

L.N. 134 of 2006**MARINE PARKS AND MARINE RESERVES
(AMENDMENT) REGULATION 2006**

(Made by the Secretary for the Environment, Transport and Works under section 20 of the Marine Parks Ordinance (Cap. 476))

1. Commencement

This Regulation shall come into operation on 18 October 2006.

2. Interpretation

Section 2 of the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) is amended by adding—

““specified vessel” (指明船隻) means a vessel which is so constructed or adapted as to allow passengers on board to view marine life through a submerged transparent part of the hull of the vessel;”.

3. Sections added

The following are added—

“15A. Control of specified vessels

No person shall, except under and in accordance with a permit, navigate or cause to be navigated within a marine park any specified vessel.

15B. Control of collection of marine life and resources

(1) Subject to subsection (2), no person shall collect any marine life and resources in or from a marine park or marine reserve.

(2) A person may, under and in accordance with a permit, collect marine life and resources in or from a marine park or marine reserve for the purpose of conducting educational or scientific studies.”.

4. Prohibition or restriction of entry into or movement within marine parks and marine reserves

(1) Section 16(1) is amended by adding “or part thereof” after “reserve”.

(2) Section 16(4)(b) is amended, in the Chinese text, by adding “在該等海岸公園或海岸保護區或其部分內” before “被人駕駛”.

(3) Section 16(4)(c) is amended, in the Chinese text, by adding “在該等海岸公園或海岸保護區或其部分內” before “被人駕駛”.

(4) Section 16 is amended by adding—

“(4A) Subsection (4) does not prohibit a person from bringing into a marine park, or navigating or causing to be navigated within a marine park, any specified vessel if there is in force in respect of the vessel a permit granted for the purpose of section 15A.”.

(5) Section 16(5) is repealed and the following substituted—

“(5) Notwithstanding subsection (4A), where under subsection (1) the Authority prohibits the entry into, or movement within, a marine park or marine reserve or part thereof of all persons, vehicles and vessels during a period specified in the notice displayed under subsection (2) or published under subsection (3), any permit relating to such marine park or marine reserve or part thereof shall be suspended during that period.”.

5. Permit

Section 17(2) is amended by repealing “or 15” and substituting “, 15, 15A or 15B(2)”.

6. Penalties

Section 21(1) is amended by adding “, 15A, 15B(1)” after “15”.

7. Fees

Schedule 4 is amended by adding after the entry relating to section 15(d)—

“15A	Permit to navigate or cause to be navigated any specified vessel	510 (per year)
15B(2)	Permit to collect marine life and resources	Nil”.

Dr. Sarah LIAO
Secretary for the Environment,
Transport and Works

5 June 2006

Explanatory Note

The object of this Regulation is to amend the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) (“principal Regulation”).

2. Section 2 adds a new definition of “specified vessel” to the principal Regulation.

3. Section 3 adds the new sections 15A and 15B to the principal Regulation. The new section 15A provides that no person shall, except under and in accordance with a permit, navigate or cause to be navigated within a marine park any specified vessel.

4. The new section 15B provides for the control of collection of marine life and resources in or from a marine park or marine reserve, except that a person may, under and in accordance with a permit, collect marine life and resources for the purpose of educational or scientific studies.

5. Section 4(1) makes a minor amendment to section 16(1) of the principal Regulation to achieve consistency between the use of words in section 16(1) and that in section 16(4) and (5) of the principal Regulation.

6. Section 4(2) and (3) makes minor amendments to the Chinese text of section 16(4)(b) and (c) of the principal Regulation to achieve consistency between the use of words in section 16(4)(b) and (c) and that in the new section 15A.

7. Section 4(4) adds a new subsection (4A) to section 16 of the principal Regulation to provide that section 16(4) of the principal Regulation does not prohibit a person from bringing into, or navigating or causing to be navigated within, a marine park any specified vessel if there is in force in respect of the vessel a permit granted for the purpose of the new section 15A.

8. Section 4(5) amends section 16(5) of the principal Regulation to provide that any permit relating to a marine park or marine reserve or part thereof will be suspended only if all persons, vehicles and vessels are prohibited from entering into, or moving within, the marine park or marine reserve or part thereof during certain specified period.

9. Section 6 amends section 21(1) of the principal Regulation to provide that a contravention of the new section 15A or 15B(1) is an offence.
10. Section 7 amends Schedule 4 to the principal Regulation to prescribe the appropriate fees for the application for a permit referred to in the new sections 15A and 15B(2).