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Bills Committee on Fisheries Protection (Amendment) Bill 2011

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper sets out the background of the Fisheries Protection (Amendment) Bill 2011 and gives a brief account of the discussions by the Panel on Food Safety and Environmental Hygiene ("the Panel") and other committee on the Administration's proposed fisheries management measures.

Background

2. According to the Administration, fish catch and fishing efforts in Hong Kong waters have far exceeded the maximum sustainable yield and optimal fishing effort. In order to help bring the fisheries industry back to a sustainable path, a trawl ban which will take effect on 31 December 2012 has been imposed (see paragraph 5 below). The Bill seeks to amend the Fisheries Protection Ordinance (Cap. 171) to implement a series of fisheries management measures which is complementary to the trawl ban in order to regulate fishing activities. The measures include -

- (a) limiting the entry of new fishing vessels into the local fisheries industry by introducing a registration system to maintain the appropriate level of fishing;
- (b) prohibiting fishing activities with the use or aid of non-local fishing vessels;
- (c) restricting fishing activities with the use or aid of non-fishing vessels; and
- (d) designation of fisheries protection areas ("FPAs").

The Fisheries Protection (Amendment) Bill 2011

3. It is the Administration's policy intention to pursue sustainable fisheries development in Hong Kong through the introduction of the Amendment Bill. Under the Amendment Bill, no person may be engaged in fishing with the use or aid of a vessel in Hong Kong waters, unless -

- (a) the vessel is a registered vessel and the fishing is either in accordance with conditions imposed in the registration or falls under the list of permitted fishing activities;
- (b) the person is so engaged under and in accordance with a valid research fishing permit; or
- (c) the fishing is one that falls under the list of permitted fishing with the use or aid of non-fishing vessels or local fishing vessels which have not been registered.

Deliberations of the Panel

4. At its meeting on 8 March 2011, the Panel was consulted on the Administration's proposal to introduce a package of fisheries management measures to control the fishing effort in Hong Kong waters and protect important fish spawning and nursery grounds. A member expressed support in principle for the Administration's proposal.

Related discussions by other committee

5. To take forward the trawl ban, the Administration tabled in the Legislative Council ("LegCo") on 30 March 2011 the Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011 to specify trawling devices as a class of apparatus for the purpose of prohibiting its use for fishing activity in Hong Kong waters as from 31 December 2012. At the House Committee meeting on 1 April 2011, Members formed a subcommittee to scrutinize the Amendment Notice. The Subcommittee completed its work and submitted its report to the House Committee on 13 May 2011.

6. Members of the Subcommittee expressed concerns over whether complementary measures other than the trawl ban would be implemented for conservation and restoration of marine resources. The Subcommittee was advised of the Administration's proposed fisheries management measures as outlined in paragraph 2 above.

7. There was a call for the Administration to regulate the mesh size of fishing nets for the conservation of fisheries resources. The Administration explained that with the trawl ban in Hong Kong waters, the need for regulating mesh size of fishing nets would be substantially reduced. If it was deemed necessary to regulate mesh size of other fishing nets in future, this could be addressed in the context of the legislative proposals on other fisheries management measures which the Administration was working on, including the designation of FPAs to protect fish fry, juvenile and spawning fish from unregulated fishing in important spawning and nursery grounds. Under the legislative proposals, the Government might make regulations to provide for the control and management of FPAs. They might include considering whether or not to impose requirements on mesh size of fishing nets that could be used in FPAs.

Relevant papers

8. A list of the relevant papers on the LegCo website is in the **Appendix**.

Relevant papers on fisheries management measures

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	11.5.2010 (Item IV)	Agenda Minutes CB(2)1472/09-10(03)
	15.10.2010 (Item I)	Agenda Minutes CB(2)50/10-11(01)
	8.3.2011 (Item IV)	Agenda Minutes CB(2)1197/10-11(03)
	15.3.2011 (Item I)	Agenda Minutes CB(2)1197/10-11(03) CB(2)1240/10-11(01)
Subcommittee on Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011	13.4.2011 (Item II)	Agenda Minutes L.N. 45 of 2011 LS44/10-11