

LCQ7: Impact of releasing and feeding wild animals on environment

Following is a question by the Hon Elizabeth Quat and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (January 19):

Question:

It has been reported that animal release activities are increasingly prevalent and highly commercialised. Some animals, after being released, have sustained injuries or die due to their inability to adapt to the environment, or become invasive species, threatening the local natural ecosystem. Moreover, some animal protection organisations are concerned about the unnatural population growth of pigeons, monkeys and wild pigs due to intentional feeding in Hong Kong in recent years, and some of these animals gradually get used to approaching human in urban areas for food. Such situation has not only compromised environmental hygiene, but also increased the risk of epidemic spreading. In this connection, will the Government inform this Council:

(1) whether any legislation is currently in place to regulate animal release activities; if so, of the details, and whether it has reviewed if such legislation can effectively regulate the relevant activities and trades; if such legislation is not in place, whether it will, by following the practice of the authorities of the Taiwan region, enact legislation to prohibit unauthorised animal release activities, so as to avoid inflicting suffering on animals after they are released and posing an impact on the natural ecology;

(2) given that recently quite a number of wild animals (especially wild pigs and monkeys) have intruded into urban areas and caused nuisances to members of the public, whether the Government will expeditiously enact specific legislation to prohibit the feeding of wild animals, so as to avoid creating a negative impact on the environment and anti-epidemic efforts; if so, of the details; if not, the reasons for that; and

(3) as some members of the public have indicated that they feel very distressed by the illegal feeding of wild pigeons, and queried that the practice of issuing fixed penalty notices of \$1,500 to persons who dirty public places while feeding wild pigeons lacks deterrent effect, whether the Government will raise the penalties in order to enhance the deterrent effect; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the Environment Bureau, my reply to the question is as

follows:

(1) Animal release activities are not prohibited under the current legislation. However, improper release of animals, including placing animals in an unsuitable habitat, might affect their survival. If the released species is an alien species or is incompatible with the local ecology, it could compete for resources with the native species and adversely affect the local ecology. Therefore, the Government does not encourage the public to take part in animal release activities on their own.

Under the current Prevention of Cruelty to Animals Ordinance (Cap. 169) (the Ordinance), any act that involves animal cruelty, causing any unnecessary suffering to an animal will contravene the Ordinance. An offender shall be liable on conviction to a fine of up to \$200,000 and imprisonment for three years. In order to enhance animal welfare in Hong Kong, the Government proposes to amend the aforementioned Ordinance, including introducing a positive duty of care on persons responsible for animals and increasing the penalties for acts of animal cruelty, etc. The Government plans to specify in the aforementioned Ordinance that the release of an animal into an unsuitable environment, which causes it to suffer, is an act of cruelty to animals. The Government is now drafting the legislation, with a view to briefing the Legislative Council Panel on Food Safety and Environmental Hygiene on the proposed amendments in the first half of 2022.

The Government believes it is important to strengthen public education so as to raise the public's attention to animal release, and advise them to think carefully before participating in any such activities, to avoid effects on the natural environment. The Agriculture, Fisheries and Conservation Department (AFCD) works with organisations concerned about animal release activities, to educate the public on the potential impact of animal release activities and remind the public to think carefully before participating in animal release, including through the use of promotional materials such as posters. The AFCD also appeals to the public to consider taking other virtuous actions in lieu of animal release, such as tree-planting, making donation to wild animal rescue organisations or environmental organisations, assisting in the rescue of local animals and protection of their habitats, and participating in relevant voluntary services, etc. The AFCD will continue to partner with organisations concerned about animal release activities in the educational work on this front.

(2) Regarding the prohibition of feeding wild animals, the relevant legal provisions and required authority to prohibit the feeding of wild animals at specified places have been set out in the Wild Animals Protection Ordinance (Cap. 170). At present, Kam Shan, Lion Rock and Shing Mun Country Parks, part of Tai Mo Shan Country Park, Tai Po Kau Nature Reserve, a section of Tai Po Road along Caldecott Road and Piper's Hill section of Tai Po Road are specified places under the Wild Animals Protection Ordinance at which the feeding of any wild animals is prohibited (feeding ban area). The AFCD arranges regular patrol in the feeding ban area and will take prosecution action against anyone who has contravened the prohibition of wild animal feeding, subject to sufficient evidence. The AFCD will, from time to time, review the patrol and enforcement arrangements in the feeding ban area in

accordance with the actual circumstances, including the deployment of additional manpower to conduct enforcement and blitz operations at night and on public holidays where necessary. Joint operations with other concerned departments will also be conducted to strengthen combat against illegal feeding of wild animals.

As wild animal nuisance in recent years is largely caused by intentional feeding activities, the AFCD is exploring to amend the aforementioned ordinance, with a view to expanding the feeding ban area for wild animals and stepping up control of feeding activities to minimise the pull factor drawing wild animals to urban areas. The maximum penalty currently under the ordinance is a fine at level 3 (\$10,000). In light of the relatively low amounts of fine in relevant precedent cases (ranging from \$200 to \$2,000), the AFCD will study how the amount of fine may be raised to enhance the deterrent effect.

In addition, the AFCD has all along been striving to educate the public the importance of not feeding wild animals. Starting from November last year, the AFCD has rolled out a new public education and publicity campaign, with a view to stepping up its efforts to educate the public about the message of not feeding wild pigs, which includes uploading promotional and educational information on social media, putting up posters at certain MTR stations, bodies of trams and buses, tram stops and bus stops, etc. The campaign emphasises on how feeding wild pigs would change their behaviour by making some of these wild pigs accustomed to wandering into urban areas and refuse collection points, etc. to scavenge for food, which could affect environmental hygiene, lead to traffic accidents, transmit diseases, and even make them more aggressive in temper. The campaign also points out that over 30 injury cases caused by wild pigs involving over 40 casualties were recorded over the past four years.

(3) People who dirty 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). Enforcement officers of the Food and Environmental Hygiene Department (FEHD) may take action against the offenders under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) and issue \$1,500 fixed penalty notices. At the same time, the FEHD may also institute prosecutions against repeated offenders by way of summons and the offender upon conviction shall be liable to a fine of \$25,000 and imprisonment for six months. In addition, the offender may be liable to a fine of \$300 for each day during which the offence has continued. The FEHD has set up 40 dedicated enforcement teams (DETs) and installed Internet Protocol cameras, to step up enforcement actions against public cleanliness offences. At locations where the issue of bird feeding is more serious, on top of regular enforcement actions, the FEHD arranges blitz prosecution by DETs to curb the illegal acts of dirtying public places by feeding birds. In 2021, the FEHD issued over 370 fixed penalty notices and 84 summons, against people who dirtied public places while feeding birds.

To control the population of feral pigeons, the AFCD launched the two-year Trial Programme of Using Contraceptive Drug on Feral Pigeons in

September 2021, with an aim to evaluate the effectiveness of feeding feral pigeons contraceptive drug-coated feed in reducing the nuisances caused by feral pigeons. The AFCD is first conducting the trial programme at three spots in Central and Western District, Kowloon City District and Sai Kung District, where more feral pigeons congregate, and will decide on the way forward based on the effectiveness of the programme.

The FEHD has been making appeals through various channels to enhance public education, including distributing pamphlets and erecting warning signs, to advise the public to refrain from feeding wild birds and maintain environmental hygiene, in order to avoid gathering birds. In parallel, the AFCD organises various publicity programmes to educate the public not to feed birds. The AFCD also set up a thematic website (nofeeding.afcd.gov.hk) coupling with the publicity work. To enhance the public education and publicity efforts, in March 2021, the AFCD launched a community education programme, "Mission P.", setting up street booths at locations near the feral pigeon congregation spots to conduct community education. Education talks are also provided to secondary and primary schools, kindergartens and residential housing estates to disseminate relevant knowledge.