

**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**

Reponses to Two Submissions Received on 24 February 2000

Introduction

On 24 February 2000, the Administration received further submissions from two individuals on the draft Dangerous Dogs Regulation (the Regulation). They either support or raise no objection to the neutering and other controls proposed for fighting dogs and known dangerous dogs. On the other hand, they reiterate objection to the leashing control proposed for large dogs. Our responses are set out in the following paragraphs for Members' consideration.

An individual suggests that fenced-in, off-leash dog exercise areas be provided in all parks in urban areas.

2. There is generally a demand for more open space in urban areas to enhance the living environment of the public. Providing fenced-in and off-leash dog exercise areas in all urban parks would reduce the open space available to other park users. It is doubtful whether this suggestion would have sufficient public support.

3. We consider that our proposals would provide ample opportunities for large dogs to be exercised off leash. Under the Regulation, large dogs are not required to be on leash in country parks, which cover about 40% of the total land area of Hong Kong. Indeed, many country parks in Hong Kong are in urban areas and are readily accessible. Apart from country parks, we have also proposed to exclude large dogs swimming at sea from the leashing control. Furthermore, the Director of Agriculture, Fisheries and Conservation is prepared to grant exemption to large dogs which could demonstrate, through an examination, that they are well behaved and do not pose a threat to the public.

4. Given the above, we do not consider it justifiable to provide fenced-in, off-leash dog exercise areas in all parks in urban areas.

An individual points out that the obedience test that will exempt well behaved dogs is still not available for examination by the public nor the Subcommittee.

5. The Agriculture, Fisheries and Conservation Department (AFCD) welcomes inputs and comments from all parties concerned on the exemption examination. At present, it is finalizing the protocol in the light of the comments from dog trainers, professional dog handlers, the animal welfare associations (such as the Society for the Prevention of Cruelty to Animals, SPCA) and the interested individuals. It has recently circulated the revised protocol to them for further comments. A copy is attached herewith for Members' consideration. AFCD will hold a demonstration of the examination on 3 April 2000 and has invited the interested parties to observe or participate to help them understand the proposed exemption examination better.

An individual claims that AFCD admits in its paper of 6 December 1999 that the existing legislation was only enforced from 2 December 1999 onward, some three years after the enactment of the legislation in 1996.

6. AFCD points out that the aforesaid claim is unfounded. The amendments to the Rabies Regulation (which mainly require dogs to be implanted with a microchip as an additional dog licensing requirement) have been implemented since the day of commencement (i.e. 2 December 1996). From that date onward, every dog presented for vaccination and licensing is required by the law to be implanted with a microchip. On the other hand, a dog with a valid dog licence issued before that date was granted exemption from microchip implanting until expiry of the licence. As dog licences are valid for three years, the last batch of the licences issued before the commencement of the amended Regulation expired on 2 December 1999. The dogs concerned were then required to be implanted with a microchip for renewal of licence. Thereafter, any dog without a microchip would be deemed to be unlicensed. Keeping of an unlicensed dog over the age of five months is an offence under the Rabies Regulation.

An individual questions how the Regulation will help if AFCD has trouble in enforcing existing legislation especially in villages.

7. Village dogs were identified as a serious problem by the then District Boards and the Hong Kong Veterinary Association during the public consultation exercise. Under the current laws, AFCD staff must prove that a dog wandering in a village is not “under control” before any action can be taken. It is extremely difficult for them to prove with sufficient evidence that a dog is not “under control”. By imposing compulsory leashing on large dogs

in public places, we aim to provide an objective and enforceable standard for better control on large dogs to minimise risks to the public.

An individual indicates that serious bites by licensed large dogs represent less than 0.09% of the total number of dog bites presented to hospitals for treatment. He also comments that the average weight of a mongrel is significantly lower than 20 kilograms.

8. Large dogs are the main cause of serious dogs bites. Between April 1997 and March 1999, there were 24 investigated dog bite cases resulting in the victims being hospitalized. Of these 24 cases, 14 cases (58%) took place in public places. Based on average weight of the breeds involved, AFCD estimates that all these 14 cases were caused by large dogs, of which 11 (79%) were owned dogs [including seven (50%) licensed and four (29) unlicensed] and three (21%) were unowned dogs. The latest serious bite incident took place where a child was seriously injured by a large dog (a Rotweiler) and required hospitalization.

9. Based on the average weight of the breeds involved in dog bite cases, animal management staff from AFCD have confirmed that the 20-kilogram criterion for the large dogs category will include a high proportion of chow and mongrel dogs.

**Environment and Food Bureau/
Agriculture, Fisheries and Conservation Department
1 April 2000**

Revised Draft

Protocol for Exemption Examination

The examination comprises two parts, both of which must be completed successfully.

Test 1- Assessment of temperament

A veterinary assessment of temperament will be conducted according to the protocol established by the Australian RSPCA (attached).

In addition, during the conduct of the tests, the dog should not demonstrate signs of overt aggression towards other dogs or humans.

Dogs with one or more “unacceptable” results or more than four “borderline” results on test 1 will be considered to have failed the test and will not be permitted to proceed to test 2.

Test 2 - Assessment of control

This test will be conducted on a circuit approximately 160 metres in length. The owner is required to walk around the circuit once with his dog unleashed. The circuit will be marked by flags placed 10 metres apart (see attached diagram).

This test contains four elements, all of which must be completed successfully to obtain a pass.

Element 1 – walking with dog off leash

The dog must remain within 10 metres of the owner at all times and within the confines of the markers during the walk around the circuit. The owner is free to decide the distance he allows the dog to move away from him up to the 10 metre limit. *[Note: the “10 metre limit” does not apply during the conduct of the other three elements of the test described below]*

Element 2 - encounter with a stranger

At one point in the circuit a stranger will walk towards the dog and owner. When the stranger and the owner meet, the dog must sit, stay or

Revised Draft

drop beside the owner. The stranger will stop, talk to the owner and offer him/her an object. The dog must show no signs of aggression towards the stranger.

Element 3 – recall dog

At the second point in the circuit the owner and dog must separate by a distance of at least 10 metres and then be recalled. The owner can do this by sending the dog off and recalling it or, if the dog is not trained to be sent off, by getting the dog to sit and stay while the owner walks at least 10 metres away and then recalls the dog.

Element 4 - encounter with a stranger walking a dog on leash

At the third point in the circuit a stranger walking a friendly, leashed dog will walk towards the dog and owner. When the stranger and the owner meet, the dog must sit, stay or drop beside the owner. The stranger will stop, talk to the owner and offer him/her an object. The dog must show no signs of overt aggression towards the stranger or the other dog.

Retests

Any dog that fails the examination may retake it at future examination sessions. There is no restriction on the number of attempts.

Agriculture, Fisheries and Conservation Department
30 March 2000

Protocol for Assessing Aggression in Dogs by Veterinarians

Principles

The protocol provides guidelines for the assessment of temperament in dogs. Other criteria including health should be assessed when the dogs are being considered for sale or adoption from pounds and shelters. A dangerous dog is generally defined as one which threatens the safety of people and other animals by showing aggression with little or no provocation.

Aggression is here taken to mean over behaviour involving intent to inflict damage. Dog aggression may be shown by one of more of the following:

- ◆ growling,
- ◆ barking,
- ◆ snapping,
- ◆ biting,
- ◆ jumping or
- ◆ rushing towards a person or dog with teeth bared.

Most dogs are capable of aggression given sufficient challenge. In judging whether a dog is likely to be dangerous the degree of challenge to which that animal is exposed must be considered.

Behaviour may be influenced by genetic predisposition, experience (such as primary socialization and other learning), present environment and the dog handler.

There are many recognized types of aggression, though dominance and fear are the two most likely to be encountered in an examination.

Dogs should be assessed for aggression at the same time as they are given a physical examination. A physical examination necessitates the dog accepting authority and physical control.

Assessment Criteria

Any assessment of aggression is partly subjective, although consideration of the following will make the examination more objective. In each instance

- (a) is acceptable,
- (b) is borderline,
- (c) is unacceptable.

1. How does the animal react at the sight of an unfamiliar person?
 - (a) It shows little reaction or shows sociable behaviour.
 - (b) It growls and barks.
 - (c) It is overly aggressive.
2. On being approached by an unfamiliar person, how does the animal react?
 - (a) It shows little interest.
 - (b) It withdraws.
 - (c) It exhibits aggression.
3. How does the dog react when a hand is passed from the top of the head, to the neck and between the shoulder blades?
 - (a) It shows little response or reacts submissively.
 - (b) It moves away.
 - (c) It becomes aggressive.
4. During a full clinical examination the veterinarian should be able to examine an animal from head to tail. How does the dog respond?
 - (a) It readily submits to examination.
 - (b) It is uncooperative.
 - (c) It becomes aggressive.
5. How does the dog react when the veterinarian attempts to examine its mouth?
 - (a) It does not resist.
 - (b) It attempts to turn and face the person
 - (c) It becomes aggressive.

6. How does the dog react when approached from the rear?

- (a) It stands and allows handling.
- (b) It attempts to turn and face the person.
- (c) It becomes aggressive.

7. How does the dog react when its temperature is taken?

- (a) It does not resist.
- (b) It resists by sitting or turning.
- (c) It becomes aggressive.

8. When prolonged eye contact is established between the veterinarian and the animal, how does the animal respond?

- (a) It averts its eye.
- (b) It maintains eye contact with no result or exhibits fear.
- (c) It becomes aggressive.

