

HONG KONG, CHINA



1 BACKGROUND INFORMATION

Key Statistics:

Land mass (as at April 2003)	1,101.73 square kilometres
Coastal marine waters (as at April 2003)	1,652.21 square kilometres
Population in Mid-2002	6,787,000
Mid-2003	6,816,000 (provisional figure)

Legal status: On July 1, 1997, China resumed the exercise of sovereignty over Hong Kong. The new legal regime of Hong Kong is entrenched by two basic documents: (1) The Sino-British Joint Declaration on the Questions of Hong Kong; (2) The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (The "Basic Law"). The Basic Law came into force in July 1997 establishing Hong Kong as a Special Administrative Region of the People's Republic of China with a high degree of autonomy. Except for foreign and defence affairs which are the responsibilities of the Central People's Government, the Hong Kong Special Administrative Region shall be vested with executive, legislative and independent judicial power, including that of final adjudication.

2 ACTIONS WITH REGARD TO THE LAW OF THE SEA CONVENTION

Although Hong Kong, not being a State, cannot on its own be a party to the Law of the Sea Convention, the People's Republic of China applies the Convention to Hong Kong. As a result of the Hong Kong's legal status, Hong Kong has no independent competence to declare an EEZ or other maritime zones. However, the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone and the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf apply to Hong Kong respectively on

1 July 1997 and 24 December 1998. Apart from these 2 national laws, Hong Kong applies its own maritime-related legislation as can be seen in section 4 below, Hong Kong has no direct maritime boundaries with other foreign States.

3 MARINE INDUSTRIES INFORMATION

Capture Fisheries: Hong Kong has a fishing fleet of about 4800 vessels. About 36 percent of these vessels are over 15 meters in length and the remaining 64 percent are less than 15 meters in length. They comprises various types of trawlers, long liners, hand liners, gill netters, purse seiners and cage trappers, operating mainly in Hong Kong waters and the adjacent continental shelf in the South and East China Seas.

Aquaculture Fisheries: About 1 200 licensed farms are engaged in marine fish culture in the 26 fish culture zones designated under the Marine Fish Culture Ordinance. Common species cultured include green grouper, brown-spotted grouper, Russell’s snapper, mangrove snapper, cobia and pampano.

4 OCEAN RELATED LEGISLATION

Key Ocean Management Related Legislation

Legislation	Description
Law of the People’s Republic of China on the Exclusive Economic Zone and the Continental Shelf	This national law of the People’s Republic of China on the EEZ and the Continental Shelf is applicable to Hong Kong by virtue of Basic Law Article 18 and Annex III by way of promulgation by the Hong Kong Special Administrative Region. The law was enacted to protect the People’s Republic of China’s exercise of its sovereign rights and jurisdiction over its EEZ and continental shelf and to safeguard its national maritime rights and interests.
Law of the People’s Republic of China on the Territorial Sea and the Contiguous Zone	This is also a national law of the People’s Republic of China applicable to Hong Kong by virtue of Basic Law Article 18 and Annex III by way of promulgation by the Hong Kong Special Administrative Region. This law was enacted for the People’s Republic of China to exercise its sovereignty over its territorial sea and the control over its contiguous zone and to safeguard its national security, maritime rights and interests.
Fisheries Protection Ordinance (Cap.171)	The aim of this Ordinance is to promote the conservation of fish and other forms of aquatic life within the waters of Hong Kong, to regulate fishing practices and to prevent activities detrimental to the fishing industry.
Marine Fish Culture Ordinance (Cap.353)	The objective of this Ordinance is to regulate and protect marine fish culture.
Marine Parks Ordinance (Cap.476)	The Ordinance provides for the designation, control and management of marine parks and marine reserves in Hong Kong.
Pesticides Ordinance (Cap.133)	The Ordinance provides for the registration and licensing control on the import, supply, manufacture, sale and possession of pesticides to protect public health and environment.
Animals and Plants (Protection of Endangered Species) Ordinance (Cap.187)	This Ordinance was enacted mainly to give effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It aims to regulate the importation, exportation and possession of certain animals and plants.
Whaling Industry (Regulation) Ordinance (Cap.496)	This Ordinance prohibits the taking, towing or treating of whales within the waters of Hong Kong by any vessel or by any Hong Kong ship outside the waters of Hong Kong without a license or permit.
Wild Animals Protection Ordinance (Cap.170)	The principal aim of this Ordinance is to make provision for the conservation of wild animals. Special permits are required to conduct hunting of wild animals or related activities such as the removing of a nest or egg of a protected wild animal.
Oil (Conservation and Control)	This Ordinance provides for the control of the supply and use of oil, the

Ordinance (Cap.264)	conservation of oil supplies and all related purposes.
Environmental Impact Assessment Ordinance (Cap.499)	This Ordinance requires that all designated projects (unless exempted) must follow the statutory environmental impact assessment (EIA) process and environmental permits are normally required for their construction and operation.
Water Pollution Control Ordinance 1980 (Cap 358)	This Ordinance declares water control zones for specific segments of Hong Kong and establishes water quality objectives for those zones. It requires discharges, other than domestic sewage to a foul sewer or unpolluted water to a storm drain, be covered by an effluent discharge licence.
Waste Disposal Ordinance (Cap 354)	This Ordinance implements the requirements of the Basel Convention on the Control of transboundary movements of hazardous wastes and their disposal. It also prohibits improper disposal of waste, regulates the disposal of chemical wastes through registration and record systems, controls the disposal of liquid and solid livestock waste.
Dumping at Sea Ordinance (Cap.462)	This Ordinance controls dumping activities in the waters of Hong Kong that deliberately pollute the sea and the sea-bed. Permits are required to carry out marine dumping and related loading operations. The Ordinance implements the London Dumping Convention.
Ozone Layer Protection Ordinance 1989	This Ordinance controls local manufacture, import and export of ozone depleting substances through registration and licensing systems. It also sets a quota on the import of less harmful substitutes for core ozone depleting substances.
Oil Pollution (Land Use and Requisition) Ordinance (Cap.247)	This Ordinance allows for appropriate measures to be taken to prevent, mitigate and repair pollution of and damage to the waters, foreshore and adjoining areas of Hong Kong arising from oil spillage.
Merchant Shipping Ordinance (Cap.281)	This Ordinance governs shipping matters such as registration, licensing, general court procedure and third party insurance etc. for all vessels in Hong Kong waters and Hong Kong registered vessels.
Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap.413)	This Ordinance provides for the prevention and control of pollution from ships. It regulates all discharges except those falling within the ambit of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.
Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance (Cap. 414)	This Ordinance gives effect to the Protocol 1992 to the International Convention on Civil Liability for Oil Pollution Damage, 1969 and the Protocol 1992 to the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.
Merchant Shipping (Seafarers) Ordinance (Cap.478)	The objective of this Ordinance is to regulate seafarers and certain persons carried on but not employed in ships.
Protection of the Harbour Ordinance (Cap.531)	This Ordinance protects and preserves the harbour by applying a presumption against any works carried out or intended to be carried out for the purpose of forming land from the sea-bed or foreshore in harbour.
Shipping and Port Control Ordinance 1978 (Cap.313)	This Ordinance regulates and controls ports and vessels in Hong Kong or in the waters of Hong Kong.
Merchant Shipping (Collision Damage Liability and Salvage) Ordinance (Cap.508)	This Ordinance implements the International Convention on Salvage 1989.
Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap.434)	This Ordinance gives force to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 and the Convention on Limitation of Liability for Maritime Claims, 1976.
Merchant Shipping (Local Vessels) Ordinance (Cap.548)	This Ordinance regulates and controls local vessels in Hong Kong or in the waters of Hong Kong. The Ordinance also regulates other matters affecting local vessels, including their navigation and safety at sea (whether within or beyond the waters of Hong Kong). This Ordinance is not yet in operation.

5 LEAD AGENCIES FOR OCEANS GOVERNANCE

(1) Departments/Ministries

Agency	Ocean Related Function
Marine Department	This Department is responsible for all navigational, pollution prevention and the safety standards of vessels in Hong Kong as well as Hong Kong registered vessels trading

	worldwide. The Pollution Control Unit of the Marine Department is the main authority responsible for oil pollution matters. It has established a contingency response plan based upon community involvement. Depending upon the seriousness of an incident the plan will involve other government departments and also commercial interests, auxiliary services and the defence forces, etc. in taking necessary measures to mitigate its impact on the environment.
Agriculture, Fisheries and Conservation Department	The Agriculture, Fisheries and Conservation Department manages, controls and promotes the conservation and sustainable use of, the natural resources and habitats of Hong Kong.
Environmental Protection Department	The Environmental Protection Department proposes and implements environmental policies and programs, vets environmental planning and assessment findings, enforces and reviews environmental laws, monitors environmental quality, promotes environmental management, audit and reporting, and handles pollution complaints and incidents.
The Hong Kong Police	The Hong Kong Police maintains the integrity of the sea boundaries of the Hong Kong Special Administrative Region and has a statutory duty to preserve law and order within these waters by assisting in the enforcement of port, maritime, excise, conservancy, quarantine and immigration laws therein. The Hong Kong Police is also responsible for providing resources for maritime search and rescue within Hong Kong and adjacent waters, and for providing an emergency casualty evacuation service.

(2) Coordinating Bodies

Agency	Ocean Related Function
Advisory Council on the Environment (ACE)	This Council is the government's principal advisory body on matters related to environmental protection and nature conservation. It comprises academics, professionals and members of green groups and business groups. The Permanent Secretary for the Environment, Transport and Works (Environment and Transport), the Director of Environmental Protection, the Director of Planning, the Director of Agriculture, Fisheries and Conservation and the Director of Health (or their representatives) are all in attendance.
Seafarers' Advisory Board	The Seafarers' Advisory Board advises the Director of Marine on all matters with respect to seafarers' affairs.

6 OCEANS GOVERNANCE POLICY FRAMEWORK

Policy	Description
Periodic Reviews	The 1989 White Paper, <i>Pollution in Hong Kong: A Time to Act</i> , laid down the framework for a comprehensive 10-year plan to fight pollution and set out policy objectives for air, noise, water, waste planning against pollution, enforcement and environmental education. The second review published in 1993 added the concept of sustainability to previous commitments on planning and pollution control, and the third review in March 1996 mooted a more focused and comprehensive study of sustainability issues. The Chief Executive's 1999 Policy Address highlighted a comprehensive agenda on combating pollution and enhancing regional environmental cooperation.
Hong Kong-Guangdong Joint Working Group on Sustainable Development and Environmental Protection	The Working Group is established to promote cooperation between Hong Kong and Guangdong in improving the environment of the Pearl River Delta Region.