

BSAP – EXECUTIVE SUMMARY OF Legislative Focus Group (LFG)'s REPORT

23rd September 2014

Introduction

This 30 page document is submitted as an overarching template setting out in as comprehensive a way as is possible, at this stage of the process, both **the vision and the range of work required in order for Hong Kong to satisfactorily meet its existing policy, CBD obligations and Aichi Targets**. We emphasize that BSAP is a PROCESS and all the Groups **now need feedback** on what actions and priorities need to be added, what can be done in 5 years under the 1st BSAP and what should take longer. The LFG recognize that it will take a number of years, **depending on Resources**, before all the priorities can be fully implemented. **Being a process, BSAP requires the setting up of institutions and procedures to carry on the work.**

This Executive Summary introduces the Actions in simplified form and **suggests some priorities** which could be achieved within the first 5 year cycle of BSAP from 2015 to 2020. This does not mean that other priorities can be disregarded at this stage, as they may still be done in other ways. This Summary indicates how each Action comprises **general and specific** priorities, some which can be done now, some can take longer, again depending on the amount of resources, degree of support by Government and the Departments concerned, and public expectations.

To facilitate implementation, many of the Actions and Priorities in this BSAP are not dependent on amending or passing new laws but can be undertaken within the existing legislative framework but with an improved administrative framework.

The Objective is thus an Improved Regulatory and Institutional Framework for Conservation whereby compliance with the CBD and achieving the Aichi Targets is explicitly integrated into the legal and administrative framework and decision making.

The Report identifies and details 15 Actions and Outcomes which, being a framework, consists of inter-connected and inter-dependent Actions with Priorities. Removal of parts of the framework will reduce the efficacy of the whole. The Report focus is on solutions and outcomes. Each Action is referenced to Hong Kong's obligations under CBD Articles or the Aichi Targets. Overlaps with the priorities of other Groups are understandable and complements their work and demonstrate the importance of the issue under consideration.

The Actions in the same order as the Report are summarized as follows:-

Action 1 – Countryside and Marine habitats conservation and sustainable use and Country Park Enclave Policy : see para 9.

These are core areas of public expectation and include priorities to better implement the Country Park Enclave Policy of 2010-11, the integrity of Country Parks and Protected Areas increased and improved by CP extensions, improved zoning, reduction of development pressures and pollution, improved connectivity, protection of key sites outside or adjacent, all coupled with improved management, participation and guidance documents. In particular Marine potential PA's and hotspots need to be identified and mapped. Target is an increase of 2% over the first 5 year cycle with no loss of CP or other PA land or sea.

Action 2 – Priority Sites better protected and fair methods of increasing Protected Areas by means of existing land administration mechanisms: para 10.

These 12 Priority Sites have long been recognized so the highest degree of protection is now required by bringing them within the CP Enclave Policy where appropriate, and specific practical solutions implemented for conservation. The suggested target is to implement 2 of the 12 sites within the first 5 year cycle. An important first step in 2015 would be for the Government to declare that in recognition of our responsibilities under CBD as well as BSAP that these types of land resumption and other related land transactions should now be deemed to be for a 'public purpose'.

Action 3 – Restoring Land Administration and improving Small House regulation to meet public expectations, policy and CBD obligations: para 11.

Administrative tightening up and improved enforcement for identified impacts are listed under specific priorities to reduce pressures and impacts. These threats are a major driver of loss and hence a High Priority. It is vital that any future Small House grant or permissions within a CP or CP Enclave be subject to improved conditions and regulation. Underlying this, decision making needs to be governed by CBD principles, a system is needed for reporting abuses so restoration is undertaken, a Taskforce co-operating with other Departments particularly to protect ecologically valuable areas, and in particular Lands D needs to be better resourced so that it can properly carry out its land management function to prevent unauthorized vegetation cutting, site formation and drainage works, unauthorized access tracks and the like.

Action 4 – Administrative improvements to relevant Departments and Bureaux, in particular Town Planning to implement integration or Mainstreaming of CBD: para 12.

Departments guided generally by ENB and AFCD are in a position to improve their own procedures and standards and guidance documents to help achieve the common policy objectives contained in the CBD and Aichi Targets. Some Departments have more impacts on conservation than others and some can advance CBD achievements more than others but each needs to consider how it can contribute more. For example the Town Planning Ordinance has the public interest and conservation as part of its objectives but departments can better achieve the Targets by various administrative improvements. For example, Planning D is a key department with useful standards and documents to be updated by reference to the CBD obligations and targets. Procedures and systems for doing this are an ongoing priority which can be aided by a BSAP Authority. Specific priorities for Plan D include improving zoning effectiveness by providing more controls and better management, all unprotected or unplanned areas to be protected with DPA and OZP by 2020, with priority for areas of high biodiversity value and which are at risk, better protection for vulnerable OZPs which had no prior DPA, and the requirement for more expert surveys and assessments to improve zoning decisions for conservation. Plan D priorities which contribute to other Actions include Plan D to zone and protect with future Country Park designation within its purview so that SSSI, CA, CPA and other Protected Area zoning's and GB are made appropriately to protect as a stop gap pending CP designation. As before Plan D together with AFCD and Lands D to be better resourced so they can effectively police, manage and control all these areas.

Action 5 – Improvements to the EIA and SEA processes: para 13.

After 16 years of operation a review and strengthening of both the EIA and SEA systems are needed as there will be many projects which have profound effects on the ecology of Hong Kong. The assessment systems need to follow the requirements of the CBD and the Aichi Targets and become more protective of Hong Kong's ecology. Improved screening of projects and scoping of assessments to benefit conservation and better implement the CBD is needed. General and specific priorities are provided. Priorities briefly summarized include:

Review of existing Strategic Environmental Assessments (SEA) process, the Sustainability Assessment process and methods to improve the use of SEA to help implementation of BSAP, and an improved SEA Directive.

EIA Ordinance, EIAO TM, Guidance Notes improved to better implement the CBD, taking into consideration the BSAP actions to be implemented and past effectiveness of the EIAO for protecting conservation areas under threat of major development and redevelopment proposals.

Guidance notes pending legislation are needed to use the Red List and HK List of Species of Conservation Concern.

Review of the various planning and land administration processes and criteria for screening compatibility of large developments.

Improve the EIA process with specific CBD inclusions and improvements in Project Profiles and Study Briefs.

Reduce institutional conflict of interest by separating the 2 jobs of Director of Environmental Protection, from that of the Policy Secretary.

Improve the capacity of ACE to analyse and act as the public watchdog on EIA reports.

Action 6 – Red Listing :para 14.

This Priority requires legislative amendments to be effective but in the meantime there can be guidance notes. The lists and trends will be monitored, species will continue to be assessed and the list will be updated by an independent body consisting of Government and non Government members meeting and reporting regularly.

Action 7 – Wildlife law amendments: paras 15&16.

Major gaps in the regulatory framework and in the protection of fish species have been identified – together with Action 6 above, the necessary work based on the existing study should be undertaken so the necessary legislative amendments can be submitted as soon as practicable.

Action 8 – Enforcement improved and Wildlife Crime Unit and Taskforces: paras 17 & 18.

Environmental and wildlife crimes are usually well organized criminal activities and cross departmental responsibilities are involved requiring a system and units whereby departments such as the Police, Lands D, Plan D, AFCD and EPD can work closely together to share information, resources, duties and expertise in order to tackle these crimes. All relevant departments need to be properly resourced to carry out these duties.

Action 9 – Wildlife Trade Regulation: para 19

To fulfill our international obligations to reduce our Global Ecological Footprint we need to enact new laws or plug gaps in existing laws. Therefore as an interim measure, pending passing of necessary legislation, the Wildlife Crime Unit referred to above in Action 8 should be adequately resourced to do the best job possible within an improved administrative framework.

Action 10 – Ecological Footprint, Sustainable use of natural resources and Eco-system services: paras 20 & 21.

Hong Kong has the 9th highest Global Footprint and hence an obligation to reduce this impact.

By 2016, measure regularly the Ecological Footprint (EF) of HK and use this to promote awareness and action;

By 2020 use this as indicators and integrate this into sustainable development planning to achieve a road map to reduction of our footprint with processes and a time line;

By 2020 assess the sustainable use of seafood, timber, paper, traditional Chinese medicine from the wild and beef.

Promote awareness, education, sustainable production, and use of certified products which incentivize the use of sustainable resources. These are precursor priorities to improved regulation and future Ecosystem Services assessment as a method to better inform conservation decision making.

Action 11 – Local Sustainable use of natural resources in Hong Kong: paras 22, 23, 24& 25.

Protecting fresh water sources is a priority. Integrating CBD and BSAP into a new Agricultural and Farmland Policy and practices is a priority. Protecting farmland and where possible, providing farmland is a priority. A tree ordinance is needed especially for trees on private land. Sustainable use of Marine and Fisheries conservation improvements is also noted in other Actions such as Wildlife laws amending, better assessments under SEA and EIA, Wildlife Trade regulation, with Marine maps for improved identification and planning for conservation and potential Marine Parks.

Action 12 – Traditional knowledge, Education, Community Awareness and Participation: para 26

Integrating CBD into the Education system is a priority for Awareness raising and improved decision making and acceptance which delivers multiple targets. Building a Conservation Database; Capacity Building, building a Natural History Museum would be a logical extension of all this. Integrating CBD and related expertise into Heritage conservation with Traditional knowledge can encourage existing awareness and support. Funds are required to employ persons to do all these activities and better to use NGO's and volunteers.

Action 13 – Indicators for progress and measurements of compliance: para 27

Indicators can be flagship species, trends measured with existing data and systems, and which best inform actions which are known to be needed because of continuing gaps and threats.

AFCDD will need to be properly resourced to carry out these activities.

Action 14 – Systems and Institutions to provide for continuing BSAP progress : para 28.

The creation of an appropriate BSAP Authority with Working Groups and Focus Groups and sufficient powers and resources to push forward the dynamic and iterative BSAP process is essential. Other bodies set up under other Actions include Red List Group, Land and Hotspots Taskforce, Wildlife Crime Unit. System in place to carry forward the continuing BSAP process include monitoring systems, BSAP performance review, Conferences of the Participants, Reporting annually to Legislative Council, policy directions and substantial increase in resources to achieve the above are needed.

Action 15 - Mainstreaming CBD into Government has to be achieved as a High Priority: para 29

Relevant CBD Aichi Biodiversity Targets:

- (a) Awareness increased T1
- (b) CBD mainstreamed into Government, Business and Society, T2
- (c) Incentives reformed T3
- (d) Sustainable consumption and production, sustainable use of natural resources T 4,6 &7
- (e) Habitat Loss halved or reduce T 5
- (f) Pollution reduced T8
- (g) Pressures reduced T10
- (h) Protected Areas increased and improved T11
- (I) Extinction prevented T12, Genetic diversity maintained T13
- (j) Ecosystems and Ecosystem Services safeguarded T14 and Ecosystems restored T15
- (k) Knowledge improved T8& 19
- (L) Adopted as Policy T17
- (m) Financial resources increased T20

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