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ACE Paper 19/2023
For advice by circulation

**Proposed Consequential Amendments to
the Statement of Water Quality Objectives
(Mirs Bay Water Control Zone) (Cap. 358U)**

PURPOSE

This paper seeks Members' advice on the proposed consequential amendments to the Statement of Water Quality Objectives (Mirs Bay Water Control Zone) (Cap. 358U) ("the Cap. 358U Statement") to reflect the proposed designation of three new Fish Culture Zones ("FCZs") by the Agriculture, Fisheries and Conservation Department ("AFCD") under the Fish Culture Zone (Designation) (Amendment) Order (Cap. 353B) ("the AFCD's Order").

BACKGROUND

2. The Cap. 358U Statement is a subsidiary legislation to the Water Pollution Control Ordinance (Cap. 358) ("WPCO"). It sets out the WQOs for the MBWCZ as applicable to, amongst others, FCZs therein (also known as "Fish Cultural Subzones"), which are defined by reference to maps (viz. "the area delineated as such on maps MBWCZ 1, MBWCZ 2 and MBWCZ 3" (and mentioned as such on MBWCZ 4 and MBWCZ 5) signed off by the then Secretary for Planning, Environment and Lands on 23 November 1990 as extracted at **Annex 1**).

3. As pledged in the 2018 Policy Address¹, AFCD has been planning to designate four new FCZs at (a) Wong Chuk Kok Hoi, (b) Mirs Bay, (c) Outer Tap Mun and (d) Po Toi (Southeast) under the AFCD's Order to create room for growth of the fisheries sector. To take forward the exercise, the Advisory Council on the Environment ("ACE") has already been consulted on the proposed designation of the four new FCZs at its Environmental Impact Assessment ("EIA") Subcommittee Meeting on 13 February 2023 (see ACE-EIA Paper 1/2023).

¹ Paragraph 146 of the 2018 Policy Address reads: "... We will recommend designating new fish culture zones at suitable locations, as well as resuming issuance of new marine fish culture licences, with a view to facilitating the change in mode of operation and sustainable development of the fisheries sector."

4. Pursuant to section 5(1) and section 5(3) of the WPCO, the Secretary for Environment and Ecology shall, after consultation with ACE, establish WQOs for different parts of a water control zone and amend any WQO from time to time. Since three of the new FCZs as mentioned in paragraph 3 of this paper (i.e. Wong Chuk Kok Hoi, Mirs Bay and Outer Tap Mun) have fallen within the MBWCZ, consequential amendments to the Cap. 358U Statement are required.

PROPOSED CONSEQUENTIAL AMENDMENTS

5. Having considered various ways to give effect to the designation of the new FCZs under the Cap. 358U Statement, we propose to designate the FCZs by cross-referencing the AFCD's Order and removing all references to FCZs through the promulgation of a new set of maps to be signed off by the Secretary for Environment and Ecology.

6. The proposed designation of "Fish Culture Subzone" in the Cap. 358U Statement once-and-for-all may cater for changes of FCZs in future phases as proposed by AFCD. Besides, the Cap. 358U Statement is the only remaining subsidiary legislation associated with water control zones which has yet to unpeg with maps in defining "Fish Culture Subzone". Adopting the proposed consequential amendments will align such definition with that enshrined in the other subsidiary legislation to the WPCO, such as the Southern Water Control Zone Statement of Water Quality Objectives (Cap. 358I).

7. The proposed consequential amendments will not affect the parameters of WQOs of the FCZs in MBWCZ as specified in the Cap. 358U Statement. A comparison of the concerned parameters of WQOs between general marine waters and FCZs under MBWCZ is illustrated at **Annex 2** for general reference.

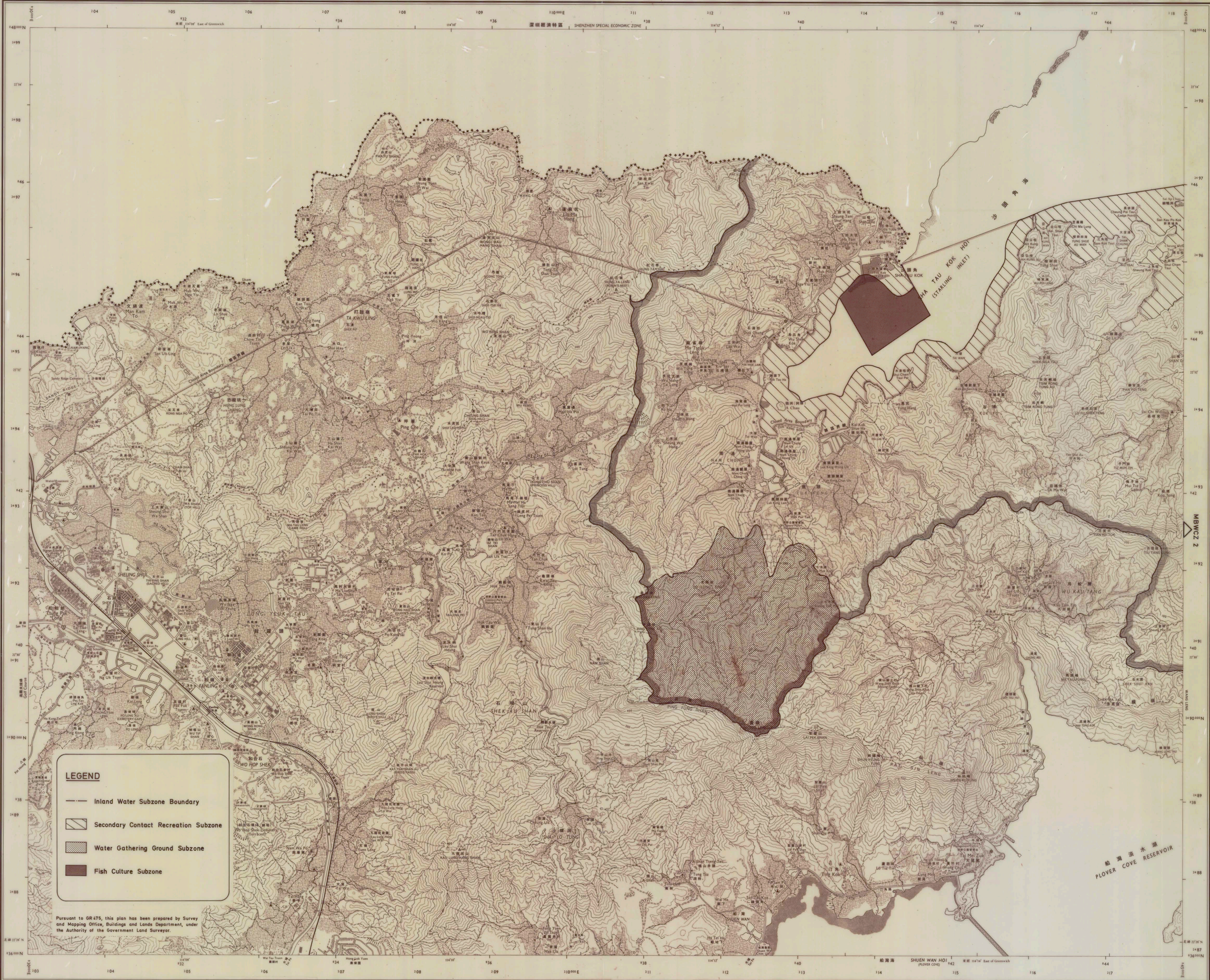
IMPLEMENTATION PROGRAMME

8. We target to table the consequential amendments to the Cap. 358U Statement before the Legislative Council for negative vetting on 25 October 2023, with a view to taking effect on 13 December 2023.

ADVICE SOUGHT

9. Members are invited to offer views on the proposed consequential amendments to the Cap. 358U Statement as set out in paragraphs 5 to 7 above.

Environmental Protection Department
September 2023



LEGEND

- Inland Water Subzone Boundary
- ▨ Secondary Contact Recreation Subzone
- ▤ Water Gathering Ground Subzone
- Fish Culture Subzone

Pursuant to OR 475, this plan has been prepared by Survey and Mapping Office, Buildings and Lands Department, under the Authority of the Government Land Surveyor.

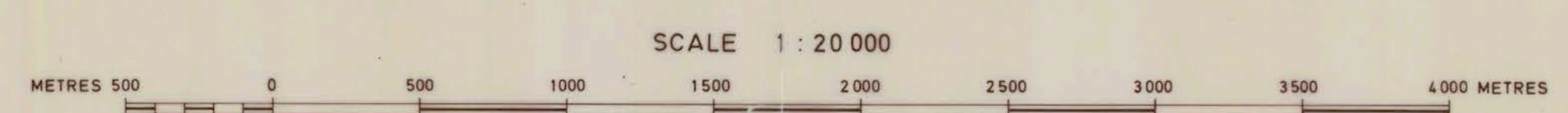
THE AREA EDGED GREY ON MAP IS DESIGNATED AS A WATER CONTROL ZONE UNDER SECTION 4(1)(a) OF THE WATER POLLUTION CONTROL ORDINANCE CAP. 358.

— DELINEATION OF INLAND WATER SUBZONES UNDER SECTION 5(5) OF THE ABOVE ORDINANCE

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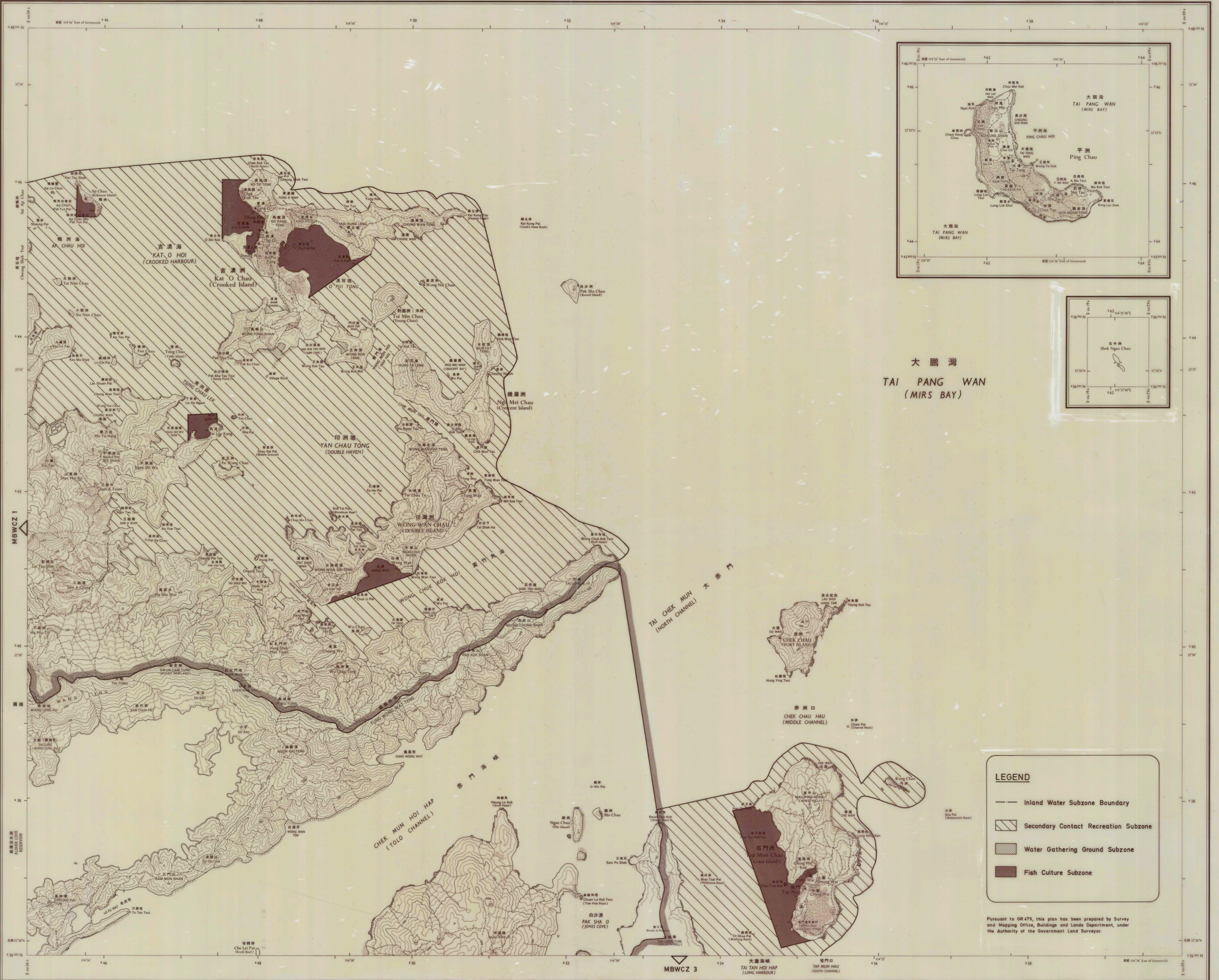
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MIRS BAY WATER CONTROL ZONE
DELINEATION OF ZONE AND SUBZONES



WATER CONTROL ZONE
MBWCZ 1

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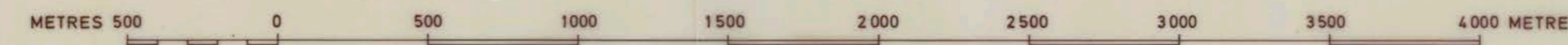
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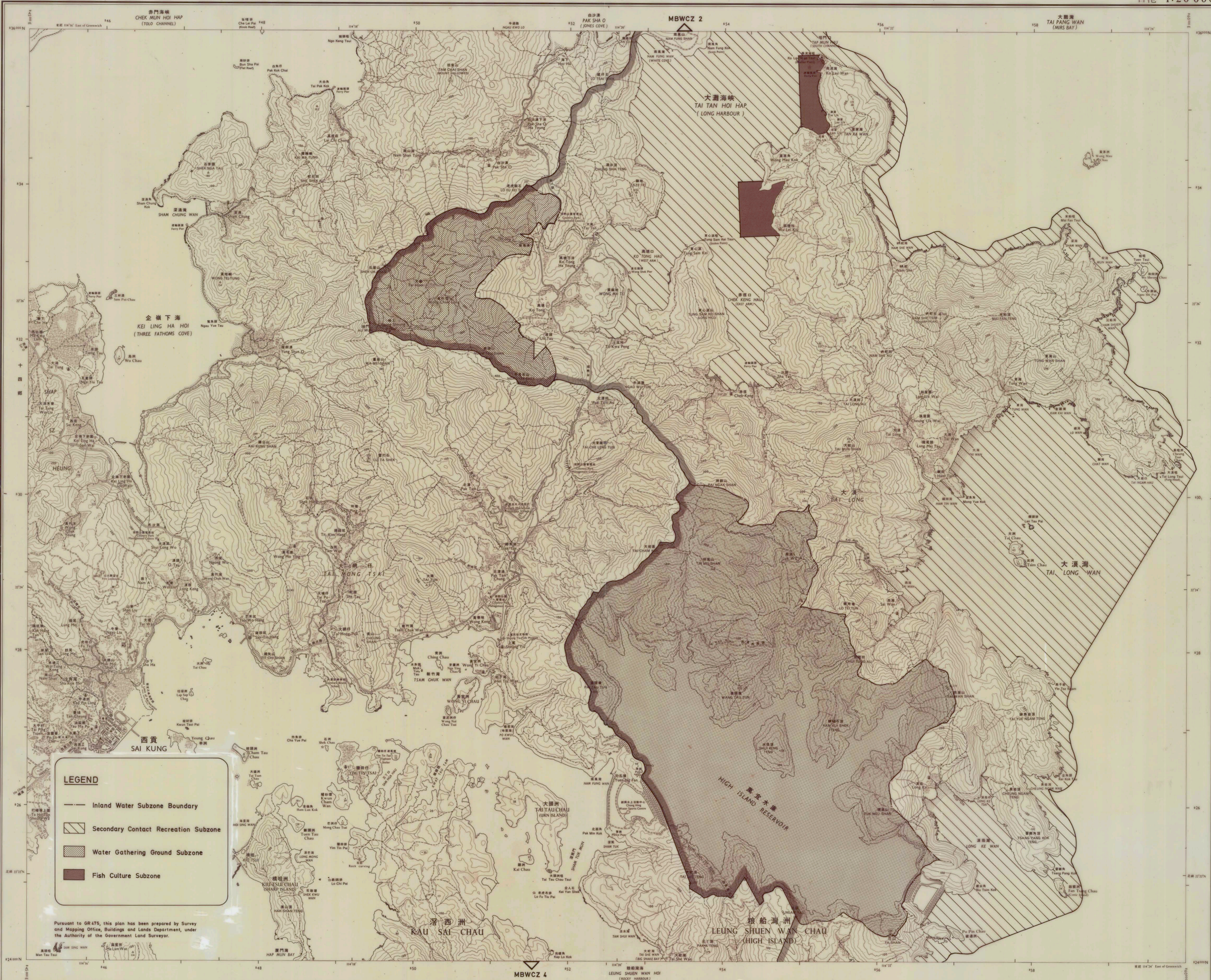
MIRS BAY WATER CONTROL ZONE
DELINEATION OF ZONE AND SUBZONES

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WATER CONTROL ZONE
MBWCZ 2

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LEGEND

- Inland Water Subzone Boundary
- ▨ Secondary Contact Recreation Subzone
- ▩ Water Gathering Ground Subzone
- Fish Culture Subzone

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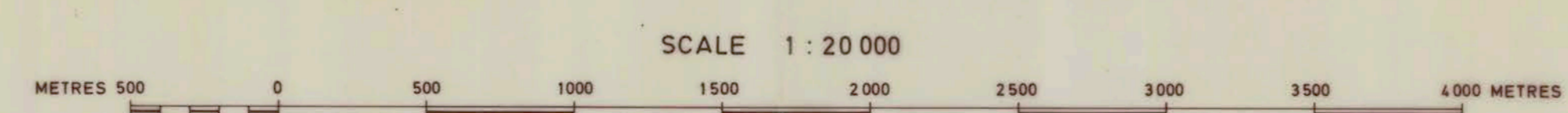
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MIRS BAY WATER CONTROL ZONE
DELINEATION OF ZONE AND SUBZONES



WATER CONTROL ZONE
MBWCZ 3

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LEGEND

- Inland Water Subzone Boundary
- ▨ Secondary Contact Recreation Subzone
- ▩ Water Gathering Ground Subzone
- Fish Culture Subzone

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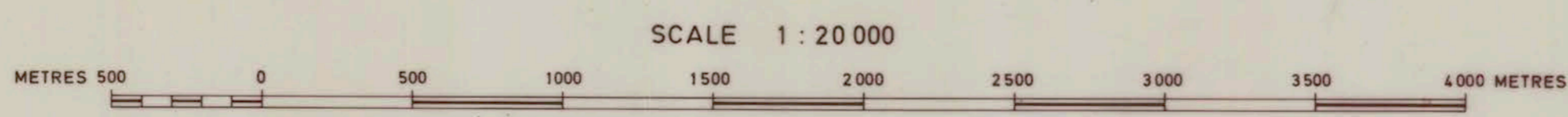
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MIRS BAY WATER CONTROL ZONE
 DELINEATION OF ZONE AND SUBZONES



WATER CONTROL ZONE
MBWCZ 5

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**Comparison of Parameters of Water Quality Objectives (WQOs) between
General Marine Waters and Fish Culture Subzones under Mirs Bay Water Control Zone**

*[extract from the Schedule to the
Statement of Water Quality Objectives (Mirs Bay Water Control Zone) (Cap. 358U)]*

Parameters of WQOs	General Marine Waters	Fish Culture Subzones
Dissolved Oxygen	Waste discharges shall not cause the level of dissolved oxygen to fall below 4 milligrams per litre for 90% of the sampling occasions during the year; values should be calculated as water column average (arithmetic mean of at least 3 measurements at 1 metre below surface, mid-depth and 1 metre above seabed). In addition, the concentration of dissolved oxygen should not be less than 2 milligrams per litre within 2 metres of the seabed for 90% of the sampling occasions during the year.	The dissolved oxygen level should not be less than 5 milligrams per litre for 90% of the sampling occasions during the year; values should be calculated as water column average (arithmetic mean of at least 3 measurements at 1 metre below surface, mid-depth and 1 metre above seabed). In addition, the concentration of dissolved oxygen should not be less than 2 milligrams per litre within 2 metres of the seabed for 90% of the sampling occasions during the year.
Bacteria	No requirement	The level of <i>Escherichia coli</i> should not exceed 610 per 100 mL, calculated as the geometric mean of all samples collected in one calendar year.