 respectively. In fact, the toll levels for the two tunnels had not been adjusted for 34 years.

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The TD is conducting a review of tunnel tolls. We plan to complete the review within this year and consult the Panel on Transport of the Legislative

Council.