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***Legislative Council***

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**Panel on Environmental Affairs**

**Meeting on 22 November 2004**

**Background brief on nature conservation**

**Background**

To protect Hong Kong's beautiful natural environment against competing demands for land to meet economic and social needs, the Administration has put in place a nature conservation policy and adopted various measures, including –

- (a) the establishment of country parks and special areas for management by the Agriculture, Fisheries and Conservation Department under the Country Parks Ordinance;
- (b) the designation of conservation zonings, including Site of Special Scientific Interest, Conservation Area and Coastal Protection Area, on town plans made under the Town Planning Ordinance to protect the sites from development threats and incompatible land uses;
- (c) the establishment of restricted areas under the Wild Animals Protection Ordinance to control access to important wildlife habitats;
- (d) the implementation of the Environmental Impact Assessment Ordinance under which proponents of designated projects are required to avoid causing adverse environmental impact or, where avoidance is not practicable, to mitigate the impact to an acceptable level;
- (e) the implementation of conservation plans for important habitats (e.g. wetlands at Mai Po and Inner Deep Bay) and species (e.g. the Chinese White Dolphin and Black-faced Spoonbill); and
- (f) public education and publicity to enhance public awareness of our valuable natural environment and the importance of protecting it.

## **Review of nature conservation policy**

2. Notwithstanding the measures referred to in the preceding paragraph, there have been debates from time to time on whether a particular site really deserves conservation, particularly when there are plans to develop the site. There are also criticisms about the limitations of the existing nature conservation policy and measures in conserving ecologically important sites that fall under private ownership. In this connection, the Government conducted a review of the existing policy and measures with a view to identifying areas for further improvement.

3. The review revealed that through the designation of country parks, special areas and conservation zonings on town plan, about 48 200 hectares, or 43% of the total land area of Hong Kong, are now put under protection in one form or another. While this “protected areas” system has helped to maintain the integrity of many important natural habitats and preserving the biodiversity in Hong Kong, the existing conservation measures are not without limitations. In particular, Hong Kong lacks a system for evaluating the ecological value of individual sites in an objective and systematic manner. This may lead to debates on whether and what sort of nature conservation efforts and priority for action should be accorded to individual sites. These debates may in turn affect planning of development projects. Besides, the existing conservation measures are not fully effective in protecting sites of high ecological importance that fall under private ownership from incompatible human activities such as change of agricultural practices.

4. In July 2003, the Administration issued the Consultation Document on Review of Conservation Policy to seek public views on –

- (a) the introduction of a scoring system for assessing, in a more objective and systematic manner, the relative ecological importance of sites with the objective of reaching a consensus within the community on the priority sites for enhanced conservation. The proposed assessment criteria are in **Appendix I**; and
- (b) practicable ways to better conserve ecologically important sites that are under private ownership within limited resources. Two possible options, including management agreements with landowners and private-public partnership, were identified for further examination. Details of the two options are in **Appendix II**.

The consultation period expired on 18 October 2003.

## **Discussion by Panel**

5. The Panel held two meetings on 17 and 22 July 2003 to discuss the consultation paper.

6. While welcoming the proposals in the Consultation Document as these would make clear to owners the limits of development of agricultural land with high value, there was concern about the interest of owners whose land had a diminished development potential due to its ecological importance. Members expressed worries that owners concerned might rush to apply for change of land use prior to the introduction of the proposed scoring system or even destroy the ecological value of the sites in an attempt to reduce the score so that they could set aside the land to await the revival of the property market. To prevent landowners to resort to such extreme actions, a member suggested that legislation be introduced so that approval for development would not be given to landowners even after they had destroyed the ecological value of their land.

7. The Administration's explanation was that applications for exchange of land use had to be accompanied by an environmental review and were subject to the approval of the Town Planning Board. Hence, it was unlikely that such applications could be rushed through during the consultation period. Besides, owners concerned could enter into management agreements with non-government organizations to draw up private-public partnership proposals to develop the less ecologically sensitive part of the land on an agreed scale while undertaking to conserve the remaining part on a long-term basis. It was expected that a start-up fund would be required for managing the sites, after which the fund would be perpetually generated through profits gained from activities within the sites. The Administration also undertook to take on board the member's suggestion of introducing legislation to prevent destruction of natural habitats of ecological importance despite that it was not an easy task to destroy the habitats given the wide span of these sites.

8. Members noted that the Administration had in mind some 20 sites to be protected. They questioned the need for the scoring system. According to the Administration, the sites referred to were considered deserving for conservation by the environmentalists but the list of priority sites for enhanced conservation could only be drawn up after the scoring system had been finalized. The scoring system was worked out after drawing reference to international practices and the scoring would be based on the uniqueness of the habitat and biodiversity of individual sites.

9. Query was also raised on the propriety of promoting eco-tourism as "eco" and "tourism" were incompatible with each other. Once a site of ecological importance was frequented by tourists, the habitat would be destroyed and the ecological value would diminish. The Administration's explanation was that eco-tourism was common worldwide and was viable so long as suitable restrictions were imposed. Notwithstanding, the Administration agreed to the need for proper planning and control in the development of eco-tourism to prevent damage to habitats. Education should also be stepped up to instill the concept of environmental protection in the younger generation at an early stage and fostered within the family.

**Scoring system for assessing ecological value of sites**

| <b>Habitat Criteria</b>          | <b>Weighting (%)</b> |
|----------------------------------|----------------------|
| Naturalness                      | 15                   |
| Habitat diversity                | 15                   |
| Size                             | 10                   |
| Non-recreatability               | 10                   |
| Degree of disturbances           | 10                   |
| <br><b>Biodiversity Criteria</b> |                      |
| Species diversity and richness   | 20                   |
| Species rarity/endemism          | 20                   |
| <br>Total                        | <br>100              |

### **Proposed options for better conserving ecologically important sites under private ownership**

#### Management agreements with landowners

Under this option, non-government organizations (NGOs) will be encouraged to enter into management agreements with the landowners concerned either with government subsidies or their own funding for managing the ecologically important land to meet the nature conservation objective. Flexibility will be provided for programmes that best suit the needs of individual sites to be drawn up. The success or otherwise of this option will depend on the willingness of NGOs and landowners to participate in such agreements.

#### Private-public partnership

Under this option, development at an agreed scale will be allowed at the less ecologically sensitive portion of an ecologically important site provided that there is a viable and acceptable plan and an undertaking to conserve the remaining part of the site on a long-term basis. Non in-situ land exchange with full justifications may be considered on an exceptional basis for such schemes. This option will encourage the private sector, landowners, developers and NGOs alike to draw up proposals that, if successfully implemented, can satisfy both nature conservation and development needs. Its implementation will depend on the private sector's initiative to submit proposals. Each proposal will be assessed on its own merits.