

**Information Note on  
Progress of implementation of the New Nature Conservation Policy**

At the meeting of the Panel on Environmental Affairs held on 28 April 2008 for the discussion of the progress of implementation of the New Nature Conservation Policy, the Panel received submissions from the Kadoorie Farm and Botanic Garden, the World Wide Fund Hong Kong and Mr Ruy Barreto SC. The Government has been asked by the Panel to give written responses to the issues raised in these submissions.

2. This information note aims to set out the Government's response to the issues raised in the above written submissions.

**(i) New Nature Conservation Policy and its implementation**

The Government is committed to nature conservation. In 2004, following the review of the policy on nature conservation, the Government introduced the New Nature Conservation Policy (NNCP) with an objective to regulate, protect, and manage natural resources that are important for the conservation of biological diversity in 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.

To achieve our objective of nature conservation, we have implemented a number of measures which include:

- designation and management of a comprehensive protected area system (e.g. country parks, Sites of Special Scientific Interest, marine parks and marine reserves);
- identifying and facilitating the conservation of important habitats and species;
- enhancing conservation of sites through tightening the existing measures related to conservation zonings on town plans;
- implementing various species conservation measures for rare and important species;
- participating in a number of international conventions relating to conservation of biodiversity;

- establishing the Hong Kong Wetland Park to promote eco-tourism.

As a result of the above measures, about 43% of Hong Kong's land area are put under the current protected area system which allows us to enjoy a rich biodiversity. Moreover, a number of species new to Hong Kong and even new to science are also found over the years. There is no doubt that our nature conservation policy and current measures have been successful in contributing towards biodiversity conservation and are in line with the objectives of the Convention on Biological Diversity.

## **(ii) Conservation of ecologically sensitive land under private ownership**

The Public-private Partnership (PPP) and Management Agreements (MA) schemes are measures under the NNCP to enhance conservation of ecologically sensitive land under private ownership. In assessing the PPP proposals, due considerations had to be given to the net benefits of the proposals in enhancing conservation of the site, possible adverse environmental impacts arising from the proposed developments, the sustainability of the proposals and the long-term commitment of the proponent, etc. In April 2008, after consulting the Advisory Council on the Environment (ACE), the Government supported the Sha Lo Tung project from the conservation angle.

As for the pilot MA projects at Fung Yuen and Long Valley, they have been implemented for over two years and reviews of the scheme have shown that they are effective in enhancing the conservation value of the sites. For example, the mean number of birds recorded in Long Valley in the winter of 2006-2007 was 25% higher than that in the winter of 2005-06. The number of bird species recorded in Long Valley has increased from 187 to 211 after the project's implementation. In Fung Yuen, removal of invasive weeds as well as planting of native tree species, larval food plants and nectar plants have also greatly enhanced the habitat's bio-diversity.

In addition, the MA projects also raised the public and local villagers' awareness of conservation. The non government organizations (NGOs) concerned have built up mutual understanding with local villagers and established channels for dialogue with the local community on nature conservation matters. Through the implementation of the MA projects, additional knowledge and experience on effective management practices for bird and butterfly conservation have been acquired by the NGOs and villagers concerned.

To sustain the effectiveness of the MA projects, the Environment and Conservation Fund Committee has agreed to continue support the MA scheme with no deadline for application and no fixed project duration.

### **(iii) Monitoring of the Priority Sites**

Under the NNCP, 12 priority sites have been identified for enhanced conservation under a scoring system drawn up by an Expert group. All the 12 priority sites are being closely monitored by AFCD's on-going territory wide ecological surveys. So far, the monitoring results have shown that the site conditions and ecological significance of the priority sites are maintained satisfactorily. During the ecological surveys, new records of various major taxon groups are being found and updated in the priority sites. The relevant information has been provided to NGOs for reference in August last year.

### **(iv) Setting up of a Centralised Nature Conservation Trust**

We appreciate that establishing a nature conservation trust may facilitate the pooling of funds from all sectors of the community for the protection and conservation of the natural heritage of Hong Kong. In fact, some applications received under the PPP for nature conservation have proposed the establishment of site-specific trusts to finance the long-term conservation of ecologically sensitive sites. The Government will make reference to the experience of the PPP Pilot Scheme for exploring the possibility of establishing a nature conservation trust in Hong Kong.

### **(v) Review of Environmental Impact Assessment Ordinance (EIAO)**

The Government has conducted two reviews of the EIAO in 1999 and 2003. Among others, the reviews have recommended that guidance notes be issued to enhance the effectiveness of ecological assessments. Two set of guidance notes were issued in 2002 (GN 6/2002, GN 7/2002)<sup>1</sup> after the first review and two more sets of guidance notes (GN 10/2004 and GN 11/2004)<sup>2</sup> were issued in 2004 to further strengthen ecological assessment practices after the second review. For the time being, there is no plan to amend the EIAO and the Technical Memorandum.

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<sup>1</sup> GN 6/2002     Some Observations on Ecological Assessment from the EIA Ordinance Perspective  
GN 7/2002     Ecological Baseline Survey for Ecological Assessment

<sup>2</sup> GN 10/2004    Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys  
GN 11/2004    Methodologies for Marine Ecological Baseline Surveys

**(vi) Extension of the Convention on Biological Diversity (CBD) to Hong Kong**

Many of our existing conservation policy and measures contribute towards biodiversity conservation are already in line with the objectives of the Convention on Biological Diversity (CBD). We have obtained in-principle agreement of the Central People's Government to extend the application of the CBD and the Cartagena Protocol to HKSAR. A new legislation (the Biosafety Bill) is being prepared to provide regulatory controls over the transboundary movement of Living Modified Organisms, and other related matters, as required under the Protocol. The drafting of the new legislation is in progress.

**(vii) Whether there is a need for a statutory EIA for the Sha Lo Tung project under the PPP pilot scheme**

The proposed development of an interpretation centre, a multi-cultural education retreat and a columbarium complex in Sha Lo Tung and the upgrading of the Sha Lo Tung road have adopted the principle of avoidance for protection of the eco-sensitive areas. In the project proponent's proposal, all the works to be conducted, including the works areas needed for preparation of the construction works, will be completely outside the eco-sensitive areas. Therefore, under the EIA Ordinance, the proposal is not a designated project and does not require an environmental permit.

Notwithstanding the above, in order to protect the habitats in the ecologically sensitive areas of Sha Lo Tung valley, the Government agrees that a full assessment is needed to demonstrate the environmental acceptability of the Sha Lo Tung proposal. In this respect, the project proponent of Sha Lo Tung has already been asked to conduct a full scale assessment of the environmental impacts as well as to go through the same public inspection and consultation process using the same standards and criteria under the EIA Ordinance, including seeking advice from the ACE, even though the proposal is not a designated project under the EIAO. The Government will continue to monitor the progress of this proposal closely to ensure that all the statutory requirements under the EIAO would be met.