

**ACE Nature Conservation Subcommittee**  
**Meeting on 29 April 2010 at 10:00 am**  
**At Room 4690, 46/F, Revenue Tower, Wanchai**

**Confirmed Minutes of Meeting**

**Present:**

Professor CHAU Kwai-cheong (Chairman)  
Professor FUNG Tung  
Mr. Hans Michael JEBSEN, B.B.S.  
Mr. LAU Che-feng, Edwin  
Mr. WONG Ka-wo Simon, J.P.

**Absent with apologies:**

Ms. Betty HO  
Dr. MAN Chi-sum, J.P.  
Mr. TSANG Kam-lam  
Dr. YAU Wing-kwong

**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)
Mr. Simon Chan	Senior Conservation Officer (Biodiversity) AFCD
Dr Winnie Kwok	Senior Wetland and Fauna Conservation Officer ( <i>for agenda item 4 only</i> )
Mr. KS Cheung	Wetland and Fauna Conservation Officer (Wise Use) ( <i>for agenda item 4 only</i> )
Mr. Alfred Wong	Endangered Species Protection Officer ( <i>for agenda item 5 only</i> )
Miss Vivien Li	Senior Administrative Officer (Nature Conservation), EPD (Secretary)

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1. The Chairman welcomed all attendees to the meeting.

Agenda item 1 – Confirmation of the draft minutes of the meeting held on 18 November 2009

2. The Chairman informed members that the draft minutes of meeting had been circulated to members, and the Secretary received no comment. There being no further comment from members, the draft minutes of meeting was confirmed.

Agenda item 2 – Matters arising

3. There was no matter arising from the last meeting.

Agenda item 3 – The Proposed Genetically Modified Organisms (Documentation for Import and Export) Regulation (NCSC Paper 1/10)

4. The Chairman welcomed Mr. Simon Chan, Senior Conservation Officer (Biodiversity) to the meeting. The Chairman said that members' views were invited on the proposed Genetically Modified Organisms (Documentation for Import and Export) Regulation, which was a subsidiary legislation to the Genetically Modified Organisms (Control of Release) Ordinance (Cap. 607) (the Ordinance). He highlighted that members had been consulted on the legislative proposal of the Ordinance at the NCSC meeting held in February 2009 (NCSC Paper 02/09).
5. Upon the Chairman's invitation, Mr. Chan briefed members on the contents of the proposed Regulation. The Chairman then invited members' views.
6. Upon a member's enquiry, Mr. Simon Chan explained that the Agriculture, Fisheries and Conservation Department (AFCD) would conduct random checking at tertiary institutions, to ensure that safety measures were in place when they conduct researches on genetically modified organisms (GMOs), to prevent GMOs from being released into the environment. With regard to the member's second question, Mr. Simon Chan said that there would be no approval requirement for the import and export of GMOs for direct consumption as food or feed, or for processing (GMOs-FFP). But if they were intentionally released into the environment, it would be an offence under the Ordinance.
7. Mr. Simon Chan also informed members that GMOs were not widespread in Hong Kong, with the exception of GM papaya. The AFCD was considering the exemption of the approval requirements under the Ordinance for GM papaya, because it was already widely planted in Hong Kong, but more importantly because papaya did not have native relatives in Hong Kong and thus its release into the environment would unlikely bring about adverse effect to the local biodiversity.

8. A member asked if AFCD would test the GMOs according to international standards. Mr. Simon Chan said that AFCD would check shipments declared to be or not declared to be GMOs by conducting standard DNA testing, to ensure compliance with the Regulation. These checks would be done on a random basis, and AFCD would also act on suspicion.
9. Upon two members' enquiries, Mr. Simon Chan confirmed that AFCD's research revealed that only GM papaya was widespread in Hong Kong. But AFCD would continue checking on a regular basis to monitor the prevalence of GMOs locally. Public awareness programs would also be stepped up to educate members of the public on the subject. The Chairman added that unlike organic produces which required certifications (e.g. HKORC), there were no such labeling or certification requirements for GMOs in Hong Kong, and hence it would not be easy to distinguish GMOs from non-GMOs.
10. A member noted that the fine levels were fixed irrespective of how many times the documentation requirements were breached. Mr. Simon Chan pointed out that the spirit of the Ordinance was more focused on preventing the release of GMOs into the environment, and the Ordinance provided for heavier penalties for that.
11. Upon the Chairman's enquiry, Mr. Simon Chan said that a person would need to report to AFCD if GMOs were released into the environment accidentally. Mr. Simon Chan explained, in relation to the Chairman's second enquiry, that an importer or exporter would not need to provide information to AFCD on the origin and manufacturer of the GMOs, because it was not the requirement of the Cartagena Protocol of Biosafety (which the Ordinance and Regulation were seeking to implement), and also because having obtained the identity of the GMOs, the components and other information of the GMOs could be found out. Upon the Chairman's last enquiry, Mr. Simon Chan said that AFCD would examine the risk assessment drawn up by the applicant and seek advice from the Expert Group to be established under the Ordinance, before approval would be considered for releasing a particular GMO into the environment. Mr. Simon Chan added that risk class standards had been developed internationally for micro-organisms, and the same was being developed for animals and plants.
12. The Chairman summarised that members were concerned about the prevalence of GMOs in Hong Kong. Members also discussed thoroughly on the fine level imposed in relation to the breach of the documentation requirements stipulated in the Regulation. AFCD was also asked to conduct checking to ensure the compliance with the Regulation on one hand, but should ensure that such work would not stifle trade on the other.

Agenda item 4 – Baseline Ecological Monitoring Programme of the Mai Po and Inner Deep Bay Ramsar Site

13. The Chairman recapped that the paper sought to brief members on the main results of the Baseline Ecological Monitoring Programme of the Mai Po and Inner Deep Bay Ramsar Site, carried out by the AFCD. He then invited Dr Winnie Kwok, Senior Wetland and Fauna Conservation Officer and Mr. KS Cheung, Wetland and Fauna Conservation Officer (Wise Use) to the meeting. Mr. KS Cheung then presented the paper to members.
14. Upon the Chairman's enquiry, Mr. KS Cheung explained that the report did not include data from the waterfowl monitoring programme, which was carried out under a separate programme on a monthly basis. The Chairman further asked if the results needed to be reported to the Ramsar Bureau. Mr. KS Cheung replied that only when there occurred detrimental changes of the designation criteria of the Ramsar Site, it would be necessary to report to the Ramsar Bureau. Otherwise, AFCD only needed to report the updated information in the form of Ramsar Information Sheets to the Ramsar Bureau every six years.
15. A member commended the work conducted by AFCD in collaboration with the WWF Hong Kong, which provided an important overwintering site for birds. He asked what constituted “detrimental changes”, and whether there was cross-border cooperation to deal with wetland sites not under the Hong Kong Government’s control. He also asked how sites not under Government control could be managed properly.
16. Dr. Winnie Kwok said that the standard for defining detrimental changes mainly involved the ecological character of the sites. Hence, the avifauna statistics provided the most important benchmark. In this connection, the number of birds at Ramsar Site had been increasing to the record high of 80,000 to 90,000 in the past few years. AFCD also cooperated with the Futian National Nature Reserve in Shenzhen, and held meeting every year for the better management of the wetlands spanning across the border.
17. On the member's further enquiry, Dr. Winnie Kwok explained that a sizable amount of wetlands at the Ramsar Site were managed as fishponds. While these fishponds were under different ownership, so long as they were used as fishponds, the Ramsar Bureau also considered that as wise use of the wetlands. And in this connection, the land use of the sites was governed by the relevant Outline Zoning Plan (OZP). She added that the gei wais in the Ramsar Site were managed for biodiversity conservation instead of mariculture, and their management standards were not applicable to fishponds. She further added that some gei wais were converted as

fresh water ponds by WWF Hong Kong, and could no longer exchange water with the sea.

18. A member asked whether sedimentation was monitored in the same season of the years, and if not, whether the river discharges at the time of the surveys were recorded to explain the annual fluctuation of the levels. The member added that, in addition to GPS technology, considerations might be given to using radar satellite imagery which could be acquired independent of weather conditions, although that had not been explored in Hong Kong. Mr. KS Cheung advised that though hydrological data were not considered, AFCD carried out most of the surveys in the winter time which had no typhoon or rainstorm. He also noted the member's advice in relation to the use of alternative technologies.
19. A member asked whether the expansion of mangroves was natural or artificial. He also asked why the expansion was closer to the Shenzhen side. Mr. KS Cheung said the expansion was natural and might be related to the hydrodynamics of the Shenzhen River.
20. A member asked about the level of toxic water of Shenzhen River. He added that while the number of birds found would be a good indicator of the condition of Mai Po, he asked whether the number of birds was also on an increasing trend in the pan-China scale, and also whether new bird species were found. Dr. Winnie Kwok said that while the number of birds found was increasing, the composition of bird species had not changed much.
21. The Chairman asked if any exotic species had invaded the Ramsar Site. He also asked how data collected could be used to improve the biodiversity of the site, and if the condition of the site had improved between the monitoring period of 2001 – 2009. He was glad to learn that there were sufficient resources for AFCD to continue the monitoring works.
22. Dr. Winnie Kwok replied that AFCD had been clearing exotic species, e.g. *Mikania* and *Sonneratia* in the Ramsar Site. The improvement of the condition of the Ramsar Site was largely shown by the increasing number of water birds recorded at the site. She added however that the increasing number of water birds might also be due to the degradation of other sites within the Mainland China boundaries. Mr. CC Lay said that degradation of wetland habitats had been lessening in the Mainland China, and results showed that the condition of the Futian National Nature Reserve had improved.
23. A member asked how AFCD would tackle the potential threats of residential development near Mai Po. Dr. Winnie Kwok said that the precautionary approach

was adopted in the review of these development applications. For example, the Town Planning Board guidelines stipulated that any development in the Wetland Conservation Area and Wetland Buffer Area should not result in any net loss in wetland. The Fung Lok Wai residential development project had also been approved under the Environmental Impact Assessment Ordinance.

24. A member said that striking a balance between development and conservation had been an ongoing issue. The member opined that it would be important to see how biodiversity could be best measured, and how to measure whether there was more gained than lost in the course of a development.
25. The Chairman summarised the discussion as follows :
  - (a) AFCD explained to the meeting what constituted “detrimental changes”;
  - (b) AFCD should consider exploring remote sensing technology to measure sedimentation of the mudflats;
  - (c) The cooperation between Hong Kong and Shenzhen could be bettered; and
  - (d) The data collected should be utilized fully for enhancing the species richness and diversity of Mai Po.

#### Agenda item 5 – The Proposed Plan for the Conservation of the Butterflies in Hong Kong

26. The Chairman recapped that the paper sought to brief members on the proposed action plan for the conservation of butterflies in Hong Kong. He welcomed Mr. Alfred Wong, Endangered Species Protection Officer from the AFCD, and invited him to take members through the paper. After Mr. Alfred Wong finished his presentation, the Chairman invited members to offer views.
27. A member asked if sites outside protected areas (e.g. country parks or Sites of Special Scientific Interest (SSSI)) were conserved if they were important butterfly habitats. Mr. Alfred Wong replied that the AFCD identified 42 sites in Hong Kong which were important butterfly habitats. While most fell within protected areas, AFCD accorded priority to monitoring sites that were outside protected areas to keep track of their site condition. AFCD would also pay attention, in particular, to the occurrence of possible habitat loss and incompatible use at these sites.
28. A member asked why there were increasing numbers of butterfly species. Mr. Alfred Wong explained that there was an increase in the number of butterfly species recorded because some species might have been overlooked in earlier years before AFCD started the comprehensive surveys in 2002. Besides, some species might have migrated to Hong Kong from the Mainland China.

29. In response to a member's enquiry, Mr. Simon Chan explained that according to the records of AFCD and also the Tai Po Environmental Association (TPEA), the number of butterfly species in the Fung Yuen Valley increased in the past years, thanks to the efforts of TPEA in conducting habitat management work as part of the Management Agreement project at Fung Yuen, as well as to AFCD's work in managing the Fung Yuen Valley SSSI. The number of butterflies in Fung Yuen decreased in 2009 probably because of seasonal changes during the period, but on the whole, the number of butterflies there had increased. Further, the AFCD had been designating more butterfly hotspots outside protected areas as SSSIs. For example, the Siu Lang Shui was designated as a SSSI recently, and the process was underway to designate Lung Kwu Tan valley as a SSSI.
30. The Chairman added that in conducting planning studies, e.g. the recent one related to the development of Fanling and Kwu Tung North, considerations could be given to setting up theme parks for butterflies. He noted that there was a similar theme park at Hong Kong Wetland Park. In conclusion, the Chairman said that members appreciated AFCD's efforts in conserving the butterflies in Hong Kong, and were of the view that the possibility of designating more SSSIs should be explored for the conservation of butterflies.
31. There being no other business, the meeting ended at 12:00 noon.

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