

For information

June 2010

Legislative Council Panel on Environmental Affairs
Joint Enforcement Action Against Illegal Fishing Activities Under
the Framework Agreement on Hong Kong/Guangdong Co-operation

Purpose

At the meeting of the Legislative Council Panel on Environmental Affairs on 24 May 2010, Members sought elaboration on the joint law enforcement actions against illegal fishing activities under the Framework Agreement on Hong Kong/Guangdong Co-operation. This paper sets out the relevant measures for Members' reference.

Background

2. Under the relevant legislation, Marine Region of the Hong Kong Police Force (Marine Police) and Agriculture, Fisheries and Conservation Department (AFCD) would patrol in Hong Kong waters and take law enforcement action against the illegal entry of Mainland fishing vessels and the illegal fishing activities concerned. If the people on board do not have the right to land in Hong Kong, Marine Police would refuse their entry and make arrests in accordance with the Immigration Ordinance (Cap. 115). During the period from 2007 to 31 May 2010, Marine Police refused the entry of 861 Mainland fishing vessels and arrested 2 983 Mainlanders on another 774 vessels that entered into Hong Kong waters.

3. The law enforcement teams of AFCD launch random patrols in Hong Kong waters and various marine parks daily to combat illegal fishing activities. The Department would, having regard to the circumstances and the black spots of illegal fishing activities, exercise flexible deployment of resources and adjust the patrol patterns to curb such activities more effectively in Hong Kong waters.

4. In 2009, AFCD successfully prosecuted 9 cases of illegal fishing with the use of dredging devices in Hong Kong waters under the Fisheries Protection Ordinance (Cap. 171), in which 6 local and Mainland fishermen were convicted and fined a total of HK\$41,900. The illegal fishing devices concerned were forfeited. In the same year, 3 cases of local fishermen and 4 cases of Mainland fishermen fishing illegally in

marine parks were prosecuted under the Marine Parks and Marine Reserves Regulation (Cap. 476A). In the 3 local fishermen cases, the offenders were fined a total of HK\$4,000. In the 4 Mainland fishermen cases, 11 fishermen were convicted and sentenced to imprisonment ranging from 2 weeks to 1 month, suspended for 1 year. In January 2010, the Department also successfully prosecuted 4 Mainland fishermen who conducted illegal fishing in marine parks. They were sentenced to imprisonment ranging from 1 week to 2 weeks, suspended for 1 year.

Co-operation with the Mainland in Combating Illegal Fishing Activities

5. Since 2002, AFCD has cooperated with the Enforcement Unit of the Guangdong Provincial Bureau of Oceans and Fisheries to take joint enforcement actions against illegal cross-border fishing activities. From 2005 onwards, Marine Police joined to conduct tripartite enforcement actions. On 20 April 2009, the three parties carried out a joint enforcement operation. The operation aimed to conserve the ecological resources and maintain order within the waters across the border of Hong Kong and Guangdong, to strengthen the exchanges of enforcement experience between the functional divisions in Hong Kong and Guangdong and to jointly combat offences such as fishing without a valid permit, destructive fishing practices and smuggling. In this joint enforcement operation, the Hong Kong side (including AFCD and Marine Police) intercepted 35 Mainland fishermen on board 15 Mainland vessels. These Mainland vessels and fishermen were refused entry to Hong Kong by Marine Police on the spot and were referred to the Enforcement Unit of the Guangdong Provincial Bureau of Oceans and Fisheries for further action. Joint enforcement operations will continue to be conducted regularly to combat cross-border illegal fishing activities, and to protect the marine ecological resources in Hong Kong waters.

Way Forward

6. Under the Framework Agreement on Guangdong/Hong Kong Co-operation, it is suggested that the notification mechanism between the two sides be improved and that joint actions be organised to combat illegal fishing activities. The Marine Resources and Conservation Special Panel under the Hong Kong-Guangdong Joint Working Group on Sustainable Development and Environmental Protection will hold regularly discussions and exchange information on law enforcement at sea. Besides improving the notification mechanism between the two sides, joint actions will also be organised to combat illegal fishing activities. In this connection, the notification

mechanism of enforcement action will be strengthened so that arrangements can be made for more effective execution of these joint enforcement actions.

Agriculture, Fisheries and Conservation Department
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