

立法會
Legislative Council

LC Paper No. CB(2)439/06-07
(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 fifth meeting
held on Friday, 10 November 2006, at 2:48 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 Fred LI Wah-ming, JP
Hon CHOY So-yuk, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Daniel LAM Wai-keung, SBS, JP
- Public Officers attending** : Health, Welfare and Food Bureau

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

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)327/06-07]

The minutes of the meeting held on 2 November 2006 were confirmed.

II. Meeting with the Administration

[LC Paper Nos. CB(2)268/06-07(01), CB(2)314/06-07(01) and (02), CB(3)672/05-06 and CB(2)2802/05-06(01)]

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

3. The Administration informed Members that the Secretary for Health, Welfare and Food (SHWF) would undertake at the resumption of the Second Reading debate on the Bill that the Administration would review Cap 169 and related issues and report the outcome of the review to the relevant Panel in one year.

Admin

4. The Administration was requested to -

- (a) undertake at the resumption of the Second Reading debate on the Bill that the Administration would strengthen its enforcement actions in respect of cases of cruelty to animals;
- (b) provide to the Bills Committee as soon as possible the draft Committee Stage amendments (CSAs) on the Bill to be moved by the Administration;
- (c) provide a list of the provisions under the Regulations which provided for a continuing offence;

Action

- (d) include the level of fine for a continuing offence in the upcoming review; and
- (e) enhance public education on the criminal offence of abandoning animals under the Rabies Ordinance and responsible animal guardianship in veterinary clinics.

Clerk

5. Members agreed that the draft CSAs to be provided by the Administration would be circulated to members for consideration.

III. Any other business

Resumption of Second Reading debate

6. Subject to the agreement on the CSAs to be moved by the Administration, members supported the resumption of the Second Reading debate on the Bill at the Council meeting on 6 December 2006. Members also agreed that the Bills Committee would report its deliberations to the House Committee on 24 November 2006. The Chairman reminded members that the deadline for submission of notice to move CSAs was 27 November 2006.

7. The meeting ended at 3:38 pm.

Council Business Division 2
Legislative Council Secretariat
22 November 2006

**Proceedings of the meeting of Bills Committee on
Prevention of Cruelty to Animals (Amendment) Bill 2006
on Friday, 10 November 2006, at 2:48 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 - 000909	Chairman Admin	<p>Administration's response to issues raised by members at the last meeting -</p> <ul style="list-style-type: none"> - After further deliberation, the Administration accepted the proposal of the Bills Committee and some animal welfare groups to increase the maximum penalty of imprisonment from two to three years, so as to demonstrate the Administration's resolve to further animal welfare in Hong Kong, to send a clear message to the public that acts of cruelty to animals would not be tolerated and to expedite the passage of the Bill. - The Administration would introduce Committee Stage amendments (CSAs) to effect the proposed revisions in penalty levels. 	
000910 - 000929	Chairman	Confirmation of minutes of the meeting held on 2 November 2006	
000930 - 001217	Mr WONG Kwok-hing Admin	Administration's advice that it would complete the review on Cap 169 and related issues one year after the enactment of the Bill, and the review would include, inter alia, the effectiveness of the revised penalty levels	
001218 - 001348	Miss CHOY So-yuk	Miss CHOY So-yuk's views that apart from increasing the penalty levels, the Administration should also deal with other issues relating to animal welfare raised by the animal welfare groups, such as the problem of stray animals	

Time marker	Speaker	Subjects	Action required
001349 - 001849	Ms Audrey EU Admin Chairman	<p>Administration's reply to Ms Audrey EU's questions -</p> <ul style="list-style-type: none"> - The Bill would come into effect as soon as it was passed by the Legislative Council and published in the Gazette. - The Secretary for Health, Welfare and Food (SHWF) would undertake at the resumption of the Second Reading debate on the Bill that the Administration would review Cap 169 and related issues and report the outcome of the review to the relevant Panel in one year. - The maximum fine under the Regulations would be further increased to \$50,000. 	
001850 - 001948	Mr Daniel LAM Chairman Admin	<p>Mr Daniel LAM's view that the Administration should step up promotion on the revised penalty levels as soon as possible</p> <p>Administration's response that once the Bill was enacted, a series of publicity campaigns, such as Announcements of Public Interest for television and radio, would be launched to educate the public</p>	
001949 - 002117	Mr Fred LI Chairman	<p>Mr Fred LI's view that as the Administration had consulted the Panel on Food Safety and Environmental Hygiene on its legislative proposal to increase the penalty level in Cap 169, the Administration should report the outcome of the review to the same Panel</p>	
002118 - 002320	Mr LEE Cheuk-yan Chairman Admin	<p>Mr LEE Cheuk-yan's enquiry on the process of the review to be undertaken by the Administration</p> <p>Administration's response that it would consult animal welfare groups and other relevant stakeholders, and would work on the scope of the review first</p>	

Time marker	Speaker	Subjects	Action required
002321 - 002728	Miss CHOY So-yuk Admin Chairman	<p>Miss CHOY So-yuk's view that there was no need for the Administration to undertake further consultation during the review, as the animal welfare groups had already put forth their recommendations to the Administration</p> <p>The Administration's response that the recommendations referred to by Miss CHOY would be considered in the review</p> <p>Miss CHOY So-yuk's view that the relevant Panel should consider the recommendations put forth by the animal welfare groups when considering the Administration's report on the outcome of the review</p>	
002729 - 003110	Ms Audrey EU Admin	<p>Ms Audrey EU's view that the review should not be confined only to the recommendations/proposals which had already been submitted to the Administration</p> <p>Ms Audrey EU's suggestions that the Administration should enhance public education on the criminal offence of abandoning animals under the Rabies Ordinance and responsible animal guardianship in veterinary clinics</p> <p>The Administration's response that it would consider Ms EU's suggestions</p> <p>Ms Audrey EU requested SHWF to also undertake at the resumption of the Second Reading debate on the Bill that the Administration would strengthen its enforcement actions in respect of animal cruelty cases</p> <p>The Administration's response that it would relay Ms EU's request to SHWF</p>	<p>The Administration to take action under paragraph 4(e) of the minutes.</p> <p>The Administration to take action under paragraph 4(a) of the minutes.</p>
003111 - 003204	Chairman Admin	<p>Clause-by-clause examination of the Bill</p> <p>Clause 1 - Short title of the Bill</p>	

Time marker	Speaker	Subjects	Action required
003205 - 003308	Admin	Clauses 2 & 3 - The Administration would move CSAs to increase the maximum penalty under the Principal Ordinance to a fine of \$200,000 and imprisonment for three years	The Administration to take action under paragraph 4(b) of the minutes.
003309 - 004900	Admin Chairman ALA5 Mr Fred LI Ms Audrey EU Mr LEE Cheuk-yan	Discussion on clauses 4 & 5 – - The Administration's explanation that clause 4 sought to increase the maximum penalty under the Regulations and clarify the fine imposed in respect of a continuing offence - Members sought clarification on whether the specified fine (\$200 per day) in respect of a continuing offence was a fixed or a maximum fine - Clarification by the Administration and ALA5 that it was a maximum fine, pursuant to section 101F of the Criminal Procedure Ordinance - The Chairman, Mr LEE Cheuk-yan and Ms Audrey EU's view that the existing level of fine for a continuing offence was too low and should be correspondingly increased - The Administration's explanation that no amendment was proposed for the fine in respect of a continuing offence as the relevant provisions were seldom invoked in the past - Members agreed to Mr LEE Cheuk-yan's suggestion that the level of fine for a continuing offence should be included in the upcoming review	The Administration to take action under paragraph 4(d) of the minutes.
004901 - 005352	Chairman Ms Audrey EU Admin	The Administration was requested to provide the draft CSAs to the Bills Committee as soon as possible Members agreed that the draft CSAs from the Administration be circulated to members for consideration	The Administration to take action under paragraph 4(b) of the minutes. The Clerk to take action under paragraph 5 of the minutes.

Time marker	Speaker	Subjects	Action required
		<p>Ms Audrey EU requested the Administration to advise the provisions under the Regulations which provided for a continuing offence</p> <p>The Administration agreed to the Bills Committee's proposal that the Second Reading debate on the Bill be resumed on 6 December 2006.</p> <p>The Bills Committee agreed to report to the House Committee on 24 November 2006.</p>	<p>The Administration to take action under paragraph 4(c) of the minutes.</p>

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