

For information

Legislative Council Panel on Planning, Lands and Works

**Independent Investigation to Review the Causes
of the Fish Kill Incidents occurred at
Ma Wan and Cheung Sha Wan Fish Culture Zones (FCZs) in 2000**

INTRODUCTION

When discussing the proposed works of PWP Project 5687CL entitled “Infrastructure for Penny’s Bay Development, Package 2” on 4 June 2001, Members requested the Government to conduct an independent investigation to review the cause of the fish kill incidents at Ma Wan and Cheung Sha Wan FCZs in an open and transparent manner.

2. In June 2001, we informed the Panel of a meeting between the Civil Engineering Department, the Hon Wong Yung-kan and representatives of the above two FCZs on 14 June 2001 on the independent investigation. At the meeting, the parties concerned agreed to set up a liaison group to monitor the investigation which would be carried out by an Independent Review Panel (IRP) to be formed by experts from tertiary institutions. The meeting also agreed on the scope of the IRP’s duties and a brief for the investigation.

3. We proceeded with the independent investigation on the understanding that both the mariculturists and the Government would abide by the findings of the IRP’s investigation. The Government would then determine any compensation to the mariculturists according to the IRP’s assessed quantities of fish kills, if any, attributable to the reclamation and would take account of the ex-gratia allowance previously granted.

FINDINGS OF THE INDEPENDENT INVESTIGATION AND FOLLOW UP ACTIONS

4. The IRP started the investigation in July 2001 and thereafter compiled several reports. Through the review of information supplied by the Government and the mariculturists and laboratory tests, the IRP completed the investigation and presented its findings to the liaison group on 28 March 2002. During the process of the investigation, the IRP kept the liaison group fully informed of the method of investigation work, including the details of the laboratory tests.

5. The IRP concluded that suspended sediment plumes arising from the dredging and dumping activities of the Penny's Bay Reclamation Stage 1 project could have contributed to the fish kill of three types of fish (i.e. red snapper, white blocked snapper and headgrunt) out of a total of about 30 species of fish farmed in the two FCZs. The investigation also concluded that the sediment plumes had not caused the death of other types of fish, which was due to bacterial and parasitic infections.

6. On 26 April 2002, the IRP completed its assessment of the quantity of the three said types of fish killed which could be attributed to the reclamation works.

7. Based on the IRP's findings, we started discussions with the mariculturists in May 2002 to explore ways to settle a compensation for the fish kill. During those discussions, we received further representations from the mariculturists on the basis of compensation for the fish fry and that other non-grouper type fish (like the identified fish species) should also be compensated. They also claimed that the sediment plumes arising from the reclamation works had indirectly resulted in the death of groupers.

8. Having considered the representations, the IRP recommended that the Government should consider compensating the mariculturists for the cost of fish fry as well as the feeding costs. The IRP also considered that there might be grounds for compensating for the indirect adverse effects of the sediment plumes which might have led to the death of some groupers at the Ma Wan FCZ. The IRP suggested calculating the compensation for groupers with reference to the increase in the death rates of groupers fry and the decrease in the harvest rates of adult groupers in year 2000 as compared to the year 1998 to 1999.

9. Based on the findings and recommendations of the IRP and taking into account the EGA previously granted to the mariculturists, we have assessed that the total compensation would amount to about \$4.6 million.

10. We have arranged a liaison group meeting to be held on 15 November 2002 to inform the mariculturists of the details of the compensation. The IRP will be present to facilitate the discussion. We will release the compensation payments to the mariculturists concerned as soon as possible.