

立法會  
*Legislative Council*

LC Paper No. CB(1) 2016/99-00  
(These minutes have been seen  
by the Administration and  
cleared by the Chairman)

Ref: CB1/SS/10/98/1

**Subcommittee on  
Resolution under section 3 of the  
Dogs and Cats Ordinance (Cap.167) and  
Dogs and Cats (Amendment) Ordinance 1997 (97 of 1997)  
(Commencement) Notice 1999**

**Minutes of meeting  
held on Wednesday, 5 April 2000, at 8:30 am  
in the Conference Room A of the Legislative Council Building**

**Members present** : Dr Hon TANG Siu-tong, JP (Chairman)  
Hon James TIEN Pei-chun, JP  
Hon Michael HO Mun-ka  
Hon Eric LI Ka-cheung, JP  
Hon HUI Cheung-ching  
Hon Christine LOH  
Hon CHAN Kwok-keung  
Hon CHAN Wing-chan  
Dr Hon LEONG Che-hung, JP  
Hon Emily LAU Wai-hing, JP

**Members absent** : Hon David CHU Yu-lin  
Hon Ronald ARCULLI, JP

**Public officers attending** : Environment and Food Bureau  
Mr Paul TANG, Deputy Secretary  
Miss Dora FU, Principal Assistant Secretary

Fisheries and Conservation Department

Mrs Lessie WEI, Director

Mr K K LIU, Assistant Director

Department of Justice

Ms Marie SIU, Senior Government Counsel

**Clerk in attendance :** Ms LEUNG Siu-kum, Chief Assistant Secretary (1)4

**Staff in attendance :** Ms Bernice WONG, Assistant Legal Adviser 1  
Miss Becky YU, Senior Assistant Secretary (1)3

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**I Meeting with the Administration**

(LC Paper Nos. CB(1) 1188/99-00, 1282/99-00(01), (02) and (03))

The Chairman advised that the meeting was held at the request of Dr LEONG Che-hung, Mr CHAN Kwok-keung and Ms Christine LOH to further discuss issues relating to neutering of fighting dogs, ex gratia allowance for the surrender of fighting dogs and exemption of large dogs from leashing control respectively.

Neutering of fighting dogs

2. Dr LEONG Che-hung remained doubtful about the efficacy of neutering and whether it could change the temperament of fighting dogs. Noting that none of the serious dog bite cases investigated between April 1997 and March 1999 were caused by fighting dogs, Mr James TIEN questioned the need for neutering of fighting dogs. The Assistant Director of Agriculture, Fisheries and Conservation (ADAFC) advised that although none of these cases were caused by fighting dogs, there was one fatal incident in 1996/97 which involved a fighting dog. There was also a serious dog bite case involving a fighting dog as recent as in March 2000. He added that as fighting dogs were bred for fighting, they were capable of attacking people without provocation. Once they attacked, they would not respond to signs of submission and might continue attacking until the victim was motionless. Given the predisposition of

abnormal aggressiveness of fighting dogs, the Administration considered that the keeping of such dogs was not suitable for the densely populated and congested environment of Hong Kong. It was therefore proposed that the keeping of fighting dogs should be phased out through the introduction of a prohibition on the importation and breeding of such dogs.

#### Ex gratia allowance for the surrender of fighting dogs

3. On behalf of Mr CHAN Kowk-keung who had left the meeting, Mr HUI Cheung-ching remarked that the ex gratia allowance for the surrender of existing fighting dogs should be retained to provide an incentive to owners of fighting dogs to surrender their dogs voluntarily. The Deputy Secretary for Environment and Food (DSEF) advised that while the said ex gratia allowance had been withdrawn from the Regulation in response to some members' request at the previous meetings, the Administration would be happy to reconsider this should this be the wish of the Subcommittee. The proposed retention of the ex gratia allowance for the surrender of existing fighting dogs was then put to vote. Of the members present at the meeting, two voted for the proposal while five voted against it. The proposal was negated.

#### Exemption of large dogs from leasing control

4. While appreciating the difficulty which the Administration might encounter in enforcing her proposal of allowing large dogs to be exercised off leash in "public places to which a public transport carrier had no access or was not permitted to have access", Ms Emily LAU asked if the Administration had considered other alternatives which could exempt large dogs from leasing control in "remote countryside". The Director of Agriculture, Fisheries and Conservation (DAFC) advised that according to the advice of the Department of Justice, it was extremely difficult to define the scope of "remote countryside" and demarcate the exact boundaries on the ground. Such an ambiguity would not only result in insurmountable law enforcement problems but also lead to confusion among the public.

5. Ms Christine LOH asked if efforts had been made to define "remote countryside" as far as practicable. ADAFC responded that the Administration had considered different proposals on leashing control for large dogs. Most of them had been ruled out since they were technically not feasible to enforce. To strike a balance between public safety as well as animal welfare considerations, the Administration had eventually made the current proposal of exempting large

dogs from the leashing control in country parks. Ms LOH was not convinced that the Administration should use technical difficulty as an excuse for not trying to define "remote countryside". DSEF advised that apart from technical difficulty, a definition for "remote countryside" might not be necessary since under the draft Regulation, large dogs would be provided with ample opportunities to be exercised off leash in country park which covered about 40% of the total land of Hong Kong. Indeed, many country parks were in urban areas and readily accessible. Furthermore, large dogs swimming at sea would also be exempted from the leashing control. DAFC was also prepared to grant exemption to large dogs which could demonstrate, through an examination, that they remained under control without a leash and did not pose a threat to the public.

6. Mr James TIEN however pointed out that not many people in Hong Kong were aware of the boundaries of country parks. Ms Christine LOH echoed that owners might inadvertently commit an offence under the Regulation if they allowed their large dogs to be exercised off leash in areas near country parks. Expressing similar concern, Mr Michael HO cautioned that the unclear boundaries of country parks might give rise to law enforcement problems and disputes in court. ADAFC advised that the boundaries of country parks were already published in the Gazette and could be found in most of the street guides available in the market. Cases of non-compliance with the leashing requirement would be investigated by the Agriculture, Fisheries and Conservation Department (AFCD) before they were brought to the courts for decision. He nevertheless agreed with the Chairman that the Administration might need to review the adequacy of signs inside country parks, particularly at the entrances, to alert owners of large dogs of the boundary of the parks. Mr HO asked if the Administration would consider designating more off-leash exercise areas for large dogs. ADAFC confirmed that the Administration would regularly review whether there was further countryside that worth conserving under the Country Parks Ordinance.

7. On the exemption examination, DAFC advised that in order to facilitate a better understanding of the proposed examination, AFCD had invited interested parties to observe or participate in a demonstration of the examination held on 3 April 2000. As regards the frequency of the examinations, ADAFC advised that these would be held at least twice a year either as an independent event or in conjunction with major dog events such as dog shows. All exemption examinations would be conducted by AFCD instead of kennel clubs. He

added that the Administration did not have a predetermined passing rate for the examination as the objective of the examination was to exempt well-behaved dogs. A dog which failed in an examination could retake it at future examination sessions. There was no restriction on the number of attempts.

8. Noting that the proposed exemption examination would be conducted by veterinarians of AFCD, Mr TIEN asked if the Administration would consider contracting out the examination to outside registered veterinarians. Given the legal effect of the exemption and the need to ensure uniformity of the standards for the examination, ADAF considered it inappropriate to contract out the examination to outside veterinarians. He nevertheless agreed with Mr Michael HO that AFCD might need to employ additional veterinarians for the examination to meet public demand.

9. Referring to the draft protocol for the exemption examination circulated vide LC Paper No. CB(1) 1282/99-00(03), Ms Christine LOH considered that the requirement for a dog to show no signs of overt aggression towards a stranger or another dog was hard to comply with since it was the instinct of dogs to socialize with other dogs. Expressing similar concern, Mr Michael HO enquired about the difference between alertness and aggression. ADAF explained that aggression referred to over behaviour involving intent to inflict damage. Dog aggression might be shown by growling, barking, snapping, biting, jumping or rushing towards a person or dog with teeth bared. Ms LOH asked if the Administration had assessed the training cost incurred for a dog to pass the examination. ADAF advised that as an effort to promote responsible dog ownership, the Society for the Prevention of Cruelty to Animals and various kennel clubs had organized free training courses for dogs.

10. Ms Emily LAU remained concerned about how the Administration could tackle the problem of stray dogs which were the main offenders of dog bites. ADAF clarified that the number of genuine stray dogs in Hong Kong was very small and a large proportion of stray dogs in Hong Kong were in fact owned dogs which were allowed to wander. The imposition of the compulsory leashing on large dogs in public places would have a deterrent effect on irresponsible owners since they would be liable for prosecution if they failed to keep their large dogs on leash as required under the Regulation. ADAF also assured members that AFCD would step up enforcement against genuine stray dogs. For members' information, over 15,000 stray dogs had been caught by AFCD each year.

## **II Any other business**

11. As the Subcommittee had completed scrutiny of the proposed Dangerous Dogs Regulation, the Chairman advised that a report on the deliberations of the Subcommittee would be submitted for consideration of the House Committee at its meeting on 14 April 2000. The deadlines for giving notice of amendments to the Regulation by the Administration and members were 20 April and 3 May 2000 respectively.

12. There being no other business, the meeting ended at 10:05 am.

Legislative Council Secretariat

28 August 2000