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**Legco Panel on Environmental Affairs CB(1) 1401/07-08(02)
Meeting on 28 April 2008**

“Progress of implementation of the new nature conservation policy”

WWF Hong Kong’s general comments

A) Hong Kong needs a holistic nature conservation policy

1. Since 2003, WWF has been calling upon the Hong Kong Government to formulate a holistic conservation policy with a goal of “no net loss of biodiversity” (see section 2.2 to 2.3 of the Appendix 2 for details).
2. We consider that such a policy goal is important to ensuring that all native biodiversity of Hong Kong is preserved, at species, ecosystem and genetic levels
3. It is our view that a holistic conservation policy for Hong Kong should be commensurable to prevailing international standards, and hence should adopt the principles and guidelines which pillar the Convention on Biological Diversity (CBD).
4. For local adoption and implementation of such a holistic conservation policy, we consider that the Government should devise a Biodiversity Action Plan (BAP) for Hong Kong with well-defined goals and achievable targets.

B) The progress of implementation of the New Nature Conservation Policy is currently highly unsatisfactory

Reason 1: Government reluctance in committing to a holistic policy

5. The New Nature Conservation Policy (NNCP) was announced in 2004 after the Government’s review of the original conservation policy in 2003. However, the 2003 review exercise unfortunately limited its scope to primarily looking into measures in relation to nature conservation on ecologically important sites, including private land, while paying very limited attention to most of the other important issues (see section 2.1 of the Appendix 2 for details). WWF earlier expressed that such a review exercise poorly addressed the important conservation areas, as follows:
 - a. the effectiveness of the existing land-use zoning systems in ensuring ecologically sensitive areas are protected;
 - b. the current status of the Environmental Impact Assessment Ordinance in effectively



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assessing the overall and accumulated impact to the Hong Kong environment with a holistic vision;

- c. the management effectiveness of the existing protected areas,
 - d. the need for devising action plans to conserve species of conservation concern
 - e. the conservation of genetic diversity,
 - f. the conservation of marine biodiversity,
 - g. the problem of ecological footprint and Hong Kong's consumption impacts on the source countries
6. WWF is of the view that the existing NNCP is highly inadequate in meeting the actual needs required to conserve Hong Kong's natural (terrestrial and marine) environment. With reference to the Government's most recent update on the implementation progress of the NNCP¹, WWF is disappointed that no plan has been made to undertake a comprehensive review of the above issues mentioned in paragraph 5.

Reason 2: Ineffective nature conservation on private land due to scarce Government commitment

7. The NNCP designated 12 priority sites of ecological importance to promote nature conservation in collaboration with the private sector since private land is involved. The NNCP objective states the following:

“to collaborate with, the private sector, including the business community, non-governmental organizations and the academia, to promote nature conservation, and to conduct research and surveys as well as to manage ecologically important sites for such purpose”

8. In order to achieve this policy objective, the Government introduced two new measures in 2004: Public-Private Partnership (PPP) and Management Agreement (MA).
9. WWF considers that the progress in conserving the 12 priority sites through the PPP / MA models has been highly unsatisfactory. In its latest assessment result of the five PPP applications, the Government concluded that only one PPP application is worth their recommendation while the rest have yet to meet the necessary Government assessment criteria.
- a. Three and a half years after the announcement of these two measures in 2004, today

¹ Information paper provided by the Administration for the Environmental Affairs Panel meeting on 28 April 2008. LC Paper No. CB(1) 1331/07-08(03)



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9 out of the 12 priority sites are still awaiting appropriate plans for necessary conservation management actions. For the remaining three priority sites, namely “RAMSAR site”, “Fung Yuen” and “Long Valley and Ho Sheung Heung” (LVHSH), some degree of conservation management has been put in place. However, it must be noted that for the LVHSH priority site, only 8% of the whole “LVHSH” site has been actively managed².

- b. With the absence of concrete actions and timetable for achieving the policy objective (see paragraph 7), the future of these 12 priority sites appears to be highly worrying as degradation of ecological value is very likely a result of lack of proper conservation management (see section C below).
10. With the reasons stated above, WWF urges the Government to take immediate action to establish a centralised nature conservation trust for Hong Kong (see Appendix 1 for details). Furthermore, the Government should seriously consider other methods to conserve the 12 priority sites, such as the following:
 - a. Undertake land resumption for the public purpose of nature conservation or;
 - b. Undertake land swap and transfer of development rights to conserve the complete area for some priority sites

C) Imminent threat of degradation happening to under-managed priority sites

11. Despite the Government’s usual rhetoric that the ecological status of the 12 priority sites has been under monitoring since the announcement of NNCP in 2004, WWF realises that very limited information regarding the monitoring results has been made available to the public. Whether or how much the ecological value of those priority sites has deteriorated remains a big question to us. It is a concern that the natural and gradual deterioration of those sites due to the absence of proper management might eventually help justify the reason for development land use rather than for nature preservation.
12. WWF requests the Government to increase the transparency of its monitoring work on the 12 priority sites and report regularly the monitoring progress to the Advisory Council on the Environment (ACE).
13. The Government should come up with a reasonable time frame for conserving these priority sites with a prime consideration of maintaining their ecological value, and play a

² According to AFCD website, the “Long Valley and Ho Sheung Heung” (LVHSH) priority site has a total area of 151.2 ha. Also, as stated in the discussion paper for the meeting of the Environment and Conservation Fund Committee on 15 January 2008, about 12.1 ha of “LVHSH” is actively managed by the Conservancy Association in cooperation with the Hong Kong Bird Watching Society. As a result, only about 8% of the whole priority site receives conservation management.



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proactive role in achieving the goal of nature conservation promotion in collaboration with the private sector. A lack of such a role is likely to see ecological degradation of those sites as an end result which is not in line with the public interest of Hong Kong.

14. It is a fact that some of those priority sites, which fall short of proper management, have been facing various types of threats such as invasion by alien species *Mikania micrantha*, unauthorised excavation and illegal dumping of construction and demolition wastes. With such reported and potentially unreported exploitation or damaging activities constantly taking place in those sites, the ecological value of these sites is bound to depreciate.
15. It is the Government's responsibility to ensure that the ecologically valuable landscape in Hong Kong is properly preserved for its people and their future generations. It is also the Government's role to ensure development is always made in compatibility with our natural environment. Therefore, WWF urges the Government to fulfil its public obligation and make these priority sites a priority in its policy agenda.



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“Progress of implementation of the new nature conservation policy”

Appendix 1 WWF’s views on the implementation progress involving specific issues of the New Nature Conservation Policy

A) Lack of Government commitment in setting up a centralised nature conservation trust

1. The Government recognises that *“the 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 natural heritage of Hong Kong. It will provide an alternative source of funding to sustain the nature conservation efforts”*¹.
2. The benefits of a centralised nature conservation trust are clear, as revealed by a local policy analyst:
 1. *“Provides a secure legal entity to hold and manage the ‘crown jewels’ of Hong Kong’s natural heritage”*
 2. *“Developer influence would be diluted if a single trust held a number of properties under an independent and respected board of directors”*
 3. *“A single trust offers economies of scale and avoids duplication (multiple boards, managers, overheads, etc) that would be unavoidable in multiple smaller trusts”*
 4. *“An independent ‘national’ trust would facilitate raising funds from the public”*

(Source: Kilburn, M. 2007. Nature Conservation in Hong Kong: Do the UK National Trusts suggest a way forward? In “Britain in Hong Kong” Vol 22:3)

3. For years, a number of green groups have been urging the Government to commit to establishing a centralised nature conservation trust to better implement the Public-Private Partnership (PPP) and Management Agreement (MA) under the New Nature Conservation Policy (NNCP) and to better coordinate long term management work on ecologically important sites in Hong Kong. However, we are sadly disappointed of the Government’s lack of commitment in conserving these remaining natural assets.
4. Again, WWF asks for the Government’s immediate action in establishing a

¹ Information paper provided by the Administration for the meeting of the Environmental Affairs Panel on 22 November 2004. LC Paper No. CB(1) 214/04-05(01)



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multi-stakeholder working group to expedite the establishment of a centralised nature conservation trust in Hong Kong.

B) More transparency needed for the Public-Private Partnership measure

5. While EPD regards that the Sha Lo Tung PPP proposal is not a designated project under the Environmental Impact Assessment Ordinance (EIAO), the Advisory Council on the Environment (ACE) recommends the project proponent “... *to make public its environmental impact assessment study and to submit to the advice of ACE Environmental Impact Assessment Subcommittee*”.
6. WWF echoes ACE’s recommendation, and in addition to that, we also consider that the project proponent and the management bodies of the priority sites should regularly report back to ACE about the implementation progress of the PPP proposals. This is because for a major development on an ecologically important area, it is of public interest and of high public concern whether the environmental impact of the entire project is acceptable and whether the proposed conservation management measures are effective in the short and long terms.

C) Review of the Environmental Impact Assessment Ordinance urged

7. Apart from the issue of transparency increase, WWF is astonished that the current proposed development in the Sha Lo Tung priority site does not require an EIA, since the priority site itself is of recognised ecological importance and the development itself is actually in close proximity to three of the most stringent conservation zonings in Hong Kong, namely Country Park, Site of Special Scientific Interest and Conservation Area.
8. This raises the question of whether the current scope of “designated projects” as contained in schedule 2 and 3 of the EIAO is broad enough to cover major development proposed on or in close proximity to ecologically important areas.
9. In fact, since its enactment in 1998, the EIAO has been implemented in Hong Kong for 10 years. During our regular reviews of EIA reports through the statutory public inspection channel, WWF has identified some prominent loopholes or problems as regards the existing EIA process². As one of the most recent and high profile cases in relation to the EIA report of CLP’s Liquefied Natural Gas terminal, WWF in many occasions have expressed our deep concern on the environmental justifications for this project, identification of alternative sites with less damaging effect on our marine environment and

² See section 5.6 of the Appendix 2



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the cumulative impact on the Chinese white dolphin. The existing EIAO failed to address all these issues properly. In order to reflect and address the true needs for assessing the impact on our environment from development projects, a comprehensive review of the EIAO is inevitable.

D) Extension of the Convention on Biological Diversity to Hong Kong

10. The Government made a promise in 2005-2006³ to extend the Convention on Biological Diversity (CBD) and the Cartagena Protocol to Hong Kong. However, with reference to the most recent Government update on the implementation progress of the NNCP⁴, the Government has yet to complete the relevant procedures required for the extension, including legislation drafting.

11. WWF requests the Government to present a legislation timetable required for completing the formal extension of the CBD to Hong Kong.

³ Information paper provided by the Administration for the meeting of the Environmental Affairs Panel on 22 November 2004. LC Paper No. CB(1) 214/04-05(01)

⁴ Information paper provided by the Administration for the Environmental Affairs Panel meeting on 28 April 2008. LC Paper No. CB(1) 1331/07-08(03)



Appendix 2: Extract of WWF Hong Kong's Responses on Review of Nature Conservation Policy in 2003

2. Major Inadequacies of the Review

2.1 Scope of the Review

Although Hong Kong has a policy statement on nature conservation, the policy statement does not clearly define the term “conservation” and does not elaborate what and how Government would do to achieve the above conservation objectives. We would expect the scope of the Review, given its title, to cover comprehensively conservation aspects including the conservation of ecologically important sites on Government lands, genetic and species diversity, marine biodiversity, and the issue of conservation and sustainable use of local biological resources. Moreover, our conservation policy should not be confined to conservation of Hong Kong’s habitats and species alone but should also encompass our ecological footprint and consumption impacts on the source countries as Hong Kong is a consumer city relies heavily on other countries’ natural resources. Therefore, we are disappointed that the Review only covers limited aspects on the policy that relates to conserving sites of ecological importance on private lands only, but neglects other perspectives that a comprehensive review should cover.

2.2 Obligation on Biodiversity Conservation

The Review has omitted the consideration of the benefits of the implementation of the Convention of Biological Diversity (CBD) to Hong Kong, for which China is a signatory. Implementation of the provision could help the Government to formulate a long-term and comprehensive nature conservation policy. For instance, Article 6 of the Convention requires that each contracting party to develop national strategies, plans or programmes for the conservation and sustainable use of biodiversity. Article 7 highlights the need to identify and monitor the components of biological diversity. Article 10 highlights sustainable use of components of biological diversity and Article 11 highlights incentive measures for the conservation and sustainable use of components of biodiversity.

We recommend that the Government should actively pursue the application of CBD by adopting its principles, guidelines and standards to Hong Kong for implementing our international obligations on biodiversity conservation.

2.3 Biodiversity Action Plan

There is an urgent need for the development of a Biodiversity Action Plan (BAP) for Hong Kong which considers the conservation of both habitats (sites) and species of conservation concern. Although the Review proposes a scoring system to prioritize sites based on their ecological values for conservation, it is also essential for the Government to establish action plans for the management of priority sites, as well as priority species.

Back in April 2003, WWF Hong Kong submitted a Conservation Strategy to the Government and recommended a clearly defined and structured BAP (Please refer to the following homepage address for details: http://www.wwf.org.hk/eng/conservation/env_policy/green_policies/cshk.html).



We suggested the Government should:

- a. set a clear goal of “no net loss of biodiversity”;**
- b. identify priority habitats and species;**
- c. set out actions required to secure the protection of the sites and species; and**
- d. set a time line for all actions to be implemented with adequate resources.**

We believe that the development of such a plan would be in accordance with Government’s commitment to “meeting the environmental objectives” of the CBD, and the BAP would highlight what needs to be done and form a sound basis on which to further develop a comprehensive conservation strategy.

5.6 Ecological Impact Assessment

WWF Hong Kong has fully supported the Environmental Impact Assessment (EIA) Ordinance since its implementation in April 1998. We consider that the Ordinance has been an effective and efficient planning tool to avoid, minimize and control the adverse impacts on the environment from designated projects through the EIA process and the environmental permit system.

To further improve the EIA process, we would like to suggest the following improvement measures especially for the ecological impact assessment.

5.6.1 Scope of Designated Projects

We recommend an expansion on the scope of Designated Projects as contained in Schedules 2 and 3 of the Ordinance, so as to cover small scale projects, such as the ones under the Rural Project Improvement Scheme (RPIS), that could impose significant ecological impacts on sensitive and vulnerable areas with high conservation interest.

5.6.2 Consideration of Alternatives

The designation of the authority to determine the nature of alternatives to be studied in the EIA process should be clarified, and how to ensure if the project proponent has fulfilled its obligation to consider all possible alternatives.

5.6.3 Capacity Building and EIA Professionalism

Many of the criteria for ecological assessment are qualitative in nature rather than quantitative and the evaluation of ecological impacts would involve value judgement which usually is subjective. This, coupled with the complexity of the ecosystems and our lack of full understanding of their functioning, makes it even more difficult to assess the ecological impacts with certainty. We therefore strongly recommend that additional resources should be invested in local tertiary institutions to support more ecology-related research projects, and to educate and train local ecological/conservation planning and management personnel. Meanwhile, we believe that an accreditation system/ mechanism should be set up by the Government and/ or the Institute of EIA to assess the professional standards of environmental consultants such that only competent and qualified consultants would be eligible to conduct environmental impact assessment.



5.6.4 Management and Monitoring of Mitigation Habitat

As far as we understand, AFCDC is currently short of resources to follow up the ecological monitoring results under the EIA process. We suggest that AFCDC should be given sufficient financial and human resources to ensure the effective discharge of its responsibilities in ecological conservation and management. In particular, AFCDC should be vested with the responsibilities to monitor the implementation of ecological mitigation measures, especially the management and monitoring of mitigation habitats.

5.6.5 Improvements to Technical Memorandum (TM) for the EIA Process

We also recommend the following guidelines to be incorporated and/or adopted in the TM for the EIA Process:

- a. Clear guidelines for evaluation of the appropriateness and effectiveness of the proposed ecological mitigation measures should be formulated so that the risk of failure of the proposed mitigation measures would be minimized. Such guidelines should be available to public.
- b. Mitigation proposals should have clear and quantifiable objectives for management performance criteria, and in the case of compensation for ecologically-valuable habitats, the objectives should adhere to the goal of “no net loss” in habitat size AND function.
- c. Sufficient information on the function of the habitat, from a comprehensive literature review and detailed assessment, should be provided in the EIA, and demonstration of the feasibility of the proposed ecological mitigation measures should be required.
- d. A higher mitigation ratio (e.g., 3:1, 5:1 or 10:1) for valuable habitat mitigation should be required, depending on the functional value of habitat loss.
- e. “Off-site” or “Non in-situ” mitigation should be favourably considered if “on-site” mitigation areas available are too small and isolated and it is proved that it is difficult to achieve the mitigation goals on-site.
- f. It is suggested that the project proponents of nearby and concurrent projects to take a more coordinated approach to integrate the planning, design and management of the mitigation areas under different works projects. This would help make better use of land resources, especially in Hong Kong where land is scarce, for meaningful ecological mitigation. Such an integrated approach would certainly enhance the mitigation works to make them more effective and achieve a greater conservation value of the mitigation habitat.