

**Subcommittee on Marine Parks
(Designation) (Amendment) Order 2016**

**The Government's response to the concerns
raised by Members at the meeting on 22 November 2016**

At the meeting of the Subcommittee on Marine Parks (Designation) (Amendment) Order 2016 on 22 November 2016, Members expressed concern about the cumulative impacts of the designation of the marine parks, including The Brothers Marine Park (BMP), on the sustainable development of the fisheries industry and requested the Government to provide information/written response on –

- (a) the direction and timetable of and enhancement measures (if any) being considered in the review on fisheries management in marine parks and marine reserves, and whether the Government would consider amending the relevant legislation (e.g. Fisheries Protection Ordinance (Cap. 171), Marine Parks Ordinance (Cap. 476) and the Marine Parks and Marine Reserves Regulation (Cap. 476A)) to dispense with the homeport system for registering inshore fishing vessels, and/or relax the restrictions on the transfer and inheritance of marine park fishing permits; and
 - (b) measures to strengthen law enforcement actions to curb illegal fishing activities in Hong Kong waters (including marine parks), in particular those involving non-local fishing vessels; and how the Marine Region of the Hong Kong Police Force would coordinate with the Country and Marine Parks Authority in carrying out enforcement actions.
2. The Government's response to the above issues is as follows -
- (a) The purpose of the establishment of marine parks is to provide better habitats for marine organisms, safeguard and enhance fisheries resources in the subject waters. The Agriculture, Fisheries and Conservation Department (AFCD) has been conducting long term monitoring in the marine parks and the data so obtained does reflect the effectiveness of their establishment in this regard. With the management measures in place, it is found that the level of fisheries resources within marine parks is generally higher than that outside the marine parks, and the waters within the Sha Chau and Lung Kwu Chau Marine Park remains an important habitat for Chinese White Dolphins.

During the public consultation on the establishment of BMP, we noted the worries and concerns of fishermen's organisations over the establishment of new marine parks. They were of the view that the practice of issuing permits only to fishermen from eligible homeports under the existing fishing permit system would result in polarization of fishermen. They also expressed grave concern that the existing fishing permit system would result in a decrease in the number of fishermen, thereby downsizing the fisheries industry gradually. In this connection, the Government has launched a review exercise on the fisheries management measures of marine parks and will enhance such measures with a view to addressing fishermen's concerns and promoting the sustainable development of the fisheries industry as long as these will not compromise the conservation objectives of marine parks. The review exercise will study the possible measures to further enhance the mode of existing fisheries management in marine parks, and these may involve legislative amendments in the process. During the review, the Government will maintain communication with stakeholders and consult them on the enhancement option(s).

Furthermore, in response to the demand of fishermen's organisations, the Government has appropriately relaxed the requirements 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. The relaxation measures have been in place since July 2015 and they will be applicable to BMP. The Government will keep track of the operation of the above measures and review the arrangements on succession and restricted transfer of marine park fishing permits as and when necessary.

- (b) The marine parks patrol teams have been conducting patrols in all of the marine parks in Hong Kong to combat illegal fishing and other unauthorised activities. They also carry out joint enforcement operations regularly with the Marine Region of the Hong Kong Police Force (Marine Police). Between 2013 and 2015, the marine parks patrol teams carried out 79 joint enforcement operations with the Marine Police. We will continue to maintain close communication with the Marine Police, and adjust the arrangements for joint operations as necessary to enhance the effectiveness of enforcement actions. Moreover, upon the establishment of BMP, the Government will deploy extra resources, including a patrol team,

to strengthen enforcement actions and regulatory efforts within the waters of the marine park.

To combat illegal fishing in Hong Kong waters, AFCD maintains close liaison with the Marine Police to share information and intelligence on illegal fishing activities. The Marine Police also provides support for the enforcement officers of AFCD, such as assisting in the interception of trawlers that are in illegal operation, as well as detaining vessels and crew that are suspected of illegal fishing. During routine patrols, the Marine Police from different Districts conduct preliminary investigations and collect evidence on vessels that are suspected of illegal fishing, and refer the suspected vessels and persons to AFCD for follow-up investigation.

In addition, the law enforcement agencies of Hong Kong and Guangdong (including AFCD, the Marine Police and the Guangdong Fisheries Administration General Brigade) take joint enforcement actions on a regular basis to combat illegal cross-border fishing activities. AFCD maintains close liaison and exchange intelligence with the Mainland's Guangdong Fisheries Administration General Brigade and its sub-offices so as to jointly combat the illegal operation of fishing vessels across Hong Kong and Mainland waters. AFCD will forward the information of the Mainland fishing vessels found engaging in illegal fishing activities in Hong Kong waters during patrols and the information on the Mainland fishermen who have been successfully prosecuted in Hong Kong to the Guangdong Fisheries Administration General Brigade for them to follow up in accordance with Mainland laws and regulations.

**Environmental Protection Department
Agriculture, Fisheries and Conservation Department
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