

**立法會**  
**Legislative Council**

Ref : CB2/SS/1/14

LC Paper No. CB(2)488/14-15  
(These minutes have been seen  
by the Administration)

**Subcommittee on Dangerous Dogs Regulation (Exemption) (Amendment)  
Notice 2014 and Rabies (TNR Programme) (Exemption) Notice**

**Minutes of the first meeting  
held on Friday, 28 November 2014, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Claudia MO (Chairman)  
Hon CHAN Hak-kan, JP  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Dr Hon Helena WONG Pik-wan
- Member absent** : Hon Cyd HO Sau-lan, JP
- Public Officers attending** : Ms Hanny LAM Shuk-yee  
Principal Assistant Secretary for Food & Health (Food) 3  
Food and Health Bureau
- Ms Alison LO Hau-wai  
Assistant Secretary for Food & Health (Food) 5  
Food and Health Bureau
- Dr Thomas SIT Hon-chung  
Assistant Director (Inspection and Quarantine)  
Agriculture, Fisheries and Conservation Department
- Dr Esther TO Man-wai  
Senior Veterinary Officer (Animal Management Operations  
Division)  
Agriculture, Fisheries and Conservation Department

Dr Mary CHOW Ka-wai  
Senior Veterinary Officer (Animal Management  
Development Division)  
Agriculture, Fisheries and Conservation Department

Ms Mabel CHEUNG Mee-bo  
Senior Assistant Law Draftsman (Professional Development)  
(Acting)  
Department of Justice

Miss Shirley LI Kwan-ting  
Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Joanne MAK  
Chief Council Secretary (2) 3

**Staff in attendance** : Ms Clara TAM  
Assistant Legal Adviser 9

Miss Cindy HO  
Senior Council Secretary (2) 3

Mrs Fanny TSANG  
Legislative Assistant (2) 3

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Action

**I. Election of Chairman**

Ms Claudia MO was elected Chairman of the Subcommittee.

**II. Meeting with the Administration**

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

Admin 3. The Subcommittee requested the Administration to provide supplementary information, when available from the Programme Coordinators in due course, on -

Action

- (a) the coverage of the training course organized by the Programme Coordinators for carers and relevant documents; and
- (b) the criteria for assessment of temperament of dogs under the "Trap-Neuter-Return" programme.

4. The Subcommittee completed examination of the provisions of the Dangerous Dogs Regulation (Exemption)(Amendment) Notice 2014 and the Rabies (TNR Programme)(Exemption) Notice.

Date of next meeting

5. Members agreed to receive public views on the subsidiary legislation at the next meeting on 8 December 2014 at 9:00 am. A general notice to invite views from the public would be posted on the Legislative Council's website. In line with the usual practice, the 18 District Councils would also be invited to submit views.

Clerk

6. Members agreed to extend the scrutiny period of the relevant subsidiary legislation to 14 January 2015 in order to allow sufficient time for scrutiny.

*(Post-meeting note: With the concurrence of the Chairman, the meeting scheduled for 8 December 2014 was cancelled and the written submissions received on the two Notices were circulated to members on 5 December and 9 December 2014 vide LC Paper Nos. CB(2)410/14-15(01) - (03) and CB(2)421/14-15(01) respectively.)*

**III. Any other business**

7. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
16 December 2014

**Proceedings of the first meeting of the  
Subcommittee on Dangerous Dogs Regulation (Exemption) (Amendment)  
Notice 2014 and Rabies (TNR Programme) (Exemption) Notice  
on Friday, 28 November 2014, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000449 - 000722	Ms Claudia MO Mr CHAN Chi-chuen Mr LEUNG Che-cheung	Election of Chairman	
000723 - 001610	Chairman Administration	Opening remarks  Briefing by the Administration on the Dangerous Dogs Regulation (Exemption) (Amendment) Notice 2014 and the Rabies (TNR Programme) (Exemption) Notice ("the Notices").	
001611 - 002710	Chairman Mr CHAN Chi-chuen Administration	<p>Referring to paragraph 9 of the Legislative Council ("LegCo") Brief, Mr CHAN Chi-chuen requested the Administration to explain why it was stated that "From available overseas experience and data, however, the effectiveness of the Trap-Neuter-Return ("TNR") programme in reducing the stray dog population and its associated nuisance has yet to be scientifically proven."</p> <p>The Administration advised that based on overseas experience, the outcome of TNR efforts varied in different places. The Administration explained that the effectiveness of the trial programme could be affected by many factors, e.g. whether the pace of catching stray dogs in the trial zone could catch up with their breeding rate; whether continued support would be rendered by local residents; and whether the carers' feeding of stray dogs in the trial zone would induce more stray dogs to move into the trial zone from outside.</p> <p>The Administration explained that it was necessary to return relevant dogs to the trial zone under the trial programme owing to the limited capacity of the Programme Coordinators' ("PCs") facilities.</p>	

002711 - 004107	Chairman Mr LEUNG Che-cheung Administration	<p>Mr LEUNG Che-cheung enquired about the expiry of two Notices under scrutiny in case of early termination of the TNR programme, and the Administration's explanation as detailed in its letter (LC Paper No. CB(2)352/14-15(03)) in response to Assistant Legal Adviser's enquiries (LC Paper No. CB(2)352/14-15(02)).</p> <p>Mr LEUNG expressed concern about the health condition of the stray dogs in the trial zones and their suitability for rehoming. The Administration explained that those dogs selected to be kept in the trial programme would undergo a veterinary examination and would be given prophylactic treatments against various parasites before they were released back to the trial zone. Those assessed to be unsuitable for rehoming due to health or temperament reasons, or could not be rehomed by animal welfare organisations ("AWOs"), would be euthanized. In addition to a microchip, a visual marker (e.g. a dog collar, tattoo) would be put on the dog before it was released to the trial zone.</p> <p>Mr LEUNG suggested providing the number of stray dogs caught and released to the trial zones during the trial period in order to keep the local residents apprised of the latest situation. The Administration responded that relevant records would be provided to the rural committees on a regular basis for dissemination to the local residents.</p> <p>In response to Mr LEUNG's enquiry on actions to follow up complaints against stray dogs in the trial zone during the trial period, the Administration advised that in accordance with the agreed protocol with PCs, any complaint of dog nuisance regardless of whether it was inside or outside the trial zone would continue to be handled by the Agriculture, Fisheries and Conservation Department ("AFCD"). For complaints against stray dogs inside the trial zones, AFCD would conduct inspection upon receipt of complaint and if the dog concerned was one bearing a microchip and a visual marker given by PC, AFCD would not catch it. In cases where the dog concerned was not so marked, it would be caught and, if confirmed to be owned, would be returned to its owner. If not, joint assessment would be carried</p>	
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		<p>out by PCs and AFCD as to whether the dog was suitable to be kept in the trial programme and, where suitable, it would be given the necessary treatment (as detailed in paragraph 14 of the LegCo Brief) before being released back to the trial zone.</p> <p>The Administration advised that the detention period for neutering and treatment would be kept as short as possible and generally it would be a few days only.</p>	
004108 - 010702	<p>Chairman Dr Helena WONG Administration</p>	<p>Dr Helena WONG enquired about the follow-up actions taken by the Administration in response to the strong views expressed by residents of northern Cheung Chau about the trial programme. The Administration advised that the Cheung Chau trial zone originally included Tai Kwan Wan at northern Cheung Chau and Cheung Chau Cemetery at southern Cheung Chau. As some residents of northern Cheung Chau had expressed concern about the implementation of the trial programme, the Society for the Prevention of Cruelty to Animals (PC for the Cheung Chau trial zone) had excluded the Tai Kwan Wan area and adjusted the boundary of the area in southern Cheung Chau (as shown in the map attached to the LegCo Brief) as the only trial zone on the island.</p> <p>Dr WONG expressed concern that the initial stray dog population in the trial zone in southern Cheung Chau was only 30. She further requested the Administration to step up public education and publicity against dog abandonment by irresponsible owners in the trial zone as such behaviour would affect the effectiveness of the trial programme in the area.</p> <p>As the designated area would not be fully enclosed and stray dogs were free to move in and out of the area, Dr WONG asked how the effectiveness of the trial programme could be assessed in a scientific manner. The Administration advised that, to ensure an independent assessment of the outcome of the trial programme, a consultant would be commissioned to conduct a baseline population survey in collaboration with PCs before the commencement of the programme. The Administration explained that dogs were inclined to stay in their own zone. Moreover, given the carers' feeding at regular time</p>	

		<p>under the programme, the stray dogs within the trial zone were expected to remain in the zone instead of moving out. Nevertheless, the Administration acknowledged the possibility of inducing new dogs to move from elsewhere on Cheung Chau to the trial zone due to the carers' regular feeding there. It was therefore necessary to conduct the trial programme to ascertain its effectiveness.</p> <p>On complaint handling, the Administration advised that complaints against stray dogs outside the trial zone would be handled in accordance with the established procedures as detailed in paragraph 7 of the LegCo Brief. For complaints involving stray dogs within the trial zone, they would be handled in accordance with the procedures as earlier explained. Dr WONG further enquired about the number of complaints of dog nuisance in Cheung Chau. The Administration advised that the annual figure was around 80 to 100.</p>	
010703 - 011242	Chairman Administration	<p>The Chairman queried whether it was justifiable to suspend the trial programme if only one single dog of the trial programme had caused fatal or serious accident. She asked whether the threshold could be adjusted from "one dog" to "two to three dogs". She also suggested that, in deciding whether or not to suspend the trial programme, consideration should be given not just to the number of complaints received but also the seriousness of the issues involved and the justifications put forward by the complainants.</p> <p>The Administration explained that based on past experience, the occurrence of even only one fatal or serious accident caused by one dog could cause grave concern amongst the local residents and the Administration was obliged to take immediate action to alleviate residents' concern. The Administration advised that during the suspension period, AFCD would make the best endeavour to work with PCs and other parties to resolve issues. Only if AFCD and PCs were unable to come up with feasible solutions to prevent future occurrence of these incidents would the Administration consider terminating the trial programme.</p>	

011243 - 012243	Chairman Mr CHAN Hak-kan Administration	<p>In response to Mr CHAN Hak-kan's enquiry, the Administration explained that the selection of the proposed trial zones was based on the outcome of consultation with the District Councils ("DCs") concerned and local residents.</p> <p>The Administration advised that AFCD had drafted a set of implementation protocol for reference by the two PCs to ensure consistency in their operation of the programme. In response to Mr CHAN's concern, the Administration advised that upon commencement of the two Notices on 16 January 2015, AFCD would issue letters to the departments, rural committees and DCs concerned announcing the launch of the trial programme, and AFCD's staff would be given training to familiarize themselves with the operational details of the programme.</p>	
012244 - 012826	Chairman Mr CHAN Chi-chuen Administration	<p>In response to Mr Chan Chi-chuen's enquiry, the Administration advised that stray dogs caught by PCs in the trial zone would be neutered and rehomed if they were healthy and of an appropriate temperament. These dogs would be released to the trial zone if efforts for rehoming failed. Stray dogs identified to be under the trial programme, if caught outside the trial zone, would be released back to the trial zone.</p>	
012827 - 013126	Chairman Mr CHAN Hak-kan Administration	<p>Mr CHAN Hak-kan enquired about the role of AFCD in the trial programme and the support provided by AFCD to PCs. The Administration advised that AFCD would handle complaints and assist in mediation and devising remedial actions. It would also implement publicity and public education measures to promote understanding of the rationale and operation of the TNR programme.</p>	
013127 - 013554	Chairman Mr LEUNG Che-cheung Administration	<p>Mr LEUNG Che-cheung was concerned that the trial programme might attract some dog owners to abandon their dogs at the trial zones in order to obtain free vaccines and neutering service from PCs under the trial programme and reclaim their dogs afterwards. The Administration advised that AFCD encouraged dog owners to neuter their dogs and had been offering free de-sexing services to dogs that were sent to AWOs by the Department for adoption. Furthermore, AFCD and PCs would carry out public education and publicity</p>	



		activities in the vicinity of the trial zone to enhance local residents' understanding of the trial programme. AFCD would follow up any suspected cases of dog abandonment in the trial zone as reported by PCs.	
013555 - 014002	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN Chi-chuen requested for provision of supplementary information.  The Administration advised that the training course organized for the carers would have to be endorsed by the Director of Agriculture, Fisheries and Conservation. The course should cover animal nutrition, animal behavior, environmental safety and dog catching methods. A copy of the undertaking signed by carers with the PCs for joining the programme should be provided to AFCD for the record. Assessment of temperament of dogs caught would be conducted either by the registered veterinary surgeons of the PCs or animal trainers who had working relationship with the registered veterinary surgeons. PCs were required to submit information on their assessment methods to AFCD.	<b>Admin</b> (paragraph 3 of minutes)
014003 - 014226	Chairman Mr CHAN Chi-chuen Administration	In reply to Mr CHAN Chi-chuen's enquiry, the Administration advised that the implementation cost of the trial programme would be borne by PCs. Taking into account the cost of anaesthesia for neutering and vaccination and prophylactic treatments, the cost was estimated to be around \$1,500 to \$2,000 for each dog.  The Administration advised that the Government would bear the cost of commissioning the consultant to conduct an assessment of the effectiveness of the trial programme. As the PCs had been operating animal welfare service through donations and with the financial subvention from AFCD, no additional provisions would be provided to them to meet the expenses incurred by the operation of the trial programme.	
014227 - 014659	Chairman Mr CHAN Chi-chuen Mr LEUNG Che-cheung	Arrangements for receiving public views	
014700 - 015843	Chairman Administration	Examination of the detailed provisions of the two Notices	

015844 - 020013	Chairman Clerk	Date of next meeting  Extension of the scrutiny period of the Notices  Closing remarks	
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Council Business Division 2  
Legislative Council Secretariat  
16 December 2014