

Bills Committee on Fisheries Protection (Amendment) Bill 2011

**Follow-up on Matters arising from the Bills Committee Meeting
on 22 February 2012**

Purpose

This paper sets out the Administration's responses to the issues raised by Members at the Bills Committee meeting on 22 February 2012. These are –

- (a) Chinese definition of “impoundment” (圍塘) under Clause 4 of the Fisheries Protection (Amendment) Bill 2011 (the Amendment Bill);
 - (b) the need for the punctuation “、” appearing before “或易毀消物件” in the Chinese text of proposed section 6(2); and
 - (c) the Authority for the management and control of fishing in fisheries protection areas (FPAs).
- (a) **Chinese definition of “impoundment” (圍塘) under Clause 4 of the Amendment Bill 2011**
2. In response to Members' concern, the Administration would like to propose a revised draft for better comprehension.
- (b) **the need for the punctuation “、” appearing before “或易毀消物件” in the Chinese text of proposed section 6(2)**
3. In response to Assistant Legal Adviser's concern, the Administration would remove the punctuation “、” in the Chinese text of proposed section 6(2).
- (c) **the Authority for management and control of fishing in FPAs**
4. The new Sections 4A and 4B provide that -

“The Secretary may, by order published in the Gazette–

- (a) designate any area of the waters of Hong Kong to be a fisheries protection area to promote the conservation and management of marine and fisheries resources; and
- (b) appoint a person to be the Authority for the purposes of this Ordinance.

The Authority may make rules for the management and control of fishing in any fisheries protection area, including but not limited to the specification of any zone within any fisheries protection area and the prohibition of any fishing in the specified zone.”

Under the new section 2, the Secretary means the Secretary for Food and Health (SFH).

5. In gist, the Amendment Bill proposes to empower SFH to appoint a person to be the Authority. The Authority may make rules for the management and control of fishing in any fisheries protection areas (FPAs). The designation of FPAs, the appointment of the Authority and the above management rules will be made by means of subsidiary legislation which will be subject to negative vetting by the Legislative Council. Since the Authority will be responsible for the management and control of fishing in FPAs which have yet to be designated by SFH, it is more logical that the Authority be appointed at the time when FPAs are designated. It is our intention to appoint the Director of Agriculture, Fisheries and Conservation, which takes charge of fisheries matters in Hong Kong, to be the Authority when FPAs are designated.

Advice Sought

6. Members are invited to note the Administration’s responses to the issues raised at the last meeting.

Food and Health Bureau
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