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Panel on Environmental Affairs

Meeting on 25 April 2005

Background brief on management of marine parks

Introduction

Marine parks are designated under the Marine Parks Ordinance (Cap. 476) (the Ordinance) for protecting important marine environments and marine life in Hong Kong. At present, there are four marine parks, namely the Hoi Ha Wan Marine Park, Yau Chau Tong Marine Park, Sha Chau and Lung Kwu Chau Marine Park as well as Tung Ping Chau Marine Park. Under the Ordinance, marine parks are managed by the Country and Marine Parks Authority (the Authority), i.e. the Director of Agriculture, Fisheries and Conservation (DAFC), for the purposes of nature conservation, recreation, education and scientific studies. Compatible recreational activities such as swimming and diving are allowed in marine parks. To strike a balance between conservation needs and the livelihood of fishermen, the Ordinance provides that the Authority may issue fishing permits to bona-fide fishermen or villagers ordinarily residing near a marine park to allow them to continue fishing in the respective marine park in a non-destructive manner.

Management of marine parks

2. The management strategy currently adopted by the Agriculture, Fisheries and Conservation Department (AFCD) mainly comprises the following -

- (a) *Habitat monitoring and enhancement.* AFCD regularly monitors the water quality and the conditions of corals and other important marine life in marine parks;
- (b) *Law enforcement.* AFCD staff patrol marine parks on a daily basis and at irregular hours throughout the day to deter illegal activities, such as unauthorized fishing, littering, collection of animals and plants etc, in order to protect the marine environment and marine life from threat and disturbance;

- (c) *Provision of facilities.* AFCD has installed information signs, warning signs and maps at suitable locations within marine parks to enhance visitors' safety and enjoyment and as part of nature conservation education; and
- (d) *Education and publicity.* AFCD organizes a variety of educational activities to promote public understanding of the importance of marine conservation and solicit their support to protect marine parks.

Problem

3. Consequent upon the outbreak of Severe Acute Respiratory Syndrome, there is a marked increase in the number of visitors to the countryside and coastal areas. The situation is further exacerbated with the promotion of eco-tourism. There is concern that the infrastructure in these areas may not be adequate to support such a large number of visitors, thus causing traffic, environment and other problems.

Discussion by Panel

4. In view of the growing public concern about the well being of marine parks as a result of the sudden surge in number of visitors, the Panel on Environmental Affairs (the Panel) held two meetings on 22 July 2003 and 29 January 2004 to discuss the subject. Deputations were also invited to express their views at the meeting on 22 July 2003. A summary of their views is in **Appendix I**.

5. The Panel noted that there was a general consensus that the designation of marine parks was useful in protecting marine areas of high ecological value. However, the increased number of visitors to the marine parks had resulted in environmental damages and had threatened the survival of marine species. By way of illustration, visitors to Tung Ping Chau Marine Park had caused damage to the precious coral reefs in the area. Unauthorized fishing, particularly by Mainland fishermen, was also rampant in many parts of the marine parks. Besides, the increase in the number of visitors was not accompanied by an improvement in the infrastructure, thereby overloading the existing carrying capacity of water supply and sewage facilities. To balance the growing number of visitors and the need to maintain the ecological and cultural value of the marine parks, consideration should be given to conducting a study to work out an effective management strategy to ensure the sustainable development of marine parks. The Panel considered that consultation with the stakeholders, particularly residents living in the vicinity of marine parks, was necessary.

6. According to the Administration, there was no indication from the latest monitoring results by AFCD that the marine life had been adversely affected by the increased number of visitors to the areas. Law enforcement was strengthened to

deter destructive acts and other illegal activities in marine parks. Communication with local community in the management of marine parks through meetings and other informal contacts was enhanced. Meetings of the marine Parks Visitor Liaison Group were held in public to provide a regular forum for discussing matters relating to the management of marine parks.

7. On law enforcement, it was noted that between July 2003 and January 2004, only 84 prosecutions against illegal activities, including eight cases of littering, had been recorded. As regards enforcement against unauthorized fishing, the Panel noted that AFCD had sought assistance from the Enforcement Unit of the Guangdong Provincial Bureau of Oceans and Fisheries to combat unauthorized fishing by Mainland fishermen in Hong Kong waters, including marine parks. The Marine Police of Hong Kong would arrest the Mainland crew on board Mainland fishing vessels intercepted in Hong Kong waters and handle them as “unauthorized entrants” where circumstances warranted. They would be repatriated back to the Mainland while their fishing vessels would be detained and handed over to the Mainland authorities. Where Mainland fishing vessels were caught conducting illegal activities in contravention of the Ordinance, prosecution would be taken against the Mainland fishermen concerned and their vessels would be detained and handed over to the Mainland authorities.

8. Some members opined that instead of handing those Mainland fishermen who were caught fishing illegally in Hong Kong to the Mainland authorities for action, consideration should be given to prosecuting them according to the laws in Hong Kong. This would achieve a greater deterrent effect. Given that Mainland fishing vessels handed over by the Marine Police to the Mainland authorities were released soon after payment of fines and were allowed to re-enter Hong Kong within hours of arrest, members held the view that where there was a need to detain the offender and his vessel awaiting prosecution, this should be done regardless whether he was a local or a Mainlander. According to the Administration, offenders from both the Mainland and Hong Kong would be brought to justice alike. Mainland fishermen who were sentenced to imprisonment for unauthorized fishing or any other offences in Hong Kong would have to serve the term before repatriation. AFCD would inform the Mainland authorities of the cases handled and forward to them the personal particulars of the fishermen concerned for appropriate follow-up action.

Panel on Environmental Affairs

Appendix I

**Summary of deputations' views on the management of marine parks
(as at 27 January 2004)**

Organization	View
Friends of Hoi Ha	<p>Increase in eco-tourism is not accompanied by an improvement in infrastructure, including sewerage system and transport facilities etc;</p> <p>Lack of consultation with residents concerned on the management of marine parks;</p> <p>Need to step up enforcement against illegal fishing within marine parks;</p> <p>Need to deal with high-speed water taxis for coral seeing which have not only caused damages to the marine environment but also imposed danger to swimmers and divers as well as passengers who are not provided with any life-saving devices; and</p> <p>Need to work out a comprehensive strategic plan for marine parks.</p>
World Wide Fund for Nature Hong Kong	<p>Current infrastructure and supporting facilities in some marine parks are inadequate to meet the increase in eco-tourism;</p> <p>Opportunity should be taken to raise public awareness on conservation and ecological value of the marine parks; and</p> <p>Special working groups comprising representatives from relevant government departments and stakeholders should be established to manage and promote the ecological value of marine parks.</p>
Hong Kong Marine Conservation Society	<p>Need to step up management of marine parks and strengthen enforcement against unauthorized fishing which is rampant in many parts of the marine parks.</p>