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Hon Audrey EU Yuet-mee, SC, JP
Chair
Panel on Environmental Affairs
The Legislative Council
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Call for a Review of the New Nature Conservation Policy

Honourable Chair and Members,

Attached is an overview showing the effectiveness of the New Nature Conservation Policy. The information shows that limited nature conservation objectives have been met since 2004, and that measures in conserving areas of ecological importance remain inadequate.

We therefore urge Government and the Legislative Council to consider the following measures:

1. The setting up of a comprehensive ecological database with an ongoing review of land and water for their ecological (and geological) values and sensitivity;
2. Expanding the land use zoning and the review of existing zoning to better conserve sites;
3. The banning of all fishing in marine parks, a significant expansion of no-take zones and the introduction of a licensing regime for commercial fishing;
4. The review of land policies, specifically the Small House Policy, and the use of land resumption, land exchange, off-site mitigation and transfer of development rights to better conserve sites;
5. A 'no net loss' policy for country parks;
6. One single office for enforcement coordination to protect private and government land from despoliation;
7. To determine whether MAs and PPPs are practicable tools given their limited success to date and how obstacles can be overcome to ensure their success;
8. To commence consultation on the setting up of a nature conservation trust.

Yours sincerely



Paul Zimmerman

Encl. The Effectiveness of the New Nature Conservation Policy (2pp)

Encl. Annex 1. List of areas designated country parks, marine parks, special areas, marine reserves and conservation zoning (CA, CPA, SSSI) since 2004 (1pp)

Encl. Annex 2. List of environmental destruction activities between August 2006 and March 2009 (10pp)

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The Effectiveness of the New Nature Conservation Policy (page 1)

Promised by Government in 2004	Progress 2004 to 2009
A new policy statement with clearer terms	'No-net Loss Policy' denied for excising of land from Clear Water Bay Country Park Land taken for the SENT landfill without adequate compensation with land in situ.
AFCD is establishing a comprehensive ecological database	No progress reported
Scoring system and Expert Team set up; 12 priority sites identified; Expert Team will be consulted on additional sites when more or new ecological information becomes available.	No meeting since agreement on 12 priority sites in 2004.
AFCD will review the existing land use zonings to decide whether there is scope for reviewing permitted uses to better conserve the sites.	No progress reported
Existing nature conservation measures, including designation of country parks, special areas, marine parks, marine reserves and conservation zonings (Site of Special Scientific Interest (SSSI), Conservation Area (CA), Coastal Protection Area (CPA)) and implementation of conservation plans on important habitats will continue and be enhanced where appropriate.	<p>Few areas designated since 2004 See Annex 1 by WWF Hong Kong.</p> <p>Few areas to be designated (planned) Lung Kwun Tang Valley to become SSSI Hui Hau Wan to become SSSI Geopark areas outside protected areas to become <u>special areas</u> or marine parks.</p> <p>Areas (to be) lost Clear Water Bay Country Park to SENT Marine habitat to CBF and Roads in North Lantau</p> <p>Zoning requested (not implemented) CA zoning of section of Sham Chung</p>
Other conservation efforts (including implementation plans for specific species)	<p>Failures Fishing ban in Marine Parks Illegal collection of incense trees Street lighting in Sai Kung Country Park</p>

The Effectiveness of the New Nature Conservation Policy (Page 2)

Promised by Government in 2004	Progress 2004 to 2009
Measures proposed in 2003 consultation (similar to those in the 1991 town planning review) including land resumption, land exchange, off-site mitigation options and transfer of development rights are deemed impracticable or not applicable and keeping these options open may raise false hopes and impede implementation of Management Agreements and PPPs.	<p>Only 3 Management Agreements and no PPPs have been implemented since 2004.</p> <p>Over 40 environmental destructions of nature on private and Government land have been reported between August 2006 and March 2009 by concern groups and media. See Annex 2 by WWF Hong Kong.</p> <p>In addition, many other destructions, including waste dumping and illegal developments/land uses, took place since 2004.</p>
Management Agreement pilot schemes for 12 priority sites	<p>2 pilot schemes started in 2005 Fung Yuen (Tai Po Environment Ass) Long Valley (CA and Bird Watching Soc)</p> <p>No new schemes announced since.</p>
PPP pilot schemes for 12 priority sites	<p>1 pilot scheme under consideration Sha Lo Tung pending revisions</p> <p>All other PPP schemes are impracticable Applications for 5 other sites were made but 1 withdrawn, 3 not supported, 1 silent following land-related issues.</p>
Public education will be strengthened	<p>No additional funding confirmed AFCD programs continued</p>
Establishment of a nature conservation trust will be explored.	<p>No progress reported</p>

(Annex 1)

List of areas designated as country parks, marine parks, special areas, marine reserves and conservation zoning (CA, CPA, SSSI) since 2004

Category of protected area	Location	Remarks
Country Parks	Lantau North (Extension) Country Park - 2 360 ha	- In effect on 7 November 2008
Marine Parks	No new designation	
Special Areas	Hong Kong Wetland Park - 61.52 ha	- In effect on 1 October 2005
	Lai Chi Wo ~ 1 ha	- in effect on 15 March 2005
Marine Reserves	No new designation	
Conservation Area	Tai Po OZP – 75.49 ha CA	Newly approved as part of the Tai Po OZP by the Chief Executive in Council on 13 Jan 2009. Areas included: <ul style="list-style-type: none">- Tai Po Kau Headland- Tolo Pond mangrove near Constellation Cove- Two inter-tidal ponds at the east and west of Tai Po Kau Headland- Pak Mun Shan (Area 40) adjacent to Tai Po Kau Nature Reserve
SSSI (administrative designation in the SSSI register)	South Tsing Yi SSSI – 1.1 ha	- designated on 13 April 2005 - presence of a population of an endemic shrub <i>Croton hancei</i>
	Tai Om Fung Shui Woodland – 2.7 ha	- designated on 30 December 2005 - high plant species richness and rare plants recorded
	Shek Ngau Chau – 0.92 ha	- designated on 30 December 2005 - most important breeding ground for terns in HK
	Lin Ma Hang Stream – 2 km long and 1.5 -4 m wide	- designated on 6 July 2007 - most species-rich site in HK in terms of primary freshwater fishes and rare species recorded
	Siu Lang Shui – 2.3 ha	- designated on 8 January 2008 - largest known butterfly overwintering site in HK
	Deep Water Bay Valley near Wong Nai Chung Gap – 4.2 ha	- designated on 18 Feb 2008 - the largest surviving population of a rare shrub species <i>Aristolochia thwaitesii</i>
SSSI zoning (from the relevant statutory Outline Zoning Plans “OZPs”)	Deep Water Bay Valley near Wong Nai Chung Gap – 4.2 ha	- exhibited as part of the draft Shouson Hill and Repulse Bay OZP for public comments on 26 September 2008 - not yet approved
	South Tsing Yi SSSI – 1.1 ha	- approved as part of the Tsing Yi OZP by Chief Executive in Council on 17 Oct 2006

Data in this table was prepared by WWF Hong Kong.



A list of Environmental Destruction Activities between August 2006 and March 2009

No.	Date that WWF was notified	Place of occurrence	Environmental destruction activities	Land Use Zoning and/or land status	Ordinance(s) potentially violated, according to our site visits and/or correspondence with the relevant government departments
1	Aug 06	Tam Wat, Sai Kung	<ol style="list-style-type: none"> 1) Site formation 2) Land excavation 	<ol style="list-style-type: none"> 1) Zoning: Green Belt (site) and V (path connecting to site) 2) Land Status: subject site is mostly private land 	<ol style="list-style-type: none"> 1. Town Planning Ordinance 2. Lands (Miscellaneous Provisions) Ordinance
2	Jan 07	Shan Liu, Tai Po	<ol style="list-style-type: none"> 1) Site formation 2) Filling of land 3) Tree-felling 	<ol style="list-style-type: none"> 1) Zoning: Agriculture (AGR) with filling restriction 2) Land Status: subject site is mostly private land 	<ol style="list-style-type: none"> 1. Town Planning Ordinance
3	Jan 07	Ngam Tau Sha, Sai Kung	<ol style="list-style-type: none"> 1) Massive tree felling to construct a road access 2) Land excavation to construct a road access 3) Land filling on a private land that is connected by the unauthorised road access 	<ol style="list-style-type: none"> 1) Zoning: Conservation Area (CA) 2) Land Status: Government Land (road access) and private land (site where the road access can lead to) 	<ol style="list-style-type: none"> 1. Town Planning Ordinance 2. Lands (Miscellaneous Provisions) Ordinance 3. Forests and Countryside Ordinance
4	Mar 07	She Tau village, Sai Kung	<ol style="list-style-type: none"> 1) land excavation 	<ol style="list-style-type: none"> 1) Zoning: Green Belt (GB) 2) Land Status: mostly private land 	<ol style="list-style-type: none"> 1) Town Planning Ordinance 2) Lands (Miscellaneous Provisions) Ordinance
5	Mar 07	Lut Chau, Yuen Long	<ol style="list-style-type: none"> 1) Felling of mangrove tree 2) dumping of C&D wastes 	<ol style="list-style-type: none"> 1) Zoning: Site of Special Scientific Interest 2) Land Status: the affected pond bund is government land 	<ol style="list-style-type: none"> 1) Lands (Miscellaneous Provisions) Ordinance due to illegal occupation of government land



6	Feb 08	Tai Sang Wai, Yuen Long	1) Dumping of C&D wastes into fish ponds and on pond bunds	1) Zoning: Site of Special Scientific Interest (SSSI) and Conservation Area (CA) 2) Land Status: unknown	Suspect to have violated Town Planning Ordinance or Lands (Miscellaneous Provisions) Ordinance but cannot confirm because no reply from PlanD yet
7	Apr 07	Mai Po Sun Tsuen, San Tin	1) Dumping of C&D wastes into fishponds and on top of pond bunds	1) Zoning: Other Specified Uses (Comprehensive Development to include Wetland Enhancement Area) 2) Land Status: both government and private land are affected	1) Lands (Miscellaneous Provisions) Ordinance due to illegal occupation o government land 2) Town Planning Ordinance
8	Apr 07	Long Valley, Sheung Shui	1) Dumping of C&D wastes into a piece of agricultural land	1) Zoning: AGR with filling restriction 2) Land Status: private land	1) Town Planning Ordinance
9	May 07	Shap Long, Lantau	1) Tree-felling 2) Land excavation to cut a slope 3) dumping of C&D wastes	1) Zoning: GB 2) Land Status: both private and government land are affected	1) Town Planning Ordinance 2) Forests and Countryside Ordinance Not sure if dumping of C&D wastes are illegal because we have not followed up with LandsD or PlanD
10	22 May 07	Wong Keng Tei, Sai Kung	1) Site formation (paving with concrete) 2) Felling of mangrove trees	1) Zoning: Coastal Protection Area (CPA) 2) Land Status: private land (according to minutes of RNTC on 22 June 07 – A/SK-TMT/14, an enforcement notice was served on	1) Town Planning Ordinance



				the applicant)	
11	30 May 07	Near Tai Mong Tsai village, Sai Kung	1) land excavation to construct an access road 2) tree-felling	1) Zoning: GB 2) Land Status: government land	1) Lands (Miscellaneous Provisions) Ordinance
12	Jul 07	Nam Chung in the Northeast New Territories	1) Dumping of C&D wastes	1) Zoning: AGR with filling restrictions 2) Land Status: private land	1) Town Planning Ordinance
13	Aug/Sept 07	Pak Shui Wun, Sai Kung	1) Land excavation	1) Zoning: CA	2) Town Planning Ordinance
14	Oct 07	Wong Mo Ying, Sai Kung West	1) dumping of C&D wastes 2) Tree-felling	1) Zoning: Country Park 2) Land Status: Private Land	1) Town Planning Ordinance
15	Nov 07	Tai O Leung Uk marsh	1) dumping of C&D wastes 2) Site formation	1) Zoning: no OZP coverage 2) Land Status: private land	Though the dumping of C&D wastes and site formation resulted in direct loss of wetland, unfortunately, the activity was not illegal. This is because the subject site has no conservation zoning
16	Dec 07	TMT village, Sai Kung	1) Bridge building above a natural stream 2) Tree-felling	1) Zoning: GB 2) Land Status: Government land (stream)	Relevance ordinance under the jurisdiction of Water Supplies Department since it falls within a designated water catchment Not sure whether the subject tree-felling is legal or not
17	August 06 (WWF was only notified in	Long Keng Village, Sai Kung	1) Land excavation to construct a road access	1) Zoning: Village Type Development ("V") 2) Zoning: Government land	1. Lands (Miscellaneous Provisions) Ordinance)



	July 07)				
18	Jan 08	Long Keng Village, Sai Kung	<ol style="list-style-type: none"> 1) Land Excavation 2) Tree felling 	<ol style="list-style-type: none"> 1) Zoning: GB 2) Land Status: mostly Government Land 	<ol style="list-style-type: none"> 1) Lands (Miscellaneous Provisions) Ordinance 2) Forest and Countryside Ordinance
19	Jan 08	Lo Lau Uk, Tai Po	<ol style="list-style-type: none"> 1. dam building across a natural stream 2. Land excavation 	<ol style="list-style-type: none"> 1. Zoning: GB 2. Land Status: Government land 	<ol style="list-style-type: none"> 1) Lands (Miscellaneous Provisions) Ordinance 2) Forest and Countryside Ordinance
20	Jan 08	Mui Tsz Lam, Ma On Shan	<ol style="list-style-type: none"> 1. Land Excavation 2. Land filling such as paving of concrete at the two sides of a natural stream 	<ol style="list-style-type: none"> 1) Zoning: GB 2) Land Status: Government Land (stream); excavated area is previously agricultural land is hence is under private ownership 	<p>Town Planning Ordinance is not violated since the site that is believed to be under private ownership is not previously covered by Development Permission Area (DPA);</p> <p>WWF has not received any reply from the Lands Department as to whether the paving of concrete at the two sides of a natural stream is illegal. A follow-up letter was sent to Sha Tin District Office on 4 Feb 09.</p>
21	Feb 08	Tsim Bei Tsui	<ol style="list-style-type: none"> 1. Filling of land 	<ol style="list-style-type: none"> 1. Zoning: GB 2. Land Status: unknown 	awaiting investigation results from PlanD
22	Late Feb 08	Shing Mun (close to the entrance of Shing Mun CP)	<ol style="list-style-type: none"> 1. dumping of C&D wastes 	<ol style="list-style-type: none"> 1. Zoning: GB 2. Land Status: majority of the subject site is private land 	<ol style="list-style-type: none"> 1. Waste Disposal Ordinance due to dumping of C&D wastes on government land without permit



23	Mar 08	Ho Sheung Heung, Sheung Shui	1. Site was previously a piece of agricultural land but since 2006 it has been regularly dumped with C&D wastes. WWF recently received a local report that the site has been formed and is currently being used for recreational uses such as the provision of mini-quad bike track and barbecue pits on-site	1. Zoning: AGR with filling restrictions 2. Land Status: Private land	1) Town Planning Ordinance
24	April 08	Ting Kok	1. dumping of C&D wastes	1. Zoning: AGR with filling restrictions 2. Land Status: private land but not sure if government land is also affected	1. Town Planning Ordinance
25	Apr 08	Ng Tung Chai, Tai Po	1. dumping of C&D wastes	1. Zoning: AGR with filling restriction 2. Land Status: private land	1. Town Planning Ordinance
26	Apr 08	Pak Ngau Shek, Tai Po	1) land excavation to cut a slope 2) potential tree-felling (to be confirmed)	3. Zoning: V 4. Land Status: private land	awaiting investigation results from Lands Department



27	Mar 08 (WWF was informed in Apr 08)	Shek Lau Po, Tung Chung	<ol style="list-style-type: none"> 1. land filling (previously a piece of agricultural land) 2. site formation 	<ol style="list-style-type: none"> 1. Zoning: site has no OZP coverage 2. Land Status: Private Land 	<ol style="list-style-type: none"> 1. PlanD, AFCD and LandsD said no enforcement actions could be undertaken 2. EPD said that no enforcement actions could be undertaken as villagers either grant consent or have no objection to the filling operations.
28	May 08	So Lo Pun	<ol style="list-style-type: none"> 1. tree-felling (several hundreds mature trees in a secondary forest) 2. soil excavation 3. construction of a new house 	<ol style="list-style-type: none"> 1. Zoning: Much area has no statutory zoning plan while some area falls within Plover Cove Country Park 2. Land Status: Mostly private land; some area belongs to Government land 	<ol style="list-style-type: none"> 1. Forests and Countryside Ordinance 2. Lands (Miscellaneous Provisions) Ordinance
29	Oct 08	TMT, Sai Kung	<ol style="list-style-type: none"> 1. tree-felling at a slope 2. Land Filling and Unauthorised storage use 3. Small house that we suspect is unauthorised 	<ol style="list-style-type: none"> 1. Zoning of both site A and B: GB 2. Land Status: <ol style="list-style-type: none"> a. slope near site A where tree-felling was involved is Government land; b. Site A is private land c. site B where land filling and unauthorised storage use were involved on private land <p>Site A and B locations – refer to WWF's</p>	<p>Land Filling and Unauthorised storage use – violates Town Planning Ordinance</p> <p>Slope cutting – violates the Forests and Countryside Ordinance</p>



				letter of concern	
30	Oct 08	Tam Wat, Sai Kung	1. Breaking government fence for vehicular access	<ul style="list-style-type: none"> 1. Zoning: GB 2. Land Status: Government Land for the broken fence area 	1. LandsD said that repairing works were undertaken but KFBG found out that the fence was broken again on 22 Dec 08.
31	11 Nov 08	Kam Tin buffalo field	1. Land filling	<ul style="list-style-type: none"> 1. Zoning: AGR with 1.2 m filling restrictions 2. Land Status: private land 	1. Town Planning Ordinance (likely because C&D waste but not top soil is dumped)
32	8 Dec 08	Mai Po New Village	1. Land filling	<ul style="list-style-type: none"> 1. Zoning: CA 2. Land status: private land 	<ul style="list-style-type: none"> 1. Town Planning Ordinance 2. EPD said that it would check if someone could be caught red-handed and whether permission was sought from the landowner (but likely not and hence not violate the Town Planning Ordinance)



33	16 Dec 08	Emergency Vehicular Access (EVA) of Sheung Yue River Channel, Ho Sheung Heung	1. De-railing of EVA entrance	1. Zoning: AGR	1. Awaiting DSD's reply
34	16 Dec 08	Near EVA of Shueng Yue River Channel, Ho Sheung Heung	1. Pond filling 2. Land Filling	1. Zoning: AGR 2. Land status: Private land	1. LandsD said land lease conditions were not violated 2. Awaiting PlanD's reply
35	30 Dec 08	Nam Sang Wai	1. Land filling 2. Vehicular access affecting a stream	1. Zoning: CA and "V" 2. Land status: entirely Government Land	1. Waste Disposal Ordinance 2. Lands (Miscellaneous Provisions) Ordinance
36	5 Feb 09	Nam A, Sai Kung	1. tree-felling	1. Zoning: GB 2. Land status: Government Land and Private Land	1. Forests and Countryside Ordinance
37	7 Feb 09	Shap Long, Lantau	1. Tree-felling 2. Potentially unauthorised road access	1. Zoning: GB 2. Land status: Private land	1. De-railing is illegal
38	9 Feb 09	Tin Fu Tsai, Tai Lam	1. Tree-felling 2. Potentially unauthorised road access	1. Zoning: Country Park 2. Land Status: Private land (the area where the road access led to) and	1. The road access created from tree-felling was on government land and hence was unauthorised ★ Violated the Forests and Countryside Ordinance



				Government Land (road access)	and Country Parks Ordinance
39	11 Feb 09	Shan Liu, Tai Po	<ol style="list-style-type: none"> 1. Tree-felling along the concrete road, on the cut slope and along the stream bank 2. at least 500 m Concrete road – land filling 3. Slope cutting at Lai Pek Shan 4. Slope cutting along concrete road 5. concrete filling of natural stream bank 6. Suspected unauthorised deposition of construction and demolition materials 	<ol style="list-style-type: none"> 1. Zoning: Some GB; some Country Park; mostly unzoned 2. Land status: both government land and private land involved 	<ol style="list-style-type: none"> 1. Letter sent to DO/Tai Po but still awaiting reply
40	4 Mar 09	Ma Shi Chau, Sai Kung	<ol style="list-style-type: none"> 1. tree-felling 2. land filling (with concrete) 	<ol style="list-style-type: none"> 1. Zoning: not covered by any statutory zoning plan. It is recognised as a SSSI in the SSSI Register (an Administrative zoning) 2. Land status: Government and private land 	<ol style="list-style-type: none"> 1. Tree-felling: if on government land, it is illegal 2. Land filling with concrete on government land is an unauthorised work and hence violates the Lands (Miscellaneous Provisions) Ordinance



41	23 Mar 09	Miu Tin, Sai Kung	<ol style="list-style-type: none"> 1. Vegetation clearance including tree-felling 2. A road of at least 500 m was constructed 	<ol style="list-style-type: none"> 1. Zoning: CA 2. Land Status: Government and private land 	<ol style="list-style-type: none"> 1. Illegal tree-felling on government land: Forests and Countryside Ordinance 2. Unauthorised road access on Government Land: Lands (Miscellaneous Provisions) Ordinance
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Activities that poses threat to surrounding areas of conservation interest

No.	Date that WWF was notified	Place of occurrence	Environmental degradation activities	Zoning and/or land status	Photos of the activities	Ordinance(s) likely have violated, according to our site visits and/or correspondence with the relevant government departments
1	30 May 07	TMT village (near <i>Feng shui</i> woodland)	<ol style="list-style-type: none"> 1) land excavation 2) tree-felling (close to <i>Feng shui</i> woodland) 	<ol style="list-style-type: none"> 1) Zoning: V 2) Government Land 	Did not take photo because of safety issue	Cannot confirm if Lands (Miscellaneous Provisions) Ordinance is violated since no reply from LandsD