

**For information on
30 March 2009**

**Legislative Council Panel on Environmental Affairs
Latest progress of implementation of the New Nature Conservation Policy**

INTRODUCTION

This paper seeks to update Members on the latest progress of implementation of the New Nature Conservation Policy (NNCP).

BACKGROUND

2. The NNCP was introduced in November 2004. It aims at regulating, protecting and managing natural resources that are important for the conservation of biological diversity of Hong Kong in a sustainable manner, taking into account economic and social considerations for the benefit and enjoyment of the present and future generations of the community. This policy has an objective to enhance the conservation of ecologically important sites in private ownership. To achieve this policy objective, 12 priority sites have been identified under a scoring system drawn up by an Expert Group with membership comprising key academics with expertise in ecology and major green/interest groups.

3. Two measures were proposed for the conservation of these ecologically important sites under the NNCP, they are the Pilot Scheme for Management Agreements (MA) and Public-private Partnership (PPP). At the same time, 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.

LATEST PROGRESS

MA

4. Under the MA Scheme, non-governmental organisations (NGOs), including green groups, educational institutions and community organizations, may apply for funding from the Environment and Conservation Fund (ECF) for entering into MAs with the landowners. The NGOs can provide the landowners with financial incentives in exchange for management rights over their land or their

cooperation in enhancing conservation of the sites concerned. The ECF has agreed to allocate funds to implement pilot MA projects. In late 2005, three pilot MA projects were launched, one at Fung Yuen by the Tai Po Environmental Association and two in Long Valley by the Conservancy Association and the Hong Kong Bird Watching Society. Recognising the merits of MA scheme in conserving and enhancing the biodiversity of the ecologically important sites, the ECF supported in 2007 the continuation of the scheme.

5. In early 2008, the ECF approved some \$6.8 million for the MA projects (with the two in Long Valley merged as a joint project by the two NGOs) to continue for another two years. A summary of these two projects is at the Annex. So far, they have continued to produce encouraging results. There has been an increase in the numbers and diversity of birds as well as an increase in diversity of butterfly habitats, suggesting that management measures are effective in enhancing the conservation value of the sites. Furthermore, the MA projects have also raised public and locals' awareness of nature conservation.

PPP Pilot Scheme

6. Under the PPP Pilot Scheme, development of an agreed scale would be allowed at the ecologically less sensitive portion of any of the 12 priority sites identified for enhanced conservation, provided that the project proponent undertakes to conserve and manage the rest of the site that is ecologically more sensitive on a long-term basis. In order to provide project proponents with the required flexibility, proposals involving non in-situ land exchange for development with full justifications may be considered, but they have to be examined and approved by the Executive Council on a case-by-case basis. A total of six applications have been received, which involve land located at Sha Lo Tung, Tai Ho, Mui Tsz Lam & Mau Ping, Wu Kau Tang, Yung Shue O and Tin Fook Wai. The proponent of the Tin Fook Wai project subsequently withdrew its application. An inter-departmental Task Force (Task Force) comprising representatives from Environmental Protection Department (EPD), Agriculture, Fisheries and Conservation Department (AFCD), Lands Department (LandsD) and Planning Department (PlanD) had been set up to examine the remaining five applications in accordance with the assessment criteria set out in the Guide to Application.

7. In April 2008, after consulting the Advisory Council on the Environment (ACE) on the assessment of the Task Force, the Government informed the project proponents of the assessment results, including recommendations made in respect of the projects by the ACE. The Sha Lo Tung Project was supported from nature

conservation perspective. The Tai Ho Project, while being supported from nature conservation perspective, was considered not ready to be taken forward in its present form as there were still a number of land-related issues to be addressed. The proposed projects at Mui Tsz Lam and Mau Ping, Wu Kau Tang and Yung Shue O were not supported.

Sha Lo Tung Project

8. Though the scope of the proposed works did not make the project a designated project under the Environmental Impact Assessment Ordinance (EIAO), the project proponent submitted an environmental assessment (EA) report which was processed and considered by applying the same standards and criteria under the EIAO. The EA report was endorsed by the ACE with conditions in October 2008, taking into account recommendations by its Environmental Impact Assessment Subcommittee. Moreover, the project proponent submitted its conservation management plan to the Nature Conservation Subcommittee of ACE for comments and had gained the Subcommittee's support.

9. Recently, the project proponent has made certain revisions to his earlier proposal in regard to its conservation and development plan. Preliminary assessment shows that the proposed changes will likely constitute the project to become a designated project under the EIAO. We are currently seeking further information from the project proponent on its revised proposal. Should the revisions constitute a designated project, the project proponent will be required to prepare and submit an EIA report in accordance with the EIAO. ACE and its EIA Sub-committee will duly be consulted as appropriate.

Tai Ho Project

10. Following the release of the assessment result to the project proponent of Tai Ho, it has indicated that it would consider revising its proposal to take account of the comments of the Task Force and the ACE. Hitherto, we have yet to receive any revised proposal from the project proponent.

Proposal to Set Up a Geopark in Hong Kong

11. As part of the Government's continuous effort to enhance overall quality of life and to better conserving our geological landscapes, we would set up our first geopark under the framework of the Country Parks Ordinance and Marine Parks Ordinance.

12. In 2008, we commissioned a study to assess the feasibility of establishing a geopark in Hong Kong. The study found that two regions, namely the north eastern New Territories and Sai Kung, are unique and representative in terms of geodiversity, ecology, science popularization potential and cultural interests. The study recommended the setting up of a geopark in Hong Kong covering these areas for better protection and management of our geological attractions and promotion of geodiversity. We endorse the findings of the study and are taking action to set up a geopark in Hong Kong covering the proposed areas.

13. The study has also recommended that in view of the distinctive features and values of our geological attractions, Hong Kong should aim at attaining the national geopark status. On this, we are making preparation for submission to the Ministry of Land and Resources by the end of this year for our proposed geopark to be listed as a national geopark.

14. Although most of the proposed areas for geopark fall within the boundaries of existing country or marine parks, there are still some areas that are outside the protected areas. Meanwhile, we will carry out the legislative process to designate these as special areas or marine parks so as to provide for comprehensive protection.

New Country Park and Sites of Special Scientific Interest

15. In November 2008, the 24th Country Park in Hong Kong, the Lantau North (Extension) Country Park, was opened. This adds another 2,360 hectares to Hong Kong's country park area, bringing the total area to some 44,000 hectares, covering some 40% of land in Hong Kong. The Government will continue the efforts in identifying new country park areas having regard to established criteria.

16. In addition, AFCD continues to identify Sites of Special Scientific Interest (SSSI) to enhance conservation. SSSIs are sites, terrestrial or aquatic, which are of special scientific interest by reason of their flora, fauna or geographical features. The designation of SSSI is to ensure that relevant government departments are aware of the scientific interest of such sites and that due consideration will be given to conservation when developments in or near these sites are proposed. In 2008, two SSSIs were designated, including Siu Lang Shui and Deep Water Bay Valley, which are respectively important butterfly overwintering site, and site with the largest population of a rare shrub species. AFCD, in consultation with PlanD, is processing two SSSI proposals, viz. Lung Kwu Tan Valley identified for its butterfly diversity, as well as Shui Hau Wan, identified for the important nursery ground for horseshoe crabs

there.

Banning of Commercial Fishing in Marine Parks

17. In order to improve ecosystems in marine parks and offer better protection for marine organisms, we propose to ban commercial fishing in marine parks. We plan to introduce legislative amendments later this year to give effect to this initiative. Meanwhile, we are consulting the relevant stakeholders, including the affected fishermen with a view to addressing their concerns.

Keeping abreast of international developments

18. On 13 March 2009, the Protection of Endangered Species of Animals and Plants Ordinance (Amendment to Schedule 1) Order 2009 and the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) (Amendment) Order 2009 came into effect. The two orders reflected the list of endangered species in the Appendices to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and reduced the quantitative limit for the import, export or re-export of caviar as personal or household effects. These give effect to the amendments made at the 14th meeting of the Conference of the Parties to the CITES and by individual Parties as notified by the CITES Secretariat, and thus enable the Ordinance to comply with international requirements.

19. To demonstrate Hong Kong's commitment in cooperating with the international community to protect nature environment, we plan to allow extension of the Cartagena Protocol on Biosafety (the Protocol), which was adopted under the Convention on Biological Diversity to Hong Kong for better protection of biological diversity by controlling the trans-boundary movement of living modified organisms (LMO) intended for release into the environment. To this end, we plan to introduce to the Legislative Council later this year a legislative proposal for the implementation of the Protocol in Hong Kong.

Conservation education and publicity

20. Public support and participation are essential to the success of our conservation efforts. AFCD has been managing the country parks, special areas, marine parks and marine reserve effectively for the promotion of nature conservation. In 2008, there were some 12 million visitors to our country parks. To promote public awareness on nature conservation, AFCD had organized various activities, including school education programmes, seminars, volunteer programmes, guided

visits and exhibitions, attracting some 500,000 participants last year. AFCD had also arranged publicity programmes to mark the opening of the Lantau North (Extension) Country Park, which was very well received.

WAY FORWARD

21. Hong Kong's natural environment belongs to every member of the community. All of us have the responsibility to protect it. Partnership among the Government, the private sector, NGOs and the community at large is paramount to the success of the nature conservation initiatives. For the benefits of our community and our future generations, we will continue our efforts to promote nature conservation and preserve the natural heritage through the measures described above.

March 2009

Environmental Protection Department

Agriculture, Fisheries and Conservation Department

Annex**Two nature conservation management agreement projects**

Project Title	Nature Conservation Management for Long Valley	Management Agreement on the Private Land with High Conservation Value at Fung Yuen Valley Site of Special Scientific Interest in Tai Po, Hong Kong
Site involved	Long Valley	Fung Yuen
Size of management area	about 11 hectares	about 2 hectares
Proponent	Conservancy Association (CA)	Tai Po Environmental Association (TPEA)
Key partner in implementation	Hong Kong Bird Watching Society (HKBWS)	N/A
Project description	This is a joint project to conserve and enhance the biodiversity particularly the avifauna and freshwater wetland dependent species in the Long Valley through management agreement with local farmers and landowners.	This is a nature conservation project for the conservation of the natural habitat of butterflies through management agreement with landowners of private land that are situated in the SSSI at Fung Yuen Valley.
Key conservation objectives	<ul style="list-style-type: none"> - To enhance nature conservation in Long Valley, particularly avifauna and other freshwater dependent species; - to conserve agricultural freshwater habitats in Long Valley; - to establish close partnership with farmers and landowners in management agreement and small projects; - to monitor habitats and biodiversity with a view to developing effective and efficient habitat management measures for long term ecological conservation; and - to promote nature conservation awareness. 	<ul style="list-style-type: none"> - To reduce and minimize environmentally incompatible behavior on private land in Fung Yuen; - to enhance and maintain the habitat quality of private land in Fung Yuen; - to provide a refuge area for butterfly's foraging, inhabiting, and breeding, so as to help increase the diversity of butterfly species; - to train volunteers in conservation programme; and - to promote nature conservation awareness.
Duration	1 Mar 2008 - 28 Feb 2010	1 Feb 2008 – 31 Jan 2010
Approved budget	\$3,974,964	\$2,849,990