

For discussion
on 26 September 2003

LegCo Panel on Food Safety and Environmental Hygiene

REGULATORY FRAMEWORK FOR FISHING ACTIVITIES IN HONG KONG WATERS

PURPOSE

This paper proposes a regulatory framework for fishing activities inside Hong Kong waters, in order to promote sustainable development of our fishing industry and to conserve local fisheries resources.

BACKGROUND

2. Since the late 1980s, there has been a steady decline in fisheries resources and fish catch within Hong Kong waters. To address this problem, the Government has commissioned a consultancy study to assess the gravity of the situation and identify ways of remedying it. The report of the study has recommended six priority fisheries management measures to protect and sustain local fish stocks. Three of those measures, namely:

- habitat enhancement through the deployment of artificial reefs;
- habitat restoration by means of mitigating the impact of marine works projects; and
- fish restocking with a fish fry releasing trial scheme

have already been implemented. To further alleviate the pressure of fishing activities on the fisheries resources in Hong Kong waters for the recovery and maintenance of stocks at a sustainable level, we now propose to amend the Fisheries Protection Ordinance (Cap. 171) to provide for the implementation of the remaining recommended measures,

including:

- the establishment of a fishing license programme;
- limiting new entrants to our fisheries; and
- designating fisheries protection areas

as well as a territory-wide “closed season” for fishing to step up control of fishing activities and bring our fisheries back on a sustainable path.

FISHING LICENCE PROGRAMME AND LIMITING NEW ENTRANTS

3. Access to Hong Kong’s fisheries has always been open. This situation has rendered it very difficult for us to control over-fishing, and to enforce related management measures.

The Proposal

4. We therefore propose to set up a fishing licence programme, under which all fishing activities conducted in Hong Kong with the use or aid of any vessels shall require fishing licences or permits. The licensing system will be vessel-based, targeting fishing vessels which generate considerable pressure on our fisheries resources. Fishing licences are only to be issued, by the Director of Agriculture, Fisheries and Conservation (DAFC), to local fishing vessels used for and equipped to be used for fishing in local waters. We will rely on the vessel classification system under the Merchant Shipping (Local Vessels) Ordinance (Cap.548) to distinguish local fishing vessels from other kinds of vessels, and conduct physical inspection to vessels under application when necessary, so as to ensure that the vessels in question are eligible for obtaining fishing licenses. DAFC may also issue fishing permits to allow the conduct of fishing activities with the use or aid of any kind of vessels for scientific research and related purposes.

5. We do not intend to subject recreational fishing to any control under the proposed licence programme, as the methods deployed for such activities would generally capture relatively smaller amount of fish, hence the impact they have on our fisheries resources and marine

environment is limited.

6. The proposed licensing system will not only serve to limit the access to our fisheries resources to local fishermen, but will also enable the Government to collect important data vital to the effective management of our fisheries. When circumstances so require, we may have to further control the growth of the local fishing fleet and keep the total fishing effort at a level that could sustain the fisheries resources. The proposed licensing system can be used as an instrument to exercise such control, with the following powers conferred upon DAFC in addition to his other powers as the licensing authority to issue, renew and cancel licences and permits, and approve the transfer of licences, allowing him:

- (a) to impose moratorium on the issue of further fishing licences or permits should the situation warrant;
- (b) to impose conditions on the licences or permits to limit the vessel engine power, fishing gear to be used and the area of operations etc., alteration of any of which requires prior approval from DAFC; and
- (c) to refuse to grant, renew or approve alteration of any conditions of a licence/permit or to approve transfer of a licence if he considers that it is not in the best interest of promoting the sustainability of local fisheries resources.

7. To ensure the effective implementation of the proposed control regime, we propose to make contravention of the fishing licence control scheme an offence. Any person who conducts fishing activities with the use or aid of a fishing vessel without a valid licence or permit, or conducts fishing activities other than the specified recreational fishing methods (e.g. handlining) with the use or aid of a non-fishing vessel without a valid permit, would be held responsible for the offence. The owner of the vessel in question will also be liable if he knowingly permits or assists such activity to be carried out.

FISHERIES PROTECTION AREAS (FPAs)

8. To help promote recovery of our fish stocks to a sustainable level, it is proposed that FPAs be established in selected waters in Hong Kong, to provide a protected environment for nursery and

spawning for fish fry, juvenile and spawning fish.

The Proposal

9. We propose that suitable waters be designated by the Administration as FPAs, in which no fishing vessels will be allowed to carry out fishing activities without a permit issued by DAFC, in addition to the territory-wide fishing licence, for operation in advance. Permits will only be issued to bona fide fishermen habitually fishing in the waters of the FPAs concerned and persons fishing with any vessels for scientific research and related purposes. Only fishing gear specified on the permit will be allowed to be used in the FPAs. Trawling activities, which are non-selective in nature, will be strictly prohibited within the areas. Recreational fishing, on the other hand, is only to be regulated inside the FPAs' "no-take" zones in which all fishing activities will be prohibited. Such zones are set up within the areas where artificial reefs are laid, to protect fish fry or other fish taking shelter in the device from being captured, thereby ensuring the effectiveness of the reefs in enhancing fisheries resources.

10. The designation of FPAs will be made subsequent to public consultations. To protect fisheries resources in FPAs effectively, we propose to make it an offence for failure to comply with the above-mentioned fishing regulations. The owner of the vessel in question will also be liable if he knowingly permits or assists such activity to be carried out.

ANNUAL TERRITORY-WIDE "CLOSED SEASON" FOR FISHING

11. The implementation of a "closed season" for fishing is a common fisheries management practice adopted by many countries to conserve and protect fisheries resources, allowing a break for fish to breed and stocks to recover. The Mainland has, since 1999, implemented the "closed season" policy in the South China Sea, and the results reported are encouraging. Given the highly-stressed fishery condition of our waters, we consider it necessary to introduce an annual territory-wide "closed season" to enhance the sustainability of our

fisheries resources.

The Proposal

12. We propose that the Administration should designate an annual “closed season”, following public consultation on the details regarding its duration, timing and extent of fishery control such as the types of fishing activities prohibited during the period. All licences and permits previously granted by DAFC in connection with the prohibited fishing activities will be suspended automatically during the period. However, DAFC may at his discretion grant permits to allow the conduct of fishing for scientific research or related purposes during the “closed season”.

13. We also suggest to make non-compliance with the “closed season” requirement an offence.

WAY FORWARD

14. Extensive amendments need to be made to the Fisheries Protection Ordinance (Cap. 171) to provide for the implementation of the proposed regulatory framework. Taking into account any views Members may have, we will further consult the industry on the proposal and commence drafting of the legislative amendments.

ADVICE SOUGHT

15. Members are invited to comment on our proposal set out in the paragraphs above.

Health, Welfare and Food Bureau
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