

立法會
Legislative Council

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Panel on Environmental Affairs

**Minutes of special meeting
held on Wednesday, 25 June 2014, at 8:30 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon Cyd HO Sau-lan (Chairman)
Hon CHAN Hak-kan, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon Vincent FANG Kang, SBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon Albert CHAN Wai-yip
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK
Hon CHAN Han-pan
Hon Kenneth LEUNG
Hon Dennis KWOK
Dr Hon Elizabeth QUAT, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent : Hon Claudia MO
Dr Hon Kenneth CHAN Ka-lok
Dr Hon Helena WONG Pik-wan
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

**Public Officers
attending**

: For item I

Mr Elvis AU, JP
Assistant Director
(Nature Conservation & Infrastructure Planning)
Environmental Protection Department

Mr TANG Kin-fai, JP
Assistant Director (Environmental Assessment)
Environmental Protection Department

Mr David WONG
Assistant Director (Environmental Compliance)
Environmental Protection Department

Mr Joseph SHAM
Assistant Director (Country and Marine Parks)
Agriculture, Fisheries and Conservation Department

Mr Dick CHOI
Senior Marine Conservation Officer (West)
Agriculture, Fisheries and Conservation Department

Mr Simon CHAN
Senior Conservation Officer (Biodiversity)
Agriculture, Fisheries and Conservation Department

Ms Louise LI
Acting Senior Fisheries Officer
(Fisheries Management)
Agriculture, Fisheries and Conservation Department

Mr Kelvin LO
Principal Assistant Secretary (Works)
Development Bureau

Mr Raymond IP
Senior Engineer/Projects 4
Civil Engineering and Development Department

Mr James CHAN
Principal Project Coordinator/
Hong Kong-Zhuhai-Macao Bridge
Highways Department

Mr John CHAI, SBS
Executive Director, Projects
Airport Authority Hong Kong

Mr Peter LEE
General Manager, Environment (Projects)
Airport Authority Hong Kong

Mr Wilson WONG
Acting Chief Estate Surveyor (Acquisition)
Lands Department

Mr Calvin WONG
Senior Marine Officer/Planning and Development Section (2)
Marine Department

Mr CHAN Tze-yee
Acting Assistant Director (Regulatory)
Office of Communications Authority

Clerk in attendance : Ms Miranda HON
Chief Council Secretary (1)1

Staff in attendance : Miss Lilian MOK
Senior Council Secretary (1)1

Ms Mandy LI
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

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I. Impact of construction works on important species, marine ecology and the fisheries industry

(LC Paper No. CB(1)1648/13-14(01) — Administration's paper on "Impact of construction works on important species, marine ecology and the fisheries industry"

LC Paper No. CB(1)1648/13-14(02) — Background brief on "Impact of construction works on important species, marine ecology and the fisheries industry" prepared by the Legislative Council Secretariat

Relevant paper

LC Paper No. CB(1)1320/13-14(01) — Letter dated 25 April 2014 from Hon Kenneth LEUNG regarding the impact of the development of the Hong Kong boundary crossing facilities island of the Hong Kong-Zhuhai-Macao Bridge on marine ecology (Chinese version only))

The Assistant Director of Environmental Protection (Nature Conservation & Infrastructure Planning) ("ADEP(NC&IP)") briefed members on the efforts made by the Administration to conserve marine ecology and important species, and to avoid and minimize the impact of construction works on marine ecology and important species in Hong Kong. He highlighted that the Administration had announced a new nature conservation policy in 2004 to regulate, protect and manage natural resources that were important for the conservation of biological diversity of Hong Kong in a sustainable manner, taking into account social and economic considerations, for the benefit and enjoyment of the present and future generations of the community.

Marine ecological assessment

2. Referring to Annexes 16 and 17 to the Technical Memorandum issued under the Environmental Impact Assessment Ordinance (Cap. 499) ("the TM-EIAO") which set out the guidelines for ecological assessment and fisheries impact assessment, Mr Dennis KWOK expressed concern that there was not

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sufficient information for project proponents to conduct a comprehensive marine ecological assessment on their designated projects. He queried whether clear criteria were laid down in the TM-EIAO for reference of project proponents to assist them in assessing the potential impacts of their designated projects on the marine environment.

3. ADEP(NC&IP) responded that the TM-EIAO set out in detail the principles, procedures, guidelines, requirements and criteria for deciding whether a designated project was environmentally acceptable. Apart from the two annexes afore-mentioned, Annex 8 to the TM-EIAO also provided general criteria for evaluating the ecological impacts of a designated project. Relevant information on the statutory environment impact assessment ("EIA") process and the EIA reports of different designated projects were uploaded onto the EIAO website for public viewing. The Assistant Director of Agriculture, Fisheries and Conservation (Country and Marine Parks) ("ADAFC(C&MP)") explained that under EIAO, a designated project proponent was required to provide a project profile for the Director of Environmental Protection ("DEP") to draw up an EIA study brief to set out the scope of the environmental issues associated with the designated project which should be addressed in the EIA study. In general, designated projects involving submarine engineering works needed to go through marine ecological assessment in EIA.

Marine conservation

4. Dr Elizabeth QUAT commented that the Administration had failed to formulate comprehensive policies and strategies to conserve marine ecology. In her views, the Administration should conduct surveys on marine resources in Hong Kong waters regularly and prepare marine resource maps to keep monitoring different marine species. It should also step up efforts in conservation education and publicity. ADEP(NC&IP) reiterated that the Government had announced the new nature conservation policy in 2004 to promote nature conservation in Hong Kong. Under the new conservation policy, a total of 12 priority sites had been identified for enhanced conservation. The Management Agreement Scheme and the Public-Private Partnership Scheme had been introduced for the conservation of ecologically important sites. Besides, the Administration had been conducting regular ecological surveys and update the status of different marine species since early 2000. It would also continue to conserve and monitor the population of Chinese White Dolphins ("CWD") through the existing Conservation Programme for CWD which had been implemented since 2001.

5. ADEP(NC&IP) further advised that the Government had embarked on an exercise in 2013 to develop a city-level Biodiversity Strategy and Action Plan ("BSAP") based on principles of the Convention on Biological Diversity and took into account local needs and priorities. One of the targets was the

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prevention of the extinction of threatened species. To develop BSAP for Hong Kong, the Administration had set up a three-tier system which consisted of a Steering Committee, three Working Groups and Focus Groups. The Steering Committee would provide an overall steer to the formulation of BSAP and monitor the progress of its development.

6. ADAF(C&MP) added that the Administration attached great importance to the conservation of marine ecology. The Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) and the Wild Animals Protection Ordinance (Cap. 170) were the principal legislation for protecting endangered species. Various measures had also been implemented for the conservation and sustainability of the marine ecosystem. For example, the Agriculture, Fisheries and Conservation Department ("AFCD"), in collaboration with the Reef Check Foundation, had co-ordinated annual survey of corals in Hong Kong since 2000 to obtain data on coral reef status. Sham Wan of South Lamma had been designated as a Restricted Area to protect the nesting ground of green turtles. The Artificial Reef Programme had also been introduced to deploy a variety of artificial reefs at different sites locally to enhance fisheries and ecological resources. Since cross-boundary co-operation was essential to the protection of marine ecology, the Administration was working closely with the Guangdong authorities in conserving marine species in the waters of the Mainland and Hong Kong.

7. On education and publicity, ADAF(C&MP) advised that AFCD had been organizing various activities, including school education programmes, seminars, guided visits and exhibitions, to promote public awareness on nature conservation and would continue to step up its effort on this front. AFCD also maintained an ecological database for Hong Kong and would conduct regular ecological surveys to update the status of different habitats and species.

Conservation of the fisheries industry and fisheries resources

8. Mr Christopher CHUNG expressed disappointment that relevant Principal Officials did not attend the meeting, showing the Government's lack of commitment to conserve the natural environment. Noting that various marine works had commenced one after another, Mr CHUNG was gravely concerned about the adverse impacts of different infrastructure projects on the fisheries industry and fisheries resources. He pointed out that the marine works in recent decades (e.g. the development of the Hong Kong International Airport) had resulted in shrinkage of fishing grounds and significantly affected the livelihood of fishermen. While local fisheries production had declined and the operating environment of the fisheries industry continued to deteriorate, the Administration had failed to conduct comprehensive surveys to ascertain the status of local fisheries resources or provide sufficient support to fishermen, rendering it difficult for them to survive and sustain the development of the

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fisheries industry. Mr CHUNG urged for a review on the current ex-gratia allowance ("EGA") granted to fishermen affected by marine works as it did not fully reflect the fishermen's losses arising from a permanent or temporary loss of fishing grounds due to marine works projects.

9. ADAF(C&MP) advised that the Government had been granting EGA to fishermen affected by marine works to help address the impacts on their livelihood. The Acting Senior Fisheries Officer (Fisheries Management), AFCD (ASFO(FM)/AFCD), explained that as approved by the Finance Committee ("FC") in April 2012, the basis for calculating EGA for affected fishermen had been increased from seven years to 11 years' notional value of fish catch in the affected area in respect of marine works resulting in a permanent loss of fishing grounds and from three years to five years' notional value of fish catch in the affected area in respect of marine works resulting in a temporary loss of fishing grounds. Affected fishermen might be granted EGA in an amount proportional to the nominal value of annual fish catch from the affected waters, subject to certain eligibility criteria. An inter-departmental working group had also been set up to determine the eligibility and apportionment criteria for the EGA exercise. The notional value of fish catch in the affected area was calculated based on the data from the Port Survey conducted by AFCD in 1989/91 as it reflected the fisheries resources status before major reclamation works commenced and adjusted with fish price movement since then based on the data collected by AFCD. The EGA formula was reviewed and endorsed by FC in 2012. The Administration would also consult fishermen regularly to better understand fisheries-related information and data (e.g. fisheries production and sales and volume of fish catch). Mr Christopher CHUNG remained unconvinced and considered it not reasonable that the amount of EGA would depend on whether the homeports of affected fishermen were associated with the affected fishing grounds. The Chairman said that affected fishermen might consider lodging their cases with the Public Complaints Office of the Legislative Council Secretariat for more in-depth discussion.

10. In respect of fisheries resources, ASFO(FM)/AFCD advised that AFCD had conducted a consultancy study on Fisheries Resources and Fishing Operations in Hong Kong Waters in 1998. According to the study, there had been a depletion of fish stocks due to over-fishing and habitat destruction by marine works. To help promote the recovery of fish stocks and the sustainable development of the local fisheries industry, the Administration had been gradually implementing various fisheries management measures as recommended by the Committee on Sustainable Fisheries in its report submitted to the Government in April 2010. For example, the legislation to ban trawling in Hong Kong waters came into operation on 31 December 2012 to protect the precious marine resources and ecosystem and a registration system for local fishing vessels had been introduced to limit the entry of new fishing vessels and

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maintain an appropriate level of fishing effort in Hong Kong waters. The Administration also sought to designate Fisheries Protection Areas to better protect fish fry, juvenile and spawning fish in important spawning and nursery grounds. ASFO(FM)/AFCD added that AFCD had conducted surveys on fisheries resources in Hong Kong waters since 2010. As the trawl ban would change the baseline conditions of the existing marine and fisheries resources in Hong Kong, AFCD considered it necessary to capture data over a longer period of time for meaningful analysis and study.

11. Mr Christopher CHUNG further expressed concern about the impacts of mud dredging and disposal on the fisheries industry. Although all marine disposal operations in Hong Kong waters required prior approval from the Environmental Protection Department ("EPD") and needed to be carried out in designated sediment disposal areas, he opined that these disposal areas should be sited taking into account various factors such as exposure to wind, water currents, depth of water, etc. The Administration should also regulate private marine disposal operations to ensure the proper disposal of mud and sediments. Mr Steven HO shared Mr CHUNG's views that the extensive dredging works in the coastal waters of Hong Kong in recent years had caused fishing resources to dwindle and greatly reduced the amount of catches. While the Administration had been pursuing various fisheries management measures, the measures were not very effective in restoring the fisheries resources in Hong Kong waters or promoting the sustainable development of the fisheries industry. Mr Albert CHAN urged the Administration to formulate long-term fisheries policies and initiatives to support the sustainable development of the local fisheries industry. He opined that apart from the trawl ban, other fisheries management measures should be implemented, such as establishing a quota system and regulating the size of mesh to limit the quantity of fishes to be caught.

12. ADAFC(C&MP) reiterated that the Administration had been gradually implementing various fisheries management measures as recommended by the Committee on Sustainable Fisheries. Appropriate management measures would also be devised after thorough consultation with the fisheries industry. ADEP(NC&IP) said that the Administration exercised stringent control on marine works such as mud dredging and disposal. Under EIAO, EIA studies were required for major marine dredging operations in Hong Kong in order to provide in-depth assessment of the potential environmental impacts of the projects and recommend mitigation measures and environmental monitoring programme.

13. In response to Mr Christopher CHUNG's enquiry about illegal trawling activities in Hong Kong waters, ASFO(FM)/AFCD assured members that the Administration was committed to cracking down on illegal trawling activities. AFCD would continue to step up patrols and stringently enforced the law. It would also maintain close liaison with relevant law enforcement departments

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and carry out joint enforcement operations as necessary.

14. Mr Christopher CHUNG further urged the Administration to stop using methods which were destructive to the seabed, such as trawling, to conduct surveys on marine resources in Hong Kong waters. ASFO(FM)/AFCD responded that conducting fisheries resources research surveys with the aid of trawling was a common practice worldwide. For the surveys conducted in Hong Kong, research fishing permits were obtained under the Fisheries Protection Ordinance (Cap. 171). As the surveys involved research activity operated at a small area and scale over a short period of time, they would not cause destructive impact on the seabed and fisheries resources.

Impact of different infrastructure projects on marine ecology and locally important species

Integrated Waste Management Facilities ("IWMF") Phase 1

15. Mr Dennis KWOK enquired about the mitigation measures that the Administration would implement to protect marine ecology during the construction and operation of IWMF Phase 1 on an artificial island off Shek Kwu Chau if the project was approved by the Legislative Council.

16. ADEP(NC&IP) replied that detailed EIA studies including ecological surveys had been conducted for IWMF Phase 1. According to the findings of the EIA report, with the implementation of appropriate mitigation measures, the potential environmental impacts of the project would be controlled to within the established standards. For example, the proposed reclamation and construction works of IWMF Phase 1 would adopt non-dredging method such as the cellular cofferdam approach to minimize dredging works and the reclamation footprint, thereby localizing and minimizing potential impacts on marine water quality, ecology and fisheries. A marine park of approximately 700 hectares was also proposed to be designated in the waters between Shek Kwu Chau and the Soko Islands. The Administration would conduct site inspections to ensure that recommended mitigation measures were properly implemented during the construction and operation of IWMF Phase 1.

Three-Runway System ("3RS") project

17. Dr Elizabeth QUAT referred to a media report in which World Wide Fund for Nature Hong Kong (formerly World Wildlife Fund Hong Kong) questioned whether the potential impacts of the 3RS project on six fish species which were of conservation interest had been examined in the EIA report of the project. ADAFC(C&MP) advised that the EIA report of the 3RS project had assessed the environmental impacts arising from the project and detailed assessments on the impacts on marine ecology (including the six fish species

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mentioned in the media report) had been conducted. The Assistant Director of Environmental Protection (Environmental Assessment) supplemented that the Airport Authority Hong Kong ("AA") had completed the EIA study for the 3RS project and made the EIA report available for public inspection on 20 June 2014 for a period of 30 days. Under the existing EIA mechanism, after the public inspection period, the EIA report would be reviewed by the Advisory Council on the Environment, whose advice would then be considered by DEP as to whether the report should be approved and an Environmental Permit ("EP") be granted.

18. Dr Elizabeth QUAT further asked how the Administration would uphold the integrity and credibility of the EIA mechanism. In reply, ADEP(NC&IP) explained that EIA studies were scientific assessments which aimed to ascertain the possible adverse environmental impacts of a proposed designated project and recommend mitigation measures to minimize and keep within acceptable limits the environmental impacts arising from the engineering works and operation of the project. The findings of an EIA study would be derived from analysis of the data collected and the study results would be made available for public inspection. AFCD played an important role in the EIA process and would advise EPD on nature conservation, ecological and fisheries matters. The EIA process in Hong Kong was transparent and open. Members of the public including relevant stakeholders and green groups could participate in the process and express their views on different designated projects before the approval of the relevant EIA reports.

19. Mr Kenneth LEUNG noted with concern that according to the Executive Summary of the EIA report of the 3RS project, the pipeline daylighting location/works area on Sheung Sha Chau Island would potentially affect the Sha Chau egret with moderate degree of impact and the potential impact on CWD's use of the planned marine park at the Brothers during the construction phase was considered to be of moderate significance. He asked whether it was technically feasible to establish the proposed new marine park before commencing the 3RS project in order to minimize, mitigate and compensate for the potential impacts on CWD during the construction and operation phases of the project. Mr WU Chi-wai echoed Mr LEUNG's concerns about the ecological impacts of the 3RS project on CWD and opined that environmental monitoring and audit programmes should be put in place to ensure that appropriate mitigation measures were properly implemented and effective.

20. The General Manager, Environment (Projects), AA, explained that sufficient measures had been proposed in the EIA report to minimize, mitigate and compensate the ecological impacts arising from the 3RS project. The recommended mitigation measures included, for example, the establishment of a new marine park, avoiding construction activities in relation to the installation of pipelines at Sheung Sha Chau Island during night-time and the ardeids'

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breeding season and the re-routing of high-speed ferries operating at SkyPier to travel outside the proposed marine park area. Although the construction of the 3RS project might lead to a loss of travelling and habitat areas for CWD, the proposed establishment of a new marine park of 2 400 hectares would promote the recovery of fisheries resources and provide a habitat for CWD. Mr Kenneth LEUNG remained unconvinced of the Administration's explanation and urged for the establishment of marine protected areas before the construction of the 3RS project for the protection of CWD.

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21. Mr Kenneth LEUNG further enquired about the conservation of green turtles in Hong Kong. The Senior Conservation Officer (Biodiversity), AFCD, advised that AFCD had been closely monitoring local green turtles in order to enhance the conservation work and draw up the necessary protection measures. Satellite tracking was used to trace the migratory route and feeding ground of local green turtles. As requested by Mr LEUNG, the Administration agreed to provide information on the conservation of green turtles in Lamma Island.

Construction works relating to the Hong Kong-Zhuhai-Macao Bridge ("HZMB") local projects

22. Referring to his letter dated 25 April 2014 to the Chairman (LC Paper No. CB(1)1320/13-14(01)), Mr Kenneth LEUNG expressed concern about the impact of the reclamation works of the Hong Kong boundary crossing facilities ("HKBCF") island of HZMB on marine ecology.

23. The Principal Project Coordinator/HZMB, Highways Department, advised that the HKBCF island had an area of about 150 hectares (about 130 hectares for HKBCF and about 20 hectares for Tuen Mun-Chek Lap Kok Link southern landfall) and the associated reclamation works had been carried out in accordance with the relevant gazettals. To facilitate the reclamation works of the HKBCF island, the contractor had temporarily occupied some of the works area permitted under the Marine Department Notice for maneuvering of construction plants and associated temporary environmental and safety measures (e.g. the installation of perimeter silt curtains in the waters surrounding the reclamation site to prevent the dispersion of silt matters arising from the marine construction works). As some of the reclamation works had been completed, the contractor was removing the associated construction plants and temporary measurers off the site.

Laying of submarine cables

24. Mr Charles MOK expressed concern about the impacts of laying submarine cables on marine ecology of Hong Kong. The Acting Assistant Director (Regulatory), Office of Communications Authority ("AAD(R)/OFCA"), responded that at present, Hong Kong was connected to nine regional and trans-

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Pacific submarine cable systems. As two new submarine cable systems were expected to be landed in Hong Kong, a total of 11 submarine cable systems would be providing telecommunications services by 2016. As at March 2013, Hong Kong had a total of seven cable landing stations located in different areas such as Tong Fuk, Chung Hom Kok and Tseung Kwan O, making it a major telecommunications and internet hub in the Asia Pacific region. In 2006, a number of submarine cables were damaged by a severe earthquake near Taiwan, causing massive disruption of external telecommunications services in Hong Kong. To minimize potential cable damage by natural disasters, the alignment of submarine cables had been carefully designed to avoid areas which were prone to earthquakes and typhoons.

25. AAD(R)/OFCA further advised that parties who wished to seek statutory approvals for laying submarine cables for telecommunications might submit their applications through OFCA which would provide a single-point-of-contact service to co-ordinate applicants with the relevant government departments. Applicants were responsible for their applications, for securing the necessary statutory approvals and were required to comply with the procedures and requirements laid down by the relevant government departments and for implementing suitable measures to avoid and minimize impacts to marine ecology and important species. For submarine cable projects subject to EIAO, project proponents were required to obtain EPs from EPD.

26. In response to Mr Charles MOK's further enquiry about submarine cable damage caused by fishing vessels, AAD(R)/OFCA advised that there had so far been two cases in which submarine cables were damaged by fishing vessels. To arrange emergency repair of submarine cable system within Hong Kong waters, applications of government approvals were required. An information note was prepared to provide an outline of the procedures in applying for the necessary statutory approvals required by relevant government departments. The Senior Marine Conservation Officer (West), AFCD, supplemented that submarine cables were usually laid beneath the seabed by employing the jet ploughing method which would fluidize the seabed sediment and simultaneously lay and bury the cables. Since the disturbance to the seabed would be localized along the cable alignment and dispersion of sediment would be of short duration, the potential impact on marine ecology would be minimized. ADAFC(C&MP) added that upon the enforcement of the trawl ban, submarine cables were seldom damaged by fishing vessels.

Establishment of marine parks

27. Mr WU Chi-wai recalled that the Government had planned to designate Southwest Lantau as a marine park for the conservation of marine life, but the proposed marine park had not yet been designated. He enquired when the Administration would take forward the plan. ADEP(NC&IP) replied that the

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Administration had consulted the relevant fishermen organizations, the Tai O Rural Committee and the South Lantau Rural Committee on the plan in 2009. However, they had reservations about the management measures to be implemented for the proposed marine park (such as vessel speed restrictions) and did not support the proposed designation. The Administration would continue to communicate with the stakeholders on the arrangements before taking forward the plan to designate Southwest Lantau as a marine park. ADAFC(C&MP) supplemented that AFCD had been closely monitoring the marine environment of Southwest Lantau and the Soko Islands.

28. ADEP(NC&IP) further advised that in accordance with the conditions set out in the EP for the HZMB local projects, the Administration had accorded priority to designating The Brothers as a marine park. At the present stage, the Administration was carrying out the preparatory works for the designation of The Brothers as a marine park, including conducting a detailed study on the proposed boundary, devising management plan for the marine park and consulting the stakeholders. The proposed designation of The Brothers as a marine park would be gazetted around mid 2015.

29. Pointing out that capture fisheries in Hong Kong were affected by the depletion of fisheries resources, Mr Steven HO criticized the Administration for failing to strike a proper balance between the protection of marine ecology and the sustainable development of the fisheries industry. As fishing in marine parks was controlled through a permit system, he expressed dissatisfaction that transfer of fishing permits were not allowed under the permit system and this had greatly affected the livelihood of fishermen families which conducted fishing activities in marine parks.

30. ADEP(NC&IP) stressed that the establishment of marine parks was meant to protect and manage ecologically important marine environment for the purposes of conservation, education and recreation. ADAFC(C&MP) explained that the Marine Parks Ordinance (Cap. 476) ("the MPO") was enacted to provide for the designation, control and management of marine parks and marine reserve. Under the current legislative framework, fishing was prohibited in marine parks. However, DAFC was empowered to issue fishing permits to local residents and bona fide fishermen for carrying out fishing activities in marine parks. In general, the marine park fishing permit was issued to genuine fishermen when the marine park was designated and no new fishing permits would be issued. Each application for fishing permit would be considered on its own merits by the Working Group on Fishing Permit. When the first marine park was established in 1996, about 800 to 1 000 fishing permits had been issued to bona fide fishermen. At present, there were some 380 valid fishing permits held by bona fide fishermen.

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- Admin 31. As requested by the Chairman, the Administration agreed to provide information on the number of applications made under the MPO for fishing permits/transfer of fishing permits which had been rejected by DAFC and the reasons for rejection.

Cumulative impacts of different marine works in the western waters of Hong Kong

32. Noting that a lot of major infrastructure projects were under construction or planning near Lantau Island, the Chairman expressed concern about the cumulative impacts of these projects on marine ecology and fisheries resources of the affected waters. Mr Christopher CHUNG opined that the Administration should not neglect the cumulative impacts of different marine works projects being constructed or planned in the same waters. ADEP(NC&IP) advised that the cumulative impacts of a proposed project and other on-going/planned projects in the same water areas would be carefully examined in the relevant EIA studies so that environmentally acceptable schemes/designs and associated mitigation measures would be drawn up when taking forward the projects.

33. The Senior Engineer/Projects 4, Civil Engineering and Development Department ("CEDD"), assured members that the Administration recognized the importance of conserving marine ecology of Hong Kong. Under the "Enhancing Land Supply Strategy: Reclamation outside Victoria Harbour and Rock Cavern Development" study, five potential nearshore reclamation sites (including Lung Kwu Tan, Siu Ho Wan and Sunny Bay in the western waters of Hong Kong) had been selected. The study also identified the impacts on CWD as one of the key environmental concerns, in particular those potential cumulative impacts in the western waters. As there were a number of infrastructure projects being constructed and planned in the same waters, CEDD engaged dolphin experts in August 2013 to commence on-site field monitoring of CWD and commenced a non-statutory "cumulative environmental impact assessment" study in September 2013 to assess the cumulative impacts of the three potential reclamation sites together with other on-going/planned projects in the western waters on four environmental aspects, including marine ecology (in particular CWD), fisheries, air quality and water quality. The study was anticipated to be completed in end 2014.

- Admin 34. As requested by the Chairman, the Administration undertook to provide information on the programme of works with the commencement and completion dates of the different works stages, affected waters, mitigation measures and restoration works in respect of the following planned marine works projects in the western waters of Hong Kong –

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- (a) IWMF Phase 1 in Shek Kwu Chau;
- (b) 3RS project at the Hong Kong International Airport and the proposed new marine park;
- (c) construction works relating to HZMB and the proposed marine park in The Brothers;
- (d) reclamation in the northern waters of Lantau Island (including Lung Kwu Tan, Siu Ho Wan and Sunny Bay); and
- (e) artificial islands in the central waters between Hong Kong Island and Lantau.

Motions

35. The Chairman referred members to the following two motions which were tabled at the meeting –

- (a) *Motion proposed by Mr Steven HO and seconded by Mr Christopher CHUNG*

"本事務委員會促請政府檢視《海岸公園條例》，平衡環境保育與漁業持續發展；在未來的海上工程中，禁止以挖沙作為填料用途以保護海床，以及終止任何新的在海上傾倒廢料工程，以免進一步破壞海洋環境。"

(Translation)

"That this Panel urges the Government to review the Marine Parks Ordinance to strike a balance between environmental conservation and sustainable development of the fisheries industry; to prohibit the dredging of sand for use as filling materials in future marine works to protect the seabed, and to stop all newly scheduled waste dumping works at sea to avoid causing further damage to the marine environment."

- (b) *Motion proposed by Mr Christopher CHUNG and seconded by Mr Steven HO*

"本事務委員會促請漁農自然護理署增加人手進行非法拖網捕漁的執法行動及終止以拖網等破壞海床方法進行任何調查活動。"

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(Translation)

"That this Panel urges the Agriculture, Fisheries and Conservation Department to increase its manpower for taking enforcement actions against illegal trawling, and to stop using methods that are destructive to the seabed, such as trawling, for conducting any surveys."

36. The Chairman suggested and members agreed that the two motions could be moved and voted on separately. The Chairman then put the motions to vote. On the motion moved by Mr Steven HO, six members voted for the motion and no one voted against it or abstained. On the motion moved by Mr Christopher CHUNG, six members voted for the motion and no one voted against it or abstained. The Chairman declared that the two motions were carried.

II. Any other business

37. There being no other business, the meeting ended at 10:38 am.

Council Business Division 1
Legislative Council Secretariat
7 October 2014