

立法會
Legislative Council

LC Paper No. CB(1) 489/99-00

(These minutes have been
seen by the Administration)

Ref: CB1/SS/10/98/1

**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**

**Minutes of meeting
held on Friday, 23 July 1999, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Dr Hon TANG Siu-tong, JP (Chairman)
Hon James TIEN Pei-chun, JP
Hon Michael HO Mun-ka
Hon HUI Cheung-ching
Hon Christine LOH
Hon CHAN Wing-chan
Hon Emily LAU Wai-hing, JP

Member attending : Hon Andrew WONG Wang-fat, JP

Members absent : Hon David CHU Yu-lin
Hon Eric LI Ka-cheung, JP
Hon Ronald ARCULLI, JP
Hon CHAN Kwok-keung
Dr Hon LEONG Che-hung, JP

**Public officers
attending** : **For Item II**

Miss Dora FU, Principal Assistant Secretary for Economic
Services

Mr K K LIU, Assistant Director, Agriculture and Fisheries
Department

Dr Thomas SIT, Veterinary Officer, Agriculture and Fisheries Department

Miss Marie SIU, Senior Government Counsel, Department of Justice

Mr KONG Cheuk-chau, Chief Inspector of Police, Police Dog Unit

Attendance by invitation : For Item I

Hong Kong Veterinary Association Ltd.

Dr Anthony E James, Secretary

The Hong Kong and Kowloon Kennel Association Ltd.

Mr WAI Kee-shun, Chartered President

Mr Alan TANG Kwong-wing, President

Mr TSE Wai-kong, Vice-President & Executive Committee

Mr LI Kwok-wai, Vice-President & Executive Committee

Mr SIT Man-kong, Honorary Secretary & Executive Committee

Mr Mark CHAN Wai-kwan, Executive Committee

Society for the Prevention of Cruelty to Animals

Mr Christopher Hanselman, Executive Director

Hong Kong Kennel Club Ltd.

Mr J M SHEN, Chairman

Mr Kevin Steel, General Committee Member

Mr Eddie W Y CHEN, Voting Member

Members of the public

Mr Nick P Etches

Mr Neil McLaughlin

Clerk in attendance : Ms LEUNG Siu-kum, Chief Assistant Secretary (1)2

Staff in attendance : Mr Stephen LAM, Assistant Legal Adviser 4
Miss Becky YU, Senior Assistant Secretary (1)3

I Meeting with deputations/members of the public

Meeting with the Hong Kong Veterinary Association Limited (HKVA) (LC Paper No. CB(1) 1741/98-99(01))

While agreeing in principle that the proposed Dangerous Dogs Regulation (the Regulation) was a step in the right direction to control and safeguard the public against dangerous dogs, Dr Anthony James expressed concern that it might not be able to address the problem of dog bites at home since according to the information provided from an American Medical Journal, about 75% of the bites were inflicted by pet dogs and over 70% of the victims concerned were children under the age of five. To this end, Dr James considered that efforts should be made to alert the public on the types of dogs which were disproportionately involved in severe attacks so that dog owners would be more cautious in choosing their pet dogs, particularly when they had young children at home. On the way forward, Dr James stressed that the Regulation alone was not enough, attempts should be made to devise an all-embracing policy on dog ownership.

2. Mr James TIEN asked if muzzling would exacerbate the aggressive behaviour of dogs. In reply, Dr James noted that the Regulation only required large dogs to be restrained and muzzled in indoor public places such as lifts, corridors and lobbies where humans and dogs had to share confined areas. In most situations, large dogs would only need to wear a muzzle for a short period of time while they were taken from their places of residence through the common parts of buildings to outdoor public places, where muzzling would no longer be required. As such, muzzling should have little impact on the behaviour of dogs, particularly if they were properly trained to accept the muzzle. As to whether suitable muzzles were available for all types of dogs, including Pit Bull Terriers, Dr James said that he was not in a position to comment on this as he had ceased practicing for over ten years. However, according to the advice given by some existing veterinary practitioners, muzzles in different sizes and shapes were available for different types of dogs. Nevertheless, the Administration might need to stipulate in the Regulation the standard on using muzzles for dogs.

Meeting with the Hong Kong and Kowloon Kennel Association Limited (HKKKA) (LC Paper No. CB(1) 1741/98-99(02))

3. Mr WAI Kee-shun did not agree with Dr James/HKVA's remarks. He considered it unfair to put all the blame on dogs in the event of dog attacks without having regard to their natural instinct and the circumstances. For example, a dog might attack anything or anyone, including children, that had drawn the attention of their owners. As regards muzzling, Mr WAI pointed out that some dogs such as Boxers could not be fitted with muzzles due to their special facial features. He also questioned if the muzzling requirement was applicable to dogs participating in dog shows held in indoor public places.

4. Mr WAI remarked that HKKKA had great reservations at the Regulation, particularly at the classification of dogs. On "fighting dog" category, Mr WAI pointed out that the nomenclature of "fighting dog" had never been used by any renowned kennel clubs, including the Kennel Club of Great Britain and the American Kennel Club. He

also considered the basis for classification of dogs confusing given that Great Dane and Boxer were excluded from the "fighting dog" category while Japanese Tosa, Dogo Argentino and Fila Brasileiro which had never been licensed in Hong Kong were included under the "fighting dog" category. He expressed worries that the Administration would enlarge the category of "fighting dog" in future and more and more breeds would be incorporated into the "fighting dog" category. Mr WAI was doubtful whether members of the Dogs and Cats Classification Board had sufficient expertise to identify fighting breeds and their crosses. He also questioned the basis upon which the estimate of about 200 fighting dogs would be surrendered for destruction after enactment of the Regulation was arrived at. On "known dangerous dog" category, Mr WAI considered it unfair to label a dog which had killed or inflicted serious injury on a domestic animal as a "dangerous dog" since it was a natural instinct of dogs to fight with other animals such as cats. On "large dog category", Mr WAI pointed out that the weight limit of 20 kg for large dogs was arbitrary since the weight and size of dogs did not necessarily correlate. For instance, a dog of weight exceeding 20 kg might not be large in size. Moreover, large dogs were not necessarily more dangerous than small dogs.

5. Mr WAI further questioned the effectiveness of the Regulations since according to information provided by the Agriculture and Fisheries Department (AFD), the number of dogs bite cases reported before the enactment of the Dogs and Cats Ordinance in 1996 was lower than that in 1998. He also cautioned that owners of fighting dogs would inadvertently commit an offence under clause 3 of the Regulation when their dogs were making a transit in Hong Kong. In conclusion, Mr WAI stressed that mongrel dogs were the main cause of dog bites, and that efforts should be made to control cross-breed and stray dogs.

Meeting with the Society for the Prevention of Cruelty to Animals (SPCA)
(LC Paper No. CB(1) 1683/98-99(04) and 1741/98-99(03))

6. Mr Christopher Hanselman said that SPCA also agreed that the Regulation was a step in the right direction to reduce animal attacks and to promote responsible ownership. SPCA however considered it inappropriate to label all dogs weighing over 20 kg as potentially dangerous as this would further exacerbate the public's fear of dogs in general. Furthermore, the provision of an ex-gratia payment of \$3,000 for each fighting dog surrendered for destruction would encourage unscrupulous persons to breed and smuggle fighting dogs into Hong Kong in the interim with a view to making profit from them.

Meeting with the Hong Kong Kennel Club Limited (HKKCL)
(LC Paper No. CB(1) 1741/98-99(04))

7. Mr Kevin Steel remarked that HKKCL had no objection to the introduction of control measures for fighting dogs and known dangerous dogs but did not agree that dogs weighing 20 kg or more should be labelled as potentially dangerous and thus subject to further restriction in public areas. He also considered the ex-gratia payment of \$3,000 too high which should be reduced to not exceeding \$400.

Meeting with Mr Nick P Etches

(LC Paper Nos. CB(1) 1649/98-99(04), 1683/98-99(02) and (03))

8. While agreeing to the need to control fighting and known dangerous dogs, Mr Nick P Etches considered the proposed control on large dogs not appropriate as large dogs were not necessarily more aggressive than small dogs. The requirement for large dogs to be muzzled and held on a leash when in indoor public places would also encourage the public's irrational fear of dogs. Besides, the weight limit of 20 kg for large dogs was arbitrary. Mr Etches added that the exemption for large dogs to be exercised off leash in country parks should similarly apply to situations where these dogs were taken out to a boat trip or walked in quiet roads in rural areas. He also opined that the Regulation might not be able to fully address the problem of dog attacks since according to the information provided by AFD, the majority of bites were inflicted by pet dogs at homes. He nevertheless welcomed the proposal to grant exemption to trained dogs which could demonstrate through examination that they would remain under control off leash in a range of standard day-to-day live situations. He considered it a step forward in educating dog owners.

Meeting with Mr Neil McLaughlin

(LC Paper No. CB(1) 1741/98-99(05))

9. Mr Neil McLaughlin was opposed to the parts of the Regulation concerning control of large dogs since these were discriminatory, inappropriate and unsubstantiated by facts. He considered that dog owners should be held responsible for the behaviour of their dogs, and that they should be made to understand their responsibilities through education. Moreover, the Administration should draw up a supportive, positive and informed policy on animal welfare and step up control on stray dogs.

10. After listening to the views of the various deputations, Ms Christine LOH asked the deputations what should be done in respect of dog policy if the Administration were to withdraw the Regulation. Mr J M SHEN/HKKCL opined that education on responsible dog ownership would be of paramount importance.

Meeting with the Administration

(LC Paper Nos. CB(1) 1741/98-99(07) to (10))

11. Before commencing discussion, the Assistant Director of Agriculture and Fisheries (ADAF) took the opportunity to respond to various points made by the deputations. He stressed that the different controls placed on various categories of dogs had been balanced to take into account public safety as well as animal welfare considerations.

12. On classification of dogs, ADAF advised that Japanese Tosa, Dogo Argentino and Fila Brasileiro were included under the "fighting dog" category because they were recognized internationally as having been bred for fighting. All these fighting dogs were exceptionally strong and had a predisposition for abnormal aggressiveness. Other countries such as the United Kingdom (UK), Australia, Holland and Singapore had legislation to control one or more of these breeds. The Great Dane and Boxer were not classified as fighting dogs after consideration of their history of breeding, breed

characteristics and relevant overseas legislation on the control of dogs. Individual dogs of these breeds however might be classified under the "known dangerous dog" category if they had killed or inflicted serious injuries on persons or domestic animals without provocation. Moreover, as these dogs would weigh over 20 kg when fully grown, they would be subject to the controls under the "large dog" category. ADAF emphasized that the Administration had no intention to incorporate other breeds into the "fighting dog" category, unless there was a clear evidence demonstrating a need to do so. Besides, any change in the classification of dogs under Schedule 1 to the Regulation would be subject to the scrutiny of the Legislative Council. He also assured members that there were sufficient experts in Hong Kong, including accredited judges from kennel clubs and experienced veterinary practitioners, who were capable of distinguishing dog breeds and suitable for appointment to the Dogs and Cats Classification Board to identify fighting breeds and their crosses.

13. As regards the "large dog" category, ADAF advised that the use of a weight-based instead of a breed-based classification was because the latter system would not be able to cover Chows and mongrel dogs which accounted for 57% of dog bite cases between April 1998 and March 1999. The weight limit of 20 kg for large dogs was proposed after reviewing statistics on the breeds of dogs responsible for dog bites in Hong Kong and information on the weight of these breeds. The review showed that large dogs were responsible for the vast majority of serious bite wounds. AFD recognized that not all large dogs were dangerous, but large dogs were generally more powerful than small dogs. If children were bitten by a large dog, the wounds were more likely to be in the region of the face and neck and might lead to permanent disfigurement. ADAF emphasized that the muzzling requirement for large dogs related only to indoor public places such as lifts, corridors, lobbies etc where dogs and human had to share confined areas. Given that muzzling was only required when large dogs were moving from the common parts of the building to outdoor public places where muzzles were no longer required, this should not affect the health of the dogs. Nevertheless, the Administration would consider issuing guidelines on the types of muzzles to be used.

14. On stray dogs, ADAF advised that contrary to the public perception that stray dogs were the main cause of dog attacks, statistics revealed that the majority of dog bites were caused by owned dogs. Notwithstanding, the Animal Management Section of AFD would step up enforcement against stray dogs in both urban and rural areas.

15. ADAF recognized the importance of education on dog ownership. To this end, the Animal Welfare Advisory Group (AWAG) had printed and distributed a comprehensive information booklet on owning a dog in Hong Kong and this would be backed by a promotional campaign on microchips and dog licensing later this year. Other publications and programmes were being developed.

16. Ms LOH noted that the Regulation was modelled after the 1991 Dangerous Dogs Act of the United Kingdom (UK). Given that the Act had been amended in March 1997, Ms LOH questioned the rationale for using the original instead of the amended Act in the formulation of the Regulation. ADAF explained that the amendments to the UK legislation introduced in 1997 aimed to provide more flexibility for the courts to have greater discretion in sentencing and to allow the owners of unregistered Pit Bull Terriers

to register their dogs. He added that the Administration had examined the UK legislation in detail during the preparation of the Regulation and noted the problems caused by the lack of flexibility in the Act. To avoid these problems, the Regulation did not provide for the mandatory destruction of unregistered fighting dogs as found in the Act. Given that owners in Hong Kong were allowed to keep their existing fighting dogs under controlled conditions, the 1997 UK law amendments had little relevance to the Regulation.

17. Mr HUI Cheung-ching enquired about the number of fighting dogs in Hong Kong and the amount of compensation involved if all these dogs were surrendered for destruction by their owners. ADAF advised that there were about 200 fighting dogs in Hong Kong. On the basis that an ex-gratia payment of \$3,000 would be given for each fighting dog surrendered for destruction, the total amount of compensation involved would be \$600,000. ADAF however stressed that not all fighting dogs were eligible for the ex-gratia payment. Only those present in Hong Kong before the commencement of the Regulation and with a valid dog licence would be eligible for the ex-gratia payment when they were surrendered to DAF for destruction during the transitional period of 120 days.

18. As regards statistics on dog attacks, ADAF advised that about 43% of the attacks took place in outdoor public places, 20% in indoor public places and the remaining 37% at home. Ms LOH expressed concern that the Regulation might not be able to address the problem of dog attacks at home. ADAF admitted that it was difficult to tackle dog bites at home as it was inappropriate for the Administration to interfere with people's personal lives. Nevertheless, efforts would be made to promote education on dog ownership. To facilitate members' understanding, Ms Emily LAU requested and the Administration undertook to provide detailed statistics on dog bites in Hong Kong by locations (at home and in public places) and by types (stray dogs and large dogs).

(Post-meeting note: The Administration's reply was circulated vide LC Paper No. CB(1) 1849/98-99(02).)

Conclusion

19. Dr James/HKVA reiterated that the Regulation failed to address various problems such as stray dogs, abandoned dogs from construction sites and dog attacks at home etc. He considered that a more comprehensive policy on dog ownership was therefore deemed necessary. Mr SIT Man-kong/HKKKA was doubtful about the effectiveness of the exemption test for large dogs. Given that dog bites could be triggered unexpectedly, the passing of one single examination could not guarantee that the dog concerned was safe from attacking people. Having regard to the substantial number of large dogs in Hong Kong, Mr WAI/HKKKA questioned if the Administration could arrange sufficient tests to meet the demand. Mr Alan TANG/HKKKA did not agree with the proposal to neuter fighting dogs. He considered that heavier penalties should be imposed on dog owners who failed to control their dogs.

20. ADAF assured members that AWAG would continue to consult relevant parties with a view to improving the measures on control of dogs. As regards the frequency of the exemption tests, ADAF advised that these would be held at least twice a year either as an independent event or in conjunction with major dog events such as dog shows. The frequency would also be adjusted to meet public demand. ADAF added that although there were about 30,000 large dogs in Hong Kong, some dog keepers might prefer to observe the requirements of the Regulation without asking exemption.

21. To facilitate future discussion, members requested and the Administration undertook to provide a written response to views being expressed at the meeting.

(Post-meeting note: The Administration's response was circulated vide LC Paper No. LC Paper No. CB(1) 1849/98-99(02).)

II Any other business

22. Members agreed to hold the next meeting on Friday, 3 September 1999, at 10:45 am.

23. There being no other business, the meeting ended at 12:40 pm.

Legislative Council Secretariat
1 December 1999