

LCQ11: Impacts of marine works on fishermen and related ex-gratia allowance

Following is a question by the Hon Steven Ho and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (May 15):

Question:

A number of major reclamation projects such as "Lantau Tomorrow Vision" and the "near-shore reclamation outside Victoria Harbour" are being or will soon be implemented, with a projected total reclamation area of as large as 3 000 hectares. Some fishermen have indicated that the reclamation works will result in a substantial reduction in fishing grounds and fish culture zones, pollute water and affect their livelihood. They have pointed out that although fishermen affected by marine works in Hong Kong may apply for an ex-gratia allowance (EGA), there are deficiencies in the mechanism for calculating the allowance, including that: (i) the amount of EGA payable to fishermen in respect of marine works resulting in a permanent loss of fishing grounds, which is equivalent to only 11 years' value of fish catch, is far less than their actual loss, (ii) mariculturists may apply for EGA only in respect of marine works carried out within five kilometres of their fish culture zones, but marine works may affect the water quality of waters more than five kilometres away, and (iii) the scope of EGA does not cover marine works proposed by individuals or those seeking to maintain existing facilities. In this connection, will the Government inform this Council:

(1) of the total area of fishing grounds in Hong Kong waters in each of the past three years and as projected in each of the next five years;

(2) of the details of the marine works carried out in Hong Kong since the reunification of Hong Kong, including (i) the dates, (ii) the project names, (iii) whether they were proposed by the Government or individuals, (iv) the types of the works (reclamation/sand dredging/mud disposal/maintenance works), (v) the areas of the works, (vi) whether the loss of the fishing grounds/farms concerned was permanent or temporary, and (vii) whether eligible fishermen were granted EGA (set out in a table);

(3) given that both marine works proposed by individuals and those seeking to maintain existing facilities will have a permanent or temporary impact on the fisheries industry and the livelihood of fishermen, whether the Government will consider requiring the proponents of such works to grant EGA to the fishermen affected by the works concerned;

(4) given that the mechanism for granting EGA has been implemented for seven years and has all along been criticised by fishermen, and that a number of

major reclamation projects will soon be implemented, whether the Government will introduce a better development policy and relief measures for the fisheries industry, and examine reforming the mechanism for granting EGA, so as to mitigate the impacts of marine works on fishermen;

(5) of the marine mud disposal volume, as well as the names of the major marine mud disposal works, in each of the past three years;

(6) of the details of the various locations for disposal of contaminated marine mud (including (i) the remaining capacity, (ii) the environmental monitoring results, and (iii) an overview of the operation) (set out in a table); and

(7) given that the frequent marine works in recent years have resulted in a continuous reduction in the area of fishing grounds, and that reclamation works have caused the land area to increase continuously but the sea area to decrease continuously, whether the Government will consider exploring new technologies for mud disposal, and changing the locations for disposal of marine mud from offshore points to designated onshore locations, so as to reduce the impacts of marine mud disposal on the ocean and the fisheries industry; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the relevant policy bureaux, I provide a consolidated reply to the various parts of the Hon Steven Ho's question as follows:

(1) According to the data released by the Lands Department in 2019, the total sea area of Hong Kong is 1 648.37 square kilometres (Please refer to the webpage of the Survey and Mapping Office, Lands Department: www.landsd.gov.hk/mapping/en/publications/total.htm). Hong Kong waters are generally available for fishing with fishing vessels, except in the core areas of marine parks, marine reserve, fish culture zones, typhoon shelters, principal fairways, restricted areas of the airport, public bathing beaches and works areas of reclamation projects. These areas are under the purview of different government departments: the Marine Department for principal fairways, the Leisure and Cultural Services Department (LCSD) for public bathing beaches, various works departments for reclamation projects, and the Agriculture, Fisheries and Conservation Department (AFCD) for marine parks, marine reserve and fish culture zones. The above-mentioned areas# (in hectares) over the past three years (2016-2018) are set out below:

	2016	2017	2018
Typhoon shelters and principal fairways^	2 379	2 379	3 869
Public bathing beaches*	92	92	92

Core areas of marine parks, marine reserve	27	107	107
Fish culture zones	209	209	209

#Some of the airport restricted areas prohibit entry of all vessels, while some others of vessels of certain sizes. Hence, the areas where fishing operations are prohibited could not be generally stated. Besides, the timing of carrying out public and private marine works could vary from one year to another, and could lead to temporary prohibition of fishing at different times. The Government therefore does not have the figures on their impact on fishing grounds.

^ Including the area joining Ma Wan Fairway, Kap Shui Mun Fairway and Ha Pang Fairway.

* The water surface area within the shark prevention nets installed in the 38 public bathing beaches administered by LCSD.

The area of Hong Kong waters available for fishing is affected by various factors, including but not limited to marine works projects and planning of fairways, which may result in temporary or permanent loss of certain fishing grounds. The total area of fishing grounds in Hong Kong waters for the coming five years could not be precisely estimated.

(2) Major marine works projects since 1997 are tabulated in chronological order below:

Name of project	Period	Government/ private projects	Reclamation area (hectares)
Tung Chung Development Phase 3A	1999-2003	Government	26
Container Terminal 9 Development	2000-2005	Private	67
Disneyland – Penny's Bay Reclamation Stages 1 & 2	2000-2009	Government	280
Central Reclamation Phase III	2003-2012	Government	18
Wan Chai Development Phase II	2009-2018	Government	5

Hong Kong-Zhuhai-Macao Bridge related projects – Hong Kong Boundary Crossing Facilities	2010-2018	Government	150
Tuen Mun-Chek Lap Kok Link	2013-(Construction in progress)	Government	17
The Three-Runway System	2016-(Construction in progress)	Private	650
Tung Chung New Town Extension	2018-(Construction in progress)	Government	130

The Government has been handling matters relating to the disbursement of ex-gratia allowances (EGA) in relation to marine works projects to eligible fishermen according to the established mechanism, under which the nature of the loss of fishing grounds as well as the amount of EGA payable are mainly assessed by AFCD. Upon vetting of the eligibility of registered fishermen for receiving EGA by an inter-departmental working group, the Lands Department will then disburse the relevant EGA. EGA has been disbursed to eligible persons affected for a majority of the projects, and would be disbursed to eligible persons affected for the remaining projects in due course according to the established mechanism.

(3) and (4) The Government has been progressively implementing the suggestions made in the report of the Committee on Sustainable Fisheries over the past few years, such as implementing the trawl ban, introducing a registration system for local fishing vessels, setting up the Sustainable Fisheries Development Fund (SFDF), providing loans under the Fisheries Development Loan Fund and offering training courses for fishermen, with a view to promoting the sustainable development of the fisheries sector and assisting fishermen in developing or switching to sustainable fisheries and related operations. AFCD is also preparing for the designation of new fish culture zones, facilitating the adoption of modern technology or open sea model for mariculture (e.g. using deep sea mariculture cages), expanding the room for mariculture and promoting advanced mariculture technology. In addition, so far around \$78 million of funding commitment has been approved under SFDF to promote the sustainable development and enhance the competitiveness of the sector.

According to the existing mechanism under the Environmental Impact Assessment Ordinance (Ordinance) (Cap 499), where a marine works project is a designated project specified by the Ordinance, project proponents, be they government departments or private entities, must carry out statutory environmental impact assessment, including assessing thoroughly the project's impact on fisheries. In addition, proponents are required to take appropriate mitigation measures such as limiting the project or the works process to within specified boundary or season, controlling the pace of construction

works, installing silt curtain, recovering or increasing the affected fishery resources and habitats, etc. to minimise the impact. Where necessary, proponents also need to consider adopting further mitigation measures, including increasing fishery resources and habitats outside the boundary of the project.

As mentioned in part (2) above, there is an established mechanism for disbursing EGA to fishermen. Recognising that fishermen affected by marine works may suffer a reduction in income and may incur extra expenses in relocating their activities to fishing grounds elsewhere, the Government may grant EGA to the fishermen if they meet certain eligibility criteria (e.g. the homeport of their vessels must be associated with the affected fishing grounds). The policy intent is to reduce the impact of public marine works on fishermen through administrative measures and to help these fishermen re-establish their operations. EGA payable to fishermen affected by public marine works is calculated on the basis of the notional value of fish catch from the area with permanent loss of habitual fishing grounds as a result of marine works (mainly due to reclamation operations), or the notional value of fish catch from the area with temporary loss of habitual fishing grounds as a result of sand dredging or mud disposal operations. The Government reviewed the mechanism in 2012, and the proposals to adjust upward the basis for calculating EGA and extend the applicability of the proximity criterion for granting EGA to mariculturists were approved by the Finance Committee of the Legislative Council (vide FCR(2012-13)16 and FCR(2012-13)17) in the same year. EGA payable in respect of marine works resulting in a permanent loss of fishing grounds was raised from an equivalent of the notional value of fish catch in the affected area for seven years to that for 11 years whereas EGA payable in respect of marine works resulting in a temporary loss of fishing grounds was raised from an equivalent of the notional value of fish catch in the affected area for three years to that for five years. Mariculturists affected may be granted EGA when either the extended proximity criterion or the established suspended solids criterion is met. The Government has been monitoring the operating environment of fishermen. There is currently a lack of justifications to review the mechanism.

(5) Since the introduction of new non-dredged method by the Government in the reclamation projects, the quantity of sediment to be disposed of in Hong Kong has significantly reduced. The quantity of sediment (including both contaminated sediment and uncontaminated sediment) disposed of in 2016, 2017 and 2018 were 1 million cubic metres, 1.3 million cubic metres and 0.70 million cubic metres respectively. Major projects with sediment disposal over this period included the Shatin to Central Link by the MTR Corporation, the Tseung Kwan O-Lam Tin Tunnel project and the general maintenance dredging work at piers and fairways.

(6) The operating situation of contaminated sediment disposal facilities is set out below:

Location	Remaining capacity	Environmental monitoring results	Operating situation
South of The Brothers	Filled up by March 22, 2016	Results of the environmental monitoring show that there is no unacceptable impact on sediment, water quality and ecology.	The facility is closed.
East of Sha Chau	Around 4.4 million cubic metres	Results of the environmental monitoring show that there is no unacceptable impact on sediment, water quality and ecology.	The current contaminated mud pit under operation is expected to be filled up by 2019. The remaining 2 contaminated mud pits will come into operation in stages.

(7) Since 1992, Hong Kong has been using the contaminated mud pits formed under the seabed for the disposal of contaminated sediment. Environmental monitoring work carried out over the past years indicated that the operation of the mud pits did not bring about any unacceptable impacts on sediment, water quality and ecology in the vicinity. In order to reduce the sediment disposal demand, the Government has been encouraging the reduction in the generation of sediment in the design and construction of marine works, such as the adoption of non-dredged methods in reclamation projects to reduce the excavation and disposal of sediment. As mentioned above, the demand for marine disposal of sediment in recent years has significantly reduced.