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**Re: Resolution under Section 3 of the Dogs & Cats Ordinance (Cap.167)
and Dogs & Cats (Amendment) Ordinance 1997 (97 of 1997)
(Commencement) Notice 1999.**

Submission for the consideration of subcommittee members.

Dear Sirs/Mmes,

I write to follow up on the recent LegCo subcommittee meeting on the proposed Dangerous Dogs Regulation, which I attended on 6th December 1999. I wish to address the paper produced by the AFD on that day, together with the paper provided by the AFD on 22nd February 2000, a copy of which I only received this evening (24th February 2000).

Firstly, I would apologise to the subcommittee for the late presentation of this submission. This is due to the fact that the AFD always time the release of their papers to leave little or no opportunity for any comment thereon before the next meeting.

Nevertheless, I request that the subcommittee carefully consider the contents of this submission (which I would suggest be read in conjunction with the two previous submissions I made, dated 16th November 1999 (LC Paper No. CB(1) 392/99-00(01) and 26th November 1999, (LC Paper No. CB(1) 519/99-00(02) containing pertinent facts and figures), which (together) I believe make it clear that the AFD is wholly wrong in seeking to push through part 3 of the proposed amendments. This submission also suggests a more appropriate alternative.

My comments throughout refer specifically to part 3 of the proposed regulations, pertaining to "large dogs". I fully support the restrictions proposed for part 1 - "fighting dogs" and part 2 - "known dangerous dogs".

Rather than simply pointing out the flaws in the AFD's arguments, it is reasonable that I start by suggesting an alternative framework for part 3 of the proposed amendment.

1. **In indoor public places and "urban" public areas (city streets, housing estates, roads, pavements, etc.) such as those found on Hong Kong Island, Kowloon, Shatin, etc. - all dogs (of whatever size,) should be kept on a leash at all times.**
2. **Fenced-in, off-leash dog exercise areas will be provided in all parks in urban areas.**

Compared to the amendment proposed currently, the above approach is far more in line with the legislation in force in all the other jurisdictions to which the AFD has made reference.

3. **The same leash laws will also apply (for all dogs) on all major public vehicular roads and the pedestrian pavements alongside, in other (than urban) areas.**

This will ensure the public safety of persons and property (also preventing any dog running into the road and causing traffic accidents).

4. **The leash laws will not apply in other non-urban and rural areas, other than those specified above.**

I believe that the above suggestions represent fair and reasonable restrictions that should be imposed upon ALL dog owners. They will help promote responsible dog ownership among ALL dog owners and will be supported by the majority of responsible dog owners.

They remove the arbitrary, illogical and discriminatory restrictions proposed for "large dogs", and provide for even greater public safety than the AFD's proposals. They also make allowances for responsible dog owners, (who are in the vast majority it must be said,) by permitting the reasonable opportunity to exercise their dogs off-leash in appropriate rural areas.

The remainder of this submission will put forward arguments to support the above suggestions, while (once again) illustrating the flawed logic behind the AFD's proposed "large dog" amendment and refuting the assertions put forward in its latest two papers.

All statistics in this submission are from figures provided by the AFD.

According to the AFD, existing legislation is inadequate.

In a previous submission, I have defined how stringent the existing legislation actually is, and have detailed the likely outcome of proper enforcement. In itself this would largely deal with the dog bite problem.

The AFD had previously stated that existing legislation was rigorously enforced. In its paper of 6th December 1999 however, it admits that enforcement of this law only came into operation on 2nd December 1999, some three years after the legislation came into force in 1996.

It is common knowledge that the AFD operates largely in a reactive manner (only responding to complaints from the public) rather than proactively engaging in the enforcement of existing laws.

Licensing and enforcement. The facts.

According to the AFD, almost 50% of the 3,075 dog bite cases investigated over a two-year period (April 1997 - March 1999) involved stray dogs

In only 807 cases were prosecutions brought under the Rabies Ordinance and there were 742 convictions. This figure also includes all of those individuals who were convicted of having an unlicensed dog (again, not indicated).

An additional 1,457 dog bites were also recorded by the AFD during this two-year period where the dogs could not be identified and were therefore presumably strays.

Further, more than 4,000 dog bite cases are actually presented to hospitals each year, that is a total of over 8,000 during this two-year period. It is important therefore, to address the inevitably strong bias in reportage (and therefore investigation) of those cases involving "identifiable" dogs. i.e. those which are more likely to be licensed.

The *actual* proportion of dog bites caused by stray and unlicensed dogs during the period therefore is, in fact, at least 65% (and is more likely to be in the region of 85% or more).

This is clearly not indicative of rigorous enforcement of existing legislation. By definition, "proper enforcement" would in itself, have substantially reduced dog bites during this period, by a factor of at least 65% -85%.

Full enforcement of existing laws therefore, together with proper enforcement of a carefully crafted amendment along the lines of that which I suggest above, will be more than adequate to ensure public safety.

Size of dogs

The AFD suggests that 70% of bites involve large dogs. Again this figure is highly suspect.

Proper calculation of the figures provided by the department however, demonstrate that of the 4,532 dog bites recorded by the AFD (during the two-year period), only 25% (1,162) involved licensed large dogs.

This means that of the more than 8,000 bite wounds presented to hospitals during the two years, less than 15% have proven to involve licensed large dogs.

Further, in classifying large dogs, the AFD's calculations are *"estimates...based on the average weight of the breeds involved"* and the department contends that *"Classifying dogs of 20 kilograms or above as large dogs is to ensure that all such dogs, including chows and mongrels, would be included."*

This means that the department's figures assume that all chows and mongrels are classified as being over 20kg in weight and hence are "large dogs".

This is patently ridiculous! Ask any dog expert the average weight of a mongrel and the figure you receive will be significantly lower than 20kg. Even a cursory glance around any Hong Kong village will reveal that the vast majority of mongrels, chows, chow crosses, chow mixes, etc. are below 20kg in weight.

The department has admitted that all the calculations pertaining to large dogs are estimates. Unfortunately, the methodology used to arrive at these "guesstimates" is woefully inaccurate, seriously skewed by flawed assumptions and, as such, inevitably grossly exaggerated.

The above figures therefore, significantly over-state the true percentage of large dogs that the AFD purport to have been involved in biting incidents.

This demonstrates that the focus upon large dogs is entirely unwarranted.

The FACT remains that even using these exaggerated figures, serious bites by licensed large dogs represent less than 0.09% of the total number of dog bites presented to hospitals for treatment.

This is not to say that there is not a problem to be addressed given the large number of bites in HK, the vast majority of which are perpetrated by stray and unlicensed dogs. Indeed, since the vast majority of incidents also involve dogs weighing less than 20kg, I reiterate that an amendment similar to the one I suggest (combined with rigorous enforcement of all "dog laws") is the most sensible way forward.

Leash laws

The AFD has stated that "*The leashing requirements proposed for large dogs in Hong Kong are less stringent than some other cities like Sydney and Vienna.*" This is entirely misleading. **The FACT is that no other jurisdiction assessed by the AFD has laws targeting "all large dogs" as is proposed for Hong Kong.**

Further, in providing comparisons of the laws applied in various cities, the department fails to address the fact that Hong Kong is not a city, it is a *region*.

Not one of the *regions* or *countries* used for comparison has general leash laws applying to all dogs.

Of those jurisdictions (the vast minority,) which apply any leash laws at all, the vast majority applies them only to such categories as specified fighting dogs and known dangerous dogs (as in parts 1 & 2 of the proposed HK legislation).

For the small minority that extend them beyond these carefully defined categories, (all of which are highly urbanised cities and none of them regions or countries,) they are sensibly applied to all dogs and do not arbitrarily discriminate on the basis of size.

To try and correlate laws between a city and a *region* such as Hong Kong is spurious. It is only reasonable to consider similar laws to those in other cities if those laws are to be applied only within the urban areas of Hong Kong, (as defined in my suggestion).

There is a huge preponderance of small dogs (under 20kg) in Hong Kong and they are involved in the vast majority of biting incidents, as is clearly demonstrated by an objective analysis of the AFD's statistics.

These "urban" leash laws should apply to all dogs: large, medium, small and toy (as in other cities, sufficient off-leash areas must of course be provided in all parks in urban areas.)

A breakdown of all dog bites requiring hospital treatment in Hong Kong shows that a whopping 9% are committed by Shih tzu's, 4% by small terriers and 3% by Pekinese.

Of the total, 52.5 % are committed by local mongrels and chows (the majority being both "small" and stray/unlicensed,) and a further 20% by more than 40 other breeds (the vast majority being "small"). Most worrying, These animals are particularly dangerous, as they are potential carriers of rabies and other diseases.

As previously mentioned, this equates to between 65% and 85% of all bites being perpetrated by dogs of less than 20kg.

For the AFD therefore, to suggest that there is *"little evidence to show that small dogs [i.e. any dog under 20kg] represent a significant risk to public safety"* is verging on the disingenuous.

A toddler or small child, who is severely savaged and badly scarred by a vicious, unlicensed and potentially rabid, 12 kilogram, demented dog on an urban street, is highly unlikely to sympathise with this point of view.

Further, the AFD suggests that *"Extending leashing to all dogs will widen the control net further and will even include small dogs that are carried rather than walked"*.

Let's say the Shih tzu (which could just as easily have been leashed **as well as** carried) wriggles free and leaps from its owner's arms. Then what?

First it bites a baby in the face (Shih tzu's commit 9% of ALL bites remember,) and then rushes into the road, causing a major traffic accident which leads to the loss of a human life?

Country parks

To restrict off-leash areas to country parks is entirely unreasonable. The AFD has stated that *"In Melbourne [Australia], large dogs are required to be muzzled if travelling on certain [but not all] public transport."* and suggests that *"The situation is akin to that in Hong Kong where large dogs and the public sometimes share a confined space."*

This analogy, both patronising as well as ridiculous, merely emphasises the existing onerous restrictions in Hong Kong, where dogs are excluded from all forms of public transport (with the exception of taxis. But just try to get a taxi to stop for you if you have a large dog or two. I've tried many times. Without success!) Most Hong Kong owners would positively welcome the opportunity to travel with their (safely muzzled) dogs on public transport.

For those vast majority of large dog owners therefore, who do not live right on top of a country park, the opportunity to provide our dogs with the regular daily exercise which is essential for their physical and mental wellbeing, is effectively denied by law. This cannot be right and amounts to cruelty to animals, which is currently illegal under Hong Kong Law.

For the AFD to suggest that the proposed restrictions are mild and do not pose any great inconvenience, is nothing more than wishful thinking (or sheer insensitivity).

Responsible large dog owners simply wish to exercise their dogs by walking with them down the track from their home to the seashore for a run on the mud flats and then walking them back again. It cannot be right to criminalise this behaviour. Our dogs have never bitten anyone and have no propensity to do so. They are not dangerous dogs.

Summary

I could go on and on with these arguments (there are an endless number of eminently sensible objections to this absurd amendment). Rather than do so here however, I would like to suggest that this is not the proper forum for such debate.

It is obvious that further discussion is required before attempting to promulgate this law.

While I appreciate that this issue is not a case being tried before the courts, it *is* being proposed as suitable for passage into law. As such, (as with all laws,) it deserves appropriate care in crafting and must subsequently stand up clearly under scrutiny before it is sanctioned.

I would argue therefore, that the three submissions that I have presented to the sub-committee (along with the numerous others from individuals and groups) must, at the very least, raise "reasonable doubt" as to whether it is appropriate in the present form. Given this, I believe that it would be a grave error to recommend the amendment without further review and revision.

The SPCA, The Hong Kong Kennel Club, The International Fund for Animal Welfare and The Animal Asia Foundation, (together representing the views of more than 25,000 members of the Hong Kong public,) all remain vehemently opposed to this amendment.

Several members of the sub-committee have also expressed concern over the "large dogs" issue and Christine Loh has suggested that the AFD shelve the amendment for a year in order to properly consult with the relevant parties and reach a consensus.

All of the individuals and groups concerned have made it clear that they are more than happy to work together with the AFD, to help develop and recommend an amendment that will be more appropriate and effective in addressing the issue of dog bites.

I urge the sub-committee therefore, not to support this ill-constructed amendment under any circumstances, and to ensure that the appropriate measures are taken to persuade and convince the government to afford sufficient time to further pursue a more effective piece of legislation.

Thank you for your support.

Yours faithfully,

Graeme C. Alford