

立法會
Legislative Council

LC Paper No. CB(2)201/06-07
(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/05

**Bills Committee on
Prevention of Cruelty to Animals (Amendment) Bill 2006**

**Minutes of the third meeting
held on Tuesday, 10 October 2006, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TIEN Pei-chun, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon CHOY So-yuk, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
- Members absent** : Hon Fred LI Wah-ming, JP
Hon Daniel LAM Wai-keung, SBS, JP
- Public Officers attending** : Health, Welfare and Food Bureau

Mr CHEUK Wing-hing, JP
Deputy Secretary (Food and Environmental Hygiene)

Mr Wallace LAU
Principal Assistant Secretary (Food and Environmental
Hygiene)¹

Miss Sally KAN
Assistant Secretary (Food and Environmental Hygiene)²

Agriculture, Fisheries and Conservation Department

Mr LAU Sin-pang, JP
Deputy Director

Dr Eric TAI
Senior Veterinary Officer
(Animal Management)(Acting)

Dr Kenny HO Chin-ho
Veterinary Officer (NTN)

Hong Kong Police Force

Mrs Wendy CHOI
Acting Assistant Commissioner of Police (Support)

Mr CHOW Kwok-kee
Senior Inspector of Police (Field 1 Support)

Department of Justice

Ms Lonnie NG
Senior Government Counsel

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Amy YU
Senior Council Secretary (2)3

Ms Katherine YEUNG
Legislative Assistant (2)6

Action

- I. Confirmation of minutes**
[LC Paper No. CB(2)3157/05-06 – Minutes of meeting on 26 September 2006]

The minutes of the meeting held on 26 September 2006 were confirmed.

Action

II. Meeting with the Administration

[LC Paper Nos. CB(2)3156/05-06(01) - (03)]

2. The Bills Committee deliberated (Index of proceedings attached at the **Appendix**).

Admin

3. The Administration was requested to -

- (a) ascertain whether aggravated offences and repeated offences were provided in animal laws in Singapore and Japan;
- (b) advise the number of appeals lodged by the Administration concerning the fines imposed by the court for cruelty to animal offences (Annex C to LC Paper No. CB(2)3156/05-06(02));
- (c) reconsider and advise the timeframe for reviewing the Prevention of Cruelty to Animals Ordinance (Cap 169). Members considered the Administration's proposal of reporting the progress of its review to the relevant Panel in around one year unacceptable; and
- (d) in the review of Cap 169, consider regulating the operation of animals crematoria and the recommendations made by the Animal Welfare Advisory Group.

Clerk

4. Members agreed to refer the subjects of regulating animal crematoria and treatment of stray cattle and buffaloes to the relevant Panels for discussion.

5. Members agreed unanimously that amendments should be made to the Bill to provide for heavier penalties to enhance the deterrent effect against acts of cruelty to animals. It was proposed that -

- (a) aggravated offences be provided in the Bill and the penalty for which should be a maximum fine of \$250,000 and imprisonment for 3 years; and
- (b) correspondingly, aggravated offences with heavier penalties be provided in the Regulations.

Clerk

6. Members also agreed that subject to further views of members, the above proposals would be forwarded to the Administration for consideration. In the event that the Administration did not take on board members' proposals, the Chairman, on behalf of the Bills Committee, would move amendments to the Bill.

Action

[*Post-meeting note* : A circular inviting members' views on the proposals was issued vide LC Paper No. CB(2)17/06-07 on 11 October 2006.]

III. Any other business

Date of next meeting

7. Members agreed that the next meeting would be held on 2 November 2006 at 4:30 pm.
8. The meeting ended at 4:22 pm.

Council Business Division 2
Legislative Council Secretariat
2 November 2006

**Proceedings of the meeting of Bills Committee on
Prevention of Cruelty to Animals (Amendment) Bill 2006
on Tuesday, 10 October 2006, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 - 000024	Chairman	Confirmation of minutes of the meeting held on 26 September 2006	
000025 - 001012	Chairman Admin	<p>Administration's response to issues raised by members and deputations at the last meeting -</p> <ul style="list-style-type: none"> - The penalty level proposed in the Bill was reasonable and represented a significant increase in penalty for offences under Cap 169. The proposed maximum fine was higher than that in developed Asian countries such as Singapore and Japan. - Regarding the suggestion to provide for heavier penalties for aggravated offences or repeated offences, the Administration considered it more appropriate for the court to decide on the penalty, having regard to the circumstances of each case. - Local legislation rarely provided for aggravated offences. Only the Theft Ordinance (Cap 210) had provisions for an aggravated offence. - Training was provided to staff of law enforcement agencies, such as the Police Force and the Agriculture, Fisheries and Conservation Department (AFCD) on ways to handle animal cruelty cases. The relevant staff recognised the need to handle these cases seriously and with sensitivity. - In respect of public education, the AFCD had produced in February 2006 Announcements in Public Interest for television and radio to promote responsible animal 	

Time marker	Speaker	Subjects	Action required
		<p>guardianship and respect for animal lives. In the past year, the Police Public Relations Bureau had also launched a series of programmes to bring home to the public the severity of offences relating to cruelty to animals.</p> <p>- The Administration would conduct an overall review of Cap 169 as soon as possible.</p>	
001013 - 001114	Chairman Admin	<p>The Administration's advice that there were provisions for aggravated offences in relation to animal cruelty in Australia</p> <p>The Administration was requested to ascertain whether aggravated offences were provided for in animal laws in Singapore and Japan.</p>	The Administration to take action under paragraph 3(a) of the minutes.
001115 - 001308	Chairman Admin	<p>Timetable on the review of Cap 169</p> <p>The Administration undertook to start reviewing Cap 169 the following month and report the progress of the review to the relevant Panel in due course.</p>	
001309 - 003016	Ms Audrey EU Admin Chairman	<p>A member's request for -</p> <p>(a) a concrete timetable on the review, given that many deputations had pointed out that a review of Cap 169, which was outdated and full of loopholes, was urgently needed; and</p> <p>(b) reason(s) for the Administration's objection to providing for heavier penalties for aggravated offences or repeated convictions in the Bill.</p> <p>The Administration's response that -</p> <p>(a) it would report the progress of the review on Cap 169 in around one year; and</p> <p>(b) it would look into the idea of providing for stiffer penalties for aggravated offences or repeated convictions in the overall review</p> <p>A member's enquiry as to whether public officers who contravened animal</p>	

Time marker	Speaker	Subjects	Action required
		<p>laws in the course of discharging duties would be subject to any penalty</p> <p>The Administration's advice that members of the public could lodge complaints against public officers for contravening the law in the course of performing duties. If the allegations were substantiated, individual public officers concerned could be subject to actions under the relevant law.</p>	
003017 - 003902	Mr LEE Cheuk-yan Chairman Admin	<p>A member's views that -</p> <p>(a) the Administration should provide a concrete timetable on the review of Cap 169; and</p> <p>(b) the penalty for offences relating to animal cruelty should be further increased to send a clear message to the court on the severity of the offences as demanded by many deputations</p> <p>Parties to be consulted by the Administration during the overall review of Cap 169</p> <p>The Administration's advice that apart from animal welfare groups, it would also consult other relevant parties such as the pet trade and non-pet-owners so as to gauge the overall view of the community</p>	
003903 - 004357	Chairman Admin	<p>Explanation of a recent case whereby the Administration had appealed against the fine (\$500) imposed by the court on an elderly man for severely beating a dog</p> <p>The Administration was requested to advise the number of appeals lodged by the Administration concerning the fine imposed by the court for cruelty to animal offences (Annex C to LC Paper No. CB(2)3156/05-06(02))</p>	The Administration to take action under paragraph 3(b) of the minutes
004358 - 004713	Mr LEE Cheuk-yan Admin Chairman	The round-up operation of wild cattle and buffaloes in Lantau Island carried out by the AFCD on 22 September 2006	

Time marker	Speaker	Subjects	Action required
004714 - 005459	Ms Audrey EU Admin Chairman	A member's view that section 3(1) of Cap 169 encompassed a wide range of acts of cruelty to animals and there was a need to provide heavier penalties for aggravated offences	
005500 - 010212	Miss CHOY So-yuk Admin	A member's expression of support for amending the Bill to provide for heavier penalties for aggravated offences in order to send a clear message that animal cruelty would not be tolerated	
010213 - 010824	Mr WONG Kwok-hing Admin Chairman	Discussion on whether the increase in penalty proposed in the Bill was of sufficient magnitude to bring home to courts the severity of offences relating to cruelty to animals	
010825 - 011014	Mr WONG Kwok-hing Admin Chairman ALA	A member's suggestion of introducing minimum penalty in the Bill ALA's advice that while there were provisions for fixed penalty in certain local legislation, there were no provisions for minimum penalty	
011015 - 011204	Mr LEE Cheuk-yan	A member's suggestion that the Bills Committee should agree on a proposal on amending the Bill to provide for stiffer penalties and forward the proposal to the Administration for consideration A member's view that the Administration should revert to the Bills Committee on a concrete timetable for the review at the next meeting	
011205 - 011726	Ms Audrey EU	A member's suggestion that, apart from imposing heavier penalties for aggravated offences, the Administration could also consider imposing heavier penalties for offences convicted on indictment, say a maximum fine of \$250,000 and imprisonment for 3 years A member's views that - (a) the proposed maximum prison term of 12 months was not sufficient to deter acts of animal cruelty and to safeguard Hong Kong's image as a civilised society;	

Time marker	Speaker	Subjects	Action required
		<p>(b) the Administration's proposal of reporting the progress of its review to the relevant Panel in around one year was not acceptable and the Administration should reconsider and advise the timeframe for the review ; and</p> <p>(c) the Administration should consider in the review regulating end-of-life services for animals such as animal crematoria, which was urgently required</p>	<p>The Administration to take action under paragraph 3(c) of the minutes.</p> <p>The Administration to take action under paragraph 3(d) of the minutes.</p>
011727 - 012149	<p>Miss CHOY So-yuk Admin Ms Audrey EU Mr WONG Kwok-hing Chairman</p>	<p>The bureaux / government department(s) responsible for regulating animal crematoria</p>	
012150 - 012653	<p>Mr WONG Kwok-hing Admin</p>	<p>Complaints by some animal welfare groups that the Administration had treated wild cattle and buffaloes inhumanely during its round-up operation in Lantau on 22 September 2006</p>	
012654 - 012800	<p>Mr LEE Cheuk-yan</p>	<p>A member's suggestion to refer the incident of the removal of Lantau cattle and buffaloes to the relevant Panel for consideration and follow-up as appropriate</p>	
012801 - 013640	<p>Ms Audrey EU Miss CHOY So-yuk Chairman Admin Mr WONG Kwok-hing</p>	<p>Importance of respect for animal lives</p> <p>Administration's advice that the Environment, Transport and Works Bureau was responsible for the licensing of animal crematoria</p> <p>Members agreed to refer the regulation of animal crematoria and the treatment of stray cattle and buffaloes to the relevant Panels for consideration</p>	<p>The Clerk to follow-up under paragraph 4 of the minutes</p>
013641 - 013844	<p>Miss CHOY So-yuk Admin Chairman</p>	<p>The Administration's indication that it would take into account the recommendations put forth by the Animal Welfare Advisory Group in the overall review of Cap 169</p>	

Time marker	Speaker	Subjects	Action required
013845 - 014114	Chairman Admin Miss CHOY So-yuk Clerk Ms Audrey EU	Date of next meeting	
014115 - 015138	Chairman Ms Audrey EU Miss CHOY So-yuk Mr LEE Cheuk-yan ALA Mr WONG Kwok-hing	Discussion on the proposal that - (a) there should be provisions for aggravated offences and the penalty for which should be a maximum fine of \$250,000 and imprisonment for 3 years; and (b) correspondingly, aggravated offences with heavier penalties be provided in the Regulations Members agreed that subject to members' views, the above proposals would be forwarded to the Administration for consideration.	The Clerk to follow-up under paragraph 5 of the minutes.

Council Business Division 2
Legislative Council Secretariat
2 November 2006