

## **THE HONG KONG HOUSING AUTHORITY**

### **Memorandum for the Subsidised Housing Committee**

#### **Pet Keeping in Public Housing Estates**

#### **PURPOSE**

This paper seeks Members' endorsement on the proposed arrangements on pet keeping in public rental housing (PRH), including interim housing (IH) estates.

#### **BACKGROUND**

2. On 29 May 2003, Members endorsed vide paper no. [SHC 17/2003](#) the implementation of the Marking Scheme for Hygiene-related Offences in public housing estates. One of the misdeeds covered by the Marking Scheme is "the keeping of animal, bird or livestock inside leased premises" and five points will be deducted for households committing such misdeed. While the Marking Scheme was generally welcome by the public as a measure to improve environmental hygiene in PRH and to protect the tenants against potential health hazards, various animal concern groups, especially dog-lovers, have demanded for a removal of the penalty relating to the keeping of animals in PRH.

3. In view of the concern expressed by the public on this issue, a two-month grace period on the enforcement against animal keeping under the Marking Scheme was granted from 1 August to 30 September 2003. The Department has undertaken to listen to the public's view and to work out a solution that balances the interest of all parties concerned.

#### **EXISTING POLICY ON ANIMAL KEEPING IN PRH**

4. The tenancy/license agreements signed between the Housing Authority and the tenants of PRH and IH stipulate tenants not to keep any animal, bird or livestock in their premises without the prior consent of the

landlord. The Department has adopted a tolerant approach towards the keeping of small animals which in general cause no hygiene and environmental nuisance to the tenants. For the keeping of dogs, the Department has given allowance for the keeping of service dogs for those with visual and audio disabilities. In all cases, enforcement action is taken upon receipt of complaints. Over the past three years, the Department issued 976 warning letters on animal keeping. Two of them have failed to rectify the situation after repeated warnings and notices-to-quit were served.

### **THE CONCERN GROUP FOR PETS (CGP)**

5. The CGP, formed by various animal-lovers, together with the Society for the Prevention of Cruelty to Animals (SPCA), have been actively involved in protesting against the Marking Scheme. They are of the view that pet keeping is a basic human right that PRH tenants should not be deprived of. They alleged that the Marking Scheme would lead to the abandonment and death of numerous animals currently kept by the PRH tenants and would actually raise the danger on the outbreak of disease like rabies. Their requests include –

- (a) removal of the misdeed item on “keeping animal, bird and livestock” from the Marking Scheme;
- (b) allowing grandfathering of dogs already kept by the tenants in PRH in the short term; and
- (c) eventual deletion of the clause that restrict the keeping of animals in PRH from the tenancy agreement.

### **PUBLIC OPINION SURVEY**

6. A public opinion survey was conducted in order to assess the size of the problem and to gauge the views of the tenants. The opinion survey was conducted in August 2003 with 4 004 residents interviewed. The survey result indicated that about 70 % of the respondents are of the view that pet keeping should not be allowed in PRH estates. Amongst them, about 80% indicated their main concerns are on the fouling of public areas, nuisance caused to the environment and the hygiene problems. Some 56% of the respondents stated that the current restriction should not be relaxed. Meanwhile, 25% of the respondents indicated that pets should be allowed. They were of the view that

exemption should be given to pets not causing nuisance, people in need, those currently keeping pets and single elderly tenants. The first three types of pets they indicated should be allowed are fish, birds (excluding pigeon) and cats.

----- An executive summary of the survey results is at [Annex A](#).

7. Meanwhile, the feedback received from residents’ group, District Councillors and Estate Management Advisory Committee (EMAC) members generally support enforcement of the misdeed against animal keeping in PRH.

## **PRIVATE SECTOR AND INTERNATIONAL PRACTICES**

8. For private housing estates in Hong Kong, dog keeping is prohibited in most of the large residential estates. In some high-end residential developments, although dog keeping is allowed, the dogs must be sent away upon receipt of two complaints from other tenants.

9. Policies on animal keeping, particularly dog keeping, in public housing in other countries vary. In some council housing in the UK, a total ban with severe penalties is imposed. Others, like the Housing Development Board in Singapore, have adopted control measures by limiting the species, age, weight and size of the dogs and levy license and administration fees on the dog owners.

## **PROPOSED ARRANGEMENTS**

10. Since the majority of tenants are of the view that pets should not be allowed in PRH, we propose to maintain the relevant clause in the tenancy agreement and the relevant misdeed under the Marking Scheme. However, taking into account the views expressed by the CGP and some tenants, we suggest to allow the keeping of service dogs and small household pets that do not pose any health hazard and cause any nuisance. These include the domesticated animals that are prevalent in the pet market and are generally kept in cages, display cases, aquaria or other containers so designed. Examples are birds (except pigeons), hamsters, chinchillas, guinea-pigs, rabbits, tortoises, aquatic life etc. We are of the view that this measure should be acceptable to those tenants against pet keeping, as their major concerns are nuisance and hygiene related. No prior registration will be required. However, should the “no nuisance rule” be breached, the permission would be withdrawn immediately.

11. Other pets, including wild lives/exotic animals, and domesticated farm animals will be prohibited. Examples are snakes, chicken, pigs, monkeys and ducks.

12. On the keeping of cats and dogs, it is noted that more tenants had indicated that cats should be allowed rather than dogs. This is probably due to the fact that dogs are likely to cause more nuisance than cats. Indeed, for the complaints on pets received in the past three years, most of them are related to dogs and none of them to cats. In view of this, we propose that tenants be allowed to keep cats provided the cats are desexed.

13. Taking into account the large number of complaints received on dogs over the years, we are of the view that tenants should not be allowed to keep dogs. However, we need to consider the large number of dogs (according to the finding of the public opinion survey, the estimated number of households keeping dogs is about 17 000 i.e. 2.8% of the total number of households) and the sentiments expressed by the various animal concern groups. We also need to avoid the possible abandonment of large number of dogs by the tenants. It is therefore proposed that a grandfathering rule be adopted for those small dogs (not over 20 kg in weight) currently kept in PRH and IH estates. This would be a one off measure and would enable us to confine the problem of dog keeping within known limits for easy control and management. Reference has also been made to major legislations on the keeping of animals as at [Annex B](#).

## **GRANDFATHERING OF DOGS CURRENTLY KEPT BY TENANTS**

14. A set of control mechanism is developed to ensure that the grandfathering rule can be implemented effectively. The details of the mechanism are at [Annex C](#). It is proposed that the tenants need to register with the management office within a one-month prescribed period and the tenants' agreement to observe the rules set down by the landlord with supporting documents on licensing, vaccination, micro-chipping and desexing arrangements to be submitted to the management office within three months. The grandfathering would be withdrawn if the tenant received two substantiated complaints from other tenants, or when staff observed nuisances being created. For tenants not granted grandfathering permission, they will be given one month's notice to dispose of their dogs.

15. There are concerns that the grandfathering will lead to an upsurge in the number of dogs in the PRH. We are of the view that this would unlikely happen as most dog-lovers have already kept their dogs due to the tolerant

approach we have adopted in the past. Others are unlikely to be keen on keeping dogs in their home.

## **IMPLEMENTATION**

16. Subject to Members' endorsement, the proposals as stated in paragraphs 10 to 14 will take effect from 1 November 2003, and to allow time for publicizing the new arrangements, we would extend the grace period for keeping pets for one more month till 31 October 2003.

## **FINANCIAL, IT AND STAFFING IMPLICATIONS**

17. The proposed policy on keeping of pets conforms basically to the prevailing practice and will incur minimum management expenses in its implementation. As regards the grandfathering for dogs, the additional workload generated will be absorbed by existing staffing resources.

## **LEGAL IMPLICATIONS**

18. According to legal advice, tenants who oppose the keeping of dogs cannot take legal actions against the Housing Authority on grounds of breach of contract (i.e. the lease). With the condition of requiring dogs kept to be removed upon complaints received, the possibility of an affected tenant seeking remedy by litigation is deemed to be minimal.

## **PUBLIC REACTION**

19. We believe the proposed arrangements will be largely acceptable to the pet owners and dog lovers. However, other tenants may criticize the grandfathering rule as opening a floodgate for dog keeping. In response, we will explain that the grandfathering rule is a one off measure and will in effect help keeping the problem under control. Besides, we will also emphasize the regulatory measures set up under the mechanism, particularly the continued applications of the marking scheme on dogs and other prohibited animals.

## **DECLASSIFICATION OF PAPER**

20. We propose that this paper be declassified upon approval of the proposals contained in paragraphs 10 to 14 above. The paper will be made available to the public at the Housing Authority homepage, the Department's Library and through the Departmental Access to Information Officer if it is declassified.

## **DISCUSSION**

21. At the meeting of the Subsidised Housing Committee to be held on 25 September 2003, Members will be requested to endorse the proposals set out in paragraphs 10 to 14 and 20 of this paper.

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## Executive Summary of Survey on PRH Tenants' Opinion towards Pet-keeping Report

1. The Hong Kong Housing Authority (HA) has formulated 18 measures to improve environmental hygiene in Public Rental Housing (PRH) estates. One of the measures was the Marking Scheme for Hygiene-related Misdeeds which commenced on 1 August 2003.
2. The Marking Scheme explicitly prohibits pet-keeping, except for caged birds and goldfish. However, in response to public opinions HA had decided to grant a two-month grace period for the restriction on pet keeping in PRH estates. In order to gauge public opinions towards pet-keeping in a more systematic manner and to estimate the number of PRH households that kept pets, a survey was initiated.
3. The survey was conducted by means of telephone interview from 23 to 28 August 2003. 4,004 PRH residents were successfully interviewed. The information collected was used for data analysis and the findings in this report were weighted to represent 606,600<sup>1</sup> PRH households.
4. To implement quality control, 604 completed questionnaires (15.1% of total) were randomly selected for back checking to ensure consistency of the information collected.
5. Some 69.2% of the PRH tenants stated that pet keeping should not be allowed in PRH flats. Among those who opposed to pet keeping, 43.7% cited "foul public areas" as the primary reason for their against of the notion. 56.2% of the respondents indicated that restrictions on pet keeping in PRH flats should not be relaxed. Meanwhile, 25.1% of the respondents indicated that pets should be allowed. They were of the view that exemption should be given to pets not causing nuisance, people in need, those currently keeping pets and single elderly tenants. The first three types of pets they indicated should be allowed are fish, birds (excluding pigeon) and cats.
6. Based on survey results, it is estimated that out of 606,600 PRH households, 14.1% of them (about 85,300 households) kept pets in home; within these households, about half of them (43,500 households) kept pets other than caged birds or fish. Analyzed by type of pets, 6.2% of all PRH households kept pet fish, 2.8% kept dogs and 2.4% kept birds.
7. Should HA strictly enforce point-allotment after the grace period, 30.0% of those households keeping pets other than caged birds and fish indicated that they would give their pets to friends or relevant organizations, 21.3% said they would keep them in secret and 14.6% said they could not decide then.

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<sup>1</sup> Throughout the report, weighted figures are rounded to the nearest hundred. Therefore, the percentages may differ slightly from the corresponding numerator and denominator cited in the report.

## Laws relating to the keeping of dogs/animals in Hong Kong

### *(A) Rabies Regulations (Cap. 421)*

#### **Dog Licence**

- (1) It is illegal to keep dogs aged over 5 months without a licence.
- (2) A dog licence is valid for 3 years and the dog has to be revaccinated against rabies upon renewal of the licence. If the dog has been implanted with a compatible microchip, there is no need to implant again.
- (3) The licence is not transferable. A dog keeper must advise the Agriculture, Fisheries and Conservation Department (AFCD) of any change in ownership or any change in his/her address within 5 days of the change.

### *(B) Dogs and Cats Ordinance (Chapter 167)*

#### **Dangerous Dogs Regulation**

According to the Regulation, which was passed on 17 May 2000, additional controls (i.e. besides licensing) will be placed on 3 categories of dogs:-

- (1) **Fighting Dogs** (a) Pit Bull Terries (b) Dogo Argentino (c) Fila Brasileiro (d) Japanese Tosa and (e) crosses involving any of the above types.

**Controls:** (a) neutered (b) must be identified with a special collar at all times (c) when these dogs are in a public place, including the common parts of buildings such as lifts and lobbies, they must be held securely on a leash not exceeding 1.5 metres in length and fitted securely with a muzzle.

- (2) **Known Dangerous Dogs-** If a dog attacks and causes serious injury to a person or domestic animal in the absence of provocation of any kind or if it repeatedly attacks or puts people in fear of being attacked, then a magistrate may declare a dog to be a known dangerous dog.

**Controls:** same as fighting dogs i.e. neuter, identifying collar, leash and muzzle in public places

- (3) **Large Dogs: any dog over 20 kg in weight**

**Controls:** Must be held on a leash not more than 2 metres in length when in a public place.



***(C) Animals and Plants (Protection of Endangered Species) Ordinance  
(Chapter 187)***

**Section 6**

- (1) Possession of endangered species listed under Schedule 1 requires a licence. However, under the Animals and Plants (Protection of Endangered Species) (Exemption) Order, certain scheduled animals are exempted from the licensing requirement for possession including, among others, some common pet animals such as parrots, hwamei, hill mynah and Asian box turtles (except three-lined box turtle).
- (2) In general, no licence will be issued for the possession of any highly endangered species listed under the Sixth Schedule. However, under the Exemption Order, parrots if not for commercial purpose and personal effects of manufactured products are exempted from the licensing requirement.

## Control Mechanism under the Grandfathering Approach

1. The tenant/licensee will need to register with the management office within the one-month prescribed period and satisfy the following conditions-
  - (i) the dog has been kept in the premises before the implementation of the new arrangement;
  - (ii) the dog must not be a fighting dog or known dangerous dog or large dog as defined under the Dogs and Cats Ordinance, Cap 167;
  - (iii) the dog owner, who should be the tenant or an authorized person of the household, should have complied with the legal requirements for the keeping of dog (i.e. licensing, vaccination and micro chipping for the dog) or shall comply with such requirements within three months from date of registration;
  - (iv) the dog should be desexed, or the owner is to provide evidence on unfitness for de-sexing by a veterinary surgeon; documentary proof should be provided within three months from date of registration.
  
2. The tenant/licensee is responsible for providing the management with the following information and documents for initial registration and where applicable subsequent updating of records-
  - (i) a colour photo (postcard size) and identifying descriptions (including the micro chip data) of the dog;
  - (ii) verification of having desexed.
  - (iii) valid certificates of rabies vaccination; and
  - (iv) dog licence in accordance with prevailing legislation.
  
3. The tenant/licensee is required to undertake the strict observance on the following rules-
  - (i) The tenant/licensee will be responsible for proper care of their dogs, including flea control and routine veterinary care.
  - (ii) Dogs are not allowed in lifts during the hours 0700 to 2100, with an intervening period not more than two hours to be decided by EMAC.
  - (iii) Dogs are strictly prohibited in children's playgrounds of the estate.
  - (iv) Unless leashed or caged, dogs will not be permitted in public areas of the estate.

- (v) Owners are encouraged to take their dogs to behaviour classes for training in order to prevent the dog from causing nuisance like barking.
  - (vi) Dogs should not be allowed to urinate within common areas of buildings or to defecate in public areas of the estate or in common areas of buildings.
  - (vii) Any other rules or regulations as may be imposed from time to time by the Landlord or other competent authorities.
4. Any permission given under the grandfathering rule will be strictly non-transferable.
5. The permission given under the grandfathering rule will be withdrawn under any of the following condition-
- (i) receipt of complaints on two substantiated incidents from other residents;
  - (ii) the dog becomes any of the prohibited categories relating to nuisance or hygiene;
  - (iii) the dog is no longer kept by the subject household;
  - (iv) upon the natural death of the dog.