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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 10 May 2016**

Implementation of the trawl ban

Purpose

This paper provides background information on the implementation of the trawl ban and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on related issues.

Background

Trawl ban

2. In order to restore the seabed and depleted marine resources, the Administration has implemented a basket of fisheries management measures including prohibiting the use of trawling devices for fishing in Hong Kong waters ("trawl ban"). With the passage of the Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011, the trawl ban came into force on 31 December 2012.

3. The Agriculture, Fisheries and Conservation Department ("AFCD") has been taking a leading role in enforcing the trawl ban since its inception, while maintaining a close working relationship with the Marine Police in combating trawling. Between January 2013 and March 2015, AFCD conducted 14 505 patrols and 18 297 inspections in Hong Kong waters, and a total of 80 joint-operations in collaboration with the Marine Police. AFCD also maintains close contact with the Guangdong Fisheries Administration General Brigade and its sub-offices to combat cross-boundary trawling activities. According to

the information provided by the Administration in June 2015, since the implementation of the trawl ban and up to end-March 2015, prosecution had been initiated against 25 cases of trawling. Detailed information on these prosecution cases and the penalties handed down by the Court are presented in **Appendix I**.

One-off financial assistance package

4. To address the livelihood problems faced by fishermen affected by the trawl ban, the Administration has introduced a one-off assistance package ("the package") which includes making ex-gratia allowance ("EGA") payment to affected trawler owners, buying out inshore trawler vessels from affected owners who voluntarily surrender their vessels, and providing one-off assistance to local deckhands and inshore fish collector owners affected by the cessation of trawling operations. An Inter-departmental Working Group ("IWG") has been established to handle matters relating to the processing of all applications received under the package.

Measures to assist fishermen to switch to sustainable operations

5. The Administration 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. These services include:

- (a) increasing the approved commitment for the Fisheries Development Loan Fund for the successful applicants to make use of the one-off loans for building new fishing vessels to continue their fishing operations in distant waters outside Hong Kong;
- (b) providing free training courses to local fishermen to help upgrade their knowledge and skills such that they are better placed to explore opportunities of switching to other sustainable operations, e.g. aquaculture, recreational fisheries and fisheries-related eco-tourism business;
- (c) establishing the \$500 million Sustainable Fisheries Development Fund ("SFDF") to provide financial assistance for carrying out research and development programmes that will help improve the operating environment and competitiveness of the industry; and
- (d) inviting applications for new marine fish culture licences under a pilot scheme in some fish culture zones with surplus carrying capacity.

Members' concerns

6. The Panel discussed issues relating to the implementation of the trawl ban and the Government's overall efforts in promoting sustainable fisheries development at its meetings on 12 November 2013 and 9 June 2015. Members' major views and concerns are summarized below.

Progress made in the disbursement of one-off financial assistance package

7. Noting the numbers of applications received and endorsed by IWG, the amount of EGA disbursed under the package as well as the number of appeals processed by the Fishermen Claims Appeal Board ("FCAB") against IWG's decisions on EGA applications as in April 2015, concern was raised about the slow progress of IWG and FCAB in handling applications and appeals. Members considered it necessary for the Administration to speed up the process.

8. The Administration advised that IWG started to invite applications in December 2014 and was in the course of processing the applications. It was expected that the EGA payment as well as the interest subsidy would be disbursed to the first batch of eligible applicants in the first half of 2015. Regarding FCAB's handling of appeals, the Administration explained that some appeal cases involved complex legal and technical issues. To expedite the process, the Administration had expanded FCAB to a pool of five Chairmen and 20 members, and appointed three additional legal advisers in mid 2014. To ensure that the appeal cases were handled in a fair manner, FCAB needed time to conduct hearings to consider the representations from appellants and IWG. With an expanded pool of members and strengthened secretariat support, FCAB had expedited the appeal process. Meanwhile, the FCAB Secretariat would continue to keep appellants informed of the latest developments surrounding the processing of their appeals.

Effectiveness of measures to assist fishermen to switch to sustainable operations

9. Noting that only 430 local fishermen affected by the trawl ban had received training in fisheries-related eco-tourism between 2010 and 2014 under a pilot scheme launched by AFCD, some members expressed concern about the small number of fisheries-related eco-tourism training courses organized for the purpose of upgrading fishermen's skills to switch to other sustainable modes of fishing operations.

10. According to the Administration, the pilot scheme aimed to help fishermen gain practical experience and skills to switch to fisheries-related eco-tourism. In addition to the training courses, AFCD would introduce other

measures to assist fishermen in running the business in a sustainable manner. While some fishermen would switch to other modes of operations, some might choose to stay in the industry to continue their fishing business.

Effectiveness of the trawl ban

11. In response to members' concern about the effectiveness of the trawl ban in rehabilitating local fisheries resources, the Administration advised that AFCD had commissioned the South China Sea Fisheries Research Institute of the Chinese Academy of Fisheries Sciences to perform a scientific analysis on the fisheries resources in Hong Kong waters after the implementation of the trawl ban. The preliminary findings of the analysis indicated that the weight of the total catch of the bottom dwelling species had increased after the implementation of the trawl ban. The increases were more noticeable in the south-eastern and western waters where trawling activities were relatively more intense before the trawl ban. Although preliminary findings showed signs of recovery of fisheries resources in certain parts of Hong Kong waters, a longer period of time was required to monitor the situation before a more definitive conclusion could be drawn. AFCD would 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 had been in rehabilitating the marine environment.

Administration of the Sustainable Fisheries Development Fund

12. There was a view that as projects that might benefit from SFDF covered a wide scope of areas, the Administration should work out a detailed plan for the use of SFDF to ensure the effective use of the SFDF grants for its intended purposes. The Administration advised that projects to be proposed under SFDF should aim at assisting local fisheries community to adopt a sustainable and high value-added mode of operations and enhancing the overall competitiveness of the fisheries industry. The annual disbursement of grants was estimated to be about \$50 million and SFDF was expected to last for 10 years. The amount of grants involved in each approved project would be in the range of tens of thousands to hundreds of thousands and even up to millions of dollars, depending on the scale of the projects.

13. There was also concern that most of the successful applicants might be academic institutions and environmental organizations which were more experienced than the fishermen in funding applications and project bidding. The projects supported by SFDF would be biased towards conservation of marine resources instead of the development of the fisheries industry. According to the Administration, the Advisory Committee of SFDF would set up a vetting committee/subcommittee for vetting applications and the

applications would be assessed on the basis of a set of assessment criteria. The Administration trusted that the approved applications would not bias towards certain areas of projects.

14. Some members expressed concern about the complicated application procedures for SFDF. The Administration was urged to streamline the application procedures, with a view to attracting more fishermen and fishermen associations to apply. The Administration advised that AFCD officers would provide assistance to the applicants, where necessary, in preparing the information required for seeking resources from SFDF.

Recent development

15. The Administration will update the Panel on matters relating to the implementation of the trawl ban, including the Government's overall efforts in promoting sustainable fisheries development at the Panel meeting on 10 May 2016.

Relevant papers

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

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

Appendix II

Relevant papers on the implementation of the trawl ban

| Meeting | Date of meeting | Paper |
|--|-------------------------|--|
| Panel on Food Safety and Environmental Hygiene | 12.11.2013 (Item IV) | <u>Agenda</u> <u>Minutes</u> |
| | 9.6.2015 (Item V) | <u>Agenda</u> <u>Minutes</u> <u>Administration's follow-up paper on issues relating to the implementation of the trawl ban (LC Paper No. CB(2)2056/14-15(01))</u> <u>Administration's follow-up paper on the processing of applications under the Sustainable Fisheries Development Fund (LC Paper No. CB(2)1149/15-16(01))</u> |