



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.: HWF (F) 6/8/2

來函檔號 Your ref.: CB2/BC/5/05

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27 October 2006

Miss Odelia LEUNG
Clerk to Bills Committee
Bills Committee on Prevention of Cruelty to Animals (Amendment)
Bill 2006
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Miss Leung,

**Bills Committee on
Prevention of Cruelty to Animals (Amendment) Bill 2006
Follow-up to the meeting on 10 October 2006**

Thank you for your letters dated 11 and 19 October 2006. At the request of the Bills Committee on the Prevention of Cruelty to Animals (Amendment) Bill 2006 (the Bill), I attach at Annex for Members' information the applications for review of sentence in cruelty to animal cases, under section 104 of the Magistrates Ordinance.

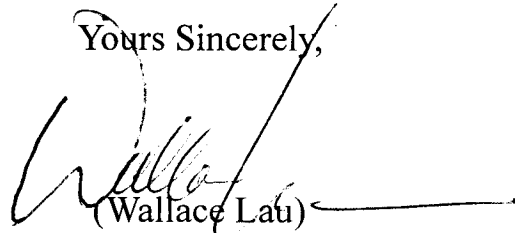
Regarding the proposal to introduce the offence of "aggravated cruelty" in the Bill, after considering Members' views and the long-standing general principle that the appropriate sentence of a case be left to the determination of the court having regard to the

gravity of the act committed and the other circumstances of the case, we remain of the view that the addition of an aggravated offence would neither be necessary nor desirable. As set out in the next paragraph, the Administration proposes to raise the penalty and imprisonment levels further and this should give the court sufficient latitude to impose heavy sentence to acts of aggravated cruelty, should the court consider it appropriate to do so.

Regarding the Bills Committee's proposal to further increase the maximum level of penalty for cruelty acts to animals to a fine of \$250,000 and 3 years of imprisonment, we have deliberated further on this proposal and sought the views from the relevant Departments. After considering all relevant factors, we now propose to further increase the maximum penalty in the main Ordinance from \$100,000 to \$200,000, and the maximum imprisonment from 1 year to 2 years. We also propose to increase the maximum fine in the Regulations from \$25,000 to \$50,000.

I should be grateful if you would pass on this reply to the Bills Committee.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Wallace Lau', is written over a horizontal line. The signature is fluid and cursive.

(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.

Annex**Applications for Review of Sentence in Cruelty to Animal Cases
between 2004 to June 2006**

Year	Case Summary	Original Sentence	Results of the Review
2005	A man threw a dog through an open window from the first floor, causing the dog to sustain injuries.	A fine of \$5,000	Review granted. A 7 days' imprisonment replaced the original sentence.
2006	An elderly man, living on social welfare payment, beat a neighbour's dog with a stick.	A fine of \$500	Review dismissed.