

LCQ2: Combating illegal fishing

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 (February 23):

Question:

Some fishermen have relayed that illegal fishing using highly destructive methods, such as electric fishing, has been found in the eastern, southern and western waters of Hong Kong, and that the problem is serious. However, the Government has failed to eradicate illegal fishing and, as a result, the livelihood of law-abiding Hong Kong fishermen (including Hong Kong and Macao floating fishermen) has been badly affected, whilst fisheries resources and marine ecosystem have been severely damaged. In this connection, will the Government inform this Council:

(1) of the expenditure, staffing establishment and number of patrol vessels involved in the work of combating illegal fishing in each of the past two financial years and in the current financial year (as at January this year); the waters patrolled by law enforcement officers and the number of patrols conducted, the number of joint operations conducted, as well as the number of cases in which illegal fishing was found during these operations, together with a tabular breakdown of the figures and their respective percentages by fishing method;

(2) of the following figures in connection with illegal fishing in each of the past two financial years and in the current financial year: (i) the number of complaint cases received, (ii) the number of cases in which illegal fishing was found during patrols or joint operations but no arrest could successfully be made, (iii) the number of persons arrested and the number of cases involved, (iv) the number of repeated offenders arrested and the number of such cases, (v) the number of persons convicted and the number of such cases, and (vi) the highest and lowest penalties imposed on the convicted persons (set out in a table);

(3) when the Government first started using real-time satellite data to help track illegal fishing vessels whose licence numbers were covered; as some fishermen have pointed out that many of these vessels hide their tracks by deactivating the satellite positioning function, whether it has assessed if such tactic will affect the effectiveness of satellite data application, and whether it will adopt other means (using paintballs and other new technologies, for instance) for enhancing law enforcement efficiency;

(4) of the number of cases in each of the past two financial years and in the current financial year where the Government, under the existing notification mechanism, transferred to the Guangdong provincial authorities for follow-up information concerning mainland fishing vessels engaging in illegal fishing in Hong Kong waters found during patrols; among them, the respective numbers

of cases of successful arrest and conviction; if there were no successful cases, whether it has evaluated the effectiveness of the notification mechanism; and

(5) whether the legislation will be amended to impose heavier penalties on illegal fishing, and whether additional resources will be allocated to step up law enforcement efforts?

Reply:

President,

My reply to the question raised by the Member is as follows:

(1) The expenditure and manpower involved in combating illegal fishing by the Government over the past three years are tabulated as follows:

Year	Expenditure (\$ million)	Manpower (number of staff)
2019-20	16.9	18
2020-21	19.2	34
2021-22 (revised estimate)	25.9	34

From mid-August 2020 onwards, the Agriculture, Fisheries and Conservation Department (AFCD) has increased the number of vessels deployed for targeted patrols at irregular hours (including night time and early morning) from three to seven to combat illegal fishing under the Fisheries Protection Ordinance (Cap. 171 of the Laws of Hong Kong) and the Marine Parks Ordinance (Cap. 476 of the Laws of Hong Kong).

The numbers of patrols conducted by the AFCD and its joint operations mounted with the Marine Police in all areas of Hong Kong waters over the past three years are tabulated as follows:

Location	Year		
	2019-20	2020-21	2021-22 (as at end January 2022)

Marine parks and marine reserve (Located in Hoi Ha Wan, Yan Chau Tong, Sha Chau and Lung Kwu Chau, Tung Ping Chau, Cape D'Aguilar, the Brothers and Southwest Lantau)	Number of patrols	3,154	3,080	2,842
	Number of joint operations	23	13	19
Other waters (mainly include: (i) Po Toi, Lamma Island, Cheung Chau, Shek Kwu Chau and Soko Islands; (ii) the Brothers, Sha Chau, Lung Kwu Chau and Deep Bay; and (iii) Mirs Bay and Ninepin Group)	Number of patrols	1,625	1,657	1,641
	Number of joint operations	41	67	116

Information on illegal fishing practices detected during patrols and joint operations over the past three years is tabulated as follows:

Illegal fishing practices	2019-20		2020-21		2021-22 (as at end January 2022)	
	Number	%	Number	%	Number	%
Shrimp trawling	16	38.1	57	47.1	43	55.1
Hang trawling	2	4.8	8	6.6	2	2.6
Stern trawling	0	0	1	0.8	0	0
Pair trawling	8	19.0	13	10.8	8	10.3
Purse seining	0	0	1	0.8	0	0
Gill netting	11	26.2	30	24.8	17	21.7
Cage trapping	5	11.9	5	4.1	2	2.6
Long lining	0	0	3	2.5	3	3.8
Set netting	0	0	2	1.7	2	2.6
Others	0	0	1	0.8	1	1.3

(2) The numbers of operations against illegal fishing activities conducted by the AFCD over the past three years are tabulated as follows:

Item	Year		
	2019-20	2020-21	2021-22 (as at end January 2022)
Number of complaints received	161	166	138
Number of cases relating to illegal fishing activities detected during patrols or joint operations (number of cases in which no arrest was made)	56 (41)	128 (109)	89 (77)
Number of successful arrests (number of persons arrested)	15 (24)	19 (66)	12@ (20)
Number of successful convictions (number of persons successfully convicted)	14 (22)	20 (63)	8 (16)
Minimum and maximum penalties imposed	Minimum – fine of \$500; maximum – imprisonment for two months	Minimum – fine of \$550; maximum – imprisonment for six weeks	Minimum – fine of \$1,000; maximum – imprisonment for six weeks
Number of repeat offences (number of repeat offenders)	0 (0)	0 (0)	0 (0)

@ Four are still in the progress of investigation.

In addition, the number of complaints about illegal fishing activities received by the Marine Police over the past three years were 67, 86 and 68 respectively.

(3) Since March 2021, the AFCD has deployed the real-time satellite identification system to help identify fishing vessels covered by the system that engage in illegal fishing. The system can assist with enforcement investigation and tracking by analysing real-time satellite data in relation to these vessels, such as their navigation speeds, directions, vessel digital identities, licence numbers and past trips, etc. Besides, the system can help the AFCD analyse black spots of illegal fishing, the number of vessels involved and the operation time, so that the AFCD can deploy resources and conduct enforcement operations to combat illegal fishing more effectively.

In addition, to obtain more aspects of information on illegal fishing, the AFCD also works with fishermen associations to gather intelligence regarding illegal fishing by using their fishing vessels. Together with the

analysis of real-time satellite data, the AFCD is able to deploy enforcement operations more effectively.

Since the use of paintballs may involve special equipment and a certain level of force, we must consider carefully the relevant risks. Moreover, if a vessel engaging in illegal fishing has escaped from the scene, it would be difficult to identify the persons involved in the crime even if the vessel is discovered by the AFCD later again. Therefore, there are constraints in using paintballs to mark vessels for subsequent investigation and evidential purposes. During its enforcement operations, the AFCD's primary strategy is still to intercept suspicious vessels as far as possible by practical means, and board the vessels to collect evidence of illegal fishing with a view to enhancing the effectiveness of law enforcement. The AFCD will continue to explore different ways to enhance the efficiency of law enforcement.

(4) To combat illegal fishing activities conducted by cross-boundary vessels, the AFCD exchanges real-time information, shares intelligence and collaborates with the Guangdong Provincial Marine Comprehensive Law Enforcement General Brigade and its relevant law enforcement branches, including the Shenzhen and Zhuhai Municipal Marine Comprehensive Law Enforcement Teams, during its routine enforcement. For example, upon detection of Mainland fishing vessels that are conducting fishing activities in Hong Kong during its enforcement operations, the AFCD will notify the relevant law enforcement teams in the Mainland. If the circumstances allow, the law enforcement teams in the Mainland will deploy patrol vessels to the water boundary to provide assistance. The AFCD will also transfer information of the Mainland fishing vessels alleged to have conducted illegal fishing activities or the suspected Mainland fishing vessels which are detected during patrols to the Guangdong Provincial General Brigade for further actions. Over the past three years (2019-2021), the number of cases in which vessel information was transferred by the AFCD to relevant Mainland authorities were 12, 49 and 44 respectively. Since August 2020, the Mainland authorities have conducted follow-up actions and made replies with regard to 22 Mainland vessels referred by the AFCD. Such actions include detention of and education for persons on board, and requiring the vessel owners to undertake not to cross the boundary again, and in certain cases a maximum fine of RMB 32,000 had been imposed for the persons involved. To strengthen enforcement on both sides, the AFCD will continue to collaborate with the Marine Police and Mainland authorities so as to enhance information exchange and formulate joint operations together to combat cross-boundary illegal fishing activities.

(5) Under the Fisheries Protection Ordinance, any person who uses prohibited fishing gear for fishing is liable to a maximum fine of \$200,000 and an imprisonment for six months upon conviction. Besides, under the Marine Parks Ordinance, any person who carries out illegal fishing activities in marine parks and marine reserve is liable to a maximum fine of \$25,000 and an imprisonment for one year upon conviction. Since the implementation of the relevant legislations, the maximum penalty imposed have been a fine of \$100,000 and an imprisonment for three months, as well as confiscation of fishing gears involved in the cases, including ropes, nets and winches etc.

We consider that the penalties imposed by the court are having certain deterrent effect. The AFCD's enforcement operations on combating illegal fishing have borne fruit upon consolidation of internal resources, gathering of intelligence regarding illegal fishing from fishermen together with the analysis of real-time satellite data. The Government will continue to allocate resources and deploy technologies appropriately to combat illegal fishing activities.