

For discussion  
on 23 November 2009

**LEGISLATIVE COUNCIL  
PANEL ON ENVIRONMENTAL AFFAIRS**

**Banning of Commercial Fishing in Marine Parks**

**Purpose**

This paper seeks to inform Members of the latest development in relation to the policy initiative to ban commercial fishing in marine parks.

**Background**

2. In January 2009, we consulted this Panel on the policy initiative to ban commercial fishing in marine parks. While Members agreed with the need to protect and conserve marine resources, some Members were concerned that the initiative would affect the livelihood of those fishermen who conduct fishing activities in the marine parks. In this regard, Members suggested the Government to consult and liaise with the affected fishermen on this proposal as soon as practicable.

3. There are currently four marine parks<sup>1</sup> and one marine reserve<sup>2</sup> in Hong Kong to protect and conserve the marine environment for the purposes of conservation, education and recreation. Section 3(1) of the Marine Parks and Marine Reserves Regulation (the “Regulation”) provides that fishing is prohibited in the marine parks and the marine reserve. However, the Director of Agriculture, Fisheries and Conservation can, as the Country and Marine Parks Authority (the Authority), issue fishing permits under section 17(3) of the Regulation to (a) local residents; and (b) *bona fide* fishermen, for carrying out fishing activities in marine parks. At present, the Authority has issued some

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<sup>1</sup> 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.

<sup>2</sup> The marine reserve is Cape D’Aguilar Marine Reserve.

100 valid fishing permits to local residents and 380 valid fishing permits to *bona fide* fishermen.

4. *Bona fide* fishermen who are permit holders usually conduct fishing activities using the following methods on board fishing vessels: gill net, purse seine, hand line, long line and hang trawl. These methods usually bring comparatively abundant fish catch, and will be treated as commercial fishing. In order to protect the marine ecology in the marine parks, in the 2008 Policy Agenda, the Government proposed to ban commercial fishing in marine parks. For local residents, as they usually conduct fishing activities using methods such as cage trap, hand line or hand seine, and that these methods usually bring comparatively meagre fish catch, the impact to the marine ecology is insignificant. To this end, we do not consider that there is a need to prohibit this kind of small-scale fishing activities in marine parks.

### **Consultation**

5. We have consulted the Country and Marine Parks Board, as well as relevant District Councils on the policy initiative to ban commercial fishing in marine parks. While parties consulted generally agreed that the Government should take measures to protect the ecology and resources in the marine parks, they are concerned that the initiative will adversely affect the livelihood of fishermen, and suggested the Government to liaise with the fishermen. They also suggested the Government to consider providing Ex-Gratia Allowance (EGA) to fishermen, in order to alleviate the impact that the policy initiative would bring to them.

6. To this end, we have consulted and discussed with relevant fishermen associations (including the New Territories Fishermen Fraternity Association and the Hong Kong and Kowloon Fishermen Association) and fishermen in the past few months. In general, the fishermen associations and fishermen both indicated that, should they be banned from conducting commercial fishing in marine parks, the Government should put in place suitable measures in order to alleviate the impact that the policy initiative would bring to them. The permit holders of existing marine parks generally are of the view that providing

them EGA could alleviate the impact that the policy initiative would bring to them.

7. The Government would follow up views gathered from the consultation exercise, and would make reference to the established mechanism of providing EGA to fishermen who are affected by marine development works (the amount would be equivalent to the notional value of seven years' fish catch in the affected waters) in alleviating the impact of the policy initiative of banning commercial fishing in marine parks on the fishermen. The Government will also set up an Inter-departmental Working Group, to handle all EGA applications submitted by fishermen who are affected by the policy initiative.

8. We will continue our communication with the affected fishermen on matters relating to the EGA. In due course, we will submit to the Legislative Council the funding proposal, as well as the legislative proposal to effect the policy initiative to ban commercial fishing in marine parks.

**Environmental Protection Department**  
**Agriculture, Fisheries and Conservation Department**  
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