

## **COUNTRY AND MARINE PARKS BOARD**

### **Preparation of Draft Map for the Proposed Brothers Marine Park**

#### **1. Purpose**

1.1 This paper aims to seek Members' views on the draft map of the proposed marine park at The Brothers in accordance with Section 7(4) of the Marine Parks Ordinance (the Ordinance).

#### **2. Background**

2.1 In October 2009, the Advisory Council on the Environment (ACE) considered and endorsed with conditions the Environmental Impact Assessment (EIA) reports related to the Hong Kong-Zhuhai-Macao Bridge (HZMB). In compliance with the EIA reports and Environmental Permit (EP) conditions set out for the operation and construction of the Hong Kong Boundary Crossing Facilities Project, a new marine park in the vicinity of The Brothers shall be designated for the conservation of Chinese White Dolphins (CWD) and enhancement of marine resources before the operation of the Project.

2.2 The project proponent, Highways Department (HyD) employed consultants to carry out a study on the boundary and management plan as well as draw up ecological and fisheries enhancement programme for the proposed Brothers Marine Park (BMP) in compliance with the EIA reports and EP conditions. While HyD is the managing department of the study, a Steering Committee with representatives from Marine Department, Civil Engineering and Development Department and

Agriculture, Fisheries and Conservation Department (AFCD) was formed to steer the study. AFCD has also been involved and providing advice in respect of the planning, preparation and statutory procedures involved in the designation of the proposed BMP.

2.3 The public consultation exercise for the proposed BMP was conducted in two stages in the 1<sup>st</sup> quarter of 2014 and the 1<sup>st</sup> quarter of 2015 respectively to collect views from major stakeholders on the proposed boundary, management plan, and ecological and fisheries enhancement programme of the proposed BMP. The Marine Parks Committee (MPC) was consulted on 25 March 2014 and 17 March 2015. Members' generally supported the proposed BMP. Major views / comments collected during the two stages of public consultation and measures to address the concerns of the stakeholders are summarized in **Annex 1**.

### **3. Latest Development**

3.1 General support of the Country and Marine Parks Board (CMPB) on the designation of the proposed BMP was obtained on 2 June 2015. In October 2015, the Chief Executive in Council has directed, in accordance with section 7(1) of the Ordinance, the Country and Marine Parks Authority (the Authority) to prepare a draft map showing the proposed BMP.

### **4. Naming of the Proposed Marine Park**

4.1 For the purpose of preparing the draft map, it is proposed to name the proposed marine park as "The Brothers Marine Park" (大小磨刀海岸公園).

## **5. The Draft Map**

5.1 The draft map of the proposed BMP, together with the explanatory statement which shall be part of the map, have been prepared for members' comment (**Annex 2**). The proposed BMP comprises a total sea area of 970 hectares, including a Core Area at Siu Mo To of 80 hectares and two Anchoring Areas at Sham Shui Kok of 73 hectares and 36 hectares respectively.

5.2 The boundary of the proposed BMP as shown in the draft map is the same as that presented in the CMPB meeting on 2 June 2015 (Working Paper WP/CMPB/06/2015) with a minor adjustment of the southeastern boundary to avoid positioning of a boundary buoy over an existing submarine electricity cable.

5.3 Subject to the comments of members, the draft map of the proposed BMP along with the explanatory statement will be made available for public inspection in accordance with Section 8 of the Ordinance.

## **6. Management**

6.1 The management plan of the proposed BMP was developed in consultation with stakeholders and the MPC / CMPB. Zoning scheme will be adopted to offer the appropriate protection of marine habitat and species within the marine park, whilst minimizing conflicting uses by different park users. The detailed management plan is at **Annex 3**. With the designation of the BMP and the implementation of the management plan, this will help protect the CWD and other marine life within the area. It will also bring long-term improvement to the local marine environment.

**7. Resource Implications**

7.1 A new team will be formed and an additional patrol vessel will be acquired for the management of the BMP.

**8. Way Forward**

8.1 During the public inspection of draft map in accordance with Section 8 of the Ordinance, if the Authority receives any written statement of objection to the draft map, the Authority may submit his representations concerning such objection to CMPB for conducting hearing of the objection. Afterwards, the Authority would submit the draft map together with the objections and representations and the amendments made with a view to meeting such objections, if any, to the Chief Executive in Council for approval with an aim to completing the statutory procedures for designating the BMP by end of 2016.

**9. Advice Sought**

9.1 Members are invited to comment on the draft map of the proposed BMP and take note on the way forward for the designation of the BMP.

Country and Marine Parks Authority  
Agriculture, Fisheries and Conservation Department  
October 2015

File Ref : AF GR MPA 02/8/10

### Summary of Public Consultation of The Brothers Marine Park

Two stages of public consultation with the relevant stakeholders have been carried out during the detailed design of the proposed The Brothers Marine Park (BMP) in advance of the statutory public inspection and objection period under the Marine Parks Ordinance (the Ordinance):

- Stage 1 Public Consultation was conducted in the first quarter of 2014 to consult the stakeholders on the designation and preliminary boundary of the BMP, and to collect views for consideration in drafting the revised boundary of the BMP.
- Stage 2 Public Consultation was conducted in the first quarter of 2015 to consult the stakeholders on the revised boundary and management plan of the BMP.

2. The consulted parties included fishermen associations, marine operators, green groups, eco-tour operators, relevant District Councils, the Marine Parks Committee (MPC) under the Country and Marine Parks Board (CMPB) and the Capture Fisheries Subcommittee (CFS) of the Advisory Committee on Agriculture and Fisheries (ACAF).

#### Stakeholders Consulted in Public Consultation

| Group                           | Consulted Parties   |
|---------------------------------|---|
| Marine Operators                | <ul style="list-style-type: none"> <li>• High Speed Craft Consultative Committee</li> <li>• Local Vessels Advisory Committee</li> <li>• Pilotage Advisory Committee</li> <li>• Port Operations Committee</li> </ul>   |
| District Councils               | <ul style="list-style-type: none"> <li>• Islands District Council</li> <li>• Tsuen Wan District Council</li> <li>• Tuen Mun District Council</li> </ul>   |
| Advisory / Statutory Committees | <ul style="list-style-type: none"> <li>• Country and Marine Parks Board</li> <li>• Marine Parks Committee of the Country and Marine Parks Board</li> <li>• Capture Fisheries Subcommittee of the Advisory Committee on Agriculture and Fisheries</li> </ul> |

| Group            | Consulted Parties   |
|------------------|---|
| Fisheries Sector | <ul style="list-style-type: none"> <li>• Major fishermen's organisations</li> </ul>   |
| Others           | <ul style="list-style-type: none"> <li>• Green groups</li> <li>• Eco-tour organisers</li> <li>• Academics</li> <li>• Villages of Sam Heung (i.e. Pak Mong, Ngau Kwu Long and Tai Ho)</li> </ul> |

### Results of Public Consultation

3. In the Stage 1 Public Consultation, there was a general support from the stakeholders on the designation of the BMP. Key comments raised during the public consultation were related to the boundary and management plan of the BMP, compatibility of inclusion of Anchoring Areas within the BMP as well as ecological and fisheries enhancement measures. The comments received during the Stage 1 Public Consultation were reviewed and taken into account in revising the proposal of the BMP.

4. In the Stage 2 Public Consultation, stakeholders generally supported the revised boundary and management plan of the BMP. Some members of fishermen organizations and members of District Councils, however, showed concerns that the number of permitted fishermen continued to decline due both to ageing and the restrictions on succession and transfer of fishing permits under the existing marine park fishing permit system. In addition, the establishment of marine park would further reduce the area of fishing grounds. These two factors would affect the sustainability of the fisheries industry; and that the site chosen was too close to a number of major developments. Marine operators noted that the existing Sham Shui Kok Anchorages (SSKAs) No. 1 and 2 would be included in the BMP and raised their concerns on the potential impacts of the proposed BMP to the functions of the SSKAs, in particular, the current mid-stream operations (i.e. loading/ unloading/ transshipment of cargoes) carried out in the SSKAs might be adversely affected.

### Measures/ Following Up Actions to Address the Concerns of the Stakeholders

5. There are two measures to address the concerns of fishermen and marine operators. According to the Marine Parks and Marine Reserves Regulation (the Regulation), the Authority (i.e. the Director of Agriculture, Fisheries and

Conservation) may, at his discretion, grant a permit for fishing to a *bona fide* fisherman or to a person who ordinarily resides near a marine park to which the permit relates. Therefore, the permit system allows the eligible fishermen to continue fishing within the marine park.

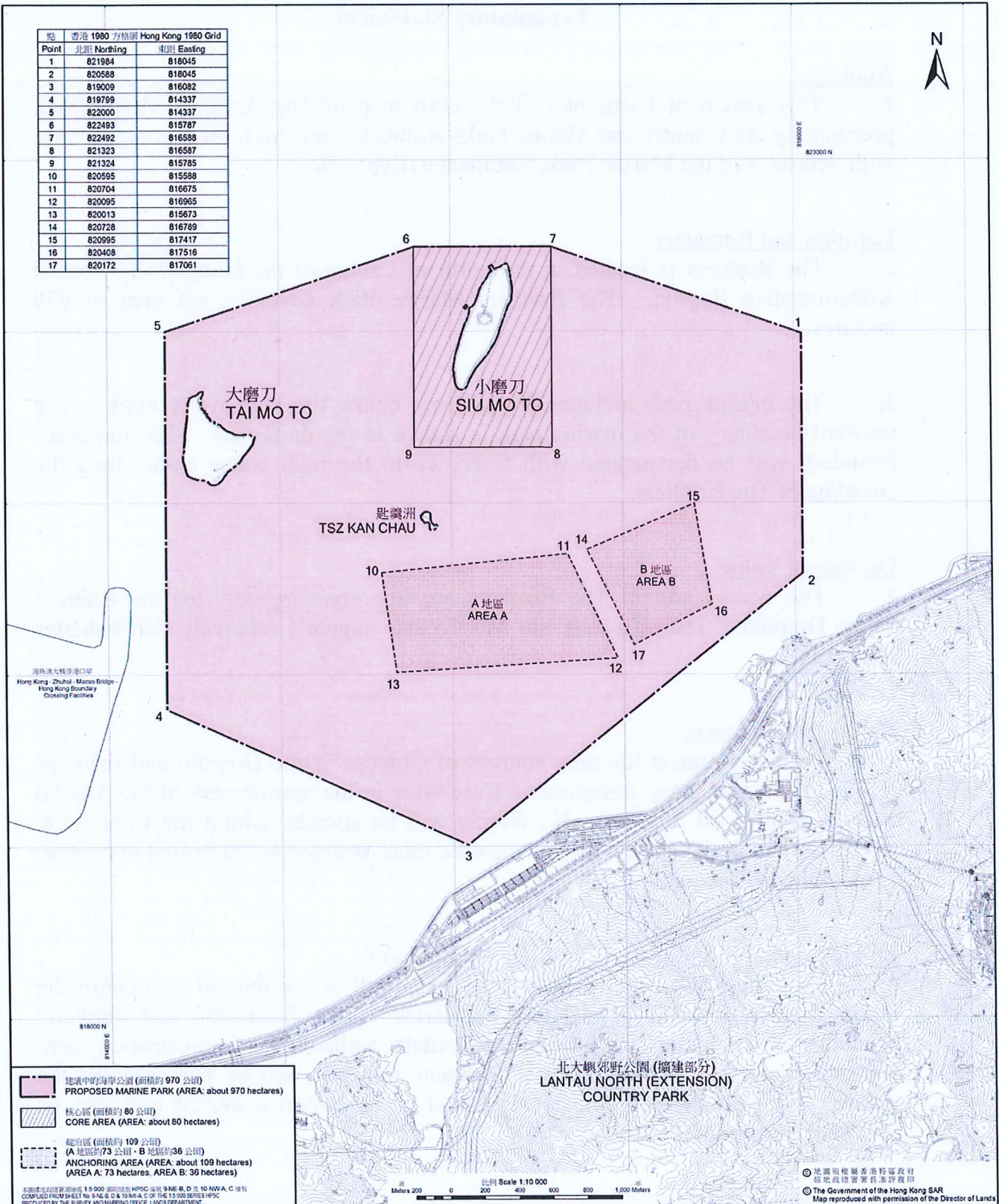
6. As regards the strong sentiment from the fishermen on the existing marine park fishing permit system, the Agriculture, Fisheries and Conservation Department (AFCD) has revisited the existing permit requirements and has adopted enhancement measures, including allowing succession of marine park fishing permit to immediate family members and transfer of fishing permit to an authorized person listed in any of the fishing permit issued for the same marine park. Having consulted and been supported by the MPC and the CMPB, the AFCD has announced the enhanced permit system in July 2015 and would process applications in relation to succession and transfer of marine park fishing permits accordingly.

7. To address the concerns from marine operators, the Authority would provide the area of SSKAs as anchoring sites under section 11 of the Regulation. Anchoring at the anchoring sites will be allowed without separate permission from the Authority. As stipulated in section 15(c) of the Regulation, marine operators could continue to carry on any activity for the purpose of, or incidental to, any business (such as mid-stream operations) within the SSKAs with a permit issued by the Authority under section 17(2) of the Regulation. Nonetheless, marine operators would still have to observe and comply with the relevant provisions as stipulated in the Ordinance and the Regulation.

8. With a view to facilitating the mid-stream operations, the AFCD is taking steps to streamline the relevant application procedures. Further discussion with the marine operators has been carried out in September to October 2015. An enhancement proposal on application procedures and payment arrangements of the permit has been drafted, which is agreeable in principle by the marine operators.



| 點     | 香港 1980 方格網 Hong Kong 1980 Grid |            |
|-------|---------------------------------|------------|
| Point | 北距 Northing                     | 東距 Easting |
| 1     | 821984                          | 818045     |
| 2     | 820588                          | 818045     |
| 3     | 819009                          | 816082     |
| 4     | 819799                          | 814337     |
| 5     | 822000                          | 814337     |
| 6     | 822493                          | 815787     |
| 7     | 822492                          | 816588     |
| 8     | 821323                          | 816587     |
| 9     | 821324                          | 815785     |
| 10    | 820595                          | 815588     |
| 11    | 820704                          | 816675     |
| 12    | 820095                          | 816965     |
| 13    | 820013                          | 815673     |
| 14    | 820728                          | 816789     |
| 15    | 820995                          | 817417     |
| 16    | 820408                          | 817516     |
| 17    | 820172                          | 817061     |



建議中的海岸公園 (面積約 970 公頃)  
 PROPOSED MARINE PARK (AREA: about 970 hectares)

核心區 (面積約 80 公頃)  
 CORE AREA (AREA: about 80 hectares)

錨泊區 (面積約 109 公頃)  
 (A 地區約 73 公頃 · B 地區約 36 公頃)  
 ANCHORING AREA (AREA: about 109 hectares)  
 (AREA A: 73 hectares, AREA B: 36 hectares)

本圖係由地政總署測繪處 1:5 000 測繪系列 HPS/C 圖則 9 NE, B, D 及 10 NW/A, C 繪製  
 COMPILED FROM SHEET No. 9 NE, B, D & 10 NW/A, C OF THE 1:5 000 SERIES HPS/C  
 PRODUCED BY THE SURVEY AND MAPPING OFFICE, LANDS DEPARTMENT

比例 Scale 1:10 000  
 Meters 200 0 200 400 600 800 1,000 Meters

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大小磨刀海岸公園未定案地圖  
 DRAFT MAP OF THE BROTHERS MARINE PARK

|   |                  |
|---|------------------|
| 檔案編號<br>FILE REF.   | 圖則編號<br>PLAN No. |
| 編製日期<br>COMPILED  | MP/BROS          |
| 漁農自然護理署<br>郊野公園及海岸公園管理局<br>AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT |                  |



## **Draft Map of The Brothers Marine Park Explanatory Statement**

### Authority

1. This statement forms part of the draft map of The Brothers Marine Park prepared by the Country and Marine Parks Authority (the Authority) in accordance with Section 7 of the Marine Parks Ordinance (Cap. 476).

### Location and Boundary

2. The Brothers is located in the north of Lantau of the Hong Kong Special Administrative Region. The Brothers Marine Park covers a sea area of 970 hectares.

3. The marine park includes coastal area below the high water mark. The seaward boundary of the marine park is shown in the draft map. The landward boundary will be demarcated with reference to the high water mark along the coastline of The Brothers.

### Ecological Value

4. The waters around The Brothers are important habitats for the Chinese White Dolphin. The area near Siu Mo To also supports relatively rich fisheries resources.

### Nature Conservation

5. To better protect the prey sources of Chinese White Dolphin and fisheries resources, the Authority designates a Core Area in the marine park at Siu Mo To with an area of 80 hectares. No fishing will be allowed within the Core Area. Activities within the Core Area will also be more stringently controlled than other parts of the marine park.

### Environmental Monitoring, Education and Publicity

6. Ecological and water quality monitoring will be carried out to monitor the marine resources within The Brothers Marine Park. Education and publicity programmes, including publication of leaflets, uploading of information onto websites, guided tours and other educational activities will be provided for the public. On-site advisory notices, signs and interpretation materials will also be placed at appropriate locations.

### Recreation

7. Existing compatible recreational activities, such as dolphin watching activities, will be allowed. Recreational activities that are detrimental to the ecology of the area and the health of the Chinese White Dolphins, such as water skiing, water scootering, jet skiing and recreational fishing will be prohibited in the

entire marine park in accordance with the Marine Parks and Marine Reserves Regulation (Cap. 476A).

#### Fishing

8. Fishing will be prohibited in the Core Area of the marine park. In the general use area, fishing by eligible *bona fide* fishermen and local villagers will be allowed and controlled by a permit system.

#### Marine Activities

9. There will be a general regulation to limit the speed of marine traffic to not exceeding 10 knots within the marine park. This will apply to all power driven vessels except in emergencies and under adverse weather conditions.

10. Anchoring will be controlled so as to avoid any damage to the marine habitats and lives, except for the existing Sham Shui Kok Anchorages No. 1 and 2 within The Brothers Marine Park. The two anchorages will be designated as Anchoring Areas in the BMP, with an area of 73 hectares and 36 hectares respectively. Anchoring in the Anchoring Areas will be allowed without the need to apply for permission from the Authority.

11. Activity for the purpose of, or incidental to, any business is not allowed except with a permit from the Authority. Activities of loading / unloading / transshipment of cargoes in the Anchoring Areas within the marine park will be allowed and controlled by a permit system.

#### Management and Enforcement

12. Staff of the Authority will patrol the marine park and take law enforcement action whenever necessary. Information boards and notices will be placed at suitable locations advising visitors about the prohibitions.

13. The Authority will arrange regular litter collection within the marine park area. Visitors will also be advised to keep the marine park clean and not to throw litter in the marine park.

## Proposed Management Plan of The Brothers Marine Park

### *Zoning Scheme*

1. The proposed management plan of The Brothers Marine Park (BMP) is similar to the management plans for the existing marine parks in Hong Kong. A Core Area and two Anchoring Areas are proposed in the BMP as shown in **Annex 2**. The maximum speed limit of vessels within BMP will be 10 knots in accordance with the Marine Parks and Marine Reserves Regulation (the Regulation).

### *Core Area*

2. A Core Area will be designated to provide the highest level of protection to prey sources of Chinese White Dolphin (CWD) and fisheries resources therein. Fishing activities will not be permitted within the Core Area, including those carried out by holders of marine park fishing permits. According to a recent fish resources survey, the waters around Siu Mo To support relatively high abundance and biomass of fish resources, and demonstrates the need to offer protection to the area. This area will be zoned as Core Area, for the purposes of enhancing fish resources and rehabilitating fish stocks so as to provide overall beneficial effects to the ecosystem. Artificial Reefs (ARs) of 10,800m<sup>3</sup> will be deployed within the Core Area as one of the ecological and fisheries compensation and enhancement measures to provide food and shelter for adult and juvenile fishes; enhance complexity of marine habitat and marine biodiversity and enhance fisheries resources. Fish restocking in the form of release of fish fry/ juvenile fish will also be carried out to improve fish stocks of the area.

### *Anchoring Areas*

3. The Sham Shui Kok Anchorages (SSKAs) No. 1 and 2, which are two existing "Service Anchorages" in the Western waters, will be zoned as "Anchoring Areas" in the BMP. Anchoring in the SSKAs will be allowed without the need to apply for permission from the Authority. Marine operators will need to observe and comply with the Regulation (e.g. no person shall collect any marine life and resources in / from a marine park, and shall not pollute water of a marine park in any way). In-taking of sea water as ballast water within the SSKAs is not recommended to avoid potential collection of any marine life and resources and shipboard operations shall not cause any water pollution to the BMP. Marine operators will also need a permit for carrying on activities for the purpose of, or incidental to, any

business, from the Authority, such as loading / unloading / transshipment of cargoes.

### ***Fishing Control***

4. Similar to other marine parks, AFCD will issue fishing permits to eligible fishermen allowing them to continue fishing in the marine park (except for the Core Area) after its designation.

### ***Patrol and Surveillance***

5. Various facilities, such as information boards and warning signs, will be set up to guide visitors and other park users of the BMP. Boundary buoys are essential to be installed for clear indication of the area of BMP for the purposes of management and enforcement. The installation of boundary and zoning buoys would be subject to agreement of the Marine Department from marine safety point of view.
6. For law enforcement, AFCD will set up a patrol team to enforce the regulations as stipulated in the Marine Parks Ordinance and the Regulation.

### ***Environmental Monitoring and Education Programme***

7. Ecological and water quality monitoring will be carried out to monitor the marine resources within the BMP. CWD monitoring programme will be continued to provide long term CWD data for the BMP and northeast Lantau waters to keep track of their abundance, density, behaviour and habitat use, etc. The various monitoring findings would facilitate the allocation of conservation efforts to focus on areas of high ecological / conservation interest. This would allow cost-effective and appropriate conservation actions to be taken in the future.
8. In addition, AFCD will regularly organize education programmes and produce publications in promoting the BMP. This will provide opportunities for local communities to enhance their understanding of the conservation of marine environment and marine parks in Hong Kong.