

**Confirmed Minutes of the 213th Meeting of
the Advisory Council on the Environment (ACE)
held on 14 March 2016 at 2:30 pm**

Present:

Prof Paul LAM, SBS, JP (Chairman)
Prof CHAU Kwai-cheong, BBS, JP (Deputy Chairman)
Prof FUNG Tung
Dr HUNG Wing-tat, MH
Dr Billy HAU
Prof Albert LEE
Mr Anthony LOCK
Ir MA Lee-tak, SBS
Prof John NG
Miss Yolanda NG, MH
Dr Michael LAU
Prof Nora TAM, BBS, JP
Dr Eric TSANG
Mr Luther WONG, JP
Ir Conrad WONG, BBS, JP
Mr Stanley WONG, SBS, JP
Ms Pansy YAU
Mr Andrew LAI (Secretary)

Absent with Apologies:

Ir Cary CHAN
Ir Prof Irene LO
Dr Carrie WILLIS, SBS, JP
Prof Jonathan WONG, MH, JP

In Attendance:

Mr Wilson CHAN	Assistant Director of Planning / Technical Services, Planning Department (PlanD)
Miss Heidi LIU	Principal Information Officer, Environmental Protection Department (EPD)
Ms Becky LAM	Chief Executive Officer (CBD), EPD
Miss Dora CHU	Executive Officer (CBD), EPD
Mr Alan CHUNG	Executive Manager (CBD), EPD

In Attendance for Item 3:

Mr Elvis AU	Assistant Director (Nature Conservation and Infrastructure Planning), EPD
Mr Simon CHAN	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Dr Jackie YIP	Senior Conservation Officer (Biodiversity), AFCD
Dr Flora MOK	Conservation Officer (Biodiversity)5, AFCD

In Attendance for Item 4:

Mr TANG Kin-fai	Assistant Director (Environmental Assessment), EPD
Mr Maurice YEUNG	Principal Environmental Protection Officer (Assessment and Noise), EPD
Mr Andrew CHEUNG	Acting Senior Environmental Protection Officer (Assessment and Noise), EPD

Action

The Chairman informed Members that apologies of absence had been received from Ir Cary Chan, Ir Prof Irene Lo, Dr Carrie Willis and Prof Jonathan Wong.

Item 1 : Confirmation of the draft minutes of the 212th meeting held on 15 February 2016

2. The draft minutes were confirmed without amendments.

Item 2 : Matters arising

3. There was no other matter arising from the minutes of the last meeting.

Item 3 : Public consultation on the Biodiversity Strategy and Action Plan (BSAP)
(ACE Paper 4/2016)

4. The Chairman briefed the meeting that the paper reported on the formulation of the first Biodiversity Strategy and Action Plan (BSAP) for Hong Kong which aimed to provide a steer on the conservation of local biodiversity. The public consultation period would last for three months from 8 January to 7 April 2016. The Chairman said that the discussion would be divided into two

sessions. The Presentation cum Question-and-Answer Session would be open to the public while the Internal Discussion Session would remain closed. Three Members declared that they were members of the BSAP Steering Committee but they had not been involved in the preparation of the public consultation document. Another Member declared that he was the Chairperson of the BEAM Society Limited. Members agreed that these Members could stay on and participate in the discussion.

[The presentation team joined the meeting at this juncture.]

Presentation cum Question-and-Answer Session (Open Session)

5. Dr Jackie Yip introduced the background and the proposal on the first BSAP for Hong Kong. She briefed Members on the proposed vision, mission and major action areas of the BSAP. She informed Members that specific actions would be drawn up after collecting feedback from the public and relevant stakeholders.

6. A Member said that he found no major policy changes in the first BSAP, and suggested that attention should be given to the following issues:-

- (a) As many species in the territory were under threat posed by large-scale developments in the vicinity of their habitats, sites with rich biodiversity should be designated as protected areas for better conservation;
- (b) Since public awareness of biodiversity had increased over the past few years and the Government had the public support for the launch of BSAP, efforts could be deployed to other action areas to facilitate an effective use of resources;
- (c) For mainstreaming, the Government should consider the possibility of introducing major changes by legislative amendments, with the aim that conservation would be prioritized in the planning of future developments. Consideration could be made to amend the Environmental Impact Assessment Ordinance (EIAO) so that the project proponents would be required to submit a conservation plan in addition to an environmental impact assessment report before the commencement of major development works;
- (d) A dedicated BSAP Fund should be established in order to address the need for research and development (R&D); and
- (e) The Government should promote management agreement (MA) projects at designated ecologically important areas like the one at Long Valley, in order to

enhance public engagement and raise the public awareness on biodiversity.

7. A Member said that while he welcomed the BSAP and agreed in principle on the major action areas, he opined that more implementation details of the action plans, especially on the aspect of mainstreaming, should be included in the BSAP. To develop a biophilic city, he reminded that prudent planning in terms of spatial allocation was essential and biodiversity considerations should be incorporated into government policies to foster the connection between human and nature. The Member suggested that the Government should conduct literature review and draw up guidelines for promoting biodiversity, for example zoning, planning of new development areas and public estates, for inclusion in the Hong Kong Planning Standards and Guidelines (HKPSG). Apart from public works, he proposed that biodiversity mainstreaming should also be introduced to the private sector, such as by introducing “green leases” when renting office accommodation for government departments. Having considered that BEAM Plus certification was non-mandatory, the Member expressed appreciation for the inclusion of incentives in the BSAP for the adoption of the BEAM Plus certification. Since there would be an upgrade to BEAM Plus for New Buildings in 2016, he opined that it could serve as a good opportunity to strengthen the elements of biodiversity conservation in government policies. He further advised that a new rating tool namely “BEAM Plus Neighbourhood” would be launched by the end of 2016 to assess and promote sustainable development in a neighbourhood scale in Hong Kong.

8. In response to the Members’ comments, Mr Simon Chan pointed out that while public awareness on environmental conservation had increased over the past years, biodiversity had a much wider scope and coverage which was less known to the general public. As the first BSAP in Hong Kong, he stressed that the main objective of the BSAP was to mainstream biodiversity and promote public awareness so as to gain wider public support and involvement. He explained that the possible actions suggested under each of the proposed action areas could serve as examples for readers’ easy comprehension. More implementation details would be provided in the BSAP after taking into account feedback received in the public consultation exercise and the circumstances of Hong Kong. In response to the Member’s suggestion on establishing a dedicated BSAP Fund, Mr Chan said that there were currently a number of funding sources for research, education programmes and community projects relating to biodiversity and nature conservation. In particular, the Environment and Conservation Fund (ECF) had increased the funding allocation for environmental related research on biodiversity and conservation from \$20 million to \$30 million in 2016-17. Recently, the ECF

also earmarked \$5 million for funding education and community projects in relation to biodiversity. Mr Chan advised that a total of \$150 million had been earmarked by the Government to take forward relevant initiatives in the BSAP in the next three financial years. As mainstreaming was an important aspect, he advised the meeting that there had been good progress in gaining support from policy bureaux and departments (B/Ds) to incorporate biodiversity considerations into their planning and decision-making processes, for example, collaboration was being explored with the Development Bureau (DevB) to enhance urban biodiversity. Efforts would also be extended to the private sector with the aim of mainstreaming biodiversity within the community.

9. In response to the Chairman's enquiry on the resources reserved for the implementation of the first BSAP, Mr Simon Chan and Mr Elvis Au advised that \$150 million would be allocated to the Agriculture, Fisheries and Conservation Department (AFCD) to take forward the initiatives in the BSAP, whilst the increased funding allocation from ECF aimed to support non-profit making organizations including research and educational institutions as well as community groups to carry out projects on biodiversity.

10. A Member considered that there were not many innovative ideas in the public consultation document. He was of the view that the Government was only taking forward its prevailing policies and strategies on conservation areas.

11. A Member pointed out that the plans and decisions on major developments made at every stage could have an impact on biodiversity, thus he suggested that guidelines should be drawn up so as to put theory into practice. Mr Elvis Au advised that AFCD had been working with the Planning Department (PlanD) to include biodiversity considerations in the HKPSG and to update the territorial development strategy under the study "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030 (HK2030+)". He further said that the Government was also studying the feasibility of including biodiversity considerations in the sustainability assessment system.

12. A Member enquired about the amount of resources to be put into the implementation of BSAP by the Government. He was of the view that the procurement policy of the Government should be reviewed so as to better support biodiversity. He considered these initiatives would in turn serve as good examples for the private sector. He further suggested that a study on the priority species for protection should be commissioned. In addition, relevant guidelines

could be established as a reference for landscape architects in their planning and design processes. Citing the heavy use of pesticides for maintaining public hygiene in Singapore as an example, the Member said that existing landscape maintenance practices that could be disruptive to the biodiversity should be avoided. To enhance public engagement, he suggested to emphasize the close connection between human and the nature and to design an icon similar to the “Big Waster” so as to appeal to the younger generation on the concept of biodiversity. A Member agreed and added that public awareness and understanding on the linkage between biodiversity and economic productivity should also be promoted.

13. A Member said that even though Hong Kong had a rich terrestrial biodiversity after decades of planting and conservation and was home to four key biodiversity areas, he regretted to learn that less than 2% of the local waters were under protection from increasing threats from the reclamation works of large-scale developments. With reference to the target of the Convention on Biological Diversity (CBD) to protect at least 10% of the marine environment globally by 2020, the Member suggested the Government to adopt such a target for the BSAP in Hong Kong for better protection of the local marine environment. Only a well-protected biodiversity would make Hong Kong more resilient to future developments. He further suggested establishing clear targets and prioritizing actions in accordance with the challenges and threats faced by Hong Kong. He expressed appreciation that the public consultation document included possible actions to formulating and reviewing management plans of the protected areas, enhancing the conservation of ecologically important sites, as well as building a public database by consolidating data collected by different parties and organizations.

14. A Member declared that he was a member of one of the focus groups under the BSAP. He enquired about the actions to be taken by the Government to mainstream biodiversity in the public sector. To facilitate the incorporation of biodiversity considerations in the formulation and deliberation of public policies, he suggested providing relevant training to the Government’s new recruits and members of the Legislative Council and District Councils. He also opined that promotional and teaching materials on biodiversity should be reviewed by different B/Ds so that different perspectives could be incorporated. This could help people from different background to better comprehend the linkage between human and the biodiversity. The Member also suggested the Government to include environmental studies as an independent and compulsory subject in the primary and/or secondary schools’ education curricula.

15. Mr Simon Chan agreed that sustained efforts were required to promote public engagement and mainstreaming. Besides, promotional and educational materials had to be designed for different sectors in a targeted manner to facilitate their understanding and appreciation of biodiversity in the society. To mainstream biodiversity in different B/Ds, there was a need to ask B/Ds to incorporate biodiversity considerations in their operations and planning processes. Mr Chan said that the Government was committed to supporting relevant interactive programmes to enhance public involvement, for example, citizen science projects funded by the ECF. In response to a Member's comment, he said that the BSAP Steering Committee had also recommended enhancing the conservation of priority species. More concrete measures would be formulated after the public consultation period.

16. A Member commented that some of the open-ended questions in the consultation document were quite ambiguous. It would be difficult to summarize or draw useful inferences from the feedbacks collected. While the Environmental Protection Department (EPD) and AFCD were familiar with the topics of nature conservation and biodiversity, the Member opined that it was important to share the knowledge with other B/Ds so that they could incorporate biodiversity considerations in the planning of new developments and projects. He was concerned that some B/Ds might not realize the importance of biodiversity and thus failed to assign priority to biodiversity considerations in their planning and decision-making processes. He further opined that not all actions would require legislative changes and those initiatives should be prioritized and taken forward, such as the planting of native species. The Member doubted whether ecosystem services would be evaluated in terms of the environmental, cultural and tourism values on top of the economic value.

17. A Member said that a study commissioned by the Environmental Campaign Committee revealed that public awareness and understanding about biodiversity was on the low side. In view that the Government might not yet be ready to make environmental studies as an independent subject for schools, the Member suggested that more resources could be made available to non-government organizations (NGOs) to promote biodiversity.

18. In response to a Member's enquiry on the timeline of BSAP, Mr Simon Chan informed that the BSAP would be finalized within this year and the BSAP would be submitted to the Secretariat of CBD through the State Council of the

People's Republic of China. As regards the Member's question on the valuation of ecosystem services, Mr Chan noted from other consultation sessions that there were suggestions to conduct ecosystem services valuation, or to account for the benefits brought about by ecosystem services in monetary terms. He explained that as the conservation efforts undertaken by many countries after signing CBD in 1992 were found to be quite ineffective, CBD had promoted the adoption of a people-oriented approach in biodiversity conservation. By emphasizing on the importance of biodiversity on the livelihood of people and productivity, societies would be more willing to integrate biodiversity considerations into existing policy structures and processes. While the effectiveness of classroom learning on environmental studies was yet to be seen, Mr Chan agreed with a Member that informal education could be considered so that students could gain knowledge on biodiversity via hands-on experience.

19. Noting that mainstreaming across B/Ds in the Government would be challenging, a Member suggested that the BSAP could be discussed at the inter-departmental Steering Committee on Climate Change chaired by the Chief Secretary for Administration since biodiversity was closely related to climate change. While she expressed appreciation that the Government had earmarked \$150 million for the implementation of the BSAP and increased funding allocation for biodiversity-related research and community projects under ECF, she agreed with another Member's earlier comment that a dedicated BSAP Fund should be set up to show that the Government's strong commitment on the BSAP and was committed to mainstreaming biodiversity. The Member further opined that ecosystem services should not be valued in dollar terms because the full social value brought by the ecosystem services included intangible benefits.

20. A Member shared his observations that some textbooks for liberal studies covered environmental issues but without offering solutions. Considering that there had been great global and local efforts to address various environmental issues, the Member suggested that the Education Bureau (EDB) could liaise with the publishers to include the on-going initiatives and possible solutions in the textbooks so that students could learn about the environment in a positive perspective. Another Member agreed that EDB should also review the scope of General Studies under the primary curriculum with the aim of raising students' awareness on environmental issues as early as possible. He added that parent-child education should be encouraged.

21. A Member said that the United Nations Sustainable Development Summit

held in 2015 had adopted 17 goals, of which two were about conservation of land and marine biodiversity. In view of the close relationship between development and conservation, he opined that EPD and AFCD should include considerations from both development and conservation when appealing to other B/Ds.

22. A Member shared her experience of conducting activities to promote civic awareness in schools and expressed that it was very challenging to appeal to students via informal education. She considered that environmental studies should be made as an independent subject for schools in the long term.

23. While the BEAM Plus provided tools for measuring ecological impact, a Member opined that more resources should be committed to developing evaluation tools for measuring the value of biodiversity and ecosystem services so as to support informed decision-making under the BSAP.

24. Having considered the difficulties associated with the implementation of environmental studies as an independent subject in schools, a Member suggested incorporating the relevant knowledge into other subjects or extra-curricular activities so as to promote students' understanding of environmental studies.

25. While mainstreaming was a challenging task, Mr Simon Chan remarked that buy-in at every level and every sector of the society could be achieved with sustained efforts. As an example, he said that in working on the BSAP, AFCD had been in close contact with the business sector and learnt that various business processes, for example the sourcing of materials, were highly related to biodiversity. With concrete actions to be proposed in the BSAP after the consultation period, Mr Chan regarded it as an effective tool to raise awareness among relevant stakeholders and the general public on biodiversity.

26. A Member opined that apart from public comments, comments from experts would be equally important in the drawing up of the BSAP.

27. Following a Member's comment concerning the discussion of the BSAP in the Steering Committee on Climate Change, Ms Anissa Wong advised that AFCD would be one of the members of the Steering Committee and would contribute on the deliberation of the BSAP. Given the close relationship between biodiversity and climate change, she said that the discussion of the BSAP at the Steering Committee would provide B/Ds with a better understanding on biodiversity.

28. The Chairman thanked the representatives of EPD and AFCD for their presentation and concluded that Members were in general supportive of the BSAP. He invited the project team to take into account Members' comments and suggestions when finalizing the BSAP.

[The presentation team left the meeting at this juncture.]

Internal Discussion Session

29. A Member said that findings and conclusions made by experts and the focus groups during the two years of engagement process for BSAP should be made available for Members' reference. He stressed the importance of mainstreaming and suggested developing assessment tools and identifying all possible methodologies at an early stage so as to facilitate the systematic and effective execution of the BSAP.

30. Mr Simon Chan agreed that mainstreaming was arguably the most important among the four major action areas. He considered the Biodiversity Action Plan adopted by the CBD between 2001 and 2010 was not effective due to the failure to mainstream biodiversity across the society. The CBD therefore revised and updated the strategic plan for biodiversity, i.e. the BSAP, which emphasized on the importance of mainstreaming for the 2011 to 2020 period. Mr Chan advised that the Government had already commenced the ground work of mainstreaming with both the public and private sectors and had made good progress. In reply to a Member's question on the coverage of the BSAP, Mr Chan explained that the city-level BSAP to be submitted to the CBD Secretariat would include the vision and mission which formed the strategy, as well as the action plans with implementation details. The Member hoped for the successful implementation of the BSAP which would require the understanding and cooperation of all B/Ds, especially those B/Ds responsible for planning and development. To eliminate any ambiguity, he suggested replacing the word "value" by "cherish" in the proposed mission of the BSAP consultation document.

31. A Member suggested EPD and AFCD to report the details of the BSAP to ACE after it was finalized. Mr Simon Chan advised that the final BSAP would take into account the public views received but its endorsement would be sought within the Government. While agreeing to report to ACE after finalizing the BSAP, he explained that the BSAP was a five-year plan and suggestions received

on the finalized BSAP would be useful for reviewing the plan every five years.

32. In response to a Member's enquiry on EDB's views towards the integration of environmental studies in curriculum development, Mr Simon Chan said that EDB was a member of the BSAP Steering Committee and was involved in the formulation of the BSAP. The project team would work with EDB to incorporate biodiversity into the existing educational framework. He added that the education sector would be consulted in the process. The Member suggested that a proposal could be made to the Curriculum Development Council which advised the Government on matters relating to curriculum development for local schools. On another Member's remark that EDB should acknowledge that the world had entered into the era of biology, Mr Chan said that the topics of biodiversity and climate change had attracted increasing global attention. With a people-oriented approach, he anticipated that the society would better appreciate the benefits and improvements to livelihood brought about by the biodiversity and recognize the need for conservation.

33. A Member suggested exploring the application of the science of living system under the BSAP as it was currently a topic under research in the Massachusetts Institute of Technology in the United States of America.

34. While EDB was a member of the BSAP Steering Committee, a Member said that EDB might not be aware of the relationship between its work and the biodiversity. She urged interested parties to submit their views to the Government during the public consultation period so that EDB could consider the proposal of integrating environmental studies into both formal and informal education.

Item 4 : Revision of fees relating to the Noise Control Ordinance (Cap. 400)
(ACE Paper 5/2016)

35. The Chairman informed the meeting that the paper proposed revision of fees relating to the Noise Control Ordinance (Cap. 400). On the Chairman's invitation of declaration of interest from Members, a Member said that he was a director of a construction company. The meeting agreed that the Member could stay on the meeting.

[The presentation team joined the meeting at this juncture.]

Presentation cum Question-and-Answer Session (Open Session)

36. With the aid of a powerpoint presentation, Mr K F Tang briefed Members on the background and the proposal of fees revision under the Noise Control Ordinance (Cap. 400) (NCO). In reply to a Member's written query concerning the different types of applications, Mr Tang explained that the processing of Noise Emission Labels (NELs) applications only involved the authentication of the certification showing compliance with the European Union requirements, or noise testing report issued by a corporate member of the Institute of Acoustics; whereas for Construction Noise Permits (CNPs), the processing of these applications was more complex and hence higher applications fees were required. In the case of CNPs for percussive piling, staff of EPD might need to conduct site visits to verify the surrounding land use in determining the specific hours permitted. As for applications for CNP for construction work other than percussive piling, the approval process would have to take into account the noise level of different types of powered mechanical equipment at the concerned construction sites as well as other construction sites in the vicinity. Mr Tang added that liaison with other departments including the Hong Kong Police Force (HKPF) and the Transport Department might be required especially for those construction works that could only be conducted during night time. It was Government's policy that fees charged by the Government should in general be set at levels adequate to recover the full cost of providing the goods and services.

37. A Member enquired whether the full cost would be recovered from previous applications received since the fees were last revised in 2008, and whether the revision would account for any anticipated increase in the inflation rate. Mr K F Tang explained that according to government policy, the revision of fees should not have retrospective effect and the extent of the revision should be limited to attaining full cost recovery. With subsequent inflation or other factors leading to a cost increase after the fees revision, he advised that further upward adjustments of the fees could be considered and proposed to the Legislative Council. Proposals for downward adjustment of fees could also be made if the cost recovery rate significantly exceeded 100% in case of deflation.

38. A Member expressed support on the fees revision and enquired whether the fees had reflected the costs of carrying out enforcement actions against non-compliance or administrative efforts in recovering late payments. Mr K F Tang replied that payments must be made before the applications were processed, and the costs of enforcement would not be charged on the applicants. Regarding the Member's concern on noise control enforcement during night time, Mr Tang

explained that enforcement actions at night time were in general undertaken by HKPF in view of safety consideration and that EPD did not normally operate around the clock. He added that CNPs were required to be displayed at construction sites as one of the CNP conditions for public information. EPD or HKPF would take enforcement actions against any non-compliance. Mr Tang accepted that night-time enforcement posed challenges and there would always be room for improvements in the enforcement work. With the understanding that the industry was often subject to tight construction schedules, he said that the Hong Kong Construction Association had been collaborating with EPD in exploring use of low-noise working equipment and construction methods with reference to the experience, technologies and practices overseas.

39. The Chairman thanked the representatives of EPD for the presentation and concluded that Members were in general supportive of the proposed fee revisions.

[The presentation team left the meeting at this juncture.]

Item 5 : Any other business

EIA Report on “Site Formation and Associated Infrastructural Works for Development of Columbarium, Crematorium and Related Facilities at Sandy Ridge Cemetery”

40. Mr Andrew Lai informed Members that the EIA Subcommittee had selected the EIA report on “Site Formation and Associated Infrastructural Works for Development of Columbarium, Crematorium and Related Facilities at Sandy Ridge Cemetery” for submission to ACE. The EIA report would likely be discussed at the EIA Subcommittee meeting in May or June 2016. The Secretariat would issue the agenda of the EIA Subcommittee meeting and the discussion paper for Members’ reference in due course.

Secretariat

41. The Chairman said as there was no discussion item received for the ACE meeting scheduled for May, he suggested to use the time slot for a site visit to the Stonecutters Island Sewage Treatment Works as agreed in the ACE meeting held on 9 November 2015. The visit would give Members a better understanding on the operations of the Harbour Area Treatment Scheme Stage 2A. The Secretariat would make arrangements for the visit and issue the details to Members in due course.

Secretariat

Item 6: Date of next meeting

42. The next ACE meeting was scheduled on 11 April 2016 (Monday).
Members would be advised on the agenda in due course.

ACE Secretariat
March 2016