

LCQ12: Feeding of birds by members of the public

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (October 31):

Question:

Under section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap 132BK) (the Regulation), no person shall deposit any litter in any public place, in the common parts of any building, on any land (except with the consent of the owner of the land), etc. Law enforcement officers of the Food and Environmental Hygiene Department (FEHD) may take law enforcement actions under that provision against persons dirtying the aforesaid places by feeding birds (e.g. leaving behind residual feed on the ground). Nevertheless, there are from time to time persons who persistently feed birds in the common parts of private land, which causes hygiene problems. In this connection, will the Government inform this Council:

(1) of the number of persons to whom fixed penalty notices for feeding birds were issued, by invoking section 4(1) of the Regulation, by FEHD in each of the past three years (set out by District Council district); and

(2) of the respective numbers of cases among those in (1) in which bird feeding took place (i) in the common parts of public rental housing estates and private housing estates and (ii) on private lands; if there was no such case, of the reasons for that, and whether the Government will assist the administrators of private lands in stopping bird feeding in the common parts of private lands and imposing punishment for such acts; if so, how it will provide assistance?

Reply:

President,

At present, there is no legislation which regulates bird feeding. However, people who are dirtying public places by feeding birds, e.g. leaving residual feed on the ground, will contravene section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap 132BK). The Food and Environmental Hygiene Department (FEHD) may take enforcement actions against the offenders under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap 570).

To address the environmental hygiene problems caused by the congregation of wild birds, FEHD has been making appeals through various channels, including erecting warning signs and distributing pamphlets to the public to advise them to refrain from feeding and thus gathering wild birds in order to

maintain environmental hygiene. Also, to tackle the problem of feeding activities, the Agriculture, Fisheries and Conservation Department (AFCD) has produced new television and radio APIs and microfilms which have been broadcasted on various media platforms since February 2018. Meanwhile, a new website (nofeeding.afcd.gov.hk/english/index.html) was launched in May 2018 to enhance publicity. My reply to the Member's questions is as follows:

(1) FEHD has set up 19 dedicated enforcement teams, primarily responsible for stepping up enforcement actions against various public cleanliness offences. FEHD issued 90, 109 and 174 fixed penalty notices in 2015, 2016 and 2017 respectively against people who dirtied public places while feeding wild birds. The breakdown by District Council districts is as follows:

District	2015	2016	2017
Central and Western	11	19	28
Wan Chai	10	10	15
Eastern	12	6	27
Southern	4	6	7
Islands	15	7	9
Yau Tsim Mong	9	14	7
Sham Shui Po	10	25	38
Kowloon City	2	4	5
Wong Tai Sin	4	0	1
Kwun Tong	0	1	0
Kwai Tsing	1	1	0
Tsuen Wan	1	0	0
Tuen Mun	4	0	8
Yuen Long	4	5	4
North	0	0	3
Tai Po	0	1	0
Sha Tin	2	4	18
Sai Kung	1	6	4
Total	90	109	174

Note: Figures of prosecution by way of summons are not included above.

(2) FEHD does not maintain the required breakdown. Due to resources and priority considerations, FEHD mainly focus its enforcement actions in public places.

The Housing Department (HD) is responsible for the management within public rental housing estates. If any person is found to be feeding wild birds in the common areas of the public housing estates and dirtying the place, for example, leaving residual feed, authorised HD staff may take enforcement actions for contravention of section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap 132BK) against the feeder. If the

feeder is a tenant or authorised resident of the estate, HD staff will also allot points to the household under the Marking Scheme for Estate Management Enforcement.

As regards private areas, their management responsibility rests with owners (such as incorporated owners) and property management agencies which may remind people to keep such areas clean and not to feed wild birds. Owners or incorporated owners can also perform their obligations and exercise their rights under the Deed of Mutual Covenant (DMC). If necessary, they may seek legal advice and take actions against relevant persons according to applicable provisions under the respective DMC.

Moreover, AFCD has published new banners, posters and pamphlets for displaying at places where feral pigeons gather as well as posting and distribution by various departments and private housing estates, and will continue to conduct roving exhibitions at different venues to remind the public not to feed feral pigeons.