

**立法會**  
**Legislative Council**

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**Paper for the House Committee meeting on 19 December 2014**

**Report of the Subcommittee on  
Dangerous Dogs Regulation (Exemption) (Amendment) Notice 2014  
and Rabies (TNR Programme) (Exemption) Notice**

**Purpose**

This paper reports on the deliberations of the Subcommittee on Dangerous Dogs Regulation (Exemption) (Amendment) Notice 2014 and Rabies (TNR Programme) (Exemption) Notice ("the Subcommittee").

**Background**

Management of stray dogs

2. Under its stray dogs management programme, the Agriculture, Fisheries and Conservation Department ("AFCD") will catch stray dogs in response to complaints of noise and environmental hygiene nuisances, potential danger to members of the public and dog biting incidents. According to the Administration, stray dogs caught will first be sent to AFCD's Animal Management Centres for observation. If their health conditions permit, the animals will stay for four days. During the observation period, veterinary officers on duty will closely monitor the animals' health and other conditions to ascertain their suitability for re-homing. For dogs licensed and implanted with a microchip, AFCD will try to contact the owners for reclaiming their animals. For dogs not microchipped or unclaimed by owners, they may be passed to animal welfare organizations ("AWOs") for re-homing if they are found to be healthy and of a mild temperament. Animals which are assessed to be unsuitable for re-homing due to health or temperament reasons or cannot be rehomed by AWOs will be euthanized.

3. According to the Administration, through a number of new and enhanced measures taken by AFCD, the number of stray dogs euthanized has decreased in recent years. Notwithstanding this, there are still concerns about the number of stray dogs euthanized as well as the propriety of the catching and disposal methods. There are suggestions that the Administration should explore

implementation of the Trap-Neuter-Return ("TNR") programme in Hong Kong as an additional method to control the stray dog population.

### TNR Programme

4. Under the TNR programme, stray dogs are caught, neutered and then returned to their original habitat. Proponents believe that, through the TNR programme, the stray dog population will gradually decline without resorting to euthanasia. From available overseas experience and data, however, the effectiveness of the TNR programme in reducing the stray dog population and its associated nuisance has yet to be scientifically proven.

5. According to the Administration, two AWOs, namely the Society for the Prevention of Cruelty to Animals and the Society for Abandoned Animals, have been advocating the TNR concept. In a bid to tackle the problems posed by stray dogs and associated nuisance, AFCD has agreed to assist the two aforementioned AWOs, which will be the programme coordinators ("PCs"), to carry out a three-year trial TNR programme in selected sites in Cheung Chau and Tai Tong (maps attached in **Appendix I**), with a view to ascertaining the effectiveness of TNR as a means to tackle such problems. Outside the designated trial zones for the TNR programme, AFCD will continue to apply the catch-and-remove method to control the stray dog population in Hong Kong.

### **L.N. 137 and L.N. 138**

#### Dangerous Dogs Regulation (Exemption) (Amendment) Notice 2014 (L.N. 137)

6. Section 9(1) of the Dangerous Dogs Regulation (Cap. 167D) provides that no person shall cause, suffer or permit a large dog<sup>1</sup> to enter or remain in a public place unless it is securely held on leash or tied to a fixed object on a leash. L.N. 137 amends the Dangerous Dogs Regulation (Exemption) Notice (Cap. 167F) to add an exemption that section 9(1) of Cap. 167D does not apply to a person who causes, suffers or permits a large dog to be released under the TNR Programme. A dog is released under the Programme if the following conditions are met –

- (a) the dog must be released within a trial zone by a person carrying an identification card issued by PC to show that the person is an employee or volunteer of PC, and the person has completed a training course organized by PC; and

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<sup>1</sup> Under section 2 of Cap. 167D, "large dog" is defined to mean dog having body weight of 20 kg or above but does not include a fighting dog or a known dangerous dog.

- (b) the dog must be affixed with an identification mark by PC on the basis that it has been assessed as being suitable for release within a trial zone, and has been neutered and vaccinated against major dog diseases.

7. L.N. 137 also sets out supplementary requirements regarding the training courses to be completed by the employee or volunteer of PC and the assessment of dogs.

#### Rabies (TNR Programme) (Exemption) Notice (L.N. 138)

8. Section 22(1) of the Rabies Ordinance (Cap. 421) prohibits a keeper of any animal<sup>2</sup> from abandoning that animal without reasonable excuse. Section 23(1) of Cap. 421 provides that a dog must not be in a public place or a place from which it may reasonably be expected to wander into a public place, unless it is on a leash or otherwise under control. L.N. 138 provides that sections 22(1) and 23(1) do not apply when a dog is released under the TNR Programme. A dog is released under the Programme if conditions similar to those provided in L.N. 137 are met (see paragraphs 6 and 7 above).

9. Section 20(1) of the Rabies Regulation (Cap. 421A) provides that no person shall keep a dog over the age of five months except under and in accordance with a licence. L.N. 138 exempts a person from this provision if the person keeps the dog under the TNR Programme. The dog is kept under the Programme if the following conditions are met –

- (a) the person keeps the dog within the premises of PC for the purposes of assessing the dog's suitability for being released within a trial zone and if applicable, neutering and vaccinating the dog; or
- (b) the person is issued with an identification card and keeps the dog with a view to bringing it to the premises of PC for the above purposes, or to bringing it to, and releasing it within a trial zone.

(L.N. 137 and L.N. 138 are collectively referred to as "the Notices")

#### Scrutiny period and commencement of the Notices

10. The Notices were gazetted on 14 November 2014 and tabled at the Legislative Council ("LegCo") on 20 November 2014. The scrutiny period was extended from 17 December 2014 to 14 January 2015 by resolution of the Council passed at its meeting of 3 December 2014.

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<sup>2</sup> Under section 2 of Cap. 421, "animal" is defined to mean an animal of the class Mammalia (mammals), except human beings.

11. The Notices will come into operation on 16 January 2015.

### **The Subcommittee**

12. At the House Committee meeting on 21 November 2014, Members agreed to form a subcommittee to study the Notices. The membership list of the Subcommittee is in **Appendix II**.

13. Under the chairmanship of Hon Claudia MO, the Subcommittee held a meeting with the Administration on 28 November 2014. A list of the organizations/individuals which/who have provided submissions to the Subcommittee is in **Appendix III**.

### **Deliberations of the Subcommittee**

#### Effectiveness of the TNR trial programme

14. Members in general have expressed support for the proposed TNR trial programme in a bid to ascertain the effectiveness of the programme in reducing stray dog population within the trial zones and its associated nuisance. Hon LEUNG Che-cheung has enquired about the actions to be taken to follow up complaints against stray dogs in the trial zones during the trial period. The Administration has advised that any complaint of dog nuisance, regardless of whether it is inside or outside the trial zones, will continue to be handled by AFCD. For complaints against stray dogs inside a trial zone, AFCD will conduct inspection upon receipt of a complaint and, if the dog concerned is one bearing a microchip and a visual marker<sup>3</sup> given by PC, AFCD will not catch it. In cases where the dog concerned is not so marked, it will be caught and, if confirmed to be owned, will be returned to its owner. If not, a joint assessment will be carried out by PCs and AFCD as to whether the dog is suitable to be kept under the trial programme and, where suitable, it will be given the necessary treatments<sup>4</sup> before being released back to the trial zone. Some members have asked whether re-homing will also be considered instead of releasing the dog to the trial zone. The Administration has advised that unowned dogs will be re-homed if they are healthy and of an appropriate temperament. These dogs will be released to the trial zones if efforts for re-homing are not successful.

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<sup>3</sup> A dog selected to be kept in the trial programme will be implanted with a microchip. Moreover, a visual marker (e.g. a dog collar, tattoo) will be put on the dog before it is released to the trial zone.

<sup>4</sup> Those dogs selected to be kept in the trial programme will undergo a veterinary examination by a registered veterinary surgeon before they are released back to the trial zone. These dogs will be given prophylactic treatments against various parasites. They will be neutered, microchipped (as explained in footnote 3) and given anti-rabies vaccination and other vaccines for the control of parvovirus infection, canine distemper, infectious canine hepatitis and leptospirosis.

15. Hon CHAN Chi-chuen has requested the Administration to explain why, based on available overseas experience and data, the effectiveness of TNR in reducing the stray dog population and its associated nuisance has yet to be scientifically proven as stated in the LegCo Brief. The Administration has explained that the effectiveness of the trial programme in reducing stray dog population may be affected by many factors, e.g. whether the pace of catching stray dogs in a trial zone could catch up with their breeding rate; whether continued support will be rendered by local residents; and whether the carers' regular feeding of stray dogs in a trial zone will induce more stray dogs to move into the trial zone from outside. The Administration has advised that based on overseas experience, the outcome of TNR efforts varies in different places.

16. The Subcommittee has noted that the initial stray dog population in the trial zone in southern Cheung Chau is 30. Dr Hon Helena WONG has asked how the effectiveness of the TNR trial programme can be assessed in a scientific and accurate manner, given that the trial zone will not be fully enclosed and stray dogs are free to move in and out of the trial zone. The Administration has advised that, to ensure an independent assessment of the outcome of the trial programme, a consultant will be commissioned to conduct a baseline population survey in collaboration with PCs before the commencement of the trial programme. The Administration has explained that dogs are inclined to stay in their own familiar zone. Moreover, given the carers' feeding at regular time under the programme, the stray dogs within the trial zone are expected to remain in the zone instead of moving out. Nevertheless, the Administration acknowledges the possibility of inducing other dogs from other parts of Cheung Chau to move to the trial zone due to the carers' regular feeding there. It is therefore necessary to conduct the trial programme to ascertain its effectiveness. Members have called on the Administration to step up publicity against dog abandonment by irresponsible owners in the vicinity of the trial zone as such behaviour will also affect the outcome of the trial programme in the zone. The Administration has advised that AFCD and PCs will carry out public education and publicity activities in the vicinity of the trial zone to enhance local residents' understanding of the TNR trial programme. AFCD will also follow up any suspected cases of dog abandonment.

#### Suspension/Termination of the trial programme

17. With regard to the conditions for suspension of the TNR trial programme<sup>5</sup>, Hon Claudia MO has asked whether it is justifiable to suspend the

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<sup>5</sup> As set out in paragraph 17 of the LegCo Brief, the trial programme will be suspended if any of the following conditions arise: (a) significant increase in the number of complaints concerning animal nuisance and animal welfare in respect of the trial programme; or (b) fatal or serious accident(s) caused by one or more dogs of the trial programme.

trial programme if only one single dog of the trial programme has caused fatal or serious accident, and whether the threshold could be adjusted from "one dog" to "two to three dogs". She has also suggested that, in deciding whether or not to suspend the trial programme, consideration should be given not just to the number of complaints but also the seriousness of the issues involved and the justifications put forward by the complainants.

18. The Administration has explained that based on past experience, the occurrence of even only one fatal or serious incident caused by a dog could cause grave concern amongst the local residents. The Administration would be obliged to take immediate action to alleviate residents' concern. The Administration has advised that during the suspension period, AFCD will make the best endeavour to work with PCs and other parties to resolve issues. Only if AFCD and PCs are unable to come up with feasible solutions to prevent future occurrence of these incidents will the Administration consider terminating the trial programme.

19. The Subcommittee has noted that the Notices do not contain any provision regarding the expiry of the new exemptions. The Subcommittee has enquired about the reasons for not stipulating the cessation of the new exemptions provided in the Notices and the mechanism for dealing with the exemptions upon expiry of the trial period or early termination of the TNR trial programme.

20. The Administration has explained that, whilst the TNR trial programme is intended to run for three years, it might be subject to early termination in order to safeguard public health and safety as and when there is emergence of any rabies or zoonotic disease case in Hong Kong where transmission by stray dogs is confirmed to play a role in the disease epidemiology. Besides, upon expiry of the three-year trial period, AFCD may consider continuation or otherwise of the TNR programme taking into account the overall assessment on the effectiveness of the TNR programme in tackling the problems posed by stray dogs and associated nuisance. In the event that the TNR programme is to be terminated, the Director of Agriculture, Fisheries and Conservation will repeal the relevant provisions for the exemptions in the Notices by means of subsidiary legislation.

21. In view of the possible variation on the duration of the TNR programme as explained above and to allow flexibility, the Administration has decided not to add any provision regarding the expiry of the new exemptions.

**Recommendation**

22. The Subcommittee does not object to the Notices. The Subcommittee and the Administration will not propose any amendment.

**Advice sought**

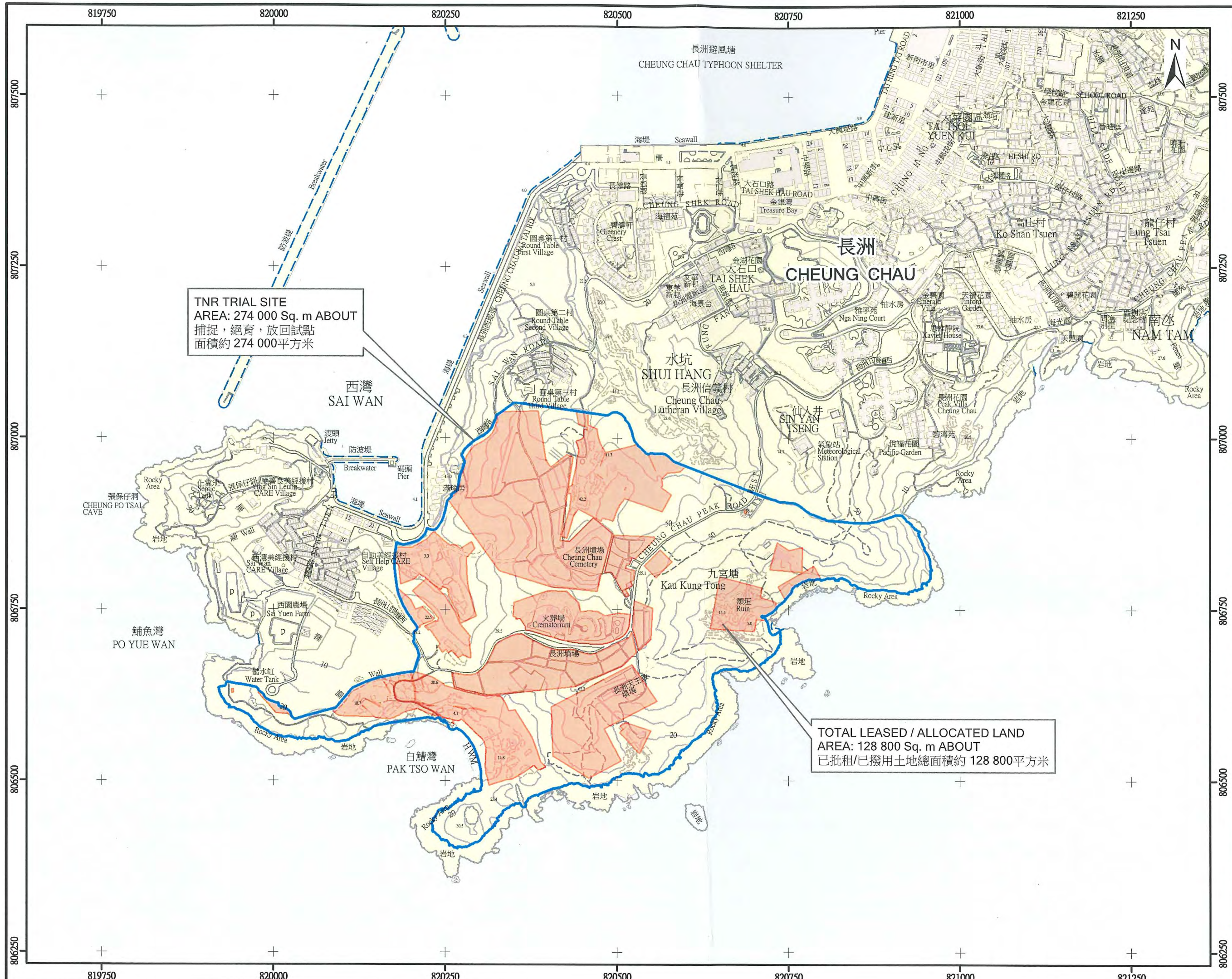
23. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 2  
Legislative Council Secretariat  
18 December 2014

- Notes:
1. CO-ORDINATES ARE OF HONG KONG 1980 GRID SYSTEM.
  2. BASE MAP DATA ADOPTED FROM LANDS DEPARTMENT.

TNR TRIAL SITE  
 AREA: 274 000 Sq. m ABOUT  
 捕捉, 絕育, 放回試點  
 面積約 274 000 平方米

TOTAL LEASED / ALLOCATED LAND  
 AREA: 128 800 Sq. m ABOUT  
 已批租/已撥用土地總面積約 128 800 平方米



**Legend (圖例)**

- TNR Trial Site (捕捉, 絕育, 放回試點)
- Leased / Allocation Land Area (已批租/已撥用土地)

No.	date	description	initial
REVISION			
		name	date
		surveyed	
		designed	
		drawn	K. T. CHAN 13/10/2014
		checked	

approved  
 DIRECTOR OF AFCD  
 Mr. Wong Chi Kong, Alan, JP  
 Date: 14 Oct. 2014

contract no.  
 file no.  
 project no.

Contract  
 TRAP NEUTER RETURN (TNR) PROJECT  
 捕捉, 絕育, 放回計劃

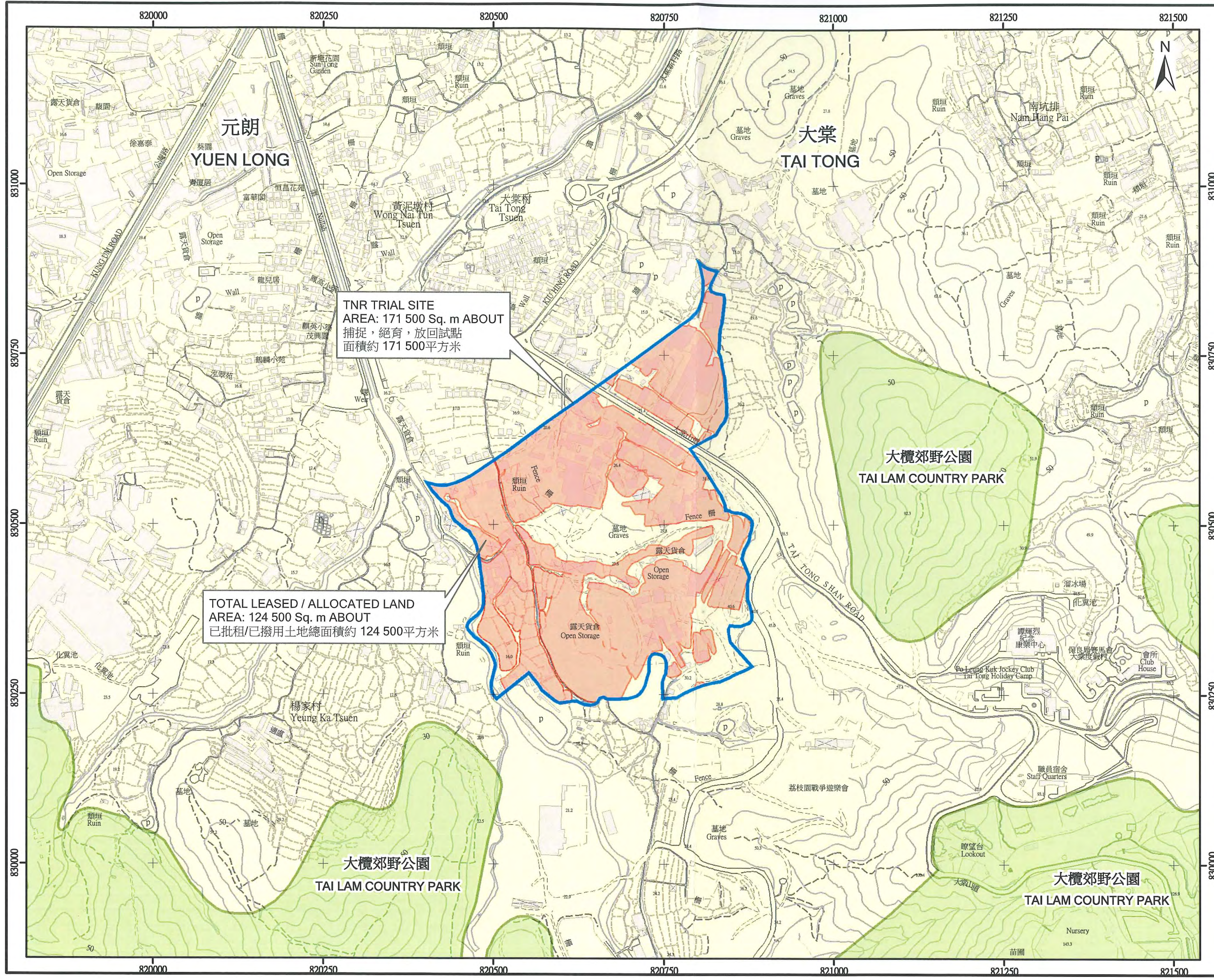
Drawing title  
 CHEUNG CHAU TNR TRIAL SITE LOCATION PLAN  
 長洲捕捉, 絕育, 放回試點位置圖

Drawing no.	revision	Scale
AFD-LS-2014-53-2B		1:5000

Office  
 INSPECTION AND QUARANTINE BRANCH







TNR TRIAL SITE  
 AREA: 171 500 Sq. m ABOUT  
 捕捉, 絕育, 放回試點  
 面積約 171 500 平方米

TOTAL LEASED / ALLOCATED LAND  
 AREA: 124 500 Sq. m ABOUT  
 已批租/已撥用土地總面積約 124 500 平方米

- Notes :
1. CO-ORDINATES ARE OF HONG KONG 1980 GRID SYSTEM.
  2. BASE MAP DATA ADOPTED FROM LANDS DEPARTMENT.

- Legend (圖例)
- TNR Trial Site (捕捉, 絕育, 放回試點)
  - Country Park Area (郊野公園)
  - Leased / Allocated Land Area (已批租/已撥用土地)

No.	date	description	initial
REVISION			
		name	date
surveyed			
designed			
drawn	K. T. CHAN		13/10/2014
checked			

approved  
 DIRECTOR OF  
 AFCD  
 Date: 14 Oct. 2014

contract no.  
 file no.  
 project no.  
 Contract

TRAP NEUTER RETURN (TNR)  
 PROJECT  
 捕捉, 絕育, 放回計劃

Drawing title  
 TAI TONG SHAN ROAD TNR TRIAL SITE  
 LOCATION PLAN  
 大棠山道捕捉, 絕育, 放回試點位置圖

Drawing no.	revision	Scale
AFD-LS-2014-53-1B		1:5000

Office  
 INSPECTION AND QUARANTINE BRANCH



**Subcommittee on Dangerous Dogs Regulation  
(Exemption) (Amendment) Notice 2014 and  
Rabies (TNR Programme) (Exemption) Notice**

**Membership list**

**Chairman** Hon Claudia MO

**Members** Hon Cyd HO Sau-lan, JP  
Hon CHAN Hak-kan, JP  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Dr Hon Helena WONG Pik-wan

Total : 6 Members

**Clerk** Ms Joanne MAK

**Legal Adviser** Ms Clara TAM

**Date** 28 November 2014

《2014年危險狗隻規例(豁免)(修訂)公告》及  
《狂犬病(捕絕放計劃)(豁免)公告》小組委員會  
Subcommittee on Dangerous Dogs Regulation  
(Exemption) (Amendment) Notice 2014 and  
Rabies (TNR Programme) (Exemption) Notice

曾向小組委員會提交意見書的團體/個別人士名單  
List of organizations/individuals which/who have  
provided submissions to the Subcommittee

**名稱**

**Name**

- |                 |   |
|-----------------|---|
| 1. 元朗區議會議員梁福元先生 | Mr LEUNG Fuk-yuen, member of Yuen Long District Council |
| 2. 公民黨          | Civic Party   |
| 3. 自由黨          | Liberal Party   |
| 4. 動物地球         | Animal Earth  |