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Subject Bills Committee on

To the Clerk to Bills Committee on
Prevention of Cruelty to Animals (Amendment) Bill 2006
Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Central, Hong Kong

13 September 2006

Dear Sir/Madam,

Views on the Prevention of Cruelty to Animals (Amendment) Bill 2006

I am writing to express my views on the Prevention of Cruelty to Animals (Amendment) Bill 2006:

1. With regard to the acts of animal cruelty included under the Prevention of Cruelty to Animals Ordinance (Cap. 169), I think the coverage is quite inadequate, and I believe a lot of cases which are sufficient to be considered as animal cruelty cannot be properly dealt with.

The definition on acts of cruelty to animals, according to the Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 3 (1), is too vaguely made and it covers only limited aspects of animal cruelty acts which are committed everyday in Hong Kong. The lack of a definition which points to the reality of cruelty acts committed fails to bring a deterrent effect against cruelty to animals.

The following points are cruelty acts happening on a daily basis in our society but there is a lack of regulations loud and clear enough to deter such acts from happening. I sincerely hope that the following points can be added into the Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 3, so that the scope and meaning of cruelty acts to animal would become more realistic and understandable to all.

1.1 There is no mention in the Ordinance about the responsibility of animal owners to provide necessary and lawful medical attention to the animals they keep or animals under someone's care. To neglect an animal's medical need is an act of animal cruelty.

1.2 Mammals like Homo sapiens, Canis and Felinus all have the need to stay with their mother for a certain period of time (at least 8 weeks after birth in the case of puppies) after birth, so as to receive not only proper nursing essential to their health and growth, but also teaching and discipline from their mother to help them develop

into well-mannered and well-adjusted adults. Cases are not uncommon nowadays that baby animals which are too young to separate from their mothers are found displayed in places where animals are sold as pets. Forcing baby mammals to leave their mothers prematurely, hence depriving them the nourishment and security of motherly care, hurts both the babies and the mothers, is an act of animal cruelty.

1.3 The Ordinance does not regulate the maximum number of litters allowed to be produced by an animal owned by animal keepers. A professional pedigree dog breeder, for example, would allow only a maximum of three litters from a bitch during her (the bitch's) entire life, two is ideal for the well-being of the animal. Forcing, and/or assisting and/or encouraging an animal to reproduce continually is an act of animal cruelty.

1.4 Most animals kept by human families or under the temporarily care of a pet shop, like dogs and cats, are highly sociable animals. They are very much like human beings in the sense that they need continual interaction with their environment and positive and healthy mental stimulation in order to survive and grow properly and healthily. Prolonged confinement of an animal into a fixed area without proper stimulation sprang either from a toy, or a partner or bodily touch from a human being is a severe mental torture to an animal. Such kind of mental torture is an act of animal cruelty.

2. According to the Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 5 (3),

"If any animal has been taken to any place in pursuance of an order made under this section any person who has been convicted of an offence in respect of such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it shall remain therein, and such fees may be recovered as a fine:

Provided that, if the owner of any such animal shall request the officer in charge of the animal to destroy it, such officer shall forthwith cause the animal to be destroyed, and no fees shall be payable in respect of the maintenance or treatment of such animal for any time subsequent to such request."

I see this stipulation actually an encouragement of animal cruelty. It is sending out a clear notion that a person can simply escape the monetary responsibility to an animal by destroying the animal. What's the principle behind all the Ordinance and rules we are discussing here if our law explicitly allows such thing to happen?

I would therefore suggest an amendment to the content of the Prevention of Cruelty to Animals Ordinance (Cap. 169) Section 5 (3) as follows:

"If any animal has been taken to any place in pursuance of an order made under this section any person who has been convicted of an offence in respect of such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it shall remain therein, and such fees may be recovered as a fine:

If the owner of any such animal shall request giving up ownership of any such animal, the officer in charge of the animal shall find the animal an appropriate Animal shelter

or Organization, the owner of any such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it remains under the care of the officer in charge of the animal, and such fees may be recovered as a fine."

Yours faithfully,

Fong Hoi Kuen

A permanent resident of Hong Kong