

LCQ21: Hunting by means of animal traps

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (June 16):

Question:

The Wild Animals Protection Ordinance (Cap. 170) stipulates that any person who, without permission, possesses hunting appliances, or hunts wild animals by means of hunting appliances, shall be guilty of an offence and be liable on conviction to a maximum fine of \$50,000. It has been reported that a number of incidents have occurred recently in which animals and members of the public were injured by animal traps illegally set up in the rural areas. In this connection, will the Government inform this Council:

(1) of the respective numbers of reports received since January 2018 on the casualties of animals and members of the public caused by animal traps, with a breakdown of the former by animal species;

(2) of the following information on the law enforcement actions taken since January 2018 against hunting by means of animal traps:

(i) the number of patrols, as well as the number of animal traps seized and removed during the patrols, with a breakdown by the location of the animal traps;

(ii) the number of cases into which investigations were initiated; and

(iii) the respective numbers of persons arrested, prosecuted and convicted, and the penalties imposed on those convicted;

(3) of the locations at which animal traps have frequently been found; whether it has taken special measures (e.g. deploying officers to lay an ambush or installing surveillance systems) to step up efforts in combating the crimes concerned;

(4) whether it will consider amending Cap. 170 to raise the relevant penalties (e.g. introducing an imprisonment penalty), with a view to enhancing the deterrent effects; if so, of the details; if not, the reasons for that; and

(5) given that some animal traps were reportedly purchased from a Mainland shopping website, whether it has taken targeted measures (e.g. stepping up random checks on express imports) to curb the illegal import of animal traps; if so, of the details; if not, the reasons for that?

Reply:

President,

Under the Wild Animals Protection Ordinance (Cap. 170) (the Ordinance), no one shall, without permission, have in his/her possession of hunting appliance (such as hunting device, hunting net, snare, bird lime, etc.), or hunt any wild animals by means of hunting appliance. Possession of hunting appliance or hunting wild animals by means of such appliance is susceptible to a maximum fine of \$50,000. If the animal involved is a protected wild animal specified under the Ordinance, the maximum penalty is a fine of \$100,000 and imprisonment for one year.

The Agriculture, Fisheries and Conservation Department (AFCD) has all along been combating illegal hunting of wild animals and conducting patrol in the countryside from time to time. The AFCD will immediately remove any animal traps found on the spot, conduct follow-up investigation and institute prosecution against the offenders if there is sufficient evidence.

Our reply to the question raised by the Hon Chan is as follows:

(1) From January 2018 to March this year, the numbers of reports the AFCD received on the casualties of the wild animals and members of the public caused by animal traps illegally set are as follows:

Year	Man	Wild Animals
2018	1 person injured	0
2019	0	0
2020	1 person injured	1 injured (wild pig), 1 died (porcupine)
2021 (January to March)	0	2 injured (wild pig and muntjac), 1 died (wild pig)

(2) From January 2018 to March this year, the figures concerning the AFCD's enforcement operations against illegal hunting by animal traps are as follows:

	2018	2019	2020	2021 (January to March)
No. of patrol	2 155	2 228	2 071	424
No. of animal traps seized and removed	286	177	196	62
No. of cases investigated	40	77	100	87

Since most of the incidents take place in the countryside or woodland areas where there are no definite addresses and precise coordinates, it is difficult to make an immediate and precise recording of the geographic information, and hence the AFCD does not have the breakdown of these figures by locations.

As sites with animal traps found were often remote and the person involved was usually absent from the scene, there are difficulties in collecting sufficient evidence for instituting the prosecution. From January 2018 to March this year, there is one successfully prosecuted and convicted case by the AFCD concerning illegal usage of hunting appliance with a fine of \$1,500.

(3) In general, illegal animal traps are more likely to be found at urban fringes and countryside areas. To combat illegal hunting activities of wild animals, the AFCD would patrol the countryside areas regularly, particularly at those locations where animal traps had been found in the past. If an animal trap is found during patrol, the AFCD staff will remove it immediately, and put up notices at the location warning that the use of hunting appliance is unlawful. Meanwhile, the AFCD will conduct follow-up investigation, and institute prosecution against the offenders if there is sufficient evidence. As animal traps are usually found in remote countryside areas and may have been placed there for a while, and it is difficult to anticipate when the person involved will show up, there are considerable challenges in collecting evidence and conducting follow-up investigation.

Apart from patrolling the countryside areas, the AFCD will also arrange joint operations with the Hong Kong Police Force (the Police) and the Society for the Prevention of Cruelty to Animals to carry out patrol at black spots of illegal set up of animal traps, and will distribute publicity leaflets to members of the public in the neighbourhood, encouraging them to provide leads and report to the AFCD or the Police if they discover any illegal hunting activities. In view that the concerned locations usually involve an extensive area, the AFCD will study how to make use of technology (including the application of surveillance cameras), together with appropriate measures, to complement law enforcement work.

(4) Under the Ordinance, the possession of hunting appliance or hunting wild animals by means of such appliance without permission, is susceptible to a maximum fine of \$50,000. If the animal involved is a protected wild animal specified under the Ordinance, the maximum penalty is a fine of \$100,000 and imprisonment for one year. While the current penalties do carry certain deterrent effects, the collection of evidence and the follow-up investigations are nonetheless rather challenging. To enhance combatting illegal hunting activities, the AFCD will review and adjust the law enforcement strategy in the light of the actual situation, including strengthening of the collection of intelligence, exploring the use of technology in surveillance, carrying out surprise inspections with irregular patterns, stepping up publicity and education, etc.

(5) To combat the illegal import of hunting appliance, the AFCD has all along been maintaining close communication with the Customs and Excise Department (C&ED) to intercept such products before their entry into Hong Kong. If the C&ED discovers any suspected hunting appliance during customs clearance, they will refer the case to the AFCD for follow-up actions.