

ETWB (E)55/21/38

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9 December 2002

Urgent by Fax

Ms Monna LAI
Legal Service Division
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Legislative Council Building
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Central, Hong Kong
(Fax : 2877 5029)

Dear Ms Lai,

**Marine Parks and Marine Reserves
(Amendment) Regulation 2002 (L.N.182 of 2002)**

Thank you for your letter of 6 December 2002.

Marine parks and marine reserves are designated under the Marine Parks Ordinance for protecting important marine environment and marine life for nature conservation, education and research purposes. Fishing activities are controlled in marine parks and prohibited altogether in marine reserves. Fishing activities permitted in marine parks under sections 3 and 3(1A) of the proposed Amendment Regulation include –

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- (a) fishing activities carried out under a permit granted by the Director of Agriculture, Fisheries and Conservation (DAFC) in accordance with section 17(3) of the Marine Parks and Marine Reserves Regulation (the Regulation); and
- (b) on-shore angling on a one-line and one-hook basis within the special zone specified in Part 1, Schedule 1 of the Amendment Regulation.

Fishing activities set out in item (a) above are allowed under the existing Regulation. To control the impacts of fishing activities in marine parks to within acceptable levels, section 17(3) of the Regulation stipulates that DAFC may only grant permits for fishing to bona fide fishermen or local villagers. Apart from trawling which will cause destructive impacts on marine ecology because of its non-selective capture of fish and other marine life, all other fishing practices commonly adopted in Hong Kong including hand-lining, long-lining, gill netting, cage trapping and purse seining are allowed in marine parks under the permit system. For the Tung Ping Chau Marine Park (the Marine Park), DAFC has so far issued 44 and 107 fishing permits to bona-fide fishermen and local villagers respectively.

In addition, the Regulation also allows fishing in special zones specified in its Schedule 1 but so far no special zones have been designated. The proposed Amendment Regulation aims to specify a special zone for recreational fishing in Tung Ping Chau Marine Park where on-shore angling on a one-line and one-hook basis will be allowed. The areas identified are the ecologically less sensitive parts of the Marine Park. The proposal was submitted to the Country and Marine Parks Board (the Board) for consideration in early 2002. The Board that is a statutory advisory body comprising members from diverse fields including academics, professionals, environmental groups, the rural and fishing community, etc. agreed that the proposal should be implemented on a trial basis for one year. The Agriculture, Fisheries and Conservation Department (AFCD) will monitor the impacts on marine ecology in the areas and review the results upon completion of the trial to determine if the scheme should be made permanent. Establishment of the special zone will not affect the fishing activities conducted by fishermen and local villagers under permits issued in accordance with section 17(3) of the Regulation.

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In drawing up the proposal including location of the special zone, AFCD has also consulted the villagers of Tung Ping Chau and the Iso Fishing Association that represents the anglers in late 2001.

AFCD has since mid-2002 promulgated a code of practice for the conduct of recreational fishing on a one-line-one-hook basis in the proposed special zone. The arrangements have been working satisfactorily. The villagers and anglers welcome Government's initiative to allow recreational fishing under specified conditions in the Marine Park and AFCD has so far found that the fishing activities have no adverse impact on the marine ecology in the areas.

Yours sincerely,

(Jenny Chan)
for Secretary for the
Environment, Transport and Works

c.c. DAFC (Attn: Mr Edward Wong)

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