

LegCo Panel on Environmental Affairs Special Meeting on 29th March 2016, for LegCo and Public response to Consultation Document for Biodiversity Strategy and Action Plan for Hong Kong

1. **This is a brief Introduction to the methods and materials available based on the work of many people and international CBD guidance. This is to enable LegCo and public make a suitable response. This Action Plan is vital and must be done better.**

2. **Principles to be followed and Targets to be met.** The Consultation Document is inadequate and misleading and a barrier to conservation progress for many reasons, in particular, because it fails to follow the 6 guiding principles required by the CBD for drafting such a plan and failed to inform and consult on how to meet the CBD 5 Strategic Goals and the 20 Aichi Targets which is our obligation under the CBD system.

3. **The 6 guiding principles that a BSAP should follow** are paraphrased as follows:
 - (a) It should **identify and prioritise up-to-date and effective actions** to meet all 3 objectives of the CBD and take account of the **5 Strategic Goals** of the Strategic Plan for Biodiversity; the ConDoc omits to set out the 5 Strategic Goals and the 20 Aichi Targets of the CBD's Strategic Plan. It provides 4 vague "Areas" instead.
 - (b) It should clearly highlight the **contribution of biodiversity and ecosystem services** to human wellbeing, poverty eradication and sustainable development, as well as the economic, social and cultural values of biodiversity; the Con Doc partly does this but misleads by omission and infers that Hong Kong has done so well that little action is required.
 - (c) It is a guide for policy and decision-making. **It should provide a practical and prioritised plan for implementing action on the ground;** the Con Doc fails to identify and prioritise up-to-date and effective action that will adequately protect Hong Kong's biodiversity given the enormous pressures it faces and there is no practical and prioritised plan for implementing action on the ground to meet the identified threats;
 - (d) **The process for developing a BSAP should be open, participatory and transparent.** The process initially followed international principles involving over a hundred experts and NGOs until the end of 2014. The guidance documents show this is a 7 stage process **but half way through, the participatory nature of the process is being stopped.** During most of 2015, the drafting of the Con Doc was done without participation and non-transparently and did not reflect the work and proposals of the public and the experts in identifying the problems and solutions. **Even worse, there is no route map for future participatory continuation of the process** according to international principles.
 - (e) It must include **measures to mainstream biodiversity into policies and programmes.** The ConDoc stresses this is important but does not provide specific or adequate measures to mainstream biodiversity into policies and programmes. See LFG Main Action 15.

- (f) It involves **continual monitoring, evaluation and revision**. The ConDoc having failed to adequately set out the 5 Strategic Goals or the 20 Aichi Targets, also fails to provide a system for **monitoring with indicators so as to provide measurable targets** that work towards meeting the above international targets. See LFG Main Actions 14 and 13.
4. **Process.** The BSAP participation process began well in 2013, with the setting up of a system of Steering Committee, 3 Working Groups and 12 Focus Groups with considerable public participation and a high level of expertise and authority. The process drafted and agreed upon a document consisting of Vision, Mission and Principles **but the Con Doc has deleted the Principles without explanation**. If this indicates Government has no agreement with basic conservation principles for Hong Kong, then this shows that the Government is more than 20 years behind the rest of the world.
5. By September 2014 the Focus Groups produced 12 reports which were partly tabulated into 400 actions which were both broad and specific which were partly prioritised into 33 draft Key Actions which were required to be based around the relevant 5 Strategic Goals and 20 Aichi Targets. This followed international practice. However, the Con Doc fails to reflect the high priority to genuine or effective action to meet identified threats. Many of the high priority key actions have been cut out. The public are therefore forced to go to the websites to find the **12 Focus Group Reports** and see the tables of 400 actions so as to understand the threats and the solutions and actions recommended. **The Con Doc is a barrier to awareness and consultation as to the action that is really needed. It does not ask questions on or consult the public on how the 5 Goals and 20 Targets are to be achieved.**
6. The Legislation Focus Group Report considered in an **over-arching way the legal and administrative framework** for conservation and how it can be improved to enhance conservation and meet the 5 Strategic Goals and 20 Aichi Targets. The Report together with the Executive Summary provide an **introduction to the issues**, many of which are interconnected across all the Focus Groups. This Report compiled with experts in Land Administration, EIAs, Planning and conservation in Hong Kong identified 15 Main Actions each with lists of Specific actions. However Government failed to incorporate most of the LFG Main Actions in the Tables or 33 Key Actions or the Con Doc.
7. Despite the inadequacy of the Con Doc, the BSAP participatory process from 2013 to the end of 2014 was not a waste of time. **The outcomes include a learning process for the NGOs, the public and some parts of the relevant Government departments involved** especially the AFCD. The other major outcome is that the publication of 12 Focus Group Reports, the 400 Actions, the 33 Key Actions which identify the threats, the opportunities for improvement, the solutions and the action going forward. **This work is placed in the public record so that future BSAP work can continue** as and when awareness in Government is raised as well as in the private sector.
8. Hence LFG Main Action 14 is important, setting up **systems and institutions to provide for continuing BSAP progress** so that there is a continuing participatory

process whereby the public continue to take part in identifying the threats, the values and the solutions. See LFG Report for list.

9. Main Action 15, **mainstreaming conservation and the CBD into Government** has to be achieved as a high priority. Simply put, better governance is achieved by mainstreaming CBD principles into Government decision-making and thinking and planning. This is one of the few Main Actions mentioned in the Con Doc but with few specifics. See the LFG Report for specifics but in particular mainstreaming conservation is urgent for Lands D, EPD and Plan D.
10. This must be considered with Main Action 13, providing **indicators for progress and measurements of compliance** so that both Government and public can see what losses and threats are continuing and what gains can be made to deal with them in compliance with international standards.
11. The outcome of the BSAP process so far is that, despite the misleading Con Doc, the Hong Kong **public now has practical information available**. A recommended reading list includes as follows:
 - (a) The 2011 Nature Conservation New Policy Framework for Hong Kong, Civic Exchange. AFCD had regarded this as a useful document.
 - (b) "Developing a Biodiversity Strategy and Action Plan for Hong Kong, Lisa Hopkinson, December 2012, Civic Exchange, a guidance book for drafting a plan for Hong Kong which describes the 7 Stages participatory process and shows what was done partly in Hong Kong from 2013-2014 and reveals what should be done in future.
 - (c) The LFG Report of 8th September 2014, 30 pages and its Executive Summary, 5 pages with 15 Main Actions.
 - (d) The 400 actions, both broad and specific, which resulted from the Focus Groups Reports and the 33 Key Actions which were the result of the Steering Committee's work.
12. The Con Doc is very disappointing. Hong Kong despite its years of experience with Country Parks has not been able to move ahead with conservation as the public had expected. Hong Kong is in a good position **to take advantage of the past 20 years international experience in action planning**. Instead there are only tiny steps in the Con Doc and almost nothing new or effective is achieved except that the precedent of having a **1st BSAP is being established** and Mainstreaming is recognized as being important.
13. Hong Kong with its experience and wealth and the love and awareness of its people for the countryside should have a **world class and effective and comprehensive conservation system and a BSAP which actions this**. Instead, we have a primitive approach not using the principles and methods needed for effective conservation under the modern CBD regime.
14. The countryside is still seen as the soft green target for development instead of following solutions to use land more wisely and efficiently. The sea is seen as reclamation potential, not a key to our future wellbeing. Raising awareness and

taking effective action to deal with such errors is best achieved by following the 5 Goals and 20 Targets, but instead the Con Doc omits them.

15. **Hong Kong has an obligation to meet the 5 Goals and 20 Aichi Targets.** These have been kept out of the Con Doc which is thus a barrier to understanding our obligations and the actions we need to take to reach those goals and targets. The public must find these documents and Targets and see how we can meet them so that we can have a BSAP which implements them. For example, we must not increase the loss of our forest, the Aichi Target 5 requires us to reduce the loss of our forest. This means we must not build in Country Park and Green Belts or reclaim unnecessarily. We must therefore have a BSAP which
 - (a) increases protection of countryside and the forest, not which permits increasing loss of the country;
 - (b) measures and accesses the losses and gains of forest and the countryside and which increases protection, not allowing the loss of even more;
 - (c) measures and increases the protection of each metre of our coast line or sea area and which does not unnecessarily develop and lose such areas;
 - (d) measures and increases protection of every metre of our streams and marsh land, and does not allow further loss;
 - (e) makes agricultural land available for genuine farming and protects and enhances land for farming.
16. Every little bit helps, but this Con Doc only helps very little.
17. **Awareness is vital, because people protect best what they know and love and value.**
18. **The best form of awareness raising is achieved by taking part, the participatory process.** This is a key principle of the CBD. This is because people who take part in a process, take better ownership and responsibility for implementing the result.
19. Hence the importance of Main Actions 13 and 14 for setting up institutions and instruments and administrative procedures so that the BSAP work continues on and is monitored. We must not let the BSAP participatory work stop as at 2014. Public participation must continue hand in hand with awareness raising, as more awareness is raised by more participation, as was found in the BSAP working period 2013-2014. Steering Committee Members have asked for their term of appointment to be extended when they expire at the end of May 2016. This has not been agreed to. **LegCo can demand the Govt extend the appointments of the Steering Committee and 3 Working Groups so these experts can continue the participatory process for all the 7 stages required for the CBD process.**
20. **Because Hong Kong is so far behind in terms of Government and private sector awareness, most of the Con Doc is limited to promoting awareness and values.** The Con Doc suggests there is only a low level of education or awareness hence education and awareness raising is needed for Government and the private sector. This reveals Government belief that conservation thinking and action is so lacking and deficient in Hong Kong that the 1st Hong Kong BSAP must have very low expectations, and be limited to basic teachings of the value of our natural environment

and raising awareness in Government before any effective advances in conservation action can be attempted. **This reveals a very low level of ambition at this stage.**

21. If this is the rationale for the lack of action in the Con Doc, this reveals the enormity of the task ahead before Hong Kong meets the 5 Goals and the 20 Targets as required by the CBD obligations.
22. **Do you think the Government Con Doc is doing enough with such low level suggestions? Why are they aiming so low**, how can HK meet the CBD targets? Is this too low a level of ambition? Do you think the Focus Group Reports provide a more realistic identification of the issues, challenges and solutions with the 400 actions and 33 Key Actions? Does the Con Doc reveal that our Government is far behind and still is not aware of the advantages of conservation thinking for good governance for sustainable development? LegCo will note how legislative improvements have been dismissed despite numerous Focus Groups finding loopholes and requesting legal and administrative improvements. **WWF displayed the Wall of Destruction** with over 100 cases of severe habitat destruction to facilitate development. **Expert evidence from KFBG** provides LegCo with examples of the abuses which are a blot on our conservation record. **LegCo can demand needed legal and administrative reforms for better conservation to meet CBD responsibilities.**
23. Many people have worked to provide the solid material for consultation, but this is not contained in the Con Doc. It is contained in the documents I have outlined. **It is summarized in various new documents such as the 12 Key Asks for BSAP which are part of the NGO work.** It is contained in the 15 Main Actions of the LFG and all the other Focus Groups have provided valuable actions. All need to be considered by each of you so that you can identify that which has the best prospects of achieving action and improve conservation.
24. **The Con Doc is NOT the draft BSAP.** It seems there is no actual consultation on the BSAP possible contrary to the CBD process. The Con Doc indicates Government is open to better suggestions and the submissions of the public. So the public and LegCo must submit informed demands. I would suggest in **your letters to Government**, written before the deadline of 7th April 2016 that LegCo members request the Government to implement the proposals in the Focus Group Reports and put into the Action Plan at least
 - (a) the 33 Key Actions,
 - (b) the 12 Key Asks,
 - (c) the 15 LFG Main Actions
 - (d) so as to provide an action plan which complies with international requirements, meets the 5 Strategic Goals and 20 Aichi Targets,
 - (e) provides indicators for progress and
 - (f) systems and institutions to continue the work using the participatory methods.
25. This is your main chance to shape the Action Plan for the remains of the 5 years to 2020. There will be another chance to deal with sustainable use of natural resources which has recently been passed to Council for Sustainable Development to deal with.

26. There is no justification for Hong Kong to have such a low level of ambition. There is no excuse not to meet the 5 Goals and 20 Targets. **Hong Kong has biodiversity and attractive countryside of world quality and high ecological importance.** We have every right to be concerned and protective. **Only about half of our countryside is protected.** The Central Peoples Government applying the CBD to Hong Kong and previous Government Policy statements have created the expectation that our Government will do more to protect the rest of Hong Kong's land which is attractive countryside and which sustains our quality of life. We must have an Action Plan to protect our seas and marine life which are vital for our survival.
27. Hong Kong consumes so much of the worlds resources, our ecological foot print is so massive, the least we can do is better protect the resources we have been blessed with for future generations. **LegCo can urge Government to meet the internationally adopted 5 Goals and 20 Targets as pertains to Hong Kong and carry out our share of national and international responsibilities.**

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