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**Panel on Food Safety and Environmental Hygiene**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 11 June 2013**

**Review of moratorium on issue of new fish culture licences**

**Purpose**

This paper summarizes the concerns of the members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the review of moratorium on issue of new fish culture licences.

**Background**

2. Mariculture involves rearing of marine fish from fry or fingerlings to marketable size in cages suspended by floating rafts in sheltered coastal areas. Mariculture in Hong Kong is regulated by the Marine Fish Culture Ordinance (Cap. 353) which requires all mariculture operations to be conducted in designated fish culture zones ("FCZs") under licences issued by the Agriculture, Fisheries and Conservation Department ("AFCD"). Currently, there are 26 FCZs occupying a total sea area of 209 hectares with some 1 008 licensed operators. The majority of the mariculture licensees are operating in small, family-based farms having an average farm size of about 280 square metres.

3. In view of the concern that the growth in the size of the mariculture industry would have adverse impact on the water quality and the marine environment, the Administration commissioned in 1989 a consultancy study to assess the environmental impact of mariculture in Hong Kong. As an interim

measure, no new FCZs were to be designated, except for forced re-site necessitated by public works. In 1990, the Government endorsed various recommendations from the consultancy study, including (a) the continuation of the moratorium on the designation of new FCZs; and (b) stringent restrictions on the grant of new licences or raft area extensions in existing zones. However, in the past two decades, there have been changes in the operational mode and business environment of local fish culture activities, which help reduce the pollutants released in FCZs and improve the marine environment in their vicinity.

4. In December 2006, the Government established the Committee on Sustainable Fisheries ("the Committee") to study the long term directions, goals and strategy for the sustainable development of the local fisheries industry. In its report released in May 2010, the Committee observed that apart from assisting fishermen in developing or switching to modernized and sustainable modes of operation, further measures should be put in place to manage fishing efforts, including banning trawling, in Hong Kong waters. The Committee recommended, inter alia, a review of the moratorium to enable fishermen to switch from capture fisheries to mariculture. Mariculture is considered a practical alternative for capture fishermen to make a living as their artisan skills would be useful in farming marine fish.

5. As recommended by the Committee, the Government has indicated that AFCD has been following up with relevant bureaux and departments on conducting a review of the moratorium on the issue of new licence for mariculture operations and other related recommendations on promoting the development of the mariculture industry.

### **Deliberations of the Panel**

6. The Panel discussed the review of moratorium on issue of new fish culture licences at a meeting in July 2012. The deliberations and concerns of members are summarized below.

#### Moratorium on issue of marine fish culture licence

7. Most members welcomed the Administration's review of the moratorium on the issue of new licences for mariculture operations. Pointing out that a package of fisheries management measures, such as banning trawling and

containing the growth in the number of fishing vessels in Hong Kong waters, had been adopted to control the fishing efforts of local capture fisheries, some members considered that mariculture would be a possible alternative for the local fisheries industry to achieve sustainable development. They called on the Administration to re-issue new marine fish culture licences and review the management of existing FCZs. Given the limited local fisheries resources, some members suggested that the Administration should carry out studies on the expansion of FCZs and the rotation of raft locations so as to address future mariculture development.

8. The Administration assured members that AFCD would work closely with the trade on the sustainable development of the local fisheries industry. According to the Administration, a computer database / modelling system on the water environment of Hong Kong had recently been developed by the University of Hong Kong with the assistance of AFCD. With the introduction of this new analytical tool, the public could be provided with objective and scientific assessments on the environmental acceptability of the existing and potential FCZs. As revealed by the initial assessments, some FCZs in Hong Kong might have the capacity of holding additional fish stock without compromising the marine environment. Members were advised that the Administration would consult relevant bureaux / departments, the trade and relevant stakeholders on whether the moratorium on the issue of new fish culture licences in FCZs with surplus carrying capacity remained appropriate; and consider launching a trial scheme that might serve as the basis for assessing the merits of any proposed changes.

#### Local fish farming

9. Members expressed support for the development of local fish farming, particularly pond fish culture and freshwater fish farming. They called on the Administration to formulate a comprehensive plan for the development of local fish farming.

10. Pointing out the number of fish ponds in Hong Kong could not meet the growing demand for local quality fish, some members urged the Administration to review the existing policy on pond fish culture and identify suitable sites for pond fish farming.

## **Recent development**

11. Hon Kenneth LEUNG raised a written question concerning the regulation of the fisheries industry and development of related industries at the Council meeting of 30 January 2013. According to the Administration's reply, following the review of moratorium on issue of new marine fish culture licences in 2012, the Administration was laying the ground work for launching a trial scheme within 2013, with a view to issuing limited new marine fish culture licences in FCZs with surplus carrying capacity. The feasibility of developing culture methods for shellfish and other seafood in FCZs would also be explored. An extract from the Official Record of Proceedings of the Council on the question is in **Appendix I**.

## **Relevant papers**

12. A list of the relevant papers on the Legislative Council website is in **Appendix II**.

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January 2013. The impact on the general public was greatly minimized.

The TAR reviews its financial monitoring mechanism from time to time to ensure effective regulation of travel agents. We will actively listen to the views of the trade and the public to enhance the existing system.

### **Regulation of Fisheries Industry and Development of Related Industries**

18. **MR KENNETH LEUNG** (in Chinese): *President, some green groups have pointed out that the catch of fish in Hong Kong has been decreasing since 1990 and by 2009, it has decreased by nearly 50%. Therefore, the Government should expeditiously implement measures to promote sustainable development and step up regulation of the fisheries industry. In addition, the Government should also ban fishing in the four marine parks and the marine reserve in Hong Kong. On the other hand, some members of the fisheries industry have indicated that the techniques currently used by the aquaculture industry in Hong Kong are still very backward and lack diversified development, and the marine ecotourism industry has yet to be developed. They consider that the Government should assist the development of these fisheries-related industries, so as to help fishermen switching to related industries. Regarding the regulation of the fisheries industry and development of related industries, will the Government inform this Council:*

- (a) *as the Fisheries Protection (Amendment) Ordinance 2012 has come into operation since 15 June 2012, how the Government will implement the management measures for sustainable development of the fisheries industry under the Ordinance, including the implementation date and details of the plan to designate certain areas in Hong Kong waters as Fisheries Protection Areas (FPAs);*
- (b) *given that some green group members have pointed out that the water quality at Port Shelter and Tolo Channel are relatively good, and the waters are also fish spawning and nursing grounds, whether the Government has plans to designate these two areas as FPAs, so as to ban fishing in such waters; if it has, of the details; if not, the reasons for that;*

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- (c) *whether the Government will, by making reference to the practices in overseas countries and the Mainland, introduce the measure of fishing moratorium; if it will, of the implementation time; if not, the reasons for that;*
- (d) *whether the Government has plans to step up education for fishermen on the use of fishing methods conducive to sustainable development and step up efforts to combat the use of illegal fishing methods (such as the use of toxic substances, explosive or electricity, and so on) by fishermen; if it has, of the details; if not, the reasons for that; how the Government will step up efforts to combat illegal fishing activities in Hong Kong waters carried out by Mainland fishing vessels;*
- (e) *whether the Government will adopt the marine conservation policies of foreign countries, including banning the capture of marine lives which are too small in size and carrying out ocean ranching (that is, captive breeding fry before releasing them back into the sea, and capturing them after they have grown up); if it will, of the implementation time; if not, the reasons for that;*
- (f) *as the Government has advised in a paper on environmental protection policy initiatives submitted to this Council in 2013 that "[i]n 2013, in consultation with stakeholders, we will take forward the proposal to ban commercial fishing in marine parks", of the timetable for carrying out the consultation and legislative work as well as the details thereof;*
- (g) *whether the Government will provide more technical support to the aquaculture industry so as to help fishermen engaged in this industry to maintain their livelihood; if it will, of the details; if not, the reasons for that;*
- (h) *given that some members of the industry have pointed out that the water quality of areas east of Hong Kong is excellent and suitable for aquaculture of shellfish and other marine produce, whether the Government will consider assisting the aquaculture industry in farming shellfish and other marine produce in that area, so as to promote diversified development of the aquaculture industry; and*

- (i) *how the Government will enhance support for the development of the marine ecotourism industry, so as to assist fishermen in switching to other related industries?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, to help restore the fisheries resources in Hong Kong waters and promote the sustainable development of the fisheries industry, we have been pursuing various fisheries management measures as recommended by the Committee on Sustainable Fisheries in its report submitted to the Government in April 2010.

The subsidiary legislation to ban trawling activities in Hong Kong waters was passed by the Legislative Council on 18 May 2011 and came into operation on 31 December 2012. The Fisheries Protection (Amendment) Bill 2011 was passed by the Legislative Council on 9 May 2012 and gazetted on 15 June 2012. The amended Ordinance clears the way for us to introduce a series of fisheries management measures to control the fishing effort in Hong Kong waters and protect important spawning and nursery grounds. We have reviewed the mechanism and terms of the Fisheries Development Loan Fund, with a view to better meeting the requirements of the fisheries sector. We have also reviewed the moratorium on issue of new licences for mariculture operations in fish culture zones (FCZs) with surplus carrying capacity, and are laying the ground work for rolling out a pilot scheme within 2013. We conduct adaptive development studies to enhance productivity and sustainability of the local aquaculture industry.

In collaboration with relevant stakeholders, we have launched a pilot scheme to help fishermen venture into ecotourism. To assist fishermen to upgrade their knowledge and skills, we have been arranging various training courses, workshops and seminars for fishermen. The Chief Executive announced in his 2013 Policy Address the setting up of a Sustainable Fisheries Development Fund of \$500 million to provide for financial assistance for projects and researches conducive to the sustainable development of the fisheries industry.

My reply to the various parts of the question is as follows:

- (a) and (b)

The Fisheries Protection (Amendment) Ordinance 2012 seeks to:

- (i) introduce a registration system for local fishing vessels, with a view to limiting the entry of new fishing vessels and maintaining an appropriate level of fishing effort in Hong Kong waters;
- (ii) restrict fishing activities with the use or aid of non-fishing vessels, and prohibit fishing activities with the use or aid of non-local fishing vessels, with a view to further controlling the fishing effort in Hong Kong waters; and
- (iii) designate certain areas in Hong Kong waters as FPAs to protect important spawning and nursery grounds, thereby helping to restore local fisheries resources, and promote their sustainable growth in the long run.

On the registration of local fishing vessels, the Agriculture, Fisheries and Conservation Department (AFCD) has conducted briefing sessions for fishermen in major home ports, including Aberdeen, Shau Kei Wan, Tai Po, Tuen Mun, Sai Kung and Cheung Chau, from April to June 2012. In addition to receiving applications at its Headquarters, the AFCD has also set up temporary outstations at various home ports to facilitate fishermen to submit their applications there. As at 23 January 2013, about 2 700 applications for registration have been received.

Under the Fisheries Protection (Amendment) Ordinance 2012, the Secretary for Food and Health is empowered to designate FPAs, with a view to protecting fish fry, juvenile and spawning fish in important spawning and nursery grounds.

We have taken note of the suggestion to designate waters in Port Shelter and Tolo Channel as FPAs. We plan to consult the trade in 2014 on the designation of FPAs, including the management measures that are to be implemented within the FPAs. Measures that are under consideration include restricting or prohibiting the use of specified methods and gear; restricting the capture of species of certain size; designation of "no-take" zone in FPAs; and implementation of "closed season" to protect spawning fish and fry from fishing during certain periods of a year.



- (c) The statutory ban on trawling activities in the waters of Hong Kong has come into operation since 31 December 2012. This is complemented by other fisheries management measures in the Fisheries Protection (Amendment) Ordinance 2012, which has come into operation since 15 June 2012. We believe that these will help curb further depletion of the marine resources in Hong Kong and enable the marine ecosystem to rehabilitate at a faster rate than would otherwise be possible.

A simulation study conducted by an overseas university has portrayed that fisheries resources and the catch value per unit of fishing effort in Hong Kong waters will rise following implementation of the above measures.

We will closely monitor the effectiveness of the fisheries management measures and consider the need for further measures as and when appropriate.

- (d) The AFCD has been providing training courses for fishermen for many years. Since 2010, the AFCD has implemented a tailor-made fishermen training programme to assist fishermen to switch to sustainable fisheries and related operations. The programme includes lectures and practical sessions on recreational fishing and aquaculture, as well as demonstration of non-destructive fishing operations (such as purse seining) with a view to suiting the needs of the fishermen. Over 920 fishermen have joined the various training courses and tour programmes since 2010 and the relevant training courses are rated highly by the participants. For mariculturists at FCZs, the AFCD has also organized workshops and seminars to introduce and promote fish hatchery and nursery techniques, and provide them with advice and technical support, with a view to encouraging them to make use of such techniques. The AFCD will continue to work closely with the trade to provide training for fishermen and mariculturists.

The Fisheries Protection (Amendment) Ordinance 2012 provides for the prohibition of fishing activities by non-local fishing vessels. Since 15 June 2012, any person who contravenes any provision of the Ordinance commits an offence and is liable to a fine of \$200,000

and imprisonment for six months. The AFCD has been working closely with relevant departments to enforce the Ordinance, including conducting joint enforcement operations from time to time to deter irregularities. The AFCD plans to strengthen patrol through deploying appropriate resources to ensure effective enforcement of the law.

- (e) A consultancy study on Fisheries Resources and Fishing Operations in Hong Kong Waters conducted in 1998 recommended, among other things, restocking to enhance local fisheries resources. Restocking involves the release of fish fry or juveniles of other marine animals into the wild to enhance fisheries resources.

To follow up the recommendation, the AFCD has conducted several trials to collect the necessary information for assessing the feasibility of restocking in Hong Kong. Under the trials, the AFCD has released some 57 000 fish fry (including Green Groupers, Russell's Snappers, Star Snappers and High-finned Groupers) and 1 million shrimp seedlings. Experience from the above trials showed that restocking may help enhance fisheries resources. However, its effectiveness would be more pronounced if it is complemented by other fisheries management measures (for example, FPAs). The AFCD plans to conduct larger scale restocking trials to further enhance local fisheries resources.

- (f) According to the Environment Bureau, in its previous consultation on the proposal to ban commercial fishing in marine parks, the Legislative Council Members and fishermen groups were generally of the view that the Government should continue to liaise with the fishermen groups with a view to reducing the impact on fishermen's livelihood before taking forward the proposal. In this connection, the AFCD has been working with the fishermen concerned and running specialized training for fishermen and pilot schemes to look into the possibility of assisting fishermen to develop or switch to fisheries-related eco-tourism businesses. In 2012, the Environment Bureau conducted another round of consultation with the majority of the fishing permit holders in marine parks. In 2013, the Environment Bureau would consolidate the discussions with fishermen and further consult stakeholders, including the Legislative

Council Panel on Environmental Affairs, on how to take forward the proposal to ban commercial fishing in marine parks, with a view to improving ecosystems in marine parks and offering better protection for marine organisms.

- (g) The AFCD conducts adaptive development studies to improve productivity and enhance the sustainability of the local aquaculture industry. To provide a greater variety of species for culture and to enhance the competitiveness of Hong Kong fish farmers, continuous efforts are being made to identify suitable new species with good market potential. The AFCD has introduced Red Drum and Giant Grouper to the local mariculture industry in recent years.

To improve husbandry techniques and enhance the food safety of local aquaculture produce, the AFCD has launched the Accredited Fish Farm Scheme (AFFS), under which some 70 marine fish farms are currently accredited. Accredited farms must follow a set of "Good Aquaculture Practices" which includes aspects on food safety, general hygiene and environmental sustainability. Accredited fish farms can use the AFFS logo and market their products via the AFFS marketing channels. The AFCD also provides support to fish farmers on technical and farm management issues including fish nutrition, water quality monitoring, red tide alerts and fish disease prevention. The AFCD will continue to provide appropriate support needed by the industry.

- (h) There has been a general moratorium since 1990 on the issue of new marine fish culture licences, raft area extensions in existing FCZs and the designation of new FCZs because of environmental considerations. Having reviewed the moratorium in 2012, we are laying the ground work for launching a trial scheme within 2013, with a view to issuing limited new marine fish culture licences in FCZs with surplus carrying capacity. We will also explore the feasibility of developing culture methods for shellfish and other seafood in FCZs.
- (i) In 2010, the AFCD launched, in collaboration with relevant stakeholders, a pilot scheme in Sai Kung and north-eastern New Territories to help fishermen venture into ecotourism. The scheme

provides marine-based guided tours which cover the culture and practices of fisherman communities as well as the ecological and geological features of Hong Kong. Over 300 fishermen have received training under the pilot scheme. Drawing on the positive response to the pilot scheme, the AFCD has extended the scheme to Lamma Island in 2011-2012 and to the western waters in 2012-2013.

As advised by the Tourism Commission, marine ecotourism is not one of the popular activities for tourists visiting Hong Kong. Nevertheless, the Hong Kong Tourism Board will continue to promote the coastal beauty of Hong Kong to tourists, such as the Pui O Beach and Cheung Sha Beach on South Lantau, Repulse Bay and Shek O on Hong Kong Islands, and so on.

### Youth Hostel Scheme

19. **MR CHAN HAK-KAN** (in Chinese): *President, in a paper submitted to this Council, the Home Affairs Bureau stated that "[t]he Government plans to support non-governmental organizations (NGOs) with the full capital costs of building youth hostels. The concept of Youth Hostel Scheme (the Scheme) is for meeting the aspirations of some working youths in having their own living space and giving these youths an opportunity to accumulate savings to meet their aspirations". The paper has also pointed out that the Government will start with the two more-mature projects on a pilot basis and review the results. Earlier, the Secretary for Home Affairs has indicated that the Scheme aims to supply around 3 000 hostel units and, in order to ensure rotation of use of hostel units, the total tenancy period will be set at not exceeding five years and the upper age limit of applicants at 35. However, some young people have expressed to me their concerns that given the stringent eligibility criteria and complicated formalities of the aforesaid hostels, the Scheme may not be able to relieve their pressure from housing problems. In this connection, will the Government inform this Council:*

- (a) *of the NGOs that have indicated to the authorities their interest in building youth hostels so far; the details of the two more-mature projects mentioned above, including the names of the NGOs, the locations of the sites for building youth hostels and the respective estimated numbers of hostel units that may be provided; the expected*

## Appendix II

### Relevant papers on the review of moratorium on issue of new fish culture licences

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Food Safety and Environmental Hygiene	11.7.2012 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	30.1.2013	<a href="#">Official Record of Proceeding (Question 18)</a>

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