

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.

[LCQ4: Impacts on Hong Kong people by an amendment to the tax law on the Mainland](#)

Following is a question by the Hon Starry Lee Wai-king and a reply by the Secretary for Financial Services and the Treasury, Mr James Lau, in the Legislative Council today (October 31):

Question:

The Standing Committee of the National People's Congress passed in August this year the Draft Amendment to the Individual Income Tax Law (the new tax law), which will take effect on January 1 next year. Under the new tax law, the length of residency for which an individual must pay individual income tax on his or her income obtained inside and outside China is shortened from the current one year to 183 days. Those Hong Kong people who will be affected include the following three categories: persons who reside and work on the Mainland, persons who reside on the Mainland but return to Hong Kong every day for work, and retirees who have settled on the Mainland. In this connection, will the Government inform this Council whether:

(1) it has assessed the respective numbers of the aforesaid three categories of Hong Kong people who will be affected by the new tax law;

(2) it had, before the passage of the new tax law, relayed to the Central Authorities the impact of the new tax law on Hong Kong people; if so, of the

details; if not, the reasons for that; and

(3) it has measures put in place to mitigate the impacts of the new tax law on Hong Kong people; if so, of the details; if not, the reasons for that?

Reply:

President,

Many Hong Kong residents reside and work in the Mainland with the ever-closer ties between Hong Kong and the Mainland. Recognising their concerns about their tax obligations in the Mainland, the Special Administrative Region (SAR) Government has been communicating with the relevant Mainland authorities on tax matters concerning Hong Kong residents in the Mainland.

My reply to the Hon Lee's question is as follows:

(1) Currently, the Government does not have comprehensive statistical information on Hong Kong people residing or working in the Mainland. Notwithstanding, the Census and Statistics Department (C&SD) has been making use of the movement records of Hong Kong permanent residents to compile and release the estimation of "Hong Kong residents usually staying in the Guangdong Province" since 2016. These residents refer to Hong Kong permanent residents who have stayed in the Guangdong Province for six months and above cumulatively during the six months before and after the reference time-point. As at end-2017, the estimated number of such persons was around 530 000, among which about 40% were aged between 25 and 64. Since C&SD assumes that Hong Kong permanent residents departing Hong Kong via land control points and the China Ferry Terminal are travelling to the Guangdong Province, the estimation concerned cannot differentiate those who then travel to other areas in the Mainland or outside the Mainland. Besides, their purposes of stay (e.g. for work, study or settlement) in the Guangdong Province could not be ascertained in the estimation.

(2) and (3) The SAR Government understands and fully respects our country's legislative amendment exercise to enhance the tax regime. At the same time, we know that the business sector and some groups are very concerned whether the amended Individual Income Tax Law of the People's Republic of China will increase the tax burden on Hong Kong people who work or live in the Mainland, and affect Hong Kong people's desire to develop in the Guangdong-Hong Kong-Macao Greater Bay Area. Therefore, we have been communicating with the relevant Mainland authorities on this matter over the past few months to relay the concerns of Hong Kong people.

We are pleased to note that the Ministry of Finance and the State Administration of Taxation have taken into consideration the views expressed by the SAR Government and Hong Kong people, and recently commenced a public consultation on the Regulations for the Implementation of the Individual Income Tax Law of the People's Republic of China (Amendment Draft for Consultation) on October 20, 2018. It is proposed that, a resident individual who has no domicile and has resided in the Mainland for an annual aggregate

of 183 days or more for less than five consecutive years, or has resided in the Mainland for an annual aggregate of 183 days or more for five consecutive years but during which there is a single absence from the Mainland of more than 30 days, may, upon filing records with the relevant tax authorities, pay individual income tax with respect to his/her income derived from sources outside the Mainland only on the part paid by enterprises, institutions and other economic organisations or resident individuals in the Mainland. This arrangement has largely retained the tax concession for individuals who have no domicile and have resided in the Mainland for less than five years under the existing Regulations for the Implementation of the Individual Income Tax Law of the People's Republic of China. We believe that the proposal has addressed the concerns of the majority of Hong Kong people working in the Mainland. The public consultation will close on November 4, 2018.

As regards the concern of Hong Kong retirees residing in the Mainland and the detailed interpretation of the Regulations for the Implementation of the Individual Income Tax Law, the SAR Government will continue to follow up with the relevant Mainland authorities. We hope measures to be implemented will be more beneficial to Hong Kong people after clarification is made.

Thank you, President.

Auctions for Lunar New Year fair stalls of Hong Kong Island, Islands District and Kowloon to start next Monday

The Food and Environmental Hygiene Department (FEHD) today (October 31) invited interested parties to join auctions for stalls at the 2019 Lunar New Year (LNY) fairs on Hong Kong Island, in Islands District and in Kowloon. The auctions will start next Monday (November 5).

The Victoria Park LNY Fair in Causeway Bay, Hong Kong Island, accommodates 180 wet goods stalls, 284 dry goods stalls, eight thematic stalls and three fast food stalls for bidding.

The LNY fair in Islands District will be held at Tat Tung Road Garden in Tung Chung with eight wet goods stalls and 34 dry goods stalls.

The four Kowloon LNY fairs will be held at Fa Hui Park and Cheung Sha Wan Playground in Sham Shui Po, Morse Park in Wong Tai Sin and Kwun Tong Recreation Ground, with a total of 314 wet goods stalls, 243 dry goods stalls and eight fast food stalls.

Unlike last year with the auctions held in Queen Elizabeth Stadium in Wan Chai, the auctions for stalls of the LNY fair in Victoria Park this year will be held for four days from November 5 to 8 (Monday to Thursday) at the Assembly Hall, Lai Chi Kok Government Offices, 19 Lai Wan Road, Lai Chi Kok, Kowloon. The auctions for stalls of the Sham Shui Po, Wong Tai Sin and Kwun Tong fairs will also be held at the Assembly Hall, Lai Chi Kok Government Offices, from November 13 to 16. The auction sessions are scheduled from 9am to 12.30pm (AM session) and 2pm until completion of the auction (PM session).

The auction for stalls of Tat Tung Road Garden LNY Fair in Tung Chung will be held at Rooms 1413 and 1414, Harbour Building, 38 Pier Road, Central, on November 9 (Friday). The auction session is scheduled from 9.30am until completion of the auction.

Details of the auctions and opening prices are as follows:

Victoria Park (Causeway Bay)

Auction date: November 5 (Monday)

AM session: Fast food and wet goods (Stall Nos. 301 to 372)

PM session: Wet goods (Stall Nos. 373 to 480)

Opening prices:

Fast food: \$374,850 (Stall size: 7.6 metres x 4.8m)

Fast food: \$200,780 (Stall size: 5m x 4m)

Wet goods: \$10,880

Auction date: November 6 (Tuesday)

AM session: Thematic goods and dry goods (Stall Nos. 1 to 40)

PM session: Dry goods (Stall Nos. 41 to 88)

Opening prices:

Thematic goods: \$41,650 (Stall size: 6m x 1.5m)

Dry goods: \$14,230

Auction date: November 7 (Wednesday)

AM session: Dry goods (Stall Nos. 93 to 140)

PM session: Dry goods (Stall Nos. 141 to 148 and 153 to 192)

Opening price:

Dry goods: \$14,230

Auction date: November 8 (Thursday)

AM session: Dry goods (Stall Nos. 193 to 208 and 213 to 246)

PM session: Dry goods (Stall Nos. 247 to 268 and 273 to 300)

Opening price:

Dry goods: \$14,230

* Due to the limited number of seats at the auction venue, those who are interested in bidding for the specific types of stalls at the Victoria Park LNY fair are requested to participate in the auction on the designated auction date.

Tat Tung Road Garden (Tung Chung)

Auction date: November 9 (Friday)
Stall types: Wet goods and dry goods
Opening prices:
Wet goods: \$630
Dry goods: \$750

Fa Hui Park (Sham Shui Po)

Auction date: November 13 (Tuesday)
AM session: Wet goods
PM session: Fast food and dry goods
Opening prices:
Wet goods: \$5,900
Fast food: \$67,440 (Stall size: 7.6m x 4.8m)
Fast food: \$29,140 (Stall size: 5m x 3m)
Dry goods: \$13,000

Morse Park (Wong Tai Sin)

Auction date: November 14 (Wednesday)
AM session: Wet goods
PM session: Fast food and dry goods
Opening prices:
Wet goods: \$2,500
Fast food: \$16,670 (Stall size: 7.6m x 4.8m)
Dry goods: \$2,290

Kwun Tong Recreation Ground (Kwun Tong)

Auction date: November 15 (Thursday)
AM session: Wet goods
PM session: Fast food and dry goods
Opening prices:
Wet goods: \$3,640
Fast food: \$10,100 (Stall size: 7.6m x 4.8m)
Dry goods: \$3,550

Cheung Sha Wan Playground (Sham Shui Po)

Auction date: November 16 (Friday)
AM session: Wet goods
PM session: Fast food and dry goods
Opening prices:
Wet goods: \$830
Fast food: \$7,610 (Stall size: 7.6m x 4.8m)
Dry goods: \$920

Bidders for LNY fair stalls must be at least 18 years old and ordinarily resident in Hong Kong.

Anyone can bid for more than one stall. A bidder must pay the bid price and register in person with his or her own name as the licensee of the stall immediately after successfully bidding for a stall. The bidder is also required to sign at once a licence agreement with the FEHD, or will forfeit the rights to operate the stall.

An FEHD spokesman said, "Successful bidders shall comply with all the stipulations and provisions as set out in the licence agreement. Otherwise, the department is entitled to terminate the agreement and the licensee shall immediately vacate the stall."

Details of the 2019 LNY fairs such as the public notice, the locations and layouts of the fair venues, commodities allowed for sale at the fair stalls, open auction arrangements and related rules, and a sample of the licence agreement are available at the FEHD website (www.fehd.gov.hk). For enquiries, please call the FEHD hotline 2868 0000.

[Land Registry releases Trading Fund Annual Report](#)

The Land Registry (LR) released the Land Registry Trading Fund (LRTF) Annual Report 2017/18 today (October 31).

"For the financial year ending March 31, 2018, the LRTF posted a profit of \$131.8 million and achieved a 38.1 per cent financial return on fixed assets, mainly due to an increase in business volume," the Land Registrar, Ms Doris Cheung, said.

According to the report, the total number of documents registered and searches of land registers increased by 12.8 per cent and 6.1 per cent respectively when compared to the financial year of 2016/17.

Ms Cheung said that the LR exceeded all targets set in its performance pledges and implemented various enhancements to the Integrated Registration Information System Online Services. The LR also launched the e-Alert Service for authorised institutions (AIs) under the Banking Ordinance (i.e. licensed banks, restricted licence banks and deposit-taking companies) to help them better manage credit risks in mortgage lending with effect from February 2017. With the consent of the relevant property owners, the AIs subscribing to the Service will receive electronic notifications from the LR when further charges or mortgage documents in respect of the properties mortgaged to the AIs concerned are lodged for registration in the LR. In order to provide greater security and convenience to the AIs for submission of applications

for the Service as well as to increase the operational efficiency of both the AIs and the LR, the LR plans to introduce an e-channel for the Service in 2019.

The LR has also been making continuous efforts in engaging the key stakeholders for the early implementation of a title registration system in Hong Kong. During the past year, the LR continued to discuss and exchange views with the key stakeholders on the proposal of introducing title registration on new land first (the "new land first" proposal) and the outstanding issues concerning conversion under the proposed Two-Stage Conversion Mechanism. In addition, the LR shared with them its interim findings of the study of the latest developments regarding title registration legislations and good practices adopted in some overseas common law jurisdictions. While continuing the efforts to resolve the outstanding issues on conversion with the key stakeholders and build consensus on the "new land first" proposal, the LR will complete the overseas jurisdiction study with a view to enhancing the proposals on amendments to the Land Titles Ordinance.

Ms Cheung concluded that although the LR's business performance is susceptible to the volatility of the property market, the LR will keep in view its financial position, take measures to contain expenditures and explore new business opportunities to meet customers' needs.

The report was tabled in the Legislative Council today. It can also be viewed or downloaded from the LR's website (www.landreg.gov.hk).

Inland Revenue (Amendment) (No. 7) Bill 2018 to be gazetted

The Inland Revenue (Amendment) (No. 7) Bill 2018 (Amendment Bill) will be gazetted on November 2. It seeks to:

- (a) align the tax treatment of financial instruments with their accounting treatment;
- (b) allow the deduction of interest expenses payable to overseas export credit agencies;
- (c) refine the provisions that implement the arrangement for automatic exchange of financial account information in tax matters (AEOI);
- (d) avoid potential double non-taxation of income of visiting teachers and researchers; and
- (e) revise the meaning of the sibling relationship.

"The current accounting standard requires certain entities to account for financial instruments on a fair value basis. The provision of an option for profits tax payers to elect to have financial instruments taxed on the same basis will facilitate their efforts in preparing the necessary tax returns. Separately, the proposal of allowing deduction of the interest expenses payable to overseas export credit agencies should help foster trading activities between Hong Kong and other places," a Government spokesman said.

The Amendment Bill also includes refinements to the AEOI regime implemented since 2017, so as to closely follow the requirements promulgated by the Organisation for Economic Co-operation and Development. "The amendments related to AEOI are particularly crucial for Hong Kong to preserve its competitiveness and reputation as an international financial and business centre," the spokesman added.

The Government has also proposed amendments to the Inland Revenue Ordinance (IRO) to avoid potential double non-taxation of income of visiting teachers and researchers arising from the introduction of tax exemption for teachers and researchers in comprehensive avoidance of double taxation agreements/arrangements (CDTAs) signed by Hong Kong. Such an exemption arrangement has already been included in the CDTA signed with Saudi Arabia, and the Government plans to include an exemption in the one with the Mainland so as to relieve tax burden for Hong Kong teachers and researchers working in the Mainland.

Moreover, to promote family support, the Amendment Bill proposes expansion of the meaning of "brother and sister" under the IRO to cover some cases related to adopted persons in determining the eligibility for dependent brother or dependent sister allowance.

The Amendment Bill will be introduced into the Legislative Council on November 14.