

## **LEGISLATIVE COUNCIL BRIEF**

### **Marine Parks Ordinance (Chapter 476)**

### **MARINE PARKS (DESIGNATION) (AMENDMENT) ORDER 2019**

#### **INTRODUCTION**

At the meeting of the Executive Council on 10 December 2019, the Council advised and the Chief Executive ordered that the Marine Parks (Designation) (Amendment) Order 2019 (the Order), at **Annex A**, should be made under section 15 of the Marine Parks Ordinance (Cap. 476) (the Ordinance) and be tabled before the Legislative Council (LegCo). The amendment serves to designate the area shown in the map (at **Annex B**) which was approved in accordance with section 14(1) of the Ordinance to be the Southwest Lantau Marine Park (SWLMP).

#### **JUSTIFICATIONS**

##### **Conservation of the Chinese White Dolphins**

2. The Government will designate the waters of southwest Lantau as a marine park for enhanced protection of the Chinese white dolphins (CWD) and conservation of the marine environment there. The designation will be conducive to ensuring marine biodiversity and its sustainability in the long run.

##### **The Approval Process**

3. On 30 August 2016, the Chief Executive in Council (CE in C) directed the Country and Marine Parks Authority (the Authority) to prepare a draft map showing the proposed SWLMP for proceeding with the statutory designation process under section 7 of the Ordinance. In accordance with

section 7(4) of the Ordinance, the Authority prepared a draft map of the SWLMP in consultation with the Country and Marine Parks Board (CMPB). On 23 June 2017, the Authority published the required notice in the Gazette, notifying the public that the draft map was available for public inspection for a period of 60 days (from 23 June 2017 to 21 August 2017) in accordance with section 8 of the Ordinance. Any person aggrieved by the draft map might raise objections during the inspection period.

4. During the 60-day public inspection period, the Authority received two objections against the draft map of the SWLMP. In accordance with section 12 of the Ordinance, an objection hearing was conducted on 20 October 2017. After careful deliberation of relevant submissions provided and views expressed at the hearing, the CMPB rejected the two objections to the draft map of the SWLMP and considered that no amendment to the draft map was necessary. Under section 13 of the Ordinance, the Authority submitted a schedule of the two objections and the Authority's representations with respect to the draft map of the SWLMP to the CE in C for approval. The CE in C approved the draft map on 17 April 2018 in accordance with section 14(1) of the Ordinance. In accordance with section 14(5) of the Ordinance, copies of the approved map were deposited at the Land Registry, the headquarters of the Agriculture, Fisheries and Conservation Department (AFCD), and the headquarters of the Marine Department for public inspection and the deposit was notified in the Gazette by AFCD on 15 March 2019.

5. In accordance with section 15 of the Ordinance, after the CE in C has approved the draft map and it has been deposited in accordance with section 14(5) of the Ordinance, the Chief Executive shall, by order in the Gazette, designate the area shown in the approved map to be a marine park.

## **THE ORDER**

6. The Order designates the area delineated and coloured pink on the approved map as a marine park and, accordingly, amends the Marine Parks (Designation) Order (Cap. 476B) to include the area in the Schedule.

## **LEGISLATIVE TIMETABLE**

7. The legislative timetable is as follows:

Publication in Gazette	13 December 2019
Tabling at the Legislative Council	18 December 2019
Commencement of Order	1 April 2020

## **IMPLICATIONS OF THE ORDER**

8. The Order is in conformity with the Basic Law, including the provisions concerning human rights. The Order does not affect the current binding effect of provisions of the Ordinance and its sub-legislations. When the Order comes into effect, AFCD will implement the new fisheries management strategy in marine parks<sup>1</sup> at the same time. Under the new strategy, fishermen are allowed to continue commercial fishing in the new SWLMP after its designation, there are no productivity, family or gender implications. It is also not anticipated to have significant economic implications.

9. The designation of the SWLMP would have positive effect on the overall marine environment and the protection of CWD in Hong Kong waters, and would increase the area of managed marine habitat which would be conducive to maintaining the marine biodiversity and its sustainability. On financial and civil service implications, additional resources have already been secured for AFCD to take up the management and law enforcement work of the SWLMP.

## **PUBLIC CONSULTATION**

10. We have been engaging the relevant stakeholders for the proposed SWLMP prior to the commencement of the statutory process, and launched

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<sup>1</sup> Under the proposed new fisheries management strategy in marine parks, with effect from April 2020, 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; commercial fishing should be banned in four marine parks, namely the Hoi Ha Wan Marine Park, Yan Chau Tong Marine Park and Tung Ping Chau Marine Park in the eastern waters and the Sha Chau and Lung Kwu Chau Marine Park in the western waters, to protect coral communities as well as to enhance the overall fisheries resources in Hong Kong. The Government will not grant new fishing permit of the four marine parks and the validity period of fishing permits already granted or renewed will not be extended beyond end March 2022 (please see LegCo paper no. CB(1)138/19-20(03) for details).

the stakeholders and public consultation in 2015. We solicited views respectively from relevant stakeholders including fishermen representatives and organisations, the marine sector, green groups, academics, relevant district council, rural committees and the CMPB. They generally supported the boundary and management plan of the SWLMP. In addition, as set out in paragraph 4 above, the Authority has proceeded with the statutory designation process under the Ordinance, including arranging the public inspection period and a hearing for two received objections<sup>2</sup>. The CMPB rejected the two objections after the hearing and considered that no amendment to the draft map was necessary.

## **PUBLICITY**

11. A press release was issued on 13 December 2019. A government spokesperson has been arranged to handle media enquiries.

## **ENQUIRIES**

12. Any enquiries on this brief may be addressed to Ms. Daisy LO, Assistant Director (Nature Conservation) of the Environmental Protection Department at telephone number 3151 7160 or Mr. Patrick Lai, Assistant Director (Country and Marine Parks) of the AFCD at telephone number 2150 6606.

**Environment Bureau**  
**Agriculture, Fisheries and Conservation Department**  
**11 December 2019**

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<sup>2</sup> The two objections mainly involved the proposal to remove the waters nearby Fan Lau Tsuen from the proposed SWLMP to allow villagers to fish, to exempt some waters from vessel speed limit control for navigational safety, and the worry about the constraints for future village house development imposed by relevant control on effluent discharge. In view of the fact that villagers could still apply for marine fishing permits to continue fishing activities in future, the ten-knot speed limit would not affect navigational safety, and that the marine park designation would not impose further restrictions on effluent discharge from village houses in addition to those existing regulations, the objections were rejected.

**Marine Parks (Designation) (Amendment) Order 2019**

(Made by the Chief Executive under section 15 of the Marine Parks Ordinance (Cap. 476) after consultation with the Executive Council)

**1. Commencement**

This Order comes into operation on 1 April 2020.

**2. Marine Parks (Designation) Order amended**

The Marine Parks (Designation) Order (Cap. 476 sub. leg. B) is amended as set out in section 3.

**3. Schedule amended**

The Schedule, after item 5—

**Add****“6. Southwest Lantau Marine Park**

That area delineated and coloured pink on the map (Plan No. MP/SWL)—

- (a) that was approved on 17 April 2018 by the Chief Executive in Council; and
- (b) certified true copies of which have been deposited in the Land Registry, the headquarters of the Agriculture, Fisheries and Conservation Department and the headquarters of the Marine Department.”



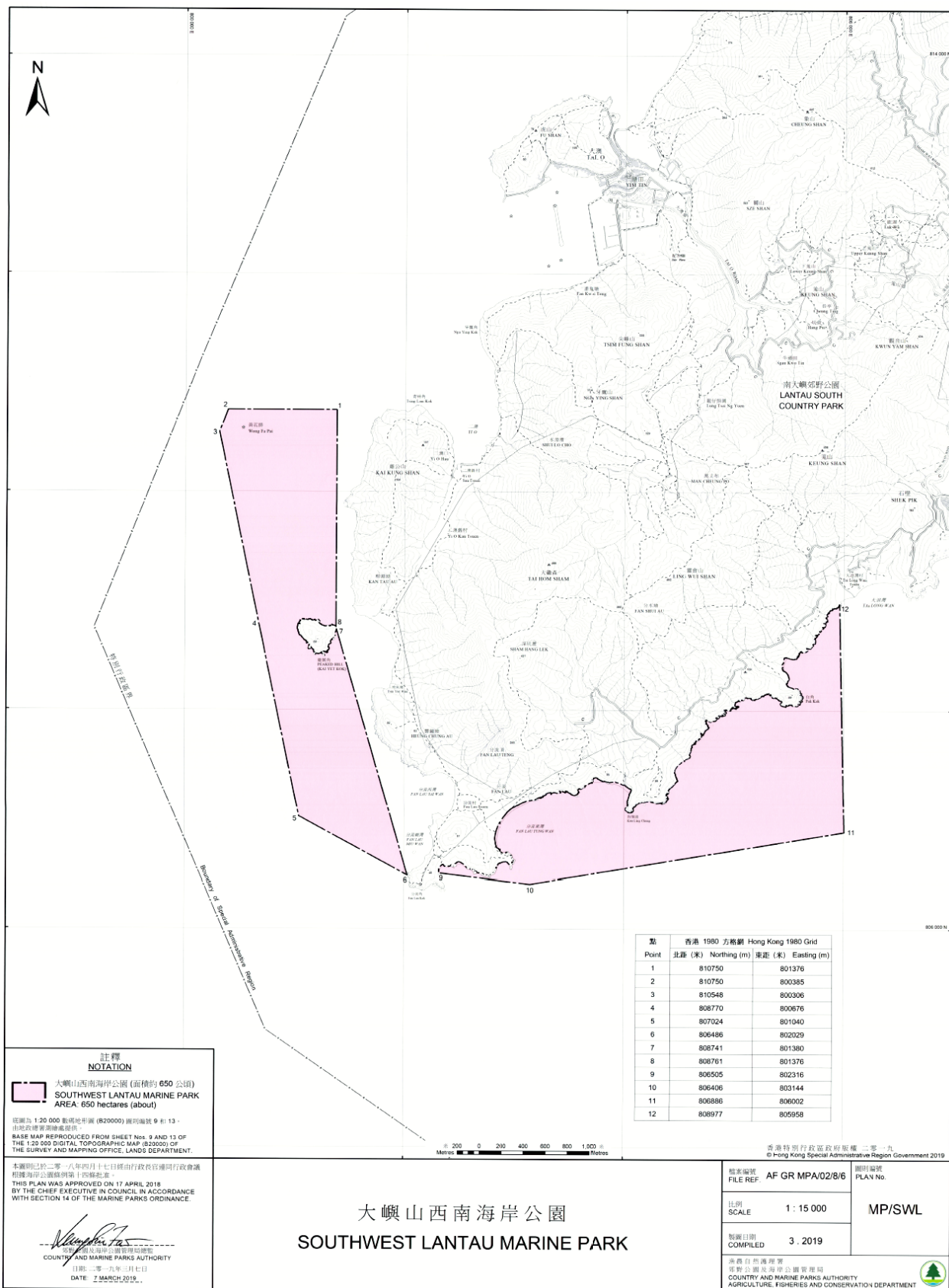
Chief Executive

10 December 2019

**Explanatory Note**

This Order amends the Marine Parks (Designation) Order (Cap. 476 sub. leg. B) to designate an area shown in the approved map (Plan No. MP/SWL with the title “Southwest Lantau Marine Park”) to be a marine park under the Marine Parks Ordinance (Cap. 476).

# Southwest Lantau Marine Park – Approved Map



**註釋**  
**NOTATION**

大嶼山西南海岸公園 (面積約 650 公頃)  
**SOUTHWEST LANTAU MARINE PARK**  
AREA 650 hectares (about)

此圖為 1:20 000 數碼地形圖 (R20000) 應用編號 9 和 13 - 13 的數字地形圖重印。  
BASE MAP REPRODUCED FROM SHEET Nos. 9 AND 13 OF THE 1:20 000 DIGITAL TOPOGRAPHIC MAP (R20000) OF THE SURVEY AND MAPPING OFFICE, LANDS DEPARTMENT.

本圖則於二零一八年四月十七日經由行政局通過行政會議批准。  
THIS PLAN WAS APPROVED ON 17 APRIL 2018 BY THE CHIEF EXECUTIVE IN COUNCIL IN ACCORDANCE WITH SECTION 14 OF THE MARINE PARKS ORDINANCE.

*[Signature]*  
COUNTRY AND MARINE PARKS AUTHORITY  
日期: 二零一九年三月七日  
DATE: 7 MARCH 2019.

## 大嶼山西南海岸公園 SOUTHWEST LANTAU MARINE PARK

檔案編號  
FILE REF: AF GR MPA/02/8/6

圖則編號  
PLAN No. MP/SWL

比例  
SCALE: 1 : 15 000

製圖日期  
COMPILED: 3, 2019

漁農自然護理署  
郊野公園及海岸公園管理處  
AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT

## **Southwest Lantau Marine Park Explanatory Statement**

### Authority

1. This statement forms part of the draft map of the Southwest Lantau Marine Park (“the Marine Park”) prepared by the Country and Marine Parks Authority in accordance with section 7 of the Marine Parks Ordinance (Cap. 476).

### Location and Boundary

2. The Marine Park is located in the southwestern waters of Lantau of the Hong Kong Special Administrative Region and covers two sea areas of about 650 hectares.

3. The Marine Park includes coastal area below the high water mark. The seaward boundary of the Marine Park is shown in the map. The landward boundary will be demarcated with reference to the high water mark along the coastline of Peaked Hill and the Southwest Lantau.

The Country and Marine Parks Authority  
March 2019