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香港觀鳥會

THE
HONG
KONG
BIRD
WATCHING
SOCIETY

Since 1957 成立

By email only

7 April 2016

Dear Sir/Madam,

Public consultation on Biodiversity Strategy and Action Plan for Hong Kong

The Hong Kong Bird Watching Society (HKBWS) welcomes the formulation of the Biodiversity Strategy and Action Plan (the Action Plan, BSAP) for Hong Kong and supports the existing conservation and education efforts of the Government as outlined in the consultation document. However, these measures do not adequately address the imminent threats to our biodiversity and natural environment.

HKBWS has been using a consistent set of headline indicators (*"Hong Kong Headline Indicators for Biodiversity and Conservation Report"*) to monitor the state and progress of biodiversity conservation in Hong Kong for five consecutive years. From our latest report (please refer to Attachment 1), various headline indicators reflect a worrying trend for Hong Kong's biodiversity. The reports highlight continuous ecological destruction of important habitats due to little change in the long-running lack of a clear policy, effective mechanisms and adequate resources. Terrestrial habitats with conservation zonings continued to be trashed and conservation zonings (particularly Green Belt) are being rezoned mostly to facilitate housing development; extensive areas of marine habitats are threatened by reclamation plans; continuous decline in the number of waterbirds wintering in Deep Bay and Chinese White Dolphins are recorded.

We consider that BSAP is a golden opportunity for Hong Kong to tackle the on-going environmental problems that we have been facing and to create a world-class framework for biodiversity conservation in the city. Below are our comments on the consultation document and our recommended actions that should be included in the Action Plan for effective conservation of Hong Kong's biodiversity.

I. Lack of active participation from other Government departments

Since the commencement of the BSAP engagement exercise with various environmental NGOs and academic sectors in 2013, the Environment Bureau and the conservation team of Agriculture, Fisheries and Conservation Department (AFCD) has been taking the leading role. Yet, in order to successfully mainstream the concept of



biodiversity conservation across various Government departments (e.g. agriculture and fisheries team of AFCD, Development Bureau, Lands Department, Planning Department, Environmental Protection Department, etc.), a high level inter-departmental committee under the Chief Secretary for Administration should be set up to steer and co-ordinate the biodiversity conservation actions of different departments, to monitor the implementation of the Action Plan, and to ensure adequate resources is earmarked for the Action Plan. In the latest Policy Address, the Government formed a high-level committee of exactly this nature for addressing climate change. However, no such committee is formed for implementation of BSAP under the Convention on Biological Diversity (CBD). Both issues involve Hong Kong's contribution to nature conservation at an international level and should draw equal attention (actually, climate change should be an issue to be dealt with under BSAP). We urge the Government to implement the BSAP with strong determination and ensure all policies and developments are in line with the vision of Hong Kong's BSAP.

II. Both mainstreaming and conservation should be of top priority

We disagree that mainstreaming biodiversity should be the only top priority for Hong Kong's first BSAP. We consider that both mainstreaming and conservation are of equal importance and should receive our main attention. Under the same vision of conserving Hong Kong's biodiversity, a wide spectrum of actions can be taken to achieve this. From greening urban systems to nature conservation in sites of high ecological value; from mainstreaming biodiversity to the public to concrete conservation actions carried out by the government; from short term actions to halt eco-vandalism to long term education programmes for our future generations. We consider all these can be done in parallel. If only mainstreaming is focused in the coming 5 years, we are concerned more of Hong Kong's biodiversity and natural habitats, which are suffering persistent an ongoing degradation from known and preventable threats, will be lost.

III. Failure to protect habitats of high ecological value and species of conservation concern

Currently, sites and habitats of high ecological value (such as lowland rivers, freshwater wetlands and fung shui woodlands) and species of conservation concern are continuously threatened by various development projects or eco-vandalism activities (Figures 1 to 3). The Government should at least provide a clear policy direction, robust strategies and sufficient resources to enable effective enforcement of existing legislation. Below are some recommended actions that can be taken.

1. Set up an inter-departmental nature conservation enforcement task force (including key implementing departments such as Agriculture, Fisheries and Conservation Department, Environmental Protection Department, Lands

Department and Planning Department) to co-ordinate and oversees all enforcement cases and ensure all damaged sites are properly restored.

2. Protect sites and habitats of high ecological value; especially the 12 sites identified in the 2004 New Nature Conservation Policy and the Country Park enclaves the former Chief Executive Donald Tsang committed to protect through:
 - i. designation as Country Parks
 - ii. establishment of Management Agreements with landowners/tenants, or
 - iii. establishment of a Nature Conservation Trust,which all of these may be facilitated by agreeing a method for non *in-situ* exchange of recognised development rights where they exist.
3. Areas without any statutory protection (which are roughly indicated by the areas in red colour in Figure 4) should either be covered by Development Permission Area Plan or incorporated into the Country Park system.
4. Promote local sustainable agriculture and fisheries, protect farmland and fishponds, and preserve traditional knowledge of cultivation and fish farming, in order to increase the sustainability of local food production and habitat management for the benefit of birds and other wildlife as well as the communities that practice them.
 - Currently, the HKBWS has management agreements (MA) with farmers and fishermen in farmlands of Long Valley and fishponds of Deep Bay area. Such collaboration with land owners and stakeholders are important for effective nature conservation. However, the incentives for the landowners to maintain the agreement is not high. Some will drop out of the scheme and convert their land to other uses which may not be beneficial to the environment. Given that the Deep Bay area is internationally recognised for its wetlands and bird populations, the Government should take the initiative to support local sustainable agriculture and fisheries, such that local farmers and fishermen can make a living without damaging the environment. As a result, the farmland and fishponds can be protected and well-managed for both food production and habitats for wildlife.
5. A review of the effectiveness of current nature conservation policies, regulations, and practices is essential to addressing the ongoing loss of species and habitats.

IV. Amendment to existing policies and legislation is required

It is stated in the document that “...we do not intend to initiate major changes at this stage, such as changing existing policies and legislation”. As illustrated in our Indicator Report, there is significant on-going ecological destruction in Hong Kong due to existing loopholes in the current legislation. Minor adjustment of the existing policies and legislation is critical to plug these loopholes and effectively halt the destruction. Loopholes in the existing regulatory framework that hinder effective enforcement should be revised, including:

- i. absence of DPAs from existing OZPs under the Town Planning Ordinance (indicated by areas in purple colour in Figure 4),
- ii. conflicts of interest in administration of the EIA Ordinance,
- iii. approval of waste dumping in private land under the Waste Disposal Ordinance disregarding the ecological value of the site, and
- iv. sentencing guidelines which do not reflect the cost of ecological restoration of habitats or the market value and enforcement costs for species.

It is not acceptable simply to state “We do not intend to...” without any further explanation the public immediately receives a sense that conservation requires much to be done, and that there are serious matters to address, but they are not considered important enough. Such statements greatly undermine the perceived sincerity of the Government in addressing biodiversity conservation, particularly when mainstreaming has been so strongly emphasized.

V. Other specific recommendations

1. Ban the trade in all wild-caught birds and strengthen licensing requirements of species raised in captivity for trade to minimise the adverse impacts on bird populations as well as to remove a significant vector for the spread of life-threatening Highly Pathogenic Avian Influenza caused by this trade.
2. Establish stringent chain of custody requirements for all species for which Hong Kong plays a significant role in its trade or consumption, so as to minimise the city’s impact on biodiversity in other jurisdictions that are consumed or traded through the city.
3. Encourage and support research related to nature conservation/management to fill in existing information gaps (e.g. study of globally threatened wetland-associated passerines species for which the Deep Bay area may be a significant stop-over or wintering site, long-term territory-wide standardized monitoring of breeding and non-breeding landbirds in Hong Kong).
4. Mainstream biodiversity conservation through encouraging nature appreciation (e.g. birdwatching) and incorporate it into the education curriculum.
5. Actively participate in regional and global conservation initiatives or collaborations to increase the conservation effectiveness (e.g. in respect of migratory birds) in Hong Kong.

VI. Monitor biodiversity status and review BSAP

The HKBWS has demonstrated how a consistent set of headline indicators were selected and used to monitor the status of biodiversity conservation in Hong Kong (please refer to Attachment 1). A similar monitoring system should be in place to assess the progress and effectiveness of the implementation of BSAP. Any information gap which hinders the monitor should be filled, for example by adding new surveys for certain taxa groups, standardize the surveys such that data can be compared between years, extensive ecological surveys for Hong Kong. These data and monitoring system are important for reviewing the current BSAP and to plan ahead for the next 5-year BSAP.

VII. Final Remarks

Apart from the recommendations above, the HKBWS considers that the recommendations from the Bird Sub-group of the Status and Trend and Red List Focus Group (please refer to Attachment 2) and the 400 and more specific actions recommended by experts and academics in different focus/working group during 2013 and 2014 (please refer to Attachment 3) should also be incorporated into the Action Plan. We urge the Government to take the leading role in conserving the natural treasure of Hong Kong such that the community as a whole can work towards an ecologically sustainable future.

Yours faithfully,



Woo Ming Chuan
Conservation Officer
The Hong Kong Bird Watching Society

Figure 1. Environmental vandalism activities observed in the Deep Bay area (and other rural areas of Hong Kong) include dumping of construction wastes (top) and pond filling (bottom).



Figure 2. Trees and bamboos, which were actively used by breeding egrets and heron as a nesting site, was completely removed after the breeding season due to an extensive eco-vandalism activity in the area.



Figure 3. Vegetation clearance and tree felling are commonly seen at the site before an application is submitted to the Town Planning Board for approval. Below is a de-vegetated “Green Belt” zone in Tai Po where residential development is proposed.



Figure 4. Map showing the statutory plans of different areas in Hong Kong. Areas without statutory protection are indicated in red colour. Areas with Outline Zoning Plan but without Development Permission Area Plan are indicated in purple colour. The map is extracted from the final report of the focus group on terrestrial habitat.

