

**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**

Submission on the Dangerous Dogs Regulation

In January 2000, the Administration received a further submission from an individual on the Dangerous Dogs Regulation (the Regulation). It is noted that the submission supports the proposed controls (including neutering) on fighting dogs and known dangerous dogs with a view to phasing out these dogs from Hong Kong, but suggests removal of control of large dogs from the Regulation. Our response is set out in the following paragraphs for Members' consideration.

“Having dealt with fighting dogs (and by extension “known dangerous dogs”), to seek to distinguish other types of dog(s) 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.”

2. According to the statistics of the Agriculture, Fisheries and Conservation Department (AFCD), between April 1997 and March 1999, about 70% of investigated dog bite cases were caused by large dogs. Therefore, there is a compelling case for control over this category of dogs to help protect the public from dog bites. Moreover, if a large dog attacks, it is more likely to inflict a serious injury than a small dog. The “large dog” category is therefore proposed to place tighter control on the type of dogs responsible for most dog bite cases. Classifying dogs of 20 kilograms or above as large dogs is to ensure that all such dogs, including chows and mongrels, would be included and subject to the proposed control.

3. We are prepared to remove the muzzling requirement in indoor public places for large dogs. The only proposed control for these dogs would be leashing in public places. The leashing requirement would help protect the public from dog bites while only causing very minor inconvenience to the dogs

and their owners. The benefit far outweighs the inconvenience caused. We therefore consider it appropriate to retain the leashing requirement for large dogs in the Regulation.

4. The leashing requirement would not apply to those well-behaved dogs exempted by the Director of Agriculture, Fisheries and Conservation (DAFC) if the dogs can demonstrate their capability of being controlled off leash. Moreover, it is proposed that the control of large dogs would not apply to country parks. Hence, there are ample opportunities for large dogs to be exercised off leash.

“The obedience test proposed by the Agriculture, Fisheries (and Conservation) Department is, in theory, a step in the right direction. However, at least one member of that department has said that it is unlikely that any dog and owner combination will actually pass this test.”

5. At no stage did AFCD intend setting an examination at a level which an obedient dog capable of being controlled off leash could not pass. AFCD in conjunction with dog trainers and professional dog handlers are revising the protocol to ensure that the examination is both fair and reasonable.

“There are already sufficient provisions and deterrents in the law to encourage dog owners to be responsible as regards the behaviour of their animals. If the existing penalties are deemed inadequate, why not increasing them?”

6. The existing legislation is inadequate to control dangerous dogs because it applies to dogs in general without giving adequate consideration to the fact that particular classes of dogs might attack more often and inflict more serious injuries. Moreover, it does not specifically provide for prosecution of dog owners who do not properly control their dogs in indoor public places, such as common parts of housing estates. Furthermore, a dog is required to be on leash or otherwise under control under the current legislation. In practice, AFCD staff have experienced difficulties in enforcing this existing provision, especially in villages, as owners often claim that they are in control of their dogs. For example, in January 2000, AFCD staff in the New

Territories were confronted by a group of angry villagers when trying to enforce this provision on a dog that was clearly uncontrolled but the owner claimed otherwise. The proposed leashing requirement for dogs of 20 kilograms or above would provide a clear guidance in such circumstances and would help AFCD in controlling these dogs. Hence, we consider it necessary to introduce the proposed Regulation to overcome the above limitations and to improve control of these dogs.

7. We do not consider that there is a need to increase the maximum penalty at this stage. Under the Rabies Ordinance, the maximum penalty for a dog bite caused by an uncontrolled dog is \$10,000. Most magistrates impose much lower fines than the maximum when sentencing offenders.

“It is understood that the Subcommittee are leaning towards a requirement that all dogs should be on a leash when outside. It will in many cases serve no useful purpose, it would foster the belief held by some people that all dogs are dangerous and should be feared.”

8. AFCD estimates that about 30% of the dogs in Hong Kong fall into the “large dog” category. Expanding leashing control to cover all dogs will broaden the control net unnecessarily and will even include small lap dogs that are usually carried.

Environment and Food Bureau /
Agriculture, Fisheries and Conservation Department

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