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世界自然基金會  
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## Legco Panel on Environmental Affairs

Meeting on 30 March 2009

CB(1) 1220/08-09(03)

### “Progress of implementation of the new nature conservation policy”

#### WWF's comments

In 2008, WWF responded to the progress of implementation of the New Nature Conservation Policy (NNCP) and highlighted a number of concerns and limitations of the NNCP (Annex 1). A year after, we have not seen any significant progress in most of the issues we raised. This year, out of the many outstanding issues, WWF considers that the following two areas deserve the urgent attention from all the Honourable legislators:

#### **The Government should confer all Public-Private Partnership (PPP) proposals under the New Nature Conservation Policy with the statutory status of ‘Designated Projects’ under the Environmental Impact Assessment Ordinance (EIAO)**

##### ***Rationale***

1. The 12 priority sites recognised by the government for enhanced conservation under the NNCP are all biodiversity hotspots in terms of species and / or habitat conservation value.
2. It is of paramount importance to impose the most stringent measures and regulatory requirements to reduce the impact of any major development on these recognised biodiversity hotspots. The established framework of EIAO must be employed to achieve such a purpose.
3. For both policy consistency, transparency and the public interest, the government should NOT exclude any major development plans which are located on these biodiversity hotspots from the important and statutory process of EIA.
4. The primary objective of the NNCP must be "nature conservation" with due consideration of allowing development, only if that does impede the purpose of nature conservation following the no-net-loss principle. The statutory process of EIA should thus be the bare minimum required to

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help achieve such an objective, in order to safeguard our natural heritage.

**Government should establish a “no-net-loss in protected area” policy for consideration of any development of overriding public interest encroachment onto Country Parks**

***Rationale***

1. To allow an extension of the South East New Territories landfill, the Government recently proposed to excise 5 hectares of land from the Clear Water Bay Country Park without compensation for the loss of land area.
2. The Government’s proposal highlighted that our “protected areas” are not under secure protection as there is currently no clear policy objective on how “protected areas” can be used for development purposes under a ‘No-Net-Loss’ principle and how the excision of land in “protected areas” will be compensated.
3. More than 3000 public objections to this proposal have been received by the Country and Marine Parks Board.
4. WWF considers that the excision of Country Park area to meet development needs of overriding public interest without compensation will de facto **encourage more encroachments** to take place in the future since currently there is **no policy** requiring statutory compensation to maintain the integrity of our Country Park system.
5. The concept of ‘No-Net-Loss in Protected Area’ should be incorporated in NNCP to ensure sufficient protection is in place to maintain the integrity of our Country Park system. WWF is urging the Government to adopt a policy of ‘No-Net-Loss in Protected Area’ for considering any development of overriding public interest that may trespass on individual Country Parks. A continuing absence of such a compensation policy means that it could be acceptable for Country Parks in desirable areas to be completely developed over time.
6. It is important to note that the concept of **“No-Net-Loss”** is not new since it has been adopted by the Town Planning Board as an overarching principle to protect fish pond wetlands from development in Deep Bay since 1999.
7. The Government should compensate in physical land area and for any loss of Country Park land as a result of development of overriding public interest. This can include measures such as:
  - a. Designating another piece of land of equivalent size and natural value as Country Park; **and**
  - b. Explicitly explaining to the public that each excision is properly compensated to maintain the integrity of the Country Park system.

## **Annex 1 WWF's comments on the 2008 Progress of Implementation of the New Nature Conservation Policy**

### **Legco Panel on Environmental Affairs 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 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 NNCP<sup>1</sup>, 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 ecologically 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

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<sup>1</sup> 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)

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 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 managed<sup>2</sup>.
- 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

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<sup>2</sup> 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.

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 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.