

**For discussion on  
27 March 2017**

**Legislative Council Panel on Environmental Affairs**

**Legislative proposal to phase out the local trade in ivory  
and progress of Government's efforts on nature conservation  
and marine conservation**

**PURPOSE**

This paper consults Members on the legislative proposal to phase out the local trade in ivory and updates Members on the Government's efforts on nature conservation and marine conservation.

**PHASING OUT OF THE LOCAL TRADE IN IVORY**

**Background**

*Existing Control*

2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) requires that the import, introduction from the sea, export or re-export of the species listed in its three Appendices<sup>1</sup> be subject to control. CITES has been implemented in Hong Kong since 1976. CITES continues to apply to the HKSAR after 30 June 1997 through diplomatic notification made by the Central People's Government. Since 1990, the international trade in elephant specimens including ivory, particularly those acquired after the CITES provisions started to apply to elephants (in 1975 for Asian elephant and in 1976 for African elephant) (referred to as "post-Convention ivory"), has been virtually banned, except under certain specific and stringent circumstances. A substantial amount of ivory had been imported legally and in accordance with the CITES provisions into Hong Kong in the period before the international trade ban on ivory in 1990. Such ivory

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<sup>1</sup> Appendix I: Species which are highly endangered and threatened with extinction.

Appendix II: Species which, unless trade is controlled, could become threatened with extinction.

Appendix III: Species identified by any Party to CITES as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

entering Hong Kong had been registered with the then Agriculture and Fisheries Department (now Agriculture, Fisheries and Conservation Department, AFCD). Post-Convention ivory are allowed to be traded in Hong Kong only under a Licence to Possess. Ivory that was acquired before the CITES provisions started to apply to elephants (in 1975 for Asian elephant and in 1976 for African elephant) is referred to as “pre-Convention ivory”. International trade in pre-Convention ivory is allowed when the specimen is accompanied by a pre-Convention certificate certifying its pre-Convention status; and the possession or control of pre-Convention ivory with documentary proof for commercial purposes without a Licence to Possess is permitted. In short, the international trade in elephant specimens has generally been banned except under limited circumstances such as pre-Convention ivory, hunting trophies and certain specified ivory carvings and ornaments.

#### *Recent CITES’ Resolution*

3. In the Seventeenth Meeting of the Conference of the Parties to CITES held in September to October 2016, the Parties adopted a resolution<sup>2</sup> recommending that all Parties and non-Parties in whose jurisdiction a legal domestic market for ivory exists that is contributing to elephant poaching or illegal ivory trade, should take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency.

#### *Government’s Commitment*

4. The 2016 Policy Address stated that the Government would kick start legislative procedures as soon as possible to ban the import and export of elephant hunting trophies and actively explore other appropriate measures, such as enacting legislation to further ban the import and export of ivory and phase out the local ivory trade, and imposing heavier penalties on smuggling and illegal trading of endangered species. At the meeting of the Legislative Council (LegCo) Panel on Environmental Affairs on 27 June 2016, we briefed Members on the Government’s proposals to phase out the local trade in elephant ivory and to increase the penalties on smuggling of and illegal trade in endangered species. Members are generally supportive of the proposals.

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<sup>2</sup> Resolution CONF.10.10 (REV.COP17) on Trade in Elephant Specimens adopted in the Seventeenth Meeting of the Conference of the Parties, Johannesburg, South Africa from 24 September to 5 October 2016.

5. On 21 December 2016, the Government announced that the CE in Council approved a three-step plan (the Plan) to phase out the local ivory trade by the end of 2021 (i.e. the total ban will commence on 31 December 2021) by amending the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586 (the Ordinance), the local legislation that gives effect to CITES. To pave the way for a total ban on ivory trade, any Licence to Possess issued after 21 December 2016 will expire on or before 30 December 2021. The maximum penalties stipulated under the Ordinance will also be increased to enhance the deterrent effect against smuggling of and illegal trade in endangered species. A Legislative Council Brief on the relevant CE in Council's decision was issued on the same day.

6. The 2017 Policy Address reaffirmed the Government's commitment to phasing out the local trade in ivory and imposition of heavier penalties on smuggling and illegal trade of endangered species. In parallel, the Government will step up cooperation with the Mainland law enforcement agencies to combat the smuggling of endangered species.

## **Legislative Proposal**

### *The Plan*

7. The Government will introduce the Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017 (the Amendment Bill) to effect the Plan to phase-out the local trade in ivory as follows -

- (a) Step 1: Ban the import and re-export of all elephant hunting trophies and those remaining post-Convention ivory items<sup>3</sup>, the import, export and re-export of which are currently permissible under CITES. This step is directly related to the survival of elephants as it would discourage killing of live elephants, for example through sport hunting.
- (b) Step 2: Ban the import and re-export of pre-Convention ivory (save for antique ivory) and subject the commercial possession of pre-Convention ivory (save for antique ivory) in the local market

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<sup>3</sup> They refer to individually marked and certified ekipa incorporated in finished jewellery of the population of Namibia, and ivory carvings of the population of Zimbabwe, when being imported, exported or re-exported for non-commercial purposes.

to licensing control similar to the existing control on post-Convention ivory. This step will further prevent possible laundering of illegal ivory and thus contribute to the conservation of wild elephants. It will also greatly help the enforcement agencies in their enforcement actions, as there is no longer a need to ascertain whether the ivory belongs to the pre-Convention or post-Convention types, and will send a clear signal to the international and local communities about the Government's commitment to the conservation of elephants.

- (c) Step 3: Ban the possession for commercial purposes of all ivory (save for antique ivory) including pre-Convention ivory and post-Convention ivory. After implementation of this step, the local trade of all ivory (save for antique ivory) will be completely banned.

#### *Commencement*

- 8. The proposed commencement dates of the three steps are as follows:
  - (a) Step 1 will take effect on the commencement date of the amendment legislation
  - (b) Step 2 will commence three months after the ban in Step 1.
  - (c) Step 3 will commence on 31 December 2021. This will provide a grace period of around five years from the Government's announcement of the Plan on 21 December 2016 to allow the ivory trade as a whole to dispose of the ivory in their possession and/or to undergo business transformation

#### *Exceptions*

- 9. Under all the three steps above, the current exceptions permitted under CITES which are limited to specific and stringent circumstances including scientific studies, education, law enforcement and personal or household effects (except for tourist souvenirs) will continue to be in force.

10. In addition, under Steps 2 and 3 of the Plan, the trade of antique ivory will continue to be allowed. “Antique ivory” is proposed to be defined in the Amendment Bill as a piece of worked ivory that had been removed from the wild and significantly altered from its natural state for jewellery, adornment, art, utility or musical instruments before 1 July 1925 (i.e. 50 years before CITES entered into force on 1 July 1975), and has since been acquired in this condition requiring no further carving, crafting or processing to effect its purpose.

#### *Other licensing arrangements*

11. Possession of ivory for non-commercial purposes is currently exempted from the licensing requirement. If an owner wishes to use such ivory for commercial purposes, he/she has to apply for a Licence to Possess. To pave the way for a total ban on the local ivory trade on 31 December 2021, we will propose in the Bill that any application for switching the use of ivory from non-commercial to commercial purpose will not be approved for post-Convention ivory upon commencement of Step 1, and pre-Convention ivory upon commencement of Step 2. Besides, re-export of pre-Convention ivory currently requires a Licence to Re-export which is valid for six months. To prepare for the ban on re-export of pre-Convention ivory in Step 2, we will shorten the validity of the Licence to Re-export to tie in with the commencement of Step 2.

#### *Proposed Increase in Penalties*

12. In order to provide a sufficiently strong deterrent against illicit wildlife trade, and to send a clear message to the international and local communities that the Government is committed to the protection of endangered species and to combating wildlife trafficking, we propose to increase the penalties under the Ordinance in the same Amendment Bill. Subject to passage of the Amendment Bill, the increased penalties will apply to all scheduled species under the Ordinance in addition to elephants.

13. Currently, a person committing an offence with respect to the illegal import, introduction from the sea, export, re-export or possession of Appendix I species is liable on conviction to a fine at level 6 (i.e. \$100,000) and imprisonment for one year. Higher penalties are currently imposed for offences relating to specimens of Appendix I species committed **for commercial purposes**, i.e. a fine of up to \$5,000,000 and imprisonment for

two years. For Appendices II and III species, a person committing an offence with respect to illegal import, introduction from the sea, export, re-export or possession of them is liable on conviction to a fine at level 5 (i.e. \$50,000) and to imprisonment for six months. If the court is satisfied that the act in respect of the offence was carried out for commercial purposes, the convicted person is liable to a fine of \$500,000 and to imprisonment for one year.

14. To ensure that the penalty of the Ordinance will provide the necessary deterrent against illicit wildlife trade, it is proposed to impose uniform penalties for both commercial and non-commercial summary offences. We propose that a fine of \$5,000,000 and two years of imprisonment will be imposed for summary offences concerning Appendix I species; and a fine of \$500,000 and one year of imprisonment for summary offences concerning Appendices II and III species.

15. Separately, we propose to promulgate a new set of penalties for offences convicted on indictment. We will propose in the Amendment Bill that a fine of \$10,000,000 and imprisonment for ten years be imposed for indictable offences concerning Appendix I species; and a fine of \$1,000,000 and imprisonment for seven years be imposed for indictable offences concerning Appendices II and III species. We also propose that the increased penalties take effect on the same day as Step 1 of the Plan.

16. A summary of the existing and proposed penalties under the Ordinance is set out in **Annex A**.

### **Compensation Issue**

17. Apart from the above legislative proposal, we have also carefully considered the compensation issue from various policy and legal perspectives. Based on available information including the trade survey conducted by the AFCD during February to April 2016, we understand that the ivory trade is generally inactive and the sale of ivory in general does not constitute a substantial part of the traders' business. Many ivory traders have already undergone business transformation or switched to the trading of other commodities not under CITES control such as mammoth ivory. Considering that we have given advance alert (as early as in March 2016) to the trade regarding the Plan and that it will take further time for the proposed legislative

amendments to be made and to come into effect, our assessment is that the ivory trade should have enough time to get prepared for the new control including not entering into any contractual commitments which would become affected by the Plan. In fact, by the time when the total ban of local ivory trade takes effect (i.e. 31 December 2021), a grace period of five years (from the announcement of the Plan on 21 December 2016) will have been provided to allow the traders to dispose of the ivory in their possession and / or to undergo business transformation. Therefore, we consider that the Plan would unlikely have any significant impact on the ivory trade or lead to immediate cessation of business of the trade. We also consider that the measures of the Plan are justifiable on the grounds that such measures aim to address the international and public concerns over the survival of elephants which are under imminent threat of extinction, and are necessary in light of the latest trend of elephant poaching and ivory smuggling as well as the international call for closure of domestic markets for ivory. For the above reasons, we consider that no compensation should be given to the ivory trade. The Government will explore suitable re-employment training for ivory craftsmen who are skillful workers specialized in ivory crafting and might be affected by the ban. The AFCD is currently carrying out a survey to ascertain the training needs of the ivory craftsmen (estimated to be less than 100), and will liaise with relevant Government departments and other related bodies (e.g. Employee's Retraining Board) to work out suitable re-employment training courses to assist the affected ivory craftsmen to switch to other employment..

## **Consultation**

18. Since 2015, the AFCD has been in close contact with the ivory trade on the proposal to tighten control over the local trade in ivory. The AFCD briefed the trade about the latest control of ivory in June 2015, and the Plan and its relevant arrangements in March, June and August 2016. While the ivory traders have no comments on the ban in Step 1, many have raised their objection to Steps 2 and 3 of the Plan. Consultation with the tourism industry in March and April 2016 confirmed that the proposed ban would unlikely have any significant impact on Hong Kong's tourism industry. However, since the announcement of the Plan in December 2016, objections from the ivory traders have persisted. They consider that the illegal trade in ivory should be addressed by strengthening control over the domestic ivory trade and stepping up enforcement actions against the illegal trade in ivory but not by banning the

trade in ivory. They are of the view that their ivory was legally sourced and the legal trade in ivory should be allowed to continue. If the legal trade in ivory has to be banned, the Government should buy out their ivory stock.

19. Separately, green groups generally welcome and support the proposal to phase out the local ivory trade and to increase the maximum penalties stipulated in the Ordinance, but some are of the view that the total ban should be effected as soon as possible. There is also general support within the community, including supportive messages received from schools and other groups.

### **Timetable**

20. We aim to submit the Amendment Bill to the LegCo in June 2017 for first and second reading.

## **UPDATE ON GOVERNMENT'S EFFORTS ON NATURE CONSERVATION AND MARINE CONSERVATION**

### **Biodiversity Strategy and Action Plan**

21. The “Convention on Biological Diversity” is an international treaty aiming to conserve biodiversity, utilise its components sustainably, and ensure fair and equitable sharing of the benefits of biodiversity. The Convention was applied to Hong Kong in 2011. Since 2013, the Government has initiated various stakeholder engagements and conducted public awareness programmes. The public consultation on the BSAP was carried out from 8 January to 7 April 2016. The Panel discussed the consultation document on 22 February 2016, and held a special meeting on 29 March 2016 to receive deputation’s views on the BSAP.

22. The Government announced on 21 December 2016 the first city-level Biodiversity Strategy and Action Plan (BSAP) for Hong Kong, which outlines the strategy and actions to be taken in the next five years for conserving local biodiversity and supporting sustainable development. The BSAP document has been uploaded to the website (<http://www.afcd.gov.hk/bsap>). A Legislative Council Brief on the CE in Council’s endorsement of the BSAP for



implementation was also issued on the same day. As it is the first BSAP for Hong Kong, its focus is on mainstreaming biodiversity and gaining greater public support. The BSAP document has set out the vision and mission, as well as a specific and practical plan of actions. The actions under the BSAP have been grouped into 23 action categories comprising 67 specific action items, under the four key areas set out in **Annex B**.

23. The Government has earmarked \$150 million for taking forward the relevant initiatives under the BSAP from 2016/17 to 2018/19. The Environment and Conservation Fund has also earmarked additional funding for biodiversity education and community involvement project, as well as relevant research and projects. While the Environment Bureau (ENB) and the AFCD will serve as the management unit, specific actions in the BSAP will also be implemented by other Government bureaux and departments, as well as relevant stakeholders. A working group comprising relevant bureaux and departments to be chaired by the Secretary for the Environment has been established to oversee, coordinate and monitor the implementation of the BSAP. The BSAP will be monitored and reviewed regularly, as part of an adaptive management process, thus ensuring that the deliverables are aligned with the BSAP strategy and the responsible bodies and resources involved deliver the desired results, and will be updated by the end of 2021 taking into account implementation experience, contemporary conditions and the resources available. The Advisory Council for the Environment will advise on matters related to the implementation of the BSAP.

### **Enhancement of Country Parks**

24. The 2017 Policy Address stated that the Government should incorporate more land with high ecological value into country parks, increase the total area of ecological conservation sites and country parks, and enhance their recreational and educational value. Among other things, the AFCD is currently undertaking preparatory work (including the planning of conservation/recreation development, public consultation and statutory designation procedures, etc.) for the designation of about 500 hectares of land in Robin's Nest as a new country park. In parallel, the AFCD is undertaking a consultancy study to explore the possible options in enhancing the overall recreational and educational values of existing country parks for public enjoyment. The consultancy study is expected to be completed by end 2018.

25. In addition, in order to enhance the biodiversity and ecological value of our country parks, the AFCD has increased the planting of native trees species both in terms of species and quantity since 1980s. In 2016, some 400,000 tree seedlings were planted in country parks, of which over 80% were native species. The AFCD has also launched the Plantation Enrichment Project (PEP) in country parks with a view to accelerating the transformation of existing plantations dominated by a few exotic species to native woodlands of higher diversity. Major enrichment work that has been carried out under PEP included thinning of exotic trees, in-planting of native tree seedlings and post-planting maintenance work (such as weeding, fertilizing and pruning, etc.).

26. Up to now, the PEP has covered a total area of 50 hectares of exotic plantations in country parks put under. In view of the beneficial effects of the PEP on the richness and diversity of species, the AFCD has engaged experienced non-governmental organisations to take up some of the PEP sites in country parks, with a view to promoting public awareness of the benefits and value of biodiversity.

### **Marine Parks and Marine Conservation**

27. The Marine Parks Ordinance (Cap. 476) provides for designation, control and management of marine parks and marine reserve for protecting important marine environments and marine life in Hong Kong. The Marine Parks and Marine Reserves Regulation, enacted in July 1996, provides for the prohibition and control of certain activities in marine parks or marine reserve. At present, there are five marine parks in Hong Kong, namely the Hoi Ha Wan Marine Park, Yan Chau Tong Marine Park, Sha Chau and Lung Kwu Chau Marine Park, Tung Ping Chau Marine Park and The Brothers Marine Park (BMP) (which was recently designated on 30 December 2016). Besides, there is one Marine Reserve in Hong Kong, namely the Cape D' Aguilar Marine Reserve designated in 1996. In order to protect the important organisms and their habitats, all water sports and coastal recreational activities except those permitted for scientific purposes are prohibited in the Cape D' Aguilar Marine Reserve. In addition, the AFCD has committed to designating four new marine parks in the western waters of Hong Kong in the coming years, including the proposed marine parks at Southwest Lantau and Soko Islands, as well as the proposed compensatory marine parks for the Integrated Waste

Management Facilities Phase 1 and the Hong Kong International Airport Three-Runway System Projects to fulfill Government's commitment and statutory obligation.

28. Marine parks are set up for the purpose of conservation of marine resources, recreation, and public education for the appreciation and wise use of precious resources in the marine parks. To achieve the conservation objective of marine parks, activities inside marine parks must be monitored and regulated. A zoning approach, e.g. setting up of mooring sites and core areas, has been adopted to manage the marine parks effectively. In order to protect and conserve marine habitats and resources, there are certain controls on fishing activities in the marine parks. No destructive fishing is allowed in marine parks whereas other forms of fishing are controlled through a permit system. The AFCD will launch a review on the current fisheries management measures of marine parks with a view to addressing fishermen's concerns and promoting the sustainable development of the fisheries industry while upholding the conservation objectives of marine parks. During the review, the AFCD will maintain close communication with stakeholders and consult them on the enhancement options in due course.

29. Apart from designating marine parks, efforts have been made to implement mitigation measures to minimise the marine ecological impacts of major works projects. A table setting out the impacts of the planned marine works projects in the western waters of Hong Kong and the progress of the mitigation measures and restoration work is at **Annex C** for Members' reference.

## **ADVICE SOUGHT**

30. Members are invited to provide comments on the legislative proposal to phase out the local trade in ivory and note the Government's efforts on nature conservation and marine conservation.

**Environment Bureau**

**Agriculture, Fisheries and Conservation Department**

**March 2017**

**Summary of the existing and proposed penalties  
under the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586**

	<b>Existing Penalties</b>		<b>Proposed Penalties</b>	
	<b>for non-commercial purposes</b>	<b>for commercial purposes</b>	<b>for summary offences</b>	<b>for indictable offences</b>
<b>Appendix I species</b>	A fine at level 6 (\$100,000) and imprisonment for 1 year	A fine of \$5,000,000 and imprisonment for 2 years	A fine of \$5,000,000 and 2 years of imprisonment	A fine of \$10,000,000 and imprisonment for 10 years
<b>Appendix II and III species</b>	A fine at level 5 (\$50,000) and to imprisonment for 6 months	A fine of \$500,000 and to imprisonment for 1 year	A fine of \$500,000 and 1 year of imprisonment	A fine of \$1,000,000 and imprisonment for 7 years

**List of Actions and Specific Actions under the Biodiversity Strategy and Action Plan (BSAP)**

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
<b>AREA 1 – ENHANCING CONSERVATION MEASURES</b>				
<b>1 - Maintain and enhance the management of protected areas</b>	a) Prepare and implement biodiversity management plans, outlining the approach to biodiversity conservation in country parks, special areas, marine parks and marine reserve.	AFCD		Medium to long term
	b) Carry out the Plantation Enhancement Project to enhance the biodiversity of plantations in country parks.	AFCD	NGOs	Ongoing
	c) Review the management plan for Sites of Special Scientific Interest to enhance the conservation and monitoring work carried out.	AFCD		Short term
	d) Review the Mai Po Inner Deep Bay Ramsar Site Management Plan.	AFCD	NGOs	Medium term
	e) Enhance habitat management work in the Mai Po Nature Reserve.	AFCD	WWF-Hong Kong	Ongoing
	f) Review and enhance the ecological monitoring and habitat management plan of the Hong Kong Wetland Park.	AFCD		Short term
<b>2 - Conserve ecologically</b>	a) Designate new marine parks in the waters near The Brothers, Soko Islands and Southwest Lantau.	ENB, AFCD		Short term

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
<b>important habitats outside the existing protected areas</b>	b) Designate new country park at Robin's Nest, and extend country park to cover country park enclaves at appropriate locations.	ENB, AFCD		Medium to long term
	c) Develop a nature park at Long Valley for supporting conservation and agriculture in this ecologically important area.	CEDD	AFCD	Medium term
	d) Continue to implement the Management Agreement and Public-Private Partnership schemes to actively conserve ecologically important sites under private ownership, including the 12 priority sites, country park enclaves and private land in country parks through collaboration with NGOs and rural communities.	ENB, AFCD	NGOs, rural communities	Ongoing
	e) Explore innovative methods to enhance, support and promote the conservation of rural areas with high ecological value.	ENB, AFCD	NGOs, rural communities	Ongoing
<b>3 - Enhance conservation of natural streams</b>	a) Conduct ecological surveys and compile ecological database on natural streams, especially Ecologically Important Streams.	AFCD		Medium term
	b) Improve practices in minor maintenance and hygiene works in natural streams and catchwaters, with a view to minimising ecological impacts arising from these works.	WSD, DSD, FEHD, AFCD		Short to medium term
	c) Control discharge of effluents from unsewered areas and its adverse impacts on streams.	EPD		Long term
<b>4 - Maintain habitat</b>	a) Enhance habitat connectivity and establish ecological corridors	EPD, AFCD		Ongoing

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
<b>connectivity for wildlife</b>	across the boundary.			
	b) Review and update guidelines on design of wildlife crossings.	AFCD	Works departments	Short term
<b>5 - Step up enforcement against wildlife crime</b>	a) Maintain high vigilance and enhance enforcement against illegal poaching or collection of local species and raise public awareness.	AFCD, HKPF	NGOs, local communities	Ongoing
	b) Establish an inter-departmental task force on wildlife crime, to strengthen collaboration and intelligence exchange.	AFCD	ENB, HKPF, C&ED	Ongoing
	c) Strengthen enforcement and legislative measures to combat illegal trade in ivory.	ENB, AFCD		Ongoing/ Medium to long term
<b>6 - Implement conservation action plans for priority species</b>	a) Establish a standardised mechanism for formulating species action plans.	AFCD	NGOs, academics	Short term
	b) Formulate action plans for species that require immediate conservation actions.	AFCD	NGOs, academics	Short to medium term
	c) Review and strengthen existing species action plans.	AFCD	NGOs, academics	Medium term
<b>7 - Improve management of invasive alien species</b>	a) Build up capacity for the management of invasive alien species.	AFCD	Academics	Medium term
	b) Enhance the monitoring, management and control plans for target	AFCD	Other management	Ongoing

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
	invasive alien species.		departments	
	c) Conduct education programmes to raise awareness and to discourage release of alien species to the wild.	AFCD	NGOs	Ongoing
<b>8 - Control the environmental release of genetically modified organisms</b>	a) Continue to control the environmental release of genetically modified organisms, monitor the development of related technology and expand screening programme.	AFCD		Ongoing
<b>AREA 2 – MAINSTREAMING BIODIVERSITY</b>				
<b>9 - Incorporate biodiversity considerations in planning and development process</b>	a) Update the Sustainability Assessment system, to better integrate biodiversity considerations in major policies and plans of the Government.	ENB	AFCD	Short term
	b) Integrate biodiversity considerations in the territorial development strategy.	PlanD	AFCD	Ongoing
	c) Update and amend Chapter 10 of the Hong Kong Planning Standards and Guidelines by incorporating relevant guidelines on biodiversity considerations.	AFCD	PlanD	Medium term
	d) Enhance the practices in addressing ecological impacts of projects through environmental impact assessment process.	EPD, AFCD	DEVB, professional bodies and	Ongoing



Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
			practitioners	
<b>10 - Promote biodiversity in urban environment</b>	a) Formulate an urban forestry strategy that contributes to a sustainable urban landscape and promotes the appreciation of urban biodiversity.	GLTMS	AFCD, Works departments, professional bodies	Short term
	b) Promote diversification of our soft landscapes and optimise use of native species for enriching urban biodiversity.	GLTMS	AFCD, Works departments, professional bodies	Medium term
	c) Promote the concept of Place Ecology in urban landscape designs.	GLTMS	Works departments, professional bodies	Medium term
	d) Promote knowledge building and sharing among the public and private sectors in the latest landscape concepts, designs and technologies that contribute to a sustainable urban ecosystem.	GLTMS, Works departments	Professional bodies and practitioners	Medium to long term
	e) Explore opportunities to enhance the value of urban parks for biodiversity conservation and education.	LCSD	AFCD	Medium term

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
	f) Adopt the concept of revitalising water bodies in large-scale drainage improvement works and planning drainage networks for New Development Areas.	DSD, CEDD		Ongoing
<b>11 - Promote sustainable fisheries</b>	a) Designate and manage Fisheries Protection Area(s) to protect important fish spawning and nursery grounds.	FHB, AFCD		Long term
	b) Continue to conduct fisheries monitoring programme in Hong Kong waters.	AFCD	Academics, NGOs	Ongoing
	c) Provide funding support to encourage local fishing community to adopt sustainable fisheries operations.	AFCD		Ongoing
	d) Conduct studies on measures to prevent cormorant predation on commercial pond fish in Deep Bay area.	AFCD	Fishpond operators	Short term
<b>12 - Promote sustainable agriculture</b>	a) Promote the modernisation and sustainable development of local agriculture as an integral part of the New Agriculture Policy.	FHB, AFCD		Ongoing
<b>AREA 3 – IMPROVING OUR KNOWLEDGE</b>				
<b>13 - Conduct biodiversity surveys</b>	a) Enhance territory-wide biodiversity surveys on major groups of terrestrial and freshwater species.	AFCD	Academics, NGOs	Ongoing

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
	b) Conduct baseline and long-term surveys of priority marine habitats and species.	AFCD	Academics, NGOs	Ongoing
<b>14 - Conduct species assessment</b>	a) Compile a list of threatened species for Hong Kong to guide conservation actions.	AFCD	Academics, NGOs, other researchers	Medium to long term
<b>15 - Collate information on terrestrial and marine habitats</b>	a) Compile relevant information on marine habitats for guiding conservation of marine habitats.	AFCD	Academics, NGOs	Medium term
	b) Review and develop a standardised classification of habitat types in Hong Kong, and prepare a Geographic Information System-based habitat map.	AFCD	Academics	Medium term
<b>16 - Improve sharing of knowledge</b>	a) Develop a web-based information hub to provide a one-stop shop for information on local biodiversity.	AFCD	NGOs, academics, education sector	Medium term
	b) Develop a Geographic Information System-based platform to facilitate sharing of data among different groups of users.	AFCD	Academics, NGOs, other researchers	Long term
<b>17 - Identify essential ecosystem services</b>	a) Commission a study on the ecosystem services provided by major	AFCD	Academics, NGOs	Medium term

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
	habitat types in Hong Kong.			
<b>18 – Enhance understanding on traditional knowledge</b>	a) Encourage research on traditional knowledge relevant to conservation and sustainable use of biodiversity.	AFCD	NGOs, funding sources	Long term
	b) Encourage the wise use of natural resources using traditional knowledge, especially through the Management Agreement scheme.	AFCD	Environment and Conservation Fund	Ongoing
<b>19 - Provide funding support to research and studies</b>	a) Conduct studies that would directly and significantly contribute to the conservation of biodiversity.	AFCD	Academics	Ongoing
	b) Encourage research to fill key information gaps on local biodiversity, through funding support by the Environment and Conservation Fund.	EPD, AFCD	Academics, NGOs, other researchers	Ongoing
	c) Support research on sustainable agriculture and fisheries practices and management.	AFCD		Ongoing
<b>AREA 4 – PROMOTING COMMUNITY INVOLVEMENT</b>				
<b>20 - Promote</b>	a) Review and enhance education activities that promote	AFCD		Medium term

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
<b>biodiversity awareness</b>	biodiversity, being conducted by AFCD.			
	b) Promote awareness and community involvement through citizen science monitoring programmes.	AFCD	NGOs, education sector	Medium term
	c) Organise annual festivals to provide a platform for engaging partners and relevant stakeholders in promoting biodiversity to the public.	AFCD	NGOs, education sector, community partners	Ongoing
	d) Conduct a survey on knowledge and attitudes towards biodiversity in Hong Kong.	AFCD	NGOs, academics	Short term
	e) Encourage partnership between government and business sector in biodiversity conservation.	AFCD	Business sector	Medium term
	f) Encourage programmes to promote biodiversity education and community involvement, through funding support by the Environment and Conservation Fund.	EPD, AFCD	Local non-profit making organisations	Ongoing

Action	Specific Action	Lead responsibility <sup>a</sup>	Support <sup>a</sup>	Timeframe <sup>b</sup>
<b>21 - Promote biodiversity in education</b>	a) Incorporate the concept of biodiversity in the school curriculum.	AFCD, EDB	Education sector	Medium term
	b) Engage NGOs to provide capacity building for teachers on biodiversity.	AFCD, EDB	NGOs, education sector	Long term
	c) Enhance the resources for early childhood education on nature conservation.	AFCD, EDB	Tertiary institutions	Short to medium term
<b>22 -Promote sustainable consumption</b>	a) Conduct public engagement and explore relevant measures on promotion of sustainable consumption of biological resources.	ENB	AFCD, NGOs, business sector, relevant government departments	Short term
<b>23 - Enhance facilities for biodiversity education and research</b>	a) Open and maintain a permanent exhibition on biodiversity in the Hong Kong Science Museum.	LCSD	AFCD, NGOs	Short term
	b) Support the establishment of biodiversity centres.	AFCD	Tertiary institutions	Medium term
	c) Explore the opportunity for setting up a natural history museum in the long term.	ENB, AFCD	Business sector, NGOs, relevant government departments	Long term

<sup>a</sup> AFCD – Agriculture, Fisheries and Conservation Department; CEDD – Civil Engineering and Development Department; C&ED – Customs and Excise Department; DSD – Drainage Services Department; EDB – Education Bureau; ENB – Environment Bureau; EPD – Environmental Protection Department; FEHD – Food and Environmental Hygiene Department; FHB – Food and Health Bureau; GLTMS – Greening, Landscape and Tree Management Section, Development Bureau; HKPF – Hong Kong Police Force; LCSD – Leisure and Cultural Services Department; PlanD – Planning Department; WSD – Water Supplies Department

<sup>b</sup> **Ongoing** = continuing existing programmes; **Short term**= targeted completion within 1-2 years; **Medium term**= targeted completion within 3-5 years; **Long term** = targeted completion beyond term of the first BSAP

**Marine Works Projects in the Western Waters of Hong Kong**

<b>Name of Project</b>	<b>Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong</b>	<b>Progress of Mitigation Measures and Restoration Works</b>
Integrated Waste Management Facilities (IWMF) Phase 1 near Shek Kwu Chau	<p>The proposed project is for the construction of the IWMF Phase 1 at an artificial island near Shek Kwu Chau comprising reclamation and breakwater of about 16 hectares (ha).</p> <p>With the implementation of the mitigation measures as detailed in the next column, no unacceptable water quality impacts are expected.</p>	<p>Tenders for the Design-Build-Operate (DBO) contract were invited from the four prequalified tenderers in November 2016. We plan to award the DBO contract in late 2017/ early 2018 and commission the facility in 2024. The mitigation measure as detailed below will be implemented in phases after the award of the DBO contract.</p> <p>Information on the mitigation measures is set out below -</p> <ol style="list-style-type: none"><li>1. The breakwaters and seawalls should be constructed using cofferdam / precast concrete units to minimize the footprint and to minimize</li></ol>



Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
		<p>the quantity of marine sediment to be dredged;</p> <ol style="list-style-type: none"> <li>2. The reclamation should be conducted within enclosed seawalls and silt curtain should be used to surround the cofferdam / precast concrete units during the filling to prevent the loss of sediment;</li> <li>3. No dredging should be carried out within 16 metres (m) to the nearest non-translocatable coral community;</li> <li>4. To protect Finless Porpoise, construction works that may produce underwater acoustic disturbance should be restricted to June to November to avoid peak season of Finless Porpoise occurrence;</li> <li>5. To implement a fisheries enhancement programme to enhance the fisheries resources in</li> </ol>

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
		<p>the vicinity of the project area;</p> <p>6. A marine park of 700 ha is to be designated between Soko Islands and Shek Kwu Chau to compensate for the ecological impacts and to enhance the fisheries resources.</p>
<p>Hong Kong International Airport (HKIA) Three-Runway System (3RS)</p>	<p>According to the approved Environmental Impact Assessment (EIA) Report for the Expansion of HKIA into a 3RS, no adverse residual water quality impact is anticipated during the construction and operational phase of the project.</p>	<p>The Airport Authority Hong Kong (AAHK), as the project proponent of the 3RS project, shall fulfil the commitments made in the EIA Report and comply with the respective conditions stipulated in the Environmental Permit (EP). Specific progress has been made in the areas set out below.</p> <p>First, various submission specified in the EP for the commencement of reclamation-related marine works, including but not limited to the Marine Park Proposal, the Marine Travel Routes and Management Plan for</p>

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
		<p>Construction Vessel, the Marine Travel Routes and Management Plan for High Speed Ferries of SkyPier, the Marine Mammal Watching Plan, the Coral Translocation Plan, the Silt Curtain Deployment Plan and the Detailed Plan on Deep Cement Mixing, have been deposited and approved by the Director of Environmental Protection. These submissions, along with the Monthly Environmental Monitoring and Audit Reports and environmental monitoring data, are available to the public through AAHK's dedicated website (<a href="http://env.threerunwaysystem.com/en/index.html">http://env.threerunwaysystem.com/en/index.html</a>).</p> <p>In addition, the Marine Ecology Enhancement Fund and the Fisheries Enhancement Fund with a total budget of HK\$400 million have been established. Funding applications were invited in December 2016, with successful applicants expected to be informed by mid-2017.</p>

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
Hong Kong-Zhuhai-Macao Bridge Hong Kong Link Road (HKLR)	<p>Construction works involve reclamation along the east coast of the Airport Island.</p> <p>About 23 ha of reclamation area along the east coast of the Airport Island.</p>	<p>Mitigation Measures had been implemented on site and the associated construction works were completed:</p> <ol style="list-style-type: none"> <li>1. No underwater percussive piling is allowed.</li> </ol>
Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities (HKBCF)	<p>Construction works involve reclamation and construction of seawall.</p> <p>About 130 ha of reclamation area at the waters off the northeast of the Hong Kong International Airport.</p>	<ol style="list-style-type: none"> <li>2. During peak dolphin calving season in May and June, no formation of underwater sockets into rock (bored-piling) is allowed, except within the Airport Channel.</li> </ol>
Tuen Mun-Chek Lap Kok Link (TM-CLKL)	<p>Construction works involve the reclamation of the southern landfall and northern landfall of the TM-CLKL sub-sea tunnel, construction of the sub-sea tunnel and sea viaduct (for the southern connection).</p> <p>About 16.5 ha of reclamation area at Tuen Mun South and 20 ha of reclamation area beside the HKBCF reclamation area.</p>	<ol style="list-style-type: none"> <li>3. During the silt curtain installation and the bored pile casing installation works, a dolphin exclusion zone of 250 m radius shall be implemented. If any dolphin is found within the enclosed areas, the relevant marine works shall be suspended.</li> </ol> <p>Mitigation Measures are being implemented and the associated construction works are on-going on site:</p>

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
		<ol style="list-style-type: none"> <li>1. Non-dredged construction method is adopted for the reclamation and seawall construction. This method greatly reduces the quantities of dredged material to be disposed of and the material required for filling.</li> <li>2. Those noisy equipment mounted on construction vessels shall be acoustically-decoupled as necessary to minimize underwater noise.</li> <li>3. Construction vessels leaving and entering the site shall follow prescribed travel routes during their entire journeys to avoid Chinese White Dolphins (CWD) active areas.</li> <li>4. All works related marine vessels shall be operated at a speed not more than 10 knots in work sites,</li> </ol>

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
		<p>Sha Cha, Lung Kwu Chau and The Brothers Marine Park.</p> <p>5. The reclamation sites are enclosed with silt curtain to contain suspended solids within the reclamation site.</p> <p>6. Captains of all works related construction vessels shall attend relevant training about local dolphins and porpoises. The captains shall be familiarized with and strictly follow the relevant guidelines published by Agriculture, Fisheries and Conservation Department about encountering of CWDs.</p> <p>7. Dolphin Watching Plan (DWP) is implemented for checking the silt curtain and its enclosed areas regularly. Under all circumstances, if any</p>

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
		<p>dolphin is found within the silt curtain and its enclosed areas, the relevant marine works shall be suspended.</p> <p>8. Regular CWD monitoring surveys are carried out in the western waters of Hong Kong.</p> <p>Restoration Works Completed:</p> <ol style="list-style-type: none"> <li>1. All affected corals have been translocated in October 2013.</li> <li>2. The Brothers Marine Park was designated on 30 December 2016.</li> </ol> <p>Planned Restoration Works:</p> <ol style="list-style-type: none"> <li>1. Artificial reef will be deployed in The Brothers</li> </ol>

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
		<p>Marine Park upon completion of the statutory procedures. The works are tentatively scheduled to be commenced in end 2017.</p> <p>2. Release of fish fry in The Brothers Marine Park will be followed upon the deployment of the artificial reef and tentatively scheduled to be conducted in mid-2018.</p>
Reclamation in the Western waters (including Lung Kwu Tan, Siu Ho Wan and Sunny Bay)	The Civil Engineering and Development Department (CEDD) completed a cumulative environmental impact assessment (CEIA) and an on-site survey of CWD in 2015, which aimed to assess the overall effect of these three reclamation sites on four key environmental aspects, namely air quality, water quality, ecology and fisheries. The CEIA concluded that	<p>In order to avoid encroaching into the nearby waters frequently used by CWD, the proposed reclamation extent at Siu Ho Wan would be reduced from 100-150 ha to 60-80 ha. To demonstrate the Government's commitment to protecting the CWD, the excluded water portion is included as part of The Brothers Marine Park designated in December 2016.</p> <p>To gather more information about CWD's activity in</p>



<b>Name of Project</b>	<b>Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong</b>	<b>Progress of Mitigation Measures and Restoration Works</b>
	<p>there would not be major issues with respect to the four environmental aspects for the reclamation proposals.</p> <p>The assessment pointed out the importance of implementing eco-friendly construction methods, proper land use planning on the reclamation sites, and exploration of different strategic mitigation options in order to bring forth environmentally acceptable reclamation proposals, which will be followed up in subsequent more detailed studies.</p>	<p>the shallow waters at Siu Ho Wan and Lung Kwu Tan, the CEDD is carrying another 1-year CWD survey, which commenced in February 2016.</p> <p>Statutory EIA will be carried out in the future detailed study stage. In these assessments, the required mitigation measures and enhancement options will be studied and recommended.</p>
Artificial Islands in the Central Waters	The artificial islands in the central waters can generally avoid shorelines of high ecological value.	Environmental implications will be broadly evaluated in the proposed strategic studies for artificial islands in the central waters. Mitigation measures will be drawn up in future through more detailed technical

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
	<p>However, it is noted that hydrodynamic impact, marine ecology and loss of marine water landscape and wetlands, such as impact on coral areas around Kau Yi Chau and Hei Ling Chau and on wetlands and watercourses with high ecological value in the fringe of Mui Wo, are some of the potential environmental issues to be addressed when developing the proposal.</p>	<p>studies.</p>
<p>Tung Chung new Town Extension</p>	<p>About 129 ha of land to be reclaimed</p>	<p>Information on the mitigation measures is set out below –</p> <ol style="list-style-type: none"> <li>1. The Tai Ho Wan Inlet is designed to be decked over to avoid blockage.</li> <li>2. The reclamation will not encroach on mudflats and mangroves.</li> </ol>

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		<p>3. Non-dredged reclamation method has been adopted in the detailed design.</p> <p>4. A Silt Curtain Deployment Plan will be submitted to the Director of Environmental Protection for approval three months before commencement of reclamation.</p> <p>5. All reclamation filling works shall be carried out within a leading seawall of at least 200 m to mitigate the water quality impacts.</p> <p>6. Eco-shoreline will be implemented to mitigate the loss of marine habitat. An Eco-shoreline Implementation Plan will be submitted to the Director of Environmental Protection for approval</p>

Name of Project	Impacts/cumulative impacts of the planned marine works projects in the western waters of Hong Kong	Progress of Mitigation Measures and Restoration Works
		three months before commencement of the construction of eco-shoreline.