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Panel on Environmental Affairs

Meeting on 23 November 2009

**Background brief on banning of commercial fishing in marine parks
prepared by the Legislative Council Secretariat**

Purpose

This paper sets out the background to the proposal to ban commercial fishing in marine parks, and gives a brief account of the views and concerns expressed by the Panel on Environmental Affairs (the Panel).

Introduction

2. Marine park and reserve are designated sea areas for the protection and conservation of marine environment. There are currently four marine parks¹ and one marine reserve² in Hong Kong to protect and conserve its diverse marine organisms, including hard corals, mangroves and Chinese white dolphins, among others. The designation and management of these protected areas are mainly provided under the Marine Parks Ordinance (Cap. 476) (MPO) and the Marine Parks and Marine Reserve Regulations (Cap. 476A) (MPMRR).

3. 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 MPMRR to local residents and *bona fide* fishermen for carrying out fishing activities in marine parks. At present, some 100 and 380 valid fishing permits have been issued to local residents and *bona fide* fishermen respectively for fishing activities in marine parks under section 17 of MPMRR. 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.

Banning of 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, 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 (AFCD)'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. The Administration believes that reducing fishing efforts inside marine parks would help rehabilitate the fisheries resources inside the marine parks and could benefit the adjacent waters in long-run.

6. To realize the benefits of the ban on commercial fishing in marine parks, the Administration proposes to amend section 17 of MPMRR such that the Authority will stop issuing new permits or renewing the existing permits to *bona fide* fishermen for fishing in marine parks. However, the ban will not apply to 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 which will have limited impacts on marine habitats.

Major concerns raised by the Panel

7. The proposal to ban commercial fishing in marine parks was discussed at the Panel meeting on 21 January 2009. While supporting the need to protect and conserve marine resources, members noted with concern that further consultation with the affected fishermen would need to be conducted with a view to resolving the difficulties associated with the ban. They found it unacceptable that the Administration had not consulted the affected trades before submitting the proposal to the Panel. They emphasized that the Legislature would need to be apprised of the outcome of consultation with the affected fishermen, whose livelihood might be adversely affected by the proposed ban, before it could decide whether to support the ban or not. The Administration was requested to report the outcome of consultation to the Panel as soon as practicable.

8. Some members found it hard to accept that the Administration should disallow commercial fishing by *bona fide* fishermen on the one hand, and allow hand netting by local residents, which was equally destructive, on the other. They opined that the proposed ban had not been well thought out. Unlike overseas countries which imposed strict restrictions on the size of fish and other marine organisms that could be caught, there lacked a comprehensive package of measures to protect the fishery resources in Hong Kong. The Administration was requested to review the coverage of the ban to ascertain the feasibility of prohibiting the types of fishing rather than the types of persons. Concerted efforts from different departments were also required to combat illegal fishing.

Latest development

9. The Administration proposes to brief the Panel on the decision to grant ex gratia allowance to fishermen who will be affected by the ban at the meeting on 23 November 2009.

Relevant papers

Information paper provided by the Administration for the Panel on Environmental Affairs meeting on 21 January 2009

<http://www.legco.gov.hk/yr08-09/english/panels/ea/papers/ea0121cb1-605-6-e.pdf>

Minutes of the Panel on Environmental Affairs meeting on 21 January 2009

<http://www.legco.gov.hk/yr08-09/english/panels/ea/minutes/ea20090121.pdf>

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