LVAC Paper No. 4/2026

Local Vessels Advisory Committee

Proposed Amendments to the Wild Animals Protection Ordinance

Purpose

This paper attaches an information paper to brief Members on the proposed amendments to the Wild Animals Protection Ordinance (Cap. 170) ("the Ordinance") proposed by the Agriculture, Fisheries and Conservation Department (please refer to the **Annex I**) and seeks Members' comments.

2. Members are invited to submit your comments, if any, by replying to the Secretariat on or before 20 July 2026. The Secretariat will convey the comments to the Agriculture, Fisheries and Conservation Department.

Marine Department
July 2026

Annex I

Proposed Amendments to the Wild Animals Protection Ordinance (Cap. 170)

PURPOSE

This paper aims to brief members on the proposed amendments to the Wild Animals Protection Ordinance (Cap. 170) ("the Ordinance") to enhance the protection of cetaceans by granting new statutory powers to the Agriculture, Fisheries and Conservation Department ("AFCD") to better handle incidents in Hong Kong involving live cetaceans in need, and to confer legal status on the existing Code of Conduct for Dolphin Watching ("the Code"), so as to enhance protection of cetaceans.

BACKGROUND

2. The incident involving a non-resident whale in Hong Kong waters in July 2023[1] highlighted the need for enhanced legislative measures to protect cetaceans (including whales, dolphins and porpoises). Presences of cetaceans, especially whales, often attract significant public attention and hence whale-watching activities, which generate disturbance or stress due to the aggregation of people and vessels around the stranded or injured cetaceans, for purposes other than rescue operations. These disturbances, while not directly linked to the whale's death, underscore the necessity of regulation to prevent wilful disturbance.

PROPOSED AMENDMENTS

3. We propose amending the Ordinance to grant new powers to the AFCD so as to better manage similar incidents in the future. The new powers would allow more flexible and timely intervention for live stranded cetaceans in need. The proposed legislative amendments will allow the Director of Agriculture, Fisheries and Conservation ("the Director") to designate specific areas of Hong Kong waters as temporary marine restricted areas ("TMRA") so as to protect cetaceans requiring urgent attention and assistance. The Director will have the authority to impose restrictions or prohibitions on persons, vessels, and activities within these areas, such as prohibiting whale watching and leisure activities near the cetaceans involved.

4. In addition, taking the opportunity of this legislative exercise, the Government suggests conferring legal status on the Code, thereby enhancing protections for local

[1] In July 2023, a non-resident whale was sighted in Hong Kong waters, resulting in a surge in whale-watching activities. This trend later subsided after the Government stepped up publicity against such activities and increased patrols. On 31 July 2023, the whale's carcass was discovered. The subsequent necropsy determined that the whale had died from a fatal boat strike inflicted by a fast-moving vessel.

dolphin species as well. To enhance the public awareness of local cetacean protection, the legislative amendments will provide statutory backing to the Code (please refer to the **Annex II**), which currently serves as an advisory guideline for local dolphin-watching activities. While contravention of the Code itself will not constitute an offence, failure to adhere to the Code may be submitted as evidence in proceedings related to the wilful disturbance of protected wild animals.

New Powers on Designating a "Temporary Marine Restricted Area"

5. The proposed amendments will empower the Director, in consultation with the Director of Marine, to designate TMRAs swiftly and flexibly. For instance, upon confirmation of the presence of a non-resident cetacean species such as a whale in Hong Kong waters and a preliminary assessment that it may be disoriented, injured, or even require rescue, the AFCD will consult the Marine Department (MD) and other relevant departments to formulate the designation of a TMRA and related restrictions, taking into account both wild animals protection and navigational safety matters, and the actual specific circumstances of the case.

6. The AFCD is proposed to have the authority to impose three types of control within TMRAs:

(i) **Ad hoc Instructions:** Enforcement officers may give immediate instructions or directions on site in relation to navigation control and activities within the area.

(ii) **General Restrictions:** The AFCD may impose general restrictions, such as speed limits or controls on fishing and recreational activities (including whale watching), through publishing a notice on the AFCD's website.

(iii) **Prohibition on Entry:** In special circumstances (such as when the cetaceans requiring immediate rescue), the AFCD may prohibit entry into the designated "prohibited area" within the TMRA, allowing the AFCD to carry out rescue operations within the area while ensuring the safety of the cetaceans concerned. Such prohibition may also be imposed through publishing the notice online.

7. Aside from consultation with the MD, when assessing the need to designate a TMRA, the AFCD may also take into account factors including the species and estimated size of the cetaceans concerned, its direction, speed of movement, health condition and the presence of nearby marine users and facilities. According to AFCD's records, such interventions are generally required only for non-resident cetaceans, whose appearance in Hong Kong waters is rare. The likelihood of resident cetaceans being found in an emergent situation requiring intervention (e.g. at risk of harassment or injury) is low.

8. Meanwhile, to ensure navigation safety and minimise the impact of TMRA

designations on marine services, we propose granting exemptions for vessels engaged in essential operations, such as those offering emergency services (such as fire services, ambulance, etc), from compliance with TMRA designation and the relevant restrictions or prohibitions. Notwithstanding this, AFCD officers on site shall provide navigation instructions to these vessels to ensure that their passage, insofar as practicable, does not adversely affect the well-being of the cetaceans concerned.

Designation and Notification Procedure

9. The TMRA designation is proposed to be carried out under an expedited approach through publishing a notice on the AFCD's website to bring the designation into effect. The notice may outline (i) a map delineating the boundary of the TMRA; (ii) restrictions or prohibitions to be imposed within the TMRA; and (iii) applicable exemptions, if any. In parallel, the MD may issue a Notice to promptly inform the marine sector as well.

10. Drawing on past experience, live cetaceans may move away from the original TMRA, or require sudden intervention or rescue. The AFCD shall regularly review the TMRA boundary, restrictions and prohibitions, while continuing to take into account the well-being of the cetacean concerned and the interests of other marine users.

New Offences and Enforcement

11. We propose creating a new offence to deter non-compliance with on-site instructions, as well as with restrictions or prohibitions imposed by the Director within the TMRA. Drawing reference from the existing offence of unlawful entry into restricted areas under the Ordinance[2], contravention of this new offence would, upon conviction, be subject to a proposed maximum penalty of a fine at level 5 ($50,000). It is also proposed that the Director be given new power to appoint officers from the MD as authorised officers to carry out law enforcement[3]. Enforcement officers shall be empowered to intercept, board and detain vessels when necessary in implementing enforcement against the TMRA designation, restrictions and prohibitions imposed.

Conferring Legal Status on the Code of Conduct for Dolphin Watching

12. This legislative amendment exercise also seeks to confer legal status on the existing Code, thereby strengthening safeguards for local dolphin populations. Unlike whale-watching activities, which are not encouraged, with conservation measures in place, dolphin-watching activities are appropriate pursuits that allow the public to engage with the marine ecosystem. The current voluntary code has helped guide operators and promoted orderly practices, but it is only implemented as a good practice guide. The proposed amendments would provide a clearer legal basis for the code to

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2 According to Section 13 of the Ordinance.

3 Section 2 of the Ordinance has already defined police officers as authorised officers empowered to exercise the powers conferred under the Ordinance.

facilitate subsequent enforcement action.

13. Conferring legal status on the Code shall help raise public awareness of cetacean protection further and ensure the sustainability of dolphin-watching operations. Upon conferring legal status, the AFCD may submit information on non-compliance with the code as evidence in court in the prosecution of wilful disturbance of protected wild animals under section 4 of the Ordinance.

ADVICE SOUGHT

14. We plan to introduce the relevant amendment Bill into the Legislative Council in the fourth quarter of this year. Members are invited to take note of the above proposed legislative amendments and provide comments.

Environment and Ecology Bureau
Agriculture, Fisheries and Conservation Department
June 2026

Annex II

Code of Conduct for Dolphin Watching

General Rule

1. Never attempt to touch, swim with, or feed the dolphins.

2. Do not litter or dispose of any fuel, oil or other pollutants in the waters.

3. Respect the dolphins and let them make the choice to approach or flee. If a group of dolphins is difficult to observe and elusive, leave them alone and try to find a more cooperative group.

Safe Speed

4. Maintain forward progress at a slow, steady speed or stop with no sudden course changes. Vessel speed should not exceed 10 knots.

Safe Distance

5. Maintain a distance of at least 100 meters. Always slow down to no-wake speed, or stop if animals appear directly ahead within 100 meters.

Safe Course

6. Never approach the dolphins head on; approach at an angle.

7. Never conduct reverse throttling in the vicinity of dolphins.

8. Never chase or cut across the course of dolphins, separate mothers and calves, split up groups or ‘corner’ dolphins between vessels, nets or shore.

9. When observing, always parallel the dolphin’s course at slow speed.