

# 立法會 *Legislative Council*

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

**Background brief prepared by the Legislative Council Secretariat**

### **Purpose**

This paper provides background information on the Administration's legislative proposals to amend the Dangerous Dogs Regulation (Exemption) Notice (Cap. 167F) ("DDR (Exemption) Notice"), the Rabies Ordinance (Cap. 421) ("RO") and the Rabies Regulation (Cap. 421A) ("RR") for the purpose of implementing the "Trap-Neuter-Return" ("TNR") programme for stray dogs. It also summarizes major views and concerns expressed by members of the Panel on Food Safety and Environmental Hygiene ("the Panel") relating to the subject.

### **Background**

#### Management of stray dogs

2. Under its stray dogs management programme, the Agriculture, Fisheries and Conservation Department ("AFCD") will catch stray dogs in response to complaints of noise and environmental hygiene nuisances, potential danger to members of the public and dog biting incidents. According to the Administration, the captured stray dogs will first be sent to AFCD's Animal Management Centres for observation. Health conditions permitting, the animals will stay for four days. During the observation period, veterinary officers on duty will closely monitor the animals' health and other conditions to ascertain their suitability for re-homing. For dogs licensed and implanted with a microchip, AFCD will try to contact the owners for reclaiming their animals.

For dogs not microchipped or unclaimed by owners, they may be passed to animal welfare organizations ("AWOs") for re-homing if they are found to be healthy and of a mild temperament. Animals which are assessed to be unsuitable for re-homing due to health or temperament reasons or cannot be re-homed by AWOs will be euthanized.

### TNR Programme

3. Under TNR, stray dogs are caught, neutered and then returned to their original habitat. Proponents believe that, through TNR, the stray dog population will gradually decline without resorting to euthanasia. According to the Administration, the effectiveness of TNR in reducing the stray dog population and its associated nuisance has yet to be scientifically proven from available overseas experience and data.

4. The two AWOs (namely, the Society for the Prevention of Cruelty to Animals (Hong Kong) Trustees Incorporated ("SPCA") and the Society for Abandoned Animals Limited ("SAA")) which have been advocating the TNR concept have proposed and AFCD has agreed to facilitate the implementation of the TNR programme. The TNR programme is intended to last for three years and will be carried out in selected sites ("trial zones")<sup>1</sup> to assess the effectiveness of the TNR concept as a means to reduce the stray dog population and its associated nuisance. SPCA and SAA will manage the trial programme as programme coordinators ("PCs"), under a set of agreed protocols with AFCD. PCs will recruit volunteers and employees as carers to catch and feed stray dogs within the trial zones. Before participating in the trial programme, carers must complete a training course organized by PCs and approved by the Director of Agriculture, Fisheries and Conservation ("DAFC"). For better identification, carers shall carry an identification card issued by PCs when engaged in any activities relating to the trial programme.

### **The two Legal Notices**

5. For the purpose of implementing the TNR programme for stray dogs, AFCD made two exemption notices on 11 November 2014, namely the Dangerous Dogs Regulation (Exemption) (Amendment) Notice 2014 (L.N. 137) and the Rabies (TNR Programme) (Exemption) Notice (L.N. 138). The two exemption notices will come into operation on 16 January 2015.

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<sup>1</sup> According to the Legislative Council ("LegCo") Brief, two areas respectively in Cheung Chau and Tai Tong have been identified as the trial zones for the TNR programme.

### L.N. 137

6. Section 9(1) of the Dangerous Dogs Regulation (Cap. 167D) ("DDR") provides that no person shall cause, suffer or permit a large dog<sup>2</sup> to enter or remain in a public place unless it is securely held on leash or tied to a fixed object on a leash. L.N. 137 amends DDR (Exemption) Notice to add an exemption that section 9(1) of DDR does not apply to a person who causes, suffers or permits a large dog to be released under the TNR programme if certain conditions<sup>3</sup> are met. L.N. 137 also sets out supplementary requirement regarding the training courses to be completed by the employee or volunteer of PC and the assessment of large dogs.

### LN. 138

7. Section 22(1) of RO prohibits a keeper of any animal from abandoning that animal without reasonable excuse. Section 23(1) of RO provides that a dog must not be in a public place or a place from which it may reasonably be expected to wander into a public place, unless it is on a leash or otherwise under control. L.N. 138 provides that sections 22(1) and 23(1) of RO do not apply when a dog is released under the TNR programme subject to certain conditions similar to those provided in L.N. 137.

8. Section 20(1) of RR provides that no person shall keep a dog over the age of five months except under and in accordance with a licence. L.N. 138 exempts a person from this provision if the person keeps the dog under the TNR programme subject to certain conditions<sup>4</sup>

## **Deliberations by the Panel**

9. The Panel discussed with the Administration the TNR trial programme

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<sup>2</sup> Under section 2 of DDR, "large dog" is defined to mean dog having body weight of 20 kg or above but does not include a fighting dog or a known dangerous dog.

<sup>3</sup> The conditions are as follows –

- (a) the dog must be released within a trial zone by a person carrying an identification card issued by a PC to show that the person is an employee or volunteer of PC, and the person has completed a training course organized by PC; and
- (b) the dog must be affixed with an identification mark by PC on the basis that it has been assessed as being suitable for release within a trial zone, and has been neutered and vaccinated against major dog diseases.

<sup>4</sup> The conditions are as follows –

- (a) the person keeps the dog within the premises of a PC for the purposes of assessing the dog's suitability for being released within a trial zone and if applicable, neutering and vaccinating the dog; and
- (b) the person is issued with an identification card and keeps the dog with a view to bringing it to the premises of PC for the above purposes, or to bring it to, and releasing it within a trial zone.

at its two meetings in May 2012 and January 2014 respectively, and received views from deputations at the latter meeting. The major views and concerns expressed by the Panel members are summarized below.

### TNR trial programme

10. Members in general supported the TNR trial programme for stray dogs and requested the Administration to extend the programme to other districts. Members noted that AFCD would commission a consultant to help monitor the trial programme and assess its effectiveness. According to the Administration, the evaluation of the effectiveness of the trial programme would be carried out with reference to a host of targets, including (a) catching at least 80% of stray dogs in the trial zone during the first six months of the trial programme; (b) achieving an average 10% annual decrease in the population of stray dogs in the trial zone; and (c) at least matching with the territory-wide trend in complaint figures during the trial period.

11. As explained by the Administration, the target of achieving an average 10% annual decrease in the population of stray dogs in the trial zone had taken into account the birth rate and the death rate of stray dogs. Stray dogs caught by PCs and selected to be kept in the trial programme would be neutered, microchipped and given anti-rabies vaccination before they were released back to the trial zones. PCs would closely monitor whether there were new dogs entering the trial zone. The new dogs would undergo the same treatment as those already in the trial zone at the beginning of the trial programme. For the dogs that were abandoned in the trial zone by their owners, they could be traced back to their owners with their microchips.

12. Concern was raised about whether the locations of the selected trial zones in Yuen Long and Cheung Chau could reveal the real situation and severity of the stray dog problem in urban areas. The Administration advised that the trial programme would be able to provide reference to consider whether TNR could effectively tackle the problems posed by stray dogs and associated nuisance in different districts. AFCD would commission a consultant to assess the effectiveness of the trial programme. If the programme was to be expanded to other districts, any such future sites would be assessed individually for suitability.

13. There was a view that the Administration should invite more AWOs to participate in the trial programme with the funding allocated for consultant services, instead of using the funding for commissioning a consultant to assess the effectiveness of the trial programme. An enquiry was raised about the criteria for the selection of AWOs to carry out the trial programme. According

to the Administration, the two AWOs appointed as PCs had been collaborating with AFCD to study the feasibility of applying TNR concept in Hong Kong for many years and had taken the initiative to develop and implement the trial programme.

#### Assistance to AWOs

14. Concern was also raised about the support that the Administration could provide to those AWOs which had been voluntarily operating the TNR programmes in certain districts with their own limited resources. There was a call for the Administration to review and amend the relevant ordinance in order to exempt AWOs from the liability of a pet owner when they were carrying out their voluntary TNR programmes to return stray dogs to trial zones. The Administration advised that AFCD had all along been working in close collaboration with AWOs and lending support where appropriate, including offering free neutering services and vaccinations for stray dogs and cats suitable for re-homing.

#### Public education on responsible pet ownership

15. Some members held the view that the crux of the problem of stray animals was the abandonment of pet animals by irresponsible pet owners. They considered it important for the Administration to step up its efforts in public education to promote public awareness of the responsibilities of pet owners. These members urged the Administration to review and put forward amendments to the relevant legislation to combat such irresponsible behaviour.

16. According to the Administration, AFCD organized various kinds of promotional activities every year to promote care for animals, adoption of animals and responsible pet ownership through public education programmes. The Administration also advised that under RO, a keeper of animal who, without reasonable excuse, abandoned that animal committed an offence and was liable to a fine and to imprisonment.

#### **Relevant papers**

17. A list of the relevant papers on the LegCo website is in the **Appendix**.

**Relevant papers on Trap-Neuter-Release trial scheme**

<b>Committee</b>	<b>Date of meeting</b>	<b>Motion/ Question / Paper</b>
Panel on Food Safety and Environmental Hygiene	8.5.2012 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Food Safety and Environmental Hygiene	14.1.2014 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>

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