

**For information
On 15 December 2009**

**Legislative Council
Panel on Environmental Affairs**

Banning of Commercial Fishing in Marine Parks

Purpose

At the meeting on 23 November 2009, Members requested the Administration to provide the following information for Members' reference-

Background of the Proposal

2. Hong Kong has a diverse assemblage of marine organisms. The marine parks are set up to protect and conserve our marine environment for the purposes of conservation, education and recreation.

3. In order to better protect and conserve the marine resources in our marine parks, we propose to ban commercial fishing in marine parks. In fact, many overseas countries, including New Zealand and the Philippines, have set up marine protection areas in which fishing activities are prohibited.

4. This measure will not only improve the marine ecology and environment in the protected areas, but also that of the adjacent waters, enriching the fishery resources, and bringing benefits to the marine ecology and environment as a whole.

Consultation

5. In the long run, banning of commercial fishing in marine parks could effectively improve the local marine ecology and environment. There are currently four marine parks in Hong Kong, with a total area of around 2,410 hectares, covering around 2% of Hong Kong waters. Should the policy initiative of banning commercial fishing in marine parks be implemented, fishing activities could still be carried out outside marine parks. In order to better understand how this proposal would affect the fishermen who are conducting fishing activities in marine parks, over the past few months, we have been consulting the relevant fishermen associations and fishermen to learn more about their concerns, as well as their suggestions. Details of our meetings with the fishermen associations and fishermen are at the [Annex](#).

6. Furthermore, we have consulted the Tai Po District Council (DC) on 5 May^{Note 1}, Tuen Mun DC on 5 May^{Note 2} and North DC on 11 June^{Note 3} on this proposal. We have consulted these DCs because the existing marine parks are located in these districts. DC members generally agreed that the Government should take measures to protect the marine ecology and resources in the marine parks. However, they were also concerned that the proposal might affect the fishermen's livelihood. Hence, they suggested the Government to liaise with the fishermen on this proposal, and consider providing ex-gratia allowance (EGA) to the affected fishermen in order to alleviate the impact of this proposal on their livelihood.

EGA

7. In order to alleviate the impact that this proposal might have on the fishermen's livelihood, the Government would make reference to the established mechanism of providing EGA to fishermen who are affected by marine development works (the amount would be calculated on the basis of the notional value of seven years' fish catch in the affected waters). The Government will set up an Inter-departmental Working Group (IWG) to handle all EGA applications submitted by fishermen who are affected by the proposal. The amount of EGA to be provided to individual eligible fishermen would be determined by the IWG^{Note 4}.

Other proposals to address fishermen's livelihood concerns

8. During consultation, some fishermen associations and fishermen indicated that, should the Government implement the proposal, the Government should, apart from providing EGA to affected fishermen, also provide other assistance, deployment of artificial reefs more widely in Hong Kong waters such as to increase fishery resources. Furthermore, the fishermen hope that the Government could reduce the size of the proposed marine parks, and assist fishermen who are willing to switch to other businesses to engage in activities such as ecotourism so as to alleviate the impact of the proposal on their livelihood.

9. We will continue our discussion with the affected fishermen on the proposal to ban commercial fishing in marine parks, including the provision of EGA, size of the proposed marine parks and other measures to assist affected fishermen. Following that, we will submit to the Legislative Council the necessary funding and legislative amendment proposals.

Note 1 http://www.districtcouncils.gov.hk/tp/text_chinese/welcome.htm

Note 2 http://www.districtcouncils.gov.hk/tm_d/english/doc/Report%202009/10th_Report_5may2009.doc

Note 3 <http://www.districtcouncils.gov.hk/north/chinese/welcome.htm>

Note 4 According to the 2006 Port Survey, the value of the annual fish catch in all Hong Kong waters (total area is 160,000 hectares) was about \$456 million. The value of the annual fish catch in the four existing marine parks (total area is 2,410 hectares) was about \$10 million dollars.

Combating illegal cross-boundary fishing activities

10. The Agriculture, Fisheries and Conservation Department (AFCD) patrols at sea on a regular basis, and takes joint enforcement actions with the Marine Police and the Mainland fisheries authorities in order to prevent illegal cross-boundary fishing activities. In the past 3 years, the number of cases related to illegal fishing activities in the marine parks that had been prosecuted by the AFCD under the Marine Parks Ordinance (Cap. 470) is as follows –

	2007	2008	2009 (up to November)
Number of cases concerning Mainland fishermen	14	5	11
Number of cases concerning local fishermen	7	6	3

The persons convicted in the cases above were fined \$1,000 to \$3,000; or were sentenced to imprisonment for 2 days to one month.

11. Apart from the above, the Marine Police had in 2008 and 2009 (up to November) intercepted 282 and 191 Mainland fishermen respectively for illegal entry, and had repatriated them to the Mainland. Separately, according to the record of the AFCD, there was one prosecution case against a Mainland fisherman for carrying out destructive fishing practices in Hong Kong that are prohibited under the Fisheries Protection Ordinance (Cap. 171). The convicted Mainland fisherman was fined \$24,000.

12. The relevant government departments will step up patrol at sea, and flexibly deploy their resources to carry out joint enforcement actions when necessary. The departments concerned will also actively communicate and cooperate with the Mainland law enforcement authorities to prevent the illegal entry of Mainland fishermen for fishing in Hong Kong waters, so as to safeguard the interests of local fishermen and conserve the marine ecology and environment of Hong Kong waters.

**Environmental Protection Department
Agriculture, Fisheries and Conservation Department
December 2009**

Annex

Date of the meeting	Invited participants / organisation	Venue of the meeting	No. of attendees	Summary of views on banning of commercial fishing in marine parks
4 March 2009	Marine parks fishing permit holders from fishing ports of Ap Chau, Ko Lau Wan, Kat O, O Bui Tong, Sai Lau Kon and Sha Tau Kok	Sha Tau Kok Community Hall	57	<ul style="list-style-type: none"> ● Hope the Government could allow the natural phasing out of the fishing permits in marine parks. This is because the majority of the fishing permit holders are old fishermen, and the number of permits issued is very limited. If the Government has to revoke the permits, they hope the Government could provide reasonable compensation to the fishermen. ● The Government should assist the fishermen and their children to switch to other businesses. ● If the policy to ban commercial fishing in marine parks is implemented, the Government should suitably compensate the fishermen, details of which could be subject to further discussion.
6 March 2009	Marine parks fishing permit holders from fishing ports of Cheung Chau, Castle Peak Bay, Ma Wan, Tung Chung and Tai O	Meeting Room of Tuen Mun District Council Office	49	<ul style="list-style-type: none"> ● Want to know whether the Government would consider re-issuing fishing permits if the fishery resources in the marine parks increase after the ban. ● Most fishing permit holders prefer the status quo, or that the Government could provide reasonable compensation for their consideration.
9 March 2009	70 marine parks fishing Permit holders from fishing ports of Sam Mun Tsai, Sam	Meeting Room of Tai Po District Council Office	90	<ul style="list-style-type: none"> ● Fishing permit holders hope to know whether the Government would provide compensation as well as its details for implementing the proposal. Some non-fishing permit holders object to the proposal.

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	Wan, Tap Mun, Tai Po and Yung Shue O, and 20 fishermen who are non-fishing permit holders			
15 May 2009	Marine parks fishing permit holders from Ko Lau Wan fishing port	Ko Lau Wan Village Office	25	<ul style="list-style-type: none"> ● They are of the view that the Government should provide reasonable compensation to the fishermen. If the compensation is reasonable, the fishermen would consider the Government's proposal to ban commercial fishing in marine parks.
20 May 2009	Marine parks fishing permit holders from Tap Mun and Sam Wan fishing ports	Tap Mun Village Office	32	<ul style="list-style-type: none"> ● They are of the view that the Government should provide reasonable compensation to the fishermen. If the compensation is reasonable, the fishermen would consider the Government's proposal to ban commercial fishing in marine parks.
17 August 2009	Hong Kong and Kowloon Fishermen Association	Hong Kong and Kowloon Fishermen Association Office	Chairman and 2 executive members	<ul style="list-style-type: none"> ● As the proposed marine parks cover a very large area, the proposed banning of commercial fishing in marine parks would therefore have considerable impact on the fishermen's livelihood. Hence, they do not support the setting up of new marine parks. ● The fishermen hope to continue commercial fishing in the marine parks to be set up.
16 September 2009	Sai Kung Fisherman Association Limited	Meeting room, Sai Kung District	2 Chairmen and 8 fishermen representatives	<ul style="list-style-type: none"> ● As the proposed marine parks cover a very large area, the proposed banning of commercial fishing in marine

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		Council		<p>parks would therefore have considerable impact on the fishermen's livelihood. Hence, they do not support the setting up of new marine parks.</p> <ul style="list-style-type: none"> ● They would consider supporting the setting up of new marine parks if the proposed marine parks only cover the areas that have conservation value (e.g. where the corals are located). ● The fishermen hope to continue commercial fishing in the marine parks to be set up.
24 September 2009	New Territories Fishermen Fraternity Association Limited	New Territories Fishermen Fraternity Association Limited Office	The Chairman and 2 executive members	<ul style="list-style-type: none"> ● The Government should provide a proposal on compensation for fishermen's consideration. ● In principle, they do not support the setting up of new marine parks, as the fishermen are of the view that there are already too many marine protection areas, which have adversely affected their livelihood. In planning for the setting up of new marine parks, the Government should at the same time put in place mitigation measures such as deployment of more artificial reefs, sea ranching and promotion for the development of leisure fishing business.