

Investigation Report

Handling by Agriculture, Fisheries and Conservation Department of a dog arriving in Hong Kong from Thailand

The Complaint

This Office received similar complaints from many members of the public (collectively referred to as “the complainants”) against the Agriculture, Fisheries and Conservation Department (“AFCD”), alleging that there was impropriety on the part of the Department in handling a dog arriving in Hong Kong from Thailand.

2. According to the complainants, AFCD seized on a cargo ship (“the Ship”) from Thailand berthing in Hong Kong a dog with neither an implanted microchip nor any supporting document or medical record about its health. The dog was euthanised on the same day. The complainants criticised AFCD for mishandling the incident, notably its failure to follow its procedures/operational guidelines/code of practice/standard practice and keep the dog under observation for four days; acting rashly without identifying where the dog had come from; acting in an inhumane, uncivilised, reckless and slipshod manner; violating the basic right of an animal to live; and infringing on the dog owner’s rights and interest.

3. Dissatisfied with the above situation, and considering that incident had seriously tarnished Hong Kong’s international image, the complainants lodged their complaints with this Office.

4. After assessing the case, this Office decided to conduct a full investigation.

Our Findings

Background Information about Rabies

5. Rabies is a highly fatal infectious disease. Most human rabies cases are caused by transmission from rabid dogs.

6. The incubation period of rabies may last for a year. Cats or dogs illegally imported from a country/region of high risk of rabies and without any information about

their past health condition are regarded as having an extremely high risk of rabies infection. Moreover, since there is no way of diagnosing rabid animals based on clinical symptoms during the incubation period, nor is there any effective test to screen for rabies in live animals, it is not practical to isolate those cats or dogs for a period to rule out rabies infection.

7. Since the 1980s, there have not been any reported cases of human or animal rabies in Hong Kong.

8. There are reported cases of rabies in Thailand every year. According to statistics of the World Organisation for Animal Health, Thailand reported around 800 cases of animal, mainly canine, rabies in 2017, and 11 fatal cases of human rabies infection in the same year. During the first six months of 2018, more than 1,000 cases of animal rabies were reported in Thailand. Each year, nearly 60,000 people die of rabies worldwide.

Relevant Legislation

9. It is stipulated in section 4(1) of the Public Health (Animals and Birds) Regulations that subject to subregulations (1A) and (3), no animal or bird which is brought into Hong Kong on board any vessel or aircraft from any place outside Hong Kong shall be removed from such vessel or aircraft except under and in accordance with a special permit.

10. Section 11(1) of the Rabies Regulation stipulates that no person shall import or cause, suffer or permit to be imported into Hong Kong any animal, carcass or animal product except under and in accordance with a permit to do so issued by an authorised officer.

11. Section 6 of the Rabies Ordinance stipulates that an authorised officer may destroy any animal that he has reasonable grounds to believe is or could be rabid.

Relevant Policy and Operational Guidelines

12. The Government has put in place a stringent mechanism for prevention and control of rabies. AFCD regulates the importation of cats and dogs from other places by imposing a permit system, with a view to preventing the transmission of zoonotic diseases, including rabies, into Hong Kong. Prior to the arrival in Hong Kong of a cat/dog, the owner or his/her representative is required to apply to AFCD for a permit and comply with its terms, including microchipping and vaccinating the animal, obtaining an animal health certificate, etc. All the supporting documents must be presented to AFCD officers upon the animal's arrival in Hong Kong.

13. AFCD classifies the export places of cats and dogs into three groups in accordance with their risk of rabies. Group I includes rabies-free countries/regions; Group II includes countries/regions where rabies cases are sparse and the disease is under effective control; and Group III includes countries/regions where rabies cases are reported and the disease is not under effective control. Thailand is a Group III country. If anyone intends to import a dog from Thailand, the dog will be subject to specific requirements and at least 120 days in quarantine.

14. Where cats and dogs are imported from a Group III country but not in compliance with the relevant importation requirements (see **paras. 12 and 13**), AFCD will treat such cases as illegal importation of animals. If AFCD can ascertain the animals' owner or representative, depending on the inclination of the owner or representative, and the risk of rabies in the place of origin, the animals concerned may be repatriated.

15. According to AFCD's current internal operational guidelines, if the keeper surrenders an illegally imported cat/dog to AFCD for handling, the animal will be euthanised. Furthermore, AFCD may also exercise its statutory power to destroy any animal if it has reasonable grounds to believe that the animal could be rabid (see **para. 11**).

16. As regards stray dogs received in Hong Kong, AFCD will keep the dogs under observation for not less than four days, pending claim by their owners. Stray dogs without microchip identification will be arranged for adoption or euthanasia four days after capture.

Major Events of this Case and Subsequent Development

17. On the morning of 11 March 2019, the shipping company concerned (“Company A”) reported to AFCD before the Ship arrived in Hong Kong that a dog of unknown origin and believed to be a stray animal was found on board. It requested AFCD to assist and receive the dog. At that time, AFCD made a number of suggestions to Company A, including asking Company A to enquire of the relevant port in Thailand about the ownership of the dog and asking Company A to consider whether the dog could be allowed to stay on board and then return to Thailand on the same ship.

18. On the afternoon of the same day, AFCD officers contacted Company A twice and learned that the dog owner had not been found. AFCD requested Company A to notify AFCD of its decision before 5:18 pm on that day, otherwise Company A would be regarded as agreeing to take the dog back to Thailand on the same ship. As at 6 pm, Company A made no contact with AFCD.

19. At 9 am on 12 March, the Ship arrived in Hong Kong.

20. At 10:52 am on that day, 1823 received a request for assistance regarding a stray dog found on board a cargo ship from Thailand to Hong Kong, and the requester asked when officers could come to the scene to receive the dog. The case was subsequently referred to AFCD for follow-up action.

21. At 12:15 pm, an AFCD officer talked with the requester, who in fact was the legal representative (“the LR”) of the Ship’s owner, over the telephone. The LR stated that the captain and crew all denied that they owned the dog. The shipowner was unable to ascertain where the dog had come from, and thus believed that it was a stray from Thailand. The shipowner also decided not to return the dog to Thailand on the same ship. AFCD was requested to receive the dog.

22. On the afternoon of the same day, the LR wrote to AFCD and confirmed the decision to surrender the dog. It also indicated that the Ship would leave Hong Kong at 10 pm and requested AFCD to receive the dog as soon as possible. Subsequently, AFCD deployed officers to the Ship. The dog was received by AFCD after the captain signed a declaration form to surrender it.

23. AFCD's veterinary officer examined the dog carefully and did not find any microchip or collar on it. There was no supporting document or medical record about its health, and the dog was in poor hygiene condition. At 7:35 pm on that day, the veterinary officer euthanised the dog by injection.

24. On 15 March, the representative of an alleged owner of the dog in Thailand contacted AFCD and presented an authorisation document signed by the alleged owner for handling the dog carcass. A request was made to retrieve the dog carcass.

25. On 16 March, AFCD staff accompanied the representative to send the dog carcass to an animal crematorium.

26. On 24 March, the dog carcass was cremated.

AFCD's Comments

27. AFCD handled the dog according to its current operational guidelines (see **para. 15**). The procedures of keeping dogs under observation for four days (see **para. 16**) are not applicable to illegally imported animals. The veterinary officer responsible for this case had carefully examined the dog and confirmed that it had no implanted microchip, no vaccination record, and no AFCD-issued permit. Given that the captain had surrendered the dog, and under the overriding principle of safeguarding public and animal health, the dog was handled in a humane way pursuant to section 6 of the Rabies Ordinance.

28. From the perspective of safeguarding public and animal health, a local veterinary organisation wrote to the Food and Health Bureau and expressed its support for AFCD's decision to euthanise the dog, citing overseas cases and practices. Moreover, a newspaper article contributed by a veterinarian indicated the alarming consequences of rabies and said that AFCD had no alternative but to make that difficult choice in the incident.

29. Taking into account the public's views on this incident, AFCD is in the course of reviewing its procedures for handling exceptional circumstances other than general cases of illegal importation of animals, with a view to optimising the relevant arrangements. The factors to be considered will include clarifying the places of origin of the animals concerned and whether any epidemics have occurred in those places. If the animal concerned has an owner, it will also consider the owner's inclination and the

feasibility of repatriating the animal. AFCD will also take reference from practices of other countries/regions, and seek legal and expert advice.

Our Comments

30. We have noted the following situations in this incident:

- (1) The dog came from Thailand, a Group III country/region, with no implanted microchip, no collar and no supporting document or medical record about its health. The potential risk of rabies is very high.
- (2) AFCD had suggested sending the dog back on the same ship but was rejected by the shipowner. The LR explicitly requested AFCD to receive the dog and the captain signed a declaration form to surrender the dog.
- (3) The incubation period of rabies can last for a year. Since no diagnosis based on clinical symptoms can be made during the incubation period, nor is there any effective screening test, isolating the dog for a period cannot rule out the possibility of rabies infection.
- (4) AFCD's action was supported by professional veterinary organisation on the grounds that the risk of rabies should not be overlooked.

31. In such circumstances, we consider it justified and in compliance with statutory provisions and established procedures that AFCD's veterinary officer decided to euthanise the dog immediately after carefully examining its condition. From an administrative perspective, there was no impropriety on the part of AFCD.

32. On the other hand, while we agree that a prudent approach must be adopted in disease control, a life was involved after all. Moreover, as there has been a growing awareness of animal protection among members of the public in recent years, it would have been more desirable if AFCD had handled this case in a more humanistic approach.

33. As this incident has caused a strong public outcry, we believe that AFCD has learned a lesson. The Department has undertaken to review the procedures for handling similar cases with a view to optimising the relevant arrangements. We recommend that AFCD, in addition to conducting a review of the relevant handling procedures, step up the efforts in explaining its work to the public for them to have a better understanding of the justifications behind its decisions.

34. In the light of the above, we consider the complainants' complaint against AFCD **unsubstantiated**.

Office of The Ombudsman

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