

For information

**LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS**

Management of Marine Parks

Introduction

At the meeting on 29 January 2004, Members discussed the “Management of Marine Parks” and requested the Administration to provide a paper to explain the joint enforcement action to be taken by the Agriculture, Fisheries and Conservation Department (AFCD) with the Marine Police and the Mainland authorities in combating unauthorized fishing by Mainland vessels in marine parks in Hong Kong. This information note sets out the requested information.

Enhanced Strategy in Combating Illegal Fishing in Marine Parks by Mainland Vessels

2. In order to increase the deterrent effect against illegal fishing in marine parks by Mainland vessels, AFCD has enhanced co-operation with the other government departments concerned including the Marine Police in stepping up law enforcement action. Under the new arrangement, marine park wardens (MPW) of AFCD will intercept Mainland vessels found carrying out illegal fishing activities in marine parks under the Marine Parks Ordinance (Cap. 476). After recording the personal particulars of the Mainland fishermen on board, AFCD will hand over the vessels together with the fishing crew to Marine Police. AFCD and the Marine Police will then process such cases jointly.

3. The Mainland fishermen will be arrested by Marine Police for the relevant offences under the Marine Parks Ordinance and taken to a land-based police station. The suspects will be detained in the police station and charged for infringement of the Marine Parks Ordinance. AFCD officers will compile the evidence for presentation before the court against the suspects. If a suspect is convicted and sentenced to imprisonment, he will have to serve the sentence before repatriated to the

Mainland. AFCD will also inform the Mainland authorities of the cases handled and forward to them the personal particulars of the fishermen concerned for their appropriate follow-up action.

4. In addition, the Marine Police will examine whether the Mainlanders arrested should be classified as unauthorized entrants^{Note} (UE) under the Immigration Ordinance (Cap. 115) based on the evidence available. Once the suspects are classified as UE, the Mainland vessels concerned will be treated as UE's properties and will be detained in a Marine Police base pending handover by the Police to the Mainland authorities through an established channel.

5. AFCD met the Mainland authorities in March 2004 and explained to them the enhanced strategy to be implemented. They also sought the Mainland authorities' assistance in disseminating the information to Mainland fishermen and cautioning them against fishing in the marine parks of Hong Kong.

Implementation

6. The new arrangement described above has come into operation since the end of March 2004. AFCD will continue to review the arrangement with the government departments concerned and take appropriate action to combat illegal fishing in marine parks.

Environment, Transport and Works Bureau
April 2004

^{Note} The Immigration (Unauthorized Entrants) Order (Cap.115 sub. leg. D) provides, inter alia, that "all persons, who leave, or seek to leave, the People's Republic of China when not in possession of documents issued in that country permitting them to do so in accordance with its laws" are declared to be unauthorized entrants unless a person holds a travel document or has been granted permission to land as set out in Section 2 (2) of the Order.