



Room 2006, 20th floor, Murray Building, Garden Road, Central, Hong Kong
Tel: 848 2551 Fax: 845 3489

香港中環花園道美利大廈20樓2006室 • 電話: 848 2551 傳真機: 845 3489

(ACE Paper 55/94)
for advice

MARINE PARKS BILL

INTRODUCTION

EPCOM was first consulted in December 1991 on the proposal to establish marine parks and marine reserves. A marine park will be a relatively large sea area set aside for conservation, education and recreation. A marine reserve will be a relatively smaller sea area with high conservation value reserved mainly for scientific research.

2. The proposal received endorsement by the Country Parks Board and was subsequently approved in principle by the Executive Council on 14 September 1993. The Governor in Council also instructed that new legislation should be prepared to provide for the designation, management and development of marine parks and marine reserves.

3. This paper provides a summary of the proposed legislation.

THE PROPOSED LEGISLATION

4. Under the proposed legislation, the Director of Agriculture and Fisheries will be the Authority to control and manage marine parks and marine reserves in consultation with the Country Parks Board (Board). Because of this extension of its role, the Board will be renamed as the Country and Marine Parks Board.

5. The procedures for the designation of marine parks and marine reserves under the new law will be similar to the procedures set out for the designation of country parks under the Country Parks Ordinance. The Governor-in-Council will direct the Authority to prepare a draft map of the proposed marine park or reserve. The Authority will publish the notice in the Gazette and newspapers, and will make the draft map available for public inspection.

6. From the time of publication of the draft map in the Gazette up to when the Governor-in-Council approves or rejects it, no new development can be carried out within the proposed marine park or reserve without the prior approval of the Authority. Control of new development will continue after the area is approved and designated as a marine park or reserve.

7. The proposed legislation will provide for procedures for objections. Anyone who objects to a draft map may send a written statement to the Authority within 60 days of the date of its publication in the Gazette. Hearings will be conducted by the Board. Within a 6 month period starting from the last day allowed for objections, the Authority will be required to submit the draft map to the Governor-in-Council for approval, accompanied by a schedule of objections and the Authority's representations, as well as a schedule of amendments made pursuant to directions from the Board to meet objections heard.

8. After a decision is made by the Governor-in-Council, the Authority will be required to place a notice in the Gazette notifying either refusal to approve or the deposit of the approved map in the Land Registry, the Agriculture and Fisheries Department and the Marine Department, as the case may be.

9. The Secretary for Planning, Environment and Lands may make regulations for the proper control and management of marine parks and reserves, including activities such as fishing and boating. It is intended that no fishing activities would be allowed in marine reserves. If this results in loss of fishing grounds, ex-gratia payments will be made to any fishermen affected. For marine parks, fishing activities considered not harmful can be allowed. The Authority may grant a licence or permit for fishing and other controlled activities with or without conditions where he is satisfied that no unnecessary harm will be caused to the park or reserve.

TIMETABLE

10. Executive Council's approval will shortly be sought to introduce the proposed legislation into Legislative Council. Upon passage of the Bill, we propose to begin with the designation of two marine parks at Hoi Ha Wan and Yan Chau Tong and one marine reserve at Cape D' Aguilar. A map showing the three proposed sites and other potential areas for subsequent designation is attached.

PUBLIC CONSULTATION

11. Preparation of the drafting instructions for the Bill was done in close consultation with the Marine Parks and Reserves Working Group set up under the auspices of the Country Parks Board. The Working Group included representatives from various government departments and green groups, as well as members from various interest groups such as fishing, boating, diving, academic and local community groups.

CONCLUSION

12. The proposed legislation will enable conservation of marine areas identified as ecologically important and will provide a legal basis for the protection, management and proper development of important marine resources. Members are invited to comment on the proposal.

Planning, Environment and Lands Branch
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