

立法會
Legislative Council

LC Paper No. CB(1)705/16-17(07)

Ref. : CB1/PL/EA

Panel on Environmental Affairs

Meeting on 27 March 2017

**Background brief on nature conservation in Hong Kong
prepared by the Legislative Council Secretariat**

Purpose

This paper provides background information on nature conservation in Hong Kong. It also gives a brief account of the major views and concerns expressed by Members when related issues were discussed by the relevant committees of the Legislative Council in the 2013-2014 to 2015-2016 legislative sessions.

Background

Policy framework for nature conservation

2. The current policy framework for nature conservation in Hong Kong was set out in the "New Nature Conservation Policy" announced in 2004, under which the Administration aims to regulate, protect and manage natural resources that are important for the conservation of biological diversity of Hong Kong in a sustainable manner,¹ taking into account social and economic considerations, for the benefit and enjoyment of the present and future generations of the community. The Administration's major programmes and

¹ Biological diversity, or "biodiversity" in short, means the variety of living organisms. It serves as a measure of how stable ecosystems are, and is a key determinant of the benefits that the natural environment delivers to humans. There are three levels of biodiversity: genetic diversity refers to the variation among individuals within the same species; species diversity refers to all the different kinds of organisms within a habitat or a region; and ecosystem diversity is the variety of habitats and communities of organisms found within an area.

initiatives to promote nature conservation are summarized in the ensuing paragraphs.

Nature conservation programmes and initiatives

Designation of protected areas

3. Ecologically-important sites are designated as protected areas to comprehensively protect the ecosystems therein and conserve wildlife in-situ. These protected areas include:

- (a) country parks and special areas established under the Country Parks Ordinance (Cap. 208) for the purposes of nature conservation, outdoor recreation and countryside education;²
- (b) marine parks and marine reserves designated under the Marine Parks Ordinance (Cap. 476) to protect and manage ecologically-important coral communities, seagrass and algal beds, rocky shores and other coastal and marine habitats; and
- (c) ecologically-important habitats designated as Restricted Areas under the Wild Animals Protection Ordinance (Cap. 170) to restrict human access and minimize disturbance to the habitats and wildlife there.

Land use planning and development control

4. The Town Planning Ordinance (Cap. 131) provides for zoning of ecologically-sensitive areas on statutory town plans. The planning intentions of conservation zonings such as Site of Special Scientific Interest, Conservation Area and Coastal Protection Area have a general presumption against development, within which few uses other than those necessary for management of natural resources are permitted.

5. Any major project to be carried out within or in proximity to ecologically-sensitive areas may constitute a designated project under the Environmental Impact Assessment Ordinance (Cap. 499) ("EIAO"). EIAO provides that project proponents should carefully scrutinize potential ecological

² Both country parks and special areas are subject to the same statutory protection and control. Country parks usually cover larger areas and are managed for recreational, educational and nature conservation purposes. Special areas are of smaller sizes and higher conservation value, and are usually managed for nature conservation and educational uses only.

impacts of designated projects at an early stage, and make necessary adjustments to avoid or minimize adverse impacts.

Conservation of sites under private ownership

6. Two schemes have been implemented for enhanced conservation of priority sites of conservation value under private ownership:

- (a) Public-Private Partnership scheme: development of an agreed scale is allowed at portion of sites that is ecologically less sensitive, provided that the project proponents undertake to conserve and manage the rest of the sites on a long-term basis; and
- (b) Management Agreement scheme: non-profit-making organizations may apply for funding from the Environment and Conservation Fund ("ECF") for entering into management agreements with the landowners, and provide the latter with financial incentives in exchange for land management rights or their cooperation in enhancing conservation of the sites concerned.

Species conservation plans

7. Conservation action plans, which generally consist of monitoring, in-situ or ex-situ conservation measures, research to fill knowledge gaps and public education, are implemented for fauna species, such as Chinese White Dolphin, Green Turtle, Black-faced Spoonbill and Romer's Tree Frog. For the conservation of native flora, apart from designating protected areas and enforcing the Forests and Countryside Ordinance (Cap. 96) ("FSO"),³ the Administration has been propagating and planting some rare or endangered plant species in the countryside to increase their populations.

Hong Kong Biodiversity Strategy and Action Plan (2016-2021)

8. With a view to contributing to global efforts on biodiversity conservation and stepping up conservation efforts to support the sustainable development of Hong Kong,⁴ the Administration has since 2013 engaged

³ FSO prohibits destruction of trees and plants in forests and plantations on Government land, lighting of fire in any forest/plantation or open countryside, and possession of listed plant species.

⁴ To date, 196 countries and organizations have ratified or accepted the "Convention on Biological Diversity" whose objectives are to conserve biodiversity and promote sustainable use of the components of biodiversity and a fair and equitable sharing of the benefits arising out of the utilization of genetic resources. China joined the Convention in 1993 and extended it to Hong Kong in 2011.

stakeholders to take forward the development of a Biodiversity Strategy and Action Plan ("BSAP") for Hong Kong. Results of a public consultation conducted in early 2016 indicated widespread public support for the implementation of BSAP.

9. In December 2016, the Administration released the first BSAP for Hong Kong which provides administrative and planning guidance on the conservation of local biodiversity from 2016 to 2021. The BSAP for Hong Kong comprises four areas of action, including enhancing conservation measures, mainstreaming biodiversity,⁵ improving knowledge, and promoting community involvement.

10. In the area of enhancing conservation measures, the Administration will, among other things, take the following actions:

- (a) maintaining and enhancing the management of protected areas, including development of conservation management plans for specific areas with rich biodiversity;
- (b) considering the potential to extend the protection to other ecologically-important sites;⁶
- (c) stepping up enforcement against wildlife crimes and imposing heavier penalties on smuggling and illegal trading of endangered species; and
- (d) formulating and implementing conservation action plans for priority species, as well as improving management of invasive alien species.

Major views and concerns expressed by Members

11. The Administration briefed the Panel on Environmental Affairs ("EA Panel") on the BSAP public consultation at the meetings on 22 February 2016

⁵ "Mainstreaming biodiversity" means integrating biodiversity considerations in the territorial development strategy. Key actions under this area include incorporating relevant guidelines in the Hong Kong Planning Standards and Guidelines, and updating the biodiversity criteria in the sustainability assessment system for the formulation of major policies and plans.

⁶ In particular, the Administration plans to take forward the proposed designation of the Soko Islands Marine Park, Southwest Lantau Marine Park and Robin's Nest Country Park as protected areas. Country parks will be extended to cover country park enclaves at appropriate locations. A 37-hectare nature park at Long Valley will be set up to mitigate the ecological impacts arising from the development of the Kwu Tung North and Fanling North New Development Areas.

and 29 March 2016. The Panel also discussed matters relating to protection of endangered species (e.g. elephants and incense trees) and marine ecology at various meetings. At the Council meeting of 2 December 2015, a motion on "Strengthening the combat against the crime of wildlife smuggling" moved by Dr Elizabeth QUAT and as amended by Ms Claudia MO was passed. Issues relating to nature conservation and biodiversity were raised by Members during examination of the Estimates of Expenditures 2014-2015 and 2015-2016. The major views and concerns expressed by Members are summarized in the ensuing paragraphs.

Impact of reclamation and construction works on marine ecology

12. Members were concerned about the cumulative impacts of major infrastructural projects, in particular those near Lantau Island, on marine ecology and fisheries resources of the affected waters. Some Members considered that the Administration should formulate comprehensive policies and strategies to conserve marine ecology, conduct regular surveys on marine resources and prepare marine resources maps to assist the monitoring of marine species in Hong Kong waters.

13. The Administration advised that it had been conducting regular ecological surveys to update the status of different marine species. Various measures had been implemented for the conservation and sustainability of the marine ecosystems, such as the designation of Sham Wan of South Lamma as a Restricted Area to protect the nesting ground of green turtles, deployment of artificial reefs to enhance fisheries and ecological resources, and cross-boundary cooperation with the Guangdong authorities to conserve marine species in the waters of the Mainland and Hong Kong. The Administration had also been implementing fisheries management measures which included, among other things, the ban on trawling and a registration system for local fishing vessels with a view to maintaining an appropriate level of fishing effort in Hong Kong waters.

14. The Administration further advised that the Civil Engineering and Development Department had carried out a non-statutory "cumulative environmental impact assessment" study to assess the cumulative impacts of the three potential reclamation sites (Lung Kwu Tan, Siu Ho Wan and Sunny Bay) together with other ongoing/planned projects in the western waters on four environmental aspects, including ecology, fisheries, air quality and water quality. The study revealed that there was no insurmountable problem identified with respect to the four environmental aspects. The Administration would continue to put in place mitigation measures, such as adoption of non-dredged reclamation method and designation of new marine parks, to protect marine ecology from the adverse impact of marine works.

Balance between nature conservation and human activities

15. Members stressed that the Administration should strike a proper balance between nature conservation and human activities, including land development and economic activities. There were concerns about the impacts on terrestrial and marine ecosystems caused by large-scale development projects and the rezoning of Green Belts areas for residential use. Some Members observed that fish cultured in fish ponds continued to fall prey to wild birds which were protected by the law from being trapped or killed, resulting in depletion of fish stock and financial loss to fish farmers.

16. The Administration responded that the first BSAP for Hong Kong would steer strategic actions in support of biodiversity. The Agriculture, Fisheries and Conservation Department ("AFCD") had recommended measures to assist fish farmers in preventing wild birds from preying on the fish they raised, with a view to building up a harmonious relationship between local fish farming and bird conservation. Funding was provided under ECF to support Management Agreement projects to encourage fish farmers to adopt traditional and ecologically-sustainable operation regime to manage their fish ponds.

Combating wildlife crimes

17. Members urged the Administration to step up the monitoring of wildlife smuggling and allocate additional resources to enhance the scale and enforcement capabilities of investigation teams, so as to stop crime syndicates from using Hong Kong as an illegal trading centre. The Administration was also requested to impose heavier penalties on wildlife crimes.

18. The Administration advised that AFCD had been working closely with the Customs and Excise Department, and cooperating with overseas law enforcement agencies through international joint operations and intelligence exchange, to combat wildlife smuggling. In order to provide a higher deterrent effect against the smuggling of endangered species, the Administration intended to impose uniform maximum penalties for both commercial and no-commercial summary offences under the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586), and promulgate a new set of penalties for related offences convicted on indictment.

Illegal felling of incense trees

19. Members urged the Administration to introduce more effective measures to combat illegal felling of incense trees and smuggling of locally harvested

agarwood to the Mainland.⁷ There were suggestions that the Administration should introducing dedicated legislation against illegal felling of incense trees, as well as imposing a trade ban on agarwood or its products in Hong Kong.

20. The Administration advised that a series of measures had been introduced or were being worked out to strengthen enforcement against illegal harvesting of incense trees. Among other measures, a special task force had been set up to conduct targeted patrol of sites at which important populations of incense trees were present. In order to gather updated information on incense trees for enhanced protection, a systematic territory-wide survey on the distribution of existing population of incense trees would be conducted. AFCD was also conducting a trial on the effectiveness of using remote electronic device for monitoring individual large and mature incense trees, and novel surveillance device for monitoring illegal harvesting. The Administration pointed out that since agarwood obtained from stolen trees were mainly sold outside Hong Kong, banning the sale of agarwood locally would not serve to protect the incense tree population in Hong Kong.

Invasion of alien species

21. Some Members criticized the lack of interdepartmental efforts in tackling the problem of invasive alien species. In particular, they expressed concern about the impact of white popinac (*Leucaena leucocephala* (銀合歡)) on Hong Kong's biodiversity. The Administration advised that it had put in place control measures to deal with invasive alien species, especially those which posed greater threats to the local ecology, such as mikania (*Mikania micrantha* (薇甘菊)). It was observed that the impact of white popinac was relatively smaller given the mere existence of the plant on roadside or construction sites at present. Nevertheless, the Administration would continue to monitor the situation and take control measures as necessary.

Public education

22. Members opined that the Administration should enhance public understanding of the concept of biodiversity, such as through developing a large-scale natural history museum and maintaining a register of local fauna and flora species for public use. Taking into account various factors such as the scope and type of exhibits and the resources available, the Administration considered that a permanent exhibition gallery in the Hong Kong Science Museum was more manageable than a stand-alone museum. The Administration also advised that it had already established the Hong Kong

⁷ Sections of incense tree trunks or branches that contain patches of fragrant, resinous wood enter into the trade under the name "agarwood".

Herbarium, which was the first public herbarium in China, and published a variety of publications including "Flora of Hong Kong", "Check List of Hong Kong Plants" and "Rare and Precious Plants of Hong Kong".

Council questions

23. In the Fifth Legislative Council, Members raised a number of questions related to nature conservation at various Council meetings. Issues covered in these questions include the effectiveness of the Public-Private Partnership scheme and Management Agreement scheme in enhancing conservation on private lands, conservation of country park enclaves, regulation of shark fin trade, and prevention of alien species' invasion. The questions and the Administration's replies are hyperlinked in the **Appendix**.

Latest development

24. The Administration will brief EA Panel on its efforts in nature conservation and marine conservation on 27 March 2017.

Relevant papers

25. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
23 March 2017

Nature conservation in Hong Kong

List of relevant papers

Date	Event	Paper
1 April 2014	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2014-2015	Written questions raised by Members and the Administration's replies (Reply serial numbers: ENB110 , 135 and 256)
25 June 2014	Meeting of the Panel on Environmental Affairs	Administration's paper on "Impact of construction works on important species, marine ecology and the fisheries industry" (LC Paper No. CB(1)1648/13-14(01)) Minutes of meeting (LC Paper No. CB(1)2068/13-14)
30 March 2015	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2015-2016	Written question raised by a Member and the Administration's reply (Reply serial number: ENB303)
2 December 2015	Council meeting	Motion moved by Dr Hon Elizabeth QUAT Progress report
22 February 2016	Meeting of the Panel on Environmental Affairs	Administration's paper on "Update on the protection of endangered species and biodiversity in Hong Kong" (LC Paper No. CB(1)557/15-16(04)) Minutes of meeting (LC Paper No. CB(1)857/15-16)

Date	Event	Paper
29 March 2016	Special meeting of the Panel on Environmental Affairs	Background brief on "Public consultation on Biodiversity Strategy and Action Plan for Hong Kong" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)712/15-16(01)) Minutes of meeting (LC Paper No. CB(1)1113/15-16)

Hyperlinks to relevant documents:

Government bureau/department	Document
Environment Bureau, and Agriculture, Fisheries and Conservation Department	Public consultation on "Biodiversity Strategy and Action Plan for Hong Kong" Press release Public consultation document Public consultation report
Environment Bureau	Hong Kong Biodiversity Strategy and Action Plan (2016-2021)
Environment Bureau, Environmental Protection Department, and Agriculture, Fisheries and Conservation Department	Legislative Council Brief on Biodiversity Strategy And Action Plan For Hong Kong (File Ref.: EP CR 9/15/22)
Environment Bureau, Environmental Protection Department, and Agriculture, Fisheries and Conservation Department	Legislative Council Brief on The Plan For Phasing Out The Local Trade in Elephant Ivory (File Ref.: EP CR 9/15/29)

Hyperlinks to relevant Council Questions:

Date	Council Question
10 July 2013	Press release on Council question (written) raised by Hon CHAN Hak-kan
14 May 2014	Press release on Council question (oral) raised by Hon WU Chi-wai
18 June 2014	Press release on Council question (written) raised by Dr Hon Elizabeth QUAT
11 November 2015	Press release on Council question (written) raised by Hon CHAN Hak-kan
18 November 2015	Press release on Council question (written) raised by Hon CHAN Yuen-han
18 May 2016	Press release on Council question (oral) raised by Hon Tony TSE