

LOCAL VESSELS ADVISORY COMMITTEE

Proposal on Expansion of Sham Wan Restricted Area on Lamma Island and Extension of Restricted Period

Purpose

This paper aims to brief Members and seek their views on the proposed expansion of Sham Wan Restricted Area on Lamma Island and the extension of the restricted period for the conservation of Green Turtles.

Background

2. The sandy beach at Sham Wan, Lamma Island (the Beach) is the only site in Hong Kong where the endangered Green Turtles nest regularly. Green Turtles always return to their natal beach to nest. In the breeding season, Green Turtles migrate from their feeding grounds to the waters adjacent to their natal beaches, and stay there before and in-between nesting. Green Turtles preparing to nest are particularly sensitive to disturbance from human activities such as glare, noise and marine traffic, which may cause them to abandon nesting. These unsuccessful breeding events will eventually affect the survival of the species.

3. Agriculture, Fisheries and Conservation Department (AFCD) has implemented various conservation measures to protect Green Turtles and their nesting site. These include listing Green Turtle as a protected wild animal and designating the Beach as a Restricted Area between 1 June and 31 October every year under the Wild Animals Protection Ordinance (Cap. 170). Unauthorised entry into the Sham Wan Restricted Area (SWRA) will be subject to a maximum penalty of HK\$50,000. Entry into the Bay during restricted period will require Entry Permit issued by the Director of Agriculture, Fisheries and Conservation with conditions upon application as provided under Cap. 170, unless otherwise specified in the Ordinance.

4. The Government noted the sea inlet of Sham Wan leading to the Beach has become a popular spot for recreational boating activities and supports some fishery activities, and these activities may disturb the breeding and nesting of Green Turtles. Since breeding Green Turtles stay in the waters adjacent to their nesting beaches before nesting, there is genuine need to control human activities

in the waters adjacent to the nesting beach prior to and during the nesting period, to prevent Green Turtles from abandoning nesting due to disturbance impact. In 2018, the Government committed in the Policy Agenda to expand the Restricted Area at Sham Wan such that it would also cover Green Turtles' breeding ground in the adjacent waters.

Proposal

5. To better protect Green Turtles and its breeding habitats in Hong Kong, it is proposed to expand the SWRA (0.5 hectare) to cover the sea inlet at Sham Wan, which includes waters below the high water mark and defined by a seaward boundary of a straight line connecting the southern extremities of Tai Kok and Yuen Kok (the Bay), covering an area of about 98.2 hectares (**Annex**). It is also proposed to extend the restricted period of the expanded SWRA from five months to seven months each year, i.e. from 1 June to 31 October to 1 April to 31 October.

6. In order to minimise unintended access to SWRA and reduce the risk of boats colliding with Green Turtles, we will explore to install notice boards at conspicuous locations of the headlands of Yuen Kok and Tai Kok, for demarcating the seaward boundary of the SWRA during the restricted period. As the restricted period is not permanent, and with a view to avoiding potential implication on the marine traffic south of Lamma Island, buoys, floating barriers or other aids to navigation will not be deployed along the seaward boundary of the extended SWRA. Prior to the start of restricted period every year, AFCD will remind relevant stakeholders, including fisherman organisations and marina clubs, about the effective period and relevant control measures of the SWRA.

7. The Bay is currently a Speed Restricted Zone under the Shipping and Port Control Regulations (Cap. 313A) and the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) with a maximum speed limit of five knots for vessels¹. The Bay is also one of the areas specified in both Cap. 313A and Cap. 548F where use of bright light for the purpose of fishing is allowed with conditions. For the avoidance of doubt, after the proposed extension of the SWRA, relevant controls under Cap. 313A, Cap. 548F and the Ordinance can apply unabatedly in the sea area of the SWRA, i.e. the Bay. Holders of Entry

¹ Section 19(3)(c) and Schedule 18 to Cap. 313A, and Section 9 to Cap. 548F state that the sea inlet at Sham Wan, Lamma Island is covered by a Speed Restricted Zone, within which the speed limit is five knots between 8:00 am and midnight on any Saturday or public holiday, and any day during the period from 1 April to 31 October (both days inclusive) each year.

Permits to the SWRA or persons who can lawfully enter the SWRA during the restricted period in accordance with Cap. 170, will still be subject to restrictions under Cap. 313A and Cap. 548F, as well as other legislation and regulations applicable to the area concerned.

8. AFCD is planning to take forward multi-pronged management measures at SWRA to better manage the extended Restricted Area and strengthen the protection of breeding Green Turtles. During the restricted period, AFCD will step up patrols in SWRA to control unauthorised entry. Use of surveillance cameras would also be explored to monitor the conditions in the Bay and activities of Green Turtles. AFCD will carry out habitat management work, such as removing climbers and garbage on the beach as well as abandoned fishing nets from the Bay. AFCD also plans to invite stakeholders to join hands in maintaining SWRA or conducting education and promotion initiatives for conservation of Green Turtles outside the restricted period in light of the availability of resources and priority of work.

9. AFCD has been in touch with various stakeholders since mid 2019 to consult them about the proposed extension of SWRA, including fishermen associations, green groups, local marina clubs, Tourism, Agriculture, Fisheries, Environmental Hygiene and Climate Change Committee of the Islands District Council, Lamma Island (South) Rural Committee, Nature Conservation Subcommittee of the Advisory Council on the Environment (ACE-NCSC), Fishery Subcommittee of the Advisory Committee on Agriculture and Fisheries (ACAF-FS) and related government advisory bodies. Based on the views obtained so far, green groups, local marina clubs and ACE-NCSC supported the proposed plan; ACAF-FS and most of the fishermen associations concerned about the impact to fisheries activity, but they had no objection in principle to the proposed expansion of SWRA and extension of the restricted period, provided that such activity is permitted beyond restricted period. They urged the Government to allocate adequate resources to combat illegal fishing activities, and conspicuously demark the Restricted Area.

10. A small number of fishermen associations proposed to reduce the scope of expansion of the Restricted Area, as well as the extension of the restricted period; and to allow local fishermen to participate in the maintenance and monitoring of the expanded Restricted Area; and to involve non-governmental organisations and local communities in publicity and education programs. Some stakeholders suggested to speed up cleaning effort after typhoons in order to maintain a proper nesting beach for green turtles. The consultation is expected to complete by October 2020. The Government will then carefully consider the views gauged, and then prepare for the amendment of the relevant

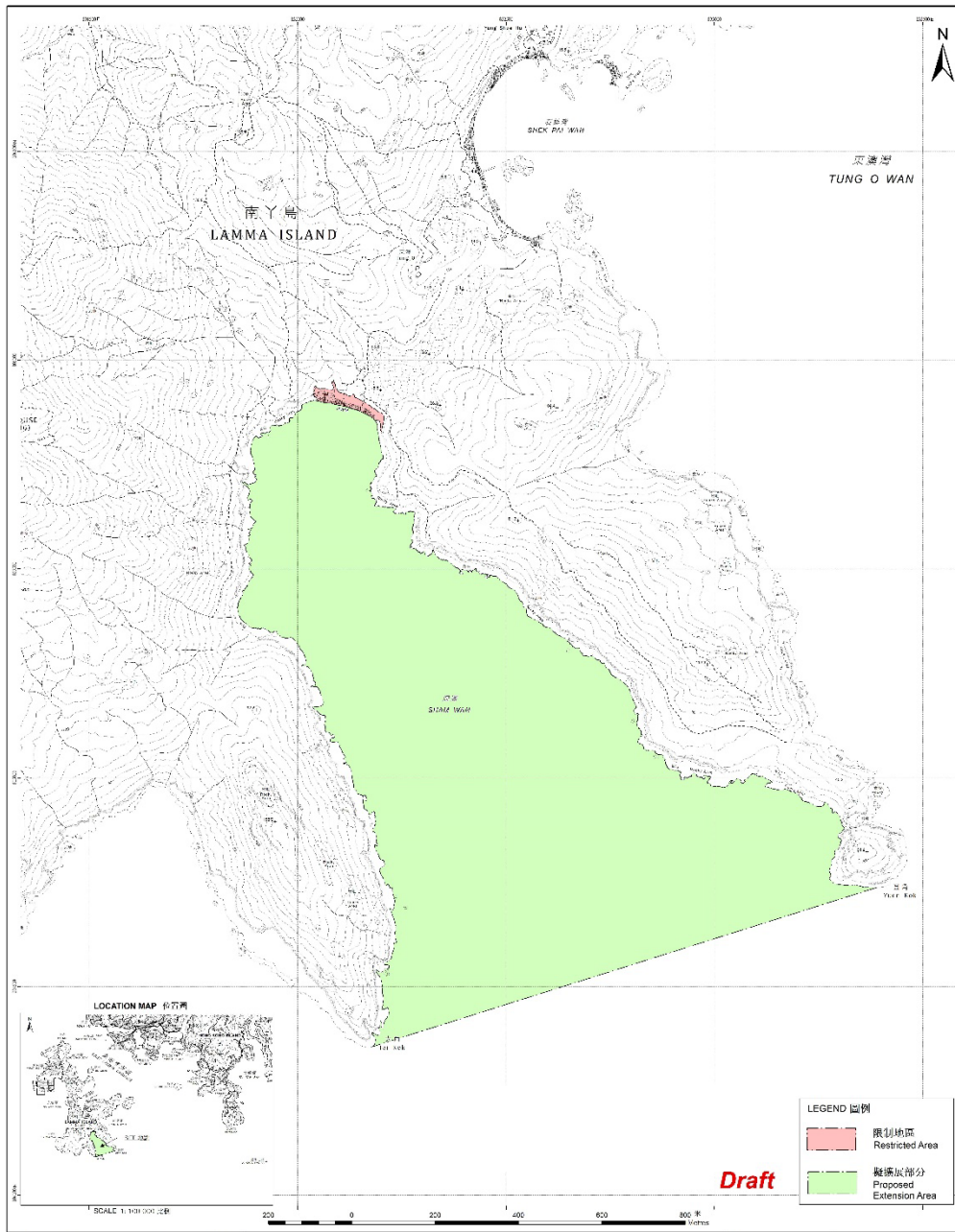
legislation within this year, with a view to implementing the proposed extension in 2021.

Way Forward

11. Members are invited to note the proposal of extension of Sham Wan restricted area, and they are welcomed to provide their views on the proposal.

Agriculture, Fisheries and Conservation Department
October 2020

Proposed expansion of Sham Wan Restricted Area



Note: Area coloured Red is the existing Restricted Area at Sham Wan beach;
Area coloured Green indicates the area to be covered by the proposed expansion of Restricted Area.