

**For discussion
on 8 March 2005**

LegCo Panel on Food Safety and Environmental Hygiene

**Proposed Amendments to
the Fisheries Protection Ordinance (Chapter 171)**

PURPOSE

This paper briefs members on the proposed amendments to the Fisheries Protection Ordinance (Cap 171) for establishing a framework to regulate fishing activities in Hong Kong waters and reports the views collected at the public consultation exercise so far.

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 Agriculture, Fisheries and Conservation Department (AFCD) completed a consultancy study in 1998 to assess the situation and identify remedies. The study found that the catches in most areas had dropped by over 50% and the fish fry production had decreased by 90% in the last decade. The study recommended several priority fisheries management measures to protect and sustain local fish stocks. Some of these measures, such as habitat enhancement through the deployment of artificial reefs and fish restocking with a fish fry releasing trial scheme, have already been actively pursued.

3. To further alleviate the pressure of fishing activities on local fisheries resources for the recovery and maintenance of stocks at a sustainable level, a working group comprising representatives of relevant government departments, fishing community, green groups and academics was set up to consider and devise a regulatory framework for fishing activities in Hong Kong waters, taking into account the study's recommendations. Subsequently, an extensive consultation exercise

involving fishermen groups, advisory committees, District Councils and the public was conducted, which resulted in the proposed regulatory framework comprising the following three management measures -

- (1) the establishment of a fishing licence system;
- (2) the designation of fisheries protection areas (FPAs); and
- (3) the implementation of a territory-wide “closed season”.

4. We consulted the LegCo Panel on Food Safety and Environmental Hygiene on the proposed regulatory framework on 26 September 2003. At the meeting, members urged for early introduction of a fishing licensing system and suggested the Administration to tie in the timing and duration of the proposed annual “closed season” with the Mainland arrangement. The Panel also emphasized the importance of consulting the fishing industry before introduction of the regulatory framework. Members generally supported the proposed regulatory framework and requested the Administration to expedite introduction of the legislative proposal.

5. Taking into account members’ comments, we have prepared the Fisheries Protection (Amendment) Bill and plan to introduce it into LegCo in the current legislative session.

(I) FISHING LICENCE SYSTEM

6. At present, access to Hong Kong’s fisheries is open to all. This situation has rendered it very difficult to control over-fishing or enforce any related management measures for the sustainable development of the fishing industry. We propose to establish a fishing licence system to address the problem. Under the system, all fishing activities conducted within Hong Kong waters with the use or aid of any vessels shall require fishing licences or permits. The fishing licence will apply to all Hong Kong waters, except areas such as principal fairways, marine parks and the proposed FPAs, etc.

7. The proposed licensing system will be vessel-based. Fishing licences will be issued only to owners of local fishing vessels for fishing in local waters. All existing owners of vessels fishing in local waters will get a fishing licence upon application. The licence will be transferable and valid for two years. Fees for licence issuance or renewal will be set on a cost recovery basis. When there is a need to further step up the control of fishing activity to promote the sustainability of fisheries resources, a moratorium may be imposed on the issue of further fishing licences or restrict the growth in the overall engine power of fishing vessels.

8. Recreational fishing conducted with the use or aid of non-fishing vessels will not be subject to any control under the proposed licence system, as the methods deployed for such activities would generally capture relatively smaller amounts of fish, and its impact on fisheries resources and marine environment is limited.

9. By issuing fishing licence only to local fishermen, we will be able to control the over fishing problem and this will also protect the fishing right and interest of the local fishing community. The proposal will also enable us to collect important data vital to our development of effective management measures to protect fishing resources and control fishing efforts at a sustainable level.

(II) FISHERIES PROTECTION AREAS (FPAs)

10. To help promote the recovery of fish stocks to a sustainable level, we propose that FPAs be established at important fish spawning and nursery grounds to provide a protected environment for fish fry, juvenile and spawning fish for nursery and spawning. Only bona fide fishermen with fishing vessels habitually fishing in the waters of the FPAs concerned and persons fishing with any vessels for scientific research and related purposes will be allowed to fish in the designated FPAs. Trawling activities, which are non-selective in nature and have greater impact on the ecosystem, will be strictly prohibited within the areas. “No-take” zones, in which all fishing activities will be prohibited, will be set up within the FPAs where artificial reefs are laid or where fish

re-stocking exercise is carried out, to protect fish fry or other fish taking shelter in the reefs from being captured. Recreational fishing is allowed inside the FPAs except the “no-take” zones.

11. We have identified Tolo Harbour and Port Shelter, the two important fish spawning and nursery grounds, as potential FPAs (Annex 1). We will designate the FPAs after the establishment of the Fishing Licence System. The designation of FPAs will be made by order in the Gazette and there will be venue for the public to express their views.

12. The proposed designation of FPAs and “no-take” zones coupled with effective management measures can protect reproducing fish and their fingerlings. The proposal will help enhance long term sustainability of fisheries resources.

(III) ANNUAL TERRITORY-WIDE “CLOSED SEASON” FOR FISHING

13. We propose to set up a legal framework for the implementation of an annual territory-wide “closed season” during which certain fishing methods will be prohibited in all waters of Hong Kong. Our preliminary idea is to make reference to the “closed season” implemented by the Mainland in the South China Sea, i.e. covering June and July in each year and prohibiting only certain fishing methods such as trawling and purse seining. We will first establish the Fishing Licence System and FPAs. The “closed season” proposal will only be implemented if the fisheries resources deteriorate further after implementation of the first two measures and when we consider it necessary. We will conduct full consultation with the fishing industry, the public and relevant parties on details of the “closed season” such as its duration, timing and extent of fishery control before implementation. The designation of a “closed season” will be made by order in the Gazette and there will be venue for the public to express their views.

14. We estimate that about a total of 600 trawlers and purse-seiners relying wholly or partially on Hong Kong waters for fishing would be affected. If the measure is to be introduced, we will work closely with the affected fishermen to assist them to tide over the “closed season” period, such as providing financial assistance and helping them develop alternative mode of fisheries operation such as leisure fishing.

15. The implementation of a “closed season” for fishing is a common fisheries management measure adopted by many countries including the Mainland, Australia, Japan, Korea and the USA. It allows a break for fish breeding and recovery of stocks. Since the implementation of the “closed season” in South China Sea in 1998, the Mainland has recorded an increase in overall catch rates and average size of catch for certain species. With appropriate fisheries management measures, the territory-wide “closed season” would help enhance the sustainability of local fishery industry for the long term.

PUBLIC CONSULTATION

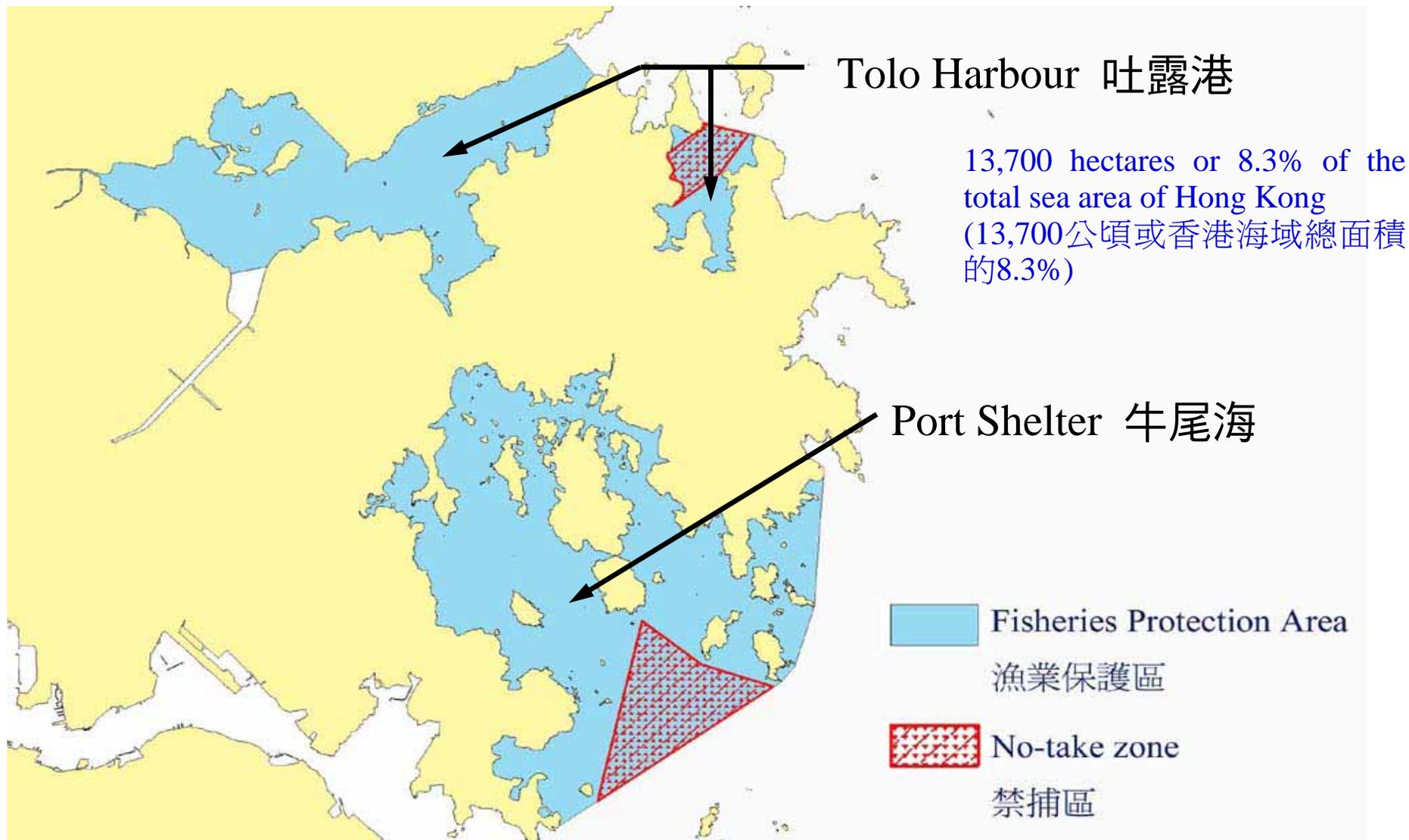
16. We have launched a public consultation exercise from 21 December 2004 to 6 March 2005 to solicit the views of the fishing community, green groups, academics and the general public. As at 28 February 2005, most of the consulted groups were generally supportive to the proposed fishing licence system and suggested us to further discuss with the fishing communities the fishing licence implementation details in future. The proposal to designate FPAs and to introduce management measures therein were welcomed by the inshore small craft fishermen fishing in the proposed FPA areas. Fishermen operating medium-sized vessels in Hong Kong waters had diverse views on the FPA proposal. Green groups were supportive to the proposal. As to the “closed season” proposal, while majority members of the fishing community had expressed reservation, the green groups opined that the proposal did not go far enough and suggested banning trawling activities in all Hong Kong waters and extending the “no-take” zone in all eastern and north-eastern waters of Hong Kong. A summary of the views of the consulted groups is at Annex 2. We will study all the views received during the consultation period and determine the way forward.

ADVICE SOUGHT

17. Members are invited to comment on the above legislative proposals before our introduction of the Fisheries Protection (Amendment) Bill.

**Health, Welfare and Food Bureau
Agriculture, Fisheries and Conservation Department
March 2005**

Proposed Fisheries Protection Areas: Important Spawning and Nursery Areas
建議漁業保護區：重要的魚類產卵及育苗場



Proposed Amendments to the Fisheries Protection Ordinance, Cap 171
for the Establishment of a Regulatory Framework for Fishing Activities in Hong Kong Waters
Summary of Public Consultation

A. Consultation Period

21 December 2004 – 6 March 2005

B. Consultation Channel / Publicity

1. Consultation paper and leaflets sent to all interested parties
2. Consultation meetings / forums
3. Distribution of consultation leaflets at District Offices & AFCD Offices
4. Uploading the consultation paper to AFCD website
5. Press briefing

C. Consultation Coverage

Parties covered by the consultation exercise	
(1)	Fishermen's Associations: Joint Committee of Hong Kong Fishermen's Organizations, Hong Kong Fishery Alliance, and 161 fishermen's associations
(2)	District Councils (18 District Councils) and Heung Yee Kuk New Territories
(3)	LegCo Panel on Food Safety and Environmental Hygiene
(4)	Advisory Committees: Advisory Council on the Environment, Country and Marine Parks Board, Advisory Committee on Agriculture and Fisheries, and its Capture Fisheries Sub-committee and Aquaculture Sub-committee
(5)	Academia: City University of Hong Kong, Hong Kong Baptist University, Hong Kong Polytechnic University, Hong Kong University of Science and Technology, Lingnan University, The Chinese University of Hong Kong, The Hong Kong Institute of Education, The Open University of Hong Kong, The University of Hong Kong

Parties covered by the consultation exercise	
(6)	Green Groups and NGOs: Civic Exchange, Friends of the Earth, Green Peace, Greenpower, The Conservancy Association, The Hong Kong Marine Conservation Society, The Marine Biological Association of Hong Kong, World Wide Fund for Nature Hong Kong
(7)	Recreational Fishing Associations and Other Stakeholders: Hong Kong Amateur Fishing Society Ltd., Hong Kong ISO-Fishing Association, The Mandarin Sport Fishing Club Ltd., Hong Kong, Committee on Boating and Yachting, Hong Kong Underwater Association
(8)	Public

D. Consultation Results (As at 28.2.2005)

I. Fishing License System

Fishermen's Associations

The majority of fishermen's associations supported or had no objection or comment and some associations suggested the government to set up a working group to further discuss the implementation details of the proposal with the fishing communities.

District Councils (DC)

Yuen Long and Southern DC supported in principle. Tai Po DC and Heung Yee Kuk New Territories have not indicated firm position. Other DCs had no comment.

Advisory Committees, Academia, Green Groups and NGOs

All supported.

Public

25 members of the public supported and 4 fishermen objected.

II. Fisheries Protection Areas

Fishermen's Associations

Many fishermen's associations, particularly those representing the inshore small craft fishermen, supported or had no objection or comment whereas some associations and inshore trawler fishermen objected. Some associations suggested the government to set up a working group to further discuss the implementation details of the proposal with the fishing communities.

District Councils

Yuen Long and Southern DC supported in principle. Tai Po DC and Heung Yee Kuk New Territories have not indicated firm position. Other DCs had no comment.

Advisory Committees, Academia, Green Groups, NGOs and Recreational Fishing Associations

All supported.

Public

25 members of the public supported and 5 fishermen objected.

III. Closed Season

Fishermen's Associations

The majority of fishermen's associations objected or had reservation.

District Councils

Yuen Long and Southern DC supported in principle. Tai Po DC and Heung Yee Kuk New Territories have not indicated firm position. Other DCs had no comments.

Advisory Committees, Academia, Green Groups and NGOs

All supported. Some members of the Advisory Committee on Agriculture and Fisheries had reservation. Some members of the Advisory Council on the Environment considered the proposal not effective enough and suggested a complete ban on trawling activities and designating the eastern and north-eastern waters of Hong Kong as "no-take" zones.

Public

25 members of the public supported and 5 fishermen objected.