

For discussion on  
25 April 2005

**Legislative Council Panel on Environmental Affairs**

**Legislative Amendments to Facilitate the Management of  
Marine Parks and Marine Reserve**

**INTRODUCTION**

This paper seeks Members' view on proposed legislative amendments to facilitate the effective management of marine parks and marine reserve in Hong Kong.

**BACKGROUND**

**Marine Parks and Marine Reserves Regulation**

2. Marine parks and marine reserve are established under the Marine Parks Ordinance (Cap. 476) for the purpose of protecting the marine environment, and for facilitating recreational and educational activities and scientific researches in the areas. The Marine Parks and Marine Reserves Regulation (the Regulation) of the Ordinance regulates certain activities in the marine parks and marine reserve to ensure the proper management of the areas. The Agriculture, Fisheries and Conservation Department (AFCD), the authority responsible for the management of marine parks and marine reserve, reviews from time to time the effectiveness of the Regulation in consultation with the Country and Marine Parks Board (CMPB).

**Specimen Collection for Scientific Researches**

3. Academics conducting scientific researches are currently required to apply for permits under section 22 of the Marine Parks Ordinance for the collection of specimens in marine parks and marine reserve. Such applications would first be vetted by the Education and Scientific Studies Sub-committee (the Sub-committee) of CMPB. AFCD will then seek the advice of CMPB before granting the permits. It normally takes several weeks to complete the process. We have received complaints from researchers on the time required

for processing their applications, particularly in the case of overseas scientists and researchers who need to work under tight schedules during their visits to Hong Kong.

### **Strengthen Control of Access and Activities of Vessels**

4. At present, AFCD can prohibit or restrict any vessel entering into any part of a marine park or marine reserve. For example, AFCD has designated an “Inboard Vessel Prohibited Zone” in the Hoi Ha Wan Marine Park to prohibit large vessels from navigating into shallow waters. However, there is no provision in the Regulation which enables AFCD to regulate, under certain operating conditions, the activities of a particular type of vessel navigating within marine parks. There has been increasing concern over the coral viewing activities in marine parks, particularly the use of large glass-bottomed pleasure crafts for coral viewing which pose threats to the corals when manoeuvring in shallow waters.

### **Power to Revoke Permits**

5. The Regulation empowers AFCD to issue permits to allow the applicants to conduct certain activities in the marine parks and marine reserve. However, there is no provision in the Regulation which enables AFCD to revoke these permits even if the permit holders violate the permit conditions. This creates difficulties for AFCD staff in regulating the activities of these permit holders.

## **THE LEGISLATIVE PROPOSAL**

6. In order to enable AFCD officers to manage the marine parks and marine reserve more effectively, we propose to make the following legislative amendments.

7. We propose to amend the Regulation to empower the Director of the Agriculture, Fisheries and Conservation (DAFC) to issue permits to applicants for specimen collection for scientific research purposes in marine parks and marine reserve. DAFC will continue to consult the Sub-committee of CMPB before granting a permit. However, DAFC will no longer need to seek the advice of CMPB. This streamlined procedure could reduce the time required

for processing an application to approximately one to two weeks.

8. We need to strike a balance between the need to better protect corals and other marine lives in marine parks, and the importance of allowing the public to appreciate our marine resources. We propose to introduce new provisions in the Regulation to empower AFCD to regulate the operation of certain types of vessels in marine parks. With the new provisions, AFCD will be able to control glass-bottomed coral viewing vessels or other vessels through a permit system. Operating conditions, such as routing, speed, and manoeuvring of the vessels, will be stipulated in each permit to minimise the impacts of these vessels on coral communities or other marine resources.

9. We also propose to amend the Regulation to empower AFCD to revoke permits issued under the Regulation when the permit holders violate the permit conditions.

## **CONSULTATION**

10. We consulted the Marine Parks Committee of CMPB on the above amendment proposals in November 2004. The Committee supported the proposed amendments. AFCD will consult the relevant trade and other affected parties on the implementation details of the permit system in regulating the operation of vessels in marine parks (including the fee level) before finalising the legislative proposal.

## **ADVICE SOUGHT**

11. Members are invited to comment on the above proposals.

Environmental Protection Department  
Agriculture, Fisheries and Conservation Department  
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