

COMMITTEE ON BOATING AND YACHTING

*Minutes of Meeting held on 17 January 2005 at 1430 hours
in the Marine Department Headquarters Conference Room (A)*

Present

Mr. K M NG	Marine Department	Chairman
Dr. Alan LAU	Royal Hong Kong Yacht Club	Member
Mr. Karl C KWOK	} Hong Kong Sailing Federation	Member
Mr. Keith Mowser		Member
Mr. Cowen CHIU		Member
Mr. F L CHEUK	} Marine Department	Member
Miss Fiona YEUNG		Secretary

In Attendance

Mr. Michael K F LEE	} Marine Department	
Mr. M Y CHAN		
Mr. Y M MAK	Agriculture, Fisheries and Conservation Department	

Absent

Mr. Ken TRICE	Hong Kong Sailing Federation	Member
Ms. M. C. CHAN	Leisure and Cultural Services Department	Member
Mr. K. Y. SHIN	Civil Engineering & Development Department	Member
Ms. Shirley CHOW	Home Affairs Department	Member

The Chairman welcomed all present.

I. CONFIRMATION OF THE MINUTES OF THE LAST MEETING

2. The minutes of the last meeting were confirmed without amendment.

II. MATTER ARISING FROM THE PREVIOUS MEETING

Progress Report on New Ordinances

3. **Mr. F. L. CHEUK** said that due to the possible delay of the enactment of the

Vessels (Miscellaneous Provisions) Bill, it was expected that the implementation of the Merchant Shipping (Local Vessels) Ordinance (LVO) would be deferred to the end of 2005.

Consultation on Code of Practice for Class IV Class

4. **Dr Alan LAU** stated that since all pleasure vessels engaged in chartering had to be inspected and certificated by an authorized surveyor / organization and those open-type pleasure vessels carrying more than 4 passengers would require builder certification or technical verification such as a simple inclining test as specified in the Code of Practice, it would add an extra cost to the pleasure vessels owners. **Mr. Michael K F LEE** responded that there were about 100 – 200 qualified surveyors under Hong Kong Engineers Registration Board and Classification Societies eligible as Authorized Surveyors (AS) so that the number of AS providing inspection services would be adequate and the charges of the inspection / certification would be subject to market situation but expected to be reasonable.

Towing of Pleasure Vessels

5. **Mr. F L CHEUK** advised the members that he had received negative comments to the proposal raised at the last meeting from some yacht clubs. He clarified that under the LVO's subsidiary legislation, there would be a provision prohibiting any local vessel (including pleasure vessel) to tow except with the permission of the Director of Marine, and such provision was indeed modelled from existing legislation. He further explained that it was understandable that many yacht clubs would have the need of towing pleasure vessels for leisure or rescue purpose. However, since not all pleasure vessels might be safe to engage in towing as the clubs do, such particular need should be addressed by granting permission to a particular vessel deployed by the clubs. In order to strike a balance, it was suggested that the proposal would be revised as follows:
 - Any pleasure vessel would be, by an endorsement in its licence, granted with a permission to tow an open deck vessel for pleasure purpose.
 - In order to accommodate other towing needs, any yacht club might approach Marine Department for granting a particular permission to the

vessels concerned.

6. The members considered that the revised proposal would be an acceptable arrangement. In response to **Mr. Cowen CHIU**'s inquiry about the application procedure for a particular permission, **Mr. F L CHEUK** replied that any yacht club could simply send an application letter to the Marine Department for consideration.

III NEW BUSINESS

Consultation Paper on the Proposed Amendment of the Fisheries Protection Ordinance (Cap 171)

7. **Mr. Y M MAK** briefed the members that the consultancy study, which was completed in 1998, indicated a steady decline in fisheries resources and fish catch within Hong Kong waters. In order to sustain local fisheries, the Fisheries Protection Ordinance (Cap 171) was proposed to be amended to establish a regulatory framework for implementing the following measures:

Fishing Licence System

- All fishing activities, except recreational fishing, with the use of any vessel in Hong Kong waters, would require a fishing licence or fishing permit.
- Fishing licences would be issued only to owners of local fishing vessels to conduct fishing activities in all Hong Kong waters except areas where fishing activities were restricted.

Fisheries Protection Areas

In order to protect fish fry and spawning fish stocks from intense fishing pressure, two areas, namely Tolo Harbour and Port Shelter, where the artificial reefs were deployed, have been proposed to be designated as Fisheries Protection Areas (FPAs). In these areas:

- Trawling activity would be prohibited.
- All fishing activities, except recreational fishing, with the use of any vessel,

would require a fishing permit.

- Fishing permits would be issued only to fishing licence holders who habitually fish in the areas.
- “No-take” zones would be established in which all fishing activities including recreational fishing with the use of any vessel were prohibited.

Closed Season

An annual territory-wide “closed season” was proposed so as to allow a break for fish to breed and stocks to recover. However, it would be implemented at a later stage as necessary, subject to full consultation with the fishing industry, the public and relevant parties.

8. In response to the members’ enquires, **Mr. Y M MAK** said that owing to the concern of the local fishermen, only two FPAs were proposed first. He added that after the enactment of the amended ordinance, a person who performed commercial fishing with the use of any vessel in FPAs had to get a permit apart from fishing licence. Recreational fishing with the aid of a non-fishing vessel involving hand-lining, capture of fish without the use of any fishing gear, was allowed in the waters of FPAs except within no-take zones. He also invited the members to send written comments to Agriculture, Fisheries and Conservation Department directly.

IV. DATE OF NEXT MEETING

9. Members would be informed of the date of next meeting in due course.
10. There was being no other business, the meeting closed at 1530 hours.