

立法會
Legislative Council

LC Paper No. CB(1)731/99-00
(These minutes have been seen
by the Administration)

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 Tuesday, 16 November 1999, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Dr Hon TANG Siu-tong, JP (Chairman)
Hon James TIEN Pei-chun, 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 Eric LI Ka-cheung, JP
Hon David CHU Yu-lin
Hon Michael HO Mun-ka
Hon Ronald ARCULLI, JP

**Public officers
attending** : **For item III**

Miss Dora FU, Principal Assistant Secretary for Economic Services

Mr K K LIU, Assistant Director, Agriculture and Fisheries Department

Dr L D SIMS, Senior Veterinary Officer, Agriculture and

Fisheries Department

Miss Marie SIU, Senior Government Counsel, Department of Justice

Attendance by invitation : **For Item II**

Society for the Prevention of Cruelty to Animals

Mr Christopher Hanselman, Executive Director

Hong Kong Veterinary Association Limited.

Dr Margaret Bradley, Executive Committee Member

The Hong Kong and Kowloon Kennel Association Limited.

Mr WAI Kee-shun, Chartered President

Mr Alan TANG Kwong-wing, President

Mr SIT Man-kong, Honorary Secretary

Hong Kong Kennel Club Limited.

Mr J M SHEN, Chairman

Members of the public

Mr Graeme Alford

Mr P C Sanderson

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

I Confirmation of minutes of previous meeting
(LC Paper No. CB(1) 346/99-00)

The minutes of the meeting held on 5 October 1999 were confirmed.

II Meeting with deputations/members of the public

Meeting with the Society for the Prevention of Cruelty to Animals (SPCA)

(LC Paper No. CB(1) 235/99-00(03))

2. While agreeing that the proposed Dangerous Dogs Regulation (the Regulation) was a step in the right direction to control dangerous dogs, Mr Christopher Hanselman reiterated that it was inappropriate to label all dogs weighing over 20 kg as potentially dangerous as it would further exacerbate the public's fear of dogs in general. Furthermore, the provision of an ex-gratia payment of \$3,000 for each fighting dog surrendered for destruction would encourage unscrupulous persons to breed and smuggle fighting dogs in anticipation of earning money from them. To conclude, SPCA strongly recommended that the Regulation be passed, with the exception of the payment of compensation for the surrender of fighting dogs for destruction and all sections pertaining to "large dog" category. Further consultation with concerned groups should be conducted with a view to accomplishing a pro-active legislation on dogs with greater emphasis on responsible dog ownership.

Meeting with the Hong Kong Veterinary Association Limited.

(LC Paper No. CB(1) 235/99-00(02))

3. Expressing similar concerns, Dr Margaret Bradley opined that the weight limit of 20 kg for large dogs was both arbitrary and difficult to enforce. The Regulation also failed to bring about public safety and responsible dog ownership. Given that the existing multitude of laws relating to domestic animals in Hong Kong were unsatisfactory and in need of review, Dr Bradley expressed worries that the Administration would not be under any obligation to continually review, revise and make relevant laws after the enactment of the Regulation.

Meeting with the Hong Kong and Kowloon Kennel Association Limited (HKKKA)

(LC Paper Nos. CB(1) 235/99-00, 347/99-00(01) and (02))

4. Mr WAI Kee-shun did not agree with Mr Hanselman/SPCA's remarks that the ex-gratia payment would encourage breeding of fighting dogs given the long lag time for conception and licensing of pups as well as the high maintenance cost for these dogs.

5. Mr WAI reiterated that HKKKA had great reservations at the Regulation, particularly at the sections pertaining to fighting dogs. He questioned the rationale for including Pit Bull Terriers under the "fighting dog" category while Bull dogs which had the same progenitor as Pit Bull Terriers were excluded from the category. The Chinese translation of Pit Bull Terriers also posed a wrong impression to the public that these dogs were deliberately bred for fighting. On the allegation that fighting dogs would not respond to signs of submission and might continue attacking until the victim was dead, Mr WAI clarified that fighting dogs would stop attacking once their opponents did not come to scratch. He was not convinced that the Administration should use the requirement for mandatory neutering of fighting dogs to phase out certain breeds of dogs in Hong Kong. He opined that such requirement would limit the choices of dogs for dog owners, particularly when more and more breeds were to be included under the "fighting dog" category. He also raised concern whether members of the Dogs and Cats Classification Board had sufficient expertise to identify breeds of dogs and their crosses.

6. Mr WAI further questioned the effectiveness of the Regulation since according to information provided by the Agriculture and Fisheries Department (AFD), the number of dog bite cases before the enactment of the Dogs and Cats Ordinance in 1996 was lower than that in 1998. To conclude, Mr WAI opined that the ultimate solution to solve the problem of dog attacks in Hong Kong was to promote responsible dog ownership through education. Consideration should also be given to require owners to have third party insurance for their dogs as was the case with the United Kingdom.

Meeting with the Hong Kong Kennel Club Limited

7. Mr J M SHEN remarked that the weight limit of 20 kg for large dogs was difficult to enforce as the weight of a dog could change easily, and that the existing legislation on control of dogs had already provided sufficient protection for the public.

Meeting with Mr Graeme Alford (LC Paper No. CB(1) 392/99-00(01))

8. Mr Graeme Alford said that of the 12,000 dog bite cases presented to hospital for treatment during the period from 1995 to 1997, only seven serious bites were inflicted by licensed large dogs. It was apparent that the proposed controls on large dogs under the Regulation could not address the problem of dog attacks but would unduly penalize the vast majority of law-abiding and responsible dog owners whose dogs were already properly licensed and looked after. Mr Alford therefore concluded that the Regulation be passed with the exception of the sections pertaining to large dogs.

Meeting with Mr P C Sanderson

9. Mr P C Sanderson shared Mr Alford's concerns on the statistics provided by AFD. He considered it unfair to require properly licensed large dogs to be held on a leash and muzzled in indoor public places given that less than 0.1% of the serious dog bite cases were caused by large dogs. He stressed that the blanket proposal on control of large dogs could not address the problem of dog attacks in Hong Kong since the keeper of the dog concerned could easily get round the weight limit provision by starving his dog before presenting it for weighing. While agreeing that a responsible dog owner should muzzle his dog when using the elevator, Mr Sanderson considered it inappropriate to relate muzzling with the weight of dogs. It was unreasonable to require a 20-year old large dog with no teeth to wear a muzzle while a dog of 19.5 kg and of aggressive temperament was exempted from muzzling. Moreover, the requirement for large dogs to be muzzled and held on a leash would unduly encourage the public's irrational fear of dogs. He also pointed out that the exemption examination for large dogs would not be useful if it was designed to guarantee a 100% failure rate. To conclude, Mr Sanderson opined that dog owners should be held responsible for the behaviour of their dogs, and that they should be made to understand their responsibilities through education. Furthermore, additional resources should be directed to control mongrel dogs and stray dogs which were the main offenders of dog bites.

Meeting with the Administration

(LC Paper No. CB(1) 235/99-00(05) and 347/99-00(03))

10. At the Chairman's invitation, the Assistant Director of Agriculture and Fisheries (ADAF) briefed members on the information paper (LC Paper No. CB(1) 347/99-00(03)) setting out the Administration's response to various submissions on the Regulation.

11. On *fighting dogs*, Mr CHAN Kwok-keung considered it inappropriate for the Administration to phase out certain breeds of dogs in Hong Kong at its discretion. In addition, it was inhumane to require all fighting dogs to be neutered, particularly for female dogs since neutering would involve the removal of the entire reproductive system. ADAF advised that as all fighting dogs had a predisposition for abnormal aggressiveness, the neutering requirement would stop them from passing such aggressive tendencies to their offspring. Besides, neutering was a commonly acceptable way to control dog population. Apart from removal of the entire reproductive system, dog owners could choose to perform tubal ligation on their dogs. However, dog owners would need to be aware of their dogs developing pyometra.

12. Ms Christine LOH asked if the Administration would consider reducing the amount of ex-gratia payment for the surrender of fighting dogs for destruction as suggested by SPCA. ADAF advised that the amount was reasonable having regard to the high market price and maintenance cost for fighting dogs. To avoid possible abuse of the compensation scheme, AFD had alerted the Customs and Excise Department to curb smuggling of fighting dogs into Hong Kong.

13. As regards insurance for dogs, ADAF remarked that according to the advice from the insurance industry, special insurance for fighting dogs and known dangerous dogs was not available having regard to the risk involved. However, the industry would provide insurance for dogs in general under family insurance. Interested dog keepers could approach their own insurance agents direct.

14. On *large dogs*, Mr CHAN noted that the statistics on dog attacks in various paragraphs of LC Paper No. CB(1) 347/99-00(03) comprised dog bite cases reported over a period of three years. He questioned whether the Administration had deliberately exaggerated the situation with a view to pressing for the passage of the Regulation. ADAF clarified that the Administration had no intention to put the public in fear using the number of dog attacks which was in fact not very high. He pointed out that any measures which could prevent dog bites were worth pursuing given the serious consequences such as permanent disability and disfigurement resulting from dog bites. ADAF stressed that the different controls placed on various categories of dogs under the Regulation had been balanced to take into account public safety as well as animal welfare consideration.

15. While agreeing that dog attacks should be avoided as these would cause not only physical damages to victims concerned but also wastage of public resources in the event of hospitalization, Dr LEONG Che-hung emphasized the need to find a right solution to the dog attack problem. In this connection, the Administration was requested to provide the number of serious dog bites by owned dogs, uncaught dogs and stray dogs. ADAF replied that although AFD handled all reported dog bite cases, a detailed breakdown on the types of dogs was not available because the current data on dog bites were not collected for

the purpose of the Regulation. The Senior Veterinary Officer (SVO) advised that according to the information provided by the Hospital Authority, of the 5,792 dog bite cases received by the out-patient department during the period from April 1998 to July 1999, 129 were serious and required hospitalization.

16. Referring to paragraph 2 of the same paper, Dr LEONG asked how the Administration could estimate that dogs over 20 kg had caused 74% and 70% of the 3,075 investigated dog bite incidents in 1997/98 and 1998/99 respectively. Mr James TIEN also enquired about the number of licensed large dogs involved in the dog bite incidents. ADAF explained that as dog bite cases were categorized by breed rather than size of dogs, the Administration could only estimate the size of the dogs involved from the breed. SVO reiterated that the Administration had not analyzed statistics on bites by large dogs with respect to licence status. He emphasized that the important point was to ascertain whether the dog involved in a dog bite incident had an owner. According to information, 377 out of the 1,687 dog bite cases investigated by AFD in 1997/98 involved kept dogs that were unlicensed and unclaimed by their keepers, or stray dogs that had no keepers.

17. Noting from paragraph 3 that the 32 dog bite cases investigated by AFD from July 1995 to March 1999 resulting in the victims being hospitalized for seven days or more involved dogs weighing from 5 kg to 70 kg, Ms LOH questioned the rationale for adopting the 20 kg weight limit which according to the Administration was quantifiable rather than arbitrary. ADAF explained that the body weight of a dog was used as the determining criterion of control because larger dogs could cause more serious injuries than small dogs. Setting a weight limit for control of dogs was no different from setting other statutory limits such as the speed limits for motor vehicles. He added that the use of a weight-based instead of a breed-based classification was because the latter system was not able to cover chows and mongrel dogs which were responsible for the majority of dog bite cases in Hong Kong.

18. To ascertain the need for the leashing and muzzling requirements for large dogs in indoor public places, Mr TIEN requested and the Administration undertook to provide information on overseas experience in this respect.

(Post-meeting note: The required information was circulated vide LC Paper No. CB(1) 519/99-00(05).)

19. In view of the strong opposition to the sections pertaining to large dogs, Ms LOH asked if the Administration would consider withdrawing the relevant sections for the time being and discussing further with all the concern groups with a view to reaching a mutually agreed proposal in a year's time. ADAF advised that all concerned groups and interested bodies, including the Provisional District Boards (PDBs), had been consulted on the Regulation. So far, no practical alternative suggestions had been received. He was doubtful about the effectiveness of further consultation. Ms Emily LAU however opined that the consultation method would affect its results. For instance, the public might support in principle any measures to reduce dog bites but they might not be aware of the problems raised by different dog concern groups. On the consultation method, ADAF explained to members that the Administration had issued letters to all PDBs soliciting their views on the Regulation. Discussion forum had also been arranged at the request of

individual PDBs. However, no alternative proposals had been put forward. Given that the Regulation had been discussed at length, the Administration considered that a decision should be made. Noting that PDBs had not been requested to vote on the Regulation, Ms LAU cautioned that PDBs might not support the Regulation.

Conclusion

20. Mr WAI Kee-shun/HKKKA opined that instead of controlling properly licensed dogs, the Administration should tackle the crux of the problem i.e. the control on strays and mongrel dogs. Mr P C Sanderson did not agree that the Administration should push forward the Regulation without due regard to concerns raised by various parties.

21. Members generally found it difficult to support the Regulation in the absence of concrete evidence. To this end, the Administration was requested to provide as far as practicable statistics on dog bites before the next meeting.

(Post-meeting note: The required information was circulated vide LC Paper No. CB(1) 519/99-00(05).)

III Any other business

22. Members agreed to hold the next meeting on Monday, 6 December 1999, at 8:30 am.

23. There being no other business, the meeting ended at 10:40 pm.

Legislative Council Secretariat

6 January 2000