

For discussion
on 21 January 2009

**LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS**

Banning of Commercial Fishing in Marine Parks

PURPOSE

In the Policy Agenda of the Policy Address 2008, there is a new initiative on banning commercial fishing in marine parks in order to improve ecosystems in marine parks and offer better protection for marine organisms. This paper seeks members' views on the proposal to take forward this new initiative.

BACKGROUND

2. Hong Kong has a diverse assemblage of marine organisms including hard corals, mangroves, and Chinese white dolphins, among others. There are currently four marine parks¹ and one marine reserve² in Hong Kong to protect and conserve the marine environment for the purposes of conservation, education and recreation. The Marine Parks Ordinance (Cap. 476) (the "Ordinance") and the Marine Parks and Marine Reserve Regulations (Cap. 476A) (the "Regulation") were enacted to provide for the designation and management of these protected areas. Under the current legislative framework, fishing is prohibited in the marine reserve. However, the Director of Agriculture, Fisheries and Conservation is empowered to, as the Authority, issue fishing permits under section 17 of the Regulation to (1) local residents; and (2) *bona fide* fishermen for carrying out fishing activities in marine parks.

3. At present, the Authority has, under section 17 of the Regulation, issued some 100 valid fishing permits to local residents and 380 valid fishing permits to *bona fide* fishermen for fishing within marine parks. Fishing activities carried out by the latter group of permit holders are in general treated as commercial fishing activities. Permit holders are required to renew their fishing permits once every two years and permits not renewed will no longer be valid.

¹ The four marine parks are Hoi Ha Wan Marine Park, Yan Chau Tong Marine Park, Sha Chau and Lung Kwu Chau Marine Park and Tung Ping Chau Marine Park

² The marine reserve is Cape D'Aguilar Marine Reserve

BENEFITS OF BANNING COMMERCIAL FISHING IN MARINE PARKS

4. In order to protect and conserve marine habitats and resources, a ban on fishing in marine protected areas is a very common fishing control measure used in other countries. It has been proved in countries such as Barbados, Kenya, New Caledonia, New Zealand, the Philippines, that a fishing ban within marine protected areas can help protect marine habitats and recovery of fisheries resources. Moreover, after the marine protected areas are relieved of fishing pressure, we expect that there will be increase in fisheries resources not only within the protected areas, but also to the adjacent waters, hence bringing benefits to the overall marine environment.

5. The Agriculture, Fisheries and Conservation Department's in-house fish monitoring programme in marine parks shows that, at present, marine parks in Hong Kong have a slightly better fisheries resources when compared with that of the non-protected reference sites. Furthermore, the no-fishing core areas in Tung Ping Chau Marine Park show a progressive increase in finfish biomass from 2005 onwards. We believe that reducing fishing efforts inside marine parks would help rehabilitate the fisheries resources inside the marine parks and could benefit the adjacent waters in the long-run.

THE PROPOSAL

6. To realise the abovementioned benefits, we propose to make legislative amendments to section 17 of the Regulation such that the Authority will stop issuing new permits or renewing the existing permits to *bona fide* fishermen for fishing in marine parks.

7. We, however, do not propose to ban fishing by local residents in marine parks. It is because under their permits, their fishing is primarily confined to cage trapping, hand lining and hand netting only. These kinds of fishing activities, unlike those commercial scale fishing conducted by *bona fide* fishermen, are in small scale and conducted sporadically. We are of the view that their fishing impact on marine habitats is very limited.

PUBLIC CONSULTATION

8. In March, November and December 2008, we consulted the Country and Marine Parks Board and the Marine Parks Committee on the Government's initiative to ban commercial fishing in marine parks. While members generally supported the proposal and that there was a consensus view that banning of commercial fishing in marine parks would improve ecosystems in marine parks and offer better protection for marine organisms, some members were

concerned that the proposal might have adverse impact on the livelihood of affected fishermen.

WAY FORWARD

9. The Government would continue to liaise closely with the relevant stakeholders, including the affected fishermen so as to understand and address their concerns. Meanwhile, we would start the legislative amendment work. We plan to submit the amendment Regulation to the Legislative Council in 2009.

ADVICE SOUGHT

10. Members are invited to offer views on the Government's proposal.

**Environmental Protection Department
Agriculture, Fisheries and Conservation Department
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