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The Conservancy Association

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Hong Kong, Asia's World City, and the World's Eco-City
Response to Review of Nature Conservation Policy
Conservancy Association
October 2003

Vision: Hong Kong as the World's Eco-City

1. The Conservancy Association (CA) welcomes the release of the long awaited Review of Nature Conservation Policy by the government in July 2003. The Policy Review had been promised as early as 1996 when the Third Review of the 1989 White Paper, "Pollution in Hong Kong – A time To Act", was published.
2. CA has been advocating a proactive conservation policy when it published the "Hong Kong Conservation Strategy" 22 years ago. In the 1981 paper, CA stated that "the absence of conservation at policy making level is the most important obstacle to conservation". CA's concept of a proactive conservation policy was elaborated in a paper in August 2000 entitled "Achieving Conservation – A Positive Conservation Policy for Hong Kong".
3. Given Hong Kong's location and subtropical climate, we have been endowed with an extremely rich biodiversity. A unique combination of historical circumstances and the ingenuity and perseverance of Hong Kong's residents have resulted in our spectacular economic success. With this dual character, we have before us a unique opportunity not just to be "Asia's World City", but also to become the only world city that embodies nature while at the same time is embodied in nature – where "nature in world city" and "world city in nature" becomes one. In short, Hong Kong should be "the World's Eco-City".
4. An effective conservation policy lies at the heart of this vision. We do not under-estimate the magnitude of the challenge: we have little land and natural resources for economic activities. Our natural heritage has come and will continue to come under great threat from the pressure of development. Devising a conservation policy to preserve and wisely manage our natural resources is a bigger challenge for Hong Kong than other metropolitan cities.
5. But we must succeed, if Hong Kong is not to become just another big city of China swept aside by modernity. There is a limit to which our natural heritage can withstand the relentless onslaught of development. This conservation policy review is still timely, if a little late. The challenge is to make it work.

6. As a response to the Review, this paper is divided into three major parts. The first deal with a few matters of principle on the making of a policy on conservation, namely, articulating a clear statement, the need for distinction from land policy, and an open process for public input. The second consists of comments on the proposals suggested in the consultation document. The third deals with measures on strengthening the existing conservation policy.

Key issues in the making of conservation policy

Policy Statement

7. The Association is surprised to see the claim in the consultation document that the existing policy was promulgated in the Second Review of the 1989 White Paper on “Pollution in Hong Kong – A Time to Act” published in 1993. This is not to say we did not support the 1993 paper; on the contrary, we support all the suggestions in the Second Review of the 1989 White Paper, and in fact we have been looking forward to all of them being implemented over the past 10 years. But sadly, a number of proposals specified in the paper have yet to be implemented, such as the designation and management of areas of conservation value, the rehabilitation of degraded landscapes and the review of the institutions for conservation, etc.
8. If the 1993 proposals represent the existing policy, sadly it has never been advocated or promoted to the public as such. There was no clear statement of government policy nor was there a strategy for implementation. As a result, what was left of the 1993 proposals was very superficial and broad brushed.
9. In our view, the government should take the opportunity of the current review to devise a policy statement that will be taken seriously by both the government itself and the community. Our view is that such a policy statement should at least state the needs for both conserving and restoring biodiversity resources of the territory in ecosystem, species and genetic levels.

Delineation from land policy

10. Whilst it is encouraging to see the government eventually taking a more positive step forward by reviewing its existing conservation work, we are disappointed that the Nature Conservation Policy Review Consultation Document focuses on only one problem, that is, the preservation of ecologically sensitive areas in private hands.
11. We do not disagree that land is a major issue of contention. Many ecologically sensitive areas remain in private hands and the land owners and developers do not necessarily have the initiative to conserve. Very often these lands may come under development pressure.
12. However, land economics is not the only issue at stake for a conservation policy review. There are other aspects of conservation which are equally important – nature, culture, social well-being, community building, besides economic sustainability. What is needed is a comprehensive conservation policy framework which can shed light on land economics as well as other aspects of conservation.

Public participation

13. CA appreciates the government's effort in holding dialogues with different interested parties in the course of the consultation process related to this Review. Nonetheless, as expressed in our letter to the Environment Transport and Works Bureau dated 5 August, we would like to see the government adopt a more open approach to receive comments such as through holding a public hearing.
14. As a matter of fact, the use of public hearing is not new to the government. This process was successfully adopted in the review of the Strategic Sewage Disposal Scheme (SSDS) in 2001, when interested parties were invited by the government to express their views in an open and transparent manner.
15. Public participation and empowerment is a key element in sustainable development. We consider conservation to be a major policy for which the community should be engaged as far and as closely as possible.

Comments on proposals in the Consultation Document

16. The essence of the Conservation Policy Review can be summarized as “one scoring system, two implementation options”, to which our comments will be addressed.

Proposed Scoring System for the Assessment of Ecological Value of Sites

17. CA appreciates the effort to devise the Scoring System for the Assessment of Ecological Value of Sites, as an attempt to provide justification for enhancing the conservation of privately-owned ecological sites. One application of this scoring system is to use it to prioritize sites, among those already targeted, for the proactive conservation programmes proposed in the Document such as management agreements with landowners and public-private partnership.
18. However, the intended applications of the scoring system has not been explicitly stated in the Review. This gives rise to a concern of ours that as a tool, the scoring system may be used or misused depending on the value orientation of the user. As a “tool without philosophy”, it could well be used, in the extreme case, for evaluating conservation value of all lands in Hong Kong, or even manipulated to provide justification to de-list Country Park or rezone Conservation Areas for development.
19. For wider applications, the scoring system is inherently deficient. At present, it covers biodiversity conservation only and does not, for instance, deal with landscape value or shorelines, which are equally important parameters in a more comprehensive conservation framework. Yet nothing in the Document prevents the tool from being used outside of biodiversity.
20. We have a number of further queries about the criteria used. The current proposal appears to have put too much weight on the habitat value (60%), as compared with biodiversity value (40%). While this could be acceptable in general application, in

the case of abandoned farmlands – which features significantly in Hong Kong’s context – the criteria in terms of naturalness (15%) and non-recreatability (10%) will become irrelevant. Furthermore, the habitat diversity (15%) plus the size criteria (10%) may result in large sites being favoured and small but important sites being discriminated against. A more balanced scoring system should give due value to sites with high species diversity and richness or with rare and endemic species.

21. In simple terms, more weight should be put on the biodiversity value of a site (at least 60%) in the scoring system, particularly for those sites with rare and endemic species.
22. Besides, CA would also like to seek clarification about the composition of the assessment panel and the mechanism in using this scoring system. No doubt these two factors will greatly determine the success or otherwise of the scoring system.
23. In sum, we propose that the intended use of the proposed scoring system should be clarified to avoid the misunderstanding that places other than the list of ecological sites prepared by the Bureau have no conservation value.

Management Agreements with Landowners

24. CA supports management agreements with landowners as one of the conservation options. Our comment is that the success of this option would depend much on the commitment of financial and resources support from the government to ensure long-term protection of the area.
25. We believe that the government should take a more proactive role in facilitating and overseeing the management agreements, instead of simply giving out money to NGOs. Without the government’s involvement, the NGOs may have difficulties in handling any dispute with the landowners during the implementation of this option.
26. Furthermore, there must also be resources for supporting capacity building of the NGOs, e.g. training of habitat managers and organic farmers. A proper monitoring and audit scheme will be critical to the effectiveness of each management agreements.
27. We would emphasise the importance of long-term sustainability in devising such cooperative schemes. This mechanism, and the NGOs involved, should not be used to simply “land-bank” the sites for possible future changes in land use.

Private-Public Partnership

28. As suggested in our previous paper, we consider this a viable option, i.e. allowing development by the landowner or developer (private sector) in order to provide incentive for them to become a party to conservation (a public sector objective), if suitably designed and properly implemented.

29. However, the Association would like to stress that this option should not be carried out until very clear guidelines have been set to ensure the primary objective remains conservation.
30. It must be established very clearly at the outset that such partnership can only be contemplated if a number of basic conditions are fulfilled, including no net loss of ecological function (or strictly speaking, enhancement of the ecological value) and commitment of long-term management of the site. Extreme care must be taken in designing and approving such schemes, or else this option may only stimulate more development in the name of conservation.

Other options: ruled out too early

31. The Association is not convinced that options other than the proposed two should not be pursued.
32. We fully understand the need for prudence in government spending, especially given the large deficit in public expenditure. However, we believe it too early for the government to rule out direct resumption. As expressed in our paper “Achieving Conservation – A Positive Conservation Policy for Hong Kong”, government resumption is an extreme option and by definition can only be justified by very strong public interest. Hence by nature it will only be sparsely used, if at all. The economics of public finance will always remain a challenge; however, we believe that this option should not be ruled out right away.
33. Similarly, it is too early to rule out transfer of development rights, which is much less controversial than resumption. The transfer of legitimate development rights will be particularly useful for small sites.
34. Other options such as monetization or marketisation of land will take more studies to justify, but they are not without precedent whether in Hong Kong or elsewhere. We maintain our position that these should be seriously studied.

Strengthening the Existing Conservation Policy

35. It is important to emphasise that the “Nature Outlook” document is a review of conservation policy and not land policy. The primary goal of the Review should be about conservation and not development. We believe that there is a much wider range of issues that the government should identify and consider in order to draw up a comprehensive conservation policy. A few outstanding issues are highlighted below.

Administrative measures

36. A number of measures can and should be implemented by the government as proactive steps towards conservation. These can be achieved without any wholesale change in policy. What is needed is simply a more proactive attitude.
37. Habitat restoration. We suggest that the Administration should conserve and restore those important wildlife habitats which have been lost or greatly threatened

by development in recent years. Examples include lowland rivers and the associated wetlands, many of them having been destroyed by the flood prevention programmes of Drainage Services Department (DSD). Others include fung shui woodland, freshwater marshes, wet-agricultural lands.

38. Greening, tree planting and EIA mitigating programmes. Although the government is spending millions of dollars in greening, tree planting and EIA mitigating programmes every year, most of them are ad hoc exercises with limited ecological contributions. To maximize the benefits of these programmes to nature conservation, as well as to echo Para. 37, we urge a comprehensive habitat restoration plan for Hong Kong.
39. Reservoirs. Reservoirs are the largest wetland in the territory; however, their ecological function has largely suppressed due to various reasons. We suggest a study to explore the possibility to turn Hong Kong's reservoirs into useful wetlands habitat. Irrigation reservoirs such as those of Hok Tau and Lau Shui Heung are good candidates.
40. Public land. We are also concerned about the conservation of several ecologically important sites which are under government ownership. Examples include some offshore islands which are used by terns and White Bellied Sea-eagles as breeding sites, Hei Ling Chau and Sunshine Islands where ground lizards are found.
41. Species conservation. We further stress the need to devise and implement species conservation plans for protecting species of conservation importance, such as the Bogadek's Legless Lizard, While-bellied Sea Eagle.
42. Control of wildlife trade. We also propose that there is a need to step up the control of wildlife trade, in particular wild birds. Every month there are at least 40,000 to 50,000 wild birds imported or re-exported in Hong Kong. The impact to the wild bird population is very significant. The government should only allow the trading of artificially raised birds. This will also help to prevent the spread of any potential bird flu from wild species.
43. Law Enforcement. Although Hong Kong has a fairly comprehensive set of laws to protect our nature environment and wildlife resources, law enforcement has long been considered weak and inadequate. Very often the conservation objective is hardly if not defeated, to achieve. Even though areas zoned CA or SSSI, the planning intention may not be realized due to various reasons such as change of land use via fishpond filling and illegal dumping, particularly those habitats on private lands. Typical examples can be found at Sha Po March at Kam Tin and Wong Yue Tan March at Shuen Wan. We therefore urge on the government strengthening the law enforcement and also inter-departmental coordination to immediately stop such evil destruction to the environment.

Institutional reform: an independent Conservation Authority

44. As said in the Second Review of the 1989 White Paper, there is a need for a coordinated and concerted effort to implement conservation in a sustainable manner. The need for a conservation authority has been identified as a possible solution. Unfortunately, ten years have passed and there has been no serious discussion about reforming the institutional structure for conservation. Currently, the Agriculture Fisheries and Conservation Department plays an executive role but it does not have enough resources to fully implement all conservation measures.
45. CA is in full support of the concept of a Conservation Authority. We believe such a body should take charge of integrated conservation and management of all ecological resources, rural landscape, as well as cultural heritage. As the Authority for conservation, it should have a clear mandate and be independent from the government's executive machinery, so as to facilitate full monitoring of the implementation of the conservation policy.

Nature Conservation Trust

46. The Association would like to once again highlight the importance of setting up a Nature Conservation Trust to achieve conservation in a more sustainable and structured way. It should also be backed up by a Nature Conservation Bill, which lays down the authority of the trust. It can be put under the Conservation Authority's supervision, but whereas the Conservation Authority is more of a regulatory body, the Trust can be a fully-professional whilst at the same time community-based organization.
47. A trust will ensure a more comprehensive institutional framework for options including the proposed private-public partnership to run in a sustainable manner. In practice, in cases of land buy-out and other options involving financial resources, very often an independent entity can reach a better deal for society than the government. The matching-fund concept with contribution from both the government and the community should also be seriously considered as one of the possible means to facilitate the set up of a Conservation Trust. We recommend that the conservation trust be set up now and be allowed to grow organically, even though it may have to start from a low base, because of the current fiscal constraint.

Adoption of Convention of Biodiversity

48. We suggest that the government should show its strong determination and put environment protection on top of its agenda. The best way to do that will be to embrace major international obligations such as the Biodiversity Convention. A public statement to that effect would be a welcome step.

Conclusion

49. In conclusion, we return to our theme described at the beginning of this paper, of Hong Kong as "the World's Eco-city". Hong Kong is a financial, logistics, professional and tourism center of world renown. We are also gifted with much natural and ecological resources of world-class proportion. As international tourists go enjoy hiking on our rural trails and enjoying the beautiful landscape and

sceneries of the New Territories, the last thing we want is to belittle the treasures in our own house.

50. After the outbreak of Atypical Pneumonia (SARS), the community has developed an even stronger sense that our countryside should be preserved to enhance our living quality. Furthermore, as an international city, it is also a matter of our international obligation to conserve natural resources.

51. This Review provides the first serious start to the discussion and debate on a comprehensive conservation policy for Hong Kong. Many other issues not otherwise covered in this Review will have to be deliberated upon, priorities will have to be set, and implementation strategies will have to be devised. The making of such a policy will require much dialogue, patience, and above all, participation of different sectors of the community. To facilitate such policy making, we propose that the government adopt a partnership approach with the stakeholders, by establishing a steering committee with the green groups and conservationists, perhaps as a precursor to the eventual establishment of a Conservation Authority.