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**From:**
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*Sent to: mchiu@legco.gov.hk*

Dear Ms/Mr Chiu,

I am grateful for this opportunity to comment on the LegCo Brief on the Fisheries Protection (Amendment) Bill 2011

It is of course imperative for any fishery to be sustainable, as well as to address conservation goals, that extraction rates (number of fish/shellfish removed per unit time) be maintained within sustainable levels i.e. levels that the natural populations of fish and shellfish can sustain.

Globally, it is now accepted that management is needed for natural marine resources if they are to persist in the future, with economic and social benefits, and that a key component of that management is to limit the number of fishermen and/or type and number of fishing gear, and/or boat power etc. Major challenges are to determine what that limit should be (i.e. how many fishers, boats, gears, etc.) and to implement and enforce those limits.

Other important management approaches to achieve sustainability are to ensure sufficient spawning biomass by having enough reproductive size adults, and to protect juveniles from fishing, by minimum sizes, so that they can grow large enough to reproduce and replenish the population. Again, these are widely used and standard fishery management approaches.

Hong Kong's fishery is in very poor shape. Many of the fish caught are juveniles, many species have virtually disappeared from our waters and some are of high conservation concern and need protection. Serious measures are needed to manage the fishery if it has any hope of recovery. The upcoming trawl ban is an important step towards recovery but much more is needed to restore the fishery for the great benefit of the fishing community in particular and Hong Kong society in general.

**Regarding the current proposed amendment:**

**Control Fishing Effort –** It is essential to control fishing effort to maintain a viable fishery. Licensing is a good way to do this as long as it is in line with resource availability and is seen to be fair and consistent. However, I am concerned with the licensing measures as outlined for the following reasons:

1. It is not indicated how the number of licences will be regulated to ensure that they are within the sustainable capacity of the fishery. **How will this number of licences be determined?** Research is needed to answer this question.
2. Since both recreational and commercial fishing remove fish and shellfish (indeed in some places such as SE United States the recreational sector takes more than the commercial sector) the **total catch needs to be regulated in both recreational and commercial sectors** (including in the case of 'non-fishing vessels'- as referred to in the amendment) and decisions made regarding which sector gets what percentage of the total sustainable catch. This is particularly important at a time when interest in recreational fishing is growing and when displaced commercial fishers might move into the recreational or 'non-fishing' sector.
3. **It is not clear why 'non-fishing' vessels with hook and line are exempted from restrictions** – what is the justification from a fishery/biological perspective? These vessels can represent a significant component of fishing effort which needs to be factored into the total catch allowed from local waters.
4. **Any vessel removing fish/shellfish from local waters in significant amounts should be required to report catches to AFCD to enable monitoring of fishery condition in the long-term**. This is standard fishery practice in properly managed fisheries.

**FPAs** – it would be extremely beneficial to have FPAs in the appropriate locations for the protection of spawning and nursery grounds. However, research is needed to determine what these grounds are as very little information is available, other than largely anecdotal. Unfortunately, major spawning aggregations have been lost (such as the large yellow croaker, *Larimichthyes crocea*, and the giant yellow croaker, *Bahaba taipingensis*) from the Pearl River Estuary which once supported major fisheries. Tolo harbour once supported sea bream nurseries.

My question is ‘how will information of sufficient scientific rigor be collected to identify key spawning and nursery areas in Hong Kong when we do not have much reproductive capacity remaining in most HK species and hence few remaining such areas’? **I strongly suggest that there need to be additional measures, such as minimum sizes**, implemented to help to restore spawning stocks in our waters. Given how few spawning stocks we have, FPAs alone will be insufficient to restore them (especially if some fishing such as recreational fishing continues within them) and are only one of several tools that must be applied to restore stocks. Note that FPAs in general have a conservation rather than fishery management application, so fishery management measures are also needed.

**Promote Conservation of Fish….** – one stated aim is that of conservation but conservation approaches are not indicated. For example, Hong Kong has several species that are clearly threatened with extinction (IUCN criteria – Red List – www.iucnredlist.org) and urgently need management/conservation attention. Since we have no local legislation to protect threatened marine fishes these are completely without protection. Examples include the Hong Kong (or Red) grouper, *Epinephelus akaara*, and the giant yellow croaker, *Bahaba taipingensis*, among others. These species receive no protection at all in Hong Kong and populations are in a seriously reduced state. Most urgently, the giant yellow croaker is endangered and already protected in Mainland China and is very close to extinction – it has received no attention in Hong Kong at all yet once supported a valuable fishery.