

LEGISLATIVE COUNCIL BRIEF

Marine Parks Ordinance (Chapter 476)

MARINE PARKS (DESIGNATION) (AMENDMENT) ORDER 2024

INTRODUCTION

At the meeting on 4 June 2024, the Executive Council **ADVISED** and the Chief Executive **ORDERED** that the Marine Parks (Designation) (Amendment) Order 2024 (Order) (at **Annex A**) should be made in accordance with section 15 of the Marine Parks Ordinance (Cap. 476) (MPO).

JUSTIFICATIONS

2. The Order seeks to designate the area shown in the map approved in accordance with Section 14(1)(a) of the MPO (at **Annex B**) as the North Lantau Marine Park (NLMP). As stipulated in the Chief Executive's 2022 Policy Address, the Government would commence the statutory procedures for designating the proposed NLMP, with a view to protecting marine biodiversity and ensuring its sustainability.

3. As a result of the land formation works for the Three-Runway System (3RS) project, there would be a permanent loss of about 670 hectares (ha) of important habitats of Chinese White Dolphins (CWD) and other marine life in North Lantau waters. To mitigate the impacts on CWD and fisheries habitats brought about by the construction and operation of the 3RS project, it was committed in the approved Environmental Impact Assessment (EIA) Report of the 3RS project to

establish a new marine park of about 2 400 ha in North Lantau waters (i.e. the proposed NLMP). As stipulated in the environmental permit (EP) for the 3RS project granted to Airport Authority Hong Kong (AAHK) on 7 November 2014, the designation of the proposed NLMP shall be completed before the operation of the 3RS project, which is targeted for end-2024.

4. The designation of the proposed NLMP is crucial for the conservation of CWD and marine environment in North Lantau waters. The marine park will provide critical linkages with the nearby Sha Chau and Lung Kwu Chau Marine Park (SCLKCMP) (about 1 200 ha) and The Brothers Marine Park (about 970 ha) to form a matrix of connected marine protected areas of about 4 570 ha in total size in North Lantau waters, with a view to better protecting the important habitats of CWD. Furthermore, the proposed NLMP will be contiguous with the Pearl River Estuary Chinese White Dolphin National Nature Reserve established in Guangdong Province, thereby linking the marine protected areas in Hong Kong and the Mainland to provide important connections among these core CWD habitats, which will facilitate the movement of CWD between these habitats. In addition, the proposed NLMP also connects with the Hong Kong International Airport Approach Areas (HKIAAAs) with a total area of about 670 ha, to form an interlinked water body and create synergy for the conservation of marine ecology and fisheries resources. The locations of the aforementioned marine protected areas in Hong Kong and the Mainland and the HKIAAAs are indicated at **Annex C**.

5. The proposed NLMP will be managed in a similar manner as the other existing marine parks for conservation, recreation, education and scientific research purposes. The management plan of the proposed NLMP will include:

- marine and fisheries enhancement measures and related ecological and environmental monitoring;
- fisheries management measures;
- park administration;
- public education and promotion; and
- patrol, surveillance and enforcement.

6. In respect of marine traffic, vessels operating within the proposed NLMP will be subject to a maximum speed limit of 10 knots in accordance

with section 10 of the Marine Parks and Marine Reserves Regulation (Cap. 476A).

7. As regards fisheries management, commercial fishing by registered local fishing vessels will be allowed in the proposed NLMP through the marine park fishing permit system. To balance the needs of marine conservation and sustainable fisheries development in Hong Kong, the new fisheries management strategy in marine parks (the FMS)¹ has come into effect since 1 April 2020, under which registered local fishing vessels from any port may apply through the marine park fishing permit system for a permit to fish in the marine parks in the western waters of Hong Kong (except the SCLKCMP), including the proposed NLMP.

THE APPROVAL PROCESS

8. In accordance with sections 7(1) of the MPO, the Country and Marine Parks Authority (Authority)² had prepared the draft map of the proposed NLMP and consulted the Country and Marine Parks Board. Public inspection of the draft map for 60 days had been arranged from 3 March 2023 to 1 May 2023 in accordance with section 8 of the MPO. Until expiry of the public inspection period, the Authority did not receive any objection against the draft map, and therefore made no amendment to the draft map.

9. In accordance with section 13 of the MPO, the Authority submitted the draft map of the proposed NLMP to the Chief Executive in Council for approval. The Chief Executive in Council approved the draft map on 5 September 2023 in accordance with section 14(1)(a) of the MPO. The approved map (at **Annex B**) was signed by the Authority and deposited in the Land Registry, the headquarters of the Agriculture, Fisheries and Conservation Department (AFCD) and the headquarters of the Marine Department in September 2023 in accordance with sections 14(4) and 14(5)

¹ Under the FMS which has been implemented since April 2020, while commercial fishing has been banned in the SCLKCMP, commercial fishing by registered local fishing vessels are allowed in existing and new marine parks in the western waters of Hong Kong, including The Brothers Marine Park, the Southwest Lantau Marine Park, the South Lantau Marine Park and the proposed NLMP, through the marine park fishing permit system.

² According to section 3(2) of the MPO, the Director of Agriculture, Fisheries and Conservation shall be the Authority for the purposes of the MPO.

of the MPO. The deposit of the approved map was also announced in the Gazette on 29 September 2023. Section 15 of the MPO provides that after deposit of the approved map, the Chief Executive shall, by order in the Gazette, designate the area shown in the approved map to be a marine park.

THE ORDER

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

LEGISLATIVE TIMETABLE

11. The legislative timetable is as follows: -

Publication in Gazette	14 June 2024
Tabling at the LegCo	19 June 2024
Commencement of the Order	1 November 2024

OTHER OPTIONS

12. Pursuant to section 15 of the MPO, the Chief Executive shall make the Order; there is no other option to achieve the designation of the proposed NLMP other than by making the Order.

IMPLICATIONS OF THE ORDER

13. The Order will have positive effect on the overall marine environment and protection of marine lives in Hong Kong waters. The proposed NLMP will also significantly expand the area of protected and managed marine habitats which will be conducive to maintaining marine

biodiversity, in particular, conserving CWD and fisheries resources in Hong Kong waters. As such, the Order will have positive effects on environmental and sustainability implications.

14. The designation of the proposed NLMP has no significant economic implication. Certain commercial activities including fishing operation within the proposed NLMP will be regulated after its designation. Commercial fishing by registered local fishing vessels will continue to be allowed in the proposed NLMP through the marine park fishing permit system under the FMS implemented since 1 April 2020, hence the economic implications on fishermen should not be significant. In respect of marine traffic, the boundary of the proposed NLMP will not encroach upon the existing principal fairways, including the Urmston Road, and shall enable continued and safe passage of marine traffic. However, the traffic time and cost of some cross-boundary high speed ferries may increase if there is a need of route diversion. On the other hand, conserving the environment for CWD will be conducive to the development of eco-tourism in Hong Kong.

15. For financial and civil service implications, as stipulated in the EP of the 3RS project, the designation of the proposed NLMP shall be completed before the operation of the 3RS project, which is targeted for end-2024. To operate and manage the proposed NLMP, AFCD would meet the resources required through redeployment and reallocation of its manpower and internal resources as far as possible. Where justifiable, additional resources will be sought based on the actual operational need in accordance with the established mechanism. Procurement of ancillary facilities and equipment, such as patrol vessels and surveillance equipment, is underway.

16. For family implication, the designation of the proposed NLMP may slightly affect the livelihood of bona fide fishermen and marine operators, given the regulations on fishing activities and marine traffic within the marine park. Nonetheless, as explained in paragraph 14 above, the relevant family implications on bona fide fishermen and marine operators should be insignificant.

17. The Order is in conformity with the Basic Law, including the

provisions concerning human rights. There are no productivity or gender implications, and only minor economic, environmental, sustainability, financial, civil service and family implications. It will not affect the current binding effect of the MPO.

PUBLIC CONSULTATION

18. Consultation with relevant stakeholders started after the submission of the relevant EIA Report of the 3RS project that recommended the proposed NLMP. AAHK conducted a series of consultations with the public, including the marine sector and fishermen, from June to August 2014, and received preliminary feedbacks on the size and layout of the proposed NLMP. As part of the detailed study for the marine park, AAHK further consulted stakeholders³ from July 2016 to October 2020 on the design and management plan for the proposed NLMP. In 2020, the Advisory Council on Environment, the Country and Marine Parks Board and its Marine Parks Committee were consulted, and their Members generally supported the proposal including the boundary and management plan of the proposed NLMP.

19. Some fishermen associations and the Islands District Council had expressed concerns about the control to be imposed on the fishing activities in the proposed NLMP and possible illegal fishing activities by Mainland fishermen after the designation. The Tuen Mun District Council also expressed concerns on the capability of AAHK and relevant government departments in effectively protecting CWD's habitats. As the new FMS allows registered local fishing vessels to continue commercial fishing activities in the proposed NLMP, it is anticipated that there will unlikely be any significant impact on the livelihood of fishermen.

20. Some cross-boundary high speed ferry operators requested a navigation corridor without speed restriction in the proposed NLMP, by either physically dividing the marine park into two portions, or waiving the

³ These included Professional and Community Liaison Groups set up by AAHK, consultative/advisory committees under the Marine Department (Port Operations Committee, Pilotage Advisory Committee, Local Vessels Advisory Committee and High Speed Craft Consultative Committee), subsea utility owners/operators, ferry operators, Islands and Tuen Mun District Councils, fisheries sector, green groups, academics and eco-tour operators.

10-knot speed limit within the corridor. These suggestions would substantially undermine the conservation value of the proposed NLMP and contradict with the objective of the EP requirement. Apart from ecological considerations, when determining the extent/boundary of the proposed NLMP, a number of existing and planned marine facilities, usages and navigation matters in North Lantau waters have been taken into account. Potential implications of the proposed NLMP on marine uses and marine users have also been considered. Specifically, the proposed NLMP would not encroach upon the principal fairways in west Hong Kong waters, including the Urmston Road Fairway and the Castle Peak Fairway, in order to enable continued and safe passage of marine traffic. Also, AAHK arranged a diversion for high speed ferries providing services to and from SkyPier to travel through waters north of SCLKCMP.

PUBLICITY

21. A press release will be issued on 14 June 2024. A Government spokesperson will be arranged to respond to media enquiries.

ENQUIRIES

22. Any enquiries on this brief may be addressed to Mr. Desmond WU, Principal Assistant Secretary for Environment and Ecology (Nature Conservation) of the Environment and Ecology Bureau at 3151 7160, or Mr. Jim CHU, Assistant Director (Fisheries & Marine Conservation) of AFCD at 2150 6604.

Environment and Ecology Bureau
Agriculture, Fisheries and Conservation Department
June 2024

Marine Parks (Designation) (Amendment) Order 2024

(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 November 2024.

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 7—

Add**“8. North Lantau Marine Park**

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

- (a) that was approved on 5 September 2023 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

6 JUNE 2024

Marine Parks (Designation) (Amendment) Order 2024

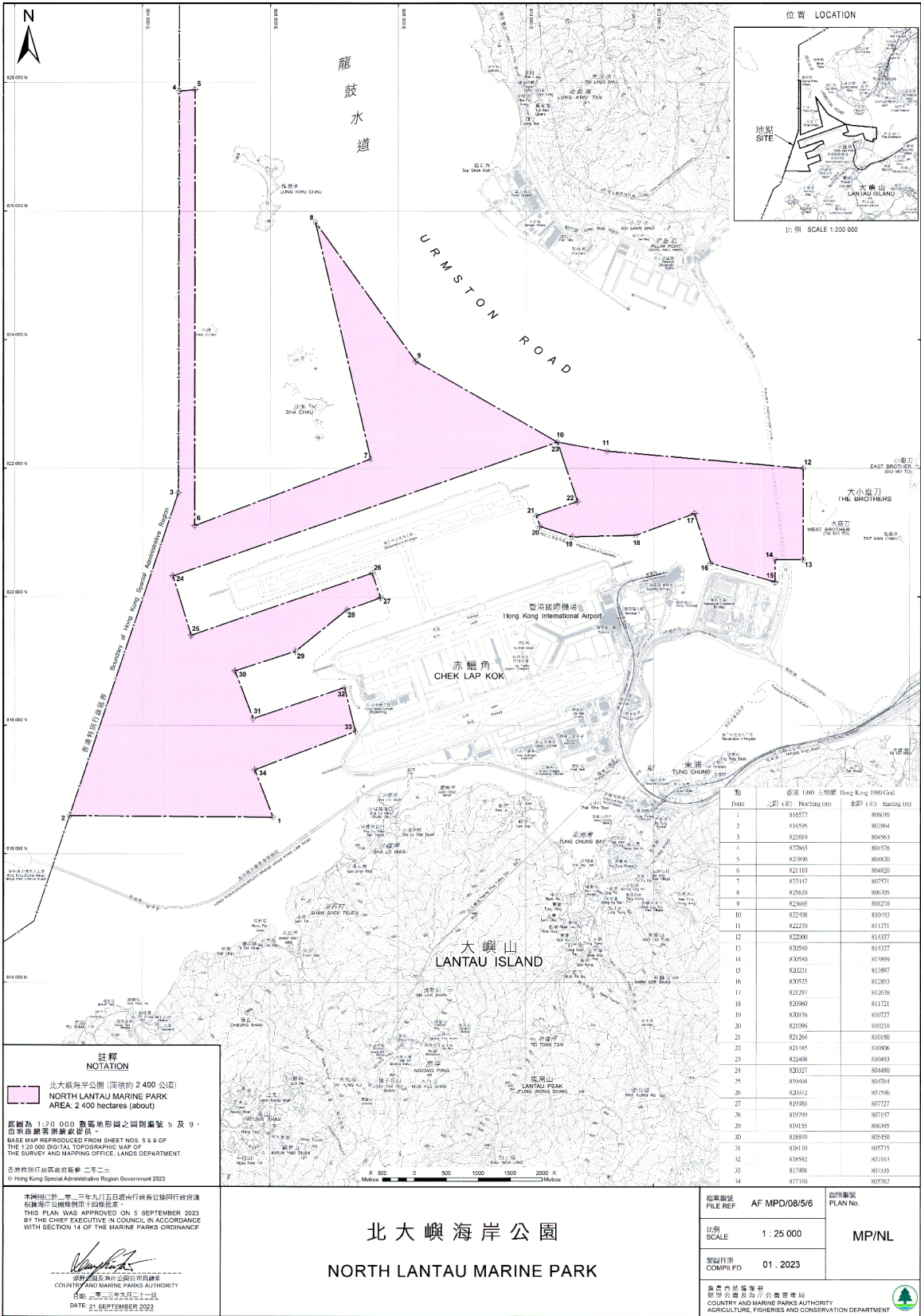
Explanatory Note

Paragraph 1

3

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/NL with the title “North Lantau Marine Park”) to be a marine park under the Marine Parks Ordinance (Cap. 476).



Explanatory Statement

Authority

1. This statement forms part of the draft map (Plan no. MP/NL) of the proposed North Lantau Marine Park (“the proposed Marine Park”) prepared by the Country and Marine Parks Authority (“the Authority”).

Location and Boundary

2. The proposed Marine Park is located in the North Lantau waters of the Hong Kong Special Administrative Region and covers a sea area of about 2 400 hectares.

Country and Marine Parks Authority
September 2023

Supplementary Information

Ecological Value

1. The waters in and around the proposed North Lantau Marine Park are important habitats for the Chinese White Dolphin and other marine life.

Country and Marine Parks Authority

September 2023

Marine protected areas at the northern and western Lantau waters and adjacent Pearl River Estuary waters

