

立法會
Legislative Council

LC Paper No. CB(1) 1154/09-10
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

Minutes of meeting
held on Tuesday, 15 December 2009, at 10:45 am
in the Chamber of the Legislative Council Building

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon CHAN Hak-kan (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon WONG Yung-kan, SBS, JP
Hon Andrew CHENG Kar-foo
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Kin-por, JP
Hon Tanya CHAN
- Member attending** : Hon WONG Kwok-hing, MH
- Members absent** : Hon James TO Kun-sun
Hon Miriam LAU Kin-ye, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
- Public officers attending** : **For item IV**

Dr Kitty POON
Secretary for the Environment (Acting)

Mr Vincent TANG
Assistant Director (Nature Conservation & Infrastructure
Planning)
Environmental Protection Department

Mr Joseph SHAM
Assistant Director (Country & Marine Parks)
Agriculture, Fisheries and Conservation Department

Mr Edward WONG
Senior Marine Parks Officer
Agriculture, Fisheries and Conservation
Department

For item V

Dr Kitty POON
Secretary for the Environment (Acting)

Mr Elvis AU
Assistant Director (Water Policy)
Environmental Protection Department

Dr YEUNG Hung-yiu
Principal Environmental Protection Officer
(Sewerage Infrastructure)
Environmental Protection Department

Mr SHIU Wing-yu
Assistant Director (Sewage Services)
Drainage Services Department

Mr Henry CHAU
Chief Engineer (Harbour Area Treatment Scheme)
Drainage Services Department

**Attendance by
Invitation**

: For item IV

Greeners Action

Miss Michelle LAW
Project Officer

WWF Hong Kong

Dr Guillermo MORENO
Head of Marine Programme

The University of Hong Kong

Prof Yvonne SADOVY
The Division of Ecology & Biodiversity in the
School of Biological Science

Hong Kong Environmental Protection Association

Mr FAN Hai-tai
Chairman

Cheung Chau Fishery Tradesmen's Association

Mr KWOK Chuen
President

Hong Kong Dolphinwatch Ltd

Ms Janet WALKER
Media Spokesperson and Senior Tour Conductor

魚樂双週刊

Mr TSE Wai-hong
Chief Editor

Hong Kong Fishermen's Association (Tai O)

Mr WONG Yung-kan
Council Member

Triton Fishing Equipment Co

Mr LAI Wai-keung
Assistant Retail Manager

西貢漁民互助會

Mr CHENG King-man
Chairman

Ocean Park Conservation Foundation Hong Kong

Mr Timothy NG
Deputy Director

The Castle Peak Mechanized Trawler Fishermen's
Credit Co-operative Society Unlimited

Mr LEUNG Tai-chun
Secretary

The Castle Peak Fishermen's Credit Co-operative
Society Unlimited

Mr CHOW Ping-fai
Chairman

New Territories Fishermen Fraternity Association

Mr LEUNG Kwong-yung
Chairman

Tai Po Yim Tin Tsai(E) Marine Fish Culture
Business Association

Mr TSUI Choi-kam
Vice Chairman

N.T. North District Fishermen's Association

Mr SO Yat-loi
Vice Chairman

The NT Tap Mun Marine Fish Culture Association

Mr LAI Chuen-tai
Chairman

Tai Po Yim Tin Tsai Marine Fish Culture Business
Association

Mr LEE Muk-kam
Chairman

Tai Po Off Shore Fishermen's Association

Mr NG Tin-shing
Chairman

Fanstastic Ocean (Far East) Development Ltd

Mr Bobby TANG
Director

Bloom Association

Mr Stanley SHEA
Project Coordinator

Cheung Chau Fishermen's Welfare Promotion Association

Mr TO Kwong-biu
Chairman

Hong Kong Fishermen Consortium

Mr CHEUNG Siu-keung
Chairman

Tai Po Rural Committee

Mr CHAN Mei-tak
Agriculture and Fisheries Team Officer

Endless Fishing

Mr WONG Kin-chung
Editor

長洲漁民權益會

Mr HO Yung-hei
Chairman

港九水上漁民福利促進會

Mr FUNG Tim-kan
Council Member

香港漁民魚商會

Mr CHEUNG Yau-kit
Chairman

國際漁業聯盟

Mr YEUNG Yung-kwong
Chairman

港九漁民促進會

Mr CHEUNG Kam-chuen
Chairman

香港漁業聯盟

Mr KEUNG Siu-fai
Chief Officer

港九漁民聯誼會

Mr CHEUNG Chee-chuen
理事長

長洲漁民業聯合會

Mr CHAN Fuk

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)2

Mr Franco KWONG
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)4

Action

- I. Confirmation of minutes**
(LC Paper No. CB(1) 627/09-10 — Minutes of the meeting held on
2 November 2009)

The minutes of the meeting held on 2 November 2009 were confirmed.

II. Information paper issued since last meeting

2. Members noted that no information paper had been issued since last meeting.

III Items for discussion at the next meeting

(LC Paper No. CB(1) 628/09-10(01) — List of follow-up actions
LC Paper No. CB(1) 628/09-10(02) — List of outstanding items for
discussion)

3. Members agreed to discuss the following items at the next regular meeting
scheduled for Monday, 25 January 2010, at 2:30 pm -

- (a) 359DS - North District sewerage, stage 1 phase 2B;
- (b) 329DS - Upgrading of Pillar Point sewage treatment works; and
- (c) Producer responsibility scheme for waste electrical and electronic equipment.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, item (b) was replaced by “341DS – Harbour Area Treatment Scheme, stage 2A – upgrading of Stonecutters Island sewage treatment works and preliminary treatment works”.)

4. Ms Cyd HO proposed and members agreed to hold a special meeting on Thursday, 21 January 2010, at 2:30 pm to discuss the following items -

- (a) United Nations Climate Change Conference held in Copenhagen in December 2009; and
- (b) Preparatory work for the C40 Conference to be held in Hong Kong in 2010

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, an additional item on “Cleaner Production Partnership Programme – Extension of scope to cover effluent reduction and control” was included in the agenda.)

5. The Chairman reminded members of the joint meeting with the Panel on Transport on Friday, 22 January 2010, from 8:30 am to 9:30 am to discuss the subject of "Rationalization of bus routes to improve air quality".

IV. Banning of commercial fishing in marine parks

Meeting with Greeners Action

(LC Paper No. CB(1) 695/09-10(07))

6. Miss Michelle LAW, Project Officer, said that Greeners Action (GA) supported the need to strike a balance between the conservation of the marine environment and the sustainable development of the fishing industry. However, the existing policy to allow fishermen with permits to conduct fishing activities in marine parks ran contrary to the objective of marine parks to protect the marine environment. Therefore, GA supported the proposed ban on commercial fishing in marine parks as this would help improve marine ecology, enrich fishery resources and ensure sustainable development of local fishing industry. In the long run, the proposed ban could effectively revive the fishery stock. Besides, the impact of the ban on fishermen's livelihood would be minimal because marine parks only comprised a small percentage of local waters.

Meeting with WWF Hong Kong

(LC Paper Nos. CB(1) 462/09-10(03) and CB(1) 628/09-10(03))

7. Dr Guillermo MORENO, Head of Marine Programme, said that the banning of commercial fishing in marine parks was not only a recognized management tool for the recovery of fishery resources, but also a request from green groups. The strict implementation of the ban would increase the number of species, quantity, size and weight of fishes, thereby benefiting the biodiversity of the marine environment and the fishing communities. According to statistics, 90% of the reserves had higher fish biomass than fished areas by 446% on average, 63% had higher fish density by 166%; 83% had larger carnivorous fish and invertebrates by 28%, and 59% had higher biodiversity by 21%. Therefore, status quo was not an option for the fishing communities and the environment. He added that the Administration should take enforcement actions against illegal fishing and provide ex-gratia allowance (EGA) to the affected fishermen to enable smooth implementation of the ban.

Meeting with Prof Yvonne SADOVY

(LC Paper No. CB(1) 695/09-10(02))

8. Prof Yvonne SADOVY said that the coastal fishery in Hong Kong was severely overfished for over 10 years. While the Government had made it clear that the fishery policy was to conserve fishery resources and promote the sustainable development of the fishing industry, the Agriculture, Fisheries and Conservation department (AFCD) had not done its part to take forward the policy. There was no direct monitoring of fishery resources nor measures or research to foster the sustainable development of the fishing industry. The considerable amount of resources earmarked for the pilot schemes, such as artificial reefs and re-stocking, was wasted because no improvement to the fishery resources had been seen. While marine protection areas were globally recognized as an important tool for fishery recovery, she pointed out that these had to be large enough (about 20 to 30% of the total fished area) and placed in correct locations under no-take conditions in order to be effective. Complementary measures, including effective enforcement, appropriate legislation and reduction in fishing, were also required. She stressed that healthier fisheries would produce more seafood and provide more jobs for fishermen.

Meeting with Hong Kong Environmental Protection Association

9. While supporting the proposed ban to protect the biodiversity of the marine environment, Mr FAN Hai-tai, Chairman, said that the Hong Kong Environmental Protection Association was disappointed that the Administration had failed to reflect the dissenting views of fishermen associations. He stressed that a balanced assessment was necessary when formulating fishery policies taking into account divergent views. He asked if fishermen associations had expressed their views on the impact of the ban on the sustainable development of the fishing industry. There was also a need to assess the adequacy of EGA to be offered to affected fishermen.

Meeting with Cheung Chau Fishery Tradesmen's Association

10. Mr KWOK Chuen, President, said that Cheung Chau Fishery Tradesmen's

Association was opposed to the designation of marine parks which had adversely affected fishermen's livelihood, given the limited fishing grounds in Hong Kong. He was disappointed that the Government had ignored the contributions of local fishermen in the course of transformation of Hong Kong from a fishing port to a financial centre. There was a need to review the established mechanism on EGA to fishermen, particularly the restriction to confine compensation to fishermen with fishing vessels less than 15 metres in length.

Meeting with Hong Kong Dolphinwatch Ltd

11. Ms Janet WALKER, Media Spokesperson and Senior Tour Conductor, said that the banning of commercial fishing in marine parks was a tiny step in a right direction towards stopping the collapse of the local fishing industry. Since fishes were a vital part of the economy as well as ecosystem and both fishermen and Chinese White Dolphins, it would be ecologically and economically unsound if fishing was carried out without proper management. Given the limited fish stock in Hong Kong waters, all fishing activities should be banned in marine parks. The survival of Chinese White Dolphins would attract visitors to Hong Kong which would help the tourism industry.

Meeting with 魚樂雙週刊

12. Mr TSE Wai-hong, Chief Editor, did not agree to ban all fishing activities in marine parks. Instead of the proposed ban, consideration should be given to setting up of a licensing system to control fishing activities in marine parks. He was also disappointed that the Administration had not taken any measures to promote recreational fishing which was enjoyed by over half a million people. He said that recreational fishing could create job opportunities for local fishermen because they could let out their fishing boats for hire to the recreational fishing communities.

Meeting with Hong Kong Fishermen's Association (Tai O)
(LC Paper No. CB(1) 628/09-10(04))

13. Mr WONG Yung-kan said that the designation of marine parks was not the only way to protect fishery resources, which were indeed affected by reclamation works and dumping activities which had not only polluted sea waters, but also destroyed the marine ecosystem. The Administration should reduce reclamation works and assist fishermen who were willing to switch to other businesses.

Meeting with Triton Fishing Equipment Co

14. Mr LAI Wai-keung, Assistant Retail Manager, said that he had nothing to add.

Meeting with 西貢漁民互助會
(LC Paper No. CB(1) 695/09-10(01))

15. Mr CHENG King-man, Chairman, said that 西貢漁民互助會 was opposed to the designation of more marine parks, particularly after the establishment of geological parks which covered five islands in Sai Kung where fishing had been

carried out for generations. He said that local fishermen were well aware of the need to conserve the marine ecosystem which had supported their livelihood for generations. However, illegal cross-boundary fishing activities had undermined the marine ecosystem, and there was an urgent need for the Administration to step up enforcement actions against such activities. There was also a need to issue fishing permits to local fishermen.

Meeting with Ocean Park Conservation Foundation Hong Kong
LC Paper No. CB(1) 675/09-10(01)

16. Mr Timothy NG, Deputy Director, said that Ocean Park Conservation Foundation Hong Kong supported the proposed ban on commercial fishing in marine parks. Experience in New Zealand and the Philippines had shown that marine parks were useful in protecting the marine habitat and assisting the recovery of the exhausted fishery resources. To ensure the sustainable use of fishery resources, the Administration was urged to take the following measures -

- (a) complete the sustainable fishery study as soon as possible;
- (b) establish a special taskforce to monitor and coordinate measures to protect fishery resources;
- (c) introduce appropriate legislation to combat illegal cross-boundary fishing activities; and
- (d) assist fishermen to switch to other businesses.

Meeting with The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society Unlimited

17. Mr LEUNG Tai-chun, Secretary, said that Mr CHOW Ping-fai of The Castle Peak Fishermen's Credit Co-operative Society Unlimited would be speaking on his behalf.

Meeting with The Castle Peak Fishermen's Credit Co-operative Society Unlimited

18. Mr CHOW Ping-fai, Chairman, said that there were many fishermen in the North District and the proposed ban would adversely affect their livelihood. He urged the Administration to revamp the existing licensing system so that fishermen could pass their fishing permits on to the next generation.

Meeting with New Territories Fishermen Fraternity Association
(LC Paper No. CB(1) 462/09-10(01))

19. Mr LEUNG Kwong-yung, Chairman, said that there was inadequate consultation with the affected fishermen, many of them had no knowledge of the proposed ban. He urged the Administration to step up consultation with fishing communities on the designation of more marine parks following the establishment of geological parks.

Meeting with Tai Po Yim Tin Tsai (E) Marine Fish Culture Business Association

20. Mr TSUI Choi-kam, Vice Chairman, said that Mr CHAN Mei-tak of the Tai Po Rural Committee would be speaking on his behalf.

Meeting with N.T. North District Fishermen's Association

21. Mr SO Yat-loi, Vice Chairman, said that he had nothing to add.

Meeting with The NT Tap Mun Marine Fish Culture Association

22. Mr LAI Chuen-tai, Chairman, recalled that fishing permits were issued following the designation of marine parks to enable fishermen to continue fishing in marine parks. Despite the Administration's efforts in facilitating the renewal of these permits, the number of permits had been reduced from 800 to 380, possibly because some fishermen were ignorant about the renewal requirements. Given that fishermen had not received much education in general, more efforts should be made to alert them of any changes in the issuance of fishing permits.

Meeting with Tai Po Yim Tin Tsai Marine Fish Culture Business Association

(LC Paper No. CB(1) 628/09-10(05))

23. Mr LEE Muk-kam, Chairman, said that the Association was opposed to the designation of marine parks which had indeed reduced the number of fishing grounds for fishermen. The situation was further aggravated by the dumping activities which had adversely affected the fishery resources and hence fishermen's livelihood. He questioned why the Administration had refused to renew expired fishing permits, and prohibited the transfer of permits to the younger generation. He also urged the Administration to enhance consultation with fishermen.

Meeting with Tai Po Off Shore Fishermen's Association

24. Mr NG Tin-shing, Chairman, said that Tai Po Off Shore Fishermen's Association objected to the proposed ban as this would adversely affect fishermen's livelihood. He recalled that the Administration had never mentioned about any ban when the marine parks were first designated. He stressed the need for the Administration to enhance consultation with fishermen in the designation of more marine parks following the establishment of geological parks. He also questioned the adequacy of EGA which was calculated using the notional values of seven years' fish catch.

Meeting with Fanstastic Ocean (Far East) Development Ltd

(LC Paper No. CB(1) 695/09-10(06))

25. Mr Bobby TANG, Director, said that he supported conservation of the marine environment, but not the proposed ban on all fishing activities in marine parks. He noted that recreational fishing activities had been developed as a sport in many places, such as the Mainland, Japan, Korea, Malaysia, Macau and Taiwan, but this had yet to be developed in Hong Kong. As part of the fishing community, he supported the

sustainable development of the local fishing industry, and efforts to improve management of fishery resources, such as control on the number and size of fish catch as well as development of mariculture. To this end, the Administration should consider -

- (a) assisting local fishermen to switch to other businesses, including recreational fishing;
- (b) setting up a licensing system to manage fishing activities in marine parks; and
- (c) developing more artificial reefs.

Meeting with Bloom Association

(LC Paper No. CB(1) 655/09-10(01))

26. Mr Stanley SHEA, Project Coordinator, said that several decades ago, groupers, snappers and croakers were not only more abundant in Hong Kong waters, but also much larger in size. However, decades of unregulated fishing had significantly damaged the local marine environment and livelihood of fishermen. If the extent of fishing continued at the current level, the local fishing industry could no longer be sustainable. Measures, including the setting up of no-take zones and marine reserves as well as proper control and management on recreational fishing, should be contemplated to conserve the marine environment and protect the fishery resources. The proposed ban would be a first step in the right direction in promoting the sustainable development of the fishing industry.

Meeting with Cheung Chau Fishermen's Welfare Promotion Association

27. Mr TO Kwong-biu, Chairman, said that as local waters were very close to the Pearl River Estuary, the pollutants from the River had adversely affected the survival of coral fishes. The designation of marine parks had not been able to significantly improve the amount of coral fishes, as such had only accounted for 2% of the total fish catch. However, the concentration of fish stock in marine parks had attracted illegal fishing by many Mainland fishermen. In the absence of effective enforcement actions against illegal cross-boundary fishing activities using destructive methods, the fishery resources in the marine parks had been seriously affected. He urged the Administration to develop more artificial reefs so as to improve the fishery resources in Hong Kong waters.

Meeting with Hong Kong Fishermen Consortium

(LC Paper No. CB(1) 462/09-10(02))

28. Mr CHEUNG Siu-keung, Chairman, said that Hong Kong Fishermen Consortium objected to the proposed ban on commercial fishing in marine parks in the absence of adequate consultation and consensus with the affected fishermen. He added that while various assistance schemes were put in place for the underprivileged and the needy, the same was not made available to assist fishermen in maintaining their livelihood. The proposed EGA, which was calculated using the notional values

of seven years' fish catch, was inadequate to compensate the right to fish in Hong Kong waters.

Meeting with Tai Po Rural Committee
(LC Paper No. CB(1) 675/09-10(02))

29. Mr CHAN Mei-tak, Agriculture and Fisheries Team Officer, said that Tai Po Rural Committee was opposed to the proposed ban on commercial fishing in marine parks. He pointed out that the setting up of marine parks and artificial reefs could not effectively revive fishery resources, given that the decrease in fish stock was not due to overfishing but the seasonal movement of fishes. By way of illustration, hairtail and threadfin could not be found in local waters when the weather was warm, while coral and shell fishes could not survive under the influence of southwest monsoon. He therefore questioned the efficacy of the proposed ban in improving the marine environment. He also considered it necessary for the Administration to provide reasonable compensation to affected fishermen.

Meeting with Endless Fishing

30. Mr WONG Kin-chung, Editor, failed to see why recreational fishing should be prohibited in marine parks, given that this was an expensive activity which could benefit the economy of Hong Kong. He was concerned about the designation of more marine parks following the establishment of Geopark lest this might further reduce the popular fishing grounds for recreational fishing. The proposed extension of marine parks and the fishing ban would not only put a halt to recreational fishing, but also affect the survival of those engaged in the sale of baits and fishing equipment, as well as those engaged in the hiring out of fishing vessels. He urged the Administration to give due consideration to developing recreational fishing in Hong Kong.

Meeting with 長洲漁民權益會

31. Mr HO Yung-hei, Chairman, said that he had been fishing at the Centre Island every day, and he found that some 20 to 30 Mainland fishing vessels had trespassed Hong Kong waters for illegal fishing. As Mainland fishermen usually employed destructive fishing methods, these had greatly undermined the fishery resources in the area. While he had repeatedly complained to the Marine Police, no enforcement actions had been taken. He urged the Administration to step up enforcement actions against illegal cross-boundary fishing activities.

Meeting with 港九水上漁民福利促進會

32. Mr FUNG Tim-kan, Council Member, said that 港九水上漁民福利促進會 strongly objected to the proposed ban on commercial fishing in marine parks. He said that when marine parks were set up in 1996, the Administration had promised to issue fishing permits to affected fishermen so that they could continue fishing in marine parks. The present proposal was not only a breach of promise, but would also affect the survival of the local fishing industry. He said that fishermen wished to earn their own living rather than applying for Comprehensive Social Security Assistance

(CSSA), which would create additional financial burden on the community.

Meeting with 香港漁民魚商會

33. Mr CHEUNG Yau-kit, Chairman, said that 香港漁民魚商會 was opposed to the proposed ban. He said that the fishery resources were affected by reclamation works and dumping activities rather than fishing activities. Pollutants from the Pearl River Delta also affected the fish stock. The permission to dispose of human ashes at sea had further aggravated the situation. He emphasized that the Administration had the duty to remove rubbish at sea and reduce reclamation works.

Meeting with 國際漁業聯盟

34. Mr YEUNG Yung-kwong, Chairman, held the view that the artificial reefs had not been useful in enriching fishery resources. He also expressed dissatisfaction at the requirement for fishermen to apply to the Rural Committee for consent before they could be issued with permits to fish in marine parks when these were first designated in 1996. He considered it unfair for the Administration to ban commercial fishing in marine parks on the one hand, while allowing over a hundred indigenous villagers to fish in these areas on the other. He further queried the adequacy of EGA of about \$150,000, which was calculated using the notional values of seven year's catch.

Meeting with 港九漁民促進會

35. Mr CHEUNG Kam-chuen, Chairman, said that he had nothing to add.

Meeting with 香港漁業聯盟

36. Mr KEUNG Siu-fai, Chief Officer, said that 香港漁業聯盟 objected to the ban on commercial fishing in marine parks not only because this lacked adequate consultation, but would also infringe upon the rights and seriously affect the livelihood of local fishermen, who were the real indigenous people of Hong Kong. While the fishery resources had been adversely affected by reclamation works and dumping activities, fishermen had not requested compensation because what they wanted was to continue fishing in local waters to earn their own living. He shared Prof Yvonne SADOVY's views that the development of artificial reefs was not able to enrich the fishery resources. He added that green groups should not only focus on conserving the marine environment, but also the need to maintain sustainable development of the fishery industry, as in the case of the Mainland and other countries. He was also concerned about the inadequacy of EGA.

Meeting with 港九漁民聯誼會

37. Mr CHEUNG Chee-chuen, 理事長, said that 港九漁民聯誼會 was strongly opposed to the ban on commercial fishing in marine parks as this would adversely affect fishermen's livelihood. He said that reclamation works in Hong Kong had severely damaged the marine environment and reduced the fishery resources. He urged the Administration to adequately consult fishermen on the proposed ban.

There was also a need to review the compensation mechanism to ensure the adequacy of the proposed EGA.

Meeting with 長洲漁民業聯合會

38. Mr CHAN Fuk said that reclamation works and dumping activities had adversely affected the fishery resources in Hong Kong. He considered it necessary that AFCD took measures to enrich the fishery resources through mariculture and breeding. He said that Hong Kong fishermen would like to continue to earn their living through fishing and did not wish to rely on CSSA.

Submissions from deputations not attending the meeting

- LC Paper No. CB(1) 628/09-10(06) — Submission from Dr Yang Mo, member of the Southern District Council (Chinese version only)
- LC Paper No. CB(1) 628/09-10(07) — Submission from Mr LOK Shui-sang, Chairman of the Sai Kung Rural Committee (Chinese version only)
- LC Paper No. CB(1) 628/09-10(08) — Submission from Mr YEUNG Wai-sing, member of the Eastern District Council (Chinese version only)
- LC Paper No. CB(1) 628/09-10(09) — Submission from Green Sense (Chinese version only)
- LC Paper No. CB(1) 675/09-10(03) — Submission from 漁民文化推廣關注組 (Chinese version only)
- LC Paper No. CB(1) 695/09-10(03) — Submission from Tai Po Rural Committee (Chinese version only)
- LC Paper No. CB(1) 695/09-10(04) — Submission from Mr LO Sam-shing, member of the Tai Po District Council (Chinese version only)
- LC Paper No. CB(1) 695/09-10(05) — Joint submission from 新界東北區漁民大聯盟, 大埔元洲仔漁民, 大埔聯益漁村, 大埔三門仔漁民新村, 大埔榕樹澳養魚區, Tai Po Yim Tin Tsai(E) Marine Fish Culture Business Association, Tai Po Yim Tin Tsai Marine Fish Culture Business Association (Chinese version only)

Meeting with the Administration

(LC Paper No. CB(1) 628/09-10(10) — Administration's paper on banning of commercial fishing in marine parks

LC Paper No. CB(1) 628/09-10(11) — Paper on banning of commercial fishing in marine parks prepared by the Legislative Council Secretariat (updated background brief))

Relevant papers

(LC Paper No. CB(1) 392/09-10(03) — Administration's paper on banning of commercial fishing in marine parks)

39. The Secretary for the Environment (Acting) (SEN (Atg)) thanked deputations for their views. Regarding the allegation on the lack of consultation with affected fishermen, SEN (Atg) said that AFCD had consulted the fishermen associations and fishermen during the period from March to September 2009, details of which were set out in the Annex to the Administration's paper. She also said that there were circumstances where some fishermen associations had indicated that consultation with the chairmen and vice chairmen of the associations was sufficient for the time being and full consultation with members should only be held when more details of the proposal were worked out. As regards the impact of the ban on the livelihood of fishermen, SEN (Atg) advised that the four marine parks in Hong Kong, together with the proposed new marine parks, would only cover around 3% to 4% of Hong Kong waters. The proposed ban would not only improve the marine ecology and environment in the protected areas, but also that of the adjacent waters. The recovery of fishery resources in the marine parks as a result of the ban would benefit the marine ecology and environment as a whole. Following the completion of the consultancy study on fishery resources and fishing operations in Hong Kong waters, the Committee on Sustainable Fisheries was set up to advise on way forward for local fishery industry. To alleviate the impact of the ban on the livelihood of affected fishermen, the Government would work out the amount of EGA to be provided to individual eligible fishermen with reference to the established EGA mechanism for fishermen affected by marine development works, the amount of which would be calculated on the basis of the notional values of seven years' fish catch in the affected waters. Other assistance, including further deployment of artificial reefs in Hong Kong waters to increase fishery resources, would be provided. The Administration would also assist those fishermen who were willing to switch to other businesses, such as ecotourism. The Administration would continue to discuss with the fishermen associations and fishermen on various issues associated with the proposed ban on commercial fishing in marine parks, including EGA, size of the new marine parks and other measures to assist affected fishermen. SEN (Atg) further said that AFCD had been taking joint enforcement actions with the Marine Police and the Mainland authorities to combat illegal cross-boundary fishing activities.

40. Mr WONG Yung-kan considered it necessary for the Administration to define commercial fishing, which in his view should only refer to large-scale fishing using ocean-going vessels rather than fishing by bona-fide fishermen on a daily basis to maintain their livelihood. He recalled that when the four marine parks were first set up in 1995, about 1 000 fishing permits were issued to bona fide fishermen. The

number had since been reduced to 380, possibly because the fishermen were not made aware of the need to renew their permits, or the AFCD offices at Cheung Sha Wan and Canton Road were too remote for these fishermen. To this end, consideration should be given for AFCD staff to process applications for renewal of fishing permits at the fishing districts. Mr WONG said that he was opposed to the proposed ban when this was discussed by the Country and Marine Parks Board. He was concerned that with the extension of the Marine Parks Ordinance (Cap. 476) to Geopark, small-scale off-shore fishing, such as cage trapping, hand lining and hand netting, could not be carried out in the Geopark. This had indeed adversely affected the livelihood of fishermen. Given that consideration was being given to setting up more marine parks following the establishment of Geopark, the Administration should further consult the fisherman associations and fishermen before a decision was made. He also pointed out that the proposed ban was discriminating in prohibiting the 380 permit holders to fish in marine parks, while allowing former residents returning from overseas satisfying certain eligibility criteria to apply for fishing cards in order to fish in the marine parks.

41. SEN (Atg) said that commercial fishing included large-scale fishing by means of gill net, purse seine, long line and hand trawl, but not small-scale cage trapping, hand lining and hand netting. Renewal of fishing permits was currently handled by an independent committee comprising fishermen and district representatives. Measures, which included deploying AFCD staff to the fishing districts to process renewal applications, were already put in place to facilitate fishermen to renew their fishing permits. She added that the Administration would continue to consult fishermen associations on the banning proposal. Efforts would be made to protect the fishery resources on the one hand and to minimize the impact of the banning proposal on fishermen's livelihood on the other. While agreeing that trawling should be banned in marine parks, Mr WONG did not support an across-the-board ban on other forms of fishing.

42. The Chairman sought deputations' views on the ban. Mr CHEUNG Siu-keung/Hong Kong Fishermen Consortium noted that most deputations present at the meeting were opposed to the proposed ban. He said that the fishermen associations would welcome further exchanges with the Administration on various related issues, including the review of the outdated EGA which was formulated years ago. Mr CHAN Mei-tak/Tai Po Rural Committee said that when the marine parks were first set up, it was agreed that except for trawling, other small-scale fishing activities, such as cage trapping, hand lining and hand netting, would be allowed in marine parks. However, there seemed to be a different interpretation on what should be regarded as commercial fishing since then. He also pointed out that the provision of artificial reefs at Hoi Ha Wan, Yan Chau Tong, Hok Tsui had not been effective in enriching the fishery resources. Prof Yvonne SADOVY said that over-fishing was a direct result of the lack of management rather than the fault of the fishing community. She enquired if the Administration had scientific evidence on the efficacy of artificial reefs in improving the fisheries in Hong Kong in the last 10 years and if not, whether AFCD would continue with the development of artificial reefs in future. Dr Guillermo MORENO/WWF Hong Kong said that efforts would be made to ensure sustainable development of fishery industry in Hong Kong, including the need to justify the provision of artificial reefs. He also supported the formulation of a

comprehensive plan to address issues, such as licensing for fishermen. Mr YEUNG Yung-kwong/ 國際漁業聯盟 was dissatisfied that the Rural Committee's views had to be sought before fishing permits were approved. The Senior Marine Parks Officer clarified that the affirmation from the Rural Committee was not required in the issuance of fishing permits. Only in special cases where the village head had difficulties in proving that the applicant was a bona fide fisherman would affirmation be sought from the Rural Committee.

43. Mr KAM Nai-wai noted that most of the deputations attending the meeting were opposed to the proposed ban. Members of the fishing industry were also deeply concerned about the proposed designation of more marine parks following the establishment of the geopark. He said that he could not support any measures that would adversely affect the survival of the fishing industry. Unless comprehensive policies were worked out to ensure the sustainable development of the local fishery industry, he would find it difficult to support the proposed ban. Apart from the proposed EGA and assistance for fishermen to seek alternative employment, he enquired about the measures in place to deal with the various issues, such as deployment of artificial reefs, reduction in the size of proposed marine parks etc. SEN (Atg) said that the Administration would try to address fishermen's concerns about the proposed designation of more marine parks and sustainable development of local fishery industry, while awaiting the recommendations of the Committee on Sustainable Fisheries which would be completed at a later stage.

44. Mr Albert CHAN recalled that matters relating to protection of fishery resources, provision of artificial reefs, fishermen's livelihood etc had been discussed since 1990s. However, many earlier promises made to fishermen were lost in the course of re-distribution of the portfolio on fishery to different policy bureaux. The measures as now proposed were detrimental to the livelihood of fishermen. He criticized the Administration for being ignorant about the problems faced by fishermen, and indifferent in assisting fishermen to maintain their livelihood. The situation was further complicated by the lack of effective enforcement actions against illegal cross-boundary fishing activities, and reduction in fishing grounds resulting from the designation of more marine parks. There was a need to strike a balance between the interest of fishermen and control on fishing activities to protect fishery resources, which in his view could be improved through the development of artificial reefs. SEN (Atg) said that the protection of fishery resources was a long-term and on-going commitment since early 1990s. The provision of artificial reefs had begun years ago and consultation with local fishermen would be held to address their concerns. The Assistant Director (Country & Marine Parks) said that the development of artificial reefs and control on the issuance of fishing permits were measures to foster sustainable development of the local fishery industry. Following consultation with local fishermen, artificial reefs had been placed at Port Shelter and the existing marine parks. The Committee on Sustainable Fisheries would look into the deployment of artificial reefs.

45. Noting that there were divergent views on the deployment of artificial reefs, Ms Cyd HO considered it necessary for the Administration to commission a study by experts on the advantages and disadvantages of artificial reefs. She was also concerned about the problem of water pollution arising from dumping activities and

undersea construction activities, such as installation of cables, which had resulted in oxygen depletion of sea waters and damage of fishery resources. The proposed ban could not help improve the marine habitat and fishery resources if the construction and dumping activities were allowed to continue.

46. Mr CHAN Hak-kan noted that there was a general consensus on the need for sustainable development of the local fishery industry. He pointed out that the culprit for depletion of the fishery resources in Hong Kong was illegal cross-boundary fishing activities and illegal dumping activities rather than commercial fishing by local fishermen. It was therefore unfair to hold local fishermen responsible for the depletion in fishery resources. It followed that the ban on commercial fishing would not serve the intended purpose. Given that most of the fishermen associations were opposed to the ban, he asked what further steps the Administration would take to resolve the situation. He said that he was not prepared to support the proposed ban unless the concerns raised were adequately addressed. SEN (Atg) said that the Administration would continue its efforts to negotiate with affected fishermen, and provide the assistance as necessary to alleviate the impact of the proposal on their livelihood. Apart from the provision of EGA, efforts would be made to assist the fishermen to switch to alternative employment to maintain their livelihood.

47. Mr WONG Yung-kan enquired whether the Administration would consider shelving the proposed ban on account of the many objections raised. SEN (Atg) said the Administration would continue to discuss with affected fishermen on the measures to alleviate the impact of the proposal on their livelihood. Meanwhile, continued efforts would be made to protect the fishery resources.

48. In concluding, the Chairman requested the Administration to provide written responses to deputations' concerns which had not been addressed to at the meeting.

(Post-meeting note : The Administration provided an information paper on the Artificial Reef Programme in Hong Kong, which was circulated to members vide LC Paper No. CB(1) 886/09-10(01) on 14 January 2010.)

V. 341DS – Harbour Area Treatment Scheme, stage 2A – upgrading of Stonecutters Island sewage treatment works and preliminary treatment works

(LC Paper No. CB(1) 628/09-10(12) — Administration's paper on 341DS – Harbour Area Treatment Scheme, stage 2A – upgrading of Stonecutters Island sewage treatment works and preliminary treatment works)

49. SEN (Atg) briefed members on the Administration's proposal to upgrade the remaining part of 341DS – Harbour Area Treatment Scheme, stage 2A – upgrading of Stonecutters Island sewage treatment works and preliminary treatment works to Category A at an estimated cost of \$7,928.9 million in money-of-the-day (MOD) prices. Subject to members' advice, the proposal would be submitted to the Public Works Subcommittee (PWSC) for consideration in January 2010 with a view to

seeking funding approval from the Finance Committee (FC) as soon as possible.

50. Given that HATS Stage 1 had completed and part of Stage 2A was already in progress, Mr WONG Yung-kan said that there would be no choice but to continue with the remaining part of Stage 2A. He was however concerned about the adverse impact of sedimentation arising from the treatment process of the Stonecutters Island Sewage Treatment Works (SCISTW) on the marine ecology of the surrounding waters. He enquired about the measures to be taken to protect the marine environment and to prevent depletion of oxygen in the surrounding waters. The Assistant Director of Environmental Protection (Water Policy) (ADEP(WP)) said that HATS had undergone a detailed Environmental Impact Assessment (EIA). Following the commissioning of the HATS Stage 1, the oxygen concentration in the surrounding waters had increased by around 10%. Further improvements, including up to 70% removal of organic pollutants, up to 80% removal of suspended solids and a up to further 5% increase in oxygen concentration, were expected with the completion of HATS Stage 2A. It was envisaged in the EIA report that the water quality of the Victoria Harbour would be further improved as a result of the reduction in pollution load.

51. While acknowledging the improvements to be achieved through HATS, Mr WONG Yung-kan noted that the surrounding waters were still exposed to the pollution load arising from the industrial activities in the Mainland. He asked if studies had been conducted on the biodiversity of the surrounding marine environment. ADEP(WP) stated that AFCD conducted studies on the biodiversity as well as the fish catch in Hong Kong waters from time to time and a territory-wide fishery study was carried out in 1999. AFCD had been monitoring the situation closely. It was also agreed at the last meeting of the Hong Kong/Guangdong Joint Working Group on Sustainable Development and Environmental Protection in December 2009 that a study on the water quality of the Pearl River Delta Region would be conducted with a view to formulating a water quality management plan for the estuary region. The Administration had also initiated a biological indicator monitoring programme in 2004, and the results of the programme had been published on the Internet.

52. Ms Cyd HO was concerned that the construction of deep sea tunnels under HATS Stage 2A might have created a physical barrier preventing the passage of marine organisms, thereby adversely affecting the marine ecology. The Assistant Director of Drainage Services (Sewage Services) (ADDS(SS)) advised that the deep sea tunnels would be built below the seabed and would not affect the marine ecology along the tunnel alignment. In reply to Ms HO's further question on the upgrading works relating to energy saving for SCISTW and the other eight preliminary treatment works, ADDS(SS) said that features, such as photovoltaic panels and green rooftops, would be adopted in SCISTW as well as the eight preliminary treatment works.

53. Owing to time constraints, Ms Cyd HO suggested to hold another meeting in January 2010 to allow sufficient time to discuss the progress of works and the effectiveness of HATS. Given the controversy over HATS, Mr Albert CHAN opined that there might be a need to consult interested parties before considering the funding proposal for the remaining part of HATS Stage 2A, which amounted to as much as \$7,928.9 million. Instead of holding another meeting which might cause possible delay to the funding proposal, consideration could be given to inviting interested

parties to provide written submissions on their views towards HATS Stage 2A. ADEP(WP) said that a series of public consultation exercises at different stages of HATS had been conducted. In fact, the funding proposal for the first part of HATS Stage 2A was last discussed at the Panel meeting on 15 December 2008. The current proposal was meant for funding the remaining part of HATS Stage 2A. While concerning about the impact of HATS on the marine environment, in particular the closure of Tsuen Wan beaches following the commissioning of HATS Stage 1, Mr WONG Yung-kan concurred with Mr CHAN that an invitation of written views would suffice, and that it would not be necessary to hold another meeting to re-open discussion on HATS which had already gone this far over a long period of time. Besides, Members would still have a chance to discuss the funding proposal when it was submitted to PWSC and FC.

54. Given the dissenting views, the Chairman said that she would seek members' views on the need for another meeting to discuss the proposal. Meanwhile, interested parties would be invited to provide written submissions on HATS. To facilitate understanding, SEN (Atg) agreed to provide a supplementary information paper on HATS for members' reference.

(Post-meeting note: A supplementary information paper setting out the chronology and details of works under HATS stage 2A was circulated to members under LC Paper No. CB(1)745/09-10 on 23 December 2009.)

VI. Any other business

55. There being no other business, the meeting ended at 1:05 pm.