



中華人民共和國香港特別行政區政府總部食物及衛生局

**Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China**

本局檔號 Our Ref : FH/CR 1/2576/18
來函檔號 Your Ref : CB2/BC/4/17

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Clerk to Bills Committee
(Attn: Ms. Josephine So)
Council Business Division 2
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms So,

31 August 2018

**Bills Committee on
Conservation of Antarctic Marine Living Resources Bill**

**List of follow-up actions arising from the discussion
at the meeting on 16 July 2018**

Thank you for your letter dated 25 July 2018. Please find in the Annex the supplementary information requested by Members at the meeting on 16 July 2018.

Yours sincerely,

(Ben GURUNG)
for Secretary for Food and Health

cc

Director of Agriculture, Fisheries and Conservation

(Attn: Mr Mickey LAI; Fax: 2311 3731)

**Bills Committee on
Conservation of Antarctic Marine Living Resources Bill**

**Supplementary information requested by Members
at the meeting on 16 July 2018**

Photos of toothfish

Photos of the two species of toothfish, namely Antarctic toothfish (*Dissostichus mawsoni*) and Patagonian toothfish (*Dissostichus eleginoides*) can be accessed via the following links:

- (i) Patagonian toothfish - <https://gobraithwaite.com/story-behind-rebranding-patagonian-toothfish>
- (ii) Antarctic Toothfish - <https://news.illinois.edu/view/6367/206152>
- (iii) Identification guide for toothfish published by the Commission for the Conservation of Antarctic Marine Living Resources (“Commission”) for reference - <https://www.ccamlr.org/en/system/files/ID%20Guide%20PatToothFish.pdf>

Number of licensed fishing vessels in the Convention¹ Area and number of vessels carrying Antarctic marine living resources entered into Hong Kong

2. According to the Secretariat of the Commission, an average of about 60 licensed/authorized vessels² per year are eligible to operate in the Convention Area for the period from 2013/14 to 2017/18. A breakdown of these vessels by their Flag States and by year is provided in Appendix.

3. Based on information from the Marine Department (“MD”), less than ten vessels entered Hong Kong waters per year during the 5-year period, for the purposes of bunkering and replenishment.

Enforcement of the proposed Conservation of Antarctic Marine Living Resources (CAMLRL) Ordinance

4. The Agriculture, Fisheries and Conservation Department (“AFCD”) will be responsible for implementing the new licensing system for the toothfish trade, and operating the electronic

¹ Convention for the Conservation of Antarctic Marine Living Resources (“Convention”)

² These vessels include fishing vessels, receiving vessels and transporting vessels

Catch Documentation Scheme (“e-CDS”) under Conservation Measure 10-05 “Catch Documentation Scheme for *Dissostichus* spp.” (“CM 10-05”). The Customs and Excise Department will provide assistance to AFCD in detecting illegal shipments of toothfish, whereas the Government Laboratory (“GL”) will conduct testing of toothfish samples. Regarding the port inspections of fishing vessels carrying Antarctic marine living resources entering into Hong Kong, AFCD will take the leading role with the support from MD in port control matters. Assistance from the Police will be sought in carrying out enforcement work if necessary. It is expected that about 300 samples will be tested annually in the first five years of implementation.

5. Additional manpower is required to cope with the workload mentioned in paragraph 4 above. We estimate that a team comprising several professional and technical staff under AFCD would be required. Another team of professional and technical staff of a similar scale under GL would be needed to conduct testing of toothfish samples. Other relevant departments would absorb the workload arising from implementing the proposed legislation.

Port inspection of fishing vessels carrying Antarctic marine living resources

6. Conservation Measure 10-03 “Port inspections of fishing vessels carrying Antarctic marine living resources” (“CM 10-03”) requires fishing vessels carrying toothfish or other Antarctic marine living resources seeking entry to the port of a Contracting Party to provide a written declaration and notification at least 48 hours in advance. We would include such a requirement under the proposed legislation. Inspection of the subject vessels would be conducted at a location instructed by AFCD. In accordance with CM 10-03, AFCD would deny port access and prohibit landing or transshipping of catch of fishing vessels which are engaged in illegal, unreported and unregulated fishing activities.

7. Samples would be taken from any suspected toothfish or other Antarctic marine living resources found in the subject fishing vessels for testing by GL or other accredited laboratories. Intelligence and information concerning these illegal, unreported and unregulated fishing vessels would be sought from the Secretariat of the Commission and other Contracting Parties for effective enforcement. Suitable training on inspection of fishing vessels and identification of toothfish will be provided to frontline staff of AFCD to equip them with the necessary skill and knowledge in carrying out the enforcement duties.

Legal personality

8. Giving the Commission a legal personality in its territory is an obligation of Contracting Parties according to Article VIII of the Convention which stipulates that “the Commission shall

have legal personality and shall enjoy in the territory of each of the States Parties such legal capacity as may be necessary to perform its function and achieve the purposes of the CCAMLRL". While we do not anticipate that the Commission would actively perform any of its functions in Hong Kong Special Administrative Region ("HKSAR"), it is an obligation applicable to HKSAR once the Convention is extended to HKSAR.

9. The "necessary legal capacity" in clause 3(b) of the CAMLR Bill refers to giving the Commission the legal personality of a body corporate and all the powers of a natural person of full age and capacity such that the Commission could enjoy the power to enter into contracts, acquire and dispose of movable and immovable properties, and institute and defend legal proceedings in Hong Kong.

Food and Health Bureau

Agriculture, Fisheries and Conservation Department

August 2018

Appendix

Number of vessels¹ operating in the Convention Area from 2013/14 to 2017/18²

Flag State	2013/14	2014/15	2015/16	2016/17	2017/18 Updated as at end of July 2018
Australia	5	5	7	6	5
Chile	3	5	5	4	4
China	3	4	7	4	2
Cyprus	1				
France	1	1	1		4
Japan	1	1	1	1	1
Korea, Republic of	11	8	8	7	8
Liberia	4	3	2	2	2
Marashall Islands			1		
Moldova, Republic of		1	1		
New Zealand	4	4	4	3	3
Norway	4	4	4	3	4
Panama	7	4	5	5	7
Poland	2	2	2		
Russian Federation	5	7	5	5	4
South Africa	2	2	1	2	2
Spain	1	1	1	2	1
Ukraine	3	3	2	3	5
United Kingdom	6	7	5	5	3
United States of America			1		
Uruguay		1	1	1	3
Vanuatu	1	3	2	1	1
Total	64	66	66	54	59
Entered into Hong Kong*	0	1	3	2	2

* for the purposes of bunkering and replenishment

¹ Including fishing vessels, receiving vessels and transporting vessels

² Fishing year starts from 1 December to 30 November of the following year