

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

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Clerk to Bills Committee on
Prevention of Cruelty to Animals (Amendment) Bill 2006
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Animals have the right to life and happiness; otherwise you and I will not be sitting in this meeting today. I am submitting this paper concerning the above-captioned Bill as an individual citizen of Hong Kong SAR.

A human being capable of committing cruelty act towards non-human animals, be the cruelty in the form of abuse, neglect or killing, is a sick individual. An individual who is sick in the mind. We do not punish a sick-minded criminal by monetary fine or imprisonment sentence hoping this person will correct his behavior, and thinking that our punitive measures will PREVENT cruelty towards animals.

Should we not have realized by today that laws do not PREVENT—STOP! may I say—sick-minded human beings from committing cruelty act towards non-human animals? If punitive measures even in the highest form of death penalty had worked at all, drug abuse/trafficking would have been stopped, crimes would have been stopped.

I'm not speaking against strict penalties. Since I'm only given three minutes to speak out today, I believe we can only and we need to address this issue from a macro perspective. Here's the big picture:

1. We have existing laws. Many of you recommended an "update" of the animal protection laws, true, but even when equipped with this handful of simple, primitive, inadequate laws, animal cruelty cases are not the law enforcement agencies' priority;
 - **Should we not with this Bill focus more on principles and methods to enable our law enforcement agencies to strictly enforce animal protection laws?**
2. The legislation was premised on the principle of Punishment, in the form of monetary fine (no matter how "significant" the sum of dollar value it may be) and/or imprisonment, has proven non-effective in the PREVENTION of cruelty to animals.
 - **Should we not with this Bill focus more on principles and methods, not premised on punishment but on "education"?**

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Two issues to be addressed here:

On "non-punishment" principle

- * **Instead of prison confinement, it should be "confinement to a psychiatric ward to receive proper behavioral counseling for a period of time recommended by registered psychologists;" and "mandatory registration with the authorities and local district council offices of the offender's criminal record, and the public (specific neighborhood) made aware of the offender's residency."**

On "education" principle

- * **We are not merely concerned about education for the offender and public, but we recognize the need of education for the law makers and enforcement agencies. In our current societal culture and system, where the livelihood of non-human animals are very much defined by their "usable and beneficial value" to human beings; where "animals" are defined as either "homable pets" or "not-homable pets"; where "animals" are defined by the deep-rooted Chinese culture as either "edible" or "not edible"; where our very own "animal welfare industry" leaders such as the SPCA righteously advocate "no kill does not mean no kill", legitimatizing senseless killing and equating the well-being of animals with "animal population control". We need more than legislation, we need education. We need more than an update of the laws, we need to revamp and rejuvenate our own mindset.**

Legislation premised on the assumption that the public was "bad" and had to be "punished" and "coerced" into doing the right thing, ignored the obvious—even if its proponents were right, the law would nonetheless miss its intended target since responsible people acted responsibly whether there was a law or not, while truly irresponsible people would merely ignore the laws.

"The definition of insanity is doing the same thing over and over and expecting a different result."

Thank you for hearing me out.

Althea Tan

Hong Kong citizen