

**立法會**  
**Legislative Council**

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LC Paper No. CB(2) 2473/04-05  
(These minutes have been seen by  
the Administration)

**Panel on Food Safety and Environmental Hygiene**

**Minutes of special meeting  
held on Tuesday, 26 April 2005 at 10:45 am  
in the Chamber of the Legislative Council Building**

**Members Present** : Hon Fred LI Wah-ming, JP (Chairman)  
Hon WONG Yung-kan, JP (Deputy Chairman)  
Hon Andrew CHENG Kar-foo  
Hon Bernard CHAN, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Kwok-hing, MH  
Dr Hon Joseph LEE Kok-long  
Dr Hon KWOK Ka-ki

**Members Attending** : Hon LEE Cheuk-yan  
Hon Emily LAU Wai-hing, JP

**Public Officers Attending** : Mr Eddy CHAN  
Deputy Secretary (Food & Environmental Hygiene)  
Health, Welfare and Food Bureau

Miss Wendy AU  
Assistant Secretary (Food & Environmental Hygiene) 5  
Health, Welfare and Food Bureau

Mr LAU Sin-pang  
Deputy Director of Agriculture, Fisheries and Conservation

Dr S F LEUNG  
Assistant Director (Fisheries)  
Agriculture, Fisheries and Conservation Department

Dr Patsy WONG  
Senior Fisheries Officer (Management)  
Agriculture, Fisheries and Conservation Department

**Attendance by : Item I(a) - Meeting with academics and green groups  
invitation**

Dr Yvonne SADOVY  
Associate Professor  
Department of Ecology and Biodiversity  
The University of Hong Kong

Professor D J RANDALL  
Chair Professor and Head of Department  
Department of Biology and Chemistry  
City University of Hong Kong

Dr Put O ANG, Jr  
Associate Professor  
Environmental Science Programme  
Department of Biology  
The Chinese University of Hong Kong

World Wide Fund for Nature Hong Kong

Mr Markus SHAW  
Chairman

Mr Eric BOHM  
Chief Executive Officer

The Hong Kong Marine Conservation Society

Dr John WONG Man-kon  
Chairman

The Marine Biological Association of Hong Kong

Dr Paul K S SHIN  
Chairman

The Conservancy Association

Ms Lister CHEUNG  
Chief Executive

**Item I(b) – Meeting with fisheries trade associations**

<b>Name of organisation</b>	<b>Name of Representative</b>
Joint Committee of Hong Kong Fishermen's Organizations	Mr WAN Kwong-lam Secretary General
Tai Po Trawler Fishermen's Credit Co-operative Society, Unlimited	Mr KEUNG Pak-ho Chairman
Sha Tau Kok Marine Fish Culture Association	Mr CHAN Chi-ming Vice Chairman
Federation of Lo Tik Wan Lamma Island Aquaculture Associations	Mr LEUNG Koon-wah Treasurer
Aberdeen Fisherwomen Association	Ms WONG Fo-kam Chairman
Hong Kong Liner and Gillnetting Fisherman Association	Mr CHAN Fo-dai Chairman
Hong Kong Fishermen's Mutual Aid Association	Mr PANG Wah-kan Chairman
Hong Kong Fishermen's Mutual Aid Association (Shau Kei Wan)	Mr LAM Kan-so Chairman
Hong Kong Fisheries Development Association	Mr FUNG Wah-hing Secretary General
Tsuen Wan Kwai Ching Fishermen Association	Mr LAM Chun-hung Vice Chairman
Hong Kong and Kowloon Fishermen Association	Mr CHEUNG Chi-chuen Chairman
New Territories Fishermen Fraternity Association Ltd	Mr LEUNG Kwong-yung Vice Chairman
Leung Shuen Wan Marine Fish Culture Association	Mr CHENG King-man Chairman

Tai Po Yin Tin Tsai West Fish Culture Association	Mr LEE Muk-kan
Hong Kong Fisheries Alliance	Mr YEUNG Yun-kwong
Hong Kong and Kowloon Floating Fishermen Welfare Promotion Association	Mr KEUNG Yin-man
Hong Kong Fishing Vessel Owners Association	Mr HO Tak-yau
Hong Kong Fisheries Development Association	Mr CHEUNG Tak-yan
Hong Kong Fishermen and Fish Merchants Association	Mr CHEUNG Yau-kit
Hong Kong Fisheries General Association	Mr CHEUNG Chi-shing
Tai O Shrimp Trawler Sports Association	Mr CHEUNG Wo-shing
Lamma Island Fisheries Association	Mr KWOK Tam-fook
Chung Hai Stern Trawl Co-operative Society	Mr LEUNG Kin-fook
Cheung Chau Fishermen's Welfare Promotion Association	Mr TO Kwong-biu
Ap Lei Chau Fishermen's Recreation Club	Mr WONG Chung-ming
Hong Kong Young Fishermen's Sports Association	Mr NG Ah-kau
Aberdeen Fishermen Co-operative Society	Mr FUNG Tim-kan
Fisheries Joint Co-operative Society	Mr CHEUNG Loi-kan
Hong Kong Fishermen and Fishing Vessel Owners Offshore Fishing International Association	Mr KWOK Cheung-tak
Cheung Chau Deep Sea Red Thread Netting Association	Mr CHENG Koon-shing

Friends of Gill Net	Mr FOK Nau
Shau Kei Wan Trawler Co-operative Society	Mr Ho Pui
Aberdeen Ap Lei Chau Gill Net Fishermen's Credit Co-operative Society, Unlimited	Mr KWOK Yung-hei
Hong Kong Fishermen Co-operative Society	Mr KWOK Yung-shing
Tai Po Fisherman (Coastal Fishery) Association	Mr CHAN Kwok-wah
Tai Po Yin Tin Tsai East Mariculture Association	Mr CHAN Mei-tak Chairman
Preparatory Committee for the Rights of Hong Kong Fishermen	Mr SHEK Kwok-keung
Ma Wan Fishermen's Rights Association	Mr LAI Tai-hei
Hong Kong Off-Shore Fishermen's Association	Mr LAI Tak-chuen

**Clerk in Attendance** : Mrs Constance LI  
Chief Council Secretary (2)5

**Staff in Attendance** : Miss Betty MA  
Senior Council Secretary (2)1  
  
Ms Anna CHEUNG  
Legislative Assistant (2)5

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**I Meeting with deputations to discuss the proposed Fisheries Protection (Amendment) Bill**

The Chairman said that at the Panel meeting on 8 March 2005, members agreed that the Panel would hold a special meeting to meet with deputations to gauge their views on the proposed Fisheries Protection (Amendment) Bill.

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2. The Chairman further said that as a total of 44 deputations attended this meeting, he would first invite academics and representatives of green groups to present their views, to be followed by representatives of the fisheries trade associations.

Views of deputations

3. The Chairman welcomed representatives of deputations to the meeting. The views of the deputations were summarized below.

*Dr Yvonne SADOVY, Associate Professor, Department of Ecology and Biodiversity  
The University of Hong Kong  
[LC Paper No. CB(2) 1332/04-05(01)]*

4. Dr Yvonne SADOVY presented the views of the University of Hong Kong as detailed in its submission. Dr SADOVY expressed support for the legislative proposal, but considered that the proposed measures did not go far enough to allow recovery of fish stocks. She pointed out that according to the findings of the consultancy study commissioned by the Administration in 1998, the fish fry production of over 70% of fish species in Hong Kong had decreased. As a result, only 10% of the local fish consumption came from Hong Kong waters. As over-fishing was a major cause of fish stock decline, urgent fisheries management measures should be implemented to safeguard the remaining stocks, to prevent a collapse of the fisheries resources.

5. Dr SADOVY suggested that the proposed licensing system should cover all types of fishing including recreational fishing; the fisheries protection areas should be enlarged and include natural habitual areas, and a regional approach should be adopted so that the moratorium for fishing in Hong Kong would synchronise the “closed season” for fishing in the Mainland.

*World Wide Fund for Nature Hong Kong, Green Power, Friends of the Earth and  
Ocean Park Conservation Foundation  
[LC Paper No. CB(2) 1332/04-05(13)]*

6. With the aid of powerpoint, Mr Markus SHAW presented the views of World Wide Fund for Nature Hong Kong (WWF), Friends of the Earth, Green Power and Ocean Parks Conservation Foundation. Mr SHAW pointed out that according to various research findings, 12 out of 17 commercially important species in Hong Kong had been over-exploited, and the remainder was also fully exploited. The average size of fish caught by trawlers was merely 10g, and the biomass of fish per square metre of reef in Hong Kong was the lowest in the world. Mr SHAW further pointed out that the consultancy study commissioned by the Agriculture, Fisheries and Conservation Department (AFCD) in 1998 stated that fish stocks in Hong Kong had reached a critical state. Notwithstanding this, the Administration had taken little

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action. Although 40% of Hong Kong's land area was designated as country parks, only about 2% of the marine area was designated as marine parks. In the light of this, the deputation (representing four organisations) supported the establishment of the fishing licence system and the annual territory-wide "closed season" for fishing.

7. On the proposed fisheries protection areas, Mr SHAW said that WWF considered that the proposal did not go far enough. WWF strongly urged that all Hong Kong territorial waters should be declared as fisheries protection areas, and all waters in the eastern part of Hong Kong should be designated as "No-take" zone under which trawling activities should be strictly prohibited. Mr SHAW further said that the intensive trawling that went on in Hong Kong waters had caused extensive damage to the seabed and hence the habitat that nurtured fish. He pointed out that trawling activities had already been banned in the Mainland and in most neighbouring countries. Mr SHAW stressed that immediate actions should be taken to conserve the marine resources.

*Dr Put O ANG, Jr, Associate Professor, Environmental Science Programme, Department of Biology, The Chinese University of Hong Kong*

8. Dr Put ANG said that over-fishing was a long overdue problem. While he expressed full support for the legislative proposal, he considered that the proposal was not sufficient to address the problem. Dr ANG held the view that dredging and reclamation works were also the major causes for marine pollution and fisheries decline. He suggested that the Administration should formulate a comprehensive plan and discuss with the parties concerned in making concerted effort to tackle the problem.

*Professor D J RANDALL, Chair Professor and Head of Department, Department of Biology and Chemistry, City University of Hong Kong  
[LC Paper No. CB(2) 1332/04-05(02)]*

9. Professor David RANDALL presented his views as detailed in his submission. Professor RANDALL said that while he fully supported the legislative proposal, it was not enough and probably too late. He considered that any further delay in conserving the fisheries resources would inevitably delay the sustainable development of fisheries. Professor RANDALL further said that all waters in the eastern part of Hong Kong should be designated as "No-take" zone and trawling activities should be strictly prohibited. As trawling activities had been totally banned in the Mainland, he saw no reason why such activities were still permitted in Hong Kong. Professor RANDALL added that he agreed with Dr Put ANG that apart from over-fishing which was the major cause for decline in fisheries resources, reclamation works and pollution had aggravated the problem.

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*The Hong Kong Marine Conservation Society  
[LC Paper No. CB(2) 1332/04-05(03)]*

10. Dr John WONG presented the views of The Hong Kong Marine Conservation Society as detailed in its submission. Dr WONG said that the Society supported the legislative proposal, and considered that the proposed fisheries protection areas should be extended to the south and the west in order to recover a wider variety of marine resources. Dr WONG added that it was Government's responsibility to step up control on fishing methods to reduce further damage to fisheries resources. The Government should encourage fishermen to adopt fishing methods other than trawling and purse seining, and provide assistance to the affected fishermen.

*The Marine Biological Association of Hong Kong  
[LC Paper No. CB(2) 1332/04-05(04)]*

11. Dr Paul SHIN presented the views of The Marine Biological Association of Hong Kong as detailed in its submission. While supporting the legislative proposal, Dr SHIN said that the proposed measures only made a small step towards proper fisheries management and conservation. Dr SHIN further said that to enhance the sustainability of local fishery industry, the Administration should put in place effective measures to control fish catches. Dr SHIN also suggested that the "closed season" should be adjusted based on the biology of the fishes in order to achieve better results.

*The Conservancy Association  
[LC Paper No. CB(2) 1383/04-05(01)]*

12. Ms Lister CHEUNG presented the views of The Conservancy Association as detailed in its submission. Ms CHEUNG said that the Association supported the legislative proposal, which should have been introduced much earlier. Moreover, the Administration should put forward a comprehensive plan for conservation of fisheries resources in the long term. Ms CHEUNG further said that given the concern expressed by the fishing industry about the impact of the legislative proposal on their livelihood, the Administration should strike a proper balance between protecting the fisheries resources and addressing the financial problem faced by fishermen. She hoped that the fishing industry would appreciate that fisheries management was not only beneficial to the community as a whole, but also to the fishing community in the long run.

*Joint Committee of Hong Kong Fishermen's Organizations [LC Paper No. CB(2) 1332/04-05(05)] and Tsuen Wan Kwai Ching Fishermen Association*

13. Mr WAN Kwong-lam presented the views of the Joint Committee of Hong Kong Fishermen's Organizations (as detailed in its submission) and that of Tsuen Wan Kwai Ching Fishermen Association. Mr WAN said that the Joint Committee



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supported the establishment of fishing licence system. The following amendments were suggested to be made to the proposed licensing system –

- (a) the fishing licence should be renamed as fishing permit (“捕魚證”);
- (b) the proposed licensing system could be vessel-based or fisherman-based;
- (c) recreational fishing should also be subject to regulatory control under the proposed licence system;
- (d) fishing licence should be free of charge; and
- (e) the size of fish catches should be specified.

14. Mr WAN further said that the Joint Committee did not object to the proposed fisheries protection areas, on the condition that the Administration would offer compensation to the affected fishermen.

15. Mr WAN added that the Joint Committee opposed the implementation of “closed season” for fishing, unless the Administration addressed the financial problems faced by the affected fishermen during the “closed season”.

*Tai Po Trawler Fishermen’s Credit Co-operative Society, Unlimited*  
[LC Paper No. CB(2) 1383/04-05(02)]

16. Mr KEUNG Pak-ho presented the views of Tai Po Trawler Fishermen’s Credit Co-operative Society, Unlimited as detailed in its submission. While the Society did not oppose the proposed licensing system, it considered that the proposed fisheries protection areas would have great impact on the livelihood of the trawlers. Mr KEUNG strongly urged the Administration to address the trawlers concerns about their livelihood before implementing these proposals.

*Sha Tau Kok Marine Fish Culture Association*

17. Mr CHAN Chi-ming said that fishing licences should only be issued to bona fide fishermen habitually fishing in the Hong Kong waters.

*Federation of Lo Tik Wan Lamma Island Aquaculture Associations*  
[LC Paper No. CB(2) 1332/04-05(06)]

18. Mr LEUNG Koon-wah presented the views of Federation of Lo Tik Wan Lamma Island Aquaculture Associations as detailed in its submission. Mr LEUNG said that the Federation supported the proposed fishing licence system and fisheries protection areas. However, the licensing system should be simple and the licence fee should be low. The Administration should also fully consult those fishermen who habitually fished in the waters of the proposed fisheries protection areas.

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19. Mr LEUNG further said that the Association strongly opposed the implementation of the “closed season” for fishing. However, they were prepared to reconsider the proposal if the Administration would put forward a comprehensive and feasible solution to address the hardship faced by the affected fishermen during the “closed season”.

*Aberdeen Fisherwomen Association*  
[LC Paper No. CB(2) 1332/04-05(07)]

20. Ms WONG For-kam presented the views of Aberdeen Fisherwomen Association as detailed in its submission. Ms WONG said that the Association considered the proposed fishing licence system and fisheries protection areas acceptable. The Association suggested that the fishing licences should be transferable and issued free of charge. The Administration should also fully consult the affected fishermen before implementing the proposal of fisheries protection areas. Ms WONG further said that the Association opposed the implementation of a “closed season” for fishing, because it would have great impact on the livelihood of fishermen.

*Hong Kong Liner and Gillnetting Fisherman Association*  
[LC Paper No. CB(2) 1332/04-05(08)]

21. Mr CHAN Fo-dai presented the views of Hong Kong Liner and Gillnetting Fisherman Association as detailed in its submission. Mr CHAN said that the organization supported in principle the proposed fishing licence system. He suggested that the fishing licences should be transferable and licence fees should be kept at a low level. Mr CHAN further said that the Administration should first consult the affected fishermen before implementing the proposal of fisheries protection areas. Mr CHAN added that they would support the proposed “closed season” for fishing only if the Administration had addressed the hardship faced by the fishermen.

*Hong Kong Fishermen’s Association and Hong Kong Fishermen’s Association (Shau Kei Wan Office)*  
[LC Paper No. CB(2) 1332/04-05(09) to (10) and CB(2) 1454/04-05(02) ]

22. Mr PANG Wa-kan presented the views of Hong Kong Fishermen’s Association and Hong Kong Fishermen’s Association (Shau Kei Wan Office) as detailed in their submissions. Mr PANG said that both Associations supported the establishment of licensing system to regulate fishing activities. They held the view that all types of fishing activities, including recreational fishing, and size of fish catches should be regulated, and that AFCD should be responsible for issuing fishing licences. The licensees should be bona fide fishermen residing in Hong Kong with fishing vessels habitually fishing in the proposed fisheries protection areas. A licensing committee comprising representatives of fishermen should be set up, to work out the implementation details of the licensing system. The Associations also suggested that fishing licences should be renewed every five years, and the licence fees should be set at an affordable level, say, less than \$200.

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23. Mr PANG further said that the Associations supported the designation of fisheries protection areas. To promote the recovery of fish stocks, the Administration should put a large amount of fish fry for nursery into the fisheries protection areas. On providing assistance to the affected fishermen, the Administration could model on the Taiwan experience in introducing a buy-back package or helping the fishermen develop alternate mode of business.

24. Mr PANG added that the Associations strongly opposed the implementation of a territory-wide “closed season” for fishing.

*Hong Kong Fisheries Development Association*  
[LC Paper No. CB(2) 1383/04-05(03)]

25. Mr FUNG Wah-hing presented the views of Hong Kong Fisheries Development Association as detailed in its submission. Mr FUNG said that the Association supported that fishing activities should be regulated, but questioned the need for introducing the proposed licensing system. He pointed out that the fishing vessels were presently subject to the licensing requirements of the Marine Department, and there was no need for AFCD to issue fishing licences. He further said that the proposal should aim at prohibiting non-Hong Kong vessels to carry out fishing activities within Hong Kong waters, rather than regulating local vessels fishing in local waters. Mr FUNG also said that the Administration should consider re-designating other areas as fisheries protection areas since Tolo Harbour and Port Shelter were adjacent to fishing grounds.

26. Mr FUNG added that the Association strongly opposed the implementation of “closed season” for fishing. It urged the Administration to set up an inter-departmental committee to discuss the proposal with the parties concerned.

*Hong Kong & Kowloon Fishermen Association Limited*  
[LC Paper No. CB(2) 1332/04-05(11)]

27. Mr CHEUNG Chi-chuen presented the views of Hong Kong & Kowloon Fishermen Association Limited as detailed in its submission. Mr CHEUNG said that the Association supported the proposed licensing system and the fisheries protection areas, but it held the view that compensation should be offered to the affected fishermen. Mr CHEUNG further said that the “closed season” proposal should be implemented only if it was supported by fishermen unanimously. Moreover, the Administration should provide compensation and financial assistance to fishermen during the period.

*New Territories Fishermen Fraternity Association*  
[LC Paper No. CB(2) 1383/04-05(12)]

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28. Mr LEUNG Kwong-yung presented the views of New Territories Fishermen Fraternity Association as detailed in its submission. Mr LEUNG said that as most of the fishermen did not understand the details of the legislative proposal, the Administration should continue to consult the affected fishermen on the proposal. Mr LEUNG further said that fishermen had heard about the proposed licensing system since 1997, but he did not understand why the Administration took such a long time to put forward the proposal.

*Leung Shuen Wan Marine Fish Culture Association*

29. Mr CHENG King-man said that Leung Shuen Wan Marine Fish Culture Association represented fishermen fishing in the waters of Sai Kung. He further said that the Association supported the proposed fishing licence system and fisheries protection areas. He pointed out that the trawling activities in Port Shelter had destroyed the fisheries resources in the areas. He urged the Administration to expedite the implementation of the proposal in order to protect the interest of fishermen in Port Shelter.

*Tai Po Yin Tin Tsai West Fish Culture Association*  
*[LC Paper No. CB(2) 1332/04-05(12)]*

30. Mr LEE Muk-kam presented the views of Tai Po Yin Tin Tsai West Fish Culture Association as detailed in its submission. Mr LEE said that the Association had no objection to the proposed licensing system and fisheries protection areas, but opposed the “closed season” policy as it would have great impact on the fishing industry.

*Hong Kong and Kowloon Floating Fishermen Welfare Promotion Association and Hong Kong Fishing Vessel Owners Association*

31. Mr KEUNG Yin-man expressed disagreement that the decline in fisheries resources in Hong Kong waters was caused by trawling activities. He said that the dredging works in connection with the Government reclamation projects were the major cause for the depletion of fisheries resources. Mr KEUNG said that the fishing industry had yet to reach consensus on the legislative proposal. The proposal should be further discussed at the Advisory Committee on Agriculture and Fisheries with a view to drawing up a comprehensive implementation plan. In his view, the Administration should develop scientific methods for fishing nursery and spawning to restore the fisheries, instead of taking forward the legislative proposal.

*Hong Kong Fisheries Alliance, Fisheries Joint Co-operative Society and Hong Kong Fishermen and Fishing Vessel Owners Offshore Fishing International Association*

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32. Mr YEUNG Yun-kwong criticized the Government for not consulting the fishing industry before putting forward the proposal. Mr YEUNG expressed doubts about the effectiveness of designating Port Shelter as a fisheries protection area, since dredging works were carried out in the vicinity.

33. Mr YEUNG said that the Mainland authorities did not ban fishing activities during the “closed season”, but only prohibited certain fishing methods such as trawling and purse seining in the waters of South China Sea during the period. Mr YEUNG further said that the steady decline in fisheries resources and fish catches in Hong Kong waters were caused by the dredging works connected with reclamation projects, other than by the trawling activities or over-fishing. The fishing industry was suffering from the decline in fisheries resources, but the Administration gave the public the false impression that the problem was caused by over-fishing.

34. Mr YEUNG added that to his knowledge, the Mainland offered financial assistance to the affected fishermen. However, the Administration did not have similar plans on providing financial assistance to affected fishermen in Hong Kong.

*Hong Kong Fishermen and Fish Merchants Association, Hong Kong Fisheries General Association and Tai O Shrimp Trawler Sports Association*

35. Mr CHEUNG Yau-kit said that it was unfair to hold the fishing industry responsible for a decline in fisheries resources in Hong Kong waters, which was caused by dredging works connected with the Government reclamation projects. He pointed out that the legislative proposal would have great impact on the fishing industry, and fishermen were very concerned about their livelihood. Although the Administration had encouraged the fishing industry to develop offshore fishing, this was not very viable and most of those who engaged in offshore fishing now returned to fishing in Hong Kong waters and in the South China Sea.

36. Mr CHEUNG further said that the fishing industry only learnt about the proposals when the Administration briefed the Panel in September 2003, after which the Administration allowed three months for consultation with the fishing industry. He commented that the proposal was unacceptable and there was inadequate consultation in this respect. He added that prior to the implementation of the “closed season” arrangement in the South China Sea, the Mainland authorities had conducted a three-year consultation on the proposal.

*Cheung Chau Fishermen’s Welfare Promotion Association , Chung Hai Stern Trawl Co-operative Society, Ap Lei Chau Fishermen’s Recreation Club, Hong Kong Young Fishermen’s Sports Association and Cheung Chau Deep Sea Red Thread Netting Association*

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37. Mr TO Kwong-bill said that the fishing industry only learnt about the legislative proposal from media reports. According to the information collected by the Hong Kong Fisheries Alliance, almost all the fishermen had not been consulted or notified before the legislative proposal was put forward to the Panel. Mr TO further said that the Administration's proposal was primarily based on the 1998 consultancy findings which were misleading. He commented that the consultancy report had overlooked the pollution caused by dredging works to the marine environment and the fisheries resources. He said that the local fishing vessels had decreased from over 12 000 in 1993 to about 2 000 (i.e. more than a 80% decrease), and the current fish catches had dropped to about 20% of that in 1991. This showed that there was no over-fishing in Hong Kong waters. The Administration had failed to reveal the truth to the public and the green groups.

38. Regarding the legislative proposal, Mr TO made the following comments –

- (a) the proposed fishing licence system which would regulate the number and engine power of fishing vessels would hinder the development of fishing industry. Fishermen were concerned that once they sold their fishing vessels, they would not be allowed to join the fishing industry again. AFCD should set up a working committee comprising representatives of the fishing industry to discuss details of the licensing system;
- (b) the designation of fisheries protection areas could not achieve the purpose of promoting recovery of fish stocks. The waters of Hong Kong had never been an ideal marine conservation area because of the dredging works and pollution. If the Administration insisted to take forward the proposal, it should work out the implementation details with the fishing industry through a working committee; and
- (c) after the implementation of the “closed season” in the South China Sea, the number of fishing vessels and fishermen in the region had decreased. Although the fish catches in the South China Sea increased immediately after the lift of “closed season”, the fish catches declined afterwards. This was because the ecosystem was upset when there was a sudden increase in the number and size of fish stocks within the region, and the fish fry was quickly consumed by the sudden increase of fish stocks.

39. Mr TO added that the fishing industry had expressed grave concern about their livelihood after the implementation of the proposal, in particular during the “closed season”, Mr TO urged the Administration to offer financial assistance to the fishing industry, such as providing low-interest loan and subsidy for oil, reducing fees and charges, and buying back fishing vessels. The Administration should also assist

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fishermen to develop other modes of business (e.g. recreational fishing) and apply for social security assistance where necessary.

*Hong Kong Fishermen Co-operative Society and Aberdeen Ap Lei Chau Gill Net Fishermen's Credit Co-operative Society, Unlimited*

40. Mr KWOK Yung-shing said that the Administration and green groups should not blame the fishing industry for causing a decline in fisheries resources and fish catches in Hong Kong, as the problem was caused by the dredging works connected with reclamation projects. He commented that the findings of the consultancy study were based on desk research, and the consultant had not paid site visits to understand the real problem. Mr KWOK further said that he strongly opposed the proposed fishing licence system and "closed season" policy which would have adverse impact on the fishing industry.

*Tai Po Fisherman (Coastal Fishery) Association*

41. Mr CHAN Kwok-wah said that the Administration's proposal would cause great hardship to the fishing industry and waste social resources. He further said that the fishing industry had repeatedly explained to the green groups that the decline in fisheries resources was not caused by over-fishing. However, instead of taking remedial measures, the Administration and green groups had blamed the fishing industry. Mr CHAN urged that Members should listen to the industry.

*Tai Po Yin Tin Tsai East Mariculture Association, Lamma Island Fisheries Association, Aberdeen Fishermen Co-operative Society and Friends of Gill Net*

42. Mr CHAN Mei-tak said that the three-month consultation on the legislative proposal was inadequate for the fishing industry to fully understand the implications of the proposal. Mr CHAN doubted the suitability of designating Tolo Harbour as a fisheries protection area, because the population in Tai Po had reached 800 000 and the Administration not properly treat the sewerage discharged into Tolo Harbour. Mr CHAN said that while he appreciated the green groups' efforts to conserve natural resources, he hoped they could take note of the constraints faced by the fishing industry.

43. Regarding the legislative proposal, Mr CHAN Mei-tak made the following comments –

- (a) there was no need to establish a fishing licence system to enforce fisheries management measures, because over 90% of local vessels conducted fishing activities outside Hong Kong waters. Under the proposed licensing system, the licence would be vessel-based and transferable. However, owners of fishing vessels were concerned that to keep the licence, they could not sell the licensed vessels even if they had

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bought new ones. Moreover, as they could only transfer the licence to one of their offsprings, their other children would face unemployment;

- (b) designating fisheries protection areas could not serve any useful purpose. It was a natural phenomenon that the oxygen level in Tolo Harbour would drop significantly in June and July each year, consequently a large number of fish would die during such period; and
- (c) there was no need to implement a “closed season” for fishing because the fishes moved freely within and outside Hong Kong waters.

44. Mr CHAN considered the legislative proposal was unnecessary, as it would not achieve the intended results, but would cause great hardship to the fishermen.

*Preparatory Committee for the Rights of Hong Kong Fishermen*

45. Mr SHEK Kwok-keung said that the Committee objected to the “closed season” proposal. He pointed out that the proposal would affect some 3 000 vessels, and almost 6 000 households including those of the shipbuilding and maintenance workers. Mr SHEK further said that the designation of fisheries protection areas was not practicable because the areas concerned were already seriously polluted due to dredging works. He stressed that the legislative proposal would only “kill” the fishing industry.

*Ma Wan Fishermen’s Rights Association*

46. Mr LAI Tai-hei said that the fish catches in Ma Wan had dropped drastically after reclamation projects had been carried out in the area. Therefore, the decline in fisheries resources in Hong Kong waters was not due to over-fishing. However, the Administration failed to conduct a comprehensive study to thoroughly understand the problem. Mr LAI further said that he objected the “closed season” proposal. He pointed out that not only the livelihood of fishermen would be affected during the “closed season”, but the fish farmers would also face hardship because of inadequate supply of fish fry to feed the cultivated fish.

*Hong Kong Off-Shore Fishermen’s Association*

47. Mr LAI Tak-chuen said that the Association comprised fishermen working in six districts with over 300 vessels. The Association had no strong views against the proposed licensing system and designation of fisheries protection areas, but it opposed the “closed season” proposal. As most vessels operating in Hong Kong waters did not have a Mainland fishing licence, these fishermen were worried about their livelihood during the “closed season”.

Other submissions received



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48. Members noted that 16 other organisations had provided written submissions to the Panel but had not sent representatives to the meeting.

Discussion

49. Responding to the deputations' views, Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) explained that the Administration's proposal sought to promote sustainable development of fisheries industry and to conserve local fisheries resources. Under the proposal, the Administration would -

- (a) introduce a proposed fishing licence system to limit the access to local fisheries resources to local fishermen. The licensing system would enable the Administration to control the number and engine power of local fishing vessels if necessary;
- (b) designate fisheries protection areas to help promote the recovery of fish stocks to a sustainable level; and
- (c) implement a "closed season" for fishing which was an international fisheries management practice to allow a break for fish breeding and recovery of stock.

50. DS(FEH) said that the legislative proposal provided a regulatory framework for the Director of Agriculture, Fisheries and Conservation to make decision on designating fisheries protection areas and implementing an annual territory-wide "closed season", having regard to the fisheries resources in Hong Kong waters. DS(FEH) stressed that the proposal sought to help the recovery and maintenance of fish stocks back to a sustainable level. The Administration fully understood the impact of the proposal on the fishing industry, and noted that there were different views on the need to introduce conservation measures. The Administration would take a decision on the matter based on the overall interests of Hong Kong. The Administration would work closely with the affected fishermen to assist them to tide over the difficulties during the "closed season", such as providing financial assistance and helping them develop alternative mode of fisheries operation such as leisure fishing.

51. As regards the concern about pollution caused by reclamation projects, DS(FEH) said that any reclamations proposed in relation to foreshore and sea-bed was subject to approval under the Environmental Impact Assessment Ordinance.

52. Ms Emily LAU said that while she supported the introduction of a framework to regulate fishing activities and conserve fisheries resources in Hong Kong, it would be equally important for the Administration to address fishermen's concern about their

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livelihood. Ms LAU further said that it was regrettable that the Administration had not consulted the fishing industry on the proposal at an early stage.

53. In response, DS(FEH) pointed out that the legislative proposal was premised on the findings of the consultancy study completed in 1998 which recommended six priority fisheries management measures to protect and sustain local fish stocks. Three of these measures which did not require legislative amendments had already been implemented in phases. DS(FEH) said that AFCD had been discussing the recommendations of the consultancy study with the fishing community since 1998.

54. Mr Vincent FANG said that it was important to strike a balance between conserving the marine environment and protecting the livelihood of fishermen. He urged the Administration to fully consult the fishing industry on the proposed arrangements and the implications, for example, whether the licensing system would increase the number of fishing vessels allowed to fish in Hong Kong and the effectiveness of the conservation measures. Mr FANG also asked whether Mainland fishing vessels were allowed to conduct fishing activities in Hong Kong waters during the “closed season” in the Mainland, and whether the Administration had any information on the effectiveness of the “closed season” arrangement in the Mainland.

Admin 55. DS(FEH) explained that following the implementation of the proposed fishing licence system, unlicensed fishing vessels would not be allowed to fish in local waters. On the effectiveness of the “closed season” arrangement in the Mainland, DS(FEH) agreed to provide the relevant information after the meeting.

56. Mr WONG Yung-kan said that owners of trawlers would be immediately affected following designation of the fisheries protection areas. He asked whether the green groups had any suggestions to maintain the livelihood of these fishermen. Mr WONG pointed out that the “closed season” arrangement would also give rise to shortage of fish fry to feed fish stocks in cultivated fish farms.

57. Mr Markus SHAW of WWF agreed that the fisheries management measures would give rise to additional costs on Government for providing compensation and retraining for fishermen. However, as the decline in the fisheries resources was caused by mismanagement by the Government, the Government owed the fishermen a responsibility to compensate their loss.

58. DS(FEH) said that the Government would assist the affected fishermen through various means. As regards the “closed season” proposal, it would not be implemented immediately after the enactment of the proposed legislation. The Administration would conduct full consultation with the fishing industry, the public and relevant parties on the details of the “closed season” before implementation.

59. Mr LEE Chuek-yan asked about the estimated number and types of fishing vessels which would not be able to obtain a licence and would be forced to cease

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fishing activities. Mr LEE further asked whether the Administration had a long-term plan to assist the affected fishermen if the fisheries management measures still failed to recover the fish stocks back to a sustainable level.

60. DS(FEH) said that the fishing licence system would be vessel-based, and the Administration had not set a ceiling on the number of licences to be issued. However, the Administration would keep watch on the number of licensed vessels, and if there was a need to further step up the control of the fishing activity to preserve fisheries resources, a limit on the licences might be set. DS(FEH) further said that during an earlier meeting with representatives of the fishing industry, the Secretary for Health, Welfare and Food had assured the fishing community that the Administration would continue to promote sustainable development of local fishing industry, such as development of offshore fishing.

61. The Chairman commented that the local fishermen were mostly engaged in inshore rather than offshore fishing.

62. Mr WONG Kwok-hing said that of the 20 written submissions received by the Panel, 19 of them supported the proposed fishing licence system and they had no objection to the designation of fisheries protection areas subject to further consultation. However, 14 submissions raised strong objection to the proposed “closed season” arrangement on the ground that it would affect the livelihood of fishermen. Given such diverse views, Mr WONG wondered how the Administration could strike a balance between safeguarding the interests of the fishermen and promoting the recovery of fish stocks to a sustainable level. Mr WONG added that it was infeasible for the fishermen to convert their fishing vessels for leisure fishing purpose only for two months during the “closed season”. Mr WONG asked whether the Administration would undertake that it would not introduce the legislative proposal until it had reached agreement with the fishing industry.

63. DS(FEH) said that the Administration attached equal importance to sustainability of both the fishing industry and fisheries resources. If the Administration did not implement any fisheries management measures, he believed that there would not be any more fisheries catches from local waters in ten years’ time. The Administration’s proposal would minimise the adverse impact on the fishing industry as far as practicable. DS(FEH) further said that his bureau was discussing with Marine Department how to take forward the proposal of helping fishermen develop leisure fishing. DS(FEH) stressed that the Administration would continue discussion with the fishing industry on the proposal.

64. Mr TAM Yiu-chung asked about the effectiveness of the implementation of the “closed season” by the Mainland in South China Sea since 1998. He further asked about the daily number of Mainland vessels operating in Hong Kong waters.

65. Assistant Director of AFCD (AD/AFCD) said that according to the

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information from the Mainland, following the implementation of “closed season” in the South China Sea, the size and diversity of fish catches from certain areas in South China Sea had increased. AD/AFCD said that he would provide the relevant information after the meeting.

66. Regarding the number of Mainland vessels operating in Hong Kong waters, AD/AFCD said that according to the Marine Police, it did not keep separate figures for fishing vessels and non-fishing vessels. In 1998 and 2002 respectively, the Marine Police had deported more than 1 200 and 3 000 Mainland vessels. In 2004, it had deported about 2 000 Mainland vessels. AD/AFCD further said that the Marine Police was empowered under the Immigration Ordinance to take enforcement actions against Mainland vessels for illegal entry into Hong Kong waters. However, as it was difficult for the Police to gather sufficient evidence to institute prosecution, the vessels concerned were deported. The proposed licence system would restrict non-Hong Kong fishing vessels from fishing in Hong Kong waters.

67. The Chairman requested the Administration to respond to the following concerns raised by some deputations at the meeting –

- (a) the designation of Tolo Harbour as a fisheries protection area could not achieve the intended purpose because of its poor water quality;
- (b) the implementation of a “closed season” could not have sustainable effect on conservation of fisheries, as shown by the drop in fish catches in the South China Sea despite a temporary increase after the “closed season”;
- (c) whether Mainland fishing vessels would not be allowed under the proposed legislation to enter Hong Kong waters; and
- (d) whether demersal trawling activities would cause extensive damage to the seabed and were prohibited in the Mainland waters.

68. AD/AFCD gave the following response –

- (a) according to Environmental Protection Department’s statistics, the water quality in Tolo Harbour was improving after the implementation of pollution control measures. It was a natural phenomenon that the oxygen level in Tolo Harbour would drop to a low level in certain months in a year, causing mortality of fish and other marine organisms living at the sea bottom during that period. The situation was particularly serious in 1995 and 2004;
- (b) the Mainland had been monitoring the fisheries conservation effect of implementing “closed season” in South China Sea. It was observed that

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there was overall improvement in the conservation of fisheries resources and an increase in fish catch in some areas after the implementation of “closed season”;

- (c) Mainland vessels entering Hong Kong waters without prior notification to Immigration Department or Marine Department would be in breach of the law; but in some cases, if the vessel operators claimed to have entered Hong Kong waters by mistake, it might be difficult for the enforcement agencies to gather sufficient evidence to institute prosecution against them; and
- (d) As compared with other fishing methods such as hand-lining and gill-netting, demersal trawling activities would cause the most extensive damage to the seabed, and the extent of damage depended on the number and size of the demersal trawlers fishing in the areas.

Admin 69. The Chairman requested the Administration to provide information on the overseas countries which had prohibited demersal trawling activities.

70. The Chairman thanked the deputations for attending the meeting. In concluding the discussion, the Chairman said that members expressed grave concern about the impact of the legislative proposal on the livelihood of the fishing industry. He urged the Administration to further discuss with the industry before introducing the Bill into the Legislative Council.

### **III Any other business**

71. There being no other business, the meeting ended at 1:32 pm.