



## THE ISSUE

One-third of land in Hong Kong is not regulated by any statutory land use planning and control system. In particular, private land with ecological value is vulnerable to unauthorized habitat destruction activities, modification of land use and development pressure.

Our precious local biodiversity is at risk and WWF-Hong Kong supports a Conservation Trust, to resolve the current land rights deadlock and provide feasible alternatives for landowners to release land for biodiversity conservation. This can guarantee the best outcome for use of ecologically important land, working with communities on areas set aside for “eco experiences” and habitat management.

In Hong Kong, conflict between conservation value and the property rights of landowner’s has been intensifying. The city has already lost some important enclaves or parcels of privately-owned farmland that contain ecologically important habitats and species of high ecological value.

Lack of adequate conservation policy, legislation loopholes, incompatible land use spatial planning, limitations of land use planning control and enforcement, and landowner’s fear of losing rights and development prospects over their land, have placed many biodiversity hotspots that are situated in private land under threat from unlawful change of land use and habitat destruction.

In Pak Lap, nestled in Sai Kung East Country Park, a marsh where a rare water fern (*Ceratopteris thalictroides*) was found was proposed for re-zoning as Village Type Development. This would not provide any protection to the water fern. The Pui O marsh at South Lantau is recognised as an amphibian hotspot and has diverse aquatic plants and bird fauna but the Planning Department has been unable to act effectively to discontinue the repeated dumping of construction waste on the marsh because the area is not covered by Development Permission Area Plans.

Hong Kong’s existing conservation policy – the New Nature Conservation Policy – has been criticized for inadequately protecting private land of high ecological value. Management agreements between NGOs and landowners have achieved some success, but rely on the short-term funding cycle of the government’s Environment and Conservation Fund (ECF), making long-term planning a challenge.

The Public-Private Partnership (PPP) scheme has not yielded a single success since its launch in 2004. There are recent cases of eco-vandalism that are specifically aimed at destroying the ecological value of conservation priority sites, such as Tai Ho in Lantau, to prevent future conservation efforts.

Hong Kong needs to establish a conservation trust to acquire or swap plots of private land with high ecological/conservation value for better conservation management and protection. WWF-Hong Kong has been advocating for the establishment of a conservation trust for Hong Kong’s wetlands since the 1990s, covering the sustainable management of wetland parcels that are small, fragmented and allowed to develop in Deep Bay area.

A conservation trust promotes active cooperation between landowners and conservationists to safeguard biodiversity hotspots on private land. Since the potential site may be well-known for its ecological importance, its development potential may be set with a high threshold and

or under statutory deadlock. A conservation trust provides feasible alternatives for landowners, securing the land for biodiversity conservation.

The trust can acquire the land and the land rights from the owner by various means, such as a land swap, transferring the development rights to a location of minimal ecological and environmental concern. The trust then takes ownership of the site and manages it.

The trust should be an independent legal entity but regulated by ordinance, such as its fund raising and fund management. Legislation will safeguard long-term biodiversity management of the site. The trust should be governed by a professional council, trustee board, and steering committee composed of independent, voluntary experts.

## **OUR ASK**

We consider it extremely important for the government to improve land use planning and to enable the Planning Department to take enforcement action against unauthorized development in both areas that are solely covered by Outline Zoning Plans (OZPs) without any Development Permission Area (DPA) plans and areas that have no statutory land use plans. For example, the South Lantau area with high conservation value, is covered by OZPs only and without any DPA plan. This key biodiversity and ecosystem service coastline needs protection from unauthorized development. We urge the government to:

- Cover all land by statutory land use planning with DPA Plans and regulate land uses under OZPs; and,
- Establish a regulated Conservation Trust to provide feasible alternatives to the landowners, such as land swaps, to resolve the current land rights deadlock, while securing land for biodiversity conservation through negotiation and long-term financing.