



香港觀鳥會有限公司

**THE HONG KONG BIRD WATCHING SOCIETY** Limited  
Approved Charitable Institution of Public Character 認可公共性質慈善機構  
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The Chairman  
LegCo Panel on Food Safety and Environmental Hygiene  
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10<sup>th</sup> July, 2006

Dear Sir

**Re: Comments of the Hong Kong Bird Watching Society on the Administration's proposals for managing access to Mai Po in light of the risk to human health from Highly Pathogenic Avian Influenza.**

Please find attached the response of the Hong Kong Bird Watching Society (HKBWS) to the captioned issue for consideration by the members of your panel at the meeting scheduled for 2:30pm on 11<sup>th</sup> July 2006.

Our comments are made in light of past actions of the Administration on this issue and LC paper No CB(2) 2663/05-06(03), submitted by the Administration for this meeting. We regret the late submission of this paper.

HKBWS would be happy to meet with any members of your panel or the Administration in order to bring a more satisfactory outcome to this issue. Should you have any questions, please feel free to contact me on 6221 2984.

Yours sincerely,

Mike Kilburn  
Vice Chairman  
Hong Kong Bird Watching Society

cc. Director of Agriculture, Fisheries and Conservation (fax: 2311 3731)  
Chairman, Advisory Council on the Environment (fax: 2136 3321)  
Mai Po Nature Reserve, WWF (HK) (Attn: Dr Lew Young, fax: 2482 0369)



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**Legislative Council Panel on Health, Welfare and Food**

**Tuesday, 11<sup>th</sup> July, 2006**

**Comments of the Hong Kong Bird Watching Society on the Administration's proposals for managing access to Mai Po in light of the risk to human health from Highly Pathogenic Avian Influenza**

**Executive Summary:**

1. Misinformed actions and poor communications by the Administration in relation to Highly Pathogenic Avian Influenza (HPAI) have added to the concern and confusion of the public. The current proposals will only exacerbate this.
2. Experts in infectious diseases and HPAI have stated that unlike poultry, wild birds pose a very low threat of human infection. Total infections worldwide are zero.
3. The Administration has actively resisted consultation with relevant parties in determining the best approach to protect the public from infection by wild birds.
4. The Administration has inappropriately applied measures for controlling HPAI in poultry to determining how to prevent human infection from wild birds.
5. The Administration has failed to differentiate between infectious and non-infectious strains of Avian Influenza in setting the trigger for closing Mai Po.
6. The Administration appears unaware that bird watching creates no greater risk of infection of HPAI from wild birds.
7. As a result, the proposed measures are flawed and contradict global best practice.
8. It is not acceptable, as proposed in this paper, to consult stakeholders on the basis of the Administration's current flawed position – a complete review is required.

**Recommendations:**

1. Consult with all appropriate experts in determining and communicating<sup>1</sup> an appropriate response to the risk of HPAI infection of humans from wild birds.
2. Bearing in mind that winter is the peak risk period and this is several months away, sufficient time is available for consultation with appropriate experts.
3. Legislators are requested to require the Administration to conduct such a consultation and to adjust its measures accordingly.
4. The model proposed by the Scottish Executive is recommended<sup>2</sup>.

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<sup>1</sup> See Appendix 3 section 2

<sup>2</sup> See Appendix 1

## Comments of the Hong Kong Bird Watching Society

1. These views are offered on behalf of the Hong Kong Bird Watching Society (HKBWS) to comment on LC paper No CB(2) 2663/05-06(03) and the Administration's response to HPAI over the last year.
2. HKBWS is the principal authority on wild birds in Hong Kong, and through contacts in the BirdLife International network (of which it is the Hong Kong representative), has kept close watch on the development of HPAI worldwide.
3. It is noted in the Background (paragraph 2) to the captioned paper that: "The potential transmission of HPAI viruses from other regions to Hong Kong via migratory wild birds has long been of concern to the public".
4. HKBWS believes public concern has been raised by confusing and inaccurate messages, including those coming directly or indirectly from the Administration. For example:
  - a. LCSD suspended bird watching activities organized by the HKBWS Crested Bulbul Club (elderly members) in Kowloon and Hong Kong Parks last winter. Bird watching carries no greater risk than simply walking through those parks, as thousands of people safely did every day.
  - b. The Administration closed Mai Po and the above activities last winter without consulting the reserve managers or experts from relevant fields – therefore making ill-informed, unjustified and ultimately harmful decisions.
  - c. In contrast, leading experts Professor Malik Pereis of Hong Kong University and Dr. Lo Wing Lok have publicly stated that they could see no scientifically justifiable reason for the closure of Mai Po in early 2006.
  - d. Conversely the Administration chose NOT to close Bird Street, where the stall owners and the public ROUTINELY come into proximity and close contact with birds and potentially contaminated materials.
  - e. Urban areas where dead birds were found to be carrying HPAI were not subjected to similar quarantine procedures (the only eminently sensible decision of any of the above!)
5. It is therefore fair to conclude that the Administration is unnecessarily increasing public concern by sending out confusing about the risk of infection from wild bird. The Administration is exacerbating this situation by its unwillingness to source and communicate the best available information on HPAI.
6. Unfortunately the captioned paper perpetuates public concerns by failing to point out or take into account that the worldwide total number of cases of HPAI in humans that have been contracted from wild birds is ZERO!
7. While the Administration has assumed that: "all HPAI viruses found can be transmitted from wild birds to humans directly or indirectly through contaminated materials . . ." This has not happened, but the public remains unaware of this.
8. Indeed infectious disease expert Dr Lo Wing Lok said on Radio 3's Backchat on

7<sup>th</sup> March 2006 that lower concentrations of the virus are found in wild birds than in poultry, from which all proven infections have come. He also said:

“I believe we need not talk about migratory birds, or talk about pets at the moment, but we have to focus squarely on poultry . . . the core, the heart, of the problem is poultry, poultry, poultry”.<sup>3</sup>

**“Mai Po, in my opinion, can be one of the safest places in Hong Kong as far as Bird Flu is concerned** because there is a group of experts there, and they are always observing the birds. Specimens are being collected on a daily basis and there was no detection of H5N1 so far. **Now this is more a case of the Government showing to the public that it is doing something**, and of course the observation by many people is that there are so many birds staying there, so many birds coming from all over the region and staying in Mai Po, and that there might be a risk. **This is more of an impression than there is any real scientific justification for this.**”<sup>4</sup>

9. Thus the basic premise for the Administration’s position and proposed actions in relation to the threat wild birds pose to human health as carriers of HPAI is based on “being seen to be doing something”, not on firm scientific evidence. This does not inspire confidence in the Administration’s handling of public health issues.
10. Since wild birds are found everywhere in Hong Kong (and almost everywhere in the world!) and as a result may leave “contaminated materials” (aka droppings) anywhere, the risk to the public is no greater at Mai Po than it is when sitting on a bench in Hong Kong Park (many species), queuing for a bus in Statue Square (pigeons and sparrows), or lying by a pool on Mount Kellett Road (Black Kites). All are places where birds are considered to congregate!
11. In the same Radio 3 programme Professor Pereis also said:

“I fully agree with Dr Lo when he says that that **the risks to humans directly from wild birds are extremely low**, whether its in Mai Po or even outside of Mai Po.”<sup>5</sup>
12. Bearing these opinions in mind, how does the Administration justify its proposal to close Mai Po and the Wetland Park because a bird is found carrying a non pathogenic (i.e. any H5 strain of Avian Influenza) disease 3km away? These measures appear to be a serious overreaction based on misapplied standards.
13. Internet research strongly suggests that the “3km radius” rule proposed in paragraph relates to the quarantining, control of movement and culling of poultry – it is a general rule for livestock management - not for wetland or nature reserve management. Using this as a justification for closing Mai Po is therefore fundamentally unsound.

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<sup>3</sup> Source: RTHK Radio 3 Archives: Hong Kong Today Backchat, 7<sup>th</sup> March, 2006

<sup>4</sup> Source: ibid

<sup>5</sup> Source: ibid

14. Where the 3km rule has been applied to nature reserves in the UK (for Newcastle Disease), the practical application of the rule did not in fact lead to the closure of the reserve, but simply to the nearest path to the outbreak<sup>6</sup>
15. In contrast, we commend for the Administration's consideration the conclusions of the Scientific Seminar on Avian Influenza, the Environment and Migratory Birds held in April 2006 under the aegis of the Convention on The Conservation of Migratory Species of Wild Animals and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA).<sup>7</sup>
16. HKBWS is deeply concerned by the lack of response to requests from WWF (HK) to discuss these issues with the relevant policy bureaux, especially HWFB.
17. We would be very interested to know the qualifications and expertise of those who decided on closing Mai Po and curtailing bird watching activities in Hong Kong and Kowloon Parks last winter. We would also be interested to know on what criteria these decisions were made and under whose specific authority?
18. HKBWS remains concerned about the potential risks to human health from HPAI and shares the concerns of the public in relation to infection and spread of the disease, especially by intensive factory farming and trade in poultry.
19. HKBWS remains willing to share its knowledge of wild birds in Hong Kong, and, through its connection to BirdLife International, elsewhere in the world, wherever this knowledge may be of benefit, and especially in the dissemination of information regarding HPAI and migratory birds.

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<sup>6</sup> See Appendix 2

<sup>7</sup> See Appendix 3

## Questions for the Administration

20. It is noted with regret that the current procedures do not allow the public to do more than submit a paper in this Panel, and that no other opportunity for consultation of these proposals is available. HKBWS therefore urges panel members to seek answers to the following questions from the Administration.
- a. Why has the Administration chosen to cite general veterinary procedures to justify its position and chosen to ignore local specialist advice on the topic?
  - b. Why has the Administration refused to meet with WWF (HK) and other experts in preparing a policy on this issue?
  - c. Under what justification has the Administration chosen to close Mai Po and the Wetland Park on discovery of any bird carrying any H5 strain when almost all H5 strains pose no threat to humans (and even H5N1 has no history of wild bird to human transmission)?
  - d. What will persuade the Administration to apply guidelines developed specifically for wild birds and nature reserves to the closure of nature reserves rather than inappropriate poultry quarantine procedures?
  - e. Why is the Administration ascribing the same risk of infection from wild birds as from poultry when there is no scientific evidence to support such a position, and the contrary appears to be true?
  - f. Is the Administration aware that bird watching does not bring people into close proximity with wild birds, but that bird watchers rely on powerful optics to view birds at a distance without disturbing them?
  - g. How does the Administration justify stopping organized birdwatching activities in Hong Kong and Kowloon Parks, which are organized as part of a Healthy Ageing Commission project, while allowing continued public access to the same parks?
  - h. What was the expertise of those who decided to close Mai Po and halt organized bird watching activities in Hong Kong and Kowloon Parks last winter?
  - i. What steps is the Administration taking to inform the public of the very limited likelihood of human HPAI infection from wild birds?
  - j. If a wild bird is found in an urban area with H5 will the Administration ban human access within 3km of the site?
  - k. If not, why, when the risks from migratory birds are considered so small, are Mai Po and the Wetland Park being singled out?

## **APPENDIX 1:**

### **SCOTLAND'S AVIAN INFLUENZA AND NEWCASTLE DISEASE CONTINGENCY PLAN - SCOTTISH EXECUTIVE - FEBRUARY 2006.**

#### **Section 5 - Response to Finding High Pathogenic Avian Influenza in wild birds**

39. This contingency plan is principally about the response to avian influenza being found in domestic poultry. However, there is a possibility that high pathogenic avian influenza (HPAI) could be carried by migrating birds and that this could be found through the ongoing programme of surveys. In such a situation the primary response would be to enhance the surveillance of domestic poultry and wildbirds in the area (to establish whether the finding was an isolated case) and encourage heightened biosecurity. Surveillance would be led by the State Veterinary Service. The general public would also be informed, particularly highlighting any public health implications of disease passing to humans and explaining that the risk of catching it comes from very close contact with infected birds, and particularly with faecal matter.

41. As noted earlier in the plan any finding of HPAI is likely to lead to an immediate requirement for the housing of poultry.

42. There will be no requirement to cull birds - domestic or wild - in proximity to the identified finding. Such steps are not considered to be a proportionate or effective disease control response. In wild birds such actions could lead to a further spread of disease by encouraging other infected birds to disperse, carrying virus with them.

43. There would be no requirement for the countryside to close, since the risk of the disease being spread by recreational access in the countryside is very small. The risk of humans catching avian influenza can be eliminated by avoiding direct contact and by taking sensible hygiene precautions. Within the provisions of the Scottish Outdoor Access Code, and following detailed advice provided at the time, land managers will receive advice on the specific disease situation implications from the State Veterinary Service and the Scottish Executive. In line with that advice land managers will be able to make local arrangements for responding to the finding. The presumption would remain that the countryside is kept open.

44. In considering the situation the Executive would be supported by an ornithological experts group, which will be convened on confirmation of disease in the UK.

#### **Ornithological Experts Group - Remit**

To provide the Scottish Executive with expert ornithological advice, particularly in the terms of the format of additional surveillance and the implementation of measures to minimise disturbance to wild birds.

#### **Membership**

Chaired by the Animal Health and Welfare Division it would include the SVS, the Chief Ecological Adviser, Scottish Natural Heritage, RSPB, British Association for Shooting and Conservation, Wildfowl and Wetlands Trust, British Trust for Ornithology (Scotland) Game Conservancy Trust, Scottish Agricultural Science Agency and the Scottish SPCA.

The Group would also be called upon in the event that high pathogenic avian influenza were to be identified in a flyway which includes the UK. It is expected that the Group would advise on any specific targeted surveillance that may be needed in Scotland. It would not be expected to be called upon in the event that low pathogenic avian influenza were found.

Source: <http://www.scotland.gov.uk/Publications/2006/02/03103441/6>

## **APPENDIX 2:**

### **AVIAN INFLUENZA (BIRD FLU): IMPACT ON THE COUNTRYSIDE DEFRA, UK - MAY 2006**

#### **Access to land**

During an avian influenza outbreak there is little need to restrict access to land by closing footpaths or other land to which there is a right of access. We are only taking legal powers to close land in the immediate vicinity (i.e. a minimum of 3km) of an infected premises and only then if justified by the veterinary risk of disease spread. Local Authorities do not have any additional powers to close land.

If an outbreak were to be in an intensive indoor unit, no closure of any land or any other restriction is likely to be needed. If there were an outbreak in free-range holdings or in the wild bird population it would not usually be necessary or practical to close land, though we would need to take account of any special factors that might apply in individual cases. For example, if disease were found in a nature reserve, decisions on whether land was closed within 10km of that finding might depend on factors such as the presence of defined paths for visitors and the degree of contamination of those paths.

Our working precedent is last summer's outbreak of Newcastle Disease which required no land closures other than the suspension of one stretch of footpath which directly crossed the infected site. In an avian influenza outbreak, there may well be public pressure to close access to land, especially where an infected wild bird were found, but we would seek to strike a balance between addressing legitimate public concern and ensuring our response was proportionate to the risk. If access to land does need to be restricted, we are working with Natural England to ensure that clear and up-to-date information is provided as to where those areas are.

Source: <http://www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/rural/index.htm>

## APPENDIX 3:

### CMS, UNEP, AEWA SCIENTIFIC SEMINAR ON AVIAN INFLUENZA, THE ENVIRONMENT AND MIGRATORY BIRDS, NAIROBI, KENYA 11 APRIL 2006

#### Conclusions and Recommendations: Short term needs

“Wetland protected areas play a vital role in bird and biodiversity conservation, as well as public education and environmental communication. When these areas depend on visitor revenue, their long-term future can be severely compromised by either unnecessary closure as a result of H5N1 concerns, or reduced visitor numbers due to public misconceptions.

“The Seminar urged governments to:

- avoid prescribing closure of wetland protected area except where absolutely necessitated by a continuing H5N1 outbreak. Wholesale reserve closure serves very limited disease control and is highly detrimental to conservation;
- communicate to the public that it continues to be entirely safe to visit wetland protected areas, in the absence of an H5N1 outbreak at the site;
- work with site management and veterinary authorities to ensure regular and effective site monitoring, to ensure rapid detection of any potential H5N1 outbreak.”

#### Appendix 3: section 2

##### *“Communication, education and awareness of public and policy-makers*

“The spread of HPAI H5N1 is of public concern, yet there remains widespread public misunderstanding of the issue in many countries, including circulation of misinformation. This creates political pressure for ill-advised and disproportionate policies such as the culling of wild birds and the destruction of wetland habitats.

“Conservation organisations scientists and veterinary services should actively work with media to enhance the accuracy of reporting on this issue. This should include the development of much more effective communication strategies to give policy makers, stakeholders and the general public more balanced information on real levels of risk and appropriate responses.

“The current situation gives an important opportunity to communicate important messages regarding sustainable development, especially with respect to the interface of agriculture, human health, wildlife health, ecosystem health and sociology.”

Source: [http://www.cms.int/avianflu/conclusions\\_rec\\_ai\\_seminar.pdf](http://www.cms.int/avianflu/conclusions_rec_ai_seminar.pdf).