

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

Proposed Amendments to Marine Parks and Marine Reserves Regulation Subsidiary Legislation made under the Marine Parks Ordinance (Cap. 476)

Purpose

Purpose of this paper is to seek members' view on the proposed amendments to the Marine Parks and Marine Reserves Regulation (the Regulation).

Background

2. The Regulation was enacted in 1996 and has been administered by the Country and Marine Parks Authority (the Authority) in the past eight years. During this period, more experience had been acquired in managing marine parks and marine reserve, and hence areas for improvement have been identified. The major proposed amendments to the Regulation include:

- (i) streamlining the procedure in processing applications for scientific studies;
- (ii) making a provision to control the access of certain type of vessels and activities conducted inside the marine parks through a permit system;
- (iii) empowering the Authority to revoke a permit issued under the Regulation.

3. In November 2004 and May 2005, the Authority presented to the Marine Parks Committee (the Committee) and the Country and Marine Parks Board (the Board) the proposed amendments to the Regulation. The Committee and Board agreed the proposals in principle.

4. Environmental Affairs Panel of the Legislative Council (EA Panel) was also consulted on the proposed amendments of the Regulation on 25 April 2005. Members of the EA Panel were in general supportive to the proposed amendments but suggested that relevant stakeholders should be consulted.

5. In view of the irrelevance of amendment item (i) to the committee, only the proposed items (ii) and (iii) are presented in the paper.

Proposed Amendments

Control of access and activities

6. **It is proposed to make a provision in the Regulation for controlling the access of certain type of vessels inside the marine parks through a permit system for the conservation of marine environment. The concerned type of vessels** requires a permit for entering the marine parks and the permit holder needs to comply with the permit conditions when getting access for their vessel(s) to the marine parks.

7. The first group of vessels that we aim to regulate is any inboard-engined or outboard engined vessel of any size with a glass bottom. Since mid 2003, coral viewing in marine parks has become a booming business, and a number of sampans, speed boats and pleasure crafts were found maneuvering in shallow coral areas. It is noted that coral viewing activities conducted by glass-bottomed vessels pose severe threats to the corals when maneuvering in shallow water for coral watching. Therefore we proposed to introduce new provisions in the Regulation empowering the Authority to control the concerned vessel type through a permit system. Details of the permit system for controlling the access of certain type of vessels inside the marine parks are listed in Annex.

8. The new provision would also empower the Authority to control certain activities in marine parks and marine reserves which might be harmful to the marine environment.

9. It is also recommended to tidy up the provision under Section 16 (5) of the Regulation so that a prohibition order imposed by the Authority under Section 16 (1) would be more specific to restrict the entry into or movement of certain vessels, or to control certain activities within a marine park or marine reserve in the interest of protecting the marine environment in the marine parks or marine reserves.

Power to revoke permits

10. The Regulation empowers the Authority to issue permits to allow the applicants to conduct certain activities in the marine parks and marine reserve. For more effective management of the permitted activities, it is proposed to amend the Regulation to empower the Authority to revoke the permits if the permit holder violates the Regulation or permit conditions.

Way forward

11. The Authority is planning to table the proposed amendments to Legislative Council by the end of 2005. Consultation to stakeholders to be affected by the proposed amendments will be conducted in late August and September.

Advice sought

12. Members are requested to comment on the proposed amendments.

*Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
September 2005*

PROVISIONAL LOCAL VESSELS ADVISORY COMMITTEE

**Proposed Amendments to Marine Parks and Marine Reserves Regulation
Subsidiary Legislation made under the Marine Parks Ordinance (Cap. 476)**

Annex

1. Effective period of the permit would be one year, counting from the date of issue. The permit allows unlimited visit of the concerned vessel to the listed marine park(s). The proposed permit fee is about HK\$500.
2. Areas of high ecological value, such as areas of high coral coverage, will be specified in the permit as Specified Areas. The Specified Areas require higher level of control on the concerned vessel type. In addition to the general conditions listed on the permit, the permit holder should follow the specific conditions as well, when he/she wish to get access for his/her vessel(s) to those Specified Areas.
3. The general conditions listed on the permit shall include, but not limit to:
 - (i) The permit is not transferable and is only valid for the specified vessel within the specified dates.
 - (ii) The permit, and proof of permit holder's identity must be produced for inspection at the request by a Marine Park Warden, the Police or any other authorized officers.
 - (iii) No nuisance or inconvenience to other people shall be caused by the permit holder when getting the authorized access.
 - (iv) The permit holder and participants shall visit the marine park area at their own risk. The Government disclaims any liability for injury or damage however caused to the participant or members of public in connection with the event.
 - (v) This permit does not exempt the permit holder from having to acquire any other necessary permission under the Laws of Hong Kong.
 - (vi) The permit holder is liable for any damage to the Specified Areas therein which is caused by the specified vessel.
 - (vii) The government reserves the right to deny the entry of the specified vessel at any time for the interests of good management.

4. The specific conditions may include but not limit to:
 - (i) Route of boating within the Specified Areas;
 - (ii) Duration for staying within the Specified Areas;
 - (iii) Maximum number of trips made to the Specified Areas;
 - (iv) Maximum number of vessels allowed in the Specified Areas;
 - (v) Maximum capacity of the specified vessel;
 - (vi) Code of practice for boating within the Specified Areas.

5. Interested party can apply for the permit by writing to the Country and Marine Parks Authority. All concerned vessels should have an appropriate licence issued by the Marine Department. At the time of application, a duplicate of a valid vessel licence should be attached for record.

*Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
September 2005*