



NEWS RELEASE

For Immediate Release

Convicted of Animal Cruelty

On Aug 20, 2013, Judge Ng Peng Hong ruled in favour of the Prosecution when he found Roy Ling Chung Yee guilty of subjecting his pet dog to unnecessary suffering by keeping it in the apartment balcony, exposing it to sun and rain, and not providing it with adequate food and water.

Mr Ling was convicted of animal cruelty under **section 42(1)(e)** of the *Animals and Birds Act, Chapter 7*, and fined \$5,000.

The Society for the Prevention of Cruelty to Animals (SPCA) was first notified in June 2011 by a concerned resident at the condominium known as 88 Mackenzie that the dog, a Border Collie, was seen almost every day on the balcony and exposed to the sun and rain.

Another two residents of the same condominium stepped forward to complain to the SPCA of observing the same Border Collie confined to the balcony daily and even in the evenings.

A fourth person, a property executive of the condo, claimed she received reports from other concerned residents of the dog's incessant barking and continual confinement to the balcony.

The SPCA's inspectors attempted to contact Mr Ling several times but he did not respond. We then alerted the Agri-Food and Veterinary Authority (AVA) in August 2011. In the course of the next three months we proceeded to gather evidence, namely, photographs and video recordings and submitted them as proof of the situation to the AVA. AVA's own inspectors and vets also visited Mr Ling and advised Mr Ling to improve the living conditions of his pet dog.

The SPCA continued to submit feedback to the AVA as we received more reports of Mr Ling continuing to keep his pet dog in the balcony.

In December 2011, the SPCA lodged a Police Report and Magistrate' Complaint.

AVA visited the premises 6 times at different times of the day including 12.30am and 3am in the mornings during the investigation. AVA was able to proceed with the charge against Roy Ling because of the testimonial evidence of the various witnesses, including the residents and SPCA's expert witnesses that supported the evidence that AVA had.

AVA referred the matter to the AG's Chambers who took the decision to prosecute Mr Ling.

Eleven witnesses appeared for the Prosecution, including practicing veterinarians, a veterinarian surgeon, AVA officers and our inspector, and a certified dog trainer whose specialty is in dog behaviour.

One of the main issues was whether the animal had been exposed to "unnecessary suffering" as a result of its treatment, in view of the fact that signs of physical hurt (e.g. wounds or ill health) were not evident. The words "unnecessary suffering" had not been defined in the Act. Expert witnesses called by the Prosecution gave evidence *that the living conditions did cause unnecessary suffering to the animal.*

In rendering his judgement, Judge Ng said the Prosecution had proved its case beyond a reasonable doubt.

"I am of the view that unnecessary suffering is not the same as the dog was sick or physically injured," Judge Ng wrote. He agreed with the view of AVA's veterinarian that the welfare of the dog was not dependant on whether the dog is healthy or not. "This is consistent with the preamble of the said Act which is to provide for among other things, the prevention of cruelty to animals and for measures pertaining to the general welfare."

Judge Ng said his view was also consistent with the opinion expressed by the various veterinarians who testified on behalf of the Prosecution. He referred to Dr Kang Nee, a certified dog trainer and a specialist in dog behaviour, who stated clearly that the dog can be stressed by being exposed to the elements for a long time. Judge Ng noted that the Border Collie, being an active working dog had been confined in the balcony over a period of 6 months for at least up to 6 hours a day and exposed to rain, sun and strong wind, and that any reasonable person would conclude that this constitutes suffering and it is unnecessary suffering. The suffering would be aggravated if there was inadequate food or water, and there was ample evidence to support the Prosecution's case that the dog was not provided with adequate food and water at the material time.

"We are elated with this verdict as it sets a precedent for the future whenever the SPCA is called on to investigate cases where owners persist in keeping their pets in unacceptable living conditions: we have a critical judgement as our guide now, that this does cause unnecessary pain and suffering to the animal, and is against the law", said Ms Corinne Fong.

The case ***Public Prosecutor vs Ling Chung Yee Roy - [2013] SGDC 252***, is now in the public domain.

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Section 42(1)(e) of the Animals and Birds Act

Section 42(1)(e) of the Act provides that “Any person who causes, procures or, being the owner, permits to be confined, conveyed, lifted or carried any animal in such a manner or position as to subject it to unnecessary pain or suffering; shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; except where an owner is convicted of having permitted cruelty to an animal under subsection (2), he shall be liable to a fine not exceeding \$10,000.”

