



Draft Terms of Reference
Fisheries Enhancement Fund Management Committee
Pursuant to Condition 2.13 in EIAO Permit Number EP (EP-489/2014)
21 March 2016

Preamble

1. The Committee shall be known as the Fisheries Enhancement Fund Management Committee (FEF-MC).
2. The FEF-MC is established by the Airport Authority Hong Kong (AAHK) in accordance with Condition 2.13 of Environmental Permit No. EP-489/2014 issued to AAHK on 7th November 2014.
3. The approved EIA for the Project is Register Number AEIAR-185/2014 entitled: Expansion of Hong Kong International Airport into a Three-Runway System.

The outline for the Terms of Reference of the FEF-MC is as follows:

FEF-MC Mission

The mission clarifies the overarching FEF-MC long term goal(s) and duration/life span and is as follows:

The mission of the FEF-MC is to administer the Fisheries Enhancement Fund during the Construction and Operation Phases of the 3RS for the successful implementation of the Fisheries Management Plan (FMP) to promote fisheries industry in a long-term and sustainable manner.

FEF-MC Objectives

- To advise on and monitor the effectiveness of the proposed enhancement measures of the Project according to the approved Fisheries Management Plan (FMP) and EIA report; and
- To make recommendations on funding applications that meet the fund objectives and approve the applications that are within the budgeted Annual Allocation.

FEF-MC Organizational Structure

The FEF-MC is required to provide oversight of the implementation of FMP and its components, namely:

- Support measures that help to achieve sustainable management and enhancement of fisheries resources;

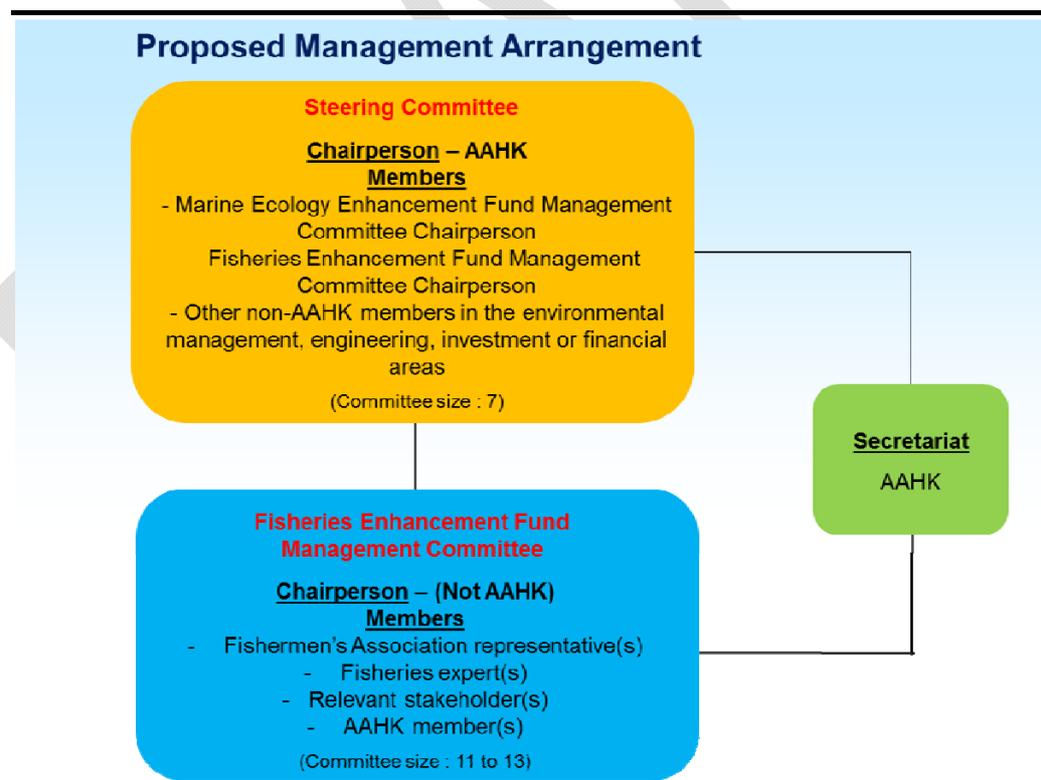


- Support and enhance on-going fisheries operations in a sustainable manner;
- Support measures that assist in shifting fisheries operations; and
- Support the promotion and enhancement of fisheries related business opportunities.

The suggested organization is presented in *Figure C1*.

It is important to note that the Steering Committee will provide overall directional guidance / policies for the fund operation to enable sufficient resources will remain available for the fund to meet its objectives in a long-term and sustainable manner covering the FEF-MC, as well as that of the Marine Ecology Enhancement Fund Management Committee (MEEF-MC) (discussed in a separate submission). The Steering Committee will not override a decision of the FEF-MC and will not undermine the role of the FEF-MC.

Figure C1 *Proposed Structure of the FEF-MC*



FEF-MC Membership

It is suggested that the membership reflects the four broad themes that will comprise the FMP. The FEF-MC will provide balanced views on on-going fisheries operation and sustainable management and enhancement of fisheries





resources. The committee will comprise of 11 to 13 members (including the Chairperson), including Fishermen's Association representative(s), Fisheries Expert(s), Relevant Stakeholder(s) (including, but not limited to, community leaders, people having expertise/ experience in managing similar funds, academic(s) and green group representative(s)) and up to 2 representatives nominated by AAHK.

Appointment Procedure

The Secretariat of the FEF-MC will compile a list of potential candidates including, but not limited to, any member of any consultative and advisory committee of the AFCD to be the Chairperson and members of the FEF-MC that satisfy the composition stated above.

The Secretariat will invite the potential candidate(s) to be Chairperson or member(s) of the FEF-MC.

The Secretariat will appoint the candidate(s) to be Chairperson or member(s) of the FEF-MC upon their acceptance. If potential candidate(s) declined the invitation, the Secretariat will propose alternative candidate(s) to ensure that the FEF-MC would meet the composition requirements stated above.

Each member of the FEF-MC will be appointed for a fixed term of 3 years, unless otherwise agreed with that member.

The AAHK Role

Whilst it is envisaged that AAHK will not Chair the FEF-MC, it will provide membership. As the core focus areas of the FEF-MC are sustainable fisheries industry and community benefits, it is suggested that there will be up to 2 representatives nominated by AAHK on the Committee, which may include the associated specialist / environmental consultant(s).

FEF-MC Operating Mandate

The operational procedures for the effective functioning of the FEF-MC include confirming the following:

Frequency of review submissions and meetings

The FEF-MC will review and advise on submissions related specifically to the FMP. Although there is expected to be one broad plan to kick-off the FMP implementation it is expected that the FMP will in reality consist of a series of submissions under each of the four themes.

The appropriate frequency of meetings will be based on projected submissions that relate to the FMP. The initial suggestion is for half-yearly meetings.





Secretariat Structure, Role & Responsibilities

AAHK will provide secretarial services (or will procure the provision of secretarial services by an external third party) to the FEF to facilitate the functions of the Steering Committee and the FEF-MC.

The Secretariat will:

- be responsible for the preparation of meeting notices, agendas, meeting translation and minute taking;
- collate progress reports / final reports submitted by funded projects, as well as the summary of total applications received, successful applications, ongoing projects and completed projects in a year for review and reference by the Steering Committee and the FEF-MC; and
- work with the AAHK and the Chairperson of the FEF-MC to ensure proper expertise is present at relevant meetings.

Deliverables of the FEF-MC

The Secretariat (AAHK or third party consultant appointed by AAHK) will be responsible for the outputs of the committee which will be scheduled on an 'as needed basis' depending on the workload of the committee and these are provisionally identified as follows:

- Briefing papers
- Agendas
- Presentations
- Meeting minutes – list of actions, review outputs
- Comments on submissions
- Materials for upload to dedicated website, if any

Initial half-yearly progress reports matching with the schedule of the FEF-MC meetings will be prepared by the Secretariat for consideration of the committee. The reports will include updates of the implementation and management of the FMP, monitoring and audit of the FMP and findings of any studies carried out under the FMP.

FEF-MC Implementation / Operation guidelines





To maintain the effective functioning of the committee, guidance notes will be produced for the committee's reference (*Annex 1*).

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Annex 1
Guidance Notes for the Functioning of the Fisheries Enhancement Fund
Management Committee

Introduction

- Mission
- Objectives
- Membership

Make reference to the Terms of Reference for the committee.

Committee Procedure

In order to advise on the effectiveness of enhancement measures contained in the EIA and the FMP, the FEF-MC will need to be fully informed of what measures are contained within the EIA and related documentation. Upon joining the FEF-MC each member shall receive soft copies of the following documentation:

- The approved EIA Report for the Project;
- The approved EM&A Manual for the Project;
- The Fisheries Management Plan;
- Further information submitted under section 8(1) of the EIA Ordinance consisting of Responses to EIASC Members Questions, Supplementary Information in response to 11th August 2014 EIASC Meeting, Supplementary Information in response to 13th August 2014 EIASC Meeting, Supplementary Information in response to 18th August 2014 EIASC Meeting, Supplementary Information submitted before 15th September 2014 ACE Meeting and Presentation material presented at the 15th September 2014 ACE Meeting;
- The 7th November 2014 letter (with attachments) to AAHK from the EPD (Ref No: (1) in EP2/G/B/162 Pt 15) known as “the Director’s Letter” approving the project EIA; and
- The 7th November 2014 Environmental Permit No. EP-489/2014 for the Project.

Committee Members Code of Conduct





A code of conduct guideline will be prepared and agreed on by the FEF-MC covering:

- Status of membership – voluntary with reimbursement of incidental costs;
- Role and function – review and comment obligations;
- Duration of membership;
- Obligations - internal and external, e.g., confidentiality, media relations etc.;
- Lines of communication; and
- Resignation procedure (notice etc.).

Inaugural meeting to establish the FEF-MC

The FEF-MC will be established by holding an inaugural meeting with the following carried out:

- The Terms of Reference will be reviewed and agreed;
- Frequency of Committee meetings and dates discussed;
- The Guidance Notes for the functioning of the committee will be reviewed and agreed and include:
 - Procedures for providing comment on submissions will be discussed; and
 - The overall project scope and programme will be reviewed and Project knowledge and expectations leveled through the Secretariat.

