



Living Seas Hong Kong
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Hong Kong

Miss Diane Wong,
Principal Assistant Secretary (Food)

16th January 2012

Sent to email address dianewong@fhh.gov.hk & mchiu@legco.gov.hk

Dear Miss Wong

I am writing to comment on the proposed Fisheries Protection (amendment) bill) 2011.

The Hong Kong SAR is dominated by water, and our waters are used by everyone in Hong Kong. The proposed amendments when combined with the ban on trawling in Hong Kong's waters will have a very positive impact towards revitalising fish stocks and marine habitats, the measures mentioned in the amendment bill are overdue, as illustrated by the sad decline of our fishing industry and of our marine biodiversity. For many Hong Kong's fishing community has been in decline and Hong Kong is dependent on seafood sourced externally. We look forward to the implementation of the proposed measures as soon as is practicable. We are however concerned on a few aspects of the proposal and our comments here are to reflect areas where we believe that care must be taken to realise the full potential longer term.

With respect to the four major areas specified in the Legco briefing document as follows:



http://www.legco.gov.hk/yr11-12/english/bills/brief/b19_brf.pdf :

A. Limiting the entry of new fishing vessels and maintaining an appropriate level of fishing effort.

Limited the entry of new fishing vessels is a necessary step, as is the need to ensure that the fishing effort is kept at an appropriate and sustainable level. Our assessment of the major aspects of the proposed bill amendment is as follows:


Registration of fishing vessels. Ensuring that all fishing vessels needs to be registered.	<input checked="" type="checkbox"/>
Limiting fishing methods and allowed locations of registered fishing vessels.	<input checked="" type="checkbox"/>
Limiting new entrants in to the industry	<input checked="" type="checkbox"/>
Allowing all existing fishing vessels to register to continue fishing. Whilst we have sympathy for affected fishermen, we believe that there needs to be a mechanism to reduce the number of vessels to sustainable levels on the basis of scientific evidence.	<input type="radio"/>



There is no apparent mechanism to understand through empirical scientific evidence as to the number and types of vessels that are sustainable on an ongoing basis. This will be needed for longer term fisheries management.	
A mechanism to measure and ascertain what is an appropriate level of fishing effort, to ensure a sustainable fisheries will be needed, based on appropriate scientific research.	

Whilst we fully agree that vessels to be used for fishing need to be registered and to limit new entrants we are worried that there is no mechanism to fully understand, monitor and adjust the total allowed catch (including recreational fishing) to a sustainable level. With the ban on trawling coming to effect at the end of 2012, this level is currently unknown, however there needs to be ongoing research and a clear mechanism for the DAFC to adjust allowed fishing limits.




B. prohibiting fishing activities with the use or aid of non-local fishing vessels;

Ensuring that non local fishing vessels are prohibited from fishing in Hong Kong's waters	
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It has been a complaint for many years that fishing by mainland fishers takes place in Hong Kong waters including in our marine parks depleting resources for local fishers. Introducing measures to control and impose heavy penalties is a good step in protecting local needs. This would only be successful if adequate patrolling resources with suitable powers of search and detention are available.

C. restricting fishing activities with the use or aid of non-fishing vessels;

In general our opinion is that longer term more effort is needed to control fishing effort via recreational fishing. Our specific points include:

Restricting fishing methods on non fishing vessels is potentially a good approach.	
Allowing fishing by hand-lining with the aid of a non-fishing vessel, is potentially problematic and overall catch should be factored into an overall plan to monitor total catch and to control fishing effort at or below agreed sustainable levels.	
Mechanisms to potentially control Recreational fishing on non-fishing vessels, in terms of species, quantity, season, location and fish size is needed longer term.	

We understand the desire to encourage recreational fishing as a means to provide other livelihood options for fishermen affected by recent and planned fisheries management methods, however there is a real potential that the total catch from recreational fishing could negate any positive gains

in other areas. Mechanisms to potential control this sector appears to be missing in the Amendment Bill and could be looked at in future amendments.

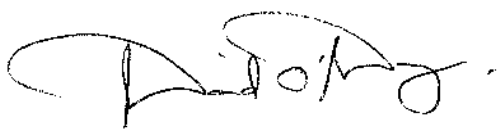
D. Designation of fisheries protection areas (FPAs).

Designating certain areas in Hong Kong as FPAs to protect spawning and nursery grounds	<input checked="" type="checkbox"/>
Restricting size of capture of certain species	<input checked="" type="checkbox"/>
Designation of no take zones in FPA's	<input checked="" type="checkbox"/>
Implementation of closed season within FPA's	<input checked="" type="checkbox"/>
Apparent lack of control on recreational fishing, as the popularity of recreational fishing increases controls will be needed in terms of allowed locations, species, specimen size, fishing methods.	<input type="checkbox"/>
Location of spawning and nursery grounds needs to be firmly identified. Whilst we support the plan to set aside Long Harbour, Tolo Channel and Port Shelter as FPA's, we should not exclude other potentially important areas.	<input type="checkbox"/>

The concept of a framework to set aside areas as Fisheries Protection Area's is important and welcomed, however there needs to be more mechanisms available to potentially control recreational fishing effort and there needs to be ongoing research into nursery, spawning or other ecologically important areas that will need additional protection.

Overall we are very happy to see the Fisheries Protection (Amendment) Bill 2011, it will be very positive for local fishers, and the public at large, especially in conjunction with the ban on trawling coming into effect at the end of 2012. However there are two caveats, there will be a need to put in mechanisms to potentially control recreational fishing and to base ongoing fisheries management policies on scientific evidence of an overall maximum sustainable catch/yield. These two aspects will need to be considered for Hong Kong to eventually achieve a fully sustainable fishery.

Yours sincerely



David O'Dwyer
Chairman