

FCR(93-94)25 (一九九三年五月七日會議討論文件)

基本工程儲備基金

總目 701 —— 土地徵用

向受填海或發展工程影響的漁民發放特惠津貼

請各委員批准將受填海、挖掘或傾卸工程影響的近岸作業漁民的特惠津貼計算基準，由在受影響範圍作業一年的估計漁獲價值，增至作業三年的估計漁獲價值。

#### 引言

一九七八年八月十六日，委員考慮編號C21的文件：向受填海或發展工程影響的近岸漁船、舢舨和定網作業漁民發放特惠津貼。委員得知，近岸漁民在其慣常作業的水域方面，並無享有法律權利。儘管如此，當局亦接受一點，就是若果漁場消失，導致受影響漁民因選擇太少而須另謀生計，他們理應在過渡期間獲發特惠津貼。漁農處處長表示，受影響漁民可能需要一年，才能重新建立生活。基於上述情況，委員批准當局發放以估計在受影響範圍作業一年的漁獲總值計算的特惠津貼。

#### 問題

2. 自從上述特惠津貼在一九七八年獲得批准後，情況已大有改變。自一九七八至一九九一這十四年期間，當局曾向受填海、挖掘及傾卸工程影響的1438名漁船船主/操作者發放特惠津貼。作為比較，現時的工程計劃會於一九九五年積極進行，涉及本港約27500公頃近岸漁場，受影響漁船的船主/操作者的達1500人。上述漁場至少會受影響四至五年，預計有6500公頃近岸漁場會永久消失。

3. 以前，受影響的漁民較易轉往其他漁場作業，或轉投有關的行業，例如海魚養殖業。然而，在近岸漁場餘下地方作業的競爭，日益激烈，而當局現已對海魚養殖業進行審慎的規管，輪候發牌營業的申請者甚多。

4. 受影響的漁民數目有所增加，加上繼續從事捕魚業及與捕魚有關的行業的機會不斷減少，必然導致漁民復業的過程需時更長。

5. 一九七八年批准的特惠津貼，只限發給使用不足15米長的船隻的漁民，因當局假設，較大的船隻體積較大、航程更遠，可往其他漁場作業，並從事其他捕魚業。然而，其後的調查顯示，許多使用長逾15米的船隻的漁民，均慣常在近岸水域捕魚。這些船隻常常因設計及設備所限，未能往其他地方捕魚。漁農處處長有充分資料確定哪些長逾15米的船隻慣常用於近岸捕魚，而哪些則往較遠處作業。

## 附件 D

6. 漁農處處長透過對漁場及使用特定漁場的漁船進行的調查，計算漁獲的估計價值。自一九七八年以來，他一直參照在受影響漁場作業的不足15米長船隻的漁獲，計算一年漁獲的估計價值。漁農處其後按船隻類別及船主/操作者使用的漁具及每艘船使用漁場的週度，將上述金額分配給漁民。這些計算數字並不包括長逾15米的船隻的漁獲價值，因這些船隻不合資格領取特惠津貼。

#### 建議

7. 當局建議將受填海、挖掘或傾卸工程影響的近岸作業漁民的特惠津貼計算基準增加三倍，由在受影響範圍作業一年的估計漁獲價值增至三年的估計漁獲價值。漁農處處長將會釐定所有慣常使用受影響漁場的船隻的估計漁獲價值，不論這些船隻的長度。

8. 在計及一切支後，建議的津貼額約相等於漁船船主/操作者五年的入息淨額。作為一種停業津貼，建議的津貼額並不遜於以陸地為本的行業因生意損失而得的法定補償。因法定作業權被收回而停業所得的典型補償額，是每年折算利潤淨額的三至五倍，視乎有關行業的興旺情況及前景而定。

#### 財政影響

9. 根據現時的津貼額，擁有長度不足15米漁船的船主/操作者在失去魚場之後，當局向他們發放特惠津貼所需費用估計為5,860萬元。根據本文所載的建議，這筆款項將增加三倍達1億7,580萬元，另需額外2,970萬元支付给擁有長度逾15米船隻的合資格船主/操作者。因此，由現在至一九九五年，當一切已編排的主要填海、挖掘及傾卸工程全部展開後，政府的財政負擔總額將增加1億4,690萬元，即由5,860萬元增至2億550萬元。

#### 生效日期

10. 如獲批准，現建議發放新特惠津貼的生效期追溯至一九九三年四月一日，這表示受現時工程計劃影響的漁船船主/操作者將會按新津貼額獲發津貼。至於合資格領取新津貼但當局已提出按舊津貼額支付款項的人士，將可獲發放款項的餘額。

For discussion  
on 7 May 1993

FCR (93-94)25

## ITEM FOR FINANCE COMMITTEE

### CAPITAL WORKS RESERVE FUND

#### HEAD 701 - LAND ACQUISITION

##### Ex-gratia allowance for fishermen affected by reclamation or development projects

Members are invited to approve an increase in the basis for calculating the ex-gratia allowances for inshore fishermen affected by reclamation, dredging or dumping projects, from the notional value of one year's catch in the affected area to the notional value of three years' catch.

#### Introduction

On 16 August 1978, Members considered Item No. C21 : Ex-gratia allowances for inshore boat, sampan and stake-net fishermen affected by reclamation or development projects. Members noted that fishermen engaged in inshore fishing have no legal rights in respect of the waters which they habitually fish. Nevertheless, it was accepted that the loss of a fishing ground, in circumstances where those affected have little choice but to find an alternative means of livelihood, warranted ex-gratia assistance during a transitional period. The Director of Agriculture and Fisheries advised that it could be up to one year before affected fishermen could re-establish themselves. On this basis, Members approved ex-gratia allowances calculated on the notional value of one year's catch in the affected areas.

#### The problem

2. Circumstances have changed significantly since the ex-gratia allowance was approved in 1978. Over the 14 years from 1978 to 1991, ex-gratia allowances were paid to 1 438 fishing vessel owner/operators who were affected by reclamation dredging and dumping projects. By comparison, the current programme of works, which will all be active by 1995, covers some 27 500 hectares of Hong Kong's inshore fishing grounds and will affect some 1 500 vessel owner/operators. The fishing grounds will be affected for at least four to five years and it is estimated that 6 500 hectares will be lost permanently.

/3. ....

FCR(93-94)25

3. It was previously relatively easy for affected fishermen to relocate their activities to other fishing grounds or to move into a related industry such as fish mariculture. However, the competition for the remaining areas of inshore fishing grounds is increasing and the fish mariculture industry is now carefully regulated with a long waiting list for licences.

4. The increase in the number of fishermen affected, combined with the decreasing opportunities for continuing work in fishing and fishing-related industries, has inevitably resulted in the re-establishment process for fishermen becoming more protracted.

5. The ex-gratia allowances approved in 1978 were limited to fishermen using vessels less than 15 metres in length on the assumption that larger boats were of a size and range to have other fishing grounds and other types of fishing available to them. However, surveys have since shown that many fishermen using boats longer than 15 metres habitually fish in inshore waters. These vessels are in many cases unable to fish elsewhere because of limitations in their design and their equipment. The Director of Agriculture and Fisheries has sufficient information to identify those vessels over 15 metres which are habitually used for inshore fishing and those which go further afield.

6. The Director of Agriculture and Fisheries calculates notional values of catch through surveys of fishing grounds and the fishing vessels using specific grounds. Since 1978, he has been calculating the notional value of one year's catch with reference to the fish harvest from vessels less than 15 metres in length in affected fishing grounds. This amount has then been apportioned among fishermen according to the type of vessel and fishing equipment used by vessel owner/operators and the extent of use of a fishing ground by each vessel. These calculations have excluded the value of fish harvest caught from boats longer than 15 metres as they have not been eligible for ex-gratia allowances.

#### Proposal

7. It is proposed that the basis for calculating the ex-gratia allowances for inshore fishermen affected by reclamation, dredging or dumping projects should be tripled, from the notional value of one year's catch to

/the .....

FCR(93-94)25

the notional value of three years' catch in the affected areas. The notional value of catch would be determined by the Director of Agriculture and Fisheries with regard to all vessels that habitually use the affected grounds, irrespective of their length.

8. The proposed allowance is equivalent to almost five years' net income for vessel owner/operators after taking into account all expenses. As an extinguishment allowance, this compares very favourably with statutory compensation for business loss for land-based enterprises. Such compensation for the extinguishment through resumption of legally-established rights to conduct business is typically three to five times annual net discounted profits, depending on the robustness and prospects of the business being compensated.

#### Financial implications

9. Under the current allowances, ex-gratia allowances estimated at \$58.6 million would be payable to owner/operators of vessels less than 15 metres in length following the loss of fishing grounds. Under the proposal, this would triple to \$175.8 million, with an additional \$29.7 million being payable to owner/operators of eligible vessels longer than 15 metres. The total financial implication between now and 1995, by when all the major programmed reclamation, dredging and dumping projects will have started, would therefore increase from \$58.6 million by \$146.9 million to \$205.5 million.

#### Effective date

10. It is proposed that the effective date for the new ex-gratia allowances, if approved, should be backdated to 1 April 1993. This will mean that all vessel owner/operators affected by the current programme will be paid at the new rate. Arrangements will be made for those eligible for the new rate, but who have already been offered an allowance at the old rate, to be paid the balance.

-----

(FIN CR 34/2321/76 III)