

立法會
Legislative Council

LC Paper No. CB(2)744/20-21(04)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

**Background Brief prepared by the Legislative Council Secretariat
for the meeting on 9 February 2021**

**Government's efforts to assist
the sustainable development of the fisheries industry**

Purpose

This paper provides background information on the Government's efforts to assist the sustainable development of the fisheries industry, and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the subject.

Background

Fisheries industry in Hong Kong

2. The fisheries industry in Hong Kong comprises capture fisheries and aquaculture fisheries. The industry maintains a steady supply of fresh and quality fish products to local consumers. According to the Administration, the fisheries industry has been facing increasing challenges, most notably, (a) the lack of manpower due to an aging workforce in both the capture and aquaculture fisheries, (b) impact of reduced areas in the Hong Kong waters due to marine works projects and decline in marine resources affecting the operation and income of Hong Kong's capture fishermen, (c) shortened period for capture fishermen's operation in the South China Sea due to the annual fishing moratorium, (d) threats to the production of marine fish culture arising from global climate change that increases the chance of inclement weather and red tides, and (e) severe competition from imported aquatic products in the market, etc.

3. In 2010, the Committee on Sustainable Fisheries ("CSF"), which was established by the Government to study the long-term goals, the direction and feasible options for sustainable development of the local fisheries industry, recommended among others that the Government should assist the fisheries industry in developing or switching to modernized and sustainable modes of operation through the provision of technical and financial support. Taking on board the recommendations of CSF and noting the challenges faced by the fisheries industry, the Administration considers that the industry's future lies not in pursuing increase in productivity, but in modernizing their operations to enhance efficiency and switching to high value-added operation/products in order to attain a suitable mode of development.

Measures to assist fishermen to switch to sustainable operations

4. In order to restore the seabed and depleted marine resources, the Administration has implemented a basket of fisheries management measures including prohibiting the use of trawling devices for fishing in Hong Kong waters ("trawl ban"). With the passage of the Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011, the trawl ban came into force on 31 December 2012.

5. To assist the fisheries industry, in particular fishermen affected by the trawl ban, to switch to other sustainable modes of fishing operations, the Administration has been providing the following support services:

- (a) increasing the approved commitment of the Fisheries Development Loan Fund for successful applicants to make use of the one-off loans for building new fishing vessels to continue their fishing operations in distant waters outside Hong Kong;
- (b) increasing the approved commitment of the Fishing Moratorium Loan Scheme to help local fishermen cope with the annual fishing moratorium;
- (c) establishing the HK\$500-million Sustainable Fisheries Development Fund ("SFDF") to provide support for the modernization and sustainable development of local fisheries, through which financial assistance is provided for carrying out research and development programmes that will help improve the operating environment and enhance the overall competitiveness of the industry;

- (d) providing tailor-made, free training courses to local fishermen to help upgrade their knowledge and skills such that they are better placed to explore opportunities of switching to other sustainable operations, e.g. aquaculture, recreational fisheries and fisheries-related eco-tourism business;
- (e) conducting adaptive studies on fish culture technique and new species suitable for the local environment and transferring the knowledge and experience gained to fish farmers, so as to enhance the skill level of the mariculture sector;
- (f) inviting applications for new marine fish culture licences at three existing fish culture zones ("FCZs")¹ with surplus carrying capacity; allowing existing licensees of three FCZs² to apply for additional licence area to expand their culture operations; and preparing for the designation of four new FCZs³ to increase local fish production; and
- (g) implementing the Accredited Fish Farm Scheme to build up a brand name of quality and safety of local aquaculture products; and actively publicizing (jointly with the Fish Marketing Organization) local quality fisheries products through various promotional activities and expanding the coverage of sales channels.

Members' major views and concerns

6. Members' major views and concerns on relevant issues are summarized below.

Sustainable development of the fisheries industry

7. Some members held the view that the Administration should take the initiatives to implement practical and concrete measures (e.g. setting up a new

¹ The three existing FCZs with surplus carrying capacity are Cheung Sha Wan, O Pui Tong and Sham Wan FCZs.

² The three FCZs where existing licensees can apply for additional licence area are Yung Shue Au, Ma Nam Wat and Wong Wan FCZs.

³ The four sites proposed to be designated as new FCZs are Wong Chuk Kok Hoi, outer Tap Mun, Mirs Bay and Po Toi (Southeast). The relevant environmental impact assessments are being carried out and are expected to be completed in 2022.

fund to provide financial support for fish farmers, improving water quality in the harbour, exploring and improving fishing technologies, providing skills training for fishermen etc.) to steer and promote sustainable development of the fisheries industry rather than relying on the fishermen community to come up with project proposals. There was also a view that the policies of other bureaux were not compatible with the existing agriculture and fisheries policy. The Administration should introduce complementary policy measures to facilitate the sustainable development of the fisheries industry.

8. According to the Administration, CSF had formulated a policy blueprint for promoting the sustainable development of the local fisheries industry and the Administration (specifically, the Agriculture, Fisheries and Conservation Department ("AFCD")) had been implementing various fisheries management measures as recommended by CSF, including the trawl ban and registration of local fishing vessels to control fishing effort. AFCD would continue to implement appropriate support measures to promote the sustainable development of the local fisheries industry. It would solicit the views of fishermen and relevant stakeholders on how the support measures could be further enhanced to help them move towards high value-added operations.

9. Some members pointed out that local fishermen had been facing with challenges in continuing fishing operations (e.g. fishing moratoriums, prohibition of fish capture activities, higher fuel cost, repair work of fishing vessels/gear and compliance with new fishing policies), which had affected the livelihood of fishermen and reduced the space for fisheries development. There were suggestions that the Administration should (a) work with the Ministry of Agriculture and Rural Affairs to strengthen the publicity on new fishing policies to facilitate the compliance of the industry and (b) convey to the Mainland authorities the wish of local fishermen to develop the Mainland market by leveraging the opportunities brought by the Guangdong-Hong Kong-Macao Greater Bay Area development.

10. The Administration advised that AFCD had been maintaining close liaison with the relevant Mainland authorities, including the Ministry of Agriculture and Rural Affairs, on the development of the fisheries industry and the implementation of relevant fishing policies. The Administration assured members that it would relay to the relevant Mainland authorities the wish of local fishermen to explore new opportunities in the Mainland market.

Management of SFDF

11. Some members opined that SFDF had not been put to optimal use and there was room for improvement in the management of SFDF. There was a

view that the Administration should approve and fund a few more projects despite the similarity in nature of some of the projects put up by applicants. The Administration advised that for optimal usage of resources, SFDF would not fund projects of similar nature but the SFDF Advisory Committee would consider the merits of individual application having regard to the application's unique focus and target.

12. A query was raised as to whether SFDF could benefit the targeted fisheries community, since the types of projects that might be funded under SFDF could demand a high level of professional input from applicants (e.g. developing new technology for aquaculture fisheries). Some members expressed worries that most of the successful applicants would be academic institutions and environmental organizations which were more experienced than the fishermen in funding application and project bidding, and the projects supported by SFDF would be biased towards conservation of marine resources instead of the development of the fisheries industry. Some members were also concerned whether the assessment criteria for SFDF were too stringent, thereby discouraging potential applicants from making applications.

13. According to the Administration, as at April 2020, SFDF had approved 23 projects since its establishment in 2014, among them 11 projects were related to the development of aquaculture. These projects covered various aspects such as the provision of assistance to fish farmers for obtaining organic accreditation of their culture operation; the provision of veterinary services for fish farms; and the use of local food waste to produce low-cost pellet feed, etc. Two vetting committees overseen by the SFDF Advisory Committee had been formed to consider and vet funding applications against a set of assessment criteria. The major consideration was whether the proposed projects could contribute to fostering the sustainable development and enhancing the overall competitiveness of the fisheries industry, with such initiatives bringing benefits to the operations of the local fisheries community as a whole. The Administration assured members that the approved projects would not be biased towards certain areas of projects. Some funded projects had already shown encouraging preliminary results.

Enforcement against illegal fishing activities

14. Some members expressed concern that it was reported in recent years that many Mainland fishermen entered Hong Kong waters for illegal fishing. This would defeat the purpose of implementing the trawl ban to restore the fisheries resources. Enquiry was raised as to whether the Administration had assessed the effectiveness of its enforcement actions against Mainland fishermen's illegal fishing activities in Hong Kong waters. There was a suggestion that AFCD

and relevant departments should acquire additional resources for combating illegal fishing activities and step up joint operations with relevant Mainland departments against such activities.

15. According to the Administration, AFCD had been conducting joint operations with the Marine Police to intercept fishing vessels suspected of engaging in illegal fishing. In recent years, AFCD conducted over 1 700 patrols each year. It would continue to work closely with the Marine Police and the Mainland law enforcement agencies to strengthen enforcement actions against cross-boundary illegal fishing activities.

Relevant motion passed by the Panel

16. At the Panel meeting on 12 February 2019, in the context of discussing the development of mariculture, members passed a motion, urging the Government to support the development of the mariculture industry through various measures. The wording of the motion passed at that meeting is in **Appendix I**.

Latest developments

17. At the Council meeting of 3 February 2021, Hon Steven HO raised an oral question on "combating illegal fishing in Hong Kong". The question and the Administration's reply are in **Appendix II**.

18. The Administration will brief members on its measures to promote the sustainable development of the fisheries industry at the meeting on 9 February 2021. As requested by some Panel members, the Administration will also provide an update on the control measures against illegal fishing activities in Hong Kong waters as well as the progress and effectiveness of implementing SFDF at the meeting.

Relevant papers

19. A list of the relevant papers on the Legislative Council website is in **Appendix III**.

立法會 CB(2)797/18-19(02)號文件
LC Paper No. CB(2)797/18-19(02)

食物安全及環境衛生事務委員會
Panel on Food Safety and Environmental Hygiene

在 2019 年 2 月 12 日的會議上就議程項目 V
"海魚養殖的發展"通過的議案

Motions passed under agenda item V "Development of mariculture"
at the meeting on 12 February 2019

議案(一)

(議案中文措辭)

本事務委員會促請政府支援本港養魚業發展，應優先：落實行業天災保障機制、拓展銷售渠道、完善紅潮預警機制、改善養殖水質、優化及簡便資助發展計劃、為業界建立品牌加強競爭力、積極支援業界提升養殖技術及產值。在綜合以上各項推行情況的因素，再對養殖標準的可行性作出審慎研究、繼續諮詢及尋找共識，以協助行業進一步改善經營環境，善用養殖空間。

動議人：何俊賢議員, BBS 及葛珮帆議員, BBS, JP

Motion 1

(English translation of the motion)

This Panel calls on the Government to support the development of the mariculture industry, and priorities should be given to: implementing a natural disasters protection mechanism for the industry, expanding the sales channels, improving the red tides alert system, improving the quality of water used for fish culture, refining and simplifying various subsidy programmes for the development of the industry, increasing the competitiveness of the industry through brand-building, and proactively supporting the industry in upgrading mariculture technologies and increasing production value. Having consolidated experiences from implementing the above initiatives, the Government could carefully explore the feasibility of setting mariculture standards by conducting further consultation to help forge a consensus, thereby assisting the industry to further improve its operating environment and optimize the use of mariculture zones.

Moved by : Hon Steven HO Chun-yin, BBS and
Dr Hon Elizabeth QUAT, BBS, JP

Press Releases

LCQ6: Combating illegal fishing in Hong Kong

Following is a question by the Hon Steven Ho and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (February 3):

Question:

Some local fishermen have complained that some people have been engaging in illegal fishing within Hong Kong waters from time to time in recent years. Such people use means forbidden in Hong Kong to catch fish, which has not only caused destruction to Hong Kong's fisheries resources and marine ecosystem as well as affected local fishermen's livelihood, but also rendered Hong Kong's legislation on trawl ban, limitation on the number of fishing vessels, protection of marine parks, etc. virtually non-existent. Those fishermen have pointed out that government departments' perfunctory law enforcement and inability to enforce the law across the boundary have resulted in the problem of illegal fishing becoming increasingly rampant. In this connection, will the Government inform this Council:

(1) as I have learnt that it is difficult to identify the vessels engaged in illegal fishing because their licence numbers are covered, whether the Government will explore other means (e.g. using paintballs) and apply new technologies to enhance the efficiency in law enforcement;

(2) whether it has plans to conduct joint law enforcement operations with Mainland authorities to combat illegal fishing; if so, of the details of and the difficulties involved in such law enforcement operations; whether it will set up a notification mechanism on cross-boundary illegal fishing activities with Mainland authorities; and

(3) whether it has assessed if the current legislation and law enforcement efforts can effectively combat cross-boundary illegal fishing activities; if it has assessed and the outcome is in the affirmative, of the justifications; if the assessment outcome is in the negative, whether the Government will amend the law to raise the relevant penalties and allocate additional resources to step up law enforcement efforts?

Reply:

President,

According to the Fisheries Protection Ordinance (the Ordinance), the use of unregistered vessels, either local or non-local, for fishing activities as well as the use of fishing gear prohibited by the Fisheries Protection Regulations (the Regulations) are considered as illegal fishing activities. The Regulations prohibit the use of explosive, toxic substance, electrical and trawling devices, etc. for the purpose of fishing.

The Agriculture, Fisheries and Conservation Department (AFCD) is committed to combating illegal fishing activities. A dedicated enforcement team carries out patrols against illegal

fishing activities at irregular hours (including the small hours) in the blackspots of illegal fishing in Hong Kong waters. The AFCD will, based on the information and intelligence gathered from patrols, exercise flexible deployment of resources and conducts joint enforcement operations with the Marine Police. Last year, the AFCD conducted over 1 530 patrols and conducted 55 joint operations with the Marine Police, with 14 cases successfully prosecuted and 44 persons prosecuted and convicted in total.

The AFCD has encountered many challenges in conducting enforcement operations against illegal fishing activities in recent years. Most vessels engaging in illegal fishing would not stop for inspection according to the instructions or warnings of law enforcement officers, and would swiftly leave Hong Kong waters. The licence number of these vessels would also be covered, making it difficult for enforcement officers to follow up and investigate. Stopping trawlers at sea was also difficult as law enforcement operations under unstable sea conditions involve substantial resources and certain risks.

The reply to the various parts of the question raised by the Hon Steven Ho is as follows:

(1) The AFCD will apply technologies, such as real-time satellite data, to acquire information on vessels which cover their licences and refuse to stop for inspection as instructed for follow-up investigation and tracking. Real-time satellite data can also help identify the locations and number of suspicious vessels so that resources can be deployed more effectively to combat activities at illegal fishing blackspots in a targeted manner and enhance the efficiency of enforcement actions at sea. In addition, the AFCD conducts joint operations with the Marine Police and uses "vessel arrest systems" to intercept suspicious vessels which refuse to stop as and when appropriate, allowing enforcement officers to collect evidence on board and enhancing the effectiveness of their actions.

(2) Under the framework agreement on Hong Kong/Guangdong co-operation in agricultural matters, a notification mechanism is established between Hong Kong and Guangdong to combat illegal fishing and cross-boundary fishing activities. The AFCD has been exchanging intelligence and organising joint enforcement operations with the Guangdong Provincial Marine Comprehensive Law Enforcement General Brigade (the General Brigade).

In the joint enforcement operations, the AFCD requests that vessels engaged in illegal fishing in Hong Kong waters would be intercepted by the General Brigade along the boundary as they return to Mainland waters, so that the AFCD would be able to investigate. Joint enforcement operations at sea continue to face challenges, such as the failure of communication networks to fully cover all boundary waters. It is also not easy for both parties to locate illegal fishing vessels precisely at sea, especially under inclement weather and low visibility conditions. In this regard, both parties continue to explore ways to improve communication and jointly formulate action plans in order to improve operational efficiency.

In addition, the AFCD will refer the information on Mainland fishing vessels found engaging in illegal fishing in Hong Kong waters during patrols to the General Brigade regularly through the notification mechanism for their follow-up investigations and assistance to prevent Mainland fishermen from entering the Hong

Kong waters for fishing so as to tackle the problem at source.

(3) Under the Ordinance, the use of prohibited gear for fishing is liable to a maximum fine of \$200,000 and imprisonment for six months upon conviction, while the use of unregistered vessel for fishing activities is liable to a maximum fine of \$100,000 and imprisonment for six months upon conviction. Since the implementation of the relevant legislation, the highest penalty imposed have been a fine of \$100,000 and imprisonment for three months, as well as confiscating fishing gears involved in the case, such as ropes, nets, winches, etc. We consider that the level of penalty imposed by the courts has certain deterrent effect.

To enhance law enforcement capacity, the Food and Health Bureau has provided the AFCD with resources to increase manpower. The AFCD has strengthened and consolidated internal resources to set up a dedicated enforcement team at sea to enhance the mobility and responsiveness of enforcement actions against illegal fishing. The number of members in the enforcement team and the number of vessels have increased from 18 to 34 and from three to seven respectively. In addition, the AFCD has recently worked with fishermen to gather intelligence regarding illegal fishing by the use of their fishing vessels. Together with the analysis of real-time satellite data, this would help the Department obtain more information on illegal fishing to formulate more effective enforcement operations and investigation.

Thank you, President.

Ends/Wednesday, February 3, 2021
Issued at HKT 16:31

NNNN

Appendix III

Relevant papers on development of the fisheries industry

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	14.11.2017 (Item VI)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	5.12.2018	<u>Official Record of Proceedings Pages 3787 to 3789 (Written question raised by Hon CHAN Chi-chuen on "Combating Mainland fishermen's illegal fishing activities in Hong Kong")</u>
Panel on Food Safety and Environmental Hygiene	12.2.2019 (Items IV and V)	<u>Agenda</u> <u>Minutes</u> Administration's response to motion passed at the meeting in relation to development of mariculture (LC Paper No. <u>CB(2)902/18-19(01)</u>)
	14.1.2020 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	17.4.2020*	Administration's response to the letter dated 2 April 2020 from Hon Steven HO regarding bird predation in fish ponds and issues relating to the sustainable development of pond fish culture industry (LC Paper No. <u>CB(2)834/19-20(01)</u>)

* Issue date