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Subject **Dangerous Dogs Regulation**

I understand that a Legislative Council sub-committee has been formed to consider the proposed regulation to be made under section 3 of the Dogs and Cats Ordinance, Cap 167.

I should appreciate an opportunity to make my views known to the sub-committee and accordingly should be grateful if you would place the attached paper before them. I shall be happy to appear in person if the sub-committee considers that would be useful.

I look forward to hearing from you.

Regards

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Proposed Regulation under the Dogs and Cats Ordinance

Dangerous Dogs Regulation

Background

- 1 The proposed regulation introduces three categories of “dangerous dog”:
(i) Fighting Dogs; (ii) Known Dangerous Dogs; and (iii) Large Dogs.
- 2 This proposal has been considered by a Bills Committee which met at least on 3 and 4 June 1997 to review the then proposed regulation. Initially the third category identified above was described as “potentially dangerous dogs” and the draft legislation identified eight breeds of dog which were considered to be potentially dangerous. The Committee suggested the replacement of the “potentially dangerous dog” category by the “large dog” category. This appears to have been largely because of the difficulty of identification of the relevant breeds.
- 3 The intention of the regulation appears therefore to be to protect the public from dangerous dogs and the Legislative Council Brief introducing the proposed regulation starts by referring to dog bite incidents reported to the police and cases treated in hospital. Indeed recently there has been publicity given to incidents of injury caused to members of the public by uncontrolled dogs.

The Proposals

- 4 The proposals regarding “fighting dogs” and “known dangerous dogs” appear to be very sensible, except possibly for the proposal to pay the owners of fighting dogs \$3,000 if they are surrendered for destruction which may encourage some abuse.
- 5 It is clear that in Hong Kong there is no place for owning or breeding dogs which are intended for fighting and which have been bred to be aggressive. Indeed one wonders whether there is anywhere where such dogs should be encouraged.
- 6 Dogs which have already demonstrated themselves to be aggressive or unstable should also be controlled and the proposals at least intend to

stop them being bred, although I wonder if there is any evidence that a dog which has become aggressive owing to its surroundings and/or the way it has been treated will pass on those tendencies to its offspring.

7 It is the “large dog” category upon which I should like to comment.

Large Dogs

8 This seems to be an attempt to compromise the previously proposed category of “potentially dangerous dog”. While it would be a tidy solution to categorise dangerous dogs into three categories of

“fighting” - ie demonstrably dangerous;

“known dangerous” - ie already shown itself to be; and

“potentially dangerous” - ie anything that might be

there is clearly a fourth category of:

“unlikely to be dangerous”.

The issue seems to be where to draw the line between the third and fourth categories. I do not have a simple answer but to use an arbitrary measure of 20 kilograms as is now proposed is surely not the correct solution.

9 I believe this has the at least four fundamental faults:

(i) it is arbitrary;

(ii) it assumes that larger dogs are more aggressive than smaller ones. While larger dogs might be stronger and might inflict a more damage if provoked, dogs weighing less than 20 kilograms can inflict a serious wound if they choose to do so and are frequently more aggressive than larger dogs, whose size often acts as a deterrent from provocation;

(iii) it will foster the already misheld belief in many of the Hong Kong public that dogs are something to fear.

(iv) There seems to be no objective need to categorise any innocent group of dogs as potentially dangerous.

10 In addition I understand there is already legislation to require the owners of all dogs not to cause a nuisance; eg

(i) The Summary Offences Ordinance Cap 228, section 4

(ii) The Dogs and Cats Ordinance Cap 167, section 5

11 Accordingly I concur with the sentiments of many of those who addressed the Bills Committee meeting on 3 June 1997. While applauding the proposed controls on fighting dogs and known dangerous dogs, they were concerned about the categorisation of potentially dangerous dogs and the difficulty of identifying them by breed as was then proposed. That concern has been addressed but I do not believe that what is now proposed as an alternative is either fair or appropriate. Indeed some of the experts attending that meeting wondered if any real purpose would be served by having a category of potentially dangerous dog at all. I do not believe it will serve any purpose, either in the form originally proposed or in the “large dog” form that it now appears.

12 It is clear from comments made at that meeting by the Assistant Director of Agriculture and Fisheries, (reported in para’s 19 and 20) that all breeds of dogs in Hong Kong with a history of inflicting wounds (ie accounting for more than 2% of the reported injury cases) had already been considered for inclusion in the potentially dangerous dog category. That category included only eight breeds and omitted a number of other large breeds such as Great Dane (AD/AF stated in para 20 that “...despite its size, Great Danes were not ferocious and were therefore not included..”). Other breeds omitted, presumably after due consideration for their not being “ferocious” or even “potentially dangerous” include Labrador, Dalmatian, Retriever, Red Setter, Irish Wolf Hound, Old English Sheep Dog, Pointer and Imperial Poodle, to name but a few, all of which frequently exceed 20 kilograms and will thus be treated as if they were “potentially dangerous”, even if only classed as “large”.

13 I should declare that I have three dogs, all Dalmatians. One would certainly qualify as large, one would be borderline and the third is not large. None of them has ever inflicted any wound or caused any damage in an indoor or outdoor public place. The smallest one has however inflicted some minor injury to a workman within our house,

which I believe demonstrates the illogicality of the proposed regulation.

- 14 In summary I believe that it is misconceived to assume that dogs are dangerous or potentially dangerous solely because they exceed a certain size. Existing legislation requires the public to handle their dogs in a responsible manner and there are both criminal and civil remedies available if they fail to do so. I applaud the proposal to deal with demonstrably anti-social and dangerous animals but this proposed regulation also seeks to categorise other innocent animals in a manner which is unreasonable and unnecessary.