

**立法會**  
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**Panel on Environmental Affairs**

**Meeting on 25 November 2019**

**Background brief on fisheries management strategy in marine parks  
prepared by the Legislative Council Secretariat**

**Purpose**

This paper provides background information on the fisheries management strategy in marine parks in Hong Kong. It also gives a brief account of the major views and concerns expressed by Members when related issues were discussed by the relevant committees of the Legislative Council ("LegCo").

**Background**

Fisheries Protection Ordinance

2. Destructive fishing practices such as the use of explosive, toxic substances, electricity, dredging, suction and trawling devices for the purpose of fishing are detrimental to fisheries and the marine ecosystem and are prohibited under the Fisheries Protection Ordinance (Cap. 171) ("FPO"). The Ordinance is enforced by the Agriculture, Fisheries and Conservation Department ("AFCD") in joint efforts with the Hong Kong Police Force. Offenders will be prosecuted and subject to a maximum fine of \$200,000 and six months' imprisonment upon conviction.

Complementary fisheries management measures

3. In view of the adverse impacts of excessive fishing efforts, marine works and marine pollution on the fisheries resources within the fishing grounds of Hong Kong, the Government established the Committee on Sustainable Fisheries ("the Committee") in late 2006 to study the long-term direction and

goals for the development of the territory's fisheries industry, as well as feasible strategies and options to promote its sustainable development.<sup>1</sup>

4. Pursuant to the recommendations of the Committee, the Government introduced a bill, which was enacted as the Fisheries Protection (Amendment) Ordinance 2012 and came into effect on 15 June 2012, to implement a series of fisheries management measures to regulate fishing activities in Hong Kong waters.<sup>2</sup> These measures include:

- (a) limiting the entry of new fishing vessels;
- (b) restricting fishing activities that use or are aided by non-fishing vessels;
- (c) prohibiting fishing activities that use or are aided by non-local fishing vessels;
- (d) implementing a registration system for local fishing vessels and policy for granting research fishing permits; and
- (e) designation of Fisheries Protection Areas ("FPAs") for introducing fisheries management measures.

#### Designation of marine parks for marine conservation

5. Enacted in 1995, the Marine Parks Ordinance (Cap. 476) ("MPO") provides for the designation, control and management of marine parks and marine reserves for the purpose of marine conservation, and stipulates the Director of Agriculture, Fisheries and Conservation as the Country and Marine Parks Authority ("the Authority"). The Marine Parks and Marine Reserves Regulation (Cap. 476A) ("the Regulation") was enacted in 1996 to provide for the prohibition and control of certain activities in marine parks or marine reserves. Currently, there are five marine parks and one marine reserve in Hong Kong.<sup>3</sup>

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<sup>1</sup> Chaired by the Director of Agriculture, Fisheries and Conservation, the Committee comprises LegCo Members, representatives from the fisheries industry, academics and experts from various fields and representatives from relevant government departments.

<sup>2</sup> The Fisheries Protection (Amendment) Bill 2011 was passed by LegCo on 9 May 2012.

<sup>3</sup> They are Hoi Ha Wan Marine Park, Yan Chau Tong Marine Park, Sha Chau and Lung Kwu Chau Marine Park, Tung Ping Chau Marine Park, The Brothers Marine Park and Cape D' Aguilar Marine Reserve, covering a total water area of 3 400 hectares.

### Marine park fishing permits

6. Fishing activities are prohibited in marine parks. However, the Director of Agriculture, Fisheries and Conservation, in the capacity of the Authority, is empowered to issue a fishing permit at his discretion under section 17(3) of the Regulation to a bona fide fisherman or to a person who ordinarily resides near relevant marine park. A Working Group on Fishing Permit ("the Working Group") was established to advise the Authority on the criteria and guidelines for issuing fishing permits and on individual cases with special circumstances. Upon receipt of applications for succession to or transfer of fishing permits, AFCD will submit the applications to the Working Group for deliberation and consideration on individual merits.

### Issues arising from the designation of new marine parks

7. On 4 November 2016, the Marine Parks (Designation) (Amendment) Order 2016 was gazetted to amend the Marine Parks (Designation) Order (Cap. 476B) for the purpose of designating The Brothers as a marine park (i.e. The Brothers Marine Park ("BMP")).<sup>4</sup> The designation of BMP was proposed in the Environmental Impact Assessment Report of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities as one of the mitigation measures. A two-stage public consultation for the then proposed BMP was conducted in 2014 and 2015. During the public consultation, fishermen's organizations expressed concerns that the establishment of new marine parks and the existing fishing permit system would result in a decrease in the number of fishermen, thereby downsizing the fisheries industry gradually.

### Review of fisheries management measures

8. AFCD commissioned a consultancy study in March 2017 to review the fisheries management measures for marine parks with a view to addressing fishermen's concerns and promoting the sustainable development of fisheries industry in Hong Kong without compromising the conservation objectives of marine parks. AFCD consulted major fishermen representatives and the affected fishing permit holders between mid 2018 and the first half of 2019.

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<sup>4</sup> The Marine Parks (Designation) (Amendment) Order 2016 was published in the Gazette on 4 November 2016 and tabled before LegCo on 9 November 2016 for negative vetting. A subcommittee was formed to scrutinize the Amendment Order. The Amendment Order came into operation on 30 December 2016.

## **Major views and concerns expressed by Members**

9. Matters related to the establishment of marine parks and its implications on fishing activities were discussed at the meetings of the Panel on Environmental Affairs ("EA Panel") on 25 June 2014 and 22 February 2016, as well as the meeting of the Subcommittee on Marine Parks (Designation) (Amendment) Order 2016 held on 22 November 2016. Related issues were also brought up during examination of the Estimates of Expenditure in recent years. Members' major views and concerns are summarized in the ensuing paragraphs.

### Environmental conservation and sustainable development of the fisheries industry

10. Some Members criticized the Administration for failing to strike a proper balance between the protection of marine ecology and the sustainable development of the fisheries industry. They observed that the banning of fishing activities in designated marine parks had adversely affected the livelihood of fishermen. They called on the Administration to review the relevant legislations (e.g. FPO and MPO), including the feasibility to lift the full fishing ban in the "no-take" zones of marine parks, and replace it by other less restrictive measures like prescribing speed limits of fishing vessels in restricted zones at the marine parks.

11. The Administration stressed that the establishment of marine parks was meant to protect and manage ecologically important marine environment for marine organisms, as well as safeguard and enhance fisheries resources in the subject waters. Under the Fisheries Protection (Amendment) Ordinance 2012, the Secretary for Food and Health might designate FPAs for introducing a series of fisheries management measures to enhance fisheries resources and promote sustainability of the local fisheries industry. AFCD had been conducting long-term monitoring in the marine parks and the data so obtained did reflect the effectiveness of the establishment of marine parks. With the fisheries management measures in place, it was found that the level of fisheries resources within marine parks was generally higher than that outside the marine parks.

### Marine park fishing permits

12. Some Members observed that the number of marine park fishing permits issued to fishing vessels had been dwindled over the past 20 years. They expressed dissatisfaction that AFCD had been too stringent in vetting and approving applications for transfer of marine park fishing permits or inclusion of persons who were not immediate family members (e.g. employees) as authorized persons in the fishing permits issued, as well as the long time taken by AFCD to process the applications. They urged the Administration to relax the restrictions on succession to and transfer of marine park fishing permits.

13. The Administration advised that in response to concerns about fisheries operations in marine parks, it had appropriately relaxed the requirements since July 2015 for the succession to and transfer of fishing permits for fishermen, thereby allowing permit holders' immediate family members to apply for succession to fishing permits and restricted transfer of fishing permits to authorized persons of other fishing permit holders in the same marine park. As the fisheries operations of the majority of marine park fishing permit holders were carried out on a small scale or as family businesses, their applications usually involved renewal of or transfer of fishing permits to immediate family members. Subject to fulfillment of the specific criteria and submission of the necessary supporting documents, such applications could normally be approved in a few working days. The Administration would keep track of the operation of the above measures and review the arrangements as and when necessary.

#### Illegal fishing activities

14. Members queried the effectiveness of the enforcement operations against illegal fishing activities in marine parks, and urged the authorities to step up regular patrols and joint operations with relevant Mainland departments to combat illegal fishing.

15. The Administration advised that fishing activities in Hong Kong waters and marine parks or marine reserves were regulated in accordance with FPO and MPO respectively. AFCD had been strictly enforcing the above legislations by conducting random and targeted patrols in local waters to combat illegal fishing activities (including trawling). Joint operations (including using the vessel arrest system to intercept trawlers which refused to stop for inspection) were conducted by AFCD with the Marine Police and the Marine Department as and when appropriate. From 2016-2017 to 2018-2019 (as at February 2019), 10 548 patrols had been conducted. AFCD also maintained close liaison and exchanged intelligence with the Mainland's Guangdong Fisheries Administration General Brigade and its sub-offices to jointly combat illegal cross-border fishing activities.

16. The Administration also pointed out that under MPO, any person who carried out illegal fishing activities in marine parks and marine reserves was liable to a maximum fine of \$25,000 and imprisonment for one year upon conviction. The Administration considered that the level of penalties had a deterrent effect on illegal fishing activities.

### **Council questions**

17. At the Council meetings of 30 January 2013, 4 December 2013, 18 March 2015 and 5 July 2017, Hon Kenneth LEUNG, Hon CHAN Yuen-han, and Hon Steven HO raised questions relating to marine parks and fishing activities. The questions and the Administration's replies are hyperlinked in the **Appendix**.

### **Latest development**

18. At the meeting on 25 November 2019, the Administration will brief the EA Panel on the proposed enhancement to the holistic fisheries management strategy in marine parks.

### **Relevant papers**

19. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1  
Legislative Council Secretariat  
19 November 2019

## Fisheries management strategy in marine parks

## List of relevant papers

Date of meeting	Event	Paper
25 June 2014	Special meeting of the Panel on Environmental Affairs ("EA Panel")	<p>Administration's paper on "Impact of construction works on important species, marine ecology and the fisheries industry" (LC Paper No. <a href="#">CB(1)1648/13-14(01)</a>)</p> <p>Administration's follow-up paper (LC Paper No. <a href="#">CB(1)2004/13-14(01)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)2068/13-14</a>)</p>
22 February 2016	Meeting of EA Panel	<p>Administration's paper on "Update on the protection of endangered species and biodiversity in Hong Kong" (LC Paper No. <a href="#">CB(1)557/15-16(04)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)857/15-16</a>)</p>
22 November 2016	Subcommittee on Marine Parks (Designation) (Amendment) Order 2016	<p><a href="#">Marine Parks (Designation) (Amendment) Order 2016</a></p> <p><a href="#">Legislative Council Brief</a></p> <p>Background brief prepared by the Legislative Council Secretariat (LC Paper No. <a href="#">CB(1)153/16-17(02)</a>)</p> <p>Administration's follow-up paper (LC Paper No. <a href="#">CB(1)222/16-17(02)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)388/16-17</a>)</p>
16 December 2016	House Committee	<p>Report of the Subcommittee on Marine Parks (Designation) (Amendment) Order 2016 (LC Paper No. <a href="#">CB(1)283/16-17</a>)</p>

<b>Date of meeting</b>	<b>Event</b>	<b>Paper</b>
5 April 2017	Special meeting of the Finance Committee ("FC") for examination of Estimates of Expenditure 2017-2018	Written question raised by a Member and the Administration's reply (Reply serial number: <a href="#">ENB002</a> )
17 April 2018	Special meeting of FC for examination of Estimates of Expenditure 2018-2019	Written questions raised by Members and the Administration's replies (Reply serial numbers: <a href="#">ENB010, 031, 032</a> )
9 April 2019	Special meeting of FC for examination of Estimates of Expenditure 2019-2020	Written question raised by a Member and the Administration's reply (Reply serial number: <a href="#">ENB005</a> )

**Hyperlinks to relevant Council questions:**

<b>Date</b>	<b>Council Question</b>
30 January 2013	<a href="#">Press release</a> on Council question (written) raised by Hon Kenneth LEUNG
4 December 2013	<a href="#">Press release</a> on Council question (written) raised by Hon CHAN Yuen-han
18 March 2015	<a href="#">Press release</a> on Council question (written) raised by Hon Steven HO Chun-yin
5 July 2017	<a href="#">Press release</a> on Council question (written) raised by Hon Steven HO Chun-yin