

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1397/11-12  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/1/11

**Bills Committee on Fisheries Protection (Amendment) Bill 2011**

**Minutes of the third meeting**  
**held on Friday, 10 February 2012, at 10:45 am**  
**in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)  
Hon WONG Yung-kan, SBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon CHAN Hak-kan  
Hon Alan LEONG Kah-kit, SC  
Hon Albert CHAN Wai-yip

**Members absent** : Hon Fred LI Wah-ming, SBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Vincent FANG Kang, SBS, JP  
Dr Hon Joseph LEE Kok-long, SBS, JP

**Public Officers attending** : Item I

Ms Kitty CHOI, JP  
Deputy Secretary for Food and Health (Food) 1  
Food and Health Bureau

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

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

Mr Mickey LAI Kin-ming  
Senior Fisheries Officer (Management)  
Agriculture, Fisheries and Conservation Department

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

Ms Carmen CHAN Ka-man  
Government Counsel  
Department of Justice

Mr CHAN Hon-bun  
Senior Marine Officer/Licensing and Port Formalities  
Marine Department

Mr TAM Wai-man  
Marine Officer/Licensing and Port Formalities (Ag)  
Marine Department

Mr LAU Yip-shing  
Regional Commander Marine  
Hong Kong Police Force

Mr Terry FUNG Wai-kin  
Senior Superintendent (Operations) Marine  
Hong Kong Police Force

**Clerk in Attendance** : Miss Betty MA  
Chief Council Secretary (2) 4

**Staff in Attendance** : Miss Evelyn LEE  
Assistant Legal Adviser 10

Ms Candice LAM  
Senior Council Secretary (2) 4

Miss Maggie CHIU  
Legislative Assistant (2) 4

Action

**I. Meeting with the Administration**

[The Bill, Legislative Council Brief, LC Paper Nos. LS5/11-12, CB(2)628/11-12(02), CB(2)828/11-12(01) and CB(2)976/11-12(01)]

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

2. Members requested the Administration to provide the following information -

- (a) the number of prosecutions against offences (locations and penalties imposed) under the Fisheries Protection Ordinance (Cap.171) in the past two years; and
- (b) the proposed locations of fisheries protection areas and implementation of the artificial reef programme.

**II. Any other business**

3. Members agreed that the next meeting originally scheduled for 24 February 2012 would be rescheduled for Wednesday, 22 February 2012, at 8:30 am.

4. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 2  
Legislative Council Secretariat  
15 March 2012

**Proceedings of the third meeting of the  
Bills Committee on Fisheries Protection (Amendment) Bill 2011  
on Friday, 10 February 2012, at 10:45 am  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000341 - 000622	Chairman	Opening remarks.	
000623 - 001245	Administration	The Administration's response to issues raised by members at the meeting on 20 December 2011 [LC Paper No. CB(2)828/11-12(01)].	
001246 - 003330	Mr Albert CHAN Chairman Administration Mr WONG Yung-kan	<p>Mr Albert CHAN's enquiry about the classification of P4 sampans and the restrictions, if any, on the use and operation of P4 sampans in Hong Kong waters.</p> <p>The Administration advised that P4 sampans were licensed as Class III type (d) local fishing vessels (i.e. outboard open sampans) under the Merchant Shipping (Local Vessels) (Certification and Licensing Regulation (Cap. 548D) to be used exclusively for fishing and related purposes and P4 sampans were considered as a kind of local fishing vessel.</p> <p>Mr WONG Yung-kan's view that the Administration should -</p> <ul style="list-style-type: none"> <li>(a) explain clearly to local fishermen the differences in licence requirements and restrictions on the scope of activities in respect of P4 sampans and C7 fishing vessels;</li> <li>(b) appeal to tourists on board pleasure vessels not to capture small fish of certain species and sizes in order to better protect the marine and fisheries resources;</li> <li>(c) consider the need to amend Schedule 2 to the Bill with a view to regulating fishing during diving; and</li> <li>(d) provide training for divers on proper fishing practices and enhance public education on protection of marine and fisheries resources.</li> </ul> <p>The Administration's response -</p> <ul style="list-style-type: none"> <li>(a) P4 sampan owners might upgrade their vessels to C7 fishing vessels with higher</li> </ul>	

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		<p>engine power in accordance with the requirements of Cap. 548 in respect of certificates/licences for vessels and certificates of competence for vessel operators;</p> <p>(b) the Bill aimed to enhance sustainability of marine and fisheries resources through registration of local fishing vessels and capping the number and total engine power of registered fishing vessels;</p> <p>(c) the Bill did not seek to include recreational fishing along the harbour promenade without the use or aid of vessels. Nonetheless, the Agriculture, Fisheries and Conservation Department ("AFCD") would constantly monitor the impact of recreational fishing on fisheries resources, and the Administration did not rule out the possibility of regulating recreational fishing in future; and</p> <p>(d) the Administration would consult and work closely with the fisheries industry and the stakeholders to adopt appropriate measures to better protect fisheries resources.</p>	
003331 - 004415	Chairman Mr Albert CHAN Administration	<p>Mr Albert CHAN's view that the Bills Committee might consider proposing amendments to the Bill with a view to regulating the mesh size of fishing nets, and designating no-take zones or closed seasons during certain periods of a year to protect fish fry, juvenile and spawning fish from unregulated fishing in important spawning and nursery grounds.</p> <p>The Administration's response -</p> <p>(a) when proposing locations for designation as Fisheries Protection Areas ("FPAs"), AFCD would promulgate details of the corresponding fisheries management measures; and</p> <p>(b) as a first step, commercial fishing would be regulated after the commencement of the Bill.</p>	
004416 - 005007	Mr WONG Yung-kan Chairman Administration	<p>Mr WONG Yung-kan's enquiry -</p> <p>(a) the responsible department for the enforcement of the Bill; and</p> <p>(b) details of prosecutions against clam</p>	

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		<p>dredging in the last two years, particularly the locations of the offences and the penalties imposed.</p> <p>The Administration's response -</p> <p>(a) AFCD would take the leading role in the enforcement of the Bill, with the assistance from the Marine Police in taking joint operations;</p> <p>(b) Marine Police patrolled the waters of Hong Kong 24 hours a day and would intercept any vessels suspected to be engaged in illegal activities, including illegal fishing within waters of Hong Kong; and</p> <p>(c) the Administration would provide after the meeting the requisite statistics on the number of prosecutions against offences (locations and penalties imposed) under Cap. 171 in the past two years.</p>	<b>Admin</b>
005008 - 005742	<p>Mr Albert CHAN Chairman Administration Mr WONG Yung-kan</p>	<p>Mr Albert CHAN's view -</p> <p>(a) as the enforcement statistics for anti-illegal fishing operations were on the low side, the Administration should consider stepping up enforcement actions against illegal fishing activities; and</p> <p>(b) the Administration might consider requiring registered local fishing vessels to display conspicuous or luminous marks to facilitate easy identification, especially during night time, by the enforcement agencies.</p> <p>The Administration's response -</p> <p>(a) a local vessel which was issued with the relevant operating licence by the Marine Department ("MD") under Cap. 548 was required to display its licence number where it could best be seen ;</p> <p>(b) under the Bill, the Director of Agriculture, Fisheries and Conservation might impose any conditions regulating fishing activities as considered fit; and</p> <p>(c) it would take note of Mr Albert CHAN's suggestion.</p>	
005743 - 011253	<p>Chairman Administration</p>	<p>The Administration's response to issues raised by members and deputations at the meeting on 20</p>	

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		January 2012 [LC Paper No. CB(2)976/11-12(01)].	
011254 - 012935	Mr WONG Yung-kan Chairman Administration	<p>Mr WONG Yung-kan's views -</p> <ul style="list-style-type: none"> <li>(a) more details of FPAs and the fisheries management measures should be provided such as the locations of FPAs and artificial reefs. The Administration should discuss with the fisheries industry and the stakeholders the exact locations of FPAs and issue guidelines on permissible fishing activities within FPAs;</li> <li>(b) the Administration should be mindful of the impact of illegal fishing activities by Mainland vessels on the local marine and fisheries resources; and</li> <li>(c) the Administration should keep the relevant Mainland authorities abreast of the development of the impending legislation of prohibiting Mainland vessels from operating in Hong Kong waters.</li> </ul> <p>The Administration's response -</p> <ul style="list-style-type: none"> <li>(a) the Bill provided for an enabling provision to allow the Secretary for Food and Health to designate FPAs. The locations and the fisheries management measures to be imposed in FPAs would be worked out by the relevant authorities after consultation with the trade. The orders and rules for the management and control of fishing in FPAs would be subject to negative vetting of the Legislative Council;</li> <li>(b) fisheries management measures being contemplated for FPAs were set out in paragraph 7 of the Administration's paper; and</li> <li>(c) the Administration maintained close communication with the relevant Mainland authorities through the established mechanism.</li> </ul>	
012936 - 013813	Mr TAM Yiu-chung Chairman Administration Mr Albert CHAN	<p>In the light of the grave concerns of trawler owners, Mr TAM Yiu-chung asked whether the Administration would consider adopting a longer registration period for trawler owners, say, five years.</p> <p>The Chairman asked whether the registration</p>	

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		<p>period for trawler owners would be specified in the Bill.</p> <p>The Administration's response -</p> <p>(a) having consulted the fisheries industry, the proposed new section 21 of the Bill provided a trawler owner an option of registering a non-trawler by modifying his/her existing trawler or by acquiring a new vessel beyond the specified period i.e. 12 months after the commencement of the Bill. The Administration was mindful that trawler owners would require a longer time to make a decision on whether they would switch to non-trawling operation in Hong Kong waters and therefore existing owners would be issued with a certificate of eligibility for registration of converted or newly purchased non-trawlers; and</p> <p>(b) a specific registration period for trawler owners would be determined after consultation with the trade, and the registration period would be promulgated by administrative means.</p> <p>Mr TAM Yiu-chung agreed to stipulate the registration period for trawlers by administrative means.</p> <p>Mr Albert CHAN considered that the registration period for trawlers should be promulgated when the Bill came into effect.</p>	
013814 - 015100	Mr Albert CHAN Chairman Administration	<p>Mr Albert CHAN's concern -</p> <p>(a) whether inflatable boats were within the meaning of local fishing vessels for the purpose of the Bill; and</p> <p>(b) the Administration should provide information on the proposed locations of FPAs and artificial reef deployment sites as well as the implementation progress of the artificial reef programme.</p> <p>The Administration's response -</p> <p>(a) inflatable boats were classified as local non-fishing vessels and Schedule 2 to the Bill was applicable to fishing activities carried out with inflatable boats, irrespective of whether the inflatable boats were fitted with engine;</p>	<b>Admin</b>



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		(b) artificial reefs would be deployed at suitable sites with conservation/fisheries values, and the eastern waters of Hong Kong were considered appropriate sites; and  (c) fisheries management measures to be imposed in FPAs such as deployment of artificial reef, designation of "no-take" zones and implementation of "closed seasons" during certain periods of a year would be worked out after consultation with the trade.	
<i>Agenda item II – Any other business</i>			
015101 - 015409	Chairman Mr WONG Yung-kan	Rescheduling of the next meeting of the Bills Committee.	

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Legislative Council Secretariat  
15 March 2012