

**For discussion on
23 November 2020**

**Legislative Council Panel on Environmental Affairs
Enhanced Protection of Green Turtles**

Purpose

This paper informs Members of and seeks their views on the proposal to expand the Restricted Area at Sham Wan, Lamma Island (Sham Wan Restricted Area) and to extend the restricted period for strengthening the protection of Green Turtles.

Background

Green Turtles in Hong Kong

2. Green Turtles are one of the species listed as “endangered” under the International Union for Conservation of Nature’s Red List of Threatened Species. It is also the only sea turtle species that nests in Hong Kong. In the breeding season, Green Turtles migrate from their feeding grounds to their natal beaches to nest. The nesting season of Green Turtles generally spans from June to October, during which they come ashore to nest for multiple times at intervals of about 14 days. Female Green Turtles usually stay in the adjacent waters before and in between nesting.

3. The sandy beach at Sham Wan on Lamma Island is the only site in Hong Kong and one of the few sites in South China Sea at which Green Turtles nest from time to time. Since it is habitual for Green Turtles to return to nest invariably at where they were born after 20 years or more when they reach sexual maturity, Sham Wan is an important habitat to the breeding and survival of this species in the local and regional context.

Current protection measures for Green Turtles and their nesting site

4. The Government has been implementing various conservation measures to protect Green Turtles and their nesting site, including listing Green Turtle as protected wild animal¹ under the Wild Animals Protection Ordinance

¹ Green Turtles are one of the endangered species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and thus are also protected by local legislation under the Protection of Endangered Animals and Plants Ordinance (Cap. 586).

(Cap. 170) (the Ordinance). No person shall, except in accordance with a special permit, hunt, wilfully disturb, possess, sell or export any local protected wild animals, or take, remove, injure, destroy or wilfully disturb their nests or eggs. Any person contravening the relevant legislation is liable on conviction to a maximum fine of \$100,000 and imprisonment for one year. In order to minimise disturbance to Green Turtles as well as their nests and eggs, the Government gazetted the 0.5-hectare sandy beach at Sham Wan on Lamma Island (the Beach) as a restricted area under the Ordinance in 1999 to restrict public access to the area between 1 June and 31 October each year. An entry permit granted by the Director of Agriculture, Fisheries and Conservation is required for entry into the restricted area unless otherwise specified in the Ordinance. Unauthorised entry is subject to a maximum fine of \$50,000.

5. During the restricted period, Agriculture, Fisheries and Conservation Department (AFCD) carries out patrol and surveillance to control unauthorised entry and monitor the condition of the nesting site. Habitat management actions at the nesting site are carried out before the nesting season every year, including clearing of climbers and refuse from the Beach as well as removal of abandoned fishing nets from the sea inlet of Sham Wan. AFCD also undertakes scientific studies, conducts publicity and education programmes from time to time, and maintains regional and international collaboration with relevant organisations for conservation of Green Turtles.

Strengthening the protection of Green Turtles' breeding ground

6. Green Turtles are known to stay in the waters adjacent to their natal beaches before and in between their nesting. During this period, breeding Green Turtles are particularly sensitive to disturbance from human activities such as glare, noise and marine traffic, which may frighten them and cause them to abandon nesting. At present, the sea inlet of Sham Wan leading to the Beach is not a restricted area. However, the place has become a popular spot for recreational boating and some commercial fishing activities also take place there. To strengthen the protection of breeding Green Turtles, there is a genuine need to include the sea inlet into the Sham Wan Restricted Area to restrict access, so as to minimise human disturbance in this area during the breeding season of Green Turtles.

7. In light of the above, the Government announced in the 2018 Policy Agenda the proposal to expand the Sham Wan Restricted Area to cover Green Turtles' breeding ground in the adjacent waters. At the meeting of the Legislative Council Panel on Environmental Affairs on 28 May 2018,

Members also passed a motion to urge the Government to extend the existing Sham Wan Restricted Area to the adjoining waters to prevent disturbance to nesting Green Turtles.

Proposal on strengthening the protection of Green Turtles

Expansion of the Sham Wan Restricted Area and extension of the restricted period

8. To better protect Green Turtles, the Government proposed the expansion of the Sham Wan Restricted Area on Lamma Island from the 0.5-hectare Beach to the adjacent waters, i.e. a sea inlet of about 98.2 hectares adjoining the Beach (see **Annex**). It is also proposed that the restricted period be extended from five months (i.e. from 1 June to 31 October) to seven months (i.e. 1 April to 31 October) each year.

9. The expansion of the Sham Wan Restricted Area and extension of the restricted period are expected to greatly reduce the level of human disturbance to Green Turtles at the waters adjoining the nesting site before and during the nesting period. On the other hand, activities like recreational boating and commercial fishing can still take place outside the breeding season of Green Turtles (i.e. from 1 November to 31 March).

Proposed legislative amendments

10. To take forward the aforementioned proposal, the Government proposes the amendment of the delineation of Area C and relevant provisions in Schedule 6 to the Ordinance to give effect to the proposal to expand the Sham Wan Restricted Area and extend the restrict period as described in paragraph 8 above.

Management of the expanded Sham Wan Restricted Area

11. Upon the expansion of the Sham Wan Restricted Area, AFCD will take forward multi-pronged measures to enhance management of the Sham Wan Restricted Area and strengthen the protection of Green Turtles. In order to prevent unintended access and reduce the risk of boats colliding with Green Turtles, AFCD will install notice boards at conspicuous locations of the headlands of the sea inlet of Sham Wan for demarcating the seaward boundary of the Sham Wan Restricted Area and reminding passing vessels not to enter the area without permission during the restricted period. Prior to the start of

the restricted period every year, AFCD will contact relevant stakeholders such as fishermen organisations and marina clubs to remind them of the effective time and control measures of the Sham Wan Restricted Area.

12. Apart from stepping up patrol in the waters to combat unauthorised entry during the restricted period, AFCD will explore ways to enhance surveillance capacity, e.g. deployment of remote control surveillance cameras, so as to facilitate rapid response against irregularities. In addition, AFCD will conduct regular inspection at the Sham Wan Restricted Area and remove abandoned fishing nets, rubbish and unwanted vegetation to maintain appropriate habitats for breeding Green Turtles. AFCD also plans to invite relevant stakeholders to join hands in maintaining the Sham Wan Restricted Area and carrying out education and promotion programmes for conservation of Green Turtles.

Public consultation

13. AFCD consulted relevant stakeholders on the proposal in 2019 and 2020. These include trade associations, residents' organisations and Government's advisory and statutory bodies, namely fishermen associations, green groups, local marina clubs, the Tourism, Agriculture, Fisheries, Environmental Hygiene and Climate Change Committee of the Islands District Council, Lamma Island (South) Rural Committee, Nature Conservation Sub-committee of Advisory Council on the Environment (ACE-NCSC), Fisheries Sub-committee of Advisory Committee on Agriculture and Fisheries (ACAF-FSC) and Local Vessels Advisory Committee.

14. Overall speaking, green groups and local marina clubs supported the proposal in general, and ACE-NCSC members gave full support to the proposal. ACAF-FSC and most of the fishermen associations had once expressed concern over the impact of the proposal on fishing activities. Nevertheless, they had no in-principle objection to the proposal once they learnt that fishing activities could still take place outside the restricted period. They also urged the Government to allocate sufficient resources to combat illegal fishing and make clear demarcation of the Sham Wan Restricted Area.

15. On the other hand, some fishermen representatives suggested a reduced expansion of the Sham Wan Restricted Area and the shortening of the proposed extension of the restricted period. They also suggested that local fishermen be allowed to participate in maintaining and monitoring the expanded Sham Wan Restricted Area. Some stakeholders also made suggestions regarding the

participation of local communities in publicity and education activities. We consider that the current proposal has already struck a balance between the livelihood of fishermen and protection of Green Turtles. It is also our plan to invite relevant stakeholders to join us in publicity and education work.

Way forward

16. We plan to gazette and table the amendments as proposed in paragraph 10 above before the Legislative Council for negative vetting within one to two months, with a view to implementing the proposal by the start of the next breeding season of Green Turtles on 1 April 2021.

Advice Sought

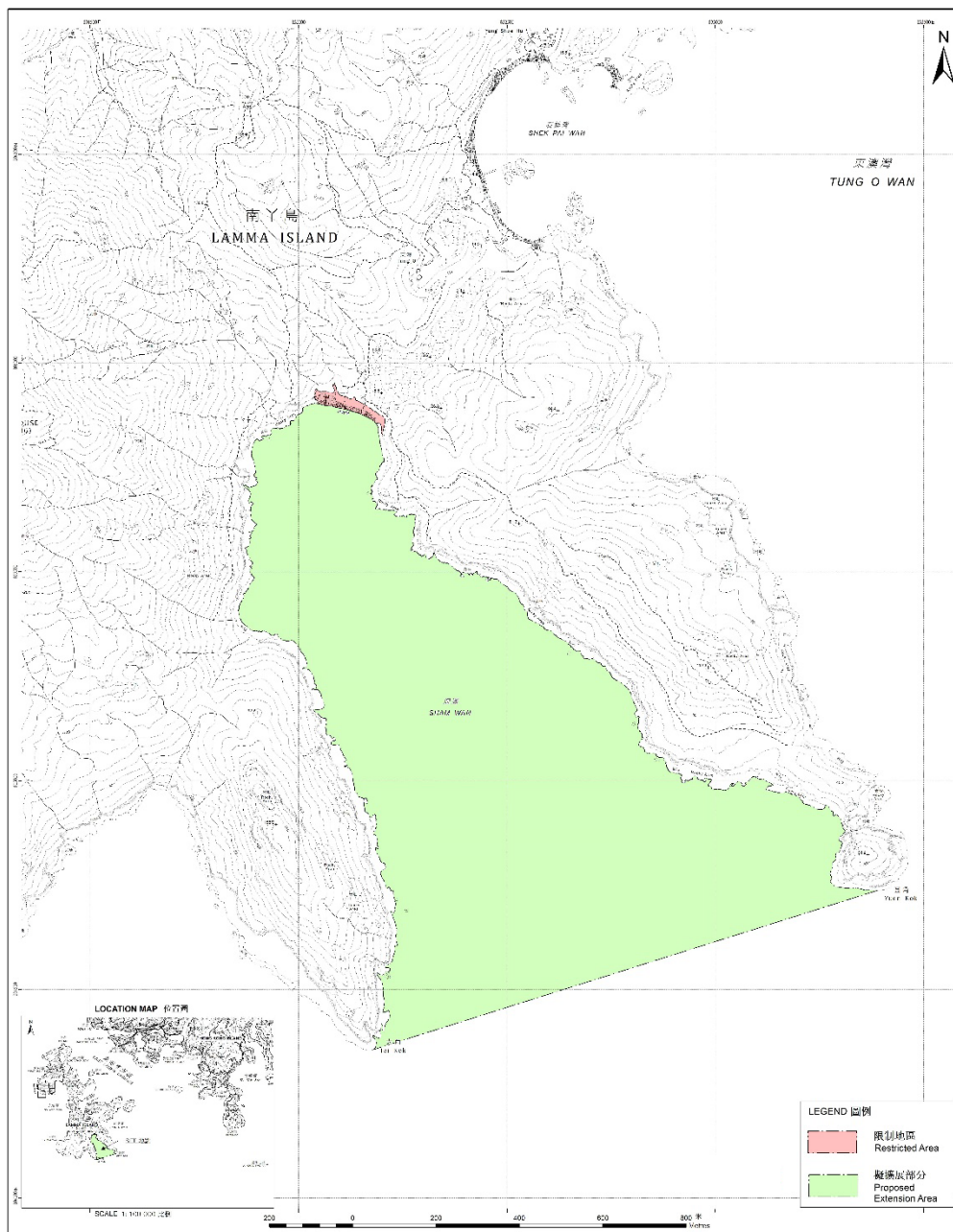
17. Members are invited to note and comment on the Government's proposal to expand the Sham Wan Restricted Area on Lamma Island and extend the relevant restricted period.

Environment Bureau

Agriculture, Fisheries and Conservation Department

November 2020

Proposed Expansion of Sham Wan Restricted Area on Lamma Island



Note: Area coloured **red** is the existing Sham Wan Restricted Area; and area coloured **green** indicates the proposed expansion area.