

**立法會**  
**Legislative Council**

LC Paper No. CB(1)317/19-20  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/EA

**Panel on Environmental Affairs**

**Minutes of meeting**  
**held on Monday, 25 November 2019, at 2:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Steven HO Chun-yin, BBS (Deputy Chairman)  
Hon CHAN Hak-kan, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon CHAN Chi-chuen  
Hon Kenneth LEUNG  
Hon KWOK Wai-keung, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon SHIU Ka-fai, JP  
Hon YUNG Hoi-yan, JP  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan
- Members absent** : Hon Junius HO Kwan-yiu, JP (Chairman)  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Dennis KWOK Wing-hang  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHU Hoi-dick

**Public Officers  
attending**

**: For item IV**

Mr TSE Chin-wan, BBS, JP  
Under Secretary for the Environment

Ms Daisy LO  
Assistant Director (Nature Conservation)  
Environmental Protection Department

Mr Patrick LAI  
Assistant Director (Country and Marine Parks)  
Agriculture, Fisheries and Conservation Department

Mr Alan CHAN  
Senior Marine Parks Officer/Special Duties  
Agriculture, Fisheries and Conservation Department

**For item V**

Mr TSE Chin-wan, BBS, JP  
Under Secretary for the Environment

Mr CHEN Che-kong  
Assistant Director (Water Policy)  
Environmental Protection Department

Mr Anthony FOK  
Principal Environmental Protection Officer (Sewerage  
Infrastructure)  
Environmental Protection Department

Mr WONG Sui-kan  
Assistant Director (Projects and Development)  
Drainage Services Department

Mr LEUNG Hon-wan  
Chief Engineer (Consultants Management)  
Drainage Services Department

**Clerk in attendance :** Mr Jason KONG  
Chief Council Secretary (1)1/Senior Council  
Secretary(1)1

**Staff in attendance** : Miss Bowie LAM  
Council Secretary (1)1

Miss Mandy POON  
Legislative Assistant (1)1

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**I. Confirmation of minutes**

(LC Paper No. CB(1)111/ — Minutes of the meeting held on  
19-20 17 October 2019)

The minutes of the meeting held on 17 October 2019 were confirmed.

**II. Information papers issued since last meeting**

2. Members noted that the following paper had been issued since the last meeting:

LC Paper No. CB(1)161/19- — Submission from The Conservancy  
20(01) Association regarding the  
environmental impact of the use of  
tear gas (Chinese version only)

**III. Items for discussion at the next meeting**

(LC Paper No. CB(1)138/19- — List of follow-up actions  
20(01)

(LC Paper No. CB(1)138/19- — List of outstanding items for  
20(02) discussion)

3. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 16 December 2019, at 8:30 am:

(a) overall strategy for improving air quality; and

(b) further measures to improve air quality (part 1).

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**IV. Holistic fisheries management strategy in marine parks**

(LC Paper No. CB(1)138/19-20(03) — Administration's paper on "New Fisheries Management Strategy in Marine Parks"

LC Paper No. CB(1)138/19-20(04) — Background brief on "Fisheries management strategy in marine parks" prepared by the Legislative Council Secretariat

LC Paper No. CB(1)178/19-20(01) — Submission from WWF-Hong Kong)

Briefing by the Administration

4. As the Chairman was absent, the Deputy Chairman took over as the Chair at the meeting and invited the Administration to give the briefing. The Under Secretary for the Environment ("USEN") advised that under the existing fisheries management system in marine parks, which was established in accordance with the Marine Parks and Marine Reserves Regulation (Cap. 476A) ("the Regulation"), only holders of valid marine park fishing permits ("permit holders") might fish in marine parks, and only bona fide fishermen or people who ordinarily resided near marine parks were eligible for marine park fishing permits. Taking into account the findings of a consultancy study commissioned by the Agriculture, Fisheries and Conservation Department ("AFCD") and completed in 2018, the Administration now proposed a new fisheries management strategy in marine parks ("the proposed new strategy").

5. Following USEN's introductory remarks, the Assistant Director (Country and Marine Parks), Agriculture, Fisheries and Conservation Department ("AD(C&MP)/AFCD") briefed the Panel on the findings of the consultancy study and the proposed new strategy with the aid of a PowerPoint presentation. He advised that the proposal included commercial fishing ban in four marine parks, and ex-gratia allowance ("EGA") for about 360 permit holders who would face permanent loss in fishing grounds as a result of the commercial fishing ban.

*(Post-meeting note: The PowerPoint presentation materials were circulated to members on 25 November 2019, vide LC Paper No. CB(1)181/19-20(01).)*

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Discussion

*Proposed commercial fishing ban in four marine parks*

6. Mr Kenneth LEUNG said that he did not support the proposed legislative amendments to the Regulation (which aimed to discontinue the granting and renewal of fishing permits of four marine parks) in principle, as he considered that the scope of fishing ban under the proposed new strategy was rather limited from the conservation perspective. Quoting WWF-Hong Kong's submission (LC Paper No. CB(1)178/19-20(01)), he enquired whether the Administration had considered prohibiting all fishing activities in the four marine parks concerned and/or imposing commercial fishing ban in all existing and new marine parks, and granting higher levels of EGA to affected permit holders correspondingly.

7. AD(C&MP)/AFCD advised that issues relating to commercial fishing ban in marine parks had been discussed by the Panel in 2009. At that time, some members expressed concern that banning commercial fishing in all existing and new marine parks would hinder the sustainable development of the fisheries industry. If commercial fishing ban was imposed in all marine parks, over 4 000 owners of registered local fishing vessels would be affected, compared to only some 360 affected permit holders under the proposed new strategy.

8. USEN supplemented that marine parks in the eastern waters were set up mainly for conservation of mangroves, corals and associated marine fishes, while those in the western waters were set up mainly for conservation of marine mammals, which included Chinese white dolphins ("CWDs") and finless porpoises. According to the findings of the aforesaid consultancy study, fishing operations within and near marine parks were not major threats to marine mammals in Hong Kong. The Administration therefore considered it unnecessary to ban commercial fishing in existing and new marine parks in the western waters for conservation purposes, except for the Sha Chau and Lung Kwu Chau Marine Park ("SCLKCMP"), which was an important fish spawning and nursery ground.

9. Mr Kenneth LEUNG sought elaboration on why fishing operations were not considered major threats to marine mammals in Hong Kong. AD(C&MP)/AFCD explained that although there were sporadic cases of fishing operations-related injuries to marine mammals locally and internationally, CWDs were usually associated with local fishing operations to obtain fisheries resources for food. Given that fishing operations in Hong Kong were relatively small in scale, impact of fishing operations, in particular gill-net by-catch and net-related injuries, were not considered as a major threat to marine mammals in

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Hong Kong. AFCD had been monitoring the distribution and abundance of marine mammals in Hong Kong waters. While the sightings of CWDs were on a decreasing trend in recent years, it was considered that such a decline was mainly linked to reclamation/construction works and high-speed vessel traffic instead of fishing operations.

10. Mr Kenneth LAU noted that during the two-year transitional period before the commercial fishing ban took full effect; permit holders could maintain commercial fishing operations in the four marine parks concerned. As the fisheries industry was facing a difficult operating environment, he asked if the Administration would consider providing a longer transitional period, so as to minimize the economic impact of the proposed commercial fishing ban on affected permit holders.

11. USEN responded that the Administration's assessment was that a two-year transitional period would be sufficient for mitigating the impact of the proposed measure on affected permit holders. If the proposed new strategy was adopted, the Administration would keep a close watch on the implementation progress and maintain close communication with the fisheries industry to ensure a smooth transition.

12. Mr Kenneth LAU and the Deputy Chairman called on the Administration to put in place a simple application procedure, and ensure that all affected permit holders would be well informed of the arrangements and provided with sufficient compensation in a timely manner. The Deputy Chairman also mentioned that some fishermen who were affected by the construction of the Hong Kong-Zhuhai-Macao Bridge and related facilities had expressed dissatisfaction about the then EGA mechanism, as they could only get EGA some time after the commencement of the construction works. He therefore considered that there might be a need for the Administration to review the formula for calculating EGA and the application mechanism.

13. USEN and AD(C&MP)/AFCD responded that in early 2019, the Administration had informed the affected permit holders of its plan to ban commercial fishing in the four marine parks concerned and provide EGA to them upon their returning of the marine park fishing permits. If the proposed new strategy was adopted, the Administration would proactively provide details on the EGA arrangements to the affected permit holders and maintain close communications with them. The Administration's current target was to provide EGA to each affected permit holder by the expiry date of his/her existing marine park fishing permit, or the expiry date of the renewed permit (should the permit holder choose to renew it during the transitional period). It was envisaged that the first batch of affected permit holders could receive EGA in the second half of 2020 at the earliest, provided that the legislative process for the amendments

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to the Regulation would be completed in early 2020 as planned.

14. Mr KWOK Wai-keung noted from the Annex to the Administration's paper (LC Paper No. CB(1)138/19-20(03)) that the proposed "3RS Marine Park" (a new marine park proposed to be set up as compensation for the seabed habitat and open waters habitat loss associated with the Three-Runway System project) would surround SCLKCMP on three sides. As commercial fishing would be allowed in the proposed 3RS Marine Park but prohibited in SCLKCMP under the proposed new strategy, he expressed concern on how permit holders could identify the boundary between the two marine parks and avoid inadvertent violation of the commercial fishing ban.

15. AD(C&MP)/AFCD responded that the boundary between the two marine parks would be demarcated by boundary buoys. The buoys' locations and deployment arrangements would be discussed with the Marine Department ("MD") at a later stage. Coordinates of marine parks' boundaries would be marked on nautical charts published by MD for public reference.

*Other fisheries enhancement measures in marine parks*

16. Mr KWOK Wai-keung enquired whether any target had been set for ecosystem rehabilitation through fisheries enhancement measures in marine parks such as artificial reef deployment and fish fry restocking. He also asked whether such measures could also improve the ecological environment of the waters outside the marine parks.

17. USEN and AD(C&MP)/AFCD responded that the effects of commercial fishing ban in marine parks would be akin to those of fishing moratorium, which could promote fish stock recovery. The Administration conducted regular fisheries resource surveys in marine parks to monitor, among other things, biodiversity and fisheries yield. If the proposed new strategy was adopted, its effectiveness would be evaluated in future with reference to the results of such surveys. In addition, the fisheries impact of the proposed new strategy would be assessed in the context of the total fisheries resources in Hong Kong. As SCLKCMP was an important fish spawning and nursery ground, it was expected that the commercial fishing ban there would have a positive impact on the total fisheries resources.

*Financial implications*

18. Mr Kenneth LEUNG and Mr Tony TSE requested the Administration to provide a breakdown of the estimated expenditure of about \$172 million for the implementation of the proposed new strategy, and explain the major uses of the estimated annual recurrent expenditure of about \$11 million.

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19. AD(C&MP)/AFCD advised that according to the Administration's estimation, total EGA payable to some 360 affected permit holders would amount to around \$100 million, and some \$70 million would be required for the procurement of new vessels, deployment of artificial reefs, restocking of fish fry, etc. for the implementation of the proposed new strategy. It was expected that the maintenance of the relevant vessels and systems as well as the implementation of enhanced management measures in marine parks (such as improving the efficiency of marine refuse removal) would give rise to a recurrent expenditure of about \$11 million each year.

*Support for fisheries industry*

20. Mr Tony TSE expressed doubts about the effectiveness of the proposed new strategy in promoting the sustainable development of the fisheries industry. As local fishermen were facing intense competition from Mainland fishing vessels, he considered that the Administration should formulate a comprehensive strategy for supporting the fisheries industry. Ms Elizabeth QUAT expressed similar views. Mr Kenneth LEUNG asked whether the Administration had conducted/would conduct a study on the long-term development of the fisheries industry.

21. USEN clarified that promoting the sustainable development of the fisheries industry was not the major objective of the proposed new strategy, but it was expected that the industry could benefit from the increased level of fisheries resources in marine parks due to the implementation of the proposed new strategy. Policies on supporting the fisheries industry were under the purview of the Food and Health Bureau ("FHB"). The Environment Bureau ("ENB") would continue to work closely with FHB to explore how conservation measures could assist the development of the fisheries industry.

22. The Deputy Chairman suggested that the Administration should foster a structural change in the fisheries industry from capture fisheries to recreational fisheries, which could promote the sustainable development of the industry yet enhance marine conservation at the same time. To this end, FHB should coordinate with relevant bureaux/departments (especially the Development Bureau) on related land use planning and support measures. He requested ENB to relay his suggestion to FHB. The Administration took note of the suggestion/request.

*Navigation safety of local fishing vessels operating in South China Sea*

23. The Deputy Chairman pointed out that the navigation channel currently used by local fishing vessels operating in the South China Sea passed through

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the area proposed to be designated as the 3RS Marine Park. As a speed limit was normally set in a marine park, those fishing vessels might need to travel at a lower speed in the area concerned and/or use an alternative navigation channel after the establishment of the 3RS Marine Park. Given that it might be unsafe for large fishing vessels to travel at a low speed on shallow water, he urged the Administration to put in place appropriate arrangements, such as increasing the water depth of the navigation channel(s) to be used by local fishing vessels, to ensure their safe navigation. USEN advised that ENB would convey the message to relevant departments.

## Conclusion

24. The Deputy Chairman pointed out that after the enactment of the Fisheries Protection (Amendment) Ordinance 2012 (which introduced a certification system for registering local fishing vessels in order to limit the entry of new fishing vessels and maintain an appropriate level of fishing efforts), the fisheries industry had been subject to a "dual regulatory regime", i.e. the certification system under the Fisheries Protection Ordinance (Cap. 171) and the marine park fishing permit system under the Regulation. The homeport system in relation to the issuance of marine park fishing permits (i.e. the homeport of an applicant's vessel must be associated with the affected fishing area) and the restrictions on the succession and transfer of marine park fishing permits had led to a significant decline in the number of valid marine park fishing permits over the years, hindering the sustainable development of the fisheries industry. In the past few years, relevant stakeholders had been discussing with AFCD how to enhance the fisheries management strategy in marine parks, with a view to ensuring that fishermen could benefit from an increase in fisheries resources without compromising the conservation objectives of marine parks. Relevant trade organizations generally supported the direction of the proposed new strategy, under which commercial fishing would be allowed in new marine parks to be designated in the western waters and only a relatively small number of fishermen would face permanent loss in fishing ground due to the commercial fishing ban in four existing marine parks.

25. The Deputy Chairman and Ms Elizabeth QUAT urged the Administration to step up enforcement actions against illegal fishing activities involving non-local fishing vessels or vessels without valid certification of registration, so as to ensure that the efforts in implementing various fisheries management measures in marine parks would not be undermined by such illegal activities.

26. In response to the Deputy Chairman's question, USEN confirmed that the Administration planned to gazette the subsidiary legislation for amending the Regulation in December 2019, with a view to completing the negative

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vetting process by February 2020. The Deputy Chairman called on the Administration to take into account members' views and suggestions above when finalizing the legislative proposal. USEN advised that the Administration would continue to discuss relevant issues with Members and representatives from the fisheries industry before gazetting the subsidiary legislation.

**V. Provision of sewerage network in North District**

(LC Paper No. CB(1)138/19- — Administration's paper on  
20(05) "4339DS — North District  
sewerage, stage 1 phase 2C and stage  
2 phase 1")

Briefing by the Administration

27. USEN advised that the Administration proposed upgrading part of 4339DS — North District sewerage, stage 1 phase 2C and stage 2 phase 1 to Category A at an estimated cost of \$179.7 million in money-of-the-day prices for the provision of sewerage network to five unsewered village areas in Fanling. Then, with the aid of a PowerPoint presentation, the Assistant Director (Projects and Development), Drainage Services Department ("AD(P&D)/DSD") briefed members on the key aspects of the proposed project.

*(Post-meeting note: The PowerPoint presentation materials were circulated to members on 25 November 2019, vide LC Paper No. CB(1)181/19-20(02).)*

Discussion

28. The Deputy Chairman reminded members of the requirements under Rule 83A of the Rules of Procedure in relation to disclosure of pecuniary interests.

*Environmental benefits of proposed project*

29. The Deputy Chairman enquired about the extent to which the proposed project would improve the water quality of the receiving water bodies of sewage from the five village areas.

30. The Assistant Director (Water Policy) and USEN responded that sewage of the five village areas was currently disposed of by simple on-site facilities such as septic tanks and soakaway systems and eventually drained into River Indus and Deep Bay. It was expected that the proposed project could halve the

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pollution load from the five village areas, and the daily biochemical oxygen demand and daily amount of suspended solids of sewage discharges from the areas would be both reduced by about 248 kg.

*Public consultation*

31. Mr Kenneth LAU strongly supported the proposed project and appealed for expeditious implementation of other sewerage projects in remote, unsewered village areas. Quoting paragraph 9 of the Administration's paper (LC Paper No. CB(1)138/19-20(05)), he asked about the details of the objection received by the Administration against the proposed sewerage works in Fanling Wai and how to resolve the matter.

32. USEN responded that the case was about the objector's house not being able to be connected to the public sewer because of land-related issues. The Drainage Services Department ("DSD") had been endeavouring to resolve the objection through facilitating conciliation between the objector and the affected landowners or identifying an alternative method to make the house connection. If the objection could not be resolved, the proposed works would be submitted to the Chief Executive in Council for consideration. In response to Mr Kenneth LAU's follow-up question about interdepartmental coordination, USEN advised that apart from DSD, the Lands Department had been involved in handling the above objection.

*Mitigation measures*

33. Mr Kenneth LAU called on the Administration to properly control the noise, dust and site run-off nuisances arising from the proposed works in order to minimize the environmental impacts on the residents nearby.

34. The Deputy Chairman asked about the implementation timetable of the proposed project, and the common mitigation measures adopted in various sewerage projects in unsewered villages to reduce the works' environmental and traffic impacts.

35. AD(P&D)/DSD responded that:

- (a) public sewers in villages were often constructed in narrow alleys and at close proximity to residential units. To reduce the impacts of construction works on the residents, the Administration would communicate with every representative of affected residential units in order to understand his/her major concerns, before the commencement of the works;

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- (b) mitigation measures would be implemented as far as practicable having regard to stakeholders' concerns. Some examples of the mitigation measures were restrictions on the working days and hours of the construction works, measures to minimize the emission of fugitive dust, and provision of temporary pedestrian walkways. If a public sewer to be constructed passed through a septic tank, proper ventilation would be provided to reduce the odour impact;
- (c) during the construction stage of a project, the implementation of mitigation measures would be closely monitored by the resident site staff on a daily basis. In addition, works liaison groups were usually formed to facilitate the communication between resident site staff and affected parties during the construction periods; and
- (d) as regards the implementation timetable of the project in question, the Administration expected that the whole project could be completed in about four and a half years. The construction works would be carried out in sections, which could be completed in a few months each.

36. The Deputy Chairman enquired about the usual rank of the person-in-charge of the works liaison group of such a sewerage project, and how the Administration would ensure that the person-in-charge would have the capability for coordinating the work of different parties in handling the requests or complaints from affected residents during the works period. In addition, he suggested that text messaging be used to facilitate communication with affected residents.

37. AD(P&D)/DSD took note of the above suggestion. He advised that DSD generally hired a liaison officer to undertake the liaison duties of a sewerage project in an unsewered village. Although such a liaison officer was not a civil servant, he/she would promptly inform the relevant parties (such as the contractor) for taking follow-up action upon receiving a request or complaint from a stakeholder.

Conclusion

38. After consulting the members who were present at the meeting, the Deputy Chairman concluded that members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong, The Hong Kong Federation of Trade Unions, the Business and Professionals Alliance for Hong Kong, and G6 generally supported the Administration's submission of the relevant funding proposal to the Public Works Subcommittee ("PWSC").

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39. In response to the Deputy Chairman's enquiry, USEN advised that the Administration planned to submit the relevant funding proposal to PWSC by the second quarter of 2020.

**VI. Any other business**

40. There being no other business, the meeting ended at 3:48 pm.

Council Business Division 1  
Legislative Council Secretariat  
9 January 2020