

立法會
Legislative Council

LC Paper No. CB(2)2425/10-11
(These minutes have been seen by
the Administration)

Ref : CB2/SS/6/10

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

Minutes of meeting
held on Tuesday, 3 May 2011, at 2:30 pm
in Conference Room B of the Legislative Council Building

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
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

Members absent : Hon Fred LI Wah-ming, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Albert CHAN Wai-yip

Public Officers attending : Item I

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. Meeting with the Administration

(LC Paper Nos. CB(2)1634/10-11(01), CB(2)1668/10-11(01) and L.N. 45 of 2011)

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

2. The Subcommittee requested the Administration to provide further information on the indicative estimates of buyout prices for surrendered vessels.

3. Mr Tommy CHEUNG indicated that Members belonging to the Liberal Party would raise objection to the Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011 if the proposed scheme package (i.e. the granting of ex-gratia allowance to trawler owners, one-off grants to local deckhands affected by the trawl ban and the voluntary buyout arrangement for trawler vessels) was not accepted by the affected parties. Under the circumstances, he might consider moving a motion to amend the Amendment Notice.

4. Mr WONG Kwok-hing asked the Administration to reconsider offering interest-free loans to the affected fishermen. While the

Administration had reiterated that it was difficult to justify the provision of interest-free loans to fishermen, Mr WONG maintained his view that interest-free loans should be offered to demonstrate the Administration's support to the affected fishermen for switching to sustainable fisheries operations.

5. The Subcommittee completed scrutiny of the Amendment Notice. Members noted that the scrutiny period of the Amendment Notice had been extended from 13 April 2011 to the Council meeting of 18 May 2011 by a resolution of the Council. If a motion was to be moved to amend the Amendment Notice on 18 May 2011, the deadline for giving notice of moving a motion would be 11 May 2011. Members also noted that the Chairman would make a verbal report on the deliberations of the Subcommittee to the House Committee on 6 May 2011 and a written report would be submitted to the House Committee on 13 May 2011.

II. Any other business

6. There being no other business, the meeting ended at 4:20 pm.

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 Tuesday, 3 May 2011, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000517 - 000706	Chairman	Opening remarks	
000707 - 003411	Chairman Admin	A presentation given by the Administration on the details of the proposed scheme in respect of ex-gratia allowance ("EGA") to trawler owners, one-off grants to local deckhands affected by the trawl ban, the voluntary buyout arrangements for trawler vessels ("the Scheme"), as well as the scope of other assistance to be rendered to the trade as a result of the trawl ban (LC Paper Nos. CB(2)1634/10-11(01) and CB(2)1668/10-11(01))	
003412 - 004148	Chairman Mr WONG Kwok-hing Admin	<p>Mr WONG Kwok-hing raised the following issues/queries -</p> <ul style="list-style-type: none"> - the sufficiency of the proposed one-off grant of \$34,000 to each affected local deckhand; - the effectiveness of the special training programme to be provided by the Agriculture, Fisheries and Conservation Department ("AFCD") in assisting the affected fishermen to switch to other sustainable fisheries related operations; and - further measures to improve the employment prospects of the affected fishermen <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - the one-off grant, which was equivalent to about three months of the average salary of a worker, would help local deckhands tide over the temporary unemployment period. From the announcement of the trawl ban initiative in October 2010 to the proposed commencement of the subsidiary legislation on trawl ban in December 2012, there would be over 2 years for fishermen and local deckhands to get prepared for the 	

Time marker	Speaker	Subject(s)	Action Required
		<p>change;</p> <ul style="list-style-type: none"> - training programme offered by the AFCD with the assistance of professional bodies would be designed to suit the needs of fishermen and local deckhands (e.g. eco-tourism / mariculture); - training courses would be organized over a period of time, to allow choices for fishermen / local deckhands to attend at a time convenient to them; and - vocational training for non-fisheries related industries would also be provided by the Employees Retraining Board 	
004149 - 005127	Chairman Mr WONG Yung-kan Admin	<p>Mr WONG Yung-kan raised the following issues/queries -</p> <ul style="list-style-type: none"> - concern about strong views possibly from larger trawlers on the proposed lump sum EGA of \$150,000 to be offered; - how the Administration would estimate the EGA payable to owners of different types of inshore trawlers; and - the impact of the trawl ban on the livelihood of other fisheries related trades <p>The Administration provided the following responses -</p> <ul style="list-style-type: none"> - the total estimated funding for the trawl ban exercise had increased from \$1 billion to \$1.7 billion; - the EGA payable to owners of different types of inshore trawlers would be determined by the inter-departmental working group ("IWG") to be set up for the trawl ban exercise; - the EGA payable to owners of larger trawlers generally operating outside Hong Kong waters was less than that for inshore trawlers generally operating wholly or partly in Hong 	

Time marker	Speaker	Subject(s)	Action Required
		<p>Kong waters, as the former was much less affected by the trawl ban than the latter;</p> <ul style="list-style-type: none"> - detailed buyout price of individual vessels under the buyout scheme would be determined by IWG, with reference to the valuation provided by an independent marine surveyor as necessary; and - the demand for services of the related trades, e.g. ice suppliers and fish-collectors, might become higher after the implementation of the trawl ban and there was a lack of justifications for granting EGA to them 	
005128 - 010020	Chairman Mr Tommy CHEUNG Admin	<p>Mr Tommy CHEUNG raised the following issues/queries -</p> <ul style="list-style-type: none"> - whether consideration would be given to granting EGA to other fisheries related trades (e.g. fish collectors); and - financial assistance to other related trades for refitting their vessels or equipments to cater for the change of business model <p>Apart from the above response, the Administration provided the following responses -</p> <ul style="list-style-type: none"> - there were insufficient justifications for the Administration to offer EGA to the related trade; - fish collectors mainly assisted large trawlers operating outside Hong Kong waters to transport fish catch and the demand was expected to be higher after the trawl ban; and - fish collectors could also apply to the fisheries loan funds administered by AFCD for upgrading vessel / facilities onboard to capitalize on future business opportunities 	
010021 - 011154	Chairman Mr KAM Nai-wai Mr WONG Yung-kan Admin	<p>Mr KAM Nai-wai raised the following issues/queries -</p> <ul style="list-style-type: none"> - the need to invite deputations to 	

Time marker	Speaker	Subject(s)	Action Required
		<p>express views on the implementation details of the Scheme;</p> <ul style="list-style-type: none"> - how the Administration determined the proposed lump sum EGA of \$150,000 to be offered to each larger trawler; - how the Administration would estimate the buyout prices of individual vessels; and - whether family deckhands would be eligible for the one-off grants <p>Mr WONG Yung-kan raised the following issues/queries -</p> <ul style="list-style-type: none"> - the sufficiency of the estimated funding of \$1,726.8 million needed for the Scheme and other measures, and the proposed lump sum EGA of \$150,000 to be offered to each larger trawler; and - the accuracy of valuation methods in determining the buyout price for each surrendered vessel <p>The Administration provided the following responses:</p> <ul style="list-style-type: none"> - balancing the prudent use of public money and addressing the concerns of owners of larger trawlers, the lump sum of \$150,000 offered was reasonable and appropriate; - IWG would determine the price of individual vessels under the buyout scheme, with reference to the valuation provided by an independent marine surveyor as necessary; - family members working on trawler vessels were also eligible to apply for one-off grants for local deckhands; and - regarding public consultation, the Administration had been consulting various fishermen groups on the latest proposal 	

Time marker	Speaker	Subject(s)	Action Required
011545 - 012117	Chairman Mr Tommy CHEUNG ALA9	<p>Mr Tommy CHEUNG raised the following issues/queries -</p> <ul style="list-style-type: none"> - whether the Scheme package would be accepted by the affected parties; and - information on the process of scrutiny of the Amendment Notice <p>The Administration responded that the latest proposal for EGA payment had already addressed the concerns of affected fishermen</p>	
012118 - 012848	Chairman Mr KAM Nai-wai Admin	<p>Mr Kam Nai-wai raised the following issues/queries -</p> <ul style="list-style-type: none"> - the need to invite deputations to express views on the implementation details of the Scheme; - how the Administration determined the proposed lump sum EGA of \$150,000 to be offered to each larger trawler; and - request for further information on the indicative estimates of buyout prices for surrendered vessels <p>The Administration responded that IWG would determine the price of individual vessels under the buyout scheme, with reference to the valuation provided by an independent marine surveyor as necessary</p>	The Administration to provide further information on the indicative estimates of buyout prices for surrendered vessels
012849 - 013115	Chairman Clerk	Timetable for the scrutiny of the Amendment Notice	
013116 - 013451	Chairman Mr WONG Kwok-hing Admin	<p>Mr WONG Kwok-hing requested the Administration to reconsider providing interest-free loans to the affected fishermen</p> <p>The Administration responded that there might not be adequate justifications for providing interest-free loans to fishermen and a lower interest rate, say at around 1% to 2%, would be explored</p>	
013452 - 014600	Chairman Mr WONG Yung-kan Admin	Mr WONG Yung-kan suggested offering partial interest-free loans to the affected fishermen and raising the amount of EGA payable to larger trawlers	

Time marker	Speaker	Subject(s)	Action Required
		<p>The Administration advised that the funding earmarked for EGA offered to inshore trawler fishermen would be apportioned among the inshore trawler fishermen who came forward to apply for EGA and fully disbursed to eligible inshore trawler fishermen whose applications were successful. Hence, there was no question of re-allocating part of the \$1,190 million for paying EGA to owners of larger trawlers</p>	
014601 - 014726	Chairman Admin ALA9	The Administration's briefing on the provisions in the Amendment Notice (L.N. 45 of 2011)	
014727 - 015004	Chairman Mr WONG Yung-kan Admin	<p>Mr WONG Yung-kan asked whether the use of gill nets was allowed under the Amendment Notice</p> <p>The Administration advised that the use of gill nets, which would not be dragged or towed on the seabed or through the water column, for catching fish would not be covered by the proposed provision in the Amendment Notice</p>	
015005 - 015101	Chairman	Closing remarks	