

For Information

Legislative Council
Panel on Food Safety and Environmental Hygiene

Ex-gratia Allowance for Trawler Owners Affected by the Trawl Ban

Supplementary Information

We last briefed Members on this subject vide LC Paper No. CB(2)1493/12-13 dated 28 June 2013. On that occasion, we informed Members of progress made in the disbursement of ex-gratia allowance (EGA) to trawler owners affected by the trawl ban. We also notified Members of the actions taken to expand the Fishermen Claims Appeal Board (Trawl Ban) (FCAB) so that more chairmen and members could be drawn in to help share out the workload involved in handling the appeals received. The FCAB, thus expanded, comprises a pool of six chairmen and 20 members.

2. This paper provides an update of developments since the previous report.

3. By the end of November 2013, all the 1 116 applicants have received notifications on the decisions of the Inter-departmental Working Group (IWG). In total, the number of eligible larger trawler owners and inshore trawler owners determined by the IWG is 710 (involving EGA of \$106.5 million) and 269 (involving EGA of \$834.8 million) respectively. The remaining 137 applicants are determined by the IWG as being ineligible.

4. EGA amounting to \$941.3 million had been paid out from the sum approved by the Finance Committee. For larger trawler owners, about \$3.5 million remains. Insofar as inshore trawler owners are concerned, about \$355 million (or about 30% of the total amount of the

EGA due to this group) remains. These, together with the contingency amount that is available, provide room to cover possible successful appeal cases as may be determined by the FCAB.

5. By the end of November 2013, 854 appeals have been received. To ensure that the appeal cases are processed in a just, smooth, economical and expeditious manner, the FCAB has decided to conduct the hearings in stages. The first stage and the second stage will involve hearings on 32 test cases and the remaining 822 cases respectively. The FCAB will take the opportunity of the first-stage hearings on test cases to hear certain preliminary issues concerning general parameters, as well as the formula for the apportionment of EGAs. Insofar as inshore trawler owners are concerned, when all the eligibility decisions are known (i.e. when the number of eligible claimants is determined), the FCAB would require the IWG to work out the apportionment of the EGAs for individual eligible claimants.

6. For the purpose of hearing and determining an appeal, the relevant FCAB hearing session(s) will be presided by one chairman and comprise not less than four members. This will allow flexibility for other chairmen and members from the pool to join as members of the setup for the hearings on the test cases. We expect that for the subsequent hearings on the remaining cases, a setup presided by one chairman and comprising four members will be the norm.

7. The FCAB secretary has already written to the appellants on the arrangements relating to the hearings.

8. Members are invited to note the content of this paper.

Food and Health Bureau
9 January 2014