

Fisheries Protection (Amendment) Bill 2019 passed

The Fisheries Protection (Amendment) Bill 2019 (the Amendment Bill) was passed by the Legislative Council today (October 29). After being gazetted, the Amendment Bill will be enacted. The Director of Agriculture, Fisheries and Conservation will then be provided with a discretionary power to consider application for local fishing vessel registration cases which failed to meet the existing requirements.

The Fisheries Protection Ordinance (Cap. 171) was amended in 2012 to, among others, introduce a new registration scheme, under which local fishing vessels must be registered with the Agriculture, Fisheries and Conservation Department (AFCD) for conducting fishing in Hong Kong waters. One of the registration conditions stipulates that only fishing vessels with a valid operating licence issued by the Marine Department on June 15, 2012, were eligible for registration. However, the Director does not have any discretionary power under Cap. 171 to consider those cases which failed to meet the above operating licence requirement.

A spokesman for the AFCD said, "After the enactment of the Fisheries Protection (Amendment) Ordinance 2019 (Amendment Ordinance), the Director will be empowered to exercise discretion to consider the applications for registration where the vessels concerned did not possess a valid operating licence on June 15, 2012. Applicants, nevertheless, must prove to the satisfaction of the Director that the vessels concerned had been used for fishing up to the expiry of June 14, 2012."

The spokesman also noted that some vessel owners whose fishing vessels did not possess a valid operating licence on June 15, 2012, might have already sold or disposed of their fishing vessels as they might have been under the impression that their vessels could no longer be registered with the AFCD. The Director is also provided with the discretion to consider these applications by introducing and issuing a Provisional Approval of Registration (PAR), which certifies a right to register a fishing vessel within a specified time frame, to eligible vessel owners under the Amendment Ordinance.

Together with allowing application for registration of local fishing vessels within the confined scope set out above, those trawler owners whose Certificate of Registration (CER) applications were rejected because of failing to possess a valid operating licence on June 15, 2012, could re-apply for a CER if their vessels had been used for fishing up to the expiry of June 14, 2012.

Eligible persons are required to apply for registration of local fishing vessels, a PAR or a CER within six months of the commencement of the Amendment Ordinance.