

香港獸醫學會有限公司的信頭
Letterhead of The Hong Kong Veterinary Association LTD.

The President,
Hong Kong Veterinary Association
C/-The Laboratory Animal Services
Centre
Chinese University
Shatin, NT
Hong Kong
19/10/99

Ms. Leung Siu-kum
Clerk to Subcommittee
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.
Fax: 2869 6794.

Dear Ms Leung

The Hong Kong Veterinary Association (HKVA) in its original submission supported the Dangerous Dogs Regulations and the opportunity to comment further is most welcome. The HKVA has not changed its basic viewpoint in that it does support reasonable measures to control dangerous dogs and to make the non-dog owning population of Hong Kong feel safe when in the presence of dogs. However as the debate on these new regulations has progressed, the HKVA has become concerned that some of the issues raised by its critics have not been adequately addressed by the Administration.

The HKVA believes that the 20kg is an arbitrary weight limit that could be abused by departmental individuals, resulting in either the law being enforced in a draconian manner or the law not being enforced at all. In both scenarios, the end result is that the law becomes a mockery to good government. The HKVA acknowledges that dogs of 20 kg weight are very capable of inflicting severe damage to children and frail elderly but so are 19.5 kg dogs. Possibly the answer to the problem rests on a complete re-think about what the restrictions on these higher weight dogs are attempting to achieve. Will it really reduce the incidence of unprovoked attacks and subsequent injury to individuals that are not part of the family of the owner of the dog? The HKVA thinks not! We would recommend wider consultation to see if any alternatives exist to placing restrictions on dogs according to their weight. An example of a possible alternative may be that ALL dogs must be leashed in public indoor areas on a leash

no longer than one metre and when in outdoor public areas they are permitted to be on a leash of no more than two or even three metres. This would be easily enforced as all dogs would be required to be leashed unless an appropriate exemption was given (as is provided for in the current proposed legislation). It may be that this proposal is also unworkable, but without wider consultation of the public and NOT just the Animal Welfare Advisory Group and other quasi-government agencies, the pros and cons of various potential solutions can not be fully debated.

The next problem concerning the restrictions on these heavier dogs is one of enforcement. It is the experience of members of the HKVA, that the Agriculture and Fisheries Department does not have the resources (either human or financial) to adequately control the stray dog problem in the New Territories or on Building Sites. The HKVA is of the opinion that the AFD will not have the resources or the willpower to enforce the additional burden that will be placed upon its officers by the proposed Dangerous Dogs Regulations in the New Territories or on Building Sites. Therefore, these heavier dogs which are owned by villagers in the New Territories or fed by workers on Building Sites will still not be brought under control by their care givers, once again making a mockery of good government.

The final problem is one of breed identification. Currently there is no definitive genetic or other scientific test that can correctly identify the breed of a dog. We agree with the AFD that the number of owners with dogs that will be affected by the ban on fighting dogs is small and that the proposal by AFD that the breed of such dogs be judged by a panel of experts, although not ideal, is workable. However natural justice for the owners of these dogs must be protected, therefore the owners of such dogs must have the full recourse to the SAR courts for adjudication in the event of a dispute between the owner and the panel of experts.

In conclusion the HKVA supports the Government in its efforts to make dog owners more responsible for their pets and to make the community, at large, feel safe in the presence of dogs. However, the HKVA is not convinced that the proposed Dangerous Dogs Regulations has got the mix between owner responsibility and community rights correct. The HKVA would therefore like the AFD to liaise further with the community over the proposed Regulations. Furthermore, the HKVA is of the opinion that the multitude of laws concerning Domestic Animals in HK are in need of review, with all manner of issues requiring regulation, some are already covered in the multitude of laws that currently exist but are outdated, while others are largely ignored. The HKVA is concerned that if the Dangerous Dogs Regulations are passed in their current form then the AFD will not be under any obligation to continually review, revise and initiate laws concerning Domestic Animals.

Anthony E. James
Secretary
Hong Kong Veterinary Association

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Dear Ms Leung

Unfortunately I have not been able to get anyone to provide an accurate Chinese translation for the HKVA submission and hence the HKVA submission will be in English only.

Also, Dr Margaret Bradley, executive committee member of the HKVA will present our submission at the subcommittee hearing.

Finally, some of our members were of the opinion that some aspects of our second submission required clarification. I therefore respectfully request that this letter also be circulated with our second submission, to the honourable members of the subcommittee.

The aspect requiring clarification is the HKVA's position with respect to the Veterinary Officers within the Agriculture and Fisheries Department. The HKVA fully supports these Officers, and is fully aware that they have researched this legislation thoroughly. Furthermore we are aware of the difficulty they face in balancing the rights of dog owners in Hong Kong against the safety of the public. It is for this reason that the HKVA fully

endorses and supports, with only one minor reservation, the first two parts of the proposed legislation, namely the banning of the recognised fighting breeds of dogs and the stringent controls to be placed on known dangerous dogs. Nor, are we totally opposed to the third part of the proposed law, as indicated in both our original submission and our subsequent submission.

However, we feel obliged to draw legislators' attention to some of our concerns, because once this legislation is enacted, debate on the matter will, in effect cease. The concerned members of the HKVA who have requested this clarification, would ask the Government not to withdraw the legislation, if it looks as if it is to be defeated or amended. We would ask the Government to consider other alternatives, such as how best to get the first two parts of the legislation passed and enacted while public consultation continues on the third part, concerning the controls on dogs over 20 kgs.

Anthony E. James
Secretary
Hong Kong Veterinary Association