

立法會
Legislative Council

LC Paper No. CB(2) 3157/05-06
(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/05

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

**Minutes of the second meeting
held on Tuesday, 26 September 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TIEN Pei-chun, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon Margaret NG
Hon CHOY So-yuk, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
- Member attending** : Hon James TO Kun-sun
- Members absent** : Hon Fred LI Wah-ming, JP
Hon Daniel LAM Wai-keung, SBS, JP
- Public Officers attending** : Health, Welfare and Food Bureau

Mr CHEUK Wing-hing, JP
Deputy Secretary (Food and Environmental Hygiene)

Mr Wallace LAU
Principal Assistant Secretary (Food and Environmental
Hygiene)¹

Miss Sally KAN
Assistant Secretary (Food and Environmental Hygiene)²

Agriculture, Fisheries and Conservation Department

Mr LAU Sin-pang, JP
Deputy Director

Dr Eric TAI
Senior Veterinary Officer
(Animal Management)(Acting)

Dr Kenny HO Chin-ho
Veterinary Officer (NTN)

Department of Justice

Ms Lonnie NG
Senior Government Counsel

Attendance by invitation : Concern Group for Pets

Miss Grace CHEUNG
Chairman

Miss Jacqueline LI
Committee Member

Society for the Prevention of Cruelty to Animals (Hong Kong)

Mr Steven CALPIN
Executive Director

Ms Kelly WONG
Member of Executive Committee

Animal Earth

Ms Carmen CHAN
Officer

Miss NG So-shan
Officer

Hong Kong Alleycat Watch

Miss Helena CHUNG
Chief Officer

BagMeHome

Miss CHU Po-shan
Secretary

Civic Party

Ms Linda WONG
Member

Ms Dora WONG
Member

Hong Kong Kennel Club

Mr Matthew TSANG
Honorary Secretary

The Hong Kong and Kowloon Kennel Association

Mr WAI Kee-shun
Chartered President

Mr TANG Kwong-wing
President

Yau Tsim Mong District Council

Mr CHAN Siu-tong
Member, Yau Tsim Mong District Council

World Animal Rights (Charity) Association Ltd

Mr Raymond TSANG
Advisor

Animals Asia Foundation

Ms Anneleise SMILLIE
Education Director

Ms Tamara BOND
General Counsel

Hong Kong No Kill City Forum

Dr John WEDDERBURN
Chair

Ms Jennie FUNG
Member

Hong Kong Licensed Pet Traders Association

Mr LI Kwok Wai
Chairman

Mr SOM Wing Tung
Secretary

Ms Charlotte TSUI

Ms Althea TAN

Dr Anthony JAMES

Mr CHIK Wing-keung

Mr Nelson LAM

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Amy YU
Senior Council Secretary (2)3

Ms Katherine YEUNG
Legislative Assistant (2)6

Action

I. Confirmation of minutes
[LC Paper No. CB(2)2901/05-06 – Minutes of meeting on 21 July 2006]

The minutes of the meeting held on 21 July 2006 were confirmed.

Action

II. Meeting with deputations/individuals and the Administration

2. The Bills Committee deliberated (Index of proceedings attached at the **Appendix**).

Follow-up actions to be taken by the Administration

Admin

3. The Administration was requested to –
- (a) reflect to the law enforcement agencies (LEAs) the concerns raised by deputations that the LEAs had failed to appreciate the severity of offences under the Prevention of Cruelty to Animals Ordinance (Cap 169) and had not enforced the provisions vigorously;
 - (b) consider providing for heavier penalties for aggravated offences or repeated offences Cap 169;
 - (c) provide examples, if any, of existing legislation which had provisions for aggravated offences or repeated offences;
 - (d) review Cap 169 and provide a timetable on the overall review of Cap 169;
 - (e) consider addressing the less complex issues concerning cruelty to animals in the Bill, with the more complex issues being dealt with at a later stage, for example, whether abandoning animals should be made an offence under Cap 169;
 - (f) provide at the next meeting the number of inspections of pet shops and animal breeders conducted; and
 - (g) provide an updated response to views expressed by the deputations at the meeting.

4. The Chairman also requested the deputations to provide written submissions to the Bills Committee after the meeting if they had not done so.

III. Any other business

Date of next meeting

5. Members agreed that the next meeting would be held on 10 October 2006 at 2:30 pm.

Action

6. The meeting ended at 12:53 pm.

Council Business Division 2
Legislative Council Secretariat
10 October 2006

**Proceedings of the Bills Committee on
Prevention of Cruelty to Animals (Amendment) Bill 2006
on Tuesday, 26 September 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 - 000700	Chairman	Confirmation of minutes of the meeting held on 21 July 2006 Opening remarks	
000701 - 001003	Chairman Admin	Briefing by the Administration on the Bill	
001004 - 001114	Concern Group for Pets	Presentation of views [LC Paper No. CB(2)2920/05-06(02)]	
001115 - 001237	Society for the Prevention of Cruelty to Animals (Hong Kong) (SPCA)	Presentation of views [LC Paper No. CB(2)2948/05-06(01)]	
001238 - 001547	Animal Earth	Presentation of views [LC Papers No. CB(2)2802/05-06(03) and CB(2)3085/05-06(02)]	
001548 - 001859	Hong Kong Alleycat Watch	Presentation of views [LC Paper No. CB(2)2948/05-06(02)(Revised)]	
001900 - 002210	BagMeHome	Presentation of views [LC Paper No. CB(2)3061/05-06(02)]	
002211 - 002519	Civic Party	Presentation of views [LC Paper No. CB(2)3078/05-06(01)]	
002520 - 002538	Hong Kong Kennel Club	Presentation of views Expression of support for the Bill	
002539 - 002933	The Hong Kong and Kowloon Kennel Association (HKKKA)	Presentation of views [LC Paper No. CB(2)2980/05-06(01)] Expression of views on the special needs of certain training, e.g. training of guard dogs.	
002934 - 002955	Yau Tsim Mong District Council	Presentation of views Expression of support for the Bill	
002956 - 003004	World Animal Rights (Charity) Association Ltd	Presentation of views	

Time marker	Speaker	Subjects	Action required
003005 - 003345	Animals Asia Foundation	Presentation of views [LC Paper No. CB(2)2948/05-06(03)]	
003346 - 003540	Hong Kong No Kill City Forum	Presentation of views [LC Paper No. CB(2)2948/05-06(04)]	
003541 - 003701	Hong Kong Licensed Pet Traders Association	Presentation of views [LC Paper No. CB(2)3061/05-06(04)]	
003702 - 004144	Ms Althea TAN Chairman	Presentation of views [LC Paper No. CB(2)3103/05-06(02)]	
004145 - 004443	Dr Anthony JAMES	Presentation of views [LC Paper No. CB(2)2948/05-06(23)]	
004444 - 004912	Mr CHIK Wing-keung	Presentation of views [LC Paper No. CB(2)2980/05-06(03)]	
004913 - 005025	Mr Nelson LAM	<p>Presentation of views</p> <p>Expression of support for the Administration's proposal to increase the maximum penalty for acts of cruelty against animals</p> <p>Programme conducted by the Animal Welfare Advisory Group on the handling of cruelty to animal cases for the police</p>	
005026 - 005355	Ms Charlotte TSUI	<p>Presentation of views</p> <p>Expression of support for the recommendations of the Animal Earth</p> <p>The need for the Administration to look squarely at the issue of animal abuse which posed a serious social problem</p>	
005356 - 010557	Chairman Admin	<p>Administration's initial response to deputations' views expressed at the meeting, as follows –</p> <p>— In setting the penalty level proposed in the Bill, the Administration had made reference to the penalties against cruelty to animals in other countries. Other relevant considerations taken into account by the Administration included the situation in Hong Kong and relativity with the penalty level of other offences such as dangerous driving (normally a</p>	

Time marker	Speaker	Subjects	Action required
		<p>maximum fine of \$25,000), and assault on police officer (maximum 2-year imprisonment).</p> <ul style="list-style-type: none"> — The proposed penalty level represented a significant increase in penalty for offences under Cap 169, which would bring home to the society and the courts the severity of offences concerning cruelty to animals. — The proposed increase in penalty, together with enhanced efforts in promoting responsible animal guardianship and respect for animal lives, would serve the purpose of deterring cruelty to animals. — The Administration considered it inappropriate to set a minimum penalty as the court would determine the appropriate amount of penalty having regard to the circumstances of each case. — The Administration would reflect to the law enforcement agencies (LEAs) the concerns raised by deputations that the LEAs had not enforced the provisions vigorously. — An overall review of Cap 169 required careful considerations of the issues involved and the Administration could not commit a timetable on review at this stage. 	<p>The Administration to take action under paragraph 3(a) of the minutes.</p>
010558 - 011234	Chairman Mr WONG Kwok-hing Admin	<p>A member's view that the Administration should further increase the penalty level for offences concerning cruelty to animals as requested by many deputations</p> <p>Concern about the lack of legislative provisions to protect the welfare of stray cows</p>	
011235 - 011804	Mr James TO Admin Chairman	The need to update Cap 169 to reflect the society's changing attitude and value towards animals	

Time marker	Speaker	Subjects	Action required
011805 - 012626	Ms Audrey EU Admin Chairman	<p>The countries to which the Administration had made reference when setting the penalty level proposed in the Bill</p> <p>A member's view that it was not appropriate to draw reference to the penalty level for the offences of assault on the police and dangerous driving in determining the penalty level for offences of cruelty to animals</p> <p>Discussion on whether it was feasible to impose other penalties on convicted offenders such as lifelong ban from animal ownership and mandatory psychiatric treatment</p> <p>The Administration was requested to –</p> <p>(a) consider providing for heavier penalties for aggravated offences or repeated offences under Cap 169; and</p> <p>(b) review Cap 169 and provide a timetable on the overall review of Cap 169.</p>	<p>The Administration to take action under paragraph 3(b) of the minutes.</p> <p>The Administration to take action under paragraph 3(d) of the minutes.</p>
012627 - 013513	Mr LEE Cheuk-yan Admin Chairman Hong Kong Licensed Pet Traders Association	<p>A member's view that the Administration should further increase the penalty level proposed in the Bill to send a strong message that cruelty to animals would not be tolerated by the society.</p> <p>Concern about the small number of prosecutions in relation to offences under Cap 169 and whether the LEAs conducted regular inspections on pet shops and animal breeders</p> <p>Explanation by the Administration that the Agriculture, Fisheries and Conservation Department (AFCD) conducted regular inspections on pet shops and was planning to draw up a charter setting out the requirements for keeping dogs at construction sites</p> <p>Hong Kong Licensed Pet Traders Association's view that in amending Cap 169, the Administration should take into account the impact of the proposed amendments on the pet trade and the feasibility of the proposed amendments</p>	

Time marker	Speaker	Subjects	Action required
013514 - 014015	Miss CHOY So-yuk Admin	<p>The need to promote the concept of animal welfare and responsible animal guardianship</p> <p>The Administration was requested to consider addressing the less complex issues concerning cruelty to animals in the context of the Bill, with the more complex issues being dealt with at a later stage.</p>	<p>The Administration to take action under paragraph 3(e) of the minutes.</p>
014016 - 014537	Mr WONG Kwok-hing Chairman Admin	<p>The need for an overall review of Cap 169</p> <p>The need for the Administration to look after the welfare of stray cows</p>	
014538 - 015346	Ms Audrey EU Admin Chairman SPCA Civic Party	<p>The Administration was requested to provide examples, if any, of existing legislation which had provisions for aggravated offences or repeated offences.</p> <p>SPCA's view that abandoning animals, an act of cruelty, should be made an offence within the penalties proposed</p> <p>Explanation by the Administration that abandoning animals without reasonable excuse already constituted an offence under section 22 of the Rabies Ordinance (Cap 421) which carried a maximum penalty of a fine of \$10,000 and imprisonment for 6 months</p> <p>Civic Party's view that abandonment of animals should be made an offence under Cap 169 to convey the message that abandonment of animals constituted cruelty to animals</p>	<p>The Administration to take action under paragraph 3(c) of the minutes.</p>
015347 - 015456	HKKKA	<p>The need to consider all relevant factors in considering review of animal-related legislation, e.g. the implications of including abandonment of animals in Cap 169 on activities such as releasing animals for religious reasons.</p>	

Time marker	Speaker	Subjects	Action required
015457 - 015720	Miss CHOY So-yuk Chairman Admin	<p>The Administration would report to the Bills Committee at the next meeting on issues concerning cruelty to animals which could be addressed in the Bill.</p> <p>Explanation by the Administration that releasing animals for religious reasons was deemed a reasonable excuse for abandoning animals, and as such would not constitute an offence under the Rabies Ordinance (Cap 421).</p>	The Administration to take action under paragraph 3(e) of the minutes.
015721 - 015854	Chairman Animal Earth	The need for the Administration to update the policy on animal welfare to reflect the views of society	
015855 - 020015	Animals Asia Foundation	Disagreement with the Administration's view that setting up minimum penalty would encroach on the independence of the Judiciary	
020016 - 020125	Mr CHIK Wing-keung	The view that killing animals as food should be done in a humane manner	
020126 - 020155	BagMeHome	<p>The Administration was requested to provide a response to the following –</p> <p>(a) whether the Administration conducted any regular inspections on animal breeders, construction sites where dogs were kept and private stray animals farms; if yes, the records of such inspections and public's access to such information;</p> <p>(b) the number of prosecutions instituted against animal breeders, construction sites where dogs were kept and private stray animals farms for offences relating to cruelty to animals, the records of such information and public's access to such information; and</p> <p>(c) how the Administration regulated the crematoriums for animals.</p>	The Administration to take action under paragraph 3(g) of the minutes.
020156 - 020425	Civic Party	Examples of inadequacies of Cap 169	
020426 - 020617	Chairman Mr LEE Cheuk-yan Ms Audrey EU	Date of next meeting	

020618 - 020645	Admin Chairman	The Administration would provide at the next meeting data on the Administration's inspection of pet shops and animal breeders	The Administration to take action under paragraph 3(f) of the minutes.
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10 October 2006