

**LEGISLATIVE COUNCIL BRIEF**

**Marine Parks Ordinance (Chapter 476)**

**MARINE PARKS AND MARINE RESERVES  
(AMENDMENT) REGULATION 2002**

**INTRODUCTION**

We propose to establish a special zone in the Tung Ping Chau Marine Park (“the TPC Marine Park”) where recreational fishing can be carried out under specified conditions as a trial scheme. The special zone to be established is marked on the plan at Annex A. To establish the special zone, the Secretary for the Environment, Transport and Works will make the Marine Parks and Marine Reserves (Amendment) Regulation 2002 (“the Amendment Regulation”) at Annex B.

**JUSTIFICATION**

2. Under the Marine Parks Ordinance, an area can be designated where appropriate as a marine park for protecting the marine environment and marine life for conservation, education and research purposes. Fishing in marine parks is controlled under a permit system operated by the Agriculture, Fisheries and Conservation Department (AFCD). Under the Marine Parks and Marine Reserves Regulation, AFCD may issue permits to bona fide fishermen and villagers ordinarily residing near a marine park only for fishing in that marine park. Recreational fishing or other fishing activities within marine parks are currently not allowed.

3. Following the designation of the TPC Marine Park in November 2001, the local villagers and angling enthusiasts have raised strong objections to the prohibition of recreational fishing in the Marine Park. The villagers are concerned about the adverse impact on their livelihood since they have been depending on selling fish bait to anglers as the main source of income.

Angling enthusiasts and the villagers argue that recreational fishing has been going on in the area concerned for many years before it was designated as a marine park and that the impact on the marine environment has been proved to be minimal. On the other hand, some environmental groups have expressed reservation against allowing recreational fishing in the Marine Park because of its possible adverse impacts on the marine ecology in the area.

4. To strike a balance between conservation and recreational needs, and to address the concerns of the local villagers and angling enthusiasts, AFCD, the management authority of marine parks, has proposed that recreational fishing be allowed in the two less ecologically sensitive areas in the TPC Marine Park delineated in the plan at Annex A, subject to it being carried out on-shore on a one-line one-hook basis (i.e. only one line and one hook can be used by each person). The Country and Marine Parks Board, the statutory advisory body for country and marine park matters, has been consulted and has agreed that the proposal should be implemented as a trial scheme for one year. AFCD will review the results of the trial scheme and the impacts on the marine ecology in the area after the trial.

5. In accordance with sections 3(1) and 18 of the Marine Parks and Marine Reserves Regulation, the areas in the TPC Marine Park where recreational fishing will be allowed on a trial basis have to be specified by the Secretary for the Environment, Transport and Works as a special zone in Schedule 1 of the Regulation.

## **THE AMENDMENT REGULATION**

6. Clause 1 of the Amendment Regulation amends section 3(1) of the Marine Parks and Marine Reserves Regulation to stipulate clearly that fishing is allowed in marine parks only if a permit has been granted under section 17(3), or it is carried out in a special zone in compliance with the conditions specified in Schedule 1. Specification of the special zone would not affect the rights of holders of fishing permits issued under the Regulation.

7. Clause 5 amends Schedule 1 by specifying the special zone in the TPC Marine Park, and the on-shore and one-line one-hook conditions for carrying out recreational fishing within the special zone.

8. Any person fishing in contravention of the amended section 3(1) will commit an offence. Like other types of illegal fishing activities in a marine park or marine reserve, an offender is liable on conviction to a fine at level 4 (i.e. \$25,000) and to imprisonment for 1 year under section 21 of the Regulation.

9. The Amendment Regulation will be gazetted on 29 November 2002 and take effect on 2 January 2003.

## **IMPLICATIONS OF THE PROPOSAL**

10. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. Furthermore, the Amendment Regulation will not affect the binding effect of the Regulation.

11. There are no financial or staffing implications. AFCD will undertake the additional work arising from the establishment of the special zone and the trial scheme with existing resources.

12. It is expected that the proposal will not cause adverse environmental or ecological impacts on the TPC Marine Park since recreational fishing is allowed within the special zone only and is to be carried out on-shore on a one-line one-hook basis. AFCD will closely monitor the impacts of the proposal on the marine ecology in the area and review the results after the trial.

## **PUBLIC CONSULTATION**

13. The Country and Marine Parks Board was consulted in early 2002 and indicated support for the one-year trial scheme. The Board comprises representatives from diverse fields including environmental groups, academics and the rural community. AFCD has taken into account the views of local villagers and angling enthusiasts in formulating the proposal. AFCD will review the results of the trial scheme in consultation with all the relevant parties around mid-2003.

## **PUBLICITY**

14. AFCD has since mid-2002 promulgated a code of practice for the

conduct of recreational fishing on a one-line one-hook basis in the areas to be designated as the special zone. The arrangements have been working satisfactorily. AFCD will inform angling associations once the Amendment Regulation has been enacted and the special zone has been formally established

## **BACKGROUND**

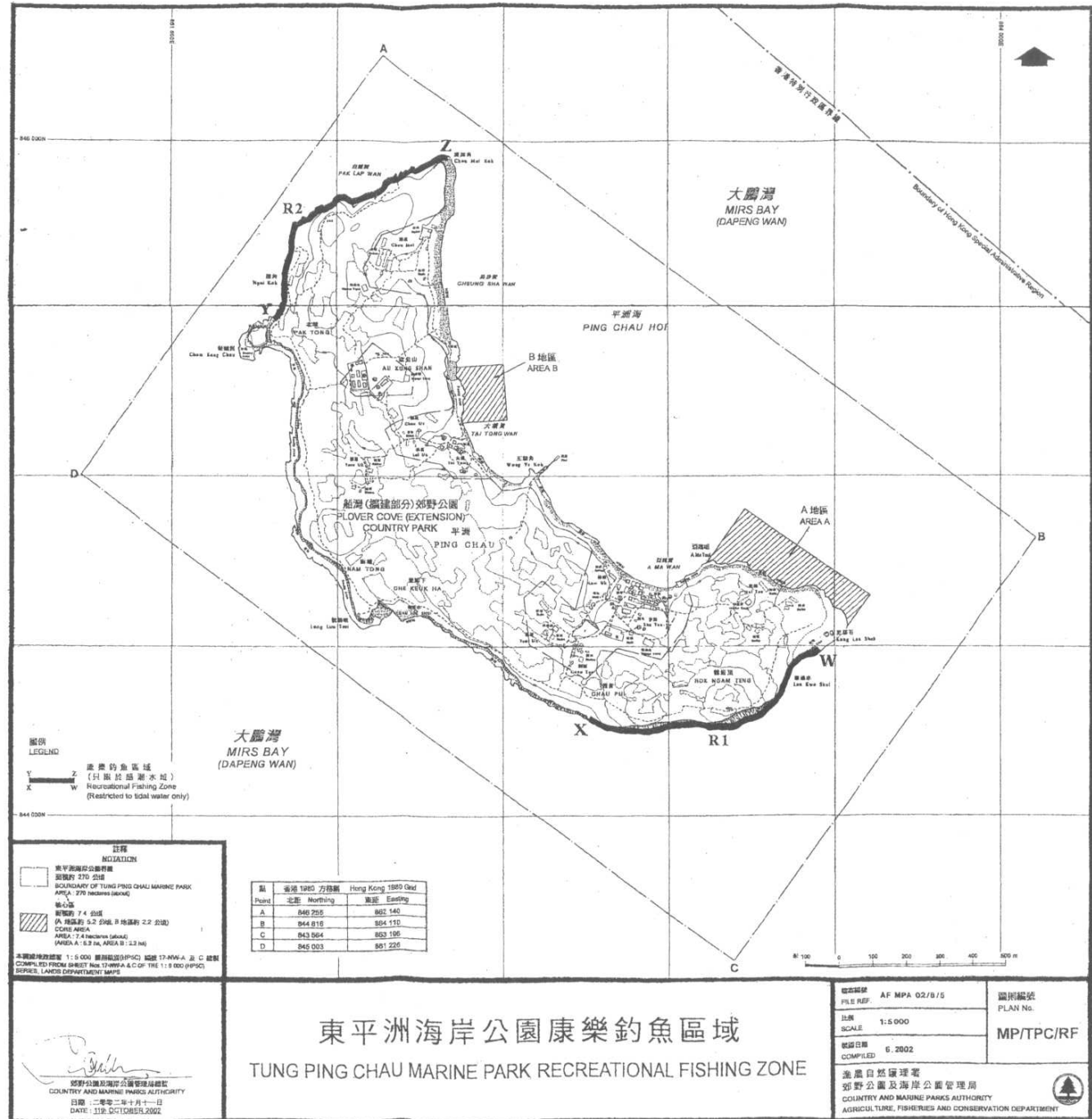
15. There are at present four marine parks and one marine reserve covering about 1.4% of the size of the Hong Kong waters. The TPC Marine Park covers 270 hectares of coastal and sea area around Ping Chau in Mirs Bay. It contains extensive coral communities and rich growth of seaweed. Only bona-fide fishermen and local villagers are allowed to fish in the Marine Park under a permit system as in the case of other marine parks. No special zones have so far been specified.

16. To implement the proposal to specify a special zone in the TPC Marine Park for recreational fishing, the Director of Agriculture, Fisheries and Conservation, as the Country and Marine Parks Authority, has already signed and deposited the plan (Annex A) showing the locations of the special zone in the Land Registry under section 18(3) of the Regulation.

## **ENQUIRY**

17. For any enquiry on this brief, please contact Ms Jenny Chan, Assistant Secretary for the Environment, Transport and Works at Tel. no. 2136 3271 and Fax no. 2136 3281, or Mr Edward Wong, Senior Marine Parks Officer of AFCD at Tel. no. 2150 6870 and Fax no. 2311 3731.

Environment, Transport and Works Bureau  
November 2002



**MARINE PARKS AND MARINE RESERVES  
(AMENDMENT) REGULATION 2002**

(Made under section 20(1) of the Marine Parks Ordinance  
(Cap. 476))

**1. Commencement**

This Regulation shall come into operation on 2 January 2003.

**2. Prohibition of fishing, hunting and  
collecting animals and plants, etc.**

Section 3(1) of the Marine Parks and Marine Reserves  
Regulation (Cap. 476 sub. leg.) is repealed and the following  
substituted -

"(1) Subject to subsection (1A), no person shall fish or  
hunt, injure, remove or take away any animal or plant by any  
means in or from a marine park or marine reserve.

(1A) A person may -

- (a) fish in or from a marine park under and in  
accordance with a permit granted under section  
17(3); or
- (b) fish in or from a special zone specified in  
column 2 of Part 1 of Schedule 1, subject to  
compliance with the conditions specified,  
opposite to the special zone, in column 3 of  
that Part."

**3. Section substituted**

Section 5 is repealed and the following substituted -

**"5. Prohibition of water-skiing**

(1) Subject to subsection (2), no person shall carry out water-skiing in a marine park or marine reserve.

(2) A person may carry out water-skiing in a special zone specified in column 2 of Part 2 of Schedule 1, subject to compliance with the conditions specified, opposite to the special zone, in column 3 of that Part."

**4. Permit**

Section 17(3) is amended by repealing "Notwithstanding section 3, the" and substituting "The".

**5. Amendment of Schedule 1**

Section 18(1) is amended -

(a) by repealing "the amendment" and substituting "each special zone";

(b) by repealing "and dated".

**6. Special zones**

Schedule 1 is amended by adding -

"PART 1

SPECIAL ZONES SPECIFIED FOR THE PURPOSES OF SECTION 3(1A)(b)

Item	Special zone	Conditions
1.	Tung Ping Chau Marine Park Recreational Fishing Zone. That zone comprising (a) the tidal water between Chau Pui and Lan Kwo Shui; and (b) the tidal water between the northern end of Cham Keng Chau and Chau Mei Kok, both being edged black on the plan (Plan No. MP/TPC/RF) signed by the Authority and deposited in the Land Registry.	A person who fishes - (a) shall not fish on board a vessel; and (b) shall only fish by angling with one line and one hook.

## PART 2

## SPECIAL ZONES SPECIFIED FOR THE PURPOSES OF SECTION 5(2)

Item	Special zone	Conditions".
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Secretary for the Environment,  
Transport and Works

21.11.2002

**Explanatory Note**

This Regulation amends the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg.) ("principal Regulation") to specify a special zone in Tung Ping Chau Marine Park in or from



which the public is permitted to fish subject to the conditions that fishing is confined to angling (with one line and one hook) on the shore. The conditions do not apply to holders of permits granted under section 17(3) of the principal Regulation.