

香港愛護動物協會的信頭
Letterhead of Society for the Prevention of Cruelty to Animals

Ref: CS/L059/10/99

21st October, 1999

The Chairman
Subcommittee on Dangerous Dogs Regulation
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Fax #2869 6794

Dear Sir,

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

Various meetings have been held between concerned animal groups & individuals regarding the proposed Dangerous Dog Regulation. During these meetings, it was ascertained that the groups were firmly in agreement with regards to their views on the proposed amendments. This being the case it was deemed appropriate that a joint submission be made to the Bills Committee, saving the time of legislators, yet demonstrating in full their united stance & expressing the concern of the groups & their members.

The submission is made therefore on behalf of the SPCA and the Hong Kong Kennel Club which represents a combined membership in Hong Kong of over 20,000 as well as the International Fund for Animal Welfare (IFAW), the Animals Asia Foundation, Puppywatch and concerned individuals Mr. Nicholas Etches, Mr. Graeme Alford and Dr. John Wedderburn.

The concerned parties agree that there is a need for legislation to control dangerous dogs & that the proposals by the Administration is a step in the right direction. Moves by the Administration to pass legislation to ensure public safety is the correct way forward and concerned groups do support reasonable measures to control dangerous dogs in order to protect the public, both dog-owning and non dog-owning alike. However the contents of the proposed amendments as they presently stand, are inappropriate.

It is agreed that the proposed legislation pertaining to Category I & Category II dogs is needed and should be enacted immediately. Despite the problem of breed identification, in that there is at the present moment no genetic or other test that can accurately identify the breed of a dog, the proposal that the breed be agreed upon by a panel of experts is nevertheless a workable solution, with owners in dispute of the panel's decision having recourse to judicial appeal.

One area of great concern continues to be Section 20 of the proposal which provides that a licenced fighting breed can be surrendered to Government within 120 days of the legislation being enacted, with the sum of HK\$3,000 being paid in compensation. As stipulated in previous submissions by the Society there is grave concern regarding this amount, in that it may encourage unscrupulous people to breed and/or illegally import these animals in the interim, with a view to claiming the compensation fee.

The Government's rationale for the sum of HK\$3,000 is that the owners of these dogs have invested a great deal of time & effort as well as incurred a heavy financial burden in raising them. However if these animals are indeed only pets, the time, effort & cost would be no greater than for any other breed and is only relevant if the dogs are being trained to fight. If this is the case then the Government is compensating owners for an activity that is illegal in the first place. In addition, owners of fighting breeds are not compelled to surrender them and unless being used for illegal activities, in most cases would have no reason to do so. In addition, breed identification as already mentioned, and especially with respect to the Pit Bull Terrier, makes the payment of compensation even more open to abuse. It is therefore suggested that the compensation amount be substantially reduced. It is also recommended that strict guidelines be drawn up regarding the payment, with possible punitive action under Section 4,5 & 6 of the Ordinance acting as a deterrent for false representation.

The greatest concern of the groups is however the proposed legislation pertaining to the "large" dog category which includes all dogs 20kg and over. The Administration's reasoning for the inclusion of the large dog category is to reduce dog bites and ensure public safety. We strongly believe that neither of these objectives will be achieved and that this category should be withdrawn in its entirety subject to further analysis, consultation and ultimately redrafting.

A great many statistics have been presented by the Agriculture & Fisheries Department, yet none have been given to show the percentage of fully vaccinated and properly licenced dogs that have been involved in dog bites. We suggest that strays, dogs on building sites and unlicenced "owned" animals are the main offenders and probably make up the majority of the 52.5% of dog bites carried out by local chows and mongrels recorded in 1998/1999. We also suggest that proper enforcement of existing legislation and pro-active stray control could reduce the problem considerably.

Whilst we fully support the Administration's motives of ensuring public safety, the logic behind introducing the arbitrary 20kg and over weight limit is flawed. This will do little to reduce dog bites, safeguard the public or reduce the perceived fear of some members of the public towards dogs. One only has to imagine a situation where a person enters a lift or indoor public place to be confronted by two dogs and their respective owners. One a 20kg dog is muzzled and on a lead, the other is a 19.5kg dog which is neither muzzled or on a lead. Similarly in outdoor public places you may well have a 20kg dog on a lead with a responsible owner whilst a 19.5kg dog is allowed off the lead by an irresponsible owner to terrorise all & sundry.

Implementing the 20kg rule will therefore not achieve its objectives and will only penalise responsible owners of large dogs. Rather than having a positive impact on public perception it is more likely to have a negative effect, especially on children, reinforcing their fear and the belief that all dogs are dangerous unless muzzled and on a leash.

With respect to muzzles, these are only effective if they are of the correct size and properly fitted by a knowledgeable owner. If muzzles are inappropriate in terms of size or fitted incorrectly then the dog's welfare may be compromised if it is too small, too tight or kept on for long periods and equally the public may not be safe from a dog whose muzzle is too big or loose, enabling it to be easily removed by the dog. It is essential that should legislation be enacted, especially with respect to Category I & II dogs, owners must be advised and educated on the proper use of muzzles.

However, relying on leashes and muzzles instead of emphasising responsible pet ownership, spay/neuter, microchipping and licencing and effective stray control is merely a band-aid solution.

The enforcement of the "large dog" regulations will, we believe be very difficult to police and enforce. Already the Agriculture & Fisheries Department is without the resources to adequately address the stray dog problem especially in the New Territories and Outlying Islands. How will that Department cope with the additional burden of enforcing the proposed 20kg rule, particularly in areas where there are more likely to be those larger unlicensed dogs belonging to irresponsible "keepers" many of whom disclaim ownership in the event of a dog bite incident.

To summaries we consider that the legislation related to "large dogs" as it stands

- Is NOT supported by the statistics provided by the Administration
- Would NOT reduce dog bites
- Would NOT reduce the perceived fear of some of the community and in fact would have a NEGATIVE impact in this regard
- Could NOT be effectively policed by the Administration in its present form
- Does NOT promote responsible pet ownership

This being the case the legislation regarding the "large" dog category requires further consideration.

Concerned groups are willing and able to work with the Administration through the Animal Welfare Advisory Group (AWAG) or other alternative forums, to develop appropriate, pro-active legislation. This should entail:-

- Greater emphasis with regard to responsible ownership, including
 - Increased penalties
 - Compulsory training and education of animals
- The assistance of NGOs in the policing and enforcement of the legislation

The proposed legislation pertaining to the “Large” dog category, unfairly penalises “large” dogs; and the law abiding and responsible owner. It would not benefit the community in its present form, although it is agreed that legislation is required and should be CORRECTLY developed. This can be undertaken and completed quickly and effectively by a committed and dedicated consultation process. Whilst this is being done, effective stray control could be progressed through the active enforcement of present legislation, which would go a long way to alleviate the stray problem, and as such, the biting situation.

To conclude, it is therefore strongly recommended by concerned groups that the proposed legislation be passed, with the exception of (1) ALL Sections pertaining to Large dog category and (2) The section pertaining to the payment of compensation be reviewed. Further consultation should be conducted as to pro-active legislation on “Large” dogs, taking into consideration fully, the identified concerns of the Administration. This will ensure that correct, progressive and positive legislation can be drafted and effected for the betterment of the Community.

Yours sincerely,

Cynthia Smillie
Deputy Executive Director
SPCA

For and on behalf of:-

The Society for the Prevention of Cruelty to Animals (Hong Kong)

The Hong Kong Kennel Club

Ms. Jill Robinson MBE - The Animals Asia Foundation

The International Fund for Animal Welfare

Mr. Neil McLaughlin - Puppywatch

Mr. Nicholas Etches

Mr. Graeme Alford

Dr. John Wedderburn