**An Empirical Study of the Nature of Animal Abuse Cases in Hong Kong from 2013-2019**

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**EXECUTIVE SUMMARY**

Abstract of the Research We conducted a retrospective study of 335 suspected cruelty offences recorded by the Hong Kong Society for the Prevention of Cruelty to Animals (SPCA) between January 2013 and December 2019. Cases were categorised into six major types of abuse: active maltreatment, passive neglect, commercial exploitation, hoarding, poisoning and trapping. Attributes of defendants, relationship with the owner of the animal (where the owner was not the defendant) and the circumstances of the abuse (species of animal, number of animals involved, type of harm, need for medical care, number of animals seized) were recorded for each case. The majority of prosecuted cases involved traumatic physical injury to dogs, with 30% causing the death of animals. The second most common type of harm prosecuted was neglect, with 27% of cases causing death. The majority of neglect cases involved dogs abandoned inside private premises without food/water. The median number of animals hoarded was 47, with dogs the most common species. The majority of hoarders had collected their animals from strays. The largest hoarding cases (>100 animals) were operating as animal rescue shelters. We recommend new strategies to address cruelty to animals in Hong Kong including the introduction of a duty of care, a new offence to deter animal poisoning, improved controls on traps used for animals, a new offence of cruelty by falling from height, bans on unnecessary mutilations and mercy release and the licensing of all shelters, grooming parlours and dog trainers.

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**Layman Summary of Policy Implications and Recommendations**

From 2020-2021, we analysed 335 cases involving animal abuse recorded in the SPCA’s investigation database between January 2013 and December 2019. We found the largest category reported and investigated included 118 cases of active maltreatment (traumatic physical injury) to animals. 63 investigations into the 118 complaints resulted in a prosecution and 55 did not. The next largest category reported and investigated included 102 cases involving passive neglect or ignorance (including malnourishment and abandonment) of which 61 investigations resulted in prosecution and 41 did not. A further 23 investigations involved the commercial exploitation of the animals involved for profit with 16 cases resulting in prosecution. 12 cases were investigated related to the hoarding of animals of which 10 resulted in prosecution. 59 suspected poisonings were recorded during the period, but only 2 prosecutions were able to be pursued. 4 prosecutions for the trapping of animals proceeded of the 21 cases reported.

Dogs were the primary victims in all categories of abuse. In 75% of prosecutions for active maltreatment or neglect-related cruelty the defendant was male. The age of defendants varied widely across all categories of abuse.

In the majority of cases, animals were harmed by people who knew the animal prior to the offence. In 38% of cases involving traumatic physical injury, the owner/person in charge of the animal had inflicted the harm directly. Domestic violence against the pets of family members and neighbourhood disputes over dogs barking or not kept under control also featured prominently in this category. In 24% of cases involving traumatic physical injury, family members had targeted other family members’ pets or neighbours had targeted animals in their village. Of the 63 cases of active maltreatment 19 involved animals that had been killed or had to be euthanized within 24 hours due to their trauma. The main reasons suspected cases of active maltreatment were not pursued to prosecution was that the offender could not be located by police or evidence of physical injury could not be detected at the time of examination.

In the neglect-related cases, abandonment of animals without food and water by persons in financial difficulties (often compounded by relationship and family problems) was a significant concern. In 17 of the 61 cases in this category, animals had already died when they were discovered or required euthanasia as they could not be humanely saved. In 41 of the 61 cases in this category, animals were found inside private premises without food/water (88% of the time inside village houses). 53% of cases involving the neglect of dogs and 80% of hoarding cases occurred in villages. Many defendants who abandoned animals avoided prosecution before the 6 month time bar as they could not be located in time by police. Other cases of neglect were not proceeded with on the basis that the animals concerned showed insufficient signs of harm to justify action. In the absence of a legal duty to provide animals with positive welfare, cases of neglect are more likely to be overlooked by authorities.

Most cases of neglect and hoarding of animals involved stray dogs which had been collected by persons without sufficient capacity to care for them adequately. In two cases the offenders had set up animal shelters and were also accepting animals from others in exchange for donations.

Breeders/traders of animals withholding vet care to save money, using drugs illegally to self-treat animals and keeping animals in unsuitable environments was common in commercial exploitation. However, positively, fewer cruelty prosecutions have occurred since the introduction of licensing controls on all dog traders in 2017. Incidents of cruelty by groomers, a boarding kennel operator and a dog trainer were detected and prosecuted during the study period.

59 suspected poisoning cases were recorded during the study period but only two proceeded to court (both in 2013). In many cases a suspect could not be identified but poisoned bait was found. Cap 169 is currently unable to address this problem as a defendant would need to be caught re-handed causing suffering, or to have admitted the offence, for a prosecution to be pursued. There were 21 cases during the study period in which animals were caught in traps and one in which a shock collar was being used by a man involved in a cruelty case. We recommend that electric shock collars and like devices should be prohibited from sale and possession. Further the sale and possession of cruel trapping devices, such as glue traps should be regulated to ensure their misuse does not result in animal cruelty.

Average sentences for serious cruelty have increased only marginally since the publication of Review of Animal Welfare Legislation in Hong Kong (Whitfort and Woodhouse, 2010). In our earlier study we reviewed sentences from 2006 to 2008. Of the convictions recorded in that period, only half of offenders received sentences of imprisonment. The average sentence imposed was then 2 months’ imprisonment, with most offenders being ordered to serve 6 weeks or less. Our current review found that for serious animal cruelty cases less than half of convicted offenders were imprisoned (49 of the 143 persons convicted of animal abuse between 2013 and 2019). The average sentence for cases of serious animal cruelty in Hong Kong from 2013-2019 remained very close to the same level we reported in 2007-2008: 2.4 months’ imprisonment. Fine levels have increased since our last review. The average fine imposed for cruelty in 2007-2008 was $1200. The average fine during the current review period of 2013-2019 was $2900. In view of our findings we have made recommendations supporting significant reforms to current animal protection legislation including:

(1) the introduction of a legislative duty of care for animals which would require owners to provide them with positive welfare;

(2) new legislation to regulate animal shelters;

(3) new legislation to regulate grooming parlours and animal trainers and increased regulation of animal boarding facilities;

(4) new powers to release animals early and allow for costs for their care:

(5) new offences to deter animal poisoning;

(6) improved regulations to control the use of traps and cruel devices;

(7) a new offence of allowing animals to fall from height;

(8) new prohibitions on unnecessary mutilations of animals;

(9) new prohibitions on mercy release of animals without a permit; and

(10) new powers to authorize experienced persons to assist AFCD and the police in the enforcement of Cap 169: The Prevention of Cruelty to Animals Ordinance.