

Bills Committee on Fisheries Protection (Amendment) Bill 2011

**Follow-up on Matters arising from the Bills Committee Meeting
on 15 March 2012**

Purpose

This paper sets out the Administration's responses to the issues raised by Members at the Bills Committee meeting on 15 March 2012. These are –

- (a) the deployment of rabbitfish traps (泥鯔籠) for recreational fishing;
- (b) fishing activities with the use or aid of vessels not licensed under the Merchant Shipping (Local Vessel) Ordinance (Cap. 548);
- (c) Chinese definition of "impoundment" (圍塘) under clause 4 of the Fisheries Protection (Amendment) Bill 2011 (the Amendment Bill); and
- (d) amendments to clause 15 (new section 16 (1) and new section 16(1)(c)).

(a) Rabbitfish traps

2. Rabbitfish trap is a form of cage trap designed to catch rabbitfish and other marine animals in a passive manner. The traps are usually set at the bottom of the sea by means of vessels or hanging from marine structures such as piers or fish rafts. They are often baited to lure fish into the traps. Cage traps are often deployed in waters for hours before collection. Cage trapping is a common type of fishing gear used by local fishermen, who could deploy up to a few hundreds of cage traps of different types, including rabbitfish traps, in one fishing trip. Similar to other fishing methods used by local fishermen, the fishing effort by cage

trapping exploits the fisheries resources in Hong Kong. In end 2011, there were around 60 vessels specialised in cage trapping and some 2 260 sampans which might also fish with cage traps. After enactment of the Amendment Bill and upon registration of local fishing vessels, cage traps that go with local fishing vessels will be reflected under the conditions of the registration pursuant to the new section 16(1).

3. A member expressed concern about restricting the use of rabbitfish traps for recreational fishing. Under the Amendment Bill, fishing by cage trapping, including rabbitfish traps, with the use or aid of a vessel in Hong Kong waters, is only permitted –

- (a) if the vessel is a registered vessel and if it is in accordance with conditions imposed in the registration; or
- (b) if it is carried out in accordance with conditions imposed in a valid research fishing permit.

4. The proposed restrictions imposed by the Amendment Bill seek to regulate fishing activities which add pressure to our depleted fisheries resources while minimising the impact on public enjoyment of recreational fishing as a leisure activity. In this connection, common methods used by the public in recreational fishing are permitted under the new Schedule 2. On the other hand, use of cage trapping, including rabbitfish traps (which is an effective way of capturing fish commonly used for commercial fishing and can adversely impact on the fisheries resources in Hong Kong waters if left unregulated), is uncommon among recreational fishers. Some fishermen who are actively engaging in recreational fishing business, also confirm that the deployment of rabbitfish traps on board pleasure crafts is rare, because rabbitfish traps generate a smell which is not appealing to passengers on board. As such, we believe that restricting the deployment of rabbitfish traps on board non-fishing vessels would, in reality, unlikely to have a lot of impact on the range of recreational fishing activities being enjoyed by the public.

(b) Fishing activities with the use or aid of vessels not licensed under the Merchant Shipping (Local Vessel) Ordinance (Cap. 548)

5. The Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and its subsidiary legislations provide for the regulation and control of local vessels in Hong Kong and for other matters affecting local vessels, including their navigation and safety at sea. Under the Ordinance, all local vessels shall be certificated and licensed under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D).

6. A local vessel which is used for fishing purposes is required to be licensed as Class III under Cap. 548D. It is our intention to register all existing local fishing vessels. Upon enactment of the Amendment Bill, under the new section 14 (1)(a), the Director of Agriculture, Fisheries and Conservation (DAFC) may, on application by an owner of a local fishing vessel in respect of which there is a valid operating licence on the commencement date, register the vessel and issue a certificate of registration to the applicant.

7. A member was concerned that upon enactment of the Amendment Bill, some vessels in Cheung Chau and Peng Chau which only occasionally engage in fishing activities might be affected. Under the existing proposal, common recreational fishing activities are specified in the new Schedule 2 and they are permitted with the use or aid of vessels other than non-local fishing vessels.

8. Subsequent to the meeting of 15 March 2012, officers of the Agriculture, Fisheries and Conservation Department have contacted some fishermen and conducted some inspections. They have found that fishermen on Cheung Chau and Peng Chau fish with the use or aid of fishing vessels licensed under Cap. 548. Upon enactment of the Amendment Bill, these vessels will be eligible for registration. However, there are a few non-mechanised sampans which are not licensed under Cap. 548 found engaging in fishing activities by hand-lining. Under the existing proposal, hand-lining with the use or aid of these vessels would be allowed without the need to register with DAFC after the enactment of the Amendment Bill.

(c) Chinese definition of "impoundment" (圍塘) under clause 4 of the Amendment Bill

9. In response to Members' concern, the Administration would like to propose a revised definition for better comprehension –

“圍塘(impoundment)指用網或其他可移走的透水構築物圍起的香港水域範圍，其用途或設計用途是供作魚類養殖；”。

The above revised definition would be included in the CSAs to be moved by the Administration.

(d) Amendments to clause 15 (new section 16 (1) and new section 16(1)(c))

10. The Administration would also propose an amendment to the new section 16(1) to revise its wording as follows for better comprehension –

"任何人使用或借助任何已登記船隻而捕魚，可按照署長認為合適的條件進行，署長有權施加的該等條件包括(但不限於) –".

11. In response to ALA's enquiry, the Administration would like to confirm that the phrase "on the vessel" in the new section 16(1)(c) qualifies both "fishing gear" and "fishing methods".

Advice Sought

12. Members are invited to note the Administration's responses to the issues raised at the last meeting.

**Food and Health Bureau
March 2012**