

基本工程保障基金

項目 701 —— 土地用途

發放特惠津貼予受填海或填海計劃影響的海魚養殖人士

請各委員注意，除特殊情況外，已填海或受填海或
填海工程影響的海魚養殖人士可獲特惠津貼。

原因

現時之填海工程進行的規模及頻數計正，可能引致某
些海魚區的水質暫時惡化。因此，一些海魚養殖人士
或會蒙受暫時的經濟損失。但是，除特殊及緊急的情況
外，當局並無規定向海魚養殖人士發放特惠津貼。

建議

2. 關於受填海或填海工程影響的海魚區，現建議當
填海工程所佔的總淨面積達以下程度時，海魚養殖人士
應有資格獲發特惠津貼——

(a) 該工程在附近及開闢五年內海魚區所佔的淨面積
最高佔 100%；或

(b) 淨每公升 50 毫克。

3. 合資格的海魚養殖人士須作出不獲悉目的選擇，
方可獲發特惠津貼。他們可選擇——

(a) 自行承擔風險去繼續在同一地點養殖海魚，而在
這種情況下可獲發的特惠津貼，金額會相等於正
常的兩年養魚期內估計收入損失的 50%；或

(b) 暫停養殖海魚兩年，而在這種情況下可獲發的特
惠津貼，金額會相等於正常的兩年養魚期內估
計損失的收入；或

(c) 從此結束海魚養殖業務，而在這種情況下可獲發
現有於結束特惠津貼。該項津貼包括兩年內估計
會損失的收入及在魚排和魚籠的資本投資損失兩
方面。

4. 根據上文第 3 段 (a) 及 (b) 項並非選擇結果的方
案，現時沒有包括在內的情況，也可獲發特惠津貼。
請各委員批准按上文 (a) 及 (b) 項所建議的選擇，就
估計的收入損失發放特惠津貼。

5. 此外，亦建議將上述安排生效日期，追溯至一
九九二年十二月一日。

理由

6. 如按原計劃進行主要的填海工程計劃，挖泥和
傾卸工程必須持續進行。養魚區附近的工程，可能會
持續至一九九五年年中。雖然當局有意盡量降低工程
對海魚養殖業的負面影響，但若干養魚區的水質卻可
能受到影響。有關工程會增加水中懸浮固體的含量，
並減低溶解氧量。魚類的呼吸功能會因而受到影響，
以致阻礙生長和增加受病感染染的機會，結果可能令
海魚養殖人士蒙受經濟損失。

7. 然而，挖泥和傾卸工程並不會對海魚造成長遠
損害。在附近的工程結束後，暫停的養魚工作可在短
時間內恢復。因此，如決定受影響的海魚養殖人士除在
另外便不獲分文，實不合理。政府當局希望確保這些
海魚養殖人士能按到自己的意願繼續作業。在水質惡
化的情況下，個別養殖人士須決定是否自行承擔風險
去繼續作業，還是暫停作業或完全放棄養魚業較為
合理。

8. 選擇津貼不能欺目，是為了簡化行政工作和避
免出現濫用情況。因此，選擇自行承擔風險去繼續作
業的海魚養殖人士，其後並不能再作選擇可領取款項
的補償額。同樣地，選擇停業兩年並獲發津貼款項的
海魚養殖人士，亦不得在該兩年停業期恢復業。作為養
殖業的督導者，漁農處處長會確保有關人士遵守上
述規定。

9. 漁農處處長認為，有五個海魚區可能會在若干程
度上，受到現時或計劃進行的挖泥及傾卸工程影響。
這些海魚區分別位於東涌洲、龍合、索堅橋、藍田灣
及馬灣，其中龍合海魚區原有的懸浮固體水平最低，
每公升只有 7 毫克，而馬灣的水平則最高，每公升有
32 毫克。在上述地區養殖的海魚品種，會因水質含
量不一而有所差異，但都已經適應環境。

10. 漁農處處長表示，現時所造成的壓力，例如海魚
已適應的水質突然改變，都會影響魚類的生長和健
康。他表示，在某一海魚區內，如懸浮固體含量
較以往的最高紀錄增加 100%，便會有害。他表示，
如海水懸浮固體含量達每公升 50 毫克，泥溶
解氧含量低，污染物質又較高，則對那些即使已經
相當適應環境含量的魚類來說，亦會有害。

財政影響

11. 如在可能受影響的五個海魚區內作業的所有海魚
養殖人士都選擇停業，所需支付的特惠津貼估計會達
6,650 萬元，如他們全部選擇停業兩年，所需支付
的特惠津貼估計為 4,720 萬元。如一律選擇自行承擔
風險去繼續作業，則須支付 2,360 萬元的津貼。

生效日期

12. 現建議如新的特惠津貼獲得批准，發放津貼的
生效日期應追溯至一九九二年十二月一日，以便所有可
能受現行工程計劃影響又合乎資格的海魚養殖人士，
均可機會提出領取津貼的要求。

ANNEX E

For discussion
on 23 July 1993

FCR(93-94)72

ITEM FOR FINANCL COMMITTEE

CAPITAL WORKS RESERVE FUND
HEAD 701 - LAND ACQUISITION
Ex-gratia allowance for mariculturists affected by
reclamation or development projects

Members are invited to approve the payment of ex-gratia allowances to mariculturists affected by dredging or dumping projects; in circumstances other than extinguishment.

Problem

The current programme of dredging and mud dumping in inshore waters may cause temporary deterioration in water quality in certain fish culture zones. As a result, some mariculturists may suffer temporary economic loss. There is however no provision for payment of ex-gratia allowances to mariculturists in circumstances other than extinguishment and relocation.

Proposal

2. It is proposed that mariculturists should be eligible for ex-gratia allowances when the concentration of solid matter suspended in the waters of fish culture zones affected by dredging or dumping activities either -

- (a) reaches 100% more than the highest level recorded at the zone during the five years before commencement of works in the vicinity; or
- (b) reaches 50 mg per litre.

3. Eligible mariculturists would be required make an irrevocable option before any ex-gratia allowance is paid. They would be able to opt to -

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- (a) continue mariculture in the same place at their own risk, in which case they would be eligible for an ex-gratia allowance equivalent to 50% of the notional loss of income for a normal two-year fish culture cycle; or
- (b) suspend mariculture operations for two years, in which case they would be eligible for an ex-gratia allowance equivalent to the notional loss of income for a normal two-year fish culture cycle; or
- (c) cease mariculture operations permanently, in which case they would receive the existing ex-gratia allowance payable for extinguishment, which contains elements for the notional loss of income for two years and the loss of capital investment in rafts and cages.

4. The non-extinguishment options, i.e. (a) and (b) of paragraph 3 above, would involve the payment of ex-gratia allowances in circumstances not covered by existing arrangements. Members are invited to approve the payment of ex-gratia allowances for the notional loss of income on the basis proposed in options (a) and (b) respectively.

5. It is also proposed that the effective date of these arrangements should be backdated to 1 December 1992.

Justification

6. The dredging and dumping are essential works which must continue if major infrastructural projects are to proceed as planned. Works near fish culture zones are likely to last until mid-1995. While the intention is to minimize any adverse impact on mariculture, water quality in some fish culture zones may be affected. The effect of the works will be to increase the concentration of solid matter suspended in the water and decrease the dissolved oxygen level. In turn, the respiratory functions of the fish will be affected, retarding their growth and increasing their susceptibility to disease. As a result, mariculturists may suffer economic loss.

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7. Dredging and dumping will, however, do no long-term damage to fish culture zones. If suspended, fish culture can resume shortly after works in the vicinity have ceased. It would therefore not be justifiable to limit the options of affected mariculturists to either extinguishment or nothing. The Administration wishes to ensure that affected mariculturists will be able to continue in business if they wish. In the event of a deterioration in water quality, the individual operator will have to decide whether he would be better off continuing operations at his own risk, temporarily suspending operations or leaving the industry altogether.

8. The option will be made irrevocable for administrative simplicity and to prevent abuse. Thus, a mariculturist who opts to continue at his own risk will not be able to switch later to an option with a higher level of compensation. Likewise, a mariculturist who opts to suspend business for two years and receives commensurate payment will not be allowed to resume operations before the two years is up. The Director of Agriculture and Fisheries, as the regulatory authority for fish culture, will ensure compliance.

9. The Director considers that five fish culture zones may be affected to some degree by current or planned dredging and dumping works. They are the zones at Tung Lung Chau, Po Toi, Sok Kwu Wan, Lo Tik Wan and Ma Wan. Of these, Po Toi fish culture zone has the lowest level of background suspended solids, at 7 mg per litre and Ma Wan has the highest, at 32 mg per litre. The species of fish stocked at these zones vary with, and are adapted to, the different levels of water quality.

10. The Director advises that environmental stress, such as sudden deterioration in the water quality to which they are adapted, affects the growth and health of fish. He advises that a 100% increase over the highest level of suspended solids previously recorded in a fish culture zone will have deleterious effects. He also advises that species of fish adapted to relatively higher concentrations of suspended solids will, in any event, experience deleterious effects when exposed to a concentration of 50 mg per litre combined with lower levels of dissolved oxygen and higher levels of contaminants.

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Financial implications

11. In the event that all of the mariculturists in the five fish culture zones likely to be affected opt for extinguishment, ex-gratia allowances estimated at \$66.5 million would be payable. If all of them choose to suspend operations for two years, ex-gratia allowances estimated at \$47.2 million would be payable. If they all choose to continue at their own risk, \$23.6 million would be payable.

Effective date

12. It is proposed that the effective date for the new ex-gratia allowances, if approved, should be backdated to 1 December 1992, so that all mariculturists who may have been affected by the current programme of works will have the opportunity to submit claims if eligible to do so.

(FIN CR 4/2321/81 III)