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中華人民共和國香港特別行政區政府總部衛生福利及食物局
Health, Welfare and Food Bureau
Government Secretariat, Government of the Hong Kong Special Administrative Region
The People's Republic of China

本函檔號 Our ref.:
來函檔號 Your ref.:

電話號碼 Tel. No.: 2973 8297
傳真號碼 Fax No.: 2136 3281

6 October 2006

Clerk to Bills Committee
(Attn: Ms Amy Yu)
Bills Committee on Prevention of Cruelty to Animals (Amendment) Bill
2006
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms Yu,

Thank you for your letter dated 28 September 2006. At the request of the Bills Committee on the Prevention of Cruelty to Animals (Amendment) Bill 2006, I attach the following supplementary information for Members' information :

Annex A : Examples of "aggravated offences" or "subsequent offences" in existing legislation;

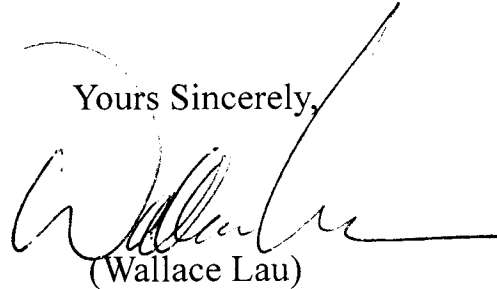
Annex B : Number of inspection made to animal traders (including pet shops and breeders) and construction sites in recent years; and

Annex C : Updated prosecution statistics and sentencing outcomes.

We are also considering the various suggestions made by individuals and deputations attending the Bills Committee meeting held on 26 September 2006, including the more salient ones such as increasing

the maximum imprisonment for cruelty acts to animals to five years, introducing the concept of aggravated cruelty, setting a timetable to review the Prevention of Cruelty to Animals Ordinance, etc. We aim to reply to these suggestions at the coming Bills Committee meeting scheduled for 10 October 2006.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Wallace Lau', written over the typed name below.

(Wallace Lau)

for Secretary for Health, Welfare and Food

c.c. DAFC (Attn: Mr S P Lau)
(Attn: Dr Eric Tai)
(Attn: Dr. Kenny Ho)
DoJ (Attn: Ms Lonnie Ng)

encl.

Examples of “aggravated offences” or “subsequent offences” in existing legislation

Aggravated Offences

Chapter	Name	Section	Offence	Maximum Penalty
210	Theft Ordinance	11,12	aggravated burglary - burglary carrying firearm, weapon, or explosives	imprisonment for life
			burglary	imprisonment for 14 years

Repeated Offences

Chapter	Name	Section	Offence	Maximum Penalty
151	Societies Ordinance	21	knowingly allows a meeting of a triad society to be held in his premises	first conviction: \$100,000 and 3 years
				second or subsequent conviction: \$200,000 and imprisonment for 5 years

148	Gambling Ordinance	6	gambling in a gambling establishment	first conviction: \$10,000 and imprisonment for 3 months
				second conviction: \$20,000 and imprisonment for 6 months
				third or subsequent conviction: \$30,000 and imprisonment for 9 months
374	Road Traffic Ordinance	42	driving without licence	first conviction: \$5,000 and imprisonment for 3 months
				second conviction: \$10,000 and imprisonment for 6 months
151	Societies Ordinance	20	claim to be a member of a triad society	first conviction: \$100,000 and 3 years
				second or subsequent conviction: \$250,000 and imprisonment for 7 years
424	Toys and Children's Products Safety Ordinance	31	toys not meeting safety requirement	first conviction: \$100,000 and imprisonment for 1 year

				second or subsequent conviction: \$500,000 and imprisonment for 2 years
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(a) Inspection of animal traders

Year	No. of inspections of animal traders
2004	5,472
2005	6,462
2006 (January to August)	4,975

(b) Inspection of construction sites

Year	No. of sites inspected
2004	289
2005	254
2006 (January to August)	222

Annex C

Prosecution Statistics and Sentencing Outcome (2003 to June 2006)

a) By sentencing outcome

Sentence pattern	2003	2004	2005	2006 (Jan- June)	Total
Not convicted	3	3	0	1	7 (12%)
Immediate imprisonment	0	1	1	1	3 (5%)
Community service order	0	0	1	1	2 (3%)
Bound-over/Conditional discharge	1	0	0	0	1 (2%)
Fine	13	14	12	5	44 (76%)
Caution/ Absolute discharge	0	0	0	1	1 (2%)
Total number of successful prosecution	14	15	14	8	51 (88%)
Total number of prosecution	17	18	14	9	58 (100%)

b) Number of prosecutions by prosecuting department

Prosecuting Department	2003	2004	2005	2006 (Jan-June)	Total
Police	9	9	11	5	34 (59%)
Agriculture & Fisheries Department	8	9	3	4	24 (41%)
Total number of successful prosecution	14	15	14	8	51 (88%)
Total number of prosecution	17	18	14	9	58 (100%)

c) Defendants sentenced with immediate imprisonment by duration of imprisonment

Duration of imprisonment	2003	2004	2005	2006 (Jan-June)	Total
Less than 1 month	0	1	1	0	2 (67%)
3 months	0	0	0	1	1 (33%)
Total	0	1	1	1	3 (100%)
Average duration of imprisonment					37 days

d) Defendants sentenced with fine by fine amount (HK\$)

Fine Amount(HK\$)	2003	2004	2005	2006 (Jan-June)	Total
Less Than 1,000	6	5	2	4	17 (39%)
1,000 – 1,999	4	5	6	1	16 (37%)
2,000 – 2,999	1	2	4	0	7 (16%)
3,000 – 3,999	1	1	0	0	2 (5%)
4,000	0	1	0	0	1 (3%)
Total	13	14	12	5	44(100%)
Overall Average Amount of Fine					\$1170