

立法會
Legislative Council

LC Paper No. CB(2)327/06-07
(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 fourth meeting
held on Thursday, 2 November 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TIEN Pei-chun, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
- Members absent** : Hon LEE Cheuk-yan
Hon CHOY So-yuk, 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)

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)201/06-07]

The minutes of the meeting held on 10 October 2006 were confirmed.

II. Meeting with the Administration
[LC Paper Nos. CB(2)216/06-07(01) and (02)]

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

3. The Administration was requested to -

Admin

(a) undertake at the resumption of the Second Reading debate on the Bill that the Administration would review the Prevention of Cruelty to Animals Ordinance and report the outcome of the review to the relevant Panel in a year. The review should be

Action

comprehensive and cover issues relating to the treatment of animals including, inter alia, end-of-life services for animals; and

- (b) reconsider the proposal of the Bills Committee to increase the penalty for the offences under the Ordinance to imprisonment for three years.

III. Any other business

Date of next meeting

4. Members agreed that the next meeting would be held on 10 November 2006, immediately after the House Committee meeting scheduled for 2:30 pm.
5. The meeting ended at 5:21 pm.

Council Business Division 2
Legislative Council Secretariat
9 November 2006

**Proceedings of the meeting of Bills Committee on
Prevention of Cruelty to Animals (Amendment) Bill 2006
on Thursday, 2 November 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 - 000409	Chairman	<p>Opening remarks</p> <p>Confirmation of minutes of the meeting held on 10 October 2006</p>	
000410 - 000941	Chairman Admin	<p>Administration's response to issues raised by members at the last meeting -</p> <ul style="list-style-type: none"> - Aggravated offences and repeated offences were not provided for in animal laws in Singapore and Japan. - The addition of aggravated offences in the Bill would be neither necessary nor desirable, in view of the long-standing general principle in the legal system that the appropriate sentence of a case be left to the determination of the court having regard to the gravity of the act committed and the circumstances of the case. - The Administration proposed to further increase the maximum penalty in the Principal Ordinance to a fine of \$200,000 and imprisonment for two years, and to further increase the maximum fine in the Regulations to \$50,000. This should give the court sufficient latitude to impose heavy sentence to acts of aggravated cruelty. - The Administration's revised proposal was made after careful consideration and having regard to the penalty levels of other similar offences, including those provided in the following sections of the Offences Against the Person Ordinance (Cap 212) - <ul style="list-style-type: none"> (i) s19: Wounding or inflicting grievous bodily harm (maximum penalty was 	

Time marker	Speaker	Subjects	Action required
		<p>imprisonment for three years);</p> <p>(ii) s39: Assault occasioning actual bodily harm (maximum penalty was imprisonment for three years); and</p> <p>(iii) s40: Common assault (maximum penalty was imprisonment for one year).</p> <p>- The Administration would review the Prevention of Cruelty to Animals Ordinance and report the outcome to the relevant Panel in a year.</p>	<p>The Administration to take action under paragraph 3(a) of the minutes.</p>
000942 - 001057	Mr WONG Kwok-hing Admin	<p>Discussion on whether the Administration would consider providing for heavier penalties for repeated offences, as requested by some organisations</p> <p>The Administration's response that its revised proposal would provide sufficient latitude for the court to impose heavier penalty taking into consideration the circumstances of each case, including whether repeated offences were involved</p>	
001058 - 002542	Ms Audrey EU Chairman Admin	<p>Ms Audrey EU's view that the review to be undertaken by the Administration should be comprehensive and cover issues relating to the treatment of animals including, inter alia, end-of-life services for animals</p> <p>Ms Audrey EU's view that it was not appropriate for the Administration to make reference to the three sections of Cap 212 in view of the wide scope of animal cruelty acts covered in the Prevention of Cruelty to Animals Ordinance</p> <p>Ms Audrey EU told the meeting that the following nine organisations she had consulted considered the Administration's revised proposal unacceptable and maintained the view that the Bill should provide for heavier penalties for aggravated offences and repeated offences -</p>	<p>The Administration to take action under paragraph 3(a) of the minutes.</p>

Time marker	Speaker	Subjects	Action required
		<ul style="list-style-type: none"> - Animal Earth - Animals Asia Foundation - Hong Kong No Kill City Forum - Society for the Prevention of Cruelty to Animals (Hong Kong) - Hong Kong Alleycat Watch - Concern Group for Pets - BagMeHome - Society for Abandoned Animals - Lamma Animal Welfare Centre <p>The Administration's response that -</p> <ul style="list-style-type: none"> - The revised penalty level proposed by the Administration was appropriate and would have sufficient deterrent effect. - Most of the cases concerning cruelty to animals involved negligence in taking care of animals. In 2004-2006, a sentence of imprisonment was handed down in three cases, which were the more serious ones. <p>Ms Audrey EU's request that the Secretary for Health, Welfare and Food (SHWF) should undertake at the resumption of the Second Reading debate on the Bill that the Administration would review the Prevention of Cruelty to Animals Ordinance and related issues and report the outcome to the relevant Panel in a year</p> <p>The Administration's response that Ms EU's request would be relayed to SHWF for consideration</p>	<p>The Administration to take action under paragraph 3(a) of the minutes.</p>
002543 - 002821	Chairman Admin	<p>The Chairman's view that the Administration should be more proactive in lodging appeal against sentences handed down by the court which failed to reflect the severity of the offences concerned</p> <p>The Administration's response that it would lodge appeal for justified cases</p>	

Time marker	Speaker	Subjects	Action required
002822 - 003546	Mr Fred LI Admin Chairman	<p>Mr Fred LI's request that the Administration should reconsider the proposal of the Bills Committee to increase the maximum penalty for the offence under the Ordinance to imprisonment for three years, which was essential in giving out a clear message to the public that animal cruelty was a severe offence</p> <p>The Administration's response that</p> <ul style="list-style-type: none"> - Offences in sections 19 and 39 of Cap 212, which carried a maximum penalty of three years' imprisonment but did not have any stipulation for a fine, were offences convicted on indictment. The Administration's revised proposal of a fine of \$200,000 and imprisonment for two years was appropriate, justified and had struck the right balance - If the Administration failed to reach consensus with the Bills Committee on the penalty level and considered the Bills Committee's proposal unacceptable, the Administration might not resume Second Reading debate on the Bill 	The Administration to take action under paragraph 3(b) of the minutes.
003547 - 004236	Ms Audrey EU Admin	<p>Ms Audrey EU's expression of regret about the Administration's indication of the possibility of not resuming the Second Reading debate</p> <p>Ms Audrey EU's expression of support for Mr Fred LI's view that increasing the penalty to three years of imprisonment was important to bring home the message of respect for animal lives</p> <p>The Administration's clarification that providing for heavier penalties for aggravated offences and repeated offences was not outside the scope of the Bill</p>	

Time marker	Speaker	Subjects	Action required
004237 - 004559	Chairman	The Chairman said that, on behalf of the Bills Committee, he would contact SHWF concerning members' proposal to increase the maximum penalty of imprisonment from two years to three years	
004600 - 004944	Ms Audrey EU Chairman Admin	Date of next meeting	

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