

LEGISLATIVE COUNCIL BRIEF

Marine Fish Culture Ordinance (Cap. 353)
Shipping and Port Control Ordinance (Cap. 313)
Water Pollution Control Ordinance (Cap. 358)

FISH CULTURE ZONE (DESIGNATION) (AMENDMENT) ORDER 2023

SHIPPING AND PORT CONTROL (SPECIFICATION OF AREAS) (AMENDMENT) NOTICE 2023

STATEMENT OF WATER QUALITY OBJECTIVES (MIRS BAY WATER CONTROL ZONE) (AMENDMENT) STATEMENT 2023

INTRODUCTION

The Director of Agriculture, Fisheries and Conservation (“DAFC”) makes the Fish Culture Zone (Designation) (Amendment) Order 2023 (“the Amendment Order”) at **Annex A** under section 5(a) of the Marine Fish Culture Ordinance (Cap. 353) (“the Ordinance”), to designate four new Fish Culture Zones (“FCZs”) to promote mariculture development and assist capture fishermen to switch to a more sustainable mode of operation. The Shipping and Port Control (Specification of Areas) (Amendment) Notice 2023 (“the Amendment Notice”) at **Annex B** and the Statement of Water Quality Objectives (Mirs Bay Water Control Zone) (Amendment) Statement 2023 (“the Amendment Statement”) at **Annex C** are made by the Director of Marine (D of Marine) and the Secretary for Environment and Ecology (SEE) respectively to reflect the designation of the new FCZs under the Amendment Order.

BACKGROUND

2. All marine fish culture activities are required to operate with valid marine fish culture licence (“MFCL”) in the designated FCZs under the Ordinance. There are currently 26 FCZs in Hong Kong, occupying a total sea area of 209 hectares, and most of them are located inshore. To further assist the local aquaculture industry and capture fishermen in switching to deep sea mariculture which is a more sustainable mode of operation, the Agriculture, Fisheries and Conservation Department (“AFCD”) commissioned a consultancy study to explore suitable locations for setting up new FCZs. Four sites at Wong Chuk Kok Hoi, Mirs Bay, Outer Tap Mun and Po Toi

(Southeast) were identified. The study also recommended the use of deep sea cages or modern aquaculture models¹ in these four sites. The environmental impact assessment (“EIA”) reports for the four new FCZs were approved under the Environmental Impact Assessment Ordinance and the environmental permits for the designation of the new FCZs were issued in May 2023.

PROPOSAL

3. We propose to designate four sites at Wong Chuk Kok Hoi, Mirs Bay, Outer Tap Mun and Po Toi (Southeast), totaling some 590 hectares, as new FCZs. Having considered the practice of local aquaculture industry and the recommendation of the South China Sea Fisheries Research Institute of the Chinese Academy of Fishery Science, AFCD will designate all four new FCZs (**Annex D**) in one go and commence the operation of the FCZs in two phases. The first phase covering Wong Chuk Kok Hoi and Mirs Bay FCZs (totaling around 435 hectares in area) will commence operation when the designation takes effect on 13 December 2023. After reviewing the mariculture operation in these two FCZs, DACF will then commence the operation of the remaining two FCZs at Outer Tap Mun and Po Toi (Southeast) (totaling around 155 hectares in area) in the second phase by publishing commencement notice(s)² in the Gazette at a suitable juncture.

LEGISLATIVE AMENDMENTS

Amendments to the Schedule to the Fish Culture Zone (Designation) Order (Cap. 353B) by Amendment Order

4. To give effect to the proposal as mentioned in paragraph 3 above, the Government proposes to amend the Schedule to Cap. 353B by adding the following area as new items–

<i>Item</i>	<i>Area Name</i>	<i>Description</i>
30	Wong Chuk Kok Hoi fish culture zone	An area of water delineated and coloured pink on Plan No. FC1067A deposited in the

¹ For example, steel truss or high-density polyethylene cages with strong wind and wave resistance mariculture facilities, automated feeding and real-time monitoring systems, etc., which are different from traditional fish rafts used in the existing sheltered FCZs.

² The commencement notice(s) is also a piece of subsidiary legislation subject to negative vetting.

		office of the Director of Agriculture, Fisheries and Conservation
31	Mirs Bay fish culture zone	An area of water delineated and coloured pink on Plan No. FC1068A deposited in the office of the Director of Agriculture, Fisheries and Conservation
32	Outer Tap Mun fish culture zone	An area of water delineated and coloured pink on Plan No. FC1069A deposited in the office of the Director of Agriculture, Fisheries and Conservation
33	Po Toi (Southeast) fish culture zone	An area of water delineated and coloured pink on Plan No. FC1070A deposited in the office of the Director of Agriculture, Fisheries and Conservation

Amendments to the Schedule to the Shipping and Port Control (Specification of Areas) Notice (Cap. 313O) by the Amendment Notice

5. Section 6(2) of the Shipping and Port Control Ordinance (Cap. 313) provides that D of Marine may, by notice in the Gazette, specify any area of the waters of Hong Kong in which any floating or other structure specified in the notice may be laid, placed, erected or maintained without the permission of D of Marine. Amendments to Cap. 313O under Cap. 313 would be required by adding the four new FCZs in paragraph 3 above to the existing list of FCZs in the Schedule to Cap.313O. Similar to the arrangement of Cap. 353B as mentioned in paragraph 3 above, the first two FCZs will commence operation on 13 December 2023. The remaining two FCZs at Outer Tap Mun and Po Toi (Southeast) will come into operation upon the publication of the commencement notice(s) made by DAFC in the Gazette.

Amendments to the Statement of Water Quality Objectives (Mirs Bay Water Control Zone) (Cap. 358U) by the Amendment Statement

6. The Water Pollution Control Ordinance (Cap. 358) controls the pollution of

waters of Hong Kong. To ensure the application of relevant Water Quality Objectives (“WQOs”) for conserving fish culture activities in the proposed new FCZs (namely Wong Chuk Kok Hoi, Mirs Bay and Outer Tap Mun) in the Mirs Bay Water Control Zone, the definition of “fish culture subzone” in Cap. 358U made under Cap. 358 is proposed to be amended to mean “an area designated as a fish culture zone under the Fish Culture Zone (Designation) Order (Cap. 353B) and situated in the Mirs Bay Water Control Zone”. This approach of linking the definition of “fish culture subzone” under Cap. 358U with the FCZs under Cap. 353B will cater for changes of FCZs in the future such that there is no need to amend Cap. 358U when DAFC proposes changes to the FCZs under Cap. 353B located in the Mirs Bay Water Control Zone. This approach is similar to the Southern Water Control Zone Statement of Water Quality Objectives (Cap. 358I) under which “fish culture subzone” is defined to mean “a fish culture zone that is designated in the Fish Culture Zone (Designation) Order (Cap 353 B)”. Given the proposed amendment of the definition of “fish culture subzone” under Cap. 358U, it is no longer necessary to show the “fish culture subzones” in the maps under Cap. 358U. A new set of maps will be signed by SEE to remove all references to fish culture subzones in the maps.

LEGISLATIVE TIMETABLE

7. The Amendment Order, the Amendment Notice and the Amendment Statement will be tabled at the Legislative Council (“LegCo”) for negative vetting with a view to implementing the proposal on 13 December 2023. The proposed legislative timetable is as follows:

Publication in the Gazette	20 October 2023
Tabling at the LegCo	25 October 2023
Commencement of the Amendment Order, (except for the operation of the two FCZs at Outer Tap Mun and Po Toi (Southeast) respectively), the Amendment Notice (except for the operation of the two FCZs at Outer Tap Mun and Po Toi (Southeast) respectively) and the Amendment Statement	13 December 2023

IMPLICATIONS OF THE PROPOSAL

8. The proposal would provide an opportunity for the local fishing community to develop or switch to a modernized and sustainable mode of operation. The local mariculture production is expected to double in five years through implementation of various measures at the new FCZs. For economic implications, the designation of the new FCZs would expand the production capacity of the local mariculture sector. For family perspective, the proposal would improve livelihood of fish farmer families by generating more stable income, hence may bring positive impacts on further strengthening family responsibility and stability. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal does not affect the current binding effect of provisions of the Ordinance and its sub-legislation.

9. With proper consideration of the production capacity, management of fish farming activities, improved culture practices and enhancement measures, as well as close monitoring of potential water and sediment quality impacts arising from the new FCZs, the proposal should not give rise to any unacceptable environmental implications.

10. The four new FCZs are thrice the size of the total areas of existing FCZs. Additional resources and manpower for processing applications for new MFCLs, managing new licensed fish farms as well as implementing environmental monitoring and audit programme, if required, will be sought with justifications in accordance with established mechanism.

Public Consultation

11. We briefed the Panel on Food Safety and Environmental Hygiene of the LegCo on the designation and phasing of the four new FCZs in February 2023. Relevant stakeholders including major fisheries associations, mariculturists as well as representatives from Rural Committees and green groups were also consulted during the EIA process on the proposed designation of the new FCZs. The Panel and relevant stakeholders have been supportive of the proposal. Members of the Fisheries Subcommittee of the Advisory Committee on Agriculture and Fisheries also expressed support for the proposal. Separately, Environmental Protection Department consulted the Advisory Council on the Environment on the amendments to Cap. 358U in September 2023, which did not raise any objection.

Publicity

12. We will inform the relevant fisheries associations, green groups and local marina clubs of the proposed commencement date (i.e. 13 December 2023) of the abovementioned legislative amendments (except for the operation of the two FCZs at Outer Tap Mun and Po Toi (Southeast) respectively). A press release will be issued on the commencement date and a government spokesperson will handle media enquiries.

Enquiries

13. Any enquiries about this brief may be addressed to Ms Anna CHOR, Principal Assistant Secretary (Food)³ of the Environment and Ecology Bureau at 3509 8927 or Mr Patrick LAI, Assistant Director (Fisheries and Marine Conservation) of AFCD at 2150 6604.

Environment and Ecology Bureau

Agriculture, Fisheries and Conservation Department

October 2023

Fish Culture Zone (Designation) (Amendment) Order 2023

(Made by the Director of Agriculture, Fisheries and Conservation under section 5(a) of the Marine Fish Culture Ordinance (Cap. 353))

1. Commencement

- (1) Subject to subsection (2), this Order comes into operation on 13 December 2023.
- (2) Section 3(2) and (3) comes into operation on a day to be appointed by the Director of Agriculture, Fisheries and Conservation by notice published in the Gazette.

2. Fish Culture Zone (Designation) Order amended

The Fish Culture Zone (Designation) Order (Cap. 353 sub. leg. B) is amended as set out in section 3.

3. Schedule amended

- (1) The Schedule—

Add

- | | | |
|------|-------------------------------------|---|
| “30. | Wong Chuk Kok Hoi fish culture zone | An area of water delineated and coloured pink on Plan No. FC1067A deposited in the office of the Director of Agriculture, Fisheries and Conservation. |
| 31. | Mirs Bay fish culture zone | An area of water delineated and coloured pink on Plan No. FC1068A deposited in the office of the Director of |

Agriculture, Fisheries and Conservation.”

- (2) The Schedule—

Add

- | | |
|------|---------------------------------|
| “32. | Outer Tap Mun fish culture zone |
|------|---------------------------------|

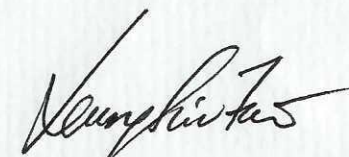
An area of water delineated and coloured pink on Plan No. FC1069A deposited in the office of the Director of Agriculture, Fisheries and Conservation.”

- (3) The Schedule—

Add

- | | |
|------|--------------------------------------|
| “33. | Po Toi (Southeast) fish culture zone |
|------|--------------------------------------|

An area of water delineated and coloured pink on Plan No. FC1070A deposited in the office of the Director of Agriculture, Fisheries and Conservation.”



Director of Agriculture, Fisheries and Conservation

13 October 2023

Explanatory Note

This Order amends the Schedule to the Fish Culture Zone (Designation) Order (Cap. 353 sub. leg. B) to designate 4 areas of water located in Wong Chuk Kok Hoi, Mirs Bay, Outer Tap Mun and Po Toi (Southeast) respectively as fish culture zones.

Shipping and Port Control (Specification of Areas) (Amendment) Notice 2023

(Made by the Director of Marine under section 6(2) of the Shipping and Port Control Ordinance (Cap. 313))

1. Commencement

- (1) Subject to subsections (2) and (3), this Notice comes into operation on 13 December 2023.
- (2) Section 3(2) comes into operation on the day on which section 3(2) of the Fish Culture Zone (Designation) (Amendment) Order 2023 (*Order*) comes into operation.
- (3) Section 3(3) comes into operation on the day on which section 3(3) of the Order comes into operation.

2. Shipping and Port Control (Specification of Areas) Notice amended

The Shipping and Port Control (Specification of Areas) Notice (Cap. 313 sub. leg. O) is amended as set out in section 3.

3. Schedule amended

- (1) The Schedule—

Add

- | | | |
|------|--|---|
| “30. | Wong Chuk Kok Hoi
fish culture zone | An area of water delineated and coloured pink on Plan No. FC1067A deposited in the office of the Director of Agriculture, Fisheries and Conservation. |
|------|--|---|

- | | | |
|-----|-------------------------------|---|
| 31. | Mirs Bay
fish culture zone | An area of water delineated and coloured pink on Plan No. FC1068A deposited in the office of the Director of Agriculture, Fisheries and Conservation.”. |
|-----|-------------------------------|---|

- (2) The Schedule—

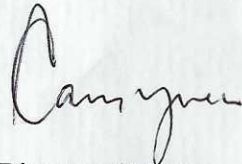
Add

- | | | |
|------|------------------------------------|---|
| “32. | Outer Tap Mun
fish culture zone | An area of water delineated and coloured pink on Plan No. FC1069A deposited in the office of the Director of Agriculture, Fisheries and Conservation.”. |
|------|------------------------------------|---|

- (3) The Schedule—

Add

- | | | |
|------|---|---|
| “33. | Po Toi (Southeast)
fish culture zone | An area of water delineated and coloured pink on Plan No. FC1070A deposited in the office of the Director of Agriculture, Fisheries and Conservation.”. |
|------|---|---|



Director of Marine

13 October 2023

Explanatory Note

The Schedule to the Shipping and Port Control (Specification of Areas) Notice (Cap. 313 sub. leg. O) lists the areas of the waters of Hong Kong designated under section 5 of the Marine Fish Culture Ordinance (Cap. 353) (**Cap. 353**) as fish culture zones, in which rafts and impoundments permitted by a licence issued under section 8 of Cap. 353 may be laid, placed, erected or maintained without the permission of the Director of Marine.

2. This Notice amends that Schedule to add 4 new fish culture zones designated under section 5 of Cap. 353, which are located in Wong Chuk Kok Hoi, Mirs Bay, Outer Tap Mun and Po Toi (Southeast) respectively.

Statement of Water Quality Objectives (Mirs Bay Water Control Zone) (Amendment) Statement 2023

(Made by the Secretary for Environment and Ecology under section 5 of the Water Pollution Control Ordinance (Cap. 358) after consultation with the Advisory Council on the Environment)

1. Commencement

This Statement comes into operation on 13 December 2023.

2. Statement of Water Quality Objectives (Mirs Bay Water Control Zone) amended

The Statement of Water Quality Objectives (Mirs Bay Water Control Zone) (Cap. 358 sub. leg. U) is amended as set out in section 3.

3. Paragraph 2 amended

(1) Paragraph 2—

Repeal the definition of *Fish Culture Subzone*

Substitute

“*Fish Culture Subzone* (魚類養殖分區) means an area designated as a fish culture zone under the Fish Culture Zone (Designation) Order (Cap. 353 sub. leg. B) and situated in the Mirs Bay Water Control Zone;”.

(2) Paragraph 2—

Repeal the definition of *Secondary Contact Recreation Subzone*

Substitute

“*Secondary Contact Recreation Subzone* (次級接觸康樂活動分區) means an area delineated as such on the specified

maps, except where the area is situated in a Fish Culture Subzone;”.

(3) Paragraph 2—

Repeal the definition of *Water Gathering Ground Subzone*
Substitute

“*Water Gathering Ground Subzone* (集水地區分區) means an area delineated as such on maps marked MBWCZ 1A and MBWCZ 3A among the specified maps.”.

(4) Paragraph 2—

Repeal the definition of *map MBWCZ 1, map MBWCZ 2, map MBWCZ 3, map MBWCZ 4 and map MBWCZ 5.*

(5) Paragraph 2—

Add in alphabetical order

“*specified maps* (指明地圖) means a series of maps marked MBWCZ 1A, MBWCZ 2A, MBWCZ 3A, MBWCZ 4A and MBWCZ 5A, signed by the Secretary for Environment and Ecology on 12 October 2023 and deposited in the Land Registry;”.



Secretary for Environment and
Ecology

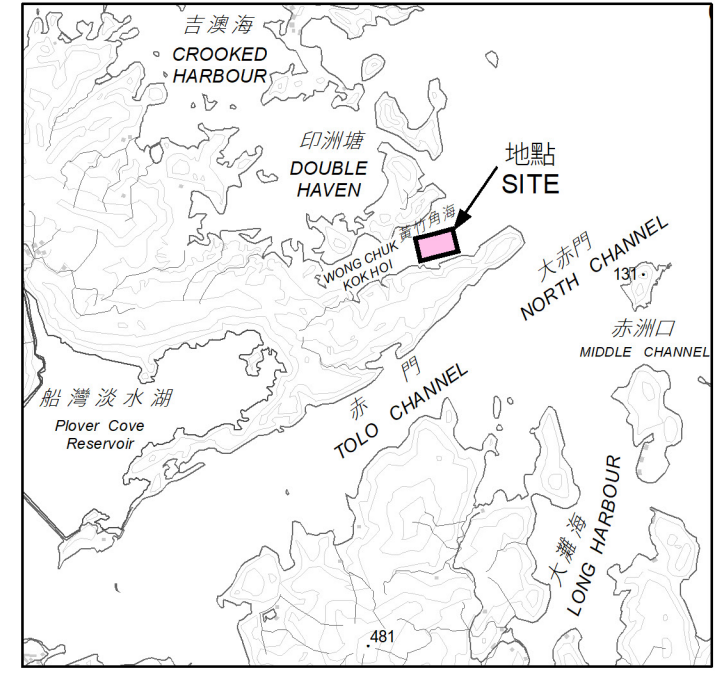
12 October 2023

Explanatory Note

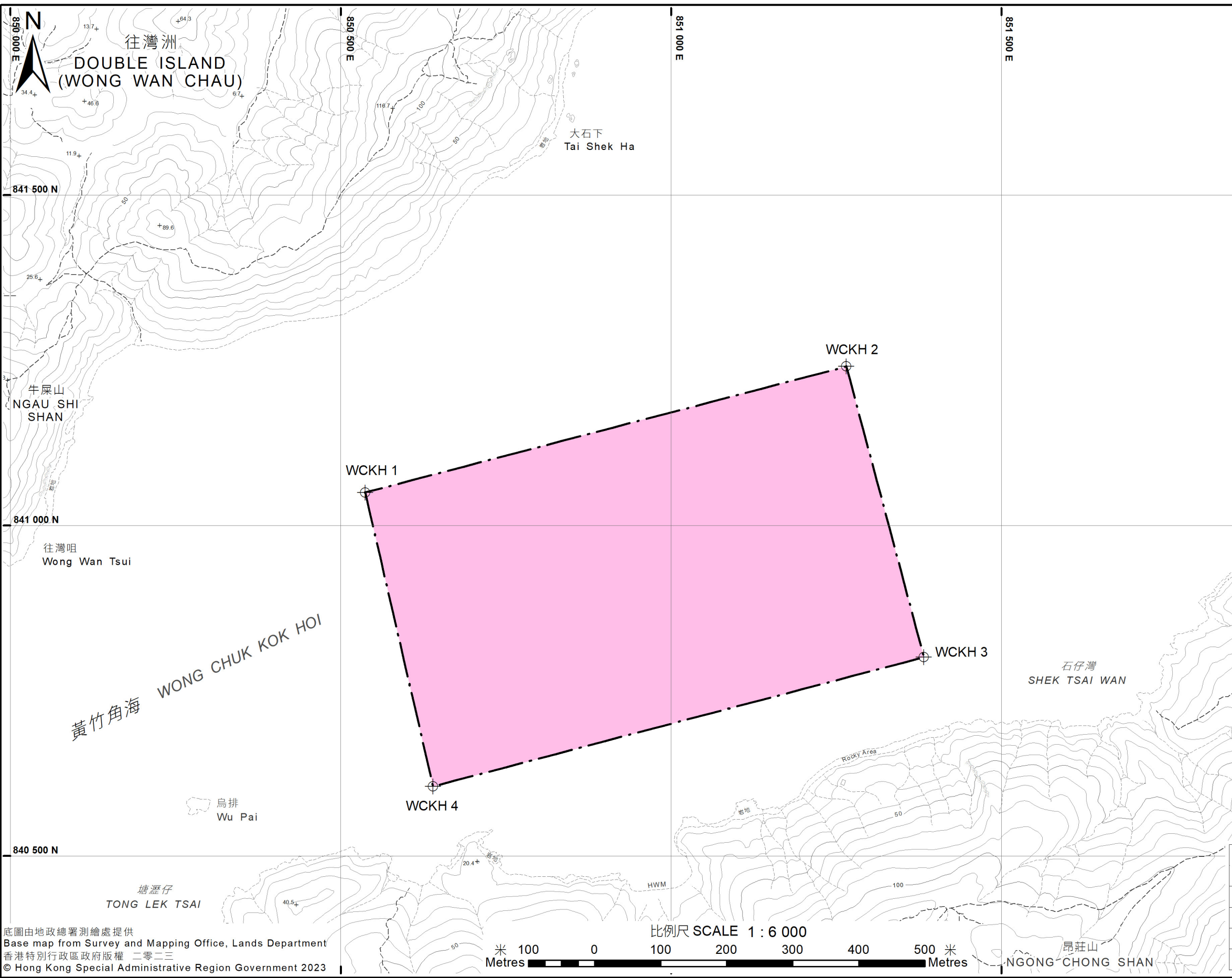
The Statement of Water Quality Objectives (Mirs Bay Water Control Zone) (Cap. 358 sub. leg. U) (*principal Statement*) establishes the water quality objectives for the Mirs Bay Water Control Zone.

2. This Statement—
- (a) amends the definition of *Fish Culture Subzone* in paragraph 2 of the principal Statement to refer to the fish culture zones designated under the Fish Culture Zone (Designation) Order (Cap. 353 sub. leg. B); and
 - (b) amends the definitions of *Secondary Contact Recreation Subzone* and *Water Gathering Ground Subzone* in that paragraph to refer to a new series of maps.

位置 LOCATION

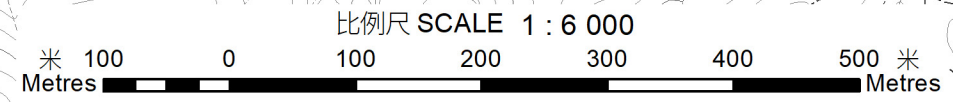


比例 SCALE 1:150 000



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WCKH 2	841241	851266
WCKH 3	840801	851383
WCKH 4	840605	850640

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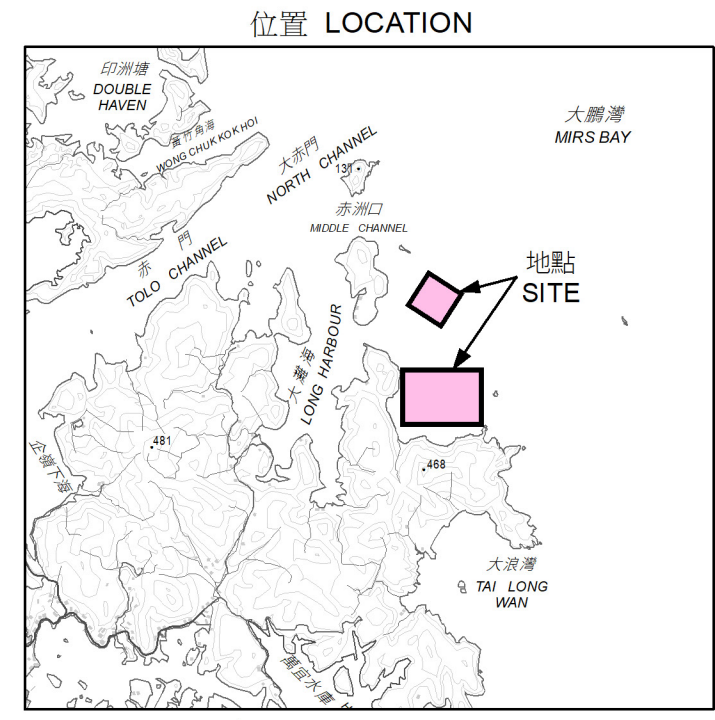
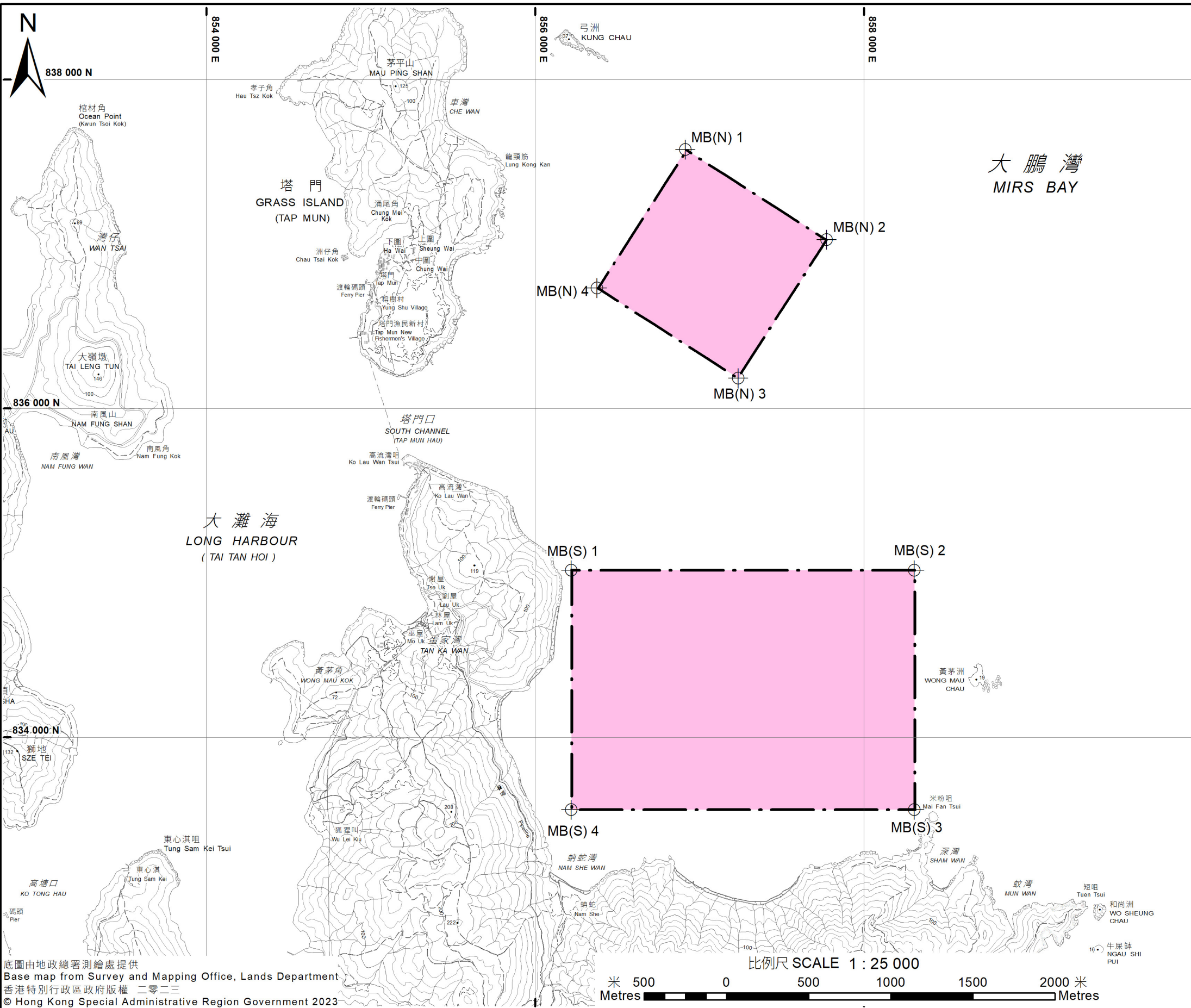


黃竹角海魚類養殖區

WONG CHUK KOK HOI FISH CULTURE ZONE

檔案編號 FILE REF.	AF FIS 02/1	圖則編號 PLAN No.	FC1067A
製圖日期 COMPILED	09.2023	漁農自然護理署 AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT	





比例 SCALE 1:200 000

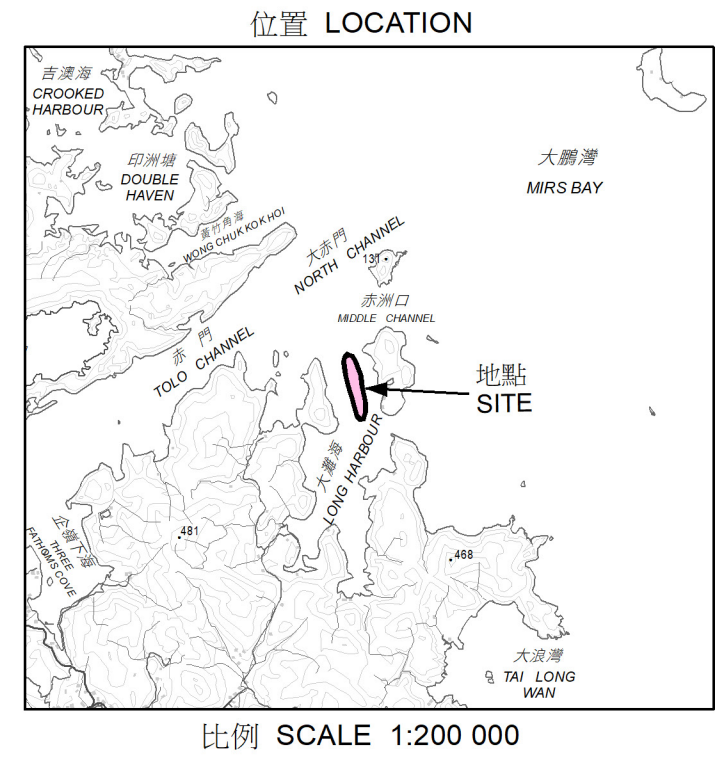
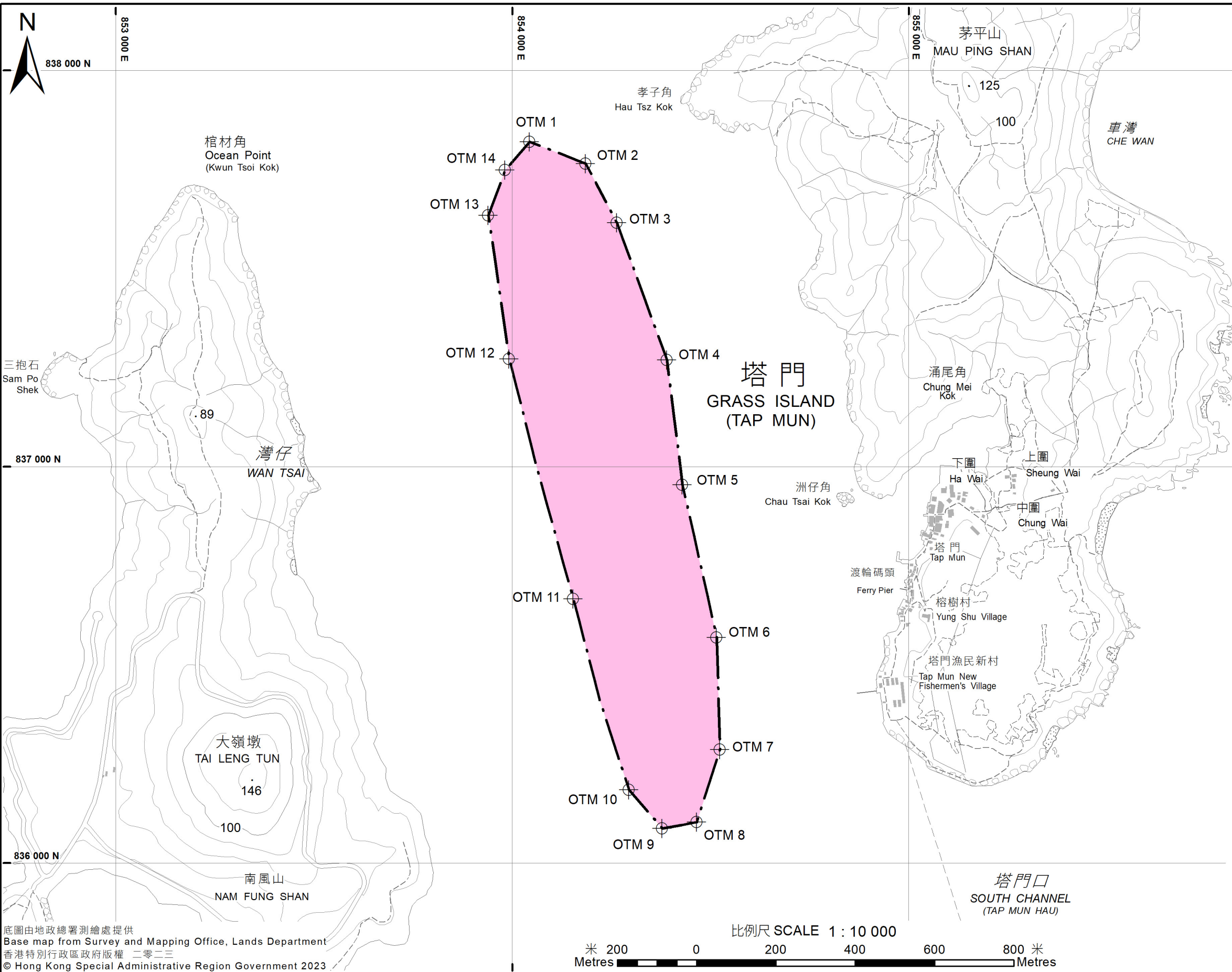
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MB (N) 2	837029	857776
MB (N) 3	836185	857239
MB (N) 4	836733	856379
MB (S) 1	835017	856223
MB (S) 2	835017	858310
MB (S) 3	833561	858310
MB (S) 4	833561	856223

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大鵬灣魚類養殖區 MIRS BAY FISH CULTURE ZONE

檔案編號 FILE REF.	AF FIS 02/1	圖則編號 PLAN No.	FC1068A
製圖日期 COMPILED	09.2023		
漁農自然護理署 AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT			





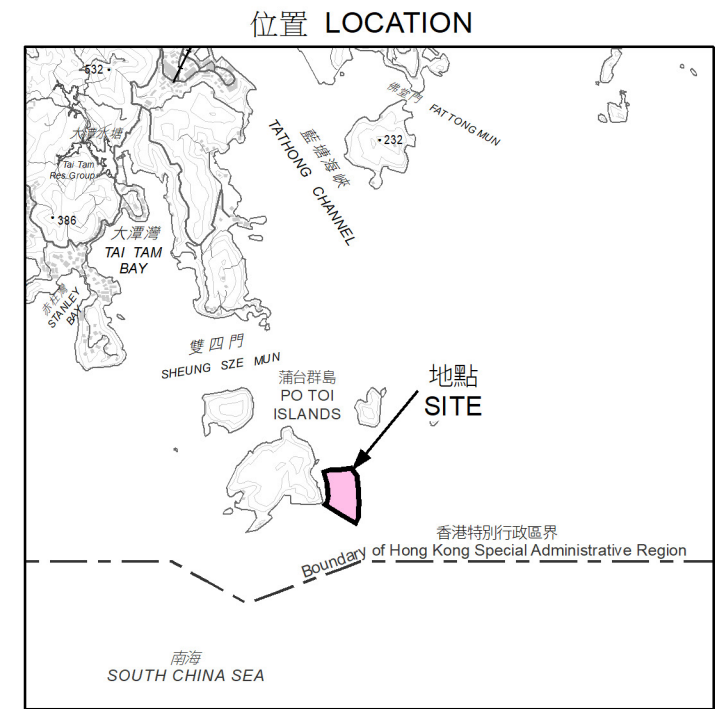
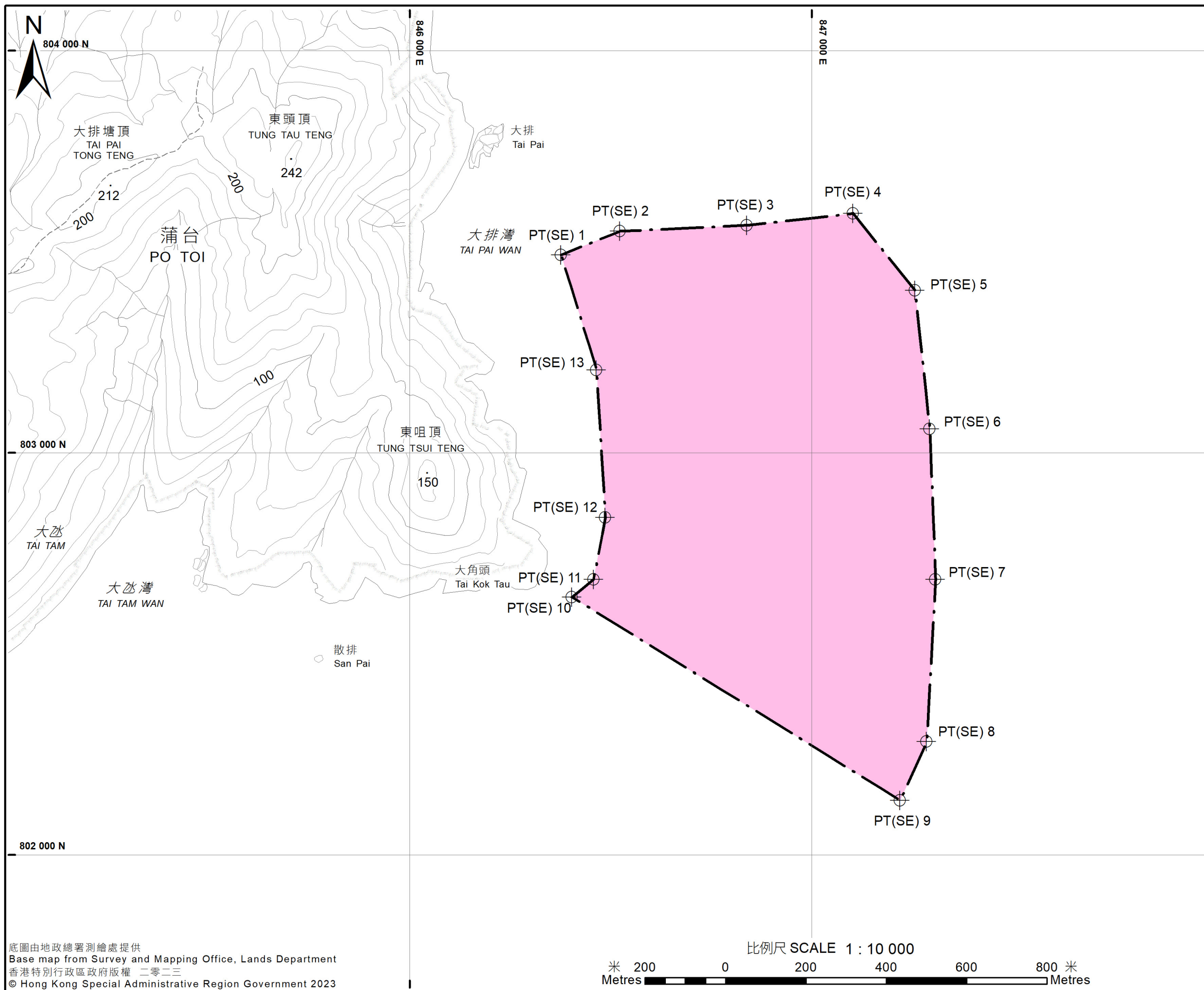
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OTM 1	837820	854044
OTM 2	837765	854186
OTM 3	837616	854264
OTM 4	837269	854390
OTM 5	836955	854430
OTM 6	836569	854516
OTM 7	836286	854524
OTM 8	836103	854466
OTM 9	836087	854379
OTM 10	836185	854295
OTM 11	836666	854154
OTM 12	837272	853993
OTM 13	837635	853940
OTM 14	837748	853982

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外塔門魚類養殖區 OUTER TAP MUN FISH CULTURE ZONE

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製圖日期 COMPILED	09.2023	漁農自然護理署 AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT	

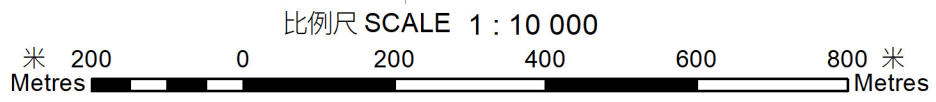




比例 SCALE 1:200 000

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PT (SE) 2	803551	846523
PT (SE) 3	803565	846839
PT (SE) 4	803595	847103
PT (SE) 5	803404	847257
PT (SE) 6	803059	847294
PT (SE) 7	802685	847308
PT (SE) 8	802282	847286
PT (SE) 9	802135	847220
PT (SE) 10	802641	846404
PT (SE) 11	802685	846457
PT (SE) 12	802839	846487
PT (SE) 13	803206	846465

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蒲台 (東南) 魚類養殖區 PO TOI (SOUTHEAST) FISH CULTURE ZONE

檔案編號 FILE REF.	AF FIS 02/1	圖則編號 PLAN No.
製圖日期 COMPILED	09.2023	FC1070A
漁農自然護理署 AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT		

