

Dr Hon Tang Siu-tong JP
Chairman, Subcommittee on Dogs and Cats Regulations
Legislative Council Secretariat
3rd Floor Citibank Tower
3 Garden Road
Central
Hong Kong

5 January 2000

Dear Dr Tang

I am taking the liberty of writing to you regarding the proposed regulation under the Dogs and Cats Ordinance which has been considered by your subcommittee over the last few months. I have attended a number of meetings of your subcommittee and have spoken at one of them. I note however that this proposed regulation has been under consideration since at least 1996.

The reason for writing to you at this time is that I believe your subcommittee has somewhat lost its way and is in danger of being a party to the enactment of legislation which is so far distant from what was originally proposed by the Administration and from what many of us believe is appropriate that it will not serve the purpose for which it was originally intended.

Let me first state my position as regards the proposed regulation:

- 1. I do not believe that there is a place in Hong Kong for “fighting dogs” ie those which have been bred to be aggressive and which have been shown both here and elsewhere to be unsuitable as family pets.**
- 2. I believe that, having dealt with fighting dogs (and by extension “known dangerous dogs”), to seek to distinguish other types of dog by breed as “potentially dangerous” or by size as “large” and control them in the name of public safety is to miss the point. The behaviour of dogs is largely dependent upon and responsive to the manner in which they are treated.**

If I might recap what I believe has happened with this regulation:

Originally the proposal was to stop the import and breeding of certain breeds of aggressive dogs, pit bull terriers and the like, known as “fighting dogs” which have in Hong Kong and elsewhere a reputation for savagery and inflicting serious wounds to

people and other dogs. At the same time it was proposed to similarly control dogs which have earned a reputation for aggression having attacked and wounded people or other dogs.

Having dealt with the above two categories it was proposed, possibly in an attempt to “complete the picture”, to identify potentially dangerous dogs by breed or type and impose some degree of control over them. I believe that this was misguided and it is this third category which has become the source of most of the debate and delay in passing the regulation. I understand that the legislators quite rightly found difficulty in accepting that a cross-bred dog which was 10% from a “potentially dangerous” breed and 90% from a docile breed was itself potentially dangerous.

They might also have considered that it is not only the breed but also the environment and circumstances in which a dog is brought up and lives which determine how potentially dangerous it is. The argument of “nature versus nurture” is most apposite in these circumstances. Any dog which is cooped up in a small space, which receives inadequate exercise and stimulation, which does not feel part of a family (dogs being essentially pack animals), which is badly treated or which is deprived of the company of other dogs and people is likely to be more aggressive and hence potentially dangerous than one to which these criteria do not apply.

In any event the “potentially dangerous dog” category has been replaced by the apparently arbitrary “large dog” category and it was this which initially received much criticism from those who addressed your subcommittee and indeed from some members of your subcommittee.

More recently I understand the subcommittee members have questioned whether it is right to phase out the ownership of fighting dogs in favour of having them muzzled, presumably only when outside the home. I suggest that in view of the terrible injuries which they can and have caused in Hong Kong and countries overseas both inside and outside the home, there is really no room in Hong Kong for dogs which are bred to be aggressive. If your subcommittee permits the continued import and breeding of such animals, you must share some of the responsibility for any damage they might do or injuries they might cause in the future. I say “share” as most of the responsibility should rest with the owner.

I further understand from the reports of your last meeting and the questionnaire recently sent to the subcommittee members that you are leaning towards a requirement that all dogs should be on a leash when outside. This was never the intention of the Administration in introducing the regulation, it will make it more difficult to exercise dogs properly whether in country parks or elsewhere, it will in many cases serve no useful purpose, it will foster the belief held by some local people that all dogs are dangerous and should be feared and it appears to be a reaction to the difficulty which your subcommittee is having in dealing with the “large dogs” category.

I have previously suggested and repeat that I believe there are already sufficient provisions and deterrents in the law to encourage dog owners to be responsible as regards the behaviour of their animals. In addition there is the civil liability they will incur if they cause damage or injury. If the existing penalties are deemed inadequate, why not increase them?

Dog owners should be made aware of their responsibility and encouraged to have only well behaved dogs. The obedience test proposed by the Agriculture and Fisheries Department is in theory a step in the right direction. However I have heard that at least one member of that department has said that it is unlikely that any dog and owner combination will actually pass the test, although clearly this will not be admitted officially.

I appreciate that this apparently unimportant piece of legislation appears to be taking up a lot of legislators' time. However you might be aware that in the UK the Dangerous Dogs Act introduced in 1991 was still being amended six years later in 1997 and this did not I believe have the added complication of "potentially dangerous" or "large" dogs to deal with. I believe it would be unfortunate if, in an attempt to pass something, an ill thought out regulation was enacted which does not deal with the real problem of inherently aggressive dogs but does cause unnecessary inconvenience to members of the public who have well behaved and docile dogs, whether large or small.

I should be happy to address your subcommittee in person and I am sure that others including representatives from the Society for the Prevention of Cruelty to Animals would be similarly inclined.

I look forward to hearing from you and shall be happy to provide photographic and other evidence of the damage which fighting dogs can and have caused if this would assist and if I can obtain it.

I am sending this to the clerk to your subcommittee Miss Leung with the request that she deliver it to you and give copies to your members. I am also sending a copy to Mr Liu Kwei-kin at the Agriculture and Fisheries Department.

Yours sincerely

Nick Etches

CC - Members of the subcommittee

Mr Liu Kwei-kin, Agriculture and Fisheries Department

Mr Chris Hanselman, SPCA