DRAFT LEGISLATION FOR IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCANLR) IN HONG KONG



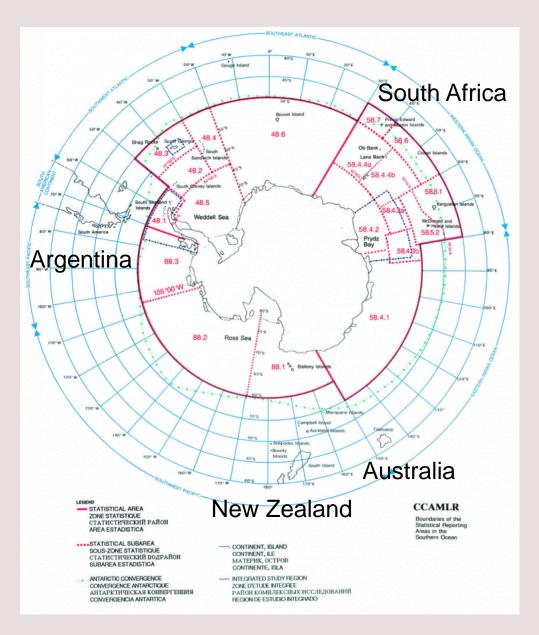
CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES



- To conserve* Antarctic marine living resources, which cover the populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence
- Including toothfish (Dissostichus spp.)
- China acceded to the CCAMLR in 2006, and the Convention has not been extended to the Hong Kong Special Administrative Region yet

*the term "conservation" includes rational use

CONVENTION AREA



CCAMLR MEMBERSHIP

Members							
Argentina	India	Russia					
Australia	Italy	South Africa					
Belgium	Japan	Spain					
Brazil	South Korea	Sweden					
Chile	Namibia	Ukraine					
China	New Zealand	United Kingdom					
European Union	Norway	United States					
France	Poland	Uruguay					
Germany							

ABOUT TOOTHFISH

- Vulnerable to overfishing: longevity, large size, slow growth and late maturation
- Highly sought after in the world fish market
- Experiencing significant levels of exploitation and illegal, unreported and unregulated (IUU) fishing



Source: http://www.itsnature.org



Source: weekendsportfishermen.blogspot.com

TOOTHFISH TRADE IN HONG KONG

- Market names: Patagonian toothfish, Chilean white seabass, Antarctic toothfish, white cod
- Retail price : up to \$120 /100g
- Hong Kong becomes one of the major importing economies of toothfish (about 2 000 tonnes imported into HK in 2016)
- Accounts for less than 1% of the total consumption of fisheries produce



PURPOSE

- To implement the requirements under CCAMLR including a control scheme for the trading of toothfish and other relevant conservation measures
- In order to better protect the Antarctic marine living resources
- And contribute to the international concerted efforts in the protection and sustainable use of marine resources

PAST CONSULTATION (2014)

• Feedback from the trade:

Importers and exporters

- Majority were supportive of the proposal as it would help to protect the marine resources and deter import of toothfish obtained from illegal sources.
- Interested to know more about the operational details of the proposed control scheme.
- Toothfish was only one of the many fisheries products in their business and they were aware of the catch documents and the Catch Documentation Scheme (CDS) for toothfish. Their preliminary view was that the proposed control scheme would not cause too much burden on their operation.

PAST CONSULTATION

Seafood traders

 Mainly requested that the application and inspection procedures under the proposed control scheme should be simple and user-friendly

Retailers

 Concerned about their possible liability under the proposed control scheme, and opined that the scheme should not target the retail level

PAST CONSULTATION

Environmental groups

- Support the government to implement CCAMLR
- Mainly requested the government to implement the measures under the Catch Documentation Scheme, and conduct regular and *ad hoc* enforcement actions to combat the illegal trade.

All stakeholders

 Agreed that the government should maintain a close contact and continue the communication with them regarding the development of the proposal. All considered it necessary for the government to organise education and publicity programme for the trade as well as the public in general.

Conservation of Antarctic Marine Living Resources Bill (Tentative)

Two subsidiary legislation:

- (A) Toothfish Catch Documentation Scheme Regulation
- (B) Port Inspection Regulation

Empower the enforcement agency to obtain relevant information for validation of export/re-export documents for toothfish, search vessels, inspect, seize or confiscate consignments without valid catch or export/re-export documents, and dispose the confiscated items

CATCH DOCUMENTATION SCHEME

- The Commission established under the CCAMLR adopted a conservation measure (CM) entitled "Catch Documentation Scheme for *Dissostichus* spp." (CDS) in 2000 to protect toothfish from IUU fishing within the Convention Area internationally
- Each landing and transshipment of *Dissostichus* spp. shall be accompanied by a completed valid *Dissostichus* catch document
- Each shipment of *Dissostichus* spp. to be imported, exported or re-exported shall be accompanied by valid export/re-export document
- All catch, export and re-export documents will be available to the CCAMLR Secretariat and parties who have a role in the completion of such documents

PROPOSED REGULATION

- A person must not import, export or re-export toothfish unless accompanied with a licence issued in accordance with the Ordinance
- Produce the relevant licence to an authorized officer
- Anyone who contravene the regulations commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 12 months.

APPLICATION OF LICENCE

- To apply for a licence
 - (a) Fill out the specified form (including providing the name and address of the holder of the licence, quantity and description of the toothfish concerned, etc.);
 - (b) Provide the catch/export/re-export document issued in accordance with the Catch Documentation Scheme under the Convention;
 - (c) Other relevant documents (e.g. Waybill/Bill of lading); and
 - (d) Pay the prescribed fee.

APPLICATION METHOD

 In person : 8/F, Cheung Sha Wan Government Offices

 By post : 8/F, Cheung Sha Wan Government Offices

By fax : 2314 2866

By e-mail : ccamlr@afcd.gov.hk

PORT INSPECTION OF FISHING VESSEL

- To combat illegal, unreported and unregulated fishing activities in the Convention Area
- Hong Kong has no fishing vessels harvesting in the Convention Area
- Inspect fishing vessels carrying Antarctic marine living resources entering the port of Hong Kong to land or tranship
- Require fishing vessels to provide notification and declaration prior to entry
- Deny the entry of illegal, unreported and unregulated fishing vessels and prohibit landing and transshipment from these vessels

THE END

中華人民共和國香港特別行政區政府

The Government of Hong Kong Special Administrative Region, People's Republic of China

南極海洋生物資源養護公約 CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

Agriculture, Fisheries and Conservation Department Hong Kong Special Administrative Region 5年, Cheung Sha Wan Government Offices 303 Cheung Sha Wan Road, Kowloon HONG KONG 奔港特別行政區 漁農自然邊理署 香港 九龍長沙湾道 303 號 長沙湾政府合署五樓 This licence is issued in accordance with the Conservation of Antarctic Maine Living Resources Ordinance Hong Resources Hong Resour			LICENCETO BPORT/ RE-EXPORT 出口/再出口許可證 LCQD, XXX and is subject to the CONDITIONS Owners (12	Page 頁 X / X 2. Valid until (Day/Month/Year) 有效期至(日/月/年) DD MMM 20XX Ittached including the special conditions in section 6 below	
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