

**For discussion on
22 November 2004**

Legislative Council Panel on Environmental Affairs

New Nature Conservation Policy

PURPOSE

This paper briefs Members on the new nature conservation policy and the related implementation programme.

BACKGROUND

Existing Situation

2. Our existing nature conservation policy seeks to conserve and enhance the natural environment by protecting existing conservation areas, identifying areas of high ecological importance for conservation, and compensating for areas which merit conservation but are inevitably lost to essential development projects. We have so far designated 23 Country Parks, 15 Special Areas (11 of them are within Country Parks) with a total area of about 41 600 hectares, and four Marine Parks and one Marine Reserve. Another 6 600 hectares of Hong Kong's land are subject to stringent planning and development controls under conservation zonings on statutory town plans including Site of Special Scientific Interest (SSSI), Conservation Area (CA) and Coastal Protection Area (CPA). In total, about 43% of Hong Kong's land area is under statutory protection. Establishment of these protected areas and other conservation efforts (including implementation of conservation plans for specific species) have contributed to the maintenance of a rich biodiversity in Hong Kong. Hong Kong compares favourably with many other places with similar economic development in terms of both the share of protected areas and biodiversity.

3. However, from time to time, there are debates on whether a site should be conserved especially when the nature conservation objective conflicts with development proposals. There are also criticisms about the inadequacy of the existing measures in conserving ecologically important sites under private ownership. We therefore reviewed the existing nature conservation policy and measures in 2003 with the objective of identifying practicable ways to better

achieve the nature conservation objectives, in particular to enhance the conservation of ecologically important sites which are in private ownership.

Public Consultation

4. After reviewing the existing nature conservation policy and measures, we consulted the public from July to October 2003 on –

- (a) introduction of a scoring system for assessing the relative ecological importance of sites with the objective of reaching a consensus within the community on the priority sites for enhanced conservation; and
- (b) practicable ways to better conserve ecologically important sites under private ownership within limited resources. In this regard, we stated in the public consultation document that the management agreement and public-private partnership (PPP) options were more practicable and hence should be further examined.

5. We received a total of 156 written submissions and attended a number of meetings during the public consultation. Most respondents supported the need to protect the natural environment and called for increased efforts in conserving our natural heritage. Among the written submissions on the improvement proposals of the scoring system, management agreements and PPP, 50% or above agreed with the proposals. The feedbacks are analysed in Table 1 below. While supporting the proposed scoring system, some respondents raised questions about the individual criteria and the weightings that should be attached to them. Some expressed concern over how the two improvement proposals would be implemented.

Table 1

Improvement Proposals No. of Submissions	Scoring System	Management Agreements	PPP
Support	58 (61.1%)	37 (50%)	53 (68.8%)
Object	8 (8.4%)	7 (9.5%)	5 (6.5%)
No clear indication of support or not	29 (30.5%)	30 (40.5%)	19 (24.7%)
Total	95 (100%)	74 (100%)	77 (100%)

6. About 40% of the submissions commented on the improvement options that we stated in the public consultation document as impracticable, viz. land resumption, land exchange, tightening of the existing measures relating to conservation zonings on town plans, off-site mitigation and transfer of development rights. Nearly 90% of them considered that the Government should retain these options though a few agreed that land resumption was not a sustainable option in view of its huge financial implications. Some respondents also commented on the policy statement, scope of the review and the institutional set-up, and highlighted the need for inter-bureaux/departmental efforts in pursuing nature conservation initiatives. Establishment of a conservation trust was also proposed by many respondents as a way to sustain nature conservation efforts.

7. A report summarising the major comments received is at **Annex A**.

NEW NATURE CONSERVATION POLICY AND IMPLEMENTATION PROGRAMME

8. Taking account of the comments received, we have drawn up a more comprehensive nature conservation policy under which –

- (a) a new policy statement is promulgated to set out the vision and policy objectives in clearer terms;
- (b) a scoring system is adopted for assessing, in a more objective and systematic manner, the relative ecological importance of sites with the objective of drawing up a list of priority sites, which cannot be effectively protected with the existing conservation measures, for enhanced conservation;
- (c) the improvement proposals of management agreements with landowners (management agreements) and PPP will be adopted to enhance conservation of the priority sites identified under (b) above, and a pilot scheme will first be implemented to evaluate the two new measures;
- (d) the existing nature conservation measures, including designation of country parks, special areas, marine parks, marine reserves and conservation zonings, and implementation of conservation plans on important habitats and species will continue and be enhanced where appropriate;

- (e) the existing Wetland Advisory Committee (WAC) will be converted into a conservation sub-committee of the Advisory Council on the Environment (ACE) with effect from 1 January 2005;
- (f) public education and publicity on the importance of conserving biological diversity, and conservation awareness among government departments will be strengthened; and
- (g) the establishment of a nature conservation trust to sustain conservation efforts will be explored.

Details are set out in the ensuing paragraphs.

New Policy Statement

9. The existing conservation policy statement was promulgated in the Second Review of the 1989 White Paper on “Pollution in Hong Kong – A Time to Act” published in 1993 –

“In simple terms, it seeks to conserve and enhance our natural environment by protecting existing conservation areas and heritage features¹, by identifying new areas for such conservation, and by compensating for areas which merit conservation but which are inevitably lost to essential development projects.”

10. To promote public understanding of the policy including the need to take into account the social and economic costs and benefits arising from implementation of a nature conservation initiative, and to garner public support, we see a need to elaborate on the policy statement by setting out the vision and objectives in clearer terms. Drawing reference from the Convention on Biological Diversity, we have revised the policy statement to –

“Our nature conservation policy is to regulate, protect and manage natural resources that are important for the conservation of biological diversity of Hong Kong in a sustainable manner, taking into account social and economic considerations, for the benefit and enjoyment of the present and future generations of the community. The policy objectives are –

¹ The protection of cultural heritage is under the policy portfolio of the Home Affairs Bureau and excluded from this exercise.

- (a) to identify and monitor the important components of biological diversity;
- (b) to identify, designate and manage a representative system of protected areas for the conservation of biological diversity;
- (c) to promote the protection of ecosystems and important habitats, and the maintenance of viable populations of species in natural surroundings;
- (d) to identify, monitor and assess activities that may have adverse impacts on biological diversity and to mitigate such impacts;
- (e) to rehabilitate degraded ecosystems and promote the recovery of threatened species where practicable;
- (f) to promote the protection and sustainable use of natural resources that are important for the conservation of biological diversity;
- (g) to provide opportunities for people to appreciate the natural environment;
- (h) to promote public awareness of nature conservation;
- (i) to collaborate with the private sector including the business community, non-governmental organisations and the academia to promote nature conservation, and to conduct research and surveys as well as to manage ecologically important sites for such purpose; and
- (j) to co-operate with and participate in regional and international efforts in nature conservation.”

Identification of Priority Sites for Enhanced Conservation through Scoring System

11. A scoring system is essential to the assessment of the relative ecological importance of different sites in a more objective and systematic manner and facilitates the identification of priority sites for attention. During the public consultation, there were diverse views on the proposed scoring system including the criteria and their weightings. We have therefore convened an Expert Group²

² The Expert Group comprises key academics with expertise in ecology and major green/interest groups including the World Wide Fund for the Nature, Conservancy Association, Friends of the Earth, Green Power and Kadoorie Farm and Botanic Garden. The Chairman of ACE was the moderator of the meetings.

involving prominent ecological experts and major green groups to discuss and revise the scoring system solely based on ecological principles in the first instance. Following that, the Expert Group has discussed and agreed, based on the agreed scoring system at **Annex B** and existing available ecological information, the list of priority sites at **Annex C** for enhanced conservation. Information profiles of these sites including the scoring under each criterion are available at the webpages of the Environment, Transport and Works Bureau (ETWB) and the Agriculture, Fisheries and Conservation Department (AFCD).

12. When more or new ecological information becomes available in the future, we will consult the Expert Group on whether additional sites should be included in the priority list by making reference to the assessment based on the scoring system and sites on the current list. Public criticisms or concerns about the inclusion or exclusion of any site from the priority list will be referred to the conservation authority, i.e. AFCD, which will consult the Expert Group and ACE, and make changes as appropriate.

13. The scoring system is not designed to measure the absolute ecological value of a site. It is drawn up for assessing the relative ecological importance of sites that cannot be protected effectively under the existing system so as to facilitate the allocation of the Government's limited resources to the most deserving sites. It is inappropriate to set any "passing mark" below which a site would be classified as having no ecological and hence conservation value. Application of the scoring system will not change the uses/developments allowable at the sites concerned according to their respective land use zonings and land leases. The scoring system should also not be used for purposes other than what it is designed for. For example, it should not be adopted in the existing town planning system or the Environmental Impact Assessment process to assess the ecological value of a site.

Implementation of Management Agreements and PPP

14. We have reviewed the improvement options mentioned in the consultation document released in 2003 in the light of the comments received. In view of the financial and land resource implications, and the implementation complexities and difficulties involved, we still consider that the land resumption, land exchange, and off-site mitigation options are impracticable. Since the sites concerned are mainly held under agricultural leases under which the landowners are not entitled to any development rights, the option of transferring development rights is not applicable either. Keeping these options open may raise false hopes among the landowners

concerned and impede the implementation of the two more practicable improvement options, viz. management agreements and PPP. To better evaluate the effectiveness of these two options, we will conduct a pilot scheme first. As regards the option of tightening the existing measures relating to conservation zonings on town plans, we agree that it should be retained and further tried out. We will discuss this in greater detail in paragraph 25 below.

Management Agreements

15. Under this new measure, non-governmental organisations (NGOs) may apply for funding from the Government for entering into management agreements with the landowners. The NGOs will provide the landowners with financial incentives in exchange for management rights over their land or their co-operation in enhancing conservation of the sites concerned. For example, the NGOs may employ a landowner to implement measures to enhance the ecological value of his land or the NGOs may jointly organise revenue-generating activities (e.g. eco-tours) with landowners and share the income with them on the condition that the ecological value of the land will be conserved or enhanced. We have sought the Environment and Conservation Fund (ECF) Committee's agreement to allocate \$5 million from ECF³ for implementation of pilot management agreement projects. NGOs, including green groups, educational institutions and community organisations, may submit funding applications for implementing pilot management agreement projects for the sites at Annex C during the period from 1 December 2004 to 31 May 2005. All applications received will firstly be vetted by ETWB/AFCD in consultation with other relevant departments and ACE (or its subcommittee) where appropriate. The recommendations will then be submitted to the ECF Committee for endorsement.

16. In examining an application, due consideration will be given to –

- (a) the benefits that the proposed project will bring to the efforts in enhancing the conservation of the site concerned and in better achieving the nature conservation objective;

- (b) the sustainability of the proposed project including its resource implications,

³ ECF was established in 1994 under the ECF Ordinance, under which the Secretary for the Environment, Transport and Works, being the trustee, shall hold the fund and apply it in such manner and to such extent as the ECF Committee may advise for the purposes of funding educational, research and other projects and activities in relation to environmental and conservation matters.

participation of the landowner and local community, the nature and enforceability of the management agreement concerned;

- (c) whether the proposed budget is reasonable and realistic, and whether the project is cost effective; and
- (d) the technical and project management capability, and track record of the applicant. In this regard, NGOs may seek assistance or support from other relevant professional bodies where necessary.

The Guide to Application setting out the detailed funding criteria and the monitoring and budgetary control mechanism endorsed by the ECF Committee is available in ETWB/AFCD offices and district offices, and at the webpages of ETWB and AFCD. It is drawn up by making reference to those currently adopted for ECF projects and taking into account the need to allow more flexibility so as to make the pilot scheme more attractive. The support and capability of NGOs as well as cooperation of the landowners are vital to the success of this new measure. The pilot scheme is drawn up for evaluating how well the new measure is implemented and received by the stakeholders.

PPP

17. Under this new measure, developments at an agreed scale will be allowed at the less ecologically sensitive portion of a site provided that the developer undertakes to conserve and manage the rest of the site that is ecologically more sensitive on a long-term basis. In order to provide potential proponents with the required flexibility, proposals involving non in-situ land exchange for development with full justifications may also be considered, but they have to be examined and approved by the Executive Council on a case-by-case basis.

18. The practicability of this option will very much depend on the private sector's initiative to submit proposals and support of the key stakeholders including green groups and the landowners. Whether a particular proposal is feasible and sustainable has to be examined on its own merits. In the light of the complexities and uncertainties involved, we will proceed with a few pilot projects first.

19. We will allow six months (from 1 December 2004 to 31 May 2005) for submission of PPP proposals for the sites at Annex C. An Inter-departmental Task Force to be chaired by ETWB and comprising representatives from other relevant

bureaux/departments will be set up to examine the submissions with a view to identifying the pilot projects as well as facilitating and overseeing their early implementation. ACE (or its subcommittee) will be consulted on the Task Force's recommendations. Each selected PPP pilot project will be submitted to the Executive Council for approval. Sub-group(s) involving the relevant departments will be set up under the Task Force to oversee the implementation of individual pilot projects.

20. In identifying PPP proposals that are worth supporting under the pilot scheme, due consideration will be given to the following factors –

- (a) the net benefits that a proposal will bring in enhancing the conservation of the site concerned and in better achieving the nature conservation objectives. The possible environmental impacts arising from the proposed development will be taken into account;
- (b) the sustainability of a proposal, in particular the proponent's commitment to the long-term conservation of the site and its reliability and enforceability of the terms, etc.;
- (c) the capability and track record of the proponent;
- (d) the readiness of a proposal for implementation including its comprehensiveness, complexities and sensitivity, e.g. land issue involved; and
- (e) resource implications for the Government.

21. To implement a selected PPP pilot project, the proponent will still be required to fulfill the statutory requirements including application for change of land use zoning or application for planning permission where appropriate in accordance with the Town Planning Ordinance, and application for an environmental permit under the Environmental Impact Assessment Ordinance (EIAO) where the proposed development involves designated projects as defined in the Ordinance. With the necessary planning approvals and agreement of the parameters for the proposed development, the proponent will also need to obtain approval from the Lands Department for the necessary land exchange or lease modification where appropriate. The Inter-departmental Task Force will examine ways to streamline the process as far as possible.

Review

22. A review on the implementation of management agreements and PPP, including the approval process, the monitoring mechanism and above all, their effectiveness in enhancing conservation of the sites concerned, will be conducted in two to three years' time, depending on the commencement dates and duration of the pilot projects. Based on the experience gained from the pilot projects, we will review the implementation framework and decide on the way forward, having regard to, among others, the resources available.

Enhancement of Existing Conservation Measures

23. The policy review has confirmed the effectiveness of the existing conservation measures. In the light of the comments received during the public consultation, we will continue to pursue the existing conservation tools, including designation of country parks, special areas, marine parks, marine reserves and conservation zonings, and implementation of conservation plans for important habitats and species. In addition, we will continue to actively participate in the global efforts in conservation of biodiversity and to fulfill the obligations under the following conservation-related international conventions that have been extended to Hong Kong –

- (a) the Convention on International Trade in Endangered Species of Wild Fauna and Flora that aims to protect endangered species from over-exploitation by regulating international trade;
- (b) the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat (i.e. the Ramsar Convention) that provides for the conservation and wise use of wetlands. We have listed the Mai Po and Inner Deep Bay as a Ramsar Site under the Convention since 1995; and
- (c) the Convention on the Conservation of Migratory Species of Wild Animals that provides for the protection of migratory species by conserving and restoring their habitats.

We have also obtained the Central People's Government's agreement in principle to extend the Convention on Biological Diversity and the Cartagena Protocol on Biosafety to Hong Kong. We are working on the new legislation for the implementation of the Protocol requirements on the control over trans-boundary

movement of living modified organisms and aim to extend the Convention and the Protocol to Hong Kong in 2005-06 after completing all the necessary preparatory work.

24. AFCD is conducting ecological surveys and is working towards establishing a comprehensive ecological database for Hong Kong by 2005. AFCD is also reviewing sites that have been identified as having conservation value by previous studies such as the Biodiversity Survey conducted by the University of Hong Kong in 1996-97 with a view to identifying appropriate measures to protect the sites under the existing system. Working group meetings involving experts from local organisations and tertiary institutions are being convened by AFCD to review its assessment on species rarity and site protection, and to develop conservation plans for rare species. Information about the conservation value of different sites will be made available to other government departments and the public as appropriate for the purposes of facilitating land use and development planning when the ecological database is established.

25. In addition, we have re-visited the option of tightening the existing measures related to conservation zonings on town plans. Taking into account the public comments received, we agree that this option may also strengthen the protection of ecologically important sites including those under private ownership. AFCD will review the existing land use zonings of ecologically important sites to see whether there is scope (e.g. removing incompatible land uses set out in Columns 1 or 2 of the town plans concerned) for reviewing the permitted uses under the zonings so as to better conserve the sites.

Strengthening ACE's Advisory Role in Nature Conservation

26. Apart from ACE, there have been three advisory committees dealing with nature conservation issues, viz. the Country and Marine Parks Board, the Endangered Species Advisory Committee and WAC. The former two are statutory bodies with specific functions stipulated under the respective ordinances, whereas WAC is a non-statutory committee formed to advise AFCD on matters concerning the implementation of the Ramsar Convention, the management of the Mai Po Inner Deep Bay Ramsar Site and other matters relating to wetland conservation.

27. ACE is the major government advisory committee on environmental issues including those relating to nature conservation. At present, two subcommittees, viz. the EIA Subcommittee and Waste Subcommittee, are set up to assist the

Council in dealing with EIA (in particular EIA reports submitted under the EIAO) and waste issues respectively. To enhance ACE's advisory role in nature conservation and further streamline the existing advisory structure, we will subsume WAC under ACE to become its nature conservation subcommittee with effect from its new term commencing on 1 January 2005. Like the current Waste Subcommittee, the Nature Conservation Subcommittee will comprise ACE members and co-opted members to be appointed by the Secretary for the Environment, Transport and Works.

Conservation Education and Publicity

28. Over the years, we have been focusing our education and publicity efforts mainly on the recreational value of the sites with conservation value such as country parks. To tie in with our new policy statement, we consider that public education and publicity on the importance and significance of conserving biological diversity, and the correct attitude towards wildlife should be enhanced.

29. In addition, subjects falling within the purview of other bureaux/departments, such as rural land use planning and management, may have a direct impact on conservation of our natural heritage. Their support and cooperation are important in our pursuit of the nature conservation objectives. We will work closely with NGOs in enhancing conservation education for the public, and will also work together with the relevant bureaux/departments to raise their nature conservation awareness.

Conservation Trust

30. Establishment of a nature conservation trust can facilitate pooling of funds from all sectors including donations from individuals and private companies for protection and conservation of the natural heritage of Hong Kong. It will provide an alternative source of funding to sustain the nature conservation efforts. Although sustainability and cost-effectiveness of the fund would be issues of concern, we consider that the idea is worth further examination. Establishment of a trust by the developer to finance the long-term management of the conserved site under the PPP option is one possibility. Its feasibility can be further explored when the pilot PPP projects are implemented.

FINANCIAL, CIVIL SERVICE, ECONOMIC, ENVIRONMENTAL AND SUSTAINABILITY IMPLICATIONS

Financial and Civil Service Implications

31. A sum of \$5 million has been allocated from the ECF for implementing the pilot scheme for the management agreement option. We will take into account the experience gained from the pilot projects and the resources available in determining the way forward for the long term. Implementation of the option as a long-term measure may incur significant recurrent expenditure for providing subsidies to NGOs to enter into management agreements with the landowners, which can only be assessed at a later stage.

32. Proposals submitted under the PPP option will be examined on their individual merits. Each recommended PPP pilot project will be submitted to the Executive Council for approval and the resource implications will be assessed on a case-by-case basis.

33. Any additional workload and recurrent cost arising from implementing the new policy including issue of guidelines and processing of applications for the pilot schemes for the management agreement and PPP options, and enhancement of existing conservation measures, conservation education and publicity will be absorbed within the existing resources of the relevant bureaux and departments.

Economic Implications

34. The new nature conservation policy and implementation programme will in general provide a better framework for balancing the benefit and cost considerations. Adoption of a scoring system will help direct the limited available resources to the priority sites. The two new conservation measures, viz. management agreement and PPP, will provide opportunities for introducing economic incentives to encourage the landowners concerned to better protect sites with conservation value, although the effectiveness will have to be judged on a case-by-case basis.

Environmental Implications

35. Implementation of the new policy will enhance conservation of our natural heritage, in particular conservation of ecologically important sites under private

ownership. The cumulative environmental impacts including impacts arising from the operational stage of the pilot projects implemented under both the management agreement and PPP options and other supporting infrastructure relating to these projects, if any, will be assessed. Any developments will need to fulfill the statutory and administrative requirements including EIAO if designated projects are involved.

Sustainability Implications

36. The new policy statement is in line with the sustainability principle of maintaining the biodiversity of Hong Kong. The establishment of the Expert Group together with the scoring system has provided a more objective and participatory mechanism for identifying a list of priority sites for enhanced conservation. The sustainability implications of the nature conservation trust will be examined when we further explore the idea.

37. The two new measures, viz. management agreement and PPP, aim to encourage support and participation of key stakeholders, including landowners, developers and NGOs, in conserving ecologically important sites, and are consistent with the “partnership” principle of sustainable development. However, their precise sustainability implications could only be assessed when the implementation details are drawn up if it is decided to implement the two measures on a long-term basis. Notwithstanding that, a number of sensitive issues involving land, planning and environmental matters will require early attention. The potential conflict between the prevailing land policy and the PPP option in cases where non-in-situ land exchange is involved, and the associated implications on land premium is a concern. Moreover, effective means have to be put in place to avoid possible abuse by private landowners or developers while incentives are provided to attract them into implementing the options. Other issues of concern include the possible impacts of development-related infrastructure, if any, on the natural environment and the need for capacity building of the parties concerned in habitat conservation and running management agreements.

38. Given the complexities of the issues involved, we will thoroughly review the pilot projects and address the above issues before deciding the way forward for the longer term. Individual pilot PPP projects will be subject to sustainability assessment such that their impacts on the long-term sustainable development of Hong Kong can be ascertained before they will be submitted to the Executive Council for approval.

WAY FORWARD

39. We will continue our efforts in conserving the natural heritage. We believe that implementation of the new nature conservation policy can enable us to better achieve the nature conservation objectives including conservation of ecologically important sites that are under private ownership by building up the partnership among the Government, the business sector, NGOs, the academia and the general public.

Environment, Transport and Works Bureau
November 2004

PUBLIC CONSULTATION ON REVIEW OF
NATURE CONSERVATION POLICY

CONSULTATION REPORT

CHAPTER 1

INTRODUCTION

Background

1.1 Over the years, we have been adopting a policy to conserve and enhance our natural environment by protecting existing conservation areas, by identifying new areas for conservation, and by compensating for areas which merit conservation but which are inevitably lost to essential development projects. A variety of legislative and administrative measures have been implemented under this policy to protect ecologically sensitive habitats and important species. Among them include designation of country parks, special areas and conservation zonings that in total cover over 40% of the total land area of Hong Kong; designation of marine parks and marine reserve; and implementation of conservation plans on specific species.

1.2 However, from time to time, there are debates on whether a site should be conserved especially when the nature conservation objectives conflict with development proposals. There are also criticisms about the inadequacy of the existing measures in conserving ecologically important sites under private ownership. The Administration therefore conducted a review of the existing nature conservation policy and measures in 2003 with the objective of identifying areas for improvement.

1.3 Findings of the review have confirmed the effectiveness of the existing policy and measures in protecting important components of the biodiversity in the territory. There are, however, pockets of ecologically important sites under private ownership that may be subject to adverse impacts of human activities that are incompatible with our nature conservation objectives and which cannot be fully controlled under the existing mechanism due to their private land status. We also lack an objective system for evaluating the ecological importance of individual sites and identifying priority sites for enhanced conservation.

1.4 In order to address those limitations, the review recommends introduction of a scoring system for assessing the relative ecological importance of sites under private ownership in a more objective and systematic

manner with a view to identifying a list of priority sites for enhanced conservation by new measures. In this regard, the review has examined a number of possible improvement measures among which the options of management agreements between non-governmental organisations (NGOs) and landowners, and private-public partnership are considered more practicable and worthy of further examination for application to the sites identified by the scoring system for enhanced conservation.

1.5 A public consultation exercise was carried out from 17 July to 18 October in 2003 on the findings and recommendations of the review.

Public Consultation

1.6 A consultation document entitled “Nature Outlook” was issued to explain the findings of the policy review and our recommendations. The document was widely distributed through district offices, and was also uploaded onto the webpage of the Environment, Transport and Works Bureau (ETWB) and the Agriculture, Fisheries and Conservation Department (AFCD). Publicity materials including leaflets and posters were produced for distribution at various locations and occasions. An Announcement of Public Interest was broadcast on both television and radio during the public consultation period to invite views on the review and to enhance public awareness of nature conservation. Moreover, a roving exhibition was held at popular shopping malls to introduce Hong Kong’s rich natural assets, educate the public on the importance of nature conservation and encourage their support and participation in the consultation exercise.

1.7 During the consultation period, we arranged a number of briefing sessions and working meetings to exchange views with major stakeholders including environmental groups, professional bodies, academics and District Councillors. We also consulted the Heung Yee Kuk, the Legislative Council Panel on Environmental Affairs and relevant advisory committees including the Advisory Council on the Environment, the Country and Marine Parks Board, the Wetland Advisory Committee and the Town Planning Board. In addition, we attended a meeting of the Hong Kong General Chamber of Commerce and a discussion forum held by the Tai Po Environmental Association to explain the contents of the consultation document and exchange views with the participants.

1.8 We received a total of 156 written submissions from 153 different parties by mail, electronic mail or facsimile. Over half of the submissions were made by individual members of the public in their personal capacity without naming their affiliation to any professional disciplines or bodies. The other submissions were made by individuals or organisations of various interests in society including Legislators, District Councillors, academics, environmental groups, professional bodies, Heung Yee Kuk, political parties, private companies and trade associations.

CHAPTER 2

SUMMARY OF PUBLIC RESPONSES

2.1 We have carefully examined all the submissions received and views collected during the public consultation. Nearly all respondents agreed that the natural environment is the precious resource of Hong Kong and increased efforts should be made to protect this invaluable asset. In respect of the Administration's proposals to introduce a scoring system and to implement the management agreement and the private-public partnership (PPP) options for enhancing conservation of the sites identified by the scoring system for enhanced conservation, the main views received are summarised in the ensuing paragraphs.

Scoring System

2.2 The respondents generally supported the idea of introducing a scoring system to facilitate a more objective comparison of the ecological values of different sites. Of those who commented on the proposed scoring system, over 60% indicated support for it but views were diverse regarding the proposed assessment criteria and their relative weightings.

2.3 The scoring system as proposed comprised assessment criteria falling under two major categories, namely habitat and biodiversity, with a relative weighting of 60% and 40% respectively. Many respondents considered that the biodiversity criteria, especially the one on "Species rarity and endemism" with a weighting of 20%, should be assigned a higher weighting so as to adequately reflect the importance of sites with rare and/or important species. Some respondents were concerned that, under the proposed system, sites with a single important plant or animal species would score very low and hence would not receive the priority protection that they deserved.

2.4 Many respondents expressed reservation about the proposed "Habitat" criteria including "Naturalness", "Non-recreatability", "Habitat diversity", "Size" and "Degree of disturbance". There were concerns that man-made habitats like farmland that could carry important ecological functions would be rated very low because of the low scores under the criteria on "Naturalness" and "Non-recreatability". Some also considered that the criteria on "Habitat diversity" and "Size" might favor larger sites, and that the delineation of the

boundary for a site could be arbitrary and would in turn affect the scoring of a site under those two criteria. In respect of the proposed criterion on “Degree of disturbance”, some respondents opined that disturbed sites should score higher because of the need for immediate action to enhance their protection, as opposed to the rationale behind the proposed scoring system which was to provide a means for assessing the ecological value of a site as it was. Recognising that the “Habitat” criteria did provide indicators for assessing the ecological value of a site, some respondents suggested that their weighting should be reduced in the light of the concerns raised.

2.5 Some respondents including individual members of the public and organisations suggested revising the scoring system by including additional assessment criteria. These included the rarity, irreplaceability, connectivity and protection status of a particular site, whether it was an important feeding/nursery ground, whether it was represented in the areas that were currently under protection, its landscape and recreational values and benefits to people. A few suggested that a wider range of scores (e.g. from 0 to 5) should be adopted to better distinguish the scoring of each site under an assessment criterion.

2.6 A number of respondents were concerned about the application of the scoring system in practice. Of particular concern to them was the party/body that would be responsible for conducting the assessment and giving scores to individual sites, since the process would unavoidably involve a certain degree of subjective interpretation and judgment. Some suggested that an independent committee comprising relevant experts should be established for that purpose. Apart from that, there were also questions on how to select sites for assessment under the scoring system and whether passing marks should be set for determining which sites were qualified for inclusion in the priority list. A few respondents stressed the need for consultation with stakeholders during the assessment process and consensus building on the selection of the priority sites. There was also suggestion for the provision of an appeal channel to deal with objections to the priority list to be identified by the scoring system. In addition, a few respondents cautioned against the possible misuse of the scoring system by some to assess sites that were currently under protection, e.g. country parks and areas under conservation zonings, with the objective of pressing for the release of sites with lower scores for development. They opined that the application of the proposed scoring system should be clearly

defined in order to avoid possible abuse.

2.7 A few respondents sought clarifications on how the operation of the scoring system would affect decisions by the Town Planning Board on the zoning status and planning applications relating to specific sites, and decisions by the Director of Environmental Protection on environmental impact assessment reports.

Management Agreements

2.8 The respondents were generally receptive to the concept of encouraging partnership with landowners in conserving their land in the management agreement option. Of those who commented on this proposal, about half of them indicated support for the idea. However, in the absence of detailed information about the implementation of the option in the consultation document, many raised concerns about the role of the Government, NGOs and landowners in this partnership, the financial support available from the Government, and potential difficulties anticipated in bringing the option to success.

2.9 Many respondents were concerned that NGOs in Hong Kong generally lacked the required resources, experience and practical knowledge in habitat management work and hence the capability in running such management agreements. They considered that the Government should play a more active role by providing financial support and other necessary assistance to NGOs such as capacity building for habitat management and overseeing the effective implementation of the management agreements concerned through a proper monitoring and audit system. Some were worried that both NGOs and AFCDC lacked the competence in managing and overseeing the agreements entered into with the landowners concerned and the associated habitat enhancement works. A number of respondents were doubtful whether the landowners concerned would be interested in entering into such voluntary agreements unless sufficient incentives were provided.

2.10 Many respondents considered that the Government should state clearly the amount of funding that it was ready to commit for implementing the option, the security of tenure (which depended on the availability of government funding on a continuous basis and the willingness of the landowners to enter

into such kinds of management agreements), the funding system including the assessment and funding criteria, and measures adopted to measure the performance. Some also raised questions regarding the actions that would be taken in the event of non-compliance by either party to an agreement.

Private-public Partnership

2.11 The concept of private-public partnership (PPP) was generally well received by the public. It was supported by nearly 70% of those who commented on this proposal in their submissions, though a few respondents considered that the option might not be applicable to some sites due to their unique geographical setting and ecological sensitivity. As for the management agreement option, many respondents were keen to know about the detailed implementation programme which was inherently more complicated due to the co-existence of nature conservation and development elements in a PPP Proposal and the planning and land issues involved.

2.12 The proposed PPP approach is currently applicable to Wetland Conservation Area and Wetland Buffer Area in the northwest New Territories. Under the existing arrangements, proposals being formulated in this regard have to be processed according to established statutory and administrative procedures in the areas of town planning, environmental impact assessment and land administration; and the proponents have to obtain the necessary approval in those respective areas before they can be implemented. Some respondents expressed concern about how these various procedures could be formalised and streamlined if the PPP option was adopted under the new nature conservation policy and hence applicable to sites outside the Deep Bay area. To protect the ecologically sensitive areas of the sites concerned, some respondents suggested that clear guidelines and conditions should be laid down to ensure the long-term conservation of the sites, that was the prime objective of the PPP proposals, by, say, regulating actions of the developers, overseeing the implementation of agreed conservation plans, and imposing penalties should any party fail to observe its undertaking. The availability of a reliable source of funding to support the long-term habitat management was another important factor determining the acceptability of a PPP proposal.

2.13 Some respondents highlighted the need to provide adequate incentives to encourage private sector's participation in the scheme. A number of

respondents considered that the Government should allow for concessionary premium at the developable part of the site, otherwise the option would not be attractive or viable. There was also concern about the competence of the developers/NGOs to manage the habitats concerned and that of AFCD to play an effective monitoring role.

Other Comments

2.14 Apart from offering views on the recommendations set out in the consultation document, most submissions made comments on other aspects of the nature conservation work. The major views are summarised in the ensuing paragraphs.

Scope of review

2.15 Many respondents expressed disappointment with the limited scope of the policy review that was mainly focused on the problems in conserving ecologically important sites under private ownership, and its lack of any reference to marine conservation issues. The environmental groups in particular considered that a range of other conservation issues should also be covered in the review. Those include conservation of ecologically sensitive habitats on Government land, updating of the protected species lists, implementation of conservation plans for species of global, regional and local importance (e.g. the Bogadek's Legless Lizard and the White-bellied Sea Eagle), restoration of degraded habitats such as lowland streams and wetlands, the need for enhanced enforcement and tighter controls over wildlife trade especially in birds.

2.16 Some considered that the review should cover Hong Kong's international obligations in protection of our natural assets. They opined that a biodiversity strategy and action plan should be prepared for Hong Kong in line with the requirement of the Convention on Biological Diversity, and that the other provisions of the Convention should be complied with in Hong Kong as well.

Policy statement

2.17 Some respondents, academics and environmental groups in particular,

considered that following the policy review, the Government should draw up and promulgate a clear policy statement supported by a set of policy objectives and an action plan. It should then form the basis for developing enhanced conservation measures and establishing the standards for evaluating the results afterwards. “No net loss of biodiversity” was suggested to be adopted as a guiding principle for the future nature conservation policy in a few submissions.

Conservation Authority

2.18 Some respondents advocated the establishment of a Conservation Authority to take the lead in implementing the management agreement and PPP options and other conservation measures, since these would likely cut across different departmental purviews, and hence would require a central authority to resolve differences and coordinate among different interests. A few respondents were of the view that the Authority should take an integrated approach in dealing with all conservation-related issues involving rural landscape and cultural heritage as well.

Conservation trust

2.19 Conservation trust was mentioned in some of the submissions. It was suggested that a conservation trust should be established initially by seed capital provided by the Government and then donations from the private sector and the general public. In general, the respondents would like to have the trust to provide funding for implementing the management agreement and PPP options as well as other improvement options for enhancing conservation of ecologically important sites under private ownership including land resumption.

Ecological surveys

2.20 The respondents generally welcomed the conduct of ecological surveys by AFCD for compilation of a comprehensive ecological database for Hong Kong. To promote public knowledge of the ecological assets of Hong Kong and to facilitate planning by developers, most of the respondents proposed that members of the public should be allowed access to the database.

2.21 Some respondents, however, considered that there was already abundant ecological information available, and that Government should take urgent action to protect the ecological hotspots identified by the Hong Kong University Biodiversity Survey and the Kadoorie Farm & Botanic Garden, e.g. reviewing the land use zoning of the sites.

Options considered impracticable in the review - land resumption, land exchange, tightening of existing conservation measures, off-site mitigation and transfer of development rights

2.22 About one third of the submissions received opined that these options should not be ruled out at the present stage. Instead, the Government should consider them as a basket of possible tools and give further consideration to their merits and viability in enhancing conservation of important habitats.

Ecological footprint

2.23 A few respondents suggested that the policy review should address the high ecological footprint problem of Hong Kong, which reflects that our consumption patterns (notably in seafood and forest products) has imposed considerable pressure on natural resources elsewhere. As a responsible global citizen, they considered that Hong Kong should deal with this problem.

Scoring System for the Assessment of the Relative Ecological Importance of Sites

Criteria	Weighting	Description	Score	Description
Naturalness	15%	Habitats that are natural or with least modification by human activities in the past history will have higher conservation value. Truly natural habitats (i.e. not modified by man) are usually highly valued. However, most areas of the territory have been modified. Generally, those habitats less modified will tend to be rated higher.	0	Build-up or highly degraded areas with little conservation value.
			1	Man-made or intensively modified by human, e.g. agricultural land.
			2	Semi-natural or moderately modified, e.g. disturbed woodland.
			3	Truly natural or relatively free from human modification, e.g. natural woodland.
Habitat diversity	15%	Generally, the greater the number of major habitats, the greater the overall importance of the site as a whole. Major habitat types include woodland, inter-tidal mudflat, mangrove stand, natural stream course, freshwater marsh, etc.	0	Containing no major natural habitats or habitats which are highly degraded.
			1	Containing only one major habitat type.
			2	Containing two to three major habitat types.
			3	Containing four or more major habitat types.
Non-recreatability	10%	Habitats which are difficult to be recreated are valued higher. This evaluates the complexity of the habitat types, the time and effort needed to recreate the ecosystem and the degree of uncertainty in recreating the habitats.	0	Easy to recreate, but recreated habitats would have little conservation value e.g. landscaped areas.
			1	Easy to recreate, e.g. fishponds, abandoned agricultural land.
			2	Possible to recreate but it takes much time and effort, e.g. secondary forests.
			3	Very difficult or impossible to recreate regardless of time and effort, e.g. inter-tidal mudflats, natural woodlands, streams.

Species diversity & richness	30%	The more diverse the species assemblages and communities of a site, the higher is its conservation value.	0	Insignificant diversity (as a reference, $\leq 5\%$ of total number of recorded species in Hong Kong of a particular taxa group) for all taxa groups.
			1	Low diversity ($5\% < \text{diversity} \leq 20\%$) of at least one taxa group.
			2	Moderate diversity ($20\% < \text{diversity} \leq 50\%$) of at least one taxa group.
			3	High diversity ($>50\%$) of a particular taxa group or moderate diversity of at least three taxa groups.
Species rarity / endemism	30%	The more rare / endemic species the site supports, the higher is its conservation value.	0	Not known to support any population of rare or endemic species.
			1	Support populations of rare species of at least one taxa group.
			2	Support a population of endemic species, or populations of rare species of two to three taxa groups.
			3	Support a population of extremely rare species or rare endemic species, or populations of rare or endemic species of more than three taxa groups.

Annex C

List of Priority Sites for Enhanced Conservation

Sites	Rank	Score
Ramsar Site	1	2.85
Sha Lo Tung	2	2.70
Tai Ho	3	2.40
Fung Yuen	4	2.30
Luk Keng Marsh	4	2.30
Mui Tsz Lam and Mau Ping	6	2.25
Wu Kau Tang	7	2.15
Long Valley and Ho Sheung Heung	8	2.05
Deep Bay Wetland outside Ramsar Site	9	1.90
Cheung Sheung	10	1.75
Yung Shue O	10	1.75
Sham Chung	12	1.45