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Subject Prevention of Cruelty to Animals Bill - Invitation to Comment

Dear Sir/Madam,

Views on the Prevention of Cruelty to Animals (Amendment) Bill 2006

I am writing to express my views on the Prevention of Cruelty to Animals (Amendment) Bill 2006:

1. With regard to the act of animal cruelty included under the Prevention of Cruelty to Animals Ordinance (Cap. 169), I think the coverage is inadequate, and I believe a lot of cases which are sufficient to be considered as animal cruelty are not considered by the draft Bill.

The definition on acts of cruelty to animals, according to the Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 3 (1), is too vaguely made and it covers only limited aspects of animal cruelty which are committed everyday in Hong Kong.

Examples of acts of cruelty happening on a daily basis in our society include the following:

- Animal owners not providing the necessary medical attention when the animals are sick or injured;
- Newly born animals (puppies, kittens) being removed from the mothers too early, affecting their health, growth and mental well-being (please note that this adds to socialisation problems later, resulting in adult dogs being abandoned). Animals should not be removed from their mothers or littermates until they are at least 8 weeks old. Please refer to regulations in eg: Australia in this regard;
- Forcing female dogs/cats to produce excessive numbers of litters on so-called 'puppy farms'. This is cruel and should be regulated to a maximum number of 2 or at most 3 litters per lifetime;
- Confinement of animals for sale in small metal cages for most of the day in pet shops. This is undoubtedly one of the most cruel acts against a social animal like a dog to be seen across Hong Kong - being confined in a small 'cell' with no touch, toys, company - almost amounting to mental torture. Sometimes these animals appear to have been drugged to make them calm. Again - such cruel acts early in a pet's life result in mental instability which later on manifests itself in undesirable behaviours and

abandonment by the owners.

The above specific examples are at the root cause of later cruel acts such as abandonment or physical injury to animals. Accordingly, it would be logical and rational to address these issues to help reduce problems later in the pet's life.

Therefore, I would like to see the following clauses addressed in the Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 3, so that the scope and meaning of cruelty acts to animal would become more realistic and understandable to all.

1.1 There is no mention in the Ordinance about the responsibility of animal owners to provide necessary and lawful medical attention to the animals they keep or animals under someone's care. To neglect an animal's medical need is an act of animal cruelty and should be included in the definition.

1.2 Mammals like *Homo sapiens*, *Canis* and *Felinus* all have the need to stay with their mother for a certain period of time (at least 8 weeks after birth in the case of puppies) after birth, so as to receive not only proper nursing essential for their health and growth, but also teaching and discipline from their mother to help them develop into well-mannered and well-adjusted adults. Cases are not uncommon nowadays that baby animals which are too young to separate from their mothers are found displayed in places where animals are sold as pets. Forcing baby mammals to leave their mothers prematurely, hence depriving them the nourishment and security of motherly care, hurts both the babies and the mothers, is an act of animal cruelty. Any pet shop found displaying under-age animals *separated from their mother*, should be found guilty of offence under the Bill.

1.3 The Ordinance does not regulate the maximum number of litters allowed to be produced by an animal owned by animal keepers. A profession pedigree dog breeder, for example, would allow only a maximum of three litters from a bitch during her (the bitch's) entire life, two is ideal for the well-being of the animal. Forcing, and/or assisting and/or encouraging an animal to reproduce continually is an act of animal cruelty.

1.4 Most animals kept by human families or under the temporarily care of a pet shop, like dogs and cats, are highly sociable animals. They are very like human beings in the sense that they need continual interaction with their environment and positive and healthy mental stimulation in order to survive and grow properly and healthily. Prolonged confinement of an animal into a fixed area without proper stimulation sprang either from a toy, or a partner or bodily touch from a human being is a severe mental torture to an animal. Such kind of mental torture is an act of animal cruelty and should be regulated with either restrictions on the minimum size of cage and the maximum length of time confined (say 2 hours maximum) and further should have due regard to the environment the animal is forced to endure.

2. According to the Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 5 (3),

"If any animal has been taken to any place in pursuance of an order made under this section any person who has been convicted of an offence in respect of such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it shall remain therein, and such fees may be recovered as a fine:

Provided that, if the owner of any such animal shall request the officer in charge of the animal to destroy it, such officer shall forthwith cause the animal to be destroyed, and no fees shall be payable in respect of the maintenance or treatment of such animal for any time subsequent to such request."

I see this stipulation actually as an encouragement of animal cruelty. Surely this must be a drafting error and this is not what was intended in the Bill? The rule is sending out a clear notion that a person can simply *escape the monetary responsibility* to an animal by destroying the animal ! What's the principle behind all the Ordinance and rules we are discussing here if our law explicitly allows and encourages such things to happen?

I would therefore suggest an amendment to the content of the Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 5 (3) as follows:

"If any animal has been taken to any place in pursuance of an order made under this section any person who has been convicted of an offence in respect of such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it shall remain therein, and such fees may be recovered as a fine:

If the owner of any such animal shall request giving up ownership of any such animal, the officer in charge of the animal shall find the animal an appropriate Animal shelter or Organization, the owner of any such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it remains under the care of the officer in charge of the animal, and such fees may be recovered as a fine."

3. I am also concerned about enforcement of the laws in respect of animals which have been found abandoned or killed by their owners. It is absolutely essential that all pets (dogs, cats, etc) should be microchipped to establish ownership. With the inclusion of the requirement above that no young animal shall be separated from its mother before 8 weeks of age, it should be a requirement that *all animals sold or offered for sale in Hong Kong* must be microchipped before being transferred to the new owners. This should be a responsibility of the pet shop and any breach will be followed by penalties on the pet shop and owner jointly

Yours faithfully,
Paul Gardiner
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