

LCQ6: Combating illegal fishing in Hong Kong

Following is a question by the Hon Steven Ho and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (February 3):

Question:

Some local fishermen have complained that some people have been engaging in illegal fishing within Hong Kong waters from time to time in recent years. Such people use means forbidden in Hong Kong to catch fish, which has not only caused destruction to Hong Kong's fisheries resources and marine ecosystem as well as affected local fishermen's livelihood, but also rendered Hong Kong's legislation on trawl ban, limitation on the number of fishing vessels, protection of marine parks, etc. virtually non-existent. Those fishermen have pointed out that government departments' perfunctory law enforcement and inability to enforce the law across the boundary have resulted in the problem of illegal fishing becoming increasingly rampant. In this connection, will the Government inform this Council:

(1) as I have learnt that it is difficult to identify the vessels engaged in illegal fishing because their licence numbers are covered, whether the Government will explore other means (e.g. using paintballs) and apply new technologies to enhance the efficiency in law enforcement;

(2) whether it has plans to conduct joint law enforcement operations with Mainland authorities to combat illegal fishing; if so, of the details of and the difficulties involved in such law enforcement operations; whether it will set up a notification mechanism on cross-boundary illegal fishing activities with Mainland authorities; and

(3) whether it has assessed if the current legislation and law enforcement efforts can effectively combat cross-boundary illegal fishing activities; if it has assessed and the outcome is in the affirmative, of the justifications; if the assessment outcome is in the negative, whether the Government will amend the law to raise the relevant penalties and allocate additional resources to step up law enforcement efforts?

Reply:

President,

According to the Fisheries Protection Ordinance (the Ordinance), the use of unregistered vessels, either local or non-local, for fishing activities as well as the use of fishing gear prohibited by the Fisheries Protection Regulations (the Regulations) are considered as illegal fishing activities. The Regulations prohibit the use of explosive, toxic substance, electrical

and trawling devices, etc. for the purpose of fishing.

The Agriculture, Fisheries and Conservation Department (AFCD) is committed to combating illegal fishing activities. A dedicated enforcement team carries out patrols against illegal fishing activities at irregular hours (including the small hours) in the blackspots of illegal fishing in Hong Kong waters. The AFCD will, based on the information and intelligence gathered from patrols, exercise flexible deployment of resources and conducts joint enforcement operations with the Marine Police. Last year, the AFCD conducted over 1 530 patrols and conducted 55 joint operations with the Marine Police, with 14 cases successfully prosecuted and 44 persons prosecuted and convicted in total.

The AFCD has encountered many challenges in conducting enforcement operations against illegal fishing activities in recent years. Most vessels engaging in illegal fishing would not stop for inspection according to the instructions or warnings of law enforcement officers, and would swiftly leave Hong Kong waters. The licence number of these vessels would also be covered, making it difficult for enforcement officers to follow up and investigate. Stopping trawlers at sea was also difficult as law enforcement operations under unstable sea conditions involve substantial resources and certain risks.

The reply to the various parts of the question raised by the Hon Steven Ho is as follows:

(1) The AFCD will apply technologies, such as real-time satellite data, to acquire information on vessels which cover their licences and refuse to stop for inspection as instructed for follow-up investigation and tracking. Real-time satellite data can also help identify the locations and number of suspicious vessels so that resources can be deployed more effectively to combat activities at illegal fishing blackspots in a targeted manner and enhance the efficiency of enforcement actions at sea. In addition, the AFCD conducts joint operations with the Marine Police and uses "vessel arrest systems" to intercept suspicious vessels which refuse to stop as and when appropriate, allowing enforcement officers to collect evidence on board and enhancing the effectiveness of their actions.

(2) Under the framework agreement on Hong Kong/Guangdong co-operation in agricultural matters, a notification mechanism is established between Hong Kong and Guangdong to combat illegal fishing and cross-boundary fishing activities. The AFCD has been exchanging intelligence and organising joint enforcement operations with the Guangdong Provincial Marine Comprehensive Law Enforcement General Brigade (the General Brigade).

In the joint enforcement operations, the AFCD requests that vessels engaged in illegal fishing in Hong Kong waters would be intercepted by the General Brigade along the boundary as they return to Mainland waters, so that the AFCD would be able to investigate. Joint enforcement operations at sea continue to face challenges, such as the failure of communication networks to fully cover all boundary waters. It is also not easy for both parties to

locate illegal fishing vessels precisely at sea, especially under inclement weather and low visibility conditions. In this regard, both parties continue to explore ways to improve communication and jointly formulate action plans in order to improve operational efficiency.

In addition, the AFCD will refer the information on Mainland fishing vessels found engaging in illegal fishing in Hong Kong waters during patrols to the General Brigade regularly through the notification mechanism for their follow-up investigations and assistance to prevent Mainland fishermen from entering the Hong Kong waters for fishing so as to tackle the problem at source.

(3) Under the Ordinance, the use of prohibited gear for fishing is liable to a maximum fine of \$200,000 and imprisonment for six months upon conviction, while the use of unregistered vessel for fishing activities is liable to a maximum fine of \$100,000 and imprisonment for six months upon conviction. Since the implementation of the relevant legislation, the highest penalty imposed have been a fine of \$100,000 and imprisonment for three months, as well as confiscating fishing gears involved in the case, such as ropes, nets, winches, etc. We consider that the level of penalty imposed by the courts has certain deterrent effect.

To enhance law enforcement capacity, the Food and Health Bureau has provided the AFCD with resources to increase manpower. The AFCD has strengthened and consolidated internal resources to set up a dedicated enforcement team at sea to enhance the mobility and responsiveness of enforcement actions against illegal fishing. The number of members in the enforcement team and the number of vessels have increased from 18 to 34 and from three to seven respectively. In addition, the AFCD has recently worked with fishermen to gather intelligence regarding illegal fishing by the use of their fishing vessels. Together with the analysis of real-time satellite data, this would help the Department obtain more information on illegal fishing to formulate more effective enforcement operations and investigation.

Thank you, President.