

**For discussion on
25 November 2019**

**LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS**

New Fisheries Management Strategy in Marine Parks

Purpose

This paper seeks Members' views on the proposed new fisheries management strategy in marine parks.

Background

2. It is the Government's objective to establish marine parks for the conservation of different habitats and target species in Hong Kong, including mangroves, corals and associated marine fishes in the eastern waters and marine mammals (i.e. Chinese white dolphin and finless porpoise) in the western waters. Since 1996, the Government has designated five marine parks¹ and one marine reserve², comprising a total water area of 3 400 hectares (about 2% of Hong Kong waters), under the Marine Parks Ordinance (the Ordinance) (Cap. 476).

3. The existing fisheries management system in Marine Parks was established in accordance with the Marine Parks and Marine Reserves Regulation (Cap. 476A) (the Regulation). Under the Regulation, only holder of a valid marine park fishing permit granted in accordance with the Regulation may fish in the marine park. The Director of Agriculture, Fisheries and Conservation (DAFC), pursuant to the power granted to him under the Regulation, would only issue a fishing permit to a bona fide fisherman or a person who ordinarily resides near the marine park. The permit allows the holder to continue fishing activities in the specific marine park. Under the existing marine park fishing permit system, only a bona fide fisherman from an eligible homeport would be granted a marine park fishing permit.

¹ Namely Hoi Ha Wan Marine Park, Yan Chau Tong Marine Park, Tung Ping Chau Marine Park, Sha Chau and Lung Kwu Chau Marine Park and The Brothers Marine Park. The first three marine parks are located in the eastern waters and the last two in the western waters.

² Cape D'Aguilar Marine Reserve.

4. The Agriculture, Fisheries and Conservation Department (AFCD) commissioned a consultancy study (the Study) in 2017 to review the existing fisheries management system in marine parks with a view to identifying enhancement measures which would promote marine conservation and sustainable fisheries development more effectively, as well as address concerns from fishermen organisations that the existing marine park fishing permit system might divide the fishermen community.

The Proposed New Strategy

5. The Study by the consultancy firm was completed in 2018. It examined the effectiveness of different management options with variations in regulatory intensity on the level of fisheries resources in Hong Kong waters and the potential impact on marine mammals and coral communities through ecosystem modelling and qualitative assessments. The Study findings indicated that fishing operations within and nearby marine parks were not the major threats to marine mammals in Hong Kong. Rather, such fishing operations had relatively larger implications on the coral communities.

6. The Study also showed that coral communities are the major targets of conservation in marine parks in the eastern waters, whereas marine parks in the western waters are focused on conservation of marine mammals. For the Sha Chau and Lung Kwu Chau Marine Park (SCLKCMP) in the western waters, it is an important fish spawning and nursery ground. To meet the different conservation needs of different waters, varied fisheries management measures could be implemented in individual marine parks to achieve their respective conservation objectives.

7. Taking into account the findings of the Study and views gathered from major stakeholders (including fishermen, academics and green groups), the AFCD proposed that commercial fishing by local fishing vessels registered under the Fisheries Protection Ordinance (Cap. 171) should continue to be allowed in The Brothers Marine Park and new marine parks to be designated in the western waters. To protect coral communities as well as to enhance the overall fisheries resources in Hong Kong, commercial fishing should be banned in four marine parks, namely the Hoi Ha Wan Marine Park (HHWMP), Yan Chau Tong Marine Park (YCTMP) and Tung Ping Chau Marine Park (TPCMP) in the eastern waters and the SCLKCMP in the western waters. The locations of existing and proposed marine parks which will implement these new measures are shown in **Annex**.

8. In parallel, the AFCD will also implement other fisheries enhancement measures in marine parks such as artificial reefs and fish fry

restocking, with a view to increasing fisheries resources within and nearby the marine parks to facilitate rehabilitation of the ecosystem. This would not only help promote the sustainable development of the fisheries industry but also improve the ecological environment for developing eco-tourism and recreational fishing in the vicinity of the marine parks. The AFCD will also step up law enforcement to combat illegal fishing activities.

9. The AFCD will specify special conditions in the fishing permits, where necessary, to implement extra zonal management plans (e.g. designation of no-fishing core areas) and control on fishing gears for these marine parks. The AFCD will also streamline the application and renewal procedures of the marine park fishing permits.

10. To implement the proposed commercial fishing ban in the four marine parks as mentioned in paragraph 7 above, we will not grant new fishing permits for these four marine parks. We will not renew existing fishing permits with a validity period beyond a two-year transitional period (please see relevant arrangement in paragraph 15 below).

11. On the other hand, considering that the non-commercial fishing activities in marine parks by local residents who have valid permits are generally small in scale and conducted sporadically, we suggest that the proposed commercial fishing ban is not applicable to local residents with fishing permits.

Formula for Calculating the Ex-Gratia Allowance (EGA)

12. Given that the fishermen with valid marine park fishing permits will face permanent loss in fishing grounds as a result of the commercial fishing ban in the four above-mentioned marine parks, we propose to grant EGA to about 360 affected permit holders. With regard to the formula for calculating the EGA, we propose to make reference to the existing EGA formula for fishermen affected by marine works projects, which was approved by the Finance Committee of the Legislative Council in 2012. The proposed formula is as follows:

$$EGA = [notional\ value\ of\ one\ year's\ fish\ catch\ in\ the\ affected\ area\ by\ the\ permit\ holders\ derived\ from\ the\ 1989/91\ Port\ Survey\ data] \times [multiplier\ of\ 11\ years] \times [fish\ price\ index\ to\ factor\ in\ the\ change\ in\ fish\ prices\ since\ 1989/91]$$

The proposed formula above has already included inflation factor to reflect the latest change in fish prices.

13. We estimate that implementation of the new strategy would involve about \$172 million (including EGA payment to affected permit holders, resources for strengthened law enforcement efforts and enhancement of fisheries resources), as well as an estimated annual recurrent cost of about \$11 million.

Arrangements for Processing EGA Applications and Appeals from Affected Fishermen

14. Similar to the mechanism for determining EGA for fishermen affected by marine works projects, we plan to set up an Interdepartmental Working Group (IWG), chaired by AFCD and comprising representatives from relevant departments such as the Marine Department and the Home Affairs Department, to handle all matters relating to the processing of EGA applications from fishermen affected by the commercial fishing ban in marine parks. An Appeal Board, comprising non-official members, will also be set up for processing appeals lodged by affected fishermen against decisions of the IWG. The Appeal Board will operate independently to ensure the appeal cases are handled in a fair manner.

Transitional Arrangements

15. As fishing permits are normally valid for two years, we propose that a transitional period of two years should be provided. During the two-year transitional period, the DAFC may, pursuant to the Regulation, renew fishing permits of these four marine parks with commercial fishing ban in future with a validity period up to end March 2022. In other words, fishing permits of these four marine parks already granted will remain valid for the remainder of their terms, and can be renewed, according to the established mechanism, with a validity period up to end March 2022. During this period, no new fishing permits will be granted by the DAFC for commercial fishing in these four marine parks. Permit holders may receive the EGA if they surrender their fishing permits during the transitional period, or upon the expiry of the permits. Under this arrangement, all relevant fishing permits of these four marine parks will expire on or before end March 2022, after which the commercial fishing ban will immediately take full effect from April 2022.

Legislative Amendments

16. To implement the proposed new fisheries management strategies in marine parks, we propose to amend the Regulation. Under the Marine Parks

and Marine Reserves (Amendment) Regulation 2019 (the Amendment Regulation), it will provide that –

- (a) with effect from April 2020, no fishing permit of the four marine parks (viz. the HHWMP, YCTMP and TPCMP in the eastern waters and the SCLKCMP in the western waters) will be granted; and
- (b) the validity period of fishing permits of the four marine parks already granted will not be extended beyond end March 2022.

As explained in paragraph 11 above, the above arrangement will not affect the fishing permits granted to local residents.

Public Consultation

17. Stakeholder engagement sessions were conducted in 2017 and 2018 respectively to solicit views from relevant stakeholders (including fishermen representatives and organisations, recreational fishers, green groups, academics and the Country and Marine Parks Board. They generally accepted the proposed new fisheries management strategy in marine parks.

18. The AFCD then briefed fishermen representatives and the affected marine park fishing permit holders between mid 2018 and the first half of 2019 on the proposed strategy, the EGA and the transitional arrangement. Most of the trade supported the proposed strategy and arrangement.

Way Forward

19. We plan to gazette and table the Amendment Regulation in December 2019 with a view to completing the negative vetting process by February 2020.

Advice Sought

20. Members are invited to note and comment on the proposed new fisheries management strategy in marine parks.

Environment Bureau
Agriculture, Fisheries and Conservation Department
November 2019

新海岸公園漁業管理策略的實施 Implementation of New Fisheries Management Strategy in Marine Parks

