

立法會
Legislative Council

LC Paper No. CB(1) 1949/99-00
(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 Friday, 25 February 2000, at 4:30 pm
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 David CHU Yu-lin
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

Member absent : Hon Ronald ARCULLI, JP

**Public officers
attending** : Environment and Food Bureau

Mr Paul TANG
Deputy Secretary for Environment and Food

Miss Dora FU
Principal Assistant Secretary for Environment and Food

Agriculture Fisheries and Conservation Department

Mrs Lessie WEI
Director of Agriculture, Fisheries and Conservation

Mr K K LIU
Assistant Director of Agriculture, Fisheries and
Conservation

Department of Justice

Ms Rayne CHOI
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

I Confirmation of minutes of previous meetings

(LC Paper Nos. CB(1) 731 and 1040/99-00)

The minutes of the meetings held on 16 November and 6 December 1999 were confirmed.

II Meeting with the Administration

(LC Paper Nos. CB(1) 678, 739, 773, 822, 1027/99-00(01), (02) and 1067/99-00)

2. The Assistant Director of Agriculture, Fisheries and Conservation (ADAF) highlighted the salient points in the information paper (LC Paper No. CB(1) 1027/99-00(02)) setting out the Administration's response to members' views on the proposed

Dangerous Dogs Regulation (LC Paper No. CB(1) 822/99-00). The Deputy Secretary for Environment and Food (DS/EF) also drew members' attention to a press report on a recent dog bite case where the owner of two Pit Bull Terriers and his son were bitten by their dogs when they attempted to stop the dogs from fighting with each other. Both of them were injured and the owner was hospitalized. ADAFC stressed that the various controls on fighting dogs, known dangerous dogs and large dogs were necessary to protect the public, particularly children from dog attacks.

Statistics on dog bites

3. Mr Eric LI enquired about the number of dog bite cases involving fighting dogs and large dogs. ADAFC advised that of the 3,075 dog bite cases investigated between April 1997 and March 1999, 1,662 cases were caused by owned and licensed dogs. Of these, 1,167 cases (70%) involved large dogs of 20 kilograms or above and 12 cases (less than 1%) involved fighting dogs. Although the number of dog bites by fighting dogs might seem small, the percentage was high since there were only about 100 fighting dogs in Hong Kong. Moreover, serious dog bites by fighting dogs and large dogs continued to occur. Apart from the fatal incident in Wong Tai Sin in 1996, two Pit Bull Terriers bit their owners in February this year while in March, a child was bitten by a large dog in the village area. Both cases resulted in hospitalization of the victims.

Control of fighting dogs and known dangerous dogs

4. Mr Michael HO asked how the Administration could institute prosecutions against the breeding of fighting dogs given that prosecutions could not be established unless the dogs were caught in the act of mating and the owners of the dogs could be proved to be responsible for breeding, causing to breed or permitting to breed these dogs. ADAFC advised that apart from mating, breeding activities would include the process of pregnancy and raising of puppies. Prosecutions under section 6 of the

Regulation could be instituted for any of these activities provided that sufficient evidence was established.

5. Dr LEONG Che-hung held the view that 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. He opined that instead of neutering, efforts should be made to prevent fighting dogs from mating. ADAFC responded that if existing fighting dogs were not neutered, they would pass their aggressive tendencies to their offspring. He stressed that neutering was not cruel and had no long lasting negative effects on dogs. It was universally accepted as the only guaranteed method of preventing animals from breeding. The operation was conducted under general anesthesia and dogs usually recovered quickly. There was no evidence to suggest that dogs had a sense of sexual identity or ego. They did not suffer from psychological disorder from neutering. According to published studies, neutered dogs had shown to be less likely to bite, less aggressive towards other animals, and to have fewer behavioural problems than their unneutered counterparts. DS/EF added that according to the information provided by the Society for the Prevention of Cruelty to Animals, neutering could also help reduce the chances of certain types of cancers for dogs.

Leashing for all dogs, including large dogs, in all indoor and outdoor public places

6. Ms Christine LOH questioned the effectiveness of the proposed leashing requirement on large dogs in public places given that the Agriculture, Fisheries and Conservation Department (AFCD) had trouble in enforcing the existing legislation, particularly in villages. ADAFC advised that under the current laws, AFCD staff had to prove a dog wandering in a village was not "under control" before any action could be taken. However, it was extremely difficult to prove with sufficient evidence that a dog was not "under control". The imposition of the compulsory leashing requirement would provide an objective and enforceable standard for better control of large dogs. This would also 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 proposed Regulation.

7. Dr LEONG Che-hung asked whether large dogs could be exercised off leash in remote countryside. The Director of Agriculture, Fisheries Conservation (DAFC) explained that under the proposed Regulation, large dogs would be exempt from leashing control in country parks or special areas as defined in the Country Parks Ordinance. This would provide ample opportunities for dogs to be exercised off leash as country parks covered about 40% of the total land of Hong Kong. Indeed, many country parks in Hong Kong, such as the Lung Fu Shan Country Park were in urban area and were readily accessible. Ms Emily LAU opined that apart from country parks, large dogs should also be exempt from leashing control in marine parks. DAFC undertook to consider Ms LAU's suggestion. As to whether large dogs could be exercised off leash in designated beaches, ADAFC answered in the negative but advised that they would be exempt from leashing control in beaches within country parks.

Exemption examination for large dogs

8. ADAFC advised that the purpose of the examination was to exempt well behaved dogs. He also clarified that AFCD did not have a pre-determined passing rate for the examination and this was certainly not designed to achieve a 100% failure rate. AFCD was working with dog experts to work out the protocol of the examination. Consultation with the dog trainers, professional dog handlers, animal welfare associations such as the Animal Welfare Advisory Committee and interested individuals would be conducted before the protocol was finalized to ensure that it was fair and reasonable. Mr Eric LI asked if owners of large dogs would be given more time to familiarise with the examination before the leashing requirement took effect. Given the greater risk that fighting dogs and known dangerous dogs posed to public safety, ADAFC advised that the parts of the Regulation pertaining to these dogs would come into operation as soon as possible after the Regulation was approved by the

Legislative Council whereas the parts relating to control of large dogs would come into operation six months later.

9. Members then proceeded to examine the revised draft Dangerous Dogs Regulation circulated vide LC Paper No. CB(1) 235/99-00(05). DS/EF advised that the revised draft Regulation was prepared in the light of members' concerns expressed at the meeting on 3 September 1999. Other amendments, including cancellation of ex-gratia payment for surrender of fighting dogs and exemption of large dogs from leashing control in marine parks, would be considered in the revised draft Regulation.

Section 9. Large dogs entering or remaining in public places

10. Mr Michael HO asked whether a person would be liable for prosecution if he tied a large dog to a fixed object and left it unattended for a couple of days. ADAFC advised that it was stipulated clearly that tying of dogs would only be allowed if it did not pose a danger to the safety and welfare of the dog.

Section 10. Classification as a known dangerous dog by magistrate's orders

11. Mr HO also expressed concern that section 10(2)(c) as drafted might be subject to abuse, particularly by someone who did not like dogs. The Government Counsel advised that a magistrate would only classify a dog as a known dangerous dog if he was satisfied that the dog had a history of repeatedly attacking people or otherwise putting people in fear of being attacked in the absence of provocation of any form. The Assistant Legal Adviser 1 agreed that a person had to provide sufficient evidence to prove that a dog had repeatedly put him and other people in fear of being attacked before he could apply to a magistrate for classification of the dog as a known dangerous dog.

Way forward

12. The Chairman enquired about the time-frame within which the Administration would provide a further revised draft Dangerous Dogs Regulation. ADAF advised that it would be ready in two weeks' time. Members agreed that the need for a further meeting would be decided after receipt of the further revised draft Regulation.

(Post-meeting note: The next meeting had been scheduled for Wednesday, 5 April 2000, at 8:30 am.)

13. There being no other business, the meeting ended at 5:45 pm.

Legislative Council Secretariat
28 June 2000