

# 立法會

## *Legislative Council*

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### **Panel on Food Safety and Environmental Hygiene**

#### **Background brief prepared by the Legislative Council Secretariat for the meeting on 11 May 2010**

#### **Sustainable development of the local fisheries industry**

#### **Purpose**

This paper gives an account of the past discussions by the Panel on Food Safety and Environmental Hygiene ("the Panel") on the sustainable development of the local fisheries industry.

#### **Background**

2. Since the late 1980s, there has been a steady decline in fisheries resources and fish catch within Hong Kong waters. To address the problem, the Agriculture, Fisheries and Conservation Department commissioned a consultancy study to assess the gravity of the situation and identify ways of remedying it. The consultancy study, completed in 1998, recommended six priority fisheries management measures to protect and sustain local fish stocks. Three of those measures, namely, habitat enhancement through the deployment of artificial reefs, habitat restoration by means of mitigating the impact of marine works projects and fish restocking with a fish fry releasing trial scheme, have already been actively pursued.

3. To further alleviate the pressure of fishing activities on local fisheries resources for the recovery and maintenance of stocks at a sustainable level, a working group comprising representatives of relevant government departments, fishing community, green groups and academics was set up to consider and devise a regulatory framework for fishing activities in Hong Kong waters, taking into account the recommendations of the consultancy study.

#### **Deliberations of the Panel**

4. On 8 March 2005, the Administration briefed the Panel on the proposed amendments to the Fisheries Protection Ordinance (Cap. 171) to implement the following management measures recommended in the consultancy study -

(a) Establishment of a fishing licence system

Under the system, all fishing activities conducted within Hong Kong waters, except areas such as principal fairways, marine parks and the proposed fisheries protection areas ("FPAs"), with the use or aid of any vessels would require fishing licences or permits. The proposed licensing system would be vessel-based. Fishing licences would be issued only to owners of local fishing vessels for fishing in local waters. Recreational fishing conducted with the use or aid of non-fishing vessels would not be subject to any control under the proposed licence system, as the methods deployed for such activities would generally capture smaller amount of fish, and its impact on fisheries resources and marine environment was limited;

(b) Designation of FPAs

FPAs would be established at important fish spawning and nursing grounds to provide a protected environment for fish try, juvenile and spawning fish for nursery and spawning. Only bona fide fishermen with fishing vessels habitually fishing in the waters of the FPAs concerned and persons fishing with any vessels for scientific research and related purposes would be allowed to fish in the designated FPAs. Trawling activities, which were non-selective in nature and had greater impact on the ecosystem, would be strictly prohibited within the areas. "No-take" zones, in which all fishing activities would be prohibited, would be set up within the FPAs where artificial reefs were laid or where fish re-stocking exercise was carried out to protect fish try or other fish taking shelter in the device from being captured. Recreational fishing would be allowed inside the FPAs except the "no-take" zones. Tolo Harbour and Port Shelter were identified as potential FPAs; and

(c) Implementation of an annual territory-wide "closed season" for fishing

During the "closed season" for fishing, certain fishing methods would be prohibited in all waters of Hong Kong. The "closed season" proposal would only be implemented if the fisheries resources deteriorated further after the implementation of the first two measures and when deemed necessary. The designation of a "closed season" would be made by order in the Gazette, following public consultation on the details regarding its duration, timing and extent of fishery control such as the types of fishing activities prohibited during the period. The preliminary thinking was to make reference to the "closed season" implemented by the Mainland in South China Sea, i.e. covering June and July in each year and prohibiting trawling and purse seining for fishing. Non-compliance with the "closed season" requirement would be made an offence.

5. Members were further advised that most of the consulted groups were generally supportive to the proposed fishing licence system and suggested the Administration to further discuss with the fishing communities the fishing licence implementation details in future. The proposal to designate FPAs and to introduce management measures therein were welcomed by the inshore small craft fishermen fishing in the proposed FPA areas, whereas fishermen operating medium-sized vessels in Hong Kong waters had diverse views on the FPA proposal. As to the "closed season" proposal, while majority members of the fishing community had expressed reservation, the green groups opined that the proposal did not go far enough and suggested banning trawling activities in all Hong Kong waters and extending the "no-take" zone in all eastern and north-eastern waters of Hong Kong.

6. Concern was raised about the adverse impact of the implementation of the "closed season" on the livelihood of fishermen. The Administration should provide financial assistance to the affected fishermen.

7. The Administration estimated that about 600 trawlers and purse-seiners which relied wholly or partially on Hong Kong waters for fishing would be affected by the proposed "closed season" for fishing. If the measure was to be introduced, the Administration would work closely with the affected fishermen to assist them to tide over the "closed season" period, such as providing financial assistance and helping them develop alternative mode of fisheries operation such as leisure fishing. The Administration would consider taking the "closed season" proposal out from the legislative proposal, should the Panel so wish.

8. Concern was also raised on the significant increase in the number of fishing vessels if fishing licences were also issued to P4 vessels and transportation vessels, thereby further aggravating the livelihood of fishermen.

9. The Administration advised that with the introduction of a licensing system, the number of fishing vessels would be put under control. This would prevent further adverse impact on the ecosystem and help enhance the sustainability of local fisheries industry for the long term.

10. On the question as to whether the Administration had conducted any regulatory impact assessment on the proposed amendments to the Fisheries Protection Ordinance, the Administration advised that it did not see the need to do so as the fishing industry would benefit from an increase in overall fish catch.

11. The Panel held a special meeting on 26 April 2005 to listen to the views of the academics, green groups and the fishing community on the legislative proposal. A total of 46 deputations attended the meeting to give views on the matter.

## **Recent developments**

12. Having regard to the divided views of the Panel and stakeholders on the legislative proposal and the request of the fishing community for the Government to provide more assistance to help them tide over the proposed "closed season" and switch to other sustainable operations, the Committee on Sustainable Fisheries was set up by the Administration in late 2006 to study the long-term goals for development of local fishery industry that can maintain a viable balance between conservation of fisheries resources and development of the industry. The Committee, chaired by the Director of Agriculture, Fisheries and Conservation, comprises academics and experts in the fields of fisheries, marine ecology, financial economics, social science and environmental protection, as well as Legislative Council ("LegCo") members and fisheries trade representatives.

13. At the special meeting of the Panel on 16 October 2009, members were advised that the Committee on Sustainable Fisheries had devised two major directions for promoting the sustainable development of the fisheries industry, i.e. assisting fishermen to develop or switch to modernised and sustainable modes of operation modes; and protecting, conserving and rehabilitating the marine ecosystem and fisheries resources. The Committee had studied and discussed a number of proposals under these two major directions and was expected to submit a report to the Government by the end of 2009. Members were further advised that in the coming year, the Administration would give priority to providing fishermen with free training courses on sustainable fishery operation modes and launching a pilot fish hatchery scheme on a larger scale, with a view to promoting the further development of the local aquaculture industry.

14. In June 2006, the Finance Committee of LegCo approved the proposal to increase the commitment of loan capital of the Fisheries Development Loan Fund from \$100 million to \$290 million to provide loans for fishermen to switch to sustainable fisheries or related operations, and for mariculturists and pond fish farmers to develop sustainable aquaculture business so as to conserve fisheries resources.

## **Relevant papers**

15. Members are invited to access LegCo website (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of the meetings.