

**Bills Committee on Fisheries Protection (Amendment) Bill 2011**

**Follow-up on Matters arising from the Bills Committee Meeting  
on 10 February 2012**

**Purpose**

This paper provides Members with supplementary information on -

- (a) prosecutions against offences (locations and penalties imposed) under the Fisheries Protection Ordinance (Cap. 171); and
- (b) protection of marine and fisheries resources.

**Prosecutions against offences under the Fisheries Protection Ordinance (Cap. 171)**

2. The maximum penalty against fishing using prohibited apparatus under the Fisheries Protection Regulations (the Regulations) (Cap. 171A) is \$200,000 and imprisonment of six months. There were a total of 21 convicted cases during the period 2010 – 2011, in which all involved the use of dredging device for fishing. The use of dredging device for the purpose of fishing contravenes Regulation 4A of the Regulations. Fines ranging from \$2,000 to \$10,000 with an average of \$5,500 were imposed. The offences took place in the western waters of Hong Kong, mainly in the waters off east Lantau, Peng Chau, Hei Ling Chau and the Chek Lap Kok International Airport. A summary table is at Annex A.

**Protection of marine and fisheries resources**

3. Hong Kong has a varied and rich marine environment, which nurtures diverse marine species of both ecological and economic values. The Administration is committed to protecting our marine environment and enhancing the fisheries resources. The Agriculture, Fisheries and Conservation Department (AFCD) implements a suite of measures to

protect and enhance our marine / fisheries resources. The department adopts the habitat approach in implementing such measures, and sites with different conservation / fisheries values are designated and managed for different purposes. These include the implementation of the artificial reef programme and the proposed designation of fisheries protection areas under the Fisheries Protection (Amendment) Bill (the Amendment Bill). Details of these measures are set out in the ensuing paragraphs.

#### Artificial reef programme

4. AFCD launched the artificial reef programme in 1996 with the objectives to enhance fisheries resources; rehabilitate degraded habitats; protect spawning and nursery grounds, and marine protected areas; and enhance habitat quality in open seabed areas.

5. So far, AFCD has deployed 668 units of artificial reefs (ARs), totalling 179 130 m<sup>3</sup>. Deployment sites include marine parks, fish culture zones, important spawning and nursery grounds, and feeding stations for the Chinese white dolphins. Different materials have been used, including redundant vessels and marine structures, prefabricated used-tyres and concrete modules, and quarry rocks.

6. Specially designed ARs known as biofilters have also been deployed in fish culture zones with a view to improving the marine environment underneath fish culture rafts and in the surrounding waters. Biofilters provide abundant hard surfaces for the development of filter feeders which clean the water by removing nutrients and suspended particles generated from fish culture activities.

7. A study commissioned by AFCD in 1997 concluded that ARs deployment would benefit local fisheries resources and marine habitats in the long term. It also pointed out that the effectiveness of ARs would be more prominent if coupled with suitable management measures (e.g. “no-take” zones in fisheries protection area). Data from a recent survey in 2011 revealed that ARs continued to enhance fisheries resources, both in terms of number and species richness of commercial and high value fishes.

8. We will continue to explore deploying ARs at other suitable sites including the potential fisheries protection areas.

#### Fisheries protection areas (FPAs)

9. Certain areas in Hong Kong waters are important fish spawning and nursery grounds. As explained in LC Paper No. CB(2) 976/11-12(01), the Administration proposes to designate such areas as FPAs to protect fish fry, juvenile and spawning fish, help restore fisheries resources in Hong Kong waters, and promote the sustainable development of fisheries in the long run.

10. The proposed FPAs being contemplated are the “Tolo Channel and Long Harbour” and the “Port Shelter”. These are known important spawning and nursery grounds in Hong Kong waters. The designation and size of such FPAs will be decided after thorough consultation with the trade. As the main objective of FPAs is to enhance fisheries resources for the sustainable development of fisheries, fishing would not be banned or regulated across the board in FPAs. Instead, a tailored approach will be adopted to devise the management measures to be implemented in an FPA. Fisheries management measures being considered for the FPAs may include –

- (a) restricting or prohibiting the use of specified fishing methods and gear;
- (b) restricting the capture of species of certain size;
- (c) designation of “no-take” zone in FPAs (such as in areas where deployment of artificial reefs and restocking will be carried out); and
- (d) implementation of “closed season” to protect spawning fish and fry from fishing during certain periods of a year.

11. A map showing the locations of existing AR deployment sites, potential FPAs and potential AR deployment sites is at Annex B.

## **Advice Sought**

12. Members are invited to note the supplementary information in this paper.

**Food and Health Bureau  
February 2012**

**Prosecutions under Cap. 171 – Convicted Cases**2010

Date of offence	Offence	Location	Fine (HK\$)
3 January	Use of Dredging Device	Waters off East Chek Lap Kok Airport	2,500
26 April	Use of Dredging Device	Waters off Kau Shat Wan, Lantau	2,500
26 April	Use of Dredging Device	Waters off Kau Shat Wan, Lantau	5,000
12 May	Use of Dredging Device	Waters off Kau Shat Wan, Lantau	4,000
12 May	Use of Dredging Device	Waters off north Peng Chau	3,500
17 June	Use of Dredging Device	Waters off north Peng Chau	5,000
25 July	Use of Dredging Device	Waters off Wu Ying Pai, Discovery Bay	5,000
<b>Total</b>			<b>HK\$27,500</b>

2011

Date of offence	Offence	Location	Fine (HK\$)
4 March	Use of Dredging Device	Waters off north Hei Ling Chau	5,000
7 March	Use of Dredging Device	Waters off north Hei Ling Chau	4,000
14 March	Use of Dredging Device	Waters off west Peng Chau	2,000
16 April	Use of Dredging Device	Waters off north Hei Ling Chau	8,000
22 April	Use of Dredging Device	Waters off north Peng Chau	9,000
1 May	Use of Dredging Device	Waters off Mui Wo	7,000
6 May	Use of Dredging Device	Waters off Chi Ma Wan	7,000
18 May	Use of Dredging Device	Waters off Chi Ma Wan	7,000
21 June	Use of Dredging Device	Waters off west Hei Ling Chau	6,000
25 June	Use of Dredging Device	Waters off north Cheung Chau	5,000
26 June	Use of Dredging Device	Waters off south-west Hei Ling Chau	6,000
8 July	Use of Dredging Device	Waters off Kau Shat Wan, Lantau	6,000
10 July	Use of Dredging Device	Waters off west Hei Ling Chau	10,000
10 November	Use of Dredging Device	Waters off Kau Shat Wan, Lantau	5,000
<b>Total</b>			<b>HK\$87,000</b>

**Locations of Existing Artificial Reef (AR) Deployment Sites, Potential Fisheries Protection Areas and AR Deployment Sites**

