

立法會
Legislative Council

LC Paper No. CB(2)2137/11-12
(These minutes have been
seen by the Administration)

Ref : CB2/BC/1/11

Bills Committee on Fisheries Protection (Amendment) Bill 2011

**Minutes of the seventh meeting
held on Tuesday, 10 April 2012, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP
Hon WONG Yung-kan, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip

Members absent : Hon Abraham SHEK Lai-him, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon CHAN Hak-kan

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 LEUNG Siu-fai, JP
Deputy Director
Agriculture, Fisheries and Conservation Department

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

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, LC Paper Nos. CB(2)628/11-12(02) and CB(2)1610/11-12(01) to (02)]

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

2. Members noted the Administration's response to issues raised by members at the meeting on 27 March 2012 and the Administration's proposed Committee Stage amendments ("CSA") to the Bill as set out in LC Paper No. CB(2)1610/11-12(01). Members raised no objection to the

Action

Administration's proposed CSAs. Members also noted that Mr Albert CHAN had indicated his intention to move CSAs to the Bill, and details of which were set out in his letter dated 3 April 2012 (LC Paper No. CB(2) 1616/11-12(02)).

3. Members were advised that the Administration agreed to take on board Mr Albert CHAN's proposed amendment to permit fishing with the use of a hand net on board a vessel and would move a CSA to the proposed Schedule 2. Members supported the Administration's proposed amendment.

4. The Chairman said that the Bills Committee had completed the scrutiny of the Bill and would provide a written report to the House Committee on 20 April 2012. The Chairman added that the Administration intended to resume the Second Reading debate on the Bill at the Council meeting of 9 May 2012, and the deadline for giving notice of CSAs would be 27 April 2012.

II. Any other business

5. There being no other business, the meeting ended at 12:33 pm.

Council Business Division 2
Legislative Council Secretariat
23 May 2012

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

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000400 - 000455	Chairman	Opening remarks.	
000456 - 001547	Administration	Briefing by the Administration on its responses to issues raised by members at the meeting held on 27 March 2012 and the Administration's proposed Committee Stage amendments ("CSAs") to the Bill [LC Paper No. CB(2) 1610/11-12(01)].	
001548 - 003430	Chairman Albert CHAN Administration ALA	<p>Mr Albert CHAN stressed that the Administration should spell out in the Bill its intention of sending notice of cancellation of a registration or a research fishing permit by registered mail.</p> <p>The Administration advised that it was unnecessary to set out the administrative arrangement in the Bill as the drafting of proposed section 42 was commonly adopted in other ordinances and would allow flexibility for the Agriculture, Fisheries and Conservation Department (AFCD) to decide on the appropriate methods for sending of notice, document or information, which included ordinary mail, registered mail, delivery in person and electronic mail transmission.</p> <p>Mr Albert CHAN's intention to move an amendment to the proposed section 33.</p>	
003431 - 004110	Chairman Mr Albert CHAN Administration	In response to Mr Albert CHAN's concern that fishermen on Cheung Chau and Peng Chau were not aware of the implications of the enacted Bill on recreational fishing and occasional fishing activities with the use or aid of non-fishing vessels, the Administration advised that the fisheries industry, including some recreational fishing associations, had been consulted on the legislative proposals. They were aware and supportive of the legislative proposals to protect the fisheries resources.	
004111 - 005942	Chairman Administration Mr Albert CHAN	In reply to Mr Albert CHAN's concern about the use of cage traps by the public for recreational fishing, the Administration advised that under the Bill, fishing by cage trapping with the use or aid of a vessel in Hong Kong waters was only	

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		<p>permitted if the vessel was a registered vessel under the Bill. After the commencement of the Bill, all fishing vessels licensed as Class III under Cap. 548D and were designed and equipped to be used primarily for fishing were eligible for registration, and the fishing methods and fishing gear that might be used would be specified as conditions in the registration accordingly.</p> <p>Mr Albert CHAN's concern that some fishermen might have been occasionally engaging in fishing activities with the use or aid of non-fishing vessels, and they would commit an offence upon the commencement of the enacted Bill.</p>	
005943 - 011315	Chairman Mr WONG Yung-kan Administration	<p>In response to Mr WONG Yung-kan, the Administration undertook that -</p> <p>(a) it would ensure the trade was informed of the registration and appeal mechanism, and consider the need for the establishment of a working group in AFCD for providing advice on matters in relation to the proposed registration system after the coming into force of the Bill, which was similar to that established under the Country and Marine Parks Board to consider the criteria and guidelines in granting and renewing marine park fishing permits;</p> <p>(b) notice of cancellation of a registration made by the Director of Agriculture, Fisheries and Conservation would be sent by registered mail administratively; and</p> <p>(c) it would closely monitor the impact of recreational fishing on the sustainable development of fisheries resources and the need to regulate recreational fishing in future.</p>	Admin
011316 - 011947	Chairman Mr WONG Yung-kan Administration	<p>Views of Mr WONG Yung-kan that the Administration should set a concrete target for a sustainable level of fisheries resources such that new entrants would be permitted once the target had been achieved.</p> <p>The Administration assured members that it would closely monitor the effectiveness of the proposed fisheries management measures in restoring the fisheries resources after the enactment of the Bill.</p>	

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011948 - 012933	Chairman Mr Albert CHAN Mr WONG Yung-kan Mr TAM Yiu-chung	Views of Mr Albert CHAN, Mr WONG Yung-kan, Mr TAM Yiu-chung and the Chairman that the Administration should consider introducing a recreational fishing permit system for recreational fishing which was in line with the international trend of regulating recreational fishing. The proposed system would help restore fisheries resources and safeguard the safety of recreational fishers.	
012934 - 013559	Chairman Mr Albert CHAN ALA Administration	<p>Discussion on CSAs proposed by Mr Albert CHAN vide his letter dated 3 April 2012 [LC Paper No. CB(2)1610/11-12(02)].</p> <p>The Administration's responses to Mr Albert CHAN's proposed CSAs -</p> <p>(a) it would take on board the proposed amendment to permit fishing with the use or aid of a hand net on board a vessel, and would move a CSA to the proposed Schedule 2; and</p> <p>(b) it expressed great reservations on the amendments to permit the use of cage traps and nets on board a non-fishing vessel on the ground that if these fishing methods and fishing gear were permitted to be used on board a non-fishing vessel, this would defeat the purpose of the Bill to regulate fishing activities which added pressure to the depleted fisheries resources.</p> <p>Members supported the Administration's proposed amendment in (a) above to the proposed Schedule 2.</p>	Admin
013600 - 014308	Chairman Mr WONG Yung-kan Administration	Mr WONG Yung-kan's advice that he had consulted the fisheries industry on the suggestion of setting a limit on the number and/or the size of cage traps for fishing on board non-fishing vessels. The industry did not support the suggestion as this would depart from the policy intent of the Bill to restore the fisheries resources in Hong Kong waters.	
014309 - 024500	Chairman	Legislative timetable.	
024501 - 041850	Chairman Administration Mr Albert CHAN	The Administration's supplementary advice that fish collectors which were licensed as Class III type (a) under Cap. 548D would not be allowed to register as local fishing vessels if they were not designed and equipped to be used primarily for fishing. There were currently over 500 fish collectors operating in Hong Kong waters.	

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<i>Agenda item II – Any other business</i>			
014851 - 014908	Chairman	Closing remarks.	

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23 May 2012