

For discussion
on 9 June 2015

Legislative Council
Panel on Food Safety and Environmental Hygiene

Implementation of the Trawl Ban

PURPOSE

The trawl ban in Hong Kong waters came into force on 31 December 2012. This paper briefs Members on matters related to the implementation of the trawl ban since then, including enforcement, the progress made in the disbursement of one-off financial assistance to fishermen affected by the trawl ban, and preliminary observations about the recovery of fisheries resources in Hong Kong's marine habitat. Measures being taken to assist the fisheries industry to switch to other sustainable operations are also covered.

BACKGROUND

2. In December 2006, the Government established the Committee on Sustainable Fisheries (the Committee) to study the long term goals, the direction and feasible options for the sustainable development of the local fisheries industry. The Committee submitted its report in April 2010, recommending a suite of fisheries management measures including banning trawling in Hong Kong waters in order to restore our seabed and depleted marine resources. It also recommended that the Government should assist the fisheries industry to develop or switch to modernised and sustainable modes of operation through the provision of technical and financial support.

3. The Chief Executive announced in his 2010-11 Policy Address that the Government would implement a basket of fisheries management measures including banning trawling in Hong Kong waters. The legislation for the trawl ban was passed by the Legislative Council (LegCo) in May 2012 and came into effect on 31 December 2012. To help fishermen affected by the trawl ban, the Finance Committee (FC) of LegCo approved in June 2011 a one-off assistance package (the package), which includes making ex-gratia allowance (EGA) payment to affected trawler owners, voluntary buying out of inshore trawlers; and providing one-off assistance to affected local

deckhands and inshore fish collector owners. An Inter-departmental Working Group (IWG)¹ has since been established to handle matters relating to the processing of applications received under the package.

IMPLEMENTATION OF THE TRAWL BAN AND RELATED DEVELOPMENTS

Enforcement of the Trawl Ban

4. The Agriculture, Fisheries and Conservation Department (AFCD) has taken the leading role in enforcing the trawl ban since its inception. Between January 2013 and March 2015, AFCD conducted 14,505 patrols and 18,297 inspections in Hong Kong waters. The detailed enforcement figures are tabulated in **Annex I**. The territory-wide patrols are conducted on an irregular basis during both day-time and night-time by five teams of AFCD staff (including patrol teams responsible for enforcing other fisheries-related legislation and the Marine Parks Ordinance). To enhance the effectiveness of our enforcement work, special operations based on intelligence obtained have also been mounted to target trawling at black spots in the southern and western waters.

5. AFCD has established a close working relationship with the Marine Police in combating trawling. The support from the Marine Police has enhanced the coverage of enforcement against trawling in Hong Kong waters. The two departments work closely in intelligence sharing, case investigation, and devising strategy to tackle problems encountered during enforcement. A total of 80 joint-operations have been conducted since the implementation of the trawl ban.

6. According to AFCD's records, in addition to local fishing vessels, fishing vessels from the Mainland are also involved in trawling in Hong Kong waters. These trawler vessels often ply in areas close to the boundaries of Mainland and Hong Kong waters. To combat cross-boundary trawling activities, AFCD has maintained close contact with the Guangdong Fisheries Administration General Brigade (GFAGB) and her sub-offices. AFCD has exchanged information with GFAGB on the identity of the Mainland fishing vessels found operating illegally in Hong Kong waters. AFCD, Marine Police and GFAGB also organise joint-operations on a regular basis to combat cross-boundary illegal fishing activities.

¹ The IWG comprised representatives from the Agriculture, Fisheries and Conservation Department and other relevant departments including the Marine Department and Home Affairs Department.

7. With the concerted efforts of AFCD and the Marine Police, we have successfully initiated prosecution against 25 cases of trawling since the implementation of the trawl ban. Detailed information on the prosecution cases and the penalties handed down by the Court are presented at **Annex II**. While sustained enforcement efforts are being made to combat trawling, it is important to educate fishermen on the merits of protecting the marine environment for the long-term overall well-being of the fishermen's community. AFCD will continue to promulgate such messages through the fishermen's associations.

Administration of the One-off Assistance Package

8. At the Panel meeting in February 2013 (LC Paper No. CB(2)572/12-13(05)), we reported the progress made in disbursing ex-gratia allowance (EGA) to trawler vessel owners affected by the trawl ban. The IWG has since completed the processing of all applications and has issued EGA to the majority of the eligible applicants (please also see paragraph 11 below).

9. The one-off assistance package includes buying out inshore trawler vessels from affected trawler owners who voluntarily surrender their vessels, and providing one-off assistance to local deckhands temporarily unemployed as a result of the cessation of trawling operations. To provide ample time for inshore trawler owners to decide on whether to continue with their operation, they may put in their applications under the buy-out scheme before the end of 2015. The same applies to local deckhands who wish to apply for one-off assistance.

10. The arrangements for processing applications from inshore fisher collectors² who wish to seek one-off assistance are the subject of an earlier information paper presented to Members of this Panel in July 2014 (LC Paper No. CB(2)1993/13-14(01)). We started to invite applications in December 2014. The IWG is processing applications received. We expect that the ex-gratia payment as well as the interest subsidy will be disbursed to the first batch of eligible applicants in the first half of 2015.

² Each eligible fish collector owner would be granted an ex-gratia payment of \$90,000 and an interest subsidy for payment of the interest of a loan administered by AFCD, capped at \$30,000.

11. As at April 2015, the total amount of EGA payment disbursed under the one-off assistance scheme stands at \$950.3 million, broken down as follows:

<i>One-off assistance package</i>	<i>Number of applications received</i>	<i>Number of applications endorsed by the IWG</i>	<i>Amount of EGA disbursed (\$ million)</i>
(a) EGA for trawler owners affected by the trawl ban	1,117	978 ³	941.1
(b) Voluntary buy-out scheme	23	8 ⁴	1.0
(c) One-off grant to local deckhands	276	241	8.2
(d) One-off assistance to fish collector owners	161	0	0
Total:			950.3

Appeals being handled by the Fishermen Claims Appeal Board (FCAB)

12. The Fishermen Claims Appeal Board (FCAB) is currently actively processing the 858 appeals from trawler owners against the decisions of the IWG on their applications for EGA. Of the 32 cases scheduled for hearing in the first stage⁵, the FCAB has conducted hearings for 22 cases and issued its rulings on 2 cases.

13. Given the large number of appeals lodged, the Government had hitherto expanded the FCAB to a pool of five Chairmen and 20 Members, and appointed three additional legal advisers in mid-2014. To ensure that the appeal process is completed within a reasonable timeframe, action is in hand to appoint more Chairpersons and Members to the FCAB and to further strengthen secretariat support for as well as the support rendered by the IWG to the FCAB. Meanwhile, the FCAB Secretariat will continue to keep appellants informed of the latest developments surrounding the processing of

³ The remaining applications are either withdrawn by the applicants or determined as ineligible by IWG

⁴ Eight applicants have accepted the buy-out offer endorsed by IWG

⁵ The 32 cases under the first stage are extracted from a cross-section of the appeal cases based on vessel type (i.e. stern trawlers, pair trawlers, hand trawlers and shrimp trawlers) and classification (i.e. inshore trawlers, larger trawlers which generally do not operate in Hong Kong waters, and ineligible trawlers) with a view to covering all the parameters and criteria that had been taken into consideration in the IWG's assessments.

their appeals.

Assisting Fishermen to Switch to Sustainable Operations

14. As recommended by the Committee, the Government has been providing a range of support services to assist the fishing industry, in particular fishermen affected by the trawl ban, to switch to other sustainable modes of fishing operations.

Credit facilities

15. To meet the increasing demand for credit facilities from the fisheries industry, we obtained FC's approval in February 2015 (FC Paper FCR(2014-15)45A) to increase the approved commitment for the Fisheries Development Loan Fund (FDLF) from \$290 million by \$810 million to \$1,100 million. A good number of applications came from trawler vessels affected by the trawl ban who had decided to make use of the one-off loans for building new fishing vessels to continue their fishing operations in distant waters outside Hong Kong.

16. As at 15 May 2015, the overall utilisation of the credit facilities under the FDLF is as follows:

	<i>Number</i>	<i>Loan amount involved</i>
Loan applications received	96	Around \$790 million
Loan applications approved	66	Around \$540 million

Training

17. AFCD has been providing free training courses to local fishermen during both the fishing moratorium and the Chinese New Year. These training courses help fishermen to upgrade their knowledge and skills such that they are better placed to explore opportunities of switching to other sustainable operations e.g. aquaculture and recreational fisheries. Since 2010, more than 80 such training courses have been held for over 1 500 fishermen.

18. AFCD, in collaboration with local fishermen and the private sector, has launched a pilot scheme to promote fisheries-related eco-tourism

business in Hong Kong. The pilot scheme helps fishermen gain practical experience and skills needed to run the business in a sustainable manner. Fishermen who join the scheme receive training in fisheries-related eco-tourism and obtained practical skills through participation in the eco-tourism tours. From 2010 to 2014, over 430 fishermen have received such training and some 17 600 members of the public have joined the tours organised under the pilot scheme.

Sustainable Fisheries Development Fund (SFDF)

19. The Government has taken on board the Committee's recommendation on the establishment of a funding scheme to provide financial assistance for carrying out research and development programmes that will help improve the operating environment and competitiveness of the industry. The FC approved in January 2014 (FC Paper FCR(2013-14)44) the proposal to set up the \$500 million SFDF for this purpose.

20. In July 2014, we started to invite applications under the SFDF. So far, 15 applications have been received. These include projects related to aquaculture development, recreational fisheries, fishermen training and promotion of fisheries culture and heritage. Two applications (one on aquaculture and the other a fisheries-related eco-tour project) had been approved, involving a total commitment of about \$8.7 million.

Fish Culture Licence

21. Following a review conducted in 2013, we lifted the moratorium on the designation of new fish culture zones and the granting of new marine fish culture licences. As one of the measures rolled out to assist migration to more sustainable mode of fishery operations, we invited applications for new licences under a pilot scheme in some Fish Culture Zones with surplus carrying capacity. One licence has been granted in the first exercise. We are now vetting applications under the second round.

Effect of the Trawl Ban in Rehabilitating Local Fisheries Resources

22. Before implementation of the trawl ban in 2012, AFCD has started conducting fisheries surveys since 2010 with a view to collecting scientific data about the changing state of the fisheries resources in Hong Kong waters. Different fishing methods have been deployed for collecting the data required, including trawling (for capturing species dwelling on sea bottom) and purse-seining (for capturing species at mid-level waters). Samples collected are sorted, identified and weighed for compiling data on

the composition and quantity of fisheries resources in Hong Kong waters. The surveys are conducted at a regular time interval in different areas of Hong Kong waters.

23. AFCD has commissioned the South China Sea Fisheries Research Institute⁶ (SCSFRI) of the Chinese Academy of Fisheries Sciences to perform the scientific analysis of the data collected from the fisheries surveys mentioned above. SCSFRI has completed the analysis of data obtained from 2010 to 2013.

24. The preliminary findings of the analysis indicate that the weight of the total catch of the bottom dwelling species has increased after the implementation of the trawl ban. The increases are more noticeable in the south-eastern and western waters where trawling activities were relatively more intense before the trawl ban. Although preliminary findings show signs of recovery of fisheries resources in certain parts of Hong Kong waters, a longer period of time is required to monitor the situation before a more definitive conclusion could be drawn. AFCD will continue to conduct the surveys in order to collect more data with a view to producing in due course a comprehensive analysis of how effective the trawl ban has been in rehabilitating the marine environment.

CONCLUDING REMARKS

25. Members are invited to note the content of this paper.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
June 2015**

⁶ SCSFRI conducted a similar scientific analysis on the fisheries resources in Hong Kong waters in 2006.

**Number of Patrols and Inspections Conducted
Against Illegal Fishing
(2013 to 2015)**

	2013	2014	2015*	Total
Number of patrol conducted	5,839	7,361	1,305	14,505
Number of vessels inspected	7,933	7,777	2,587	18,297

* Up to 31 March 2015

Number of Prosecution Against Trawling and Penalties
(2013 to 2015)

	2013	2014	2015*
Number of successful prosecution	13	10	2
Fine (HK\$)**	2,000 to 85,000	800 to 85,000	85,000
Imprisonment**	0	2 days to 4 weeks	1 month imprisonment, suspended for 24 months

* Up to 31 March 2015

**Maximum penalty prescribed under the Fisheries Protection Regulation (Cap. 171A) is a fine of \$200,000 and imprisonment for 6 months