

Background

This paper follows a proposal submitted to the Hong Kong Special Administrative Region Government by World Wide Fund For Nature Hong Kong in September 1998.

The Ramsar Convention

In 1979 the United Kingdom extended its accedance to the Ramsar Convention on the Conservation of Wetlands of International Importance Especially as Waterfowl Habitat to include Hong Kong. Following the resumption of the exercise of sovereignty over Hong Kong by the People's Republic of China, Hong Kong has been included under China's ratification of the Convention.

In September 1995 Hong Kong designated some 1,500ha of the Mai Po and Inner Deep Bay area as a 'Wetland of International Importance' under the Convention and this area is now included as China's seventh Ramsar Site. The Director of Agriculture, Fisheries and Conservation currently is the 'Ramsar Authority' for the Hong Kong Special Administrative Region.

In 1996 the Agriculture and Fisheries Department employed consultants to prepare a 'management plan' for the Mai Po and Inner Deep Bay Ramsar Site. This report was published in 1997 (Aspinwall Clouston and Wetlands International Asia Pacific 1997). The department has subsequently recruited staff to undertake various management duties with respect to the Mai Po and Inner Deep Bay Ramsar Site, and a supporting advisory body (The Wetland Advisory Committee and its subcommittees) has been established.

* The term 'Trust' is used in this document, however legally the entity is more likely to be established as a 'foundation'. The terminology has no bearing on the purpose and operation of the organisation.

Wetlands in Hong Kong

The Mai Po and Inner Deep Bay Ramsar Site is, without doubt, the most important wetland area within the Hong Kong SAR. There are, however, additional wetland areas contiguous with the Ramsar Site, and yet others elsewhere in the Hong Kong SAR, which should be subject to consideration by the Hong Kong SAR Government for conservation action. A survey of Hong Kong's wetlands identified 33 main sites, of which 12 sites covering 91.76 ha were considered to be worthy of conservation (Dudgeon and Chan 1996). At least one of these (Sha Lo Tung) meets the criteria for designation as Hong Kong's second Ramsar Site (M. Smart, Ramsar Convention Bureau pers. comm.).

As a Party to the Ramsar Convention through the People's Republic of China, the Government of the Hong Kong SAR:

shall formulate and implement their planning so as to promote the conservation of wetlands included in the List, and as far as possible the wise use of wetlands in their territory (Article 3.1).

The matter of 'wise use' has been subject to detailed discussion at recent Conferences of the Parties (Davis 1993). At the third Meeting of the Conference of the Contracting Parties in 1987 'wise use' was defined as the 'sustainable utilization of wetlands for benefit of humankind in a way compatible with the maintenance of the natural properties of the ecosystem'.

The current Hong Kong SAR Government policy on wetland conservation states:

The Government recognizes the ecological importance of wetlands and is committed to the protection of important wetlands in Hong Kong....It is Government policy to compensate for areas of conservation value lost to essential development projects (ACE Paper 56/95).

Public and private roles in wetland conservation

In recent years there has been growing awareness within the Hong Kong SAR of the functions and benefits of wetlands to both people and the environment, and the importance of conserving such habitats. Despite this, increasing areas of wetlands have been destroyed, especially in the northwest New Territories, due to extensive urbanization and development of infrastructure by the Hong Kong SAR Government and the private sector.

Fortunately, both Government and the private sector are increasingly recognising the need to address wetland issues with regard to future development projects, including private and public housing, and drainage and transport infrastructure. In particular, there has been growing realisation of the need to mitigate for the loss of wetlands resulting from such activities. The Environmental Impact Assessment Ordinance (EIAO), together with the Technical Memorandum, which came into force in April 1998, has formalised procedures for assessment and mitigation of development impacts on wetlands.

Unfortunately, wetland conservation and mitigation issues are still being addressed in a piece-meal fashion, with no overall supervision of proposed mitigation measures, or attempts to maximise conservation benefits. There is also a serious problem with respect to long-term management of wetland mitigation sites for public projects as no Government department has overall responsibility

for management – responsibilities are split between several different departments, each undertaking specific tasks. This is likely to lead to lack of co-ordination and inefficient use of resources, as well as making budgeting difficult. The fact that such arrangements are also subject to annual resource allocation makes them susceptible to changing economic conditions and priorities in Government spending. At the present time the Administration has undertaken to make arrangements for the long-term management of certain mitigation projects but has yet to decide how best to handle them and is awaiting the outcome of the Study on Wetland Compensation.

In addition, Government has been generally reluctant to accept mitigation plans due, at least in part, to uncertainties about the ability of the proponents or others to undertake long-term management of such facilities. This has resulted in lost opportunities for wetland mitigation for some projects where proponents were prepared to put up funds for capital expenditure but where recurrent costs could not be met under current administrative arrangements.

In addition to Government, the private sector also has an important role to play in wetland management. This is reflected in the Strategic Plan for the Ramsar Convention for 1997-2002, which includes:

Operational Objective 2.8:

To encourage involvement of the private sector in the conservation and wise use of wetlands.

Action 2.8.1.

Encourage the private sector to give increased recognition to wetland attributes, functions and values when carrying out projects affecting wetlands.

Action 2.8.2.

Encourage the private sector to apply the Wise Use Guidelines when executing development projects affecting wetlands.

Action 2.8.3.

Encourage the private sector to work in partnership with site managers to monitor the ecological character of wetlands.

Action 2.8.4.

Involve the private sector in the management of wetlands through participation in wetland management committees.

The value of private participation in wetland conservation has recently been recognised by the Town Planning Board in its *Guidelines for Application for Developments Within Deep Bay Area Under Section 16 of the Town Planning Ordinance*, TPB PG-NO 12B (Town Planning Board, 1999). The Guidelines note

the potential benefits of the 'private-public partnership' approach to future wetland management in Hong Kong.

In recent years, private sector developers have proposed a variety of mitigation measures for developments that will impact on wetlands, particularly in the northwest New Territories. Many of these are relatively small-scale, but some are substantial in area - most, if not all, are now proposing the establishment of trust funds to cover recurrent costs for future management, while the land remains in private ownership.

From a conservation perspective, a plethora of 'private' nature reserves, each with an independent funding mechanism is undesirable. The present lack of a Government agency with overall responsibility for wetland management means that it is not possible to rationalise the design and location of mitigation measures to maximise their conservation benefit.

Furthermore, at present there appears to be no mechanism for the future supervision on the implementation of proposed management, nor adequate monitoring to determine whether conservation objectives are being met. In view of the fact that wetland management is still a very new activity in Hong Kong, and thus there is very little local experience, this is a matter of great concern - it is quite possible that original management plans, whilst appearing appropriate and feasible on paper cannot be implemented, and revisions will be needed to the plans in future in the light of experience.

From an administrative perspective, a plethora of private trusts to fund individual wetland areas would seem to be needlessly burdensome, and raises important questions regarding future supervision and what happens should a trust collapse and funds run out. A multitude of trusts also results in uneconomic resource allocation, duplication etc. thus reducing their overall effectiveness for conservation.

An additional concern relates to the land tenure of mitigation sites and possible future changes in land use.