

立法會
Legislative Council

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Subcommittee on Fisheries Protection
(Specification of Apparatus) (Amendment) Notice 2011

Minutes of meeting
held on Wednesday, 13 April 2011, at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Albert CHAN Wai-yip

Public Officers attending : Item II

Prof Gabriel M LEUNG, JP
Under Secretary for Food and Health

Miss Diane WONG Shuk-han
Principal Assistant Secretary for Food and Health (Food) 2

Dr LEUNG Siu-fai
Deputy Director of Agriculture, Fisheries and Conservation

Dr SO Ping-man
Assistant Director of Agriculture, Fisheries and
Conservation (Fisheries)

Mr SUEN Wai-chung
Senior Assistant Law Draftsman (Professional Development)
Department of Justice

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Ms Mina CHAN
Council Secretary (2) 7

Miss Michelle LEE
Legislative Assistant (2) 7

I. Election of Chairman

Mr TAM Yiu-chung was elected Chairman of the Subcommittee.

II. Meeting with the Administration

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

3. The Subcommittee requested the Administration to provide -

- (a) the details of the proposed ex-gratia allowance package to the affected trawler fishermen, including the principles and formula to be used for calculating the package, and the eligibility criteria for the ex-gratia allowance; and the details of the proposed one-off grant to those affected local deckhands;
- (b) a list showing areas of consensus reached with the affected trawler fishermen and controversy about the proposed ex-gratia allowance package;

- (c) information on the visit by the Permanent Secretary for Food and Health to the Mainland in April 2011 to reflect Hong Kong fishermen's views on developing capture fisheries in Mainland waters and exchange views on ways to enhance liaison and co-operation on fisheries development between the two places;
- (d) figure on the fish catch in local waters;
- (e) a response to Mr Albert CHAN's suggestion to impose regulation on mesh size in fishing nets;
- (f) a response to some members' suggestions to expand the designated marine fish culture zones to facilitate trawler fishermen to switch to marine fish culture operations; and
- (g) information on measures to strengthen law enforcement against illegal fishing by non-local fishing vessels.

4. Mr WONG Kwok-hing expressed regret and dissatisfaction with the Administration's refusal to consider providing interest-free loan to the affected fishermen to help them switch to sustainable fisheries or related operations. Mr WONG stated that he would continue to fight for interest-free terms for the affected fishermen.

5. The Under Secretary for Food and Health agreed to reflect to the relevant Mainland authorities the view of Mr WONG Yung-kan that the use of destructive fishing devices should not be allowed.

III. Date of next meeting

6. Noting that the Panel on Food Safety and Environmental Hygiene ("the Panel") had just received views from deputations/academics on the proposed trawl ban at its special meeting on 15 March 2011, the Subcommittee considered it unnecessary to invite public views on the Amendment Notice. At the request of members, the Chairman asked the Clerk to provide the members who are not members of the Panel with the written submissions from deputations/academics on the proposal for their information.

(Post-meeting note: the written submissions from deputations/academics on the proposed trawl ban were circulated on 14 April 2011.)

7. The Subcommittee agreed that the next meeting be scheduled for 3 May 2011 at 2:30 pm.
8. The meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
19 July 2011

**Proceedings of meeting of the Subcommittee on
Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011
held on Wednesday, 13 April 2011, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000051 - 000726	Mr Fred LI Mr WONG Yung-kan Mr TAM Yiu-chung Ms Cyd HO Clerk Mr Tommy CHEUNG	Election of Chairman	
000727 - 000741	Chairman	Opening remarks	
000742 - 001210	Chairman Mr KAM Nai-wai Mrs Regina IP LAU Ms Cyd HO Mr Tommy CHEUNG	Invitation of public views on the proposal to ban trawling activities in Hong Kong waters	The Clerk to provide the written submissions from deputations / academics on the proposed trawl ban for the information of the members who are not the members of the Panel on Food Safety and Environmental Hygiene
001211 - 001855	Chairman Admin	The Administration briefed Members on - - the background of the Administration's proposal to amend the Fisheries Protection (Specification of Apparatus) Notice (Cap. 171 sub. Leg. B) by specifying trawling devices as a class of apparatus for the purpose of prohibiting its use for fishing activity in Hong Kong waters; and - an outline of the proposed ex-gratia allowance package to the affected trawler owners, one-off grants to the affected local deckhands, as well as the voluntary buyout arrangements for trawler vessels (the Scheme)	
001856 - 003021	Chairman Mr Fred LI Admin	Mr Fred LI raised the following issues/queries - - whether all kinds of trawling operations have to be banned; - the respective numbers of trawlers	The Administration to provide the figure on the fish catch in local waters

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		<p>operating partly / wholly in Hong Kong waters;</p> <ul style="list-style-type: none"> - the eligibility criteria for the ex-gratia allowance; - whether financial support would be provided to the trawler owners to refit their fishing vessels for switching to other sustainable fisheries related operations; - how the employment relationship between the trawler owners and local deckhands was identified; - the number of local deckhands employed by owners of trawlers; and - the fish catch in local waters <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - the various kinds of trawling operations would be banned; - there were around 1 100 trawler vessels according to the records of the Marine Department. It was estimated that out of this total, around 400 trawler vessels operated wholly or partly in Hong Kong waters; - the eligibility criteria would be worked out by an inter-departmental working group to be formed for the trawl ban exercise; - to assist those in switching to sustainable fisheries and related operations, affected trawler fishermen might apply to the Fisheries Development Loan Fund for low-interest loans. A review was being conducted on the mechanism, term and eligibility of the Loan Fund, with a view to better meeting the requirements of the fisheries sector, in particular affected trawler fishermen; - there were around 8 000 local deckhands employed by fishing 	

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		<p>vessels. It was estimated that out of this total, around 1 000 were local deckhands employed by the some 400 trawlers operating wholly or partly in Hong Kong waters; and</p> <ul style="list-style-type: none"> - documentary proof would be required when the affected local deckhands applied for one-off grants 	
003022 - 004250	Chairman Mr WONG Yung-kan Admin	<p>Mr WONG Yung-kan raised the following issues/queries -</p> <ul style="list-style-type: none"> - development of new sites for fish culture; - assistance to fishermen who intended to develop business in the Mainland; - review of the policy on the sustainable development of aquaculture; - disposal of surrendered vessels; one-off grants to the non-local deckhands employed by the affected trawler owners; and - improvement in water quality <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - a review was being conducted on the moratorium on issue of new licence for mariculture operations, and the feasibility for expansion and rotation of fish culture zones was being studied; - the Permanent Secretary for Food and Health (Food) ("PSF") would visit the Mainland in April 2011 to reflect Hong Kong fishermen's views on developing capture fisheries in Mainland waters and exchange views on ways to enhance liaison and co-operation on fisheries development between the two places; - regarding the Fisheries Development Loan Fund, a lower interest rate would be explored, with a view to assisting development of sustainable aquaculture; 	

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		<ul style="list-style-type: none"> - the trawler vessels surrendered under the buyout scheme would not be resold to Mainland; and - one-off grants for non-local deckhands would not be provided 	
004251 - 005145	Chairman Mr WONG Kwok-hing Admin	<p>Mr WONG Kwok-hing raised the following issues/queries -</p> <ul style="list-style-type: none"> - communications with Mainland authorities to explore business opportunities in the Mainland for local fishermen; and - liaison with fisheries trade on the sustainable development of the fisheries industry <p>Apart from the above-mentioned response, the Administration provided the following responses -</p> <ul style="list-style-type: none"> - there was ongoing communication between the Administration and the trade on suitable means to promote the sustainable development of the fisheries industry; and - after the trawl ban, there would still be some 2 800 non-trawler vessels engaged in fishing in Hong Kong waters 	The Administration to provide information on the visit by PSF to the Mainland in April 2011 to reflect Hong Kong fishermen's views on developing capture fisheries in Mainland waters and exchange views on ways to enhance liaison and co-operation on fisheries development between the two places
005146 - 005720	Chairman Mrs Regina IP Admin	<p>Mrs Regina IP raised the following issues/queries -</p> <ul style="list-style-type: none"> - whether the development projects would take into account the impact on marine environment; and - whether fishing activities in Hong Kong waters by non-local fishing vessels were allowed <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - potential impacts of marine works projects on marine environment would be adequately assessed and addressed in accordance with the requirements under the Environmental Impact Assessment Ordinance; and 	

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		<ul style="list-style-type: none"> - enforcement against non-local fishing vessels involved in illegal fishing activities in Hong Kong waters had been effective. As set out in the Panel paper in March 2011, specific provisions were proposed to be introduced under the forthcoming Fisheries Protection (Amendment) Bill to prohibit all fishing activities with the use or aid of non-local fishing vessels in Hong Kong waters 	
005721 - 010903	Chairman Mr KAM Nai-wai Admin	<p>Mr KAM Nai-wai raised the following issues/queries -</p> <ul style="list-style-type: none"> - whether consideration would be given to allowing trawler fishermen to continue trawling in some designated areas in Hong Kong waters during specified period of time; - how the Administration estimated the funding needed for the proposed ex-gratia allowance package; - the future livelihood of the affected local deckhands of younger generation; and - information on the age distribution of local deckhands and the years of service of the some 400 trawlers operating in Hong Kong waters <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - partial ban was not feasible and would frustrate the objectives of the trawl ban initiative in conserving marine environment and fisheries resources; - the funding estimate comprised three components: (a) the total amount of ex-gratia allowance for affected fishermen which was determined with reference to the existing formula for calculating ex-gratia allowance for fishermen affected by marine works projects, i.e., notional value of one year's fish catch in the affected area derived from the data collected from the Agriculture, Fisheries and 	

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		<p>Conservation Department ("AFCD")'s Port Survey in 1989-91 multiplied by seven years (the multiplier); (b) one-off grants to some 1 000 affected local deckhands; and (c) estimated cost for buying out some 400 trawler vessels operating wholly or partly in Hong Kong waters. The Administration was negotiating with the trade on the multiplier to be adopted for determining the ex-gratia allowance. Details of the funding proposal would be submitted to the Legislative Council ("LegCo") Food Safety and Environmental Hgyiene ("FSEH") Panel for discussion in May; and</p> <ul style="list-style-type: none"> - AFCD would arrange training course for local deckhands interested in switching to sustainable fisheries and related operations 	
010904 - 012335	Chairman Mr Tommy CHEUNG Admin	<p>Mr Tommy CHEUNG raised the following issues/queries -</p> <ul style="list-style-type: none"> - information on the ex-gratia allowance framework, such as the principles and formula to be used for calculating the ex-gratia allowance package and the eligibility criteria for the ex-gratia allowance; and - the one-off grants to the affected local deckhands. <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - the total amount of ex-gratia allowance for affected fishermen would be determined with reference to the existing formula for calculating ex-gratia allowance for fishermen affected by marine works projects, i.e., notional value of one year's fish catch in the affected area derived from the data collected from AFCD's Port Survey in 1989-91 multiplied by number of years (the multiplier), and the multiplier was yet to be finalised subject to further negotiation with the trade. Details of the proposed ex-gratia allowance package would be submitted to the LegCo FSEH 	<p>The Administration to provide the details of the proposed ex-gratia allowance package to the affected trawler fishermen, including the principles and formula to be used for calculating the package; to provide a list showing areas of consensus reached with the affected trawler fishermen and controversy about the proposed ex-gratia allowance package</p>

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		<p>Panel for discussion in May;</p> <ul style="list-style-type: none"> - the ex-gratia allowance for trawler vessels operating mainly outside Hong Kong waters might be considered, but details were still being finalised; and - both the affected local deckhands and their employers would be required to provide proof to support the relevant applications for the one-off grants. AFCD would also try to obtain other evidence for verifying eligibility, where applicable 	
<p>012336 - 013826</p>	<p>Chairman Mr Albert CHAN Admin</p>	<p>Mr Albert CHAN raised the following issues/queries -</p> <ul style="list-style-type: none"> - proposed measures to foster the sustainable development of local fisheries industry, such as replacement of fishing vessel licence by another vessel licence for carrying passengers for recreational fishing, extension of designated marine fish culture zones, construction of artificial reefs and strengthening law enforcement against fishing activities in Hong Kong waters by non-local fishing vessels; and - whether consideration would be given to regulating mesh size in fishing nets <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - as set out in the Panel paper in March 2011, a package of fisheries management measures would be introduced, including a registration scheme for local fishing vessels, limiting new entrants to the fishing industry, prohibition of fishing by non-local fishing vessels, designation of fisheries protection areas, etc.; and - the need for regulating mesh size of fishing nets had previously been considered by the Committee on Sustainable Fisheries. With the implementation of trawl ban in Hong Kong waters, such need would be 	<p>The Administration to provide a response to the suggestion to impose regulation on mesh size in fishing nets</p>

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		<p>substantially reduced. If it was deemed necessary to regulate mesh size of other fishing nets in future, this could be handled by way of the relevant instruments under the other fisheries management measures mentioned in the Panel paper in March 2011</p>	
<p>013827 - 014942</p>	<p>Chairman Mr CHEUNG Hok-ming Admin</p>	<p>Mr CHEUNG Hok-ming raised the following issues/queries -</p> <ul style="list-style-type: none"> - details of measures to assist trawler fishermen to switch to sustainable operations; - how the Administration would enhance the existing operating environment of aquaculture to encourage the affected fishermen to switch to marine fish culture operation; and - whether consideration would be given to expanding the designated marine fish culture zones <p>Apart from the above-mentioned response, the Administration provided the following responses -</p> <ul style="list-style-type: none"> - members were referred to the provision of training and review of Fisheries Development Loan Fund as well as liaison with the Mainland authorities and relevant Bureaux / Departments to help trawler fishermen switch to sustainable operations such as recreational fishing; and - a review was being conducted on the moratorium on issue of new licence for mariculture operations, and the feasibility for expansion and rotation of fish culture zones was being studied 	<p>The Administration to provide a response to members' suggestions to expand the designated marine fish culture zones</p>
<p>014943 - 015319</p>	<p>Chairman Mr WONG Kwok-hing Admin</p>	<p>Mr WONG Kwok-hing raised the following issues/queries -</p> <ul style="list-style-type: none"> - the views of fisheries trade should be taken into account in the communication between the Administration and the Mainland 	

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		<p>authorities during the visit to the Mainland in April 2011; and</p> <ul style="list-style-type: none"> - whether the Administration would consider providing interest-free loan to the affected fishermen <p>Apart from the above-mentioned response, the Administration provided the following responses -</p> <ul style="list-style-type: none"> - it would be difficult to justify the provision of interest-free loan to fishermen, and consideration was being given to lowering the interest rate to say between 1% and 2% 	
015320 - 015830	Chairman Mr WONG Yung-kan Admin	<p>Mr WONG Yung-kan raised the following issues/queries -</p> <ul style="list-style-type: none"> - the terms of fisheries loans; and - view on the use of destructive fishing devices by the Mainland fisheries trade <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - not only vessels but also other alternatives with resale value would be accepted as collateral; and - the Administration would reflect the member's view on not allowing the use of destructive fishing devices by Mainland fishermen to the relevant Mainland authorities 	The Administration to reflect to the relevant Mainland authorities the view of the member that the use of destructive fishing devices should not be allowed
015831 - 020145	Chairman Mrs Regina IP Admin	<p>Mrs Regina IP raised the following issues/queries -</p> <ul style="list-style-type: none"> - measures to strengthen law enforcement against illegal fishing by non-local fishing vessels; - how the problems faced by other fisheries related trades would be addressed; and - whether the fisheries trade could participate in the Mainland visit in April 2011 <p>Apart from the above-mentioned</p>	The Administration to advise on the measures to strengthen law enforcement against illegal fishing by non-local fishing vessels

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		<p>response, the Administration provided the following responses -</p> <ul style="list-style-type: none">- consideration would be given to how best to strengthen enforcement against illegal fishing by non-local fishing vessels;- the ex-gratia allowance would only be granted to those who were affected by the introduction of trawl ban; and- the Administration and the trade had their own separate channels for meeting with the Mainland authorities	
020146 - 020641	Chairman Admin Clerk Mr WONG Yung-kan Mr Albert CHAN	Timing for provision of the implementation details of the proposed ex-gratia allowance package to the affected fishermen Date of next meeting	