



長春社 since 1968

The Conservancy Association

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Community Empowerment for Sustainable Development Conservancy Association Policy Address Submission 2004

Introduction

1. For the past four years, the Conservancy Association has made sustainable development the theme of our submission to HKSAR Chief Executive Mr Tung Chee Hwa for his annual Policy Address. Our submissions were entitled, respectively:

<i>Year</i>	<i>Title</i>
2000	Putting sustainable development into practice
2001	Institution Building for Sustainable Development
2002	Asia's World City and a Model of Sustainable Development - Hong Kong Can Do It!!
2003	Sustainable Governance

2. This year, we would like to focus on “community empowerment”, which we believe is essential in building up the capacity of society – our “social capital” – in sustainable development.

From consultation to participation to empowerment

3. Over the past year, the Conservancy Association's involvement in public policy has taken on a new dimension. Besides taking part in public consultation and putting forward our views pro-actively, the Association has played a significant part in public participatory processes on major issues. Some of these have led to concrete results. We would like, through this submission, to share briefly our experience in three major areas of public policy that relate to the environment, namely, harbour conservation, sustainable development strategy and heritage preservation.

Harbour conservation

4. The Conservancy Association was a founding organiser of the alliance known as Citizens Envisioning@Harbour (CE@H). Initially consisting of 16 professional, academic and community organisations, CE@H champions a community-based public participation model for planning of Victoria Harbour and adjoining districts. CA's chairman is convenor of CE@H and many CA members have taken an active part in the CE@H movement. At the time when the government was embroiled in legal disputes over harbour reclamation, it had been due, in our view in no small measure, to CE@H's efforts that harbour planning could move forward constructively.
5. Together with other partner organisations of CE@H, CA supported the formation of the Harbourfront Enhancement Committee (HEC) and is involved both in the HEC and its sub-committees. CE@H has been able to persuade the government to undertake a land use planning review of Wanchai North and adjoining areas under the purview of the HEC, as well as adopt a people-first approach in the government's own planning review of Kai Tak. In the latter case, CA is a collaborator organisation to the first stage public participation programme of the Kai Tak Planning Review.
6. Our involvement in CE@H has helped spearhead a new approach in harbour planning – both participatory and partnership-oriented, critical but not necessarily adversarial, professional yet firmly community-based. While not under-estimating the difficulties that lie ahead of harbour planning, we are convinced that planning for Victoria Harbour will be better off with HEC's ongoing efforts in involving the community.

Sustainable development strategy

7. CA has been active in promoting the concept of sustainable development to the community, both with the Government's Council for Sustainable Development Council (CSD) and with the People's Council for Sustainable Development (PCSD).
8. In the case of the CSD, CA supports the community engagement programme designed by the CSD to formulate Hong Kong's sustainable development strategy. CA members have joined the "support groups" of all three pilot areas of the SD strategy, with the CA Chairman being convenor of the support group on solid waste management. (The other two pilot areas are on renewable energy and urban living space.) CA was also a collaborating organisation of the activities organised by the Sustainable Development Unit to promote the Invitation and Response Document on the three pilot areas.

9. While the result of the engagement process has yet to be evaluated, CA endorses the collaborative approach adopted by the CSD, an approach which the CA has helped developed.
10. In the case of the PCSD – which is also chaired by the current CA Chairman, with three of CA’s directors also serving on PCSD’s Council – we continue to provide office as well as secretarial support to help PCSD’s work. PCSD’s work has reflected civil society in action, whether in championing people-first harbourfront urban design, or in convergence of effort to tackle the issue of poverty.

Heritage preservation

11. In the past year CA has led a number of initiatives on heritage preservation. CA has joined the government and the community’s voice calling for preservation of historic Kom Tong Hall, but we have taken the further step of lobbying direct the headquarter of the church organisation that owned the building. We have centred our appeal on one single message, that of community aspirations. As have been relayed to us, this message of “heritage for the community” has touched the leadership of the church organisation, who have decided to heed the Hong Kong community’s demand. The church – to which we must give credit – has thus arrived at a mutually agreeable settlement with the Hong Kong government. This is another reflection of how respect for civil society voices can help effect win-win solutions for all.
12. CA took the lead again in the preservation of King Yin Lei on Stubbs Road. When the historical mansion was put up for sale, thus rendering it in danger of re-development, CA stepped forward with a “citizen’s bid” as a sign of protest. We were overwhelmed by the surprisingly strong and numerous messages of support we received from the community. We were grateful to the owner for graciously withdrawing the sale, thus ensuring that the mansion will not be demolished for the time being. However, that is only a temporary respite, in view of the lack of a policy on preservation of historic buildings in private hands.

13. That lack of policy is the major obstacle against preservation of Wanchai Market, the finest surviving Bauhaus-style architecture in Hong Kong. CA joined other professional groups to form the Wanchai Heritage Task Force which champions the preservation of Wanchai Market and other heritage in Wanchai. Apart from a critical and professional approach, a prominent feature of the Task Force's work has been to involve the local community, through on-street forums and exhibitions as well as local workshops.
14. Through these encounters we have experienced the strong sentiment of the community in favour of heritage preservation. This was reinforced by a study on heritage policy conducted by CA with funding from the Lord Wilson Heritage Trust, in response to the first-stage consultation on heritage policy review. What has been most encouraging is to find ourselves among a community that cares.

Beyond participation – community empowerment

15. Through working with the community, CA has found itself an integral part – sometimes in a leading role, but always as a partner – of what one may describe as “sustainable development in action”. Many of the subjects are very complicated in nature, but the participants have time and again demonstrated to us how sophisticated they can become, with the provision of basic information and a minimum of facilitation. We have seen professionals and ordinary people, both equally motivated, actively discussing subjects that affect their daily lives as well as debating issues that impact on society. The views are very diverse and many of them do not agree with those of CA as a green group, but there is always respect and understanding of different views. Above all, there was no dearth of quality-views presented.
16. We believe what we have seen is the Hong Kong community asserting itself as citizens of a world class city. With a minimum of prodding and encouragement, the apparently “blind mass” can become a mature civil society grouping capable of sharing views on complex problems. To us the important message is not to immediately arrive at solutions to every problem, but to reinstate the sense that “Hong Kong can do it”, that we as a community has the ability to resolve complex problems, despite the many difficult issues that confront Hong Kong society.

17. We have concluded that a community-in-action is the missing element in the effort towards sustainable development. In other words, what is needed is not just consultation and public participation programmes, but community empowerment – mobilising the community’s wisdom, commitment and collective experience in resolving problems, formulating options and making choices. Such community empowerment is essential in building up the capacity of society – our “social capital” – in sustainable development. It is thus this dimension of sustainable development which we emphasise in this submission.

Government role in community empowerment

18. It is clear that the community is more actively contributing to its own affairs. The Chief Executive should seize upon this aspiration to institute policies enabling community empowerment, to engender a more mature civil society. After all, government is part of the community, and as the most well-resourced sector, it is in the best position to facilitate mature civil society participation in the sustainability agenda.
19. Towards that end, we recommend that the government undertake a “community empowerment policy” at three levels, which we name the three “E’s”: Engaging, Enabling, and Entitling.

Engaging the community

20. Instead of the old mode of public consultation, the government should engage the public directly through more liberal use of public hearings.
21. We welcome the use of more public hearings, such as the quarterly hearings now being arranged by the Harbourfront Enhancement Committee, the various forms of the engagement programme being developed by the Sustainable Development Unit, and the town-hall types meetings being organised by the District Councils. We note that the environment bureau has been the first to implement that when they adopted the model of public hearing to involve the community in making choices on the Harbour Area Treatment Scheme, and that should be commended. We recommend that this should be extended to other policy areas as well.

22. By inviting the community to present their own cases and engaging them in discussion and debate, public hearing is indeed a superior form of community involvement than the traditional public consultation. However, to get the most out of public hearings, information and genuine dialogue is critical.
23. In this regard, there are two ways in which the government can help engage the community effectively. The first is to provide more information in an understandable way to the public. Secondly, government officials should attend more public hearings as a matter of course, and not just in the line of duty. They should respect the fact that most citizens take their free time off to attend public hearings, hence government officials should be genuinely interested in taking part in the hearings, not just as a matter of duty. An administrative directive from the Chief Executive to encourage officials to organise more public hearings, and to attend hearings organised by other bureaus and departments, would be a very sensible step forward.

Enabling the community

24. Besides providing programmes for public engagement, the government should *enable* the community to be more productively engaged. It can help the community to become better-informed, to articulate their views, and to present their cases more effectively.
25. Firstly, the government is owner of extensive facilities and premises, such as venues, public squares, office facilities, audio-visual equipment, etc. These can be deployed for use by the public in various engagement exercises.
26. Secondly, government should re-examine the use of public funds to help the community, such as the Environment and Conservation Fund (ECF) and the Community Investment and Inclusion Fund (CIIF). Instead of spending money on events like carnivals, the public fund can be more productively used to enable community groups to conduct their own studies, prepare presentations, arrange focus group discussions, or organise their own public hearings. In the same manner that funding was set aside for the wastewi\$e scheme, both the ECC and the CIIF should earmark a portion of their funding specifically for community empowerment, to support citizen groups to take part in public hearings.

27. Thirdly, the government should enable the third sector to play a more active role in effectuating public participation. It should encourage and support independent professional research on public policy issues undertaken by non-governmental organisations. Instead of using existing funds like ECC or CIIF for this purpose, it would be preferable for the resources to come from the respective policy bureaus. Again, this should be accomplished through a directive from the Chief Executive.

Entitling the community

28. Besides engaging and enabling the public, a further means of community empowerment is to *entitle* the public formally in the public policy structure. The aim is to make public participation not just a matter of good administration, but part of an effective governance structure.

29. First, the government should reform its advisory committee system so that the public can be represented as of right. This would mean a system of appointment based mostly on organisational representatives rather than individual appointees. A proportion of the seats could be open for the public to volunteer.

30. Secondly, the government should re-examine its tendering system for public development projects which have a strong non-commercial element like cultural development or nature and heritage conservation. As these projects have a strong public interest element, public participation should be a matter of course in assessing tender proposals. This means a revision in the tendering system is required to enable public input to be reflected in the scoring of the tender.

31. Thirdly, we re-iterate our call for the government to study the enactment of a Sustainable Development Bill. This will give the legal basis for the community to take part in considering the sustainability impact of major projects and policies.

Community empowerment and key environmental issues

32. We urge the Chief Executive to give priority to community empowerment, because it is our firm belief that informed public participation is the missing link in resolving the major environmental problems of the day. In this submission, we shall discuss the issues of nature and heritage conservation, integrated planning, and environmental stewardship.

Nature conservation

33. The Conservancy Association has already responded to the government's announcement of proposals to conserve the twelve sites of ecological significance. We have pointed out the lack of a comprehensive conservation policy, and the failure of the current proposals to give due regard to the precautionary principle of the Rio Declaration (Principle 15). Accordingly, we have proposed that immediate planning control be exercised on those sites hitherto without a land use plan.
34. In this submission, however, we wish to point out that there are more fundamental problems in nature conservation which go well beyond the protection of the 12 sites identified. We are greatly concerned with these issues and would caution that if they were not handled well, they might develop into another socially disruptive problem just as the sorry sagas which the HKSAR encountered in recent years.
35. The highly divisive dispute over harbour reclamation, for instance, has lent credence to the view that the New Territories should be developed – a view which developers with landed interests are only too happy to reinforce. The oft-quoted remark that “40% of land is already country park”, has furthered a false sense of security over our countryside. There seems to be little realisation that without control over the footprint, continual development in the New Territories is environmentally not sustainable.
36. Yet danger signs abound in rural conservation:
 - The countryside is continually being degraded in a most disgraceful way, such as in the case of She Shan Tsuen in Lam Tsuen. A bigger tragedy is that no government department has come forward to combat such blatant destruction of the countryside.
 - The rivers and streams in the rural areas have been systematically destroyed. Natural habitats are destroyed as more rivers and streams are paved, sometimes in the name of drainage, but always to prepare the ground for development.
 - The “colonising” by developers of the best parts of our rural land has gone unabated, a notorious example being the loss of the entire Kei Ling Ha bay – which most people regard as being part of Sai Kung – to a single developer for a large development the size of Taikoo Shing in Shap Sz Heung.

37. Achieving a balance between development and conservation is a challenge that every society has to contend with. Debates and contests of different interests are inevitable, but unfortunately, for Hong Kong, the destruction of the countryside has the potential to become another major source of public discontent. This is why informed public participation is so important. The debate could result in collective problem-solving balancing different interests, or it could end up fuelling more social division. Community empowerment could make the difference, as an empowered community is a responsible and caring community.

Heritage conservation

38. Lately many heritage cases have captured the public's attention, such as Wanchai Market, Ngau Chi Wan and Central Police Station complex. In this submission, however, we wish to focus not on the individual cases but on the policy issues behind.

39. Although the government has not yet begun its second-stage consultation on the heritage policy review, it is clear to us that the establishment of a mechanism to transfer development rights must be a part – perhaps the most substantial part – of the new policy. If the mechanism takes time to devise, we propose an interim measure using existing mechanisms and taking advantage of the relatively smaller footprint of heritage buildings. Our suggestion is to make more liberal use of rezoning under the current town planning regime, by finding adjacent land to be connected to the heritage building and rezoning the combined land into a larger plot, thus enabling in-situ transfer of plot ratio. This is possible under the current planning and land administration system, although we do not underestimate the difficulty, especially as several bureaus will need to be involved. Hence we call on the Chief Executive to direct the Home Affairs Bureau to coordinate a joint-bureau effort to achieve a few success cases of heritage conservation using this model.

40. For the longer term, the mechanism for transfer of development rights should be coupled with stronger legislative provisions like a Heritage Impact Assessment Bill. Like the Environmental Impact Assessment Ordinance, the HIA Bill should include a mechanism to allow full participation by the public, both in making submissions and in access to information.

41. In the case of heritage preservation, besides engaging and enabling, an example of “entitling” the community would be to allow members of the public to proactively put forward proposals to grade historical buildings. Once a compensation mechanism like transfer of development rights is in place, they should be allowed to submit proposals for declaration of monuments.
42. A quick-win proposal is to set up a Trust fund for nature and heritage conservation. We propose that an initial funding of \$2 billion be earmarked for this purpose, with \$1 billion each for nature and heritage respectively. Such a Trust fund is a form of investment, not expenditure, and the amount we suggest is not substantial by the standard of the HKSAR government’s Budget. Furthermore, a nature and heritage campaign is a “love Hong Kong” campaign. It is the most effective way to immediately involve the community in a joint effort to “do something for Hong Kong”.

Integrated planning

43. The need for integrated planning is a major theme emanating from our many encounters, be it harbour reclamation, conservation policy, or heritage preservation. Indeed, an “integral mindset” is at the very heart of the concept of sustainable development, which emphasises the inter-related nature of environment, land use, transport, economy and social development.
44. The government’s concept plans for the development of Lantau Island is a good illustration of the pitfalls from the dearth of integrated planning. We shall be responding to the government consultation on Lantau development more comprehensively, but it is worth highlighting the main problem: Instead of preserving the last “wild place of Hong Kong”, Lantau has become the residual land bank for a hotchpotch of mega-developments which would otherwise not have been conveniently sited elsewhere. We already have the new airport, the most polluted new town, and Disney theme park. A logistic park and another container port will now be built, as will a super-highway to Macau and Zhuhai. Another theme park, an extension to the new town, and a possible golf course are now all on the cards. There have been plans to build a super-prison, although that was thwarted by civil society opposition. To cap it all, the planning for Lantau is put under the Financial Secretary’s jurisdiction. In putting forth these ideas, there is complete disregard for strategic territorial planning. At one stroke, the 2030 strategic planning has been rendered redundant.

45. What should happen is to put Lantau planning back in the broader context of comprehensive territorial planning – get 2030 back on the table – and thus relate Lantau’s development to that of the whole territory. Only when a strategic context is established for Lantau, can planning be meaningfully carried out. Such a strategic context will call for considerations from an “integral mindset”, with the full participation of all stakeholders. Even if the result is not necessarily one that we as a green group would like – we are well aware that many people may want to see Lantau developed – there will at least have been a proper process in developing a “living plan” that reflects the community’s aspirations.
46. In the longer term, there will have to be a re-vamp of the planning structure. The establishment of a strategic planning authority, perhaps by upgrading the Town Planning Board, should be given careful consideration. More immediately, however, the government should at least practice integrated planning among senior officials themselves. The Chief Secretary should coordinate among the Financial Secretary and the various bureaus to ensure that major planning exercises are guided by an overall perspective with full regard to holistic and integrated planning.
47. If Lantau is an example of planning failure, the failing lies in the lack of “life” in the planning process. The community is the key to “bringing life back” to Lantau planning.

Environmental stewardship

48. As an advocate of environmental stewardship, the Conservancy Association supports measures to induce corporations and individuals to be more responsible global citizens.
49. As the Sixth WTO Ministerial Conference (MC6) is to be held in Hong Kong in December 2005, there is an opportunity for the HKSAR to show that it takes its global environmental responsibilities seriously. We support government contributing resources to MC6, especially to capacity-building programmes for less developed countries. We also urge the Chief Executive to direct the relevant bureaus to articulate a negotiating position that puts sustainable development as a primary consideration in the trade talks.

50. Locally, in line with the polluter-pay principle, we encourage the Financial Secretary to study seriously the possibility of “green taxes” including possible tax and charges on resources, energy, and transport (Electronic Road Pricing). Introducing new charges will always be controversial. This is why the three E’s in community empowerment would be crucial. Getting a properly enabled and entitled community to accept new taxes would be far preferable to imposing it onto a disgruntled public.

Conclusion

51. Hong Kong is increasingly faced with hard choices. We need green areas, clean air, bigger living space, more culture and heritage, and a lively harbour. On the other hand, there is a possibility that we may need incinerators, a super prison, housing for the chronically poor, more space for low-rise accommodation, new exclusive neighbours for rich people, industrial parks for recycling, new power station, big funeral parlours, and so on. It may not be far wrong to guess that the government will have a very hard time in trying to push through any of these projects.
52. Making hard choice is difficult; what we do not want to see is a government that surrenders in the face of the difficulty, and instead opts for easy but unsustainable solutions – allowing the rural areas to be filled up with development, talking but not doing anything about air pollution, or avoiding controversial issues like the small house policy.
53. The right way to respond to complicated policy issues is not to shy away, but to entrust them to the community. While civil society does not always agree with the government, it is not civil society’s “goal in life” to oppose the government. At the end of the day, the biggest worry to a society is the loss of its ability for collective problem-solving. We believe that through engaging, enabling and entitling the public, Hong Kong as a whole can find solutions to deal with the most difficult problems.
54. That is also the spirit of sustainable development. Environment and sustainable development is about convergence of interests through genuine cross-sectoral partnership. As we said above, an empowered community is a responsible and caring community. There are many things the Administration cannot do, but if it could entrust the public and empowered the community, that would be this Administration’s biggest achievement.

