

August 17th 2006

The Hon. James TIEN Pei-chun  
The Legislative Council  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

Dear Chairman,

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

The Animals Asia Foundation fully supports the Hong Kong Government's efforts to improve the existing animal welfare legislation through the proposed increase of penalties against animal cruelty. The presentation of this bill is an important first step towards addressing the inadequacy of current penalties and we sincerely hope that this Bill will be enacted into law without delay. However, we would also like to recommend that this Bill should stand only as an interim measure, until a comprehensive content review of the Prevention of Cruelty to Animals Ordinance (Cap.169) can be undertaken.

In addition to increasing maximum penalties, we propose that this Bill set out “minimum” penalties for each offence. Hong Kong courts have been persistently lenient in the past - imposing very low penalties on offenders. If the purpose in raising the penalties is to increase the deterrent effect of the legislation, but the courts continue to impose such small penalties, then the resulting deterrent effect will be limited. The Animals Asia Foundation therefore recommends the Legislative Council consider minimum penalties, such as the following:

- 1) Minimum fines
- 2) Minimum imprisonment periods
- 3) Probationary periods: for example, an additional conviction of the same offence within 2 years could result in a mandatory penalty of double the maximum.
- 4) Reasonable costs incurred pursuant to the dispute, including costs of the investigation into the cruelty as well as costs for the care, adoption or euthanasia of the animal, as required. (Currently, those convicted only need to pay the cost of maintenance and treatment, but can ask that the animal be destroyed to avoid these costs.)

The proposed increase in penalties is significant and rightfully so, however it is important to note that the comparison of these new penalties with those of other countries in Annex B is misleading, as a number of the countries listed (such as Great Britain) are currently in the process of revising their own outdated legislation. As a progressive and dynamic society,

Hong Kong should be aligning itself with the new legislation that is currently being developed, as opposed to implementing laws that will soon be redundant elsewhere. For the record, we would also like to state that the Animals Asia Foundation is in full support of the specific recommendations submitted by the SPCA, which relate to clauses 2,3,4 and 5 of the Bill.

As I am sure the Bills Committee is aware, many studies in psychology, sociology and criminology over the last 25 years have demonstrated that violent offenders frequently have childhood and adolescent histories of serious and repeated animal cruelty. Comprehensive animal protection laws and suitable deterrents in the form of severe penalties, coupled with strict enforcement, are therefore vital components of any progressive society. We look forward to an immediate amendment of Cap 169 with an increase of the penalties, followed swiftly by a full review and complete reformation of the ordinance's content.

Thank you in advance for your time and consideration of this submission.

Yours sincerely,

A handwritten signature in cursive script that reads "Jill Robinson". The signature is written in black ink and is positioned above a horizontal line that serves as a separator between the signature and the typed name below.

Jill Robinson MBE  
CEO & Founder  
Animals Asia Foundation