

**Advisory Council on the Environment
Nature Conservation Subcommittee**

**Confirmed Minutes of the meeting held on 10 February 2009
at 4:00 pm in Room 4637, 46/F., Revenue Tower, Wanchai**

Present:

Professor CHAU Kwai-cheong (Chairman)
Professor LAM Kin-che, S.B.S., J.P. (ACE Chairman)
Mr. Hans Michael JEBSEN, B.B.S.
Ms. Betty HO
Mr. LAU Che-feng, Edwin
Dr. MAN Chi-sum, J.P.
Mr. TSANG Kam-lam
Mr. WONG Ka-wo Simon, J.P.
Dr. YAU Wing-kwong

Absent with apologies:

Professor LAM Kwan-sing, Paul, J.P.

In Attendance :

Mr. Albert LAM	Deputy Director (2), Environmental Protection Department (EPD)
Mr. Vincent TANG	Assistant Director (Nature Conservation & Infrastructure Planning), EPD
Mr. C C LAY	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Dr. P M SO	Senior Conservation Officer (Biodiversity), AFCD
Miss Vivien Li	Senior Administrative Officer (Nature Conservation), EPD (Secretary)

In Attendance for Agenda Item 3

Mr. Patrick LAI	Senior Conservation Officer (Technical Services)
Mr. Simon CHAN	Conservation Officer
Mr. Eric WONG	Wetland Park Manager

The Chairman welcomed Members to the meeting of the Nature Conservation Subcommittee (Subcommittee).

Agenda Item 1: Confirmation on Minutes of the Last Meeting held on 14 August 2008

2. The draft minutes were confirmed without any amendments.

Agenda Item 2: Matters arising

3. The Chairman reminded members to declare potential conflict of interest. A member declared potential conflict of interest as he was the Chairman of the Tai Po Environmental Association (TPEA), which managed the Fung Yuen Butterfly Reserve. After consulting Members, the Chairman welcomed the concerned member to stay at the meeting.

Agenda Item 3: Habitat Management of Fung Yuen Valley SSSI for butterfly conservation (NCSC Paper 01/09)

4. The Chairman invited Mr. Simon CHAN to brief members on the paper.

5. In response to a member's enquiries, Mr. Simon CHAN said that the existing fire breaks had been effective in keeping out fires. He added that the proposed green fire breaks, to be created by planting fire-resistant trees, would be able to contain hill fire in burial grounds from spreading to other areas.

6. In response to a member's enquiries, Mr. Simon CHAN said that there were no recent incidents of human disturbance like destruction of vegetation in the Fung Yuen Valley. He said that the education activities carried out by TPEA were effective. AFCD also erected warning signs and stepped up patrolling efforts in the area. Furthermore, TPEA arranged guided tours to concentrate visitors to Management Zone 1 of the Fung Yuen Valley. AFCD also created

footpaths to direct visitors to selected sites on Government Land in the Fung Yuen Valley that were less sensitive to human disturbance.

7. Upon a member's enquiry, Mr. Simon CHAN said that the Fung Yuen Valley was a vast piece of land covering over 40 hectares. Having regard to work priority, AFCD would first concentrate its management on the lower area of the Fung Yuen Valley, which was more important in terms of butterfly diversity.

8. A member asked AFCD on the trend of butterfly abundance and diversity at the site. On the possible threats to the site, he asked (i) if Mikania was under control; (ii) whether the future residential development nearby would pose threat; and (iii) while the proposed Sha Lo Tung Columbarium would not allow the burning of incense and joss sticks, whether that would indirectly drive visitors to do so at places outside the columbarium, and hence put Fung Yuen Valley under threat.

9. Mr. Simon CHAN said that both the abundance and the number of species of butterflies in the Fung Yuen Valley increased over the years. AFCD's studies also recorded new butterfly species in the area since 2001. Mr. Patrick LAI said that Mikania was well under control. For the residential development, he added that it was approved in 2001 by the Town Planning Board with a condition that a 45-50 m buffer zone should be in place. On the proposed columbarium in Sha Lo Tung, a member said that visitors would take special coaches at Tai Po town area to and from the columbarium. Hence, the scenario Professor Lam Kin-che depicted would unlikely occur. Mr. Vincent TANG added that the Government had reminded the project proponent to minimize the risk of hill fire on a number of previous occasions.

10. Upon a member's enquiries, Mr. Patrick LAI confirmed that fire threats mainly came from burial grounds. Before the Ching Ming and Chung Yeung Festivals, AFCD would ensure that fire breaks were properly maintained to minimize fire threats. Mr. CC Lay added that AFCD would approach NGOs (e.g. TPEA) to arrange volunteers to promote fire prevention messages onsite during those festivals. A member also advised that water tanks could be placed near the

graveyards as a precaution against fire accidents. Rural Committees and Heung Yee Kuk could also assist in education work. Mr. CC Lay said AFCD would take note of Members' concerns in order to put suitable fire prevention measures in place in future.

11. A member asked whether there was a long-term management plan for the Fung Yuen Butterfly Reserve, which was currently operated on the time-limited funding support from the Environment and Conservation Fund (ECF). Mr. CC Lay responded that the Fung Yuen Valley comprised over 90% of Government Land, and TPEA managed some of the private land at the site, and hence much could still be done on the Government Land. Separately, he understood TPEA also had the intention to generate revenue to partially support the ongoing and future activities. A member shared with Members the work of TPEA, which brought about positive results, and said that TPEA was exploring opportunities to generate income for managing the Fung Yuen Butterfly Reserve. He added that support from ECF and the community were however very important.

12. Upon a member's enquiry, Mr. Eric WONG responded that while the Government did not have an estimate of the butterfly population in the Fung Yuen Valley, AFCD had information on habitats that different butterfly species preferred, and AFCD could create favourable habitats to increase butterfly population.

13. The Chairman opined that AFCD could consider contacting the grave-sweepers before the worshipping festivals, with a view to reminding them to prevent causing hill fire. He also advised AFCD to study the effects of global warming on butterflies, and subject to work priority, the management measures in the upland area of the Fung Yuen Valley should start early. A member advised that TPEA was looking into the effects that climate change may have on butterflies.

14. Mr. Patrick LAI explained to Members that butterflies did not prefer dense woodlands. Upon being consulted by Mr. Patrick LAI, Members supported AFCD to go ahead with creating small-scale woodland openings (of 3.5-5 metres in diameter) to create a more

favourable habitat for the butterflies. The Chairman suggested AFCD to erect signs nearby to inform visitors that the woodland openings were for a beneficial cause to the butterflies.

15. The Chairman said that the management of the Fung Yuen Butterfly Valley showed good collaboration between the Government and TPEA. The Chairman concluded the discussion as follows –

- (i) Human activities might disturb the Fung Yuen Valley, but AFCD had in place measures to reduce such disturbance by diverting visitors to sites that were less sensitive to human disturbance; and
- (ii) Burning of incense and joss sticks at the burial grounds nearby might cause hill fires. In this connection, AFCD and NGOs would continue the fire prevention efforts, including enhancing public awareness, and other preventive measures.

16. The Chairman noted the good efforts paid by TPEA on conserving the Fung Yuen Butterfly Reserve, and encouraged Members to consider supporting the funding proposal for the betterment of the Fung Yuen Butterfly Reserve, if the opportunities arose in future.

Agenda Item 4: Proposed Legislation for the Implementation of the Biosafety Protocol (*NCSC Paper 02/09*)

17. The Chairman invited Dr. PM So to introduce the paper and brief Members on the Proposed Legislation for the Implementation of the Biosafety Protocol.

18. Upon a member's enquiry, Dr. PM So explained that Living Modified Organisms (LMOs) were the same as genetically modified organisms, except that they referred to living organisms only. Mr. CC Lay further explained that the implementation of the Protocol through legislation in Hong Kong would enable Hong Kong to fulfill the specific requirements on LMOs of the Protocol and the Convention on Biological Diversity (the Convention), so that the two international agreements could be extended to Hong Kong. He added that the scope of the Protocol concerned conservation and sustainable use of biological

diversity, and did not concern food safety and food labeling issues. The latter issues were addressed under another international organization i.e. the Codex Alimentarius Commission.

19. A member enquired if there was any international guidelines on how to determine the acceptability of the risks that an LMO might have on the environment. Dr PM So responded that there was no such guideline that would be specific to the receiving environment in Hong Kong, but general references were available. Also, in considering an LMO application, AFCD would seek advice from an expert group which would comprise representatives of the industry, academics and green groups.

20. A member and another member commented that AFCD should monitor the situation for a certain period of time after an approved LMO was released into the environment. Dr PM So responded that if justified, after seeking advice of the expert group, AFCD might approve LMO applications with conditions, such as requiring small-scale releases in the form of field trials with monitoring to confirm the findings of the risk assessment before releasing the LMO concerned into the environment extensively.

21. The Chairman enquired on the safety measures that could be taken if, after releasing an approved LMO, new information was available showing that the LMO may pose a risk to biological diversity that was not acceptable or manageable. Mr. CC Lay confirmed that once an LMO was listed in the public register, no subsequent approval application would be required. But AFCD could remove the LMO from the approved list in the register, and would be empowered to take remedial measures including eradication of the LMO concerned as appropriate. In refining the legislative proposal, AFCD would ensure that adequate monitoring measures would be in place. A member commented that precautionary mechanisms should be in place if the risks of LMOs to the environment were uncertain.

22. Upon a member's enquiry on the threats LMOs might pose to the environment of Hong Kong, Mr. CC Lay said that LMOs were

planted in very large-scale overseas, but it was unlikely that Hong Kong would have such large-scale plantings. The purpose of the legislative proposal was to (i) enable extension of the Convention to Hong Kong; and (ii) put in place a mechanism as a precaution to minimize the risks of LMOs to biological diversity.

23. In replying the Chairman's question, Mr. CC LAY explained that according to the requirement of the Protocol, the importer of overseas country or the exporter of Hong Kong would need to submit the approval application and to obtain the consent before shipment. He also explained that if new genes were added to an existing LMO, it would constitute a new LMO. Dr. PM SO confirmed that after the legislation came into effect, exporters from Mainland and Macau would also need to submit approval applications before they export LMOs to Hong Kong for intentional release into the environment, since the three places had independent customs.

24. A member asked what would happen if a person imported an LMO for contained use, but later released it into the environment. Mr. CC Lay replied that the act would be an offence under the proposed legislation, unless the person did not know it was an LMO. AFCD would also be empowered to take remedial measures including eradication of the LMO released.

25. The Chairman concluded that -

- (i) Members noted that the purpose of the legislative proposal was to fulfill international obligations;
- (ii) Members considered that the authority should take adequate measures to monitor the situation closely after an approved LMO was released into the environment and take safety measures in case new information showed that the approved LMO might pose a risk to biological diversity that was not acceptable or manageable; and
- (iii) The meeting supported the Government to continue taking forward the proposed legislation with a view to implementing the Protocol and the Convention in Hong Kong.

26. The Chairman invited and a member accepted to report Members' deliberations of this agenda item at the Advisory Council on the Environment on 16 February 2009, since the Chairman had teaching engagement and could not attend that ACE meeting.

Agenda Item 5: Date of Next Meeting

27. The Chairman said the secretary will circulate possible dates of next meetings for Members' consideration by circulation.

28. There being no other business, the meeting adjourned at 6:05 pm.

**Secretariat, Nature Conservation Subcommittee
March 2009**