

ADVISORY COUNCIL ON THE ENVIRONMENT

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for information

Ex-gratia Allowances for Capture Fishermen and Mariculturists affected by Dredging and Dumping

Introduction

At the EPCOM meeting of 26 October 1993, Members discussed EPCOM Paper 44/93-94 on the programme for assessing the overall impacts of sand dredging activities in Hong Kong waters. Members were advised that a separate information paper would be submitted to Members on the subject of the new arrangements for ex-gratia payments for capture fisheries and mariculture.

Revised Ex-gratia Allowances for Capture Fishermen

2. Provisions effecting ex-gratia allowances to fishermen affected by loss of fishing grounds as a result of reclamation were first approved in 1978.
3. The Finance Committee on 7.5.1993 approved to increase the ex-gratia arrangements by three times and to relax on 15 m length criterion with effect from 1.4.1993.
4. Five areas affected by projects involving dredging and dumping have been the subject of registration exercises. These are at 1) Tathong Channel and at East Tung Lung Chau, 2) North Lantau Expressway and the Lantau Fixed Crossing, 3) Extension to south Cheung Chau Marine Spoil Ground 4) the North Lantau Channel including the PAA marine borrow areas and the East Sha Chau contaminated mud dumping area and 5) Tsing Yi South. Those affected by the Chep Lap Kok site reclamation were processed under the arrangements pre-dating the enhanced provisions. Craft longer than 15 m previously ineligible will be dealt with separately.
5. Following registration it takes a few months before payments are effected. Ex-gratia payments for the first three of the registration exercises have been released though some appeal cases have yet to be resolved.

New Ex-gratia Arrangements for Mariculturists

6. Ex-gratia allowances payments were approved for mariculturists affected by dredging or dumping projects by Finance Committee on 23.7.1993. Mariculturists are eligible for ex-gratia allowances when the concentration of solid matter suspended in the waters of fish culture zones affected by dredging and dumping activities either -

- (a) reaches 100% more than the highest level recorded at the zone during the five years before commencement of works in the vicinity; or
- (b) reaches 50 mg/l.

7. Five fish culture zones may be affected to some degree by current or planned dredging and dumping works. They are the zones at Tung Lung Chau, Po Toi, Sok Kwu Wan, Lo Tik Wan and Ma Wan. Po Toi has the lowest background level of suspended solids with a highest level previously recorded (prior to dredging) of 7 mg/l and similarly Ma Wan has the highest background level with 32 mg/l. The species stocked at these zones are adapted to the different levels of water quality.

8. DAF has advised that environmental stress, such as sudden deterioration in the water quality to which fish are acclimatised, affects the growth and health of fish. He advises that 100% increase over the highest level of suspended solids previously recorded in a fish culture zone will have deleterious effects. He has also advised that species of fish acclimatised to relatively higher concentrations of suspended solids will, in any event, experience deleterious effects when exposed to a concentration of 50 mg/l combined with lower levels of dissolved oxygen and higher levels of contaminants.

9. Approval has been given for the effective date of ex-gratia allowances to be backdated to 1 December 1992 so that all mariculturists who may have been affected by the current programme of works will have the opportunity to submit claims if eligible to do so.

10. AFD has evidence from water quality monitoring that mariculturists at Tung Lung Chau, Po Toi and Ma Wan Fish Culture Zones (FCZs) may be eligible for ex-gratia payments under the eligibility criteria for the recently approved mariculture ex-gratia allowances. The Director of Lands has been informed and requested to arrange for the relevant DLO's to convene Interdepartmental Working Groups to administer the mariculture ex-gratia allowance arrangements in respect of these FCZs. Interdepartmental Working Group Meetings in respect of Ma Wan and Tung Lung Chau Fish Culture Zones have been initiated.