

LEGISLATIVE COUNCIL BRIEF

Wild Animals Protection Ordinance (Chapter 170)

PROHIBITION OF FEEDING OF WILD ANIMALS NOTICE 1999

INTRODUCTION

The Prohibition of Feeding of Wild Animals Notice 1999 (the Notice), which was made by the Director of Agriculture and Fisheries (DAF) under Section 17C(1) of the Wild Animals Protection Ordinance (the Ordinance) (Cap. 170), was gazetted on 30 July 1999, as at **Annex A**.

BACKGROUND AND ARGUMENT

2. There are over 1,000 wild monkeys in Hong Kong and their population is increasing at an annual rate of 6 to 10%. In the three years from 1996 to 1998, over 430 complaints about monkey nuisances were reported to the Agriculture & Fisheries Department (AFD) and over 110 incidents of the public wounded by monkeys were recorded by the Department of Health. A study on monkeys by the World Wide Fund For Nature Hong Kong in 1992 concluded that both high monkey population density and the human/monkey conflicts are directly related to human feeding. Moreover, close contacts with the monkeys during feeding have the potential risk of transferring diseases between monkeys and human. The study therefore recommended that actions should be taken to discourage and ultimately ban people from feeding monkeys.

3. Although the main concern is about the feeding of wild monkeys, what has been said about monkeys is also applicable to the feeding of other wild animals and feeding them will also be prohibited.

4. Section 17C(1) of the Ordinance empowers DAF to specify by notice published in the Gazette any place at which the feeding of any wild animal shall be prohibited. Under section 17C(3) of the Ordinance, no person shall, except in accordance with a special permit issued by DAF, feed any wild animal at those places specified by DAF. Under section 18 of the Ordinance, any person who contravenes section 17C(3) shall be guilty of an offence and shall be liable on conviction to a fine of HK\$ 10,000.

5. As wild monkeys are found congregating mainly in the Lion Rock, Kam Shan and Shing Mun Country Parks, Tai Po Kau Nature Reserve, part of Tai Mo Shan Country Park, a section of Tai Po Road near the Kowloon Reservoir and along Caldecott Road, DAF has therefore specified these areas (delineated in black and marked in pink at **Annex B**) as places where feeding of wild animals is prohibited, by a notice published in the Gazette on 30 July 1999. The prohibition is intended to make the wild monkeys revert to foraging natural food in their natural habitat, and to slow down the population growth of wild monkeys. It is also intended to reduce the risk of the transfer of diseases between human and wild animals. In parallel with the prohibition, AFD will plant suitable trees in these areas to provide natural food source for the monkeys and other wild animals.

BASIC LAW IMPLICATIONS

6. The Department of Justice advises that the Notice is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

7. The Department of Justice advises that the Notice has no human rights implications.

BINDING EFFECT

8. The Notice does not affect the current binding effect of the existing provisions of the Ordinance.

ECONOMIC IMPLICATIONS

9. There are no economic implications arising from the Notice.

FINANCIAL AND STAFFING IMPLICATIONS

10. There are no additional resource implications. The additional work arising from enforcing the prohibition will be absorbed by existing resources within AFD.

ENVIRONMENTAL IMPLICATIONS

11. As a result of the prohibition, littering would become less of a problem in those places.

PUBLIC CONSULTATION

12. The Sha Tin Provisional District Board was informed of the proposal on 27 November 1998 and they supported the proposal. The Country and Marine Parks Board endorsed the proposal on 24 April 1999. On 21 June 1999, AFD arranged a briefing session for six Provisional District Boards (PDB), viz. Kwai Tsing, Tsuen Wan, Tai Po, Sha Tin, Sham Shui Po and Wong Tai Sin, on the proposal. Originally, some PDB members have signed up for the session but subsequently none have turned up.

PUBLICITY

13. The Notice was gazetted on 30 July 1999 and a press release was issued on that day. A copy of the plan showing the areas where feeding of wild animals is prohibited has been deposited in the Land Registry and AFD's Cartographic Office respectively for public inspection. Notices have been erected at appropriate locations within the prohibition areas to remind the public not to feed wild animals there. A spokesperson will be available to handle enquiries.

ENQUIRIES

14. Enquiries may be directed to:
Mr. J. K. Chan
Agriculture and Fisheries Department
Canton Road Government Office
393 Canton Road
Kowloon
Telephone: 2733 2644
Fax No.: 2311 3731

Planning, Environment and Lands Bureau
July 1999

PROHIBITION OF FEEDING OF WILD ANIMALS NOTICE 1999

(Made under section 17C of the Wild Animals
Protection Ordinance (Cap. 170))

1. Prohibition of feeding of wild animals

The areas described in the Schedule are specified as places at which the feeding of any wild animal is prohibited for the purpose of the conservation of wild animals.

SCHEDULE

[s. 1]

The areas known as Lion Rock Country Park, Kam Shan Country Park, Shing Mun Country Park and Tai Po Kau Nature Reserve, the area comprising that part of Tai Mo Shan Country Park which adjoins Shing Mun Country Park and Tai Po Kau Nature Reserve, the area to the northeast of Kowloon Reservoir, the area to the south of Kowloon Byewash Reservoir, the area to the south of Shing Mun Country Park, the area to the northeast of Tai Po Kau Nature Reserve known as Tsung Tsai Yuen and two areas which do not form part of but are completely enclosed by Tai Po Kau Nature Reserve, all of which areas taken as a whole are delineated in black and coloured pink on Plan No. WAPO/6 entitled "WILD ANIMALS PROTECTION ORDINANCE (CHAPTER 170), SECTION 17C PLACES AT WHICH THE FEEDING OF ANY WILD ANIMAL IS PROHIBITED", signed by the Director of Agriculture and Fisheries on 7 July 1999 and deposited in the Land Registry, Victoria.

Director of Agriculture and Fisheries

22 July 1999

Explanatory Note

This Notice specifies the areas described in the Schedule as places at which the feeding of any wild animal is prohibited for the purpose of section 17C of the Wild Animals Protection Ordinance (Cap. 170). Any person who feeds a wild animal at any of the specified places, other than in accordance with a special permit, commits an offence under section 18 of the Ordinance and is liable on conviction to a fine of up to \$10,000.