

P.O. Box 186. Sai Kung. N.T.

26 November 1999

Dear Sirs/Mmes,

I write to follow up on the recent LegCo subcommittee meeting on the proposed Dangerous Dogs Regulation, which I attended on 16th November 1999.

My comments 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".

It is only fair that I reiterate that I have a strong personal interest in this issue as the owner of two "large" dogs, both of which I was able to rescue from the streets as puppies. My dogs are fully and properly licensed and are inoculated against rabies and micro-chipped, as is required under existing legislation. They are also vaccinated against all other canine diseases for which vaccines are available and spayed (as is universally recommended).

Firstly, I would like to register my sympathy for the Agriculture and Fisheries Department. They are responsible for the thankless task of dealing with the serious and growing problem of local Chow and mongrel dogs. (I cannot rescue them all personally, much as I would like to!)

These poor stray animals are often diseased, inevitably under-nourished and worryingly, potentially rabid. According to the statistics provided by the AFD, they fall under the category of "large dogs" and, most importantly, are responsible for the majority (52.5%) of the more than 4,000 dog bites requiring hospital treatment every year.

Under *existing* legislation, the AFD is mandated with the responsibility of ensuring that these semi-feral animals are properly controlled. I strongly believe therefore, that it is imperative that the department *must* be provided with (or choose to allocate) sufficient resources to deal with this problem, in order that public safety may be adequately protected.

The SPCA has made it clear to the AFD that they are more than happy to work together with the department in developing and implementing effective strategies to address the issue.

It is extremely unfortunate however, that the AFD is pushing forward with a misguided attempt to try to portray and equate the problem of these unlicensed animals, as being synonymous with the large dogs which are owned by those law abiding and responsible owners such as myself.

In particular, I must take issue with some of the comments made by the AFD during the above mentioned subcommittee meeting.

The AFD suggested that when addressing the subject of dog bites, "Licensing is not the issue. Ownership is the issue."

I find it very disturbing that a government official, especially a senior official attached to the very department that is responsible for the licensing of dogs as is required by law, could make such a patently irresponsible statement.

The current law is very clear and if properly enforced, would be very effective. It states that: **"All dogs aged 5 months or over *must* be inoculated against rabies and licensed once in every three years"**.

Under the legislation, every three years the government imposes upon dog owners a licence fee of HK\$70.00 for each dog kept. This fee was raised from HK\$40.00 in 1998, an increase of 75%. The administration is currently proposing that this fee be raised even further.

If the AFD really believe that "licensing is not the issue", would it please be kind enough to refund the money it took from me for licensing my dogs? In exchange, I would be happy to return my dog licences and revert to being simply a dog "owner"!

The idea that licensing is not the issue is nonsense, and dangerous as well. The whole point of legislation is to promote "responsible" dog ownership. In this regard, licensing is fundamental to the issue. It is in fact the *central* issue.

Current legislation also provides that: **"This licence is not transferable. The current keeper of the dog *must* complete the section at the base of the certificate and mail the whole licence to *Director of Agriculture & Fisheries, 12/F., Canton Road Government Offices, 393 Canton Road, Kowloon.* within 5 days of a change of keeper or change of address of the keeper"**.

It is clear therefore, that the existing laws are very stringent. Every dog licence carries both the Identity Card number and current address of the owner. If any properly licensed animal therefore, is involved in an incident likely to render the owner liable to prosecution, it is a very easy to locate the owner and to bring justice to bear. Assuming of course, that the legislation is enforced.

Indeed, it is a matter of common sense that licensing should "define" ownership. If a dog is not fully and properly licensed, it is not owned, and as such should be treated as a stray animal.

Let us not forget that according to the statistics provided by the AFD, serious bites by licensed large dogs represent ***less than 0.06%*** of the total dog bites presented to hospitals.

To put this into perspective, compare this figure with the 52.5% of all dog bites requiring hospital treatment that are caused by local Chows and mongrels. The 9% by Shih tzu's, the 4% by small terriers, the 3% by Pekinese and a further 20% by more than 40 other breeds (the vast majority being "small").

The proposed large dog amendment will of course not address any of the animals mentioned in the above paragraph (responsible for 90% of all bites).

Neither will it affect those irresponsible owners whose dogs are not fully and properly licensed, they can simply evade prosecution by denying ownership.

Most importantly, it will do nothing to reduce the problem of dog bites. What it will achieve, is to discriminate against and potentially criminalise *only* those responsible large dog owners who are already fully complying with the law.

And for what? Simply because I exercise my dogs by walking with them down the track from my home to the sea shore for a run on the mud-flats and then walking them back again. This cannot be right. My dogs have never bitten anyone and have no propensity to do so. They are not dangerous dogs.

The proposed regulation is seriously flawed. It does not address the problem, will not solve the problem and miss-targets the wrong group of people. The law is already sufficiently restrictive and provides more than adequate scope for a vast reduction in the number of dog bites. What is needed (with apologies for the repetition,) is rigorous enforcement.

Another comment made by the AFD at the subcommittee meeting, was that the 20kg limit is no different to having a speed limit for motor vehicles and that there has to be a reasonable cut-off at (say) 50 kph, where anything above this is illegal. Unfortunately, the analogy (and once again, the logic) is spurious.

When some critical thinking is applied, a more appropriate analogy emerges. The 20kg limit more closely resembles a requirement that all vehicles with an engine capacity over 2,000 c.c.'s, must never travel faster than 7 kph and must have a person walking in front, waving a red flag to warn of the potential danger. All vehicles below this limit however, (as well as the vast numbers of large-engined, unlicensed, ill-maintained and dangerous vehicles cruising around) may be driven at any speed desired by the driver! Not very sensible!

The AFD further suggests that the proposed leash laws are less restrictive than in many other countries. This is true only up to a point and is certainly not true with respect to large dogs. There is no other country in the world that has laws specifically targeting large dogs. The reason being that the introduction of such discriminatory legislation would be entirely illogical.

There are actually very few jurisdictions applying any leash laws at all and in those that do, the restrictions include *all* dogs, both large and small and apply *only* in urban areas. Further, there are many parks in urban areas in these jurisdictions and "off-leash" areas are provided in these urban parks.

While I do not agree with leash laws, if they are to be imposed, it is certainly more logical and fairer to apply them to all dogs equally. This is especially true in a place such as Hong Kong where there is a preponderance of small dogs that (as the above figures demonstrate) have a propensity to bite people.

The AFD also mentioned that it would soon start enforcing existing laws, commencing on 2nd December 1999. Given the severity of the problem with stray dogs and the vast numbers of illegally owned, unlicensed dogs (which together cause the vast majority of all dog bites), it would seem that this assurance of impending action, while welcome, is long overdue. It is essential that the proper resources are made available, in order to ensure public safety.

The members of the subcommittee are probably already aware that the large dog amendment is not supported by any of the available data. It is also not supported by any of the individuals or groups who have taken the time to give the legislation even a modicum of considered thought.

The only show of support the AFD can provide is in the form of a single letter, from a laboratory at The Chinese University of Hong Kong. The letter states that the writer supports any legislation that will help control dangerous dogs. Let me make it clear, so do I! So does everyone! Who wouldn't?

The question is; how *considered* is this expression of support? If the AFD were to contact people and ask if they supported proposed legislation to control wild tigers in Sai Kung, they would also receive unqualified support!

Since my contact details were published in a letter I wrote to the South China Morning Post (16th October 1999), many responsible owners of licensed large dogs have been in contact with me by e-mail and telephone. Each one of these owners (both Chinese and expatriate) expressed their objection to the amendment and all are in agreement that enforcement of existing legislation needs to be significantly improved.

As responsible dog owners, when out walking with our dogs we actually suffer even more from the unwanted attention of stray and unlicensed dogs than do most members of the public. Every single owner who contacted me had their own tales of being repeatedly confronted by packs of these uncontrolled, potentially rabid animals while out with their dogs.

We add our voices to those of the non dog-owning members of the public, in strongly urging that such "dangerous dogs" be properly dealt with.

Existing dog licensing laws and existing legislation regarding stray dogs must be rigorously enforced without delay.

Fighting dogs? Yes. Known dangerous dogs? Yes. Every "large" dog? NO!

I implore all members of the subcommittee to lend their support on the issue.

The large dog amendment must be dropped.

Yours faithfully,

Graeme C. Alford