

17 August 2006

The Clerk to Bills Committee on  
Prevention of Cruelty to Animals (Amendment) Bill 2006  
Legislative Council Secretariat  
3/F Citibank Tower  
3 Garden Road  
Central, Hong Kong

Dear Sir/Madam,

Re: The Prevention of Cruelty to Animals (Amendment) Bill 2006

It is commendable that the present Prevention of Cruelty to Animals Ordinance (Cap. 169) is being examined to bring it up to date with present day standards and conditions.

I wish to bring the Committee's attention to the following points:

1. The Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 3 (1)

The definition of acts of cruelty to animals is well defined but somehow does not seem to cover the following situations which happen daily in Hong Kong.

- 1.1 There is no mention in the Ordinance of 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.
- 1.2 Mammals need to stay with their mother for a certain period of time after birth (at least 8 weeks after birth in the case of puppies). This is so they can 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 adult animals. 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 of the nourishment and security of motherly care, hurts both the babies and the mothers, and is an act of animal cruelty.

1.3 The Ordinance does not regulate the maximum number of litters allowed to be produced by an animal owned by animal keepers. A professional 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, like dogs and cats that are kept by human families or are under the temporary care of a pet shop, are highly sociable. Like human beings, they need continual interaction with their environment, with positive and healthy mental stimulation in order to survive and grow properly and healthily. Prolonged confinement of an animal in a fixed area without proper stimulation either from a toy, a companion animal or bodily touch from a human being would be a kind of severe mental torture to that animal. Such kind of mental torture is an act of animal cruelty.

2. 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. A person can simply escape their responsibility to an animal by destroying the animal!

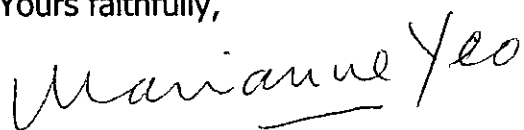
I would therefore suggest an amendment as follows:

"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."**

I hope the Committee will see fit to give the matters mentioned here their due consideration.

Yours faithfully,

A handwritten signature in cursive script that reads "Marianne Yeo". The signature is written in dark ink and is positioned below the typed name.

Marianne Yeo