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**Panel on Food Safety and Environmental Hygiene**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 17 May 2011**

**Trawl ban in Hong Kong waters**

**Purpose**

This paper summarizes past discussions by the Panel on Food Safety and Environmental Hygiene ("the Panel") on the proposed ban on trawling in Hong Kong waters and provides the latest development of the issues relating to the trawl ban.

**Background**

2. The Chief Executive announced in the 2010-2011 Policy Address on 13 October 2010 the Administration's plan to ban fish trawling in Hong Kong waters through introducing legislation into the Legislative Council ("LegCo") in the 2010-2011 session. To address the livelihood problems faced by the affected fishermen, the Administration would launch a voluntary trawler buyout scheme for eligible trawler fishermen ("the Scheme").

**Deliberations of the Panel**

3. After the announcement of the trawl ban initiative by the Chief Executive in his 2010-2011 Policy Address, the Panel was briefed at its meeting on 15 October 2010 on the implementation of the proposal to ban trawling activities in local waters. At the meeting on 8 March 2011, the Administration updated the Panel on the progress in taking forward the policy initiative of introducing a trawl ban and gave an overview on other complementary fisheries management measures to be introduced in the 2010-2011 session.

4. Some members expressed support for the trawl ban. However, they were concerned about the livelihood of trawler fishermen and other related trades. Concerns were also raised over the current basis for calculating the ex-gratia allowance ("EGA") payable to the affected fishermen and the Government's buyout price of an individual vessel. There was a view that the EGA payment should cover the notional value of 15 years' fish catch in the affected area. The Administration explained that in determining the fish catch for the calculation of EGA for affected trawler vessel owners, due consideration would be given to the type, design and length of the trawler vessel which would affect their capture production.

5. As regards the buyout price for the trawler vessels, the Administration advised that apart from the market price, reference would be made to the valuation provided by independent marine surveyors in calculating the Government's buyout price of a voluntarily surrendered trawler vessel. The Administration assured members that there would be continuous discussion with the fisheries trade on the principle to be adopted in calculating EGA and determining the buyout price. However, the payments would vary among individual trawler owners due to various factors, such as whether the trawler vessel in question was wholly or partly fishing within Hong Kong waters and whether the trawler owners would surrender their vessels to the Government.

6. There was a call for providing adequate support to the affected trawler fishermen for switching to other sustainable fisheries operations. According to the Administration, it would continue discussion with the affected fishermen who wished to stay in the fisheries trade in order to better understand their preference among the options of turning to aquaculture; converting their vessels for recreational fishing; and switching to other fisheries operations (i.e. inshore fishing using selective fishing methods, fishing in the Mainland waters or offshore fishing). Affected fishermen could also apply to the Fisheries Development Loan Fund for low interest loan for switching to sustainable fisheries operations and other fisheries related operations.

7. Members enquired whether consideration would be given to providing trawler fishermen with the option of continuing trawling in local waters during specified periods and in designated areas. The Administration responded in the negative and explained that it would be difficult to delineate a designated area for trawling given the already small area of Hong Kong waters. Concentrating the non-selective fishing effort in a designated area would also lead to a great impact on the marine environment and the fisheries resources in that area.

8. A question was raised as to whether a mechanism for mediation/arbitration would be established with a view to resolving disputes between the affected fishermen and the Administration over the Scheme. According to the Administration, an inter-departmental working group comprising relevant departments would be set up to handle all matters relating to the processing of EGA applications from the affected fishermen. A Fishermen Claims Appeal Board, comprising non-official members, would also be set up where necessary for processing appeal cases by the affected trawler owners to ensure that decisions of the inter-departmental working group relating to EGA complied with Government policy.

9. The Panel held a special meeting on 15 March 2011 to receive views from 42 deputations/academics on the proposed trawl ban. While some deputations/academics supported the trawl ban, some other deputations expressed grave concerns about the implementation details of the Scheme. Members requested the Administration to provide further details of the Scheme package to the affected fishermen.

### **Latest development**

#### Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011

10. To take forward the trawl ban initiative, the Director of Agriculture, Fisheries and Conservation specified trawling devices as an item in the Schedule to the Fisheries Protection (Specification of Apparatus) Notice (Cap. 171 sub. Leg. B) by notice published in the Gazette on 25 March 2011. The Amendment Notice will come into operation on 31 December 2012. A subcommittee was formed at the House Committee meeting on 1 April 2011 to study the Amendment Notice.

11. The Subcommittee was briefed on the details of the Scheme and the provision of other assistance. The Scheme includes -

- (a) payment of EGA for the affected trawler owners for permanent loss of fishing grounds arising from the trawl ban:
  - (i) EGA payable to inshore trawlers will be calculated on the basis of the Port Survey conducted by the Agriculture, Fisheries and Conservation Department in 1989-1991 to be adjusted by the fish price movement and by adopting the enhanced multiplier of the EGA formula (i.e. 11 years' notional fish catch value); and

- (ii) a lump sum EGA of \$150,000 will be offered to each larger trawler if the applicant is successful. The total amount of EGA involved is about one year's notional fish catch value;
- (b) buying out of the affected trawler vessels for those trawler owners who volunteer to surrender their vessels (depending on the type, length, age and equipment/gear of the vessel as well as detailed valuation, the estimated buyout prices will range from about \$130,000 for an old, small wooden-hull stern/shrimp trawler, about \$1.1 million for a medium-sized stern/shrimp trawler in the middle of its serviceable life, to about \$3.5 million for a newer large hang trawler); and
- (c) payment of a one-off grant of \$34,000, which is equivalent to about three months of the average salary of a worker, to assist the affected local deckhands employed by the trawler owners who volunteer to surrender their trawler vessels at (b) above.

12. According to the Administration's estimation, the Scheme together with other measures will involve \$1,726.8 million.

13. The Subcommittee completed the scrutiny of the Amendment Notice at its meeting on 3 May 2011. The Chairman of the Subcommittee made a verbal report on the deliberations of the Subcommittee to the House Committee on 6 May 2011. A written report will be submitted to the House Committee on 13 May 2011 (LC Paper No. CB(2)1717/10-11).

### **Relevant papers**

14. A list of the relevant papers on the LegCo website is in the **Appendix**.

## Relevant papers on ban trawling in Hong Kong waters

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	11.5.2010 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">CB(2)1472/09-10(06)</a>
Panel on Food Safety and Environmental Hygiene	15.10.2010 (Item I)	<a href="#">Agenda</a> <a href="#">CB(2)50/10-11(01)</a>
Legislative Council	28.10.2010	<a href="#">Official Record of Proceedings</a> <a href="#">Pages 128 - 132, 186 - 188 and 231 - 232</a>
	15.12.2010	<a href="#">Official Record of Proceedings</a> <a href="#">Pages 69 - 72</a>
Panel on Food Safety and Environmental Hygiene	8.3.2011 (Item IV)	<a href="#">Agenda</a> <a href="#">CB(2)1197/10-11(03)</a> <a href="#">CB(2)1197/10-11(04)</a>
Panel on Food Safety and Environmental Hygiene	15.3.2011 (Item I)	<a href="#">Agenda</a> <a href="#">CB(2)1197/10-11(03)</a> <a href="#">CB(2)1197/09-10(04)</a> <a href="#">CB(2)1240/10-11(01)</a>
Subcommittee on Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011	13.4.2011 (Item II)	<a href="#">Agenda</a> <a href="#">Legislative Council brief</a> <a href="#">L.N. 45 of 2011</a> <a href="#">LS44/10-11</a> <a href="#">CB(2)1508/10-11(02)</a>
	3.5.2011 (Item I)	<a href="#">Agenda</a> <a href="#">CB(2)1634/10-11(01)</a>
House Committee	13.5.2011	<a href="#">CB(2)1717/10-11</a>