

MARINE PARKS AND MARINE RESERVES REGULATION
- CHAPTER 476A

(Cap 476 section 20)

[15 July 1996]

(L.N. 241 of 1996)

SECT 1

(Omitted as spent) VerDate:06/30/1997

(Omitted as spent)
(Enacted 1996)

SECT 2

Interpretation

In this Regulation, unless the context otherwise requires-

"animal" (動物) means any form of animal life, whether alive or dead, or its part;

"boating" (船艇活動) means operating a vessel for pleasure, competition, recreation or tourism;

"fish" (釣魚、捕魚、魚類)-

(a) when used as a verb, means to kill or capture fish; and

(b) when used as a noun, means any fish, crustacean, echinoderm or mollusc;

"fish culture" (魚類養殖) means any operation involving the maintenance, propagation or promotion of growth of fish in captivity;

"fishing or hunting device" (釣魚、捕魚或獵捕器具) means any tool, equipment or appliance designed or used for the purpose of fishing or hunting animals and includes any net, line, trap, chemical, electric charge, explosive or spear gun;

"hunt" (獵捕) includes any act immediately directed at the killing or capture of any animal or the taking of any nest, egg or young of any animal;

"Land Registry" (土地註冊處) means the Land Registry established under the Land Registration Ordinance (Cap 128) and any District Land Registry established under the New Territories Ordinance (Cap 97);

"litter" (廢物) means any refuse, rubbish, earth, dirt, filth, dust, sawdust, paper, timber off-cuts, ashes, excreta, and any other matter of a like nature;

"nesting ground" (築窩巢地方) means any place where animals breed, nurse their

young and roost;

"permit" (許可證) means a permit granted by the Authority under section 22 of the Ordinance;

"plant" (植物) means a live or dead plant, or its part;

"protected marine and coastal species" (受保護海洋及近岸生物) means an animal or a plant species, or its part, specified in Schedule 2;

"water-skiing" (滑水) includes the skiing on water by aquaplane or other similar object, or the operating of a jet ski or water scooter;

"wild birds" (野生雀鳥) means all birds other than poultry and those kept principally or solely as pets.

(Enacted 1996)

SECT 3

Prohibition of fishing, hunting and collecting animals and plants, etc.

(1) Subject to subsection (1A), no person shall fish or hunt, injure, remove or take away any animal or plant by any means in or from a marine park or marine reserve. (L.N. 182 of 2002)

(1A) A person may-

(a) fish in or from a marine park under and in accordance with a permit granted under section 17(3); or

(b) fish in or from a special zone specified in column 2 of Part 1 of Schedule 1, subject to compliance with the conditions specified, opposite to the special zone, in column 3 of that Part. (L.N. 182 of 2002)

(2) No person shall take, remove, injure, destroy or wilfully disturb a nest, egg, young, or nesting ground of any protected marine and coastal species in a marine park or marine reserve.

(3) A person within a marine park or marine reserve, who is in possession of a fishing or hunting device, plant, fish or animal, in circumstances that give rise to a reasonable suspicion that an offence under subsection (1) or (2) has been committed, will be presumed to have committed the offence in the absence of evidence to the contrary.

(Enacted 1996)

SECT 4

Prohibition of possession of certain fishing or hunting devices

(1) No person shall have in his possession any fishing or hunting device specified in Schedule 3 in a marine park or marine reserve.

(2) In any proceedings against a person for an offence under this section, it shall be a defence for that person to show that the fishing or hunting device is not intended to be used inside a marine park or marine reserve.

(Enacted 1996)

SECT 5

Prohibition of water-skiing

(1) Subject to subsection (2), no person shall carry out water-skiing in a marine park or marine reserve.

(2) A person may carry out water-skiing in a special zone specified in column 2 of Part 2 of Schedule 1, subject to compliance with the conditions specified, opposite to the special zone, in column 3 of that Part.

(L.N. 182 of 2002)

SECT 6

Prohibition of boating, etc. in marine reserves

No person shall within a marine reserve swim, dive or carry out any boating.

(Enacted 1996)

SECT 7

Prohibition of fish culture

No person shall establish or have under his control any fish culture in a marine park or marine reserve.

(Enacted 1996)

SECT 8

Protection of beaches, mudflats, etc.

No person shall damage any shoreline feature located on a beach, mudflat, cliff or seabed in or at the boundary of a marine park or marine reserve.

(Enacted 1996)

SECT 9

Prevention of nuisances

(1) No person shall within a marine park or marine reserve-

(a) wilfully or negligently deface, injure, soil or defile any notice, marker, buoy, facility or installation erected, used or maintained by the Authority;

(b) wilfully or negligently obstruct or pollute in any way any pool or body of water; or

(c) deposit any litter.

(2) No offence under subsection (1)(b) is committed by a person who makes a discharge or deposit under and in accordance with a licence under the Water Pollution Control Ordinance (Cap 358) or the Waste Disposal Ordinance (Cap 354).
(Enacted 1996)

SECT 10 Speed limit

No person shall operate a power-driven vessel at a speed exceeding 10 knots at any time inside a marine park or marine reserve.
(Enacted 1996)

SECT 11 Control of mooring and anchoring

No person shall moor or anchor a vessel in a marine park or marine reserve except under and in accordance with a permit or at mooring buoys or mooring sites provided by the Authority.
(Enacted 1996)

SECT 12 Control of hawking

No person shall within a marine park or marine reserve sell, offer or expose for sale, or let on hire, offer or expose for letting on hire, any commodity or article except under and in accordance with a permit.
(Enacted 1996)

SECT 13 Control of displaying signs

(1) No person shall, except under and in accordance with a permit, display any sign, notice, poster, banner or advertisement in a marine park or marine reserve.

(2) Where there has been a contravention of subsection (1), the Authority may remove any such sign, notice, poster, banner or advertisement.
(Enacted 1996)

SECT 14 Control of barbecuing and camping

No person shall barbecue or camp in a marine park or marine reserve except under and in accordance with a permit or at a designated site provided by the Authority for the purpose.

(Enacted 1996)

SECT 15

Control of meetings and various activities

No person shall within a marine park or marine reserve except under and in accordance with a permit-

- (a) hold any public meeting, boating or other sporting competition;
- (b) hold any event organized for the purpose of raising funds whether for charity or otherwise;
- (c) carry on any activity for the purpose of, or incidental to, any business, except where such activity is otherwise permitted under this Regulation; or
- (d) operate any power-driven model boat or aeroplane.

(Enacted 1996)

SECT 16

Prohibition or restriction of entry into or movement within marine parks and marine reserves

(1) The Authority may, if he considers it necessary in the interests of good management, prohibit or restrict the entry into, or movement within a marine park or marine reserve of any person, vehicle or vessel.

(2) A prohibition or restriction under subsection (1) shall be effected by the Authority displaying, in such prominent positions as he shall determine, notices in English and in Chinese.

(3) If, in the opinion of the Authority, the display of a notice under subsection (2) is impractical, the Authority shall effect the notification by publication of a notice in the Gazette.

(4) Where a prohibition or restriction under subsection (1) is in force in respect of a marine park or marine reserve or part thereof, no person shall, in breach of such prohibition or restriction-

- (a) enter or remain in such marine park or marine reserve or part thereof;
- (b) bring into such marine park or marine reserve or part thereof any vehicle or drive or cause to be driven any vehicle within such marine park or marine reserve or part thereof; or
- (c) bring into such marine park or marine reserve or part thereof any vessel or navigate or cause to be navigated any vessel within such marine park or marine reserve or part thereof.

(5) Where a prohibition or restriction under subsection (1) is in force in respect of a marine park or marine reserve or part thereof, any permit relating to such marine park or marine reserve or part thereof shall be suspended.

(6) Where a prohibition or restriction under subsection (1) has extended or is likely to extend, beyond a period of 4 weeks, the Authority shall publish in the Gazette a notice of the prohibition or restriction.
(Enacted 1996)

SECT 17

Permit

(1) An application for a permit under this Regulation shall be made in writing to the Authority and shall be accompanied by the appropriate fee prescribed in Schedule 4, except where a permit is to be granted free of charge.

(2) The Authority may, at his discretion, grant a permit to any person to conduct any of the activities under section 11, 12, 13(1), 14 or 15.

(3) The Authority 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. (L.N. 182 of 2002)

(4) A permit may be renewed and the fee for its renewal is prescribed in Schedule 4.

(5) Upon receipt of an application under subsection (1) and upon payment of the fee (if any), the Authority may-

- (a) grant a permit, subject to such conditions as he thinks fit; or
- (b) refuse to grant a permit.

(6) A permit shall be valid for such a period as may be stated thereon.

(7) If the Authority is satisfied that a permit has been lost, accidentally defaced or destroyed, he may issue a duplicate thereof on the application of the permit holder and upon payment of the fee prescribed in Schedule 4.
(Enacted 1996)

SECT 18

Amendment of Schedule 1

(1) When the Secretary for the Environment, Transport and Works amends Schedule 1, each special zone shall be described by reference to a plan signed by the Authority and deposited in the Land Registry. (78 of

1999 s. 7; L.N. 106 of 2002; L.N. 182 of 2002)

(2) The plan referred to in subsection (1) shall be available for inspection at the headquarters of the Agriculture, Fisheries and Conservation Department, the headquarters of the Marine Department and the Land Registry and the Authority shall supply a copy of such plan to any person upon payment of such a fee as determined by the Authority. (L.N. 331 of 1999)
(Enacted 1996)

SECT 19

Powers of inspection and seizure, etc.

(1) Where the Authority or an authorized officer has reason to believe that a person has committed an offence under this Regulation he may seize or dispose of any commodity, article, animal or plant, whether in the possession of such person or not, in respect of which the Authority or the authorized officer has reason to believe that the offence was committed.

(2) In the case of any live animal seized by the Authority or an authorized officer under the Ordinance or subsection (1) and which is impracticable by reason of its size, diet, normal habitat or for any other reasonable cause for the Authority to keep in captivity or which is likely to die or be subjected to unnecessary suffering if it is so kept, the Authority may cause the animal to be released, sold or otherwise disposed of forthwith as he thinks fit.

(3) Where any commodity, article, animal or plant has been seized under subsection (1) it shall, if perishable, be disposed of by the Authority, but otherwise shall be dealt with in accordance with section 102 of the Criminal Procedure Ordinance (Cap 221).
(Enacted 1996)

SECT 20

Furnishing false information

It is an offence for any person who is an applicant for a permit to furnish any information-

(a) which he knows or has reason to believe to be false in any material particular or misleading by reason of the omission of any material particular; or

(b) as true and accurate information without any belief in the truth or accuracy of the information furnished.
(Enacted 1996)

SECT 21

Penalties

(1) Any person who contravenes section 3(1), (2), 4(1), 5, 6, 7, 8,

9, 10, 11, 12, 13(1), 14, 15 or 16(4) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 year and, where the offence is a continuing offence, to an additional fine of \$400 for each day during which it is proved to the satisfaction of the court that the offence has continued.

(2) Any person who commits an offence under section 20 is liable on conviction to a fine at level 3.
(Enacted 1996)

SCHEDULE 1 SPECIAL ZONES

[sections 3, 5 & 18]

PART 1

SPECIAL ZONES SPECIFIED FOR THE PURPOSES OF SECTION 3(1A)(b)

Item	Special zone	Conditions
1.	Tung Ping Chau Marine Park Recreational Fishing Zone. That zone comprising (a) the tidal water between Chau Pui and Lan Kwo Shui; and (b) the tidal water between the northern end of Cham Keng Chau and Chau Mei Kok, both being edged black on the plan (Plan No. MP/TPC/RF) signed by the Authority and deposited in the Land Registry.	A person who fishes- (a) shall not fish on board a vessel; and (b) shall only fish by angling with one line and one hook.

(L.N. 182 of 2002)

PART 2

SPECIAL ZONES SPECIFIED FOR THE PURPOSES OF SECTION 5(2)

Item	Special zone	Conditions
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(L.N. 182 of 2002)
(Enacted 1996)

SCHEDULE 2 PROTECTED MARINE AND COASTAL SPECIES

[section 2]

1. Dolphins, whales and porpoises.
2. Bats.
3. Wild birds.
4. Sea turtles, terrapins, tortoises.
5. Stony corals, true corals and black corals.
6. Marine grasses.
7. Sea horses.
8. Horseshoe crabs.

(Enacted 1996)

MARINE PARKS AND MARINE RESERVES REGULATION - SCHEDULE 3
FISHING OR HUNTING DEVICES VerDate:06/30/1997

[section 4]

1. Any trawl net including stern trawl, pair trawl or shrimp trawl net.
 2. Any spear gun.
 3. Any fishing device using high voltage electric charge for the purpose of stunning fish or animals.
 4. Cha Tsai Peng (oil processing residue from tea-seeds), rotenone, phenthoate, permethrin or cyanide.
 5. Dynamite or other explosives.
- (Enacted 1996)

MARINE PARKS AND MARINE RESERVES REGULATION - SCHEDULE 4
FEES VerDate:01/19/2001

[section 17]

Section	Description	Fee
	\$	
11	Permit to moor or anchor a vessel	217
12	Permit to hawk (per year)	217
13(1)	Permit to display signs, etc.	217
14	Permit to barbecue or camp	217
15(a)	Permit to hold any public meeting, boating or other sporting competition (for each event)	217
15(b)	Permit to hold an event for raising funds (for each event)	217
15(c)	Permit to carry on an activity for business (for each event)	217
15(d)	Permit to operate any power-driven model boat or aeroplane (for each event)	217
17(3)	Permit for fishing	Nil
17(4)	Renewal of a permit- (a) permit for fishing (b) any other permit	Nil
		217
17(7)	Duplicate of a permit	87

(Enacted 1996. L.N. 474 of 1997; L.N. 350 of 2000; L.N. 31 of 2001)