

# LCQ11: Impacts of marine works on fishermen and related ex-gratia allowance

Following is a question by the Hon Steven Ho and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (May 15):

Question:

A number of major reclamation projects such as "Lantau Tomorrow Vision" and the "near-shore reclamation outside Victoria Harbour" are being or will soon be implemented, with a projected total reclamation area of as large as 3 000 hectares. Some fishermen have indicated that the reclamation works will result in a substantial reduction in fishing grounds and fish culture zones, pollute water and affect their livelihood. They have pointed out that although fishermen affected by marine works in Hong Kong may apply for an ex-gratia allowance (EGA), there are deficiencies in the mechanism for calculating the allowance, including that: (i) the amount of EGA payable to fishermen in respect of marine works resulting in a permanent loss of fishing grounds, which is equivalent to only 11 years' value of fish catch, is far less than their actual loss, (ii) mariculturists may apply for EGA only in respect of marine works carried out within five kilometres of their fish culture zones, but marine works may affect the water quality of waters more than five kilometres away, and (iii) the scope of EGA does not cover marine works proposed by individuals or those seeking to maintain existing facilities. In this connection, will the Government inform this Council:

(1) of the total area of fishing grounds in Hong Kong waters in each of the past three years and as projected in each of the next five years;

(2) of the details of the marine works carried out in Hong Kong since the reunification of Hong Kong, including (i) the dates, (ii) the project names, (iii) whether they were proposed by the Government or individuals, (iv) the types of the works (reclamation/sand dredging/mud disposal/maintenance works), (v) the areas of the works, (vi) whether the loss of the fishing grounds/farms concerned was permanent or temporary, and (vii) whether eligible fishermen were granted EGA (set out in a table);

(3) given that both marine works proposed by individuals and those seeking to maintain existing facilities will have a permanent or temporary impact on the fisheries industry and the livelihood of fishermen, whether the Government will consider requiring the proponents of such works to grant EGA to the fishermen affected by the works concerned;

(4) given that the mechanism for granting EGA has been implemented for seven years and has all along been criticised by fishermen, and that a number of

major reclamation projects will soon be implemented, whether the Government will introduce a better development policy and relief measures for the fisheries industry, and examine reforming the mechanism for granting EGA, so as to mitigate the impacts of marine works on fishermen;

(5) of the marine mud disposal volume, as well as the names of the major marine mud disposal works, in each of the past three years;

(6) of the details of the various locations for disposal of contaminated marine mud (including (i) the remaining capacity, (ii) the environmental monitoring results, and (iii) an overview of the operation) (set out in a table); and

(7) given that the frequent marine works in recent years have resulted in a continuous reduction in the area of fishing grounds, and that reclamation works have caused the land area to increase continuously but the sea area to decrease continuously, whether the Government will consider exploring new technologies for mud disposal, and changing the locations for disposal of marine mud from offshore points to designated onshore locations, so as to reduce the impacts of marine mud disposal on the ocean and the fisheries industry; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the relevant policy bureaux, I provide a consolidated reply to the various parts of the Hon Steven Ho's question as follows:

(1) According to the data released by the Lands Department in 2019, the total sea area of Hong Kong is 1 648.37 square kilometres (Please refer to the webpage of the Survey and Mapping Office, Lands Department: [www.landso.gov.hk/mapping/en/publications/total.htm](http://www.landso.gov.hk/mapping/en/publications/total.htm)). Hong Kong waters are generally available for fishing with fishing vessels, except in the core areas of marine parks, marine reserve, fish culture zones, typhoon shelters, principal fairways, restricted areas of the airport, public bathing beaches and works areas of reclamation projects. These areas are under the purview of different government departments: the Marine Department for principal fairways, the Leisure and Cultural Services Department (LCSD) for public bathing beaches, various works departments for reclamation projects, and the Agriculture, Fisheries and Conservation Department (AFCD) for marine parks, marine reserve and fish culture zones. The above-mentioned areas# (in hectares) over the past three years (2016-2018) are set out below:

	2016	2017	2018
Typhoon shelters and principal fairways^	2 379	2 379	3 869
Public bathing beaches*	92	92	92

Core areas of marine parks, marine reserve	27	107	107
Fish culture zones	209	209	209

#Some of the airport restricted areas prohibit entry of all vessels, while some others of vessels of certain sizes. Hence, the areas where fishing operations are prohibited could not be generally stated. Besides, the timing of carrying out public and private marine works could vary from one year to another, and could lead to temporary prohibition of fishing at different times. The Government therefore does not have the figures on their impact on fishing grounds.

^ Including the area joining Ma Wan Fairway, Kap Shui Mun Fairway and Ha Pang Fairway.

\* The water surface area within the shark prevention nets installed in the 38 public bathing beaches administered by LCSD.

The area of Hong Kong waters available for fishing is affected by various factors, including but not limited to marine works projects and planning of fairways, which may result in temporary or permanent loss of certain fishing grounds. The total area of fishing grounds in Hong Kong waters for the coming five years could not be precisely estimated.

(2) Major marine works projects since 1997 are tabulated in chronological order below:

Name of project	Period	Government/ private projects	Reclamation area (hectares)
Tung Chung Development Phase 3A	1999-2003	Government	26
Container Terminal 9 Development	2000-2005	Private	67
Disneyland – Penny's Bay Reclamation Stages 1 & 2	2000-2009	Government	280
Central Reclamation Phase III	2003-2012	Government	18
Wan Chai Development Phase II	2009-2018	Government	5

Hong Kong-Zhuhai-Macao Bridge related projects – Hong Kong Boundary Crossing Facilities	2010-2018	Government	150
Tuen Mun-Chek Lap Kok Link	2013-(Construction in progress)	Government	17
The Three-Runway System	2016-(Construction in progress)	Private	650
Tung Chung New Town Extension	2018-(Construction in progress)	Government	130

The Government has been handling matters relating to the disbursement of ex-gratia allowances (EGA) in relation to marine works projects to eligible fishermen according to the established mechanism, under which the nature of the loss of fishing grounds as well as the amount of EGA payable are mainly assessed by AFCD. Upon vetting of the eligibility of registered fishermen for receiving EGA by an inter-departmental working group, the Lands Department will then disburse the relevant EGA. EGA has been disbursed to eligible persons affected for a majority of the projects, and would be disbursed to eligible persons affected for the remaining projects in due course according to the established mechanism.

(3) and (4) The Government has been progressively implementing the suggestions made in the report of the Committee on Sustainable Fisheries over the past few years, such as implementing the trawl ban, introducing a registration system for local fishing vessels, setting up the Sustainable Fisheries Development Fund (SFDF), providing loans under the Fisheries Development Loan Fund and offering training courses for fishermen, with a view to promoting the sustainable development of the fisheries sector and assisting fishermen in developing or switching to sustainable fisheries and related operations. AFCD is also preparing for the designation of new fish culture zones, facilitating the adoption of modern technology or open sea model for mariculture (e.g. using deep sea mariculture cages), expanding the room for mariculture and promoting advanced mariculture technology. In addition, so far around \$78 million of funding commitment has been approved under SFDF to promote the sustainable development and enhance the competitiveness of the sector.

According to the existing mechanism under the Environmental Impact Assessment Ordinance (Ordinance) (Cap 499), where a marine works project is a designated project specified by the Ordinance, project proponents, be they government departments or private entities, must carry out statutory environmental impact assessment, including assessing thoroughly the project's impact on fisheries. In addition, proponents are required to take appropriate mitigation measures such as limiting the project or the works process to within specified boundary or season, controlling the pace of construction

works, installing silt curtain, recovering or increasing the affected fishery resources and habitats, etc. to minimise the impact. Where necessary, proponents also need to consider adopting further mitigation measures, including increasing fishery resources and habitats outside the boundary of the project.

As mentioned in part (2) above, there is an established mechanism for disbursing EGA to fishermen. Recognising that fishermen affected by marine works may suffer a reduction in income and may incur extra expenses in relocating their activities to fishing grounds elsewhere, the Government may grant EGA to the fishermen if they meet certain eligibility criteria (e.g. the homeport of their vessels must be associated with the affected fishing grounds). The policy intent is to reduce the impact of public marine works on fishermen through administrative measures and to help these fishermen re-establish their operations. EGA payable to fishermen affected by public marine works is calculated on the basis of the notional value of fish catch from the area with permanent loss of habitual fishing grounds as a result of marine works (mainly due to reclamation operations), or the notional value of fish catch from the area with temporary loss of habitual fishing grounds as a result of sand dredging or mud disposal operations. The Government reviewed the mechanism in 2012, and the proposals to adjust upward the basis for calculating EGA and extend the applicability of the proximity criterion for granting EGA to mariculturists were approved by the Finance Committee of the Legislative Council (vide FCR(2012-13)16 and FCR(2012-13)17) in the same year. EGA payable in respect of marine works resulting in a permanent loss of fishing grounds was raised from an equivalent of the notional value of fish catch in the affected area for seven years to that for 11 years whereas EGA payable in respect of marine works resulting in a temporary loss of fishing grounds was raised from an equivalent of the notional value of fish catch in the affected area for three years to that for five years. Mariculturists affected may be granted EGA when either the extended proximity criterion or the established suspended solids criterion is met. The Government has been monitoring the operating environment of fishermen. There is currently a lack of justifications to review the mechanism.

(5) Since the introduction of new non-dredged method by the Government in the reclamation projects, the quantity of sediment to be disposed of in Hong Kong has significantly reduced. The quantity of sediment (including both contaminated sediment and uncontaminated sediment) disposed of in 2016, 2017 and 2018 were 1 million cubic metres, 1.3 million cubic metres and 0.70 million cubic metres respectively. Major projects with sediment disposal over this period included the Shatin to Central Link by the MTR Corporation, the Tseung Kwan O-Lam Tin Tunnel project and the general maintenance dredging work at piers and fairways.

(6) The operating situation of contaminated sediment disposal facilities is set out below:

Location	Remaining capacity	Environmental monitoring results	Operating situation
South of The Brothers	Filled up by March 22, 2016	Results of the environmental monitoring show that there is no unacceptable impact on sediment, water quality and ecology.	The facility is closed.
East of Sha Chau	Around 4.4 million cubic metres	Results of the environmental monitoring show that there is no unacceptable impact on sediment, water quality and ecology.	The current contaminated mud pit under operation is expected to be filled up by 2019. The remaining 2 contaminated mud pits will come into operation in stages.

(7) Since 1992, Hong Kong has been using the contaminated mud pits formed under the seabed for the disposal of contaminated sediment. Environmental monitoring work carried out over the past years indicated that the operation of the mud pits did not bring about any unacceptable impacts on sediment, water quality and ecology in the vicinity. In order to reduce the sediment disposal demand, the Government has been encouraging the reduction in the generation of sediment in the design and construction of marine works, such as the adoption of non-dredged methods in reclamation projects to reduce the excavation and disposal of sediment. As mentioned above, the demand for marine disposal of sediment in recent years has significantly reduced.

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## **LCQ13: Statistics on work injuries**

Following is a question by the Hon Ho Kai-ming and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (May 15):

Question :

Regarding the statistics on injuries caused to employees by accidents

arising out of and in the course of employment (work injuries), will the Government inform this Council:

(1) of the respective numbers of employees who were incapacitated by work injuries for a period of (i) three to seven days, (ii) eight to 14 days, (iii) 15 to 30 days, (iv) 31 days to three months, (v) more than three months to six months, (vi) more than six months to one year, (vii) more than one year to two years, and (viii) more than two years, in each year since 2014;

(2) of the respective numbers of employees injured at work who were assessed, by the Employees' Compensation Assessment Boards in each year since 2014, to have suffered from the following percentages of permanent loss of earning capacity: (i) 5% or below, (ii) 6% to 10%, (iii) 11% to 20%, (iv) 21% to 30%, (v) 31% to 50%, (vi) 51% to 70%, and (vii) 71% or above; and

(3) given that employers and employees may, in respect of work injury cases which entail a period of sick leave exceeding seven days, agree on applying to the Labour Department for making settlement by "Paper Medical Clearance", of the year since which this approach has been adopted; the number of work injury cases which were settled in this way in each of the past five years?

Reply:

President,

My reply to the Hon Ho Kai-ming's question is as follows:

(1) From 2014 to 2018, the number of compensation claims settled in each year involving incapacitation of employees for more than three days as a result of work injuries (including compensation claims reported to the Labour Department (LD) under the Employees' Compensation Ordinance (ECO) in or before the respective settlement year) with a breakdown by the number of working days lost is provided below:

Number of working days lost*	Number of settled compensation claims				
	2014	2015	2016	2017	2018
Below eight days	12 300	12 407	12 161	11 572	11 963
Eight to below 15 days	6 702	6 508	5 962	5 543	5 572
15 to below 30 days	4 404	4 169	3 951	3 752	3 898
30 to below 90 days	4 701	4 740	4 612	4 384	4 476
90 to below 180 days	2 783	2 902	2 787	2 741	2 788
180 to below 360 days	2 196	2 334	2 366	2 296	2 548
360 to below 720 days	1 765	1 795	1 956	1 801	1 881
720 days or above	2	3	1	2	1

Total	34 853	34 858	33 796	32 091	33 127
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\*The number of working days lost includes both the number of sick leave days granted and taken and the period of absence from duty certified to be necessary by the Employees' Compensation Assessment Board under ECO.

If the work injury sick leave of an employee does not exceed three days and no permanent incapacity is involved, the employer should make direct payment of compensation to the employee in accordance with ECO. LD does not keep statistics on the number of working days lost for this type of cases.

(2) From 2014 to 2018, the number of compensation claims settled in each year involving incapacitation of employees for more than three days as a result of work injuries (including compensation claims reported to LD under ECO in or before the respective settlement year) with a breakdown by the percentage of permanent loss of earning capacity of employees is provided below:

Percentage of permanent loss of earning capacity	Number of settled compensation claims				
	2014	2015	2016	2017	2018
Assessment not required	19 475	19 484	18 710	18 447	18 907
0% to 5%	14 223	14 221	14 074	12 703	13 274
Above 5% to 10%	744	769	673	649	678
Above 10% to 20%	243	224	207	168	163
Above 20% to 30%	73	66	50	48	41
Above 30% to 50%	53	51	41	42	46
Above 50% to 70%	25	19	17	19	6
Above 70%	17	24	24	15	12
Total	34 853	34 858	33 796	32 091	33 127

(3) LD has been providing the "Paper Medical Clearance" option since 1998. In work injury cases where the sick leave has already ended and the injury does not lead to any permanent incapacity, employers and employees may thereby agree to complete the follow-up procedures for sick leave in writing and LD will issue the "Certificate of Compensation Assessment" direct for settling the claims. LD does not keep statistics on the work injury cases settled by "Paper Medical Clearance". LD will further enhance the follow-up procedures for sick leave by proactively inviting employers and employees of work injury cases which meet the above criteria to settle their claims by "Paper Medical Clearance", with a view to speeding up the case processing.



## Money service operator convicted of operating without licence

A man was fined \$8,000 today (May 15) at Tuen Mun Magistrates' Courts for operating a money service without a valid licence.

Officers of the Customs and Excise Department (C&ED) on patrol earlier discovered a gold and jewellery shop inside a shopping arcade in Tin Shui Wai suspected of operating money service without a licence.

Under the Anti-Money Laundering and Counter-Terrorist Financing Ordinance, a person who wishes to operate a remittance and/or money changing service is required to apply for a licence from the C&ED. Any person who operates a money service without a valid licence commits an offence. The maximum penalty upon conviction is a fine of \$100,000 and imprisonment for six months.

Members of the public may report any suspected unlicensed money service operation to the Customs' 24-hour hotline 2545 6182 or its crime-reporting email account ([crimereport@customs.gov.hk](mailto:crimereport@customs.gov.hk)).

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## LCQ8: The Government's greening efforts

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 15):

Question:

In recent years, the Government has been committed to promoting district greening to enhance the liveability of Hong Kong. "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030", published in 2016 by the Development Bureau, mentioned that the Government had developed the Greening Master Plans (GMPs) for the urban areas and completed the recommended greening works, and it had been progressively extending the GMP initiative to the districts in the New Territories, including Tsuen Wan, Kwai Tsing, Islands District, Tai Po and North District. In this connection, will the Government inform this Council:

- (1) of the current greenery coverage and green space per capita in Hong Kong;
- (2) of the total number of trees and shrubs planted in the urban and rural

areas in each of the past five years by the various government departments (with a breakdown by District Council district); the carbon dioxide in tonnes that could be absorbed by those trees and shrubs each year and its percentage in the total carbon emission of Hong Kong;

(3) of the total expenditure and a breakdown of such expenditure incurred in each of the past five years by the various government departments on the management and maintenance of the trees and shrubs in the urban and rural areas;

(4) of the respective numbers of greening works implemented in each of the past five years by the various government departments for the buildings under their management, and set out in a table the details of such works (including (i) the name of the building, (ii) the District Council district in which the building was located, (iii) the type of the works (e.g. roof greening, vertical greening, sky garden, terrace planting, etc), (iv) the greening area, (v) the expenditure on the works, (vi) the annual expenditure on maintenance and (vii) the annual expenditure on repairs); and

(5) of the latest implementation progress of the GMPs for the New Territories; when the relevant greening works are expected to commence and complete; whether the authorities have provided guidelines on the planning, design and implementation of such works; if so, of the details; if not, the reasons for that?

Reply:

President,

Urban greening will not only beautify the environment, but will also help to moderate temperature and improve air quality. The Government has been incorporating quality landscape and greening in public works projects to make Hong Kong more liveable.

Apart from the implementation of the Greening Master Plans (GMPs), public works projects are required to incorporate greening elements in planning and development stages. For example, new government building projects should have greening measures on 20 to 30 per cent of the site area (including roof greening and vertical greening), new at-grade road projects should allow for space for quality greening and landscape works, and soft landscape provisions should be integrated in the highway structure projects to enhance our street environment.

The reply to the Hon Kenneth Leung's five-part question is as follows:

(1) Around 78 per cent of Hong Kong's total land area is vegetated, i.e. covered under woodlands, shrublands and grasslands. The Government has not done any calculation on green space per capita.

(2) The total number of trees and shrubs planted by the Government in the

urban and rural areas in the past five years is shown at Annex A. Statistics on planting are not kept on District Council district basis. As calculated by the Environmental Protection Department in 2018 in accordance with the methodologies specified in the guidelines published by the United Nations' Intergovernmental Panel on Climate Change, the total greenhouse gas (GHG) uptake by carbon pools of woodlands, shrublands and grasslands in Hong Kong in 2016 was 454 000 tonnes of carbon dioxide equivalent, which accounted for about one per cent of the total GHG emissions in Hong Kong. The Government has not compiled the GHG uptake by the plants planted in the past five years.

(3) Managing and maintaining the trees and shrubs on government land and at government facilities is part and parcel of the regular duties of various departments, which are discharged with their overall resources. There is no separate expenditure breakdown for the management and maintenance of trees and shrubs.

(4) The greening works implemented on the government buildings in the past five years are set out at Annex B. Greening works is an integral part of a building project. The expenditure on maintenance and repairs of the greening works is also part of the overall expenditure on building maintenance and repairs. Separate breakdown is not available.

(5) The greening works under GMPs for the New Territories (NT) Southeast (Sha Tin and Sai Kung Districts) and NT Northwest (Tuen Mun and Yuen Long Districts) were completed in October 2017. The Civil Engineering and Development Department is finalising the GMPs in NT Southwest (Tsuen Wan, Kwai Tsing and Islands Districts) and NT Northeast (Tai Po and North Districts), and will seek funding approval from the Legislative Council Finance Committee in 2019, with a view to commencing the works in 2020, which will take about three years.

In planning and designing the GMPs, departments have followed the technical circulars and guidelines promulgated by the Development Bureau, including adoption of the "Right Tree Right Place" principle, use of the "Street Tree Selection Guide" in selecting suitable plant species which echo the GMP greening themes of the districts and enhancing vegetation diversity.

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## **LCQ7: Land supply options recommended by the Task Force on Land Supply**

Following is a question by the Hon Abraham Shek, and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 15):

Question:

The Government has fully accepted the eight land supply options that should be accorded priority studies and implementation as recommended by the Task Force on Land Supply. In this connection, will the Government inform this Council of the specific implementation plan (including the timetable) in respect of each of those eight recommended land supply options?

Reply:

President,

The Government announced its full acceptance of the recommendations tendered by the Task Force on Land Supply (TFLS) on land supply strategy and eight land supply options worthy of priority studies and implementation in a detailed response on February 20, 2019. As stated in the paper submitted to the Legislative Council (DEVB(PL-CR) 13/2006) on even date, the Government will implement a number of specific measures to take forward the eight land supply options recommended by TFLS. Details of the latest implementation plan and timetable are set out at the Annex.