

# Sustainable Leadership Policy Address Submission 2007

**The Conservancy Association**



**長春社 Since 1968**

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會址：香港九龍吳松街 191-197 號突破中心 9 樓

Add.: 9/F Breakthrough Centre, 191-197 Woosung Street, Kowloon, Hong Kong.

電話 Tel.: (852) 2728 6781 傳真 Fax: (852) 2728 5538

電子郵箱 E-mail address: [cahk@cahk.org.hk](mailto:cahk@cahk.org.hk) 網址 Website: [www.cahk.org.hk](http://www.cahk.org.hk)

## **Introduction**

1. As the first to be delivered by the Chief Executive in the new (Third) Term of the HKSAR, the 2007 Policy Address will set the tone for the next five years of the HKSAR government from 2007 to 2012. We call on the Chief Executive to make this a Policy Address of Sustainable Leadership.
2. The HKSAR has come to an important juncture in the history of the territory, which calls for leadership to tackle the important policy issues that affect the sustainable development of the HKSAR. Some of these may be hard decisions, but they are decisions that need to be taken now rather than left for the next Chief Executive. On many environmental issues, the window for sustainable policy options is rapidly closing – whether on energy policy, transport, waste, heritage, or nature conservation. Even though the effect may not be immediately apparent, deferring decisions will render Hong Kong’s subsequent development unsustainable.
3. The people of Hong Kong expect the Chief Executive to be a CE who leads with vision. To make the right environmental policy decisions for Hong Kong will be a true mark of leadership. Only by ensuring Hong Kong’s long-term sustainability, can the HKSAR continue to claim leadership as Asia’s world city and the world city of China.
4. Among the many environmental issues of concern to the HKSAR, we would highlight the following ten issues and recommend the policy solutions for the CE.

### *Energy and global warming*

5. With energy policy coming under the Environment Bureau, there is now an opportunity for the government to formulate an energy policy that not only answers the need for a new regulatory regime for the power companies after 2008 (the expiry of the current Scheme of Control), but also establish “sustainable energy” firmly as the basis for the sustainable development of Hong Kong over the medium and longer term.
6. While the October 2007 Policy Address may not be the place to set out a sustainable energy policy in full, the CE should make a commitment to have such a policy formulated within his term of office, and establish the elements for the policy in his speech. We propose that he consider the following as some of the elements for the sustainable energy policy.
7. On supply of clean fuel, the government should mandate flue-gas desulphurisation as a requirement for all coal-fired power generation. It should also set out clearly the preference for natural gas, and commit to conducting a detailed feasibility study on securing sustainable supply for liquefied natural gas (LNG). In the latter case, sustainability means looking beyond electricity power generation and consumption, but taking a broader view of LNG as a central facility to fulfill our energy needs (including that of motor vehicles). It also means looking beyond

Hong Kong's boundary for possible solutions, although an LNG terminal within Hong Kong must not be precluded as an option. It does mean, however, that Soko Islands, a committed site for the extension of the Marine Park and an established site of ecological importance, must be excluded from the possible sites for LNG terminal.

8. For a service economy like Hong Kong, conservation at the demand-side must be a key policy objective. This is more than the demand side management measures currently being discussed under the Council for Sustainable Development's public engagement exercise, but should be elevated to become part of the HKSAR government's energy policy regime with full institutional and regulatory backing.
9. Given that energy is a regional issue, we encourage the SAR government to take on a more progressive stance in designing and implementing emission trading schemes, not just with Guangdong but also with the rest of the country and, looking beyond, with Asia. The schemes should be genuine emission trading schemes with comprehensive coverage, rather than being limited only to non-carbon emissions as currently designed.
10. The Policy Address should also specify renewable energy as a key element of energy policy. There should be a commitment to see progress in implementing the renewable energy targets, and to review the target (2.5%), within the CE's term.
11. Finally, the HKSAR has a golden opportunity to take on leadership within Asia in combating global warming. Hong Kong is a rich enough city to commit voluntarily to a Kyoto-plus regime, and a commitment by the HKSAR CE will, apart from being the right thing to do, win deserved applause all around. The Conservancy Association has already decided to adopt a carbon-neutral policy, and we invite the HKSAR government to commit to being a carbon-neutral organization, and the CE personally to be a carbon-neutral family.

#### *Transport policy*

12. A sustainable transport policy is long overdue. The current transport strategy is still based on the 1999 Third Comprehensive Transport Study (CTS-3), which is long outdated. The ineffective transport policy has become a source of conflict in many areas affecting people's lives as well as the environment. The policy must be overhauled.
13. We propose that the CE mandate a review of CTS-3 to form the basis of a new sustainable transport policy. Central to the new policy must be to reinstate the human element into the transport policy, the latter must be a policy for the people and for the goods, not a policy for vehicles. The following should be established firmly as the principles for transport policy under the new "people-friendliness" paradigm.

14. Both pollution and carbon emission should be included in establishing the criteria for our transport hierarchy. Thus vehicles with high pollution and/or per-capita carbon emission should be regulated more.
15. The logistics-based cross-border transport has been a major source of pollution and congestion, which is welcomed by neither Hong Kong nor the Mainland. Dealing with cross-border heavy vehicles should thus be a priority for the Hong Kong and Mainland governments fuel usage, traffic management solutions at the border crossing to ease congestion as both sides examine options for economic integration. Solutions will need to be found on issues such as fuel usage, storage and back-up areas, and more smooth operation at the crossing points.
16. At the street level, primacy of pedestrians should be the rule. Streets including pavement and crossings should be people-friendly. Anti-social motorist behaviour such as idling engines should not be permitted. Loading and unloading hours should be restricted to limited non-peak hours.
17. Road pricing should be implemented as part of the rationalisation of traffic management, and to control roadside emissions.
18. The most critical transport policy issue affecting both the cross border and local contexts is transport planning. The latter needs to be integrated with land use planning both in Hong Kong and across the border.
19. The government has already begun to use public engagement as a means of gauging public views on major transport issues, such as the Central Wanchai Bypass (through the Harbourfront Enhancement Committee) and electronic road pricing (through the Council for Sustainable Development). The public engagement mechanism should now be built into the transport planning system, while the wider issue of institutional integration is pursued between transport planning, land-use planning, conservation and so on. In the mean time, the only major public body on transport policy, namely the Transport Advisory Committee, should be opened up to the public both in terms of membership and in the conduct of its meetings.

#### *Waste*

20. Waste reduction is a good example of a public policy issue which has benefited from genuine public engagement. After many years of discussion, debate and community campaigns undertaken by green groups, and the public engagement exercise led by the Council for Sustainable Development, there is now a much greater awareness of the problems of waste management, and much more readiness on the part of the community to contribute – including paying – towards the solutions.
21. Despite that, the progress of the Waste Reduction Policy Framework is still far from satisfactory. The landfills are running out of capacity and sporadic expansion

of landfills is not the solution – much less if the expansion is to encroach into public space or country parks.

22. We believe the time has come for more radical solutions to the waste problem. The plastics bag tax, though in the right direction, is only a small step. Sorting and source separation on a much larger scale is required, which can only be facilitated by strong policy, e.g. mandating sorting and recycling facilities in buildings. This must be supported by a waste management industry – a “circular economy” in genuine working order.
23. The Policy Address is an excellent platform for the government to take leadership and turn the waste issue around from a *problem* for Hong Kong to an *opportunity to create a circular economy*. The emphasis should be on integrating the citizen-wide practice of reduce, re-use and recycle, with the emerging job-creating industries of waste management and recycling. The Eco-Park in Tuen Mun is only a feeble attempt in developing the waste management industry, and efforts must be stepped up.
24. As bulk reduction facilities will eventually have to be constructed, more controversial facilities such as the commonly understood “incinerators” can be integrated into the waste management infrastructure, but first it should be made part of a progressive and sustainable waste strategy. No local community will want to be a dumping ground for waste facilities; on the other hand, modern sustainable waste management infrastructure that creates jobs and contribute to the society and economy should be welcomed by the community.
25. In any case, the question of waste management facilities and timing is one that the CE’s Administration should not evade within his term; even within this five years, the window of solutions is quite narrow, and it would become too narrow, rendering Hong Kong unsustainable, if decisions were delayed until the next term.

#### *Water and sewage*

26. In our last Policy Address submission, we called on the government to commission Stage 2 of HATS, taking the option of a higher level of treatment. Our view has consistently been that all harbour sewage should be given secondary (biological) treatment, as is the norm in developed countries, and as recommended by the government-appointed International Review Panel of sewage experts in 2000. We were disappointed that the government only committed to primary treatment for harbour sewage under Stage 2A of HATS, and has not given even a timeframe for secondary treatment under Stage 2B, apart from a promise to review it.
27. As effluent standards are being upgraded in China, and with our neighbouring cities investing in expensive secondary and tertiary sewage treatment schemes, there is no excuse for Hong Kong, as the most advanced city of China, to adopt substandard sewage treatment. Hong Kong needs, and can afford, secondary (and in some cases maybe even tertiary) treatment for our sewage.

28. It has been seven years since the IRP recommendation for harbour sewage to be given secondary treatment. The government has done nothing in the intervening *seven* years. If the need for Stage 2B is only to be reviewed in 2010/11, secondary treatment will not happen in the *next seven* years, as the requisite structures will take time to be built. This is not acceptable for a world city. It is not acceptable for a government that purports to get the right jobs done. We therefore call on the CE, through the Policy Address, to make a commitment to adopt secondary treatment and to order a review immediately with a view to establishing a timetable for implementation of Stage 2B of HATS.

#### *Nature conservation*

29. Despite the best effort of green groups, the nature conservation policy of the HKSAR is not working as originally intended. While some progress has been made in some isolated cases, e.g. the sustainability-oriented management schemes undertaken by the CA and the Hong Kong Bird Watching Society in Long Valley, progress is lacking for the majority of cases. Not one public-private partnership scheme can claim success.
30. There is a danger now that the policy becomes a complete failure. This is a matter from which the HKSAR government cannot shirk responsibility. Getting landowners, developers and community groups together to cooperate requires leadership which no party other than the government can provide. We call on the CE to make another, possibly the last, serious effort to put the conservation policy into practice. Many sites of ecological importance are now more endangered than ever; without demonstrable progress in the current conservation policy, there is no hope for this or future Administrations to deal with more thorny issues like the small house policy.
31. This is another issue where clearly failure means Hong Kong's future development is unsustainable. Despite the policy being a highly compromised one, the CA and other stakeholders have come out openly to support it. It is time for the HKSAR government to display the leadership to make it work.
32. Needless to say, a genuine conservation policy is more than the 12 sites identified by the government. The conservation of the 12 sites should thus be matched by progress in other aspects of nature conservation. The Policy Address should be the occasion to do so, at least for the following long-time issues on nature conservation.
33. Firstly, in previous submissions, the CA and various other green groups have proposed the idea of a Conservation Trust. We believe the time has come for the government to make concrete moves towards establishing such a Trust, as the focal point for community action to protect our natural heritage.
34. Secondly, past commitments must be fulfilled, particularly plans to extend the country and marine parks in Lantau, for example, the Sokos Islands and

surrounding waters, and to declare no take zones including to Tolo Harbour, Sai Kung, etc.

35. Thirdly, we need a clearly differentiated set of design and engineering guidelines for public works in rural, nature and urban areas.
36. Fourth, we need a review of the management of the quota and carrying capacity of our precious areas including country parks and coastal areas. This must include the classification and cataloguing of our shorelines
37. Fifth, we need to review the conflicting ownership and planning mechanisms within sensitive areas, including village and development rights of areas within and next to country parks (among others).
38. Finally, a mechanism for compensation – the core issue of nature conservation – should be developed, starting with transfer of development rights. Hong Kong has moved beyond the conceptual debate over whether sites of ecological or heritage significance should be protected; the question now is how to resolve the administrative and technical issues. This, again, is a matter calling on the CE and the HKSAR government's leadership.

#### *Heritage conservation*

39. This submission is not the place to recap the tremendous progress within the community on heritage conservation, nor the mishandling by the government in the Star Ferry and Queen's Pier episodes. The plain message is that a comprehensive overhaul is needed for Hong Kong's heritage policy.
40. Nor is that comprehensive policy difficult to formulate. Well before the 2004 consultation on built heritage, various organisations including both government bodies (such as the Antiquities Advisory Board and the now-defunct Culture and Heritage Commission) and NGOs (such as the CA) have elaborated proposals on heritage conservation. The efforts in putting forward these views have all gone in vain. This is an obvious area of the government failing to take on leadership responsibility.
41. We call on the CE to step forward and, as promised in his election pledge, to make heritage conservation a major target for achievement of his Administration. The CE has already shown how efficient the government can be in setting up the Development Bureau – at the stroke of a pen, the Antiquities Authority has shifted from the Secretary for Home Affairs to the new Secretary for Development. We appreciate such efficiency, even though it seems entirely expediency-driven. But such an arrangement – with a minister (Secretary for Development) being the legal Authority of a public interest (heritage) which falls under the policy (culture and heritage policy) of another minister (Secretary for Home Affairs). But perhaps the CE has in mind making the Secretary for Development also the minister for culture and heritage, or a “Secretary for Sustainable Development” – in any case, we ask

the CE now to rectify the systemic irrationality by reforming, with the same efficiency, the heritage conservation policy.

42. We call on the CE, through the Policy Address, to order the long-promised second phase of the heritage policy consultation immediately, focusing on solutions as well as broadening the scope to include non-built heritage. The solutions should include options for compensation (e.g. transfer of development rights) and reforming the institutional structure (the role of the Antiquities Authority and the AAB).
43. At the same time, the government can undertake several administrative measures to protect heritage. These include:
  - adopting public engagement in the AAB's grading deliberations (as exemplified in the grading for Queen's Pier);
  - requiring the Urban Renewal Authority to deliver on its mandate on heritage protection;
  - delineating an "old town area" of Hong Kong for which heritage impact assessment has to be undertaken for any development;
  - formulating conservation plans for "endangered heritage" such as Nga Tsin Wai; and
  - setting up a Heritage Conservation Trust – which should have both ecological and heritage conservation under its purview – as a community focal point for conservation.

#### *Trees*

44. Under the current system, woodland of significant ecological value in the rural areas may be protected by the Country Parks Ordinance or the Town Planning Ordinance. But there is not enough protection for trees in the living environment, especially when there is a conflict between development and tree preservation. Likewise, Hong Kong's urban landscape has given rise to a unique brand of masonry-wall-trees. Together, they are not only important amenities, but also a living heritage, in the literal sense. Their lack of protection is an anomaly that needs to be corrected. After years of neglect, many champion trees in the urban areas died due to poor management. The situation has become now acute and urgent attention is needed by the government to prevent further damage to these prized assets of Hong Kong.
45. Two years ago CA initiated discussion on the preparation of a Tree Ordinance. Through stakeholders' dialogues, we developed six principles of a Tree Ordinance, addressing respectively the need to protect, regulations for tree felling, transparency, the planting and protection of trees in private lots, management and maintenance, and public participation. These principles were well received by stakeholders, including developers. Unfortunately, it has become another "job left undone" by the government. The high-profile near-demise of two champion trees in Kowloon Park is only the tip of the iceberg; many more trees are in danger of continual neglect.

46. On August 29, 2007, the CE said “the Government will strive to protect trees in Hong Kong, particularly valuable and rare old trees”. We call on the CE to order immediate administrative measures to protect the champion trees, including masonry-wall-trees, in the territory, and make a commitment in the Policy Address to begin enacting a Tree Ordinance.

### *Public space*

47. The CA has been a long time advocate of enhancing the quality of the city’s space, the public domain, for example, through an urban greening strategy. This is an important environmental policy which the government has overlooked. To be clear, our the public domain consists of our streets, roads, side walks, lanes, parks, markets, leisure facilities, harbour fronts, hill sides and slopes, rock streams and nullahs. In our view, a city is as good as the quality of these public spaces. The ongoing ‘privatisation’ of these areas including the creation of foot bridges, podiums and roof gardens, is far from ideal. Community building and development of culture requires ample and easily accessible space – and not all of this needs to be structured. However, the city that the CE governs cannot be a first-class city if its public space continues to be removed and be allowed to become substandard.
48. The CE will no doubt be prepared to work with Hong Kong people to make Hong Kong the best city to live and work. We invite the CE to give this policy the attention that it deserves: a policy to make Hong Kong the best city to live and work is also a policy to promise the best-quality public space that we as a society can provide.
49. A comprehensive policy on public space will be complicated and will take time to develop. The Policy Address is a good place to start. To facilitate that, we would like to propose a few areas where progress can be made relatively quickly.
50. First, the government should review the zoning and building guidelines. Breaking up the over-sized land plots, bringing back a more human scale street pattern, allowing for visual and air corridors at street level, and the implementation and enforcement of the set-back of developments at street level, are urgently needed to create more space.
51. Secondly, together with the community, design and implement improvement works to the urban nullahs. We already have the capability to ensure the water quality of the nullahs is within acceptable limits. The challenge is to turn them from the dirty sewers in the past, into urban amenities. Examples of success abound in other cities and Hong Kong should not fall behind.
52. Thirdly, government should make a commitment not to approve any further walled-building developments. This should have been a policy that followed from the Council for Sustainable Development’s first public engagement on urban living space, and the government’s failure to act has been the source of much disquiet over the past years. If it takes time for town plans to change, the government can at

least commit to implementing good urban space design for sites within public hands.

53. Finally, we ask the government to commit to reinstating the Queen's Pier on the centre line of the dais on Edinburgh Place and the entrance of City Hall, to form again the complex which for long has been Hong Kong's civic square, and the witness of many relevant events in Hong Kong's short history.

#### *Sustainable planning*

54. A long-recognised planning problem which threatens the sustainability of our rural area is that of small house policy, which, as we stated last year, is a major cause for the destruction of the countryside and the loss of the rural culture and character of the New Territories. In our last submission we called on the government to re-activate its long-promised review of the small house policy and produce options for the community to consider, such as "vertical village", monetisation, linking small house policy with public housing policy, and a "sunset policy" for small houses. Once again, this has remained a job left undone. We call on the government to display the necessary leadership to complete the review and formulate solutions, as the sustainability of Hong Kong is at stake.
55. A powerful message on sustainable leadership in planning could be readily achieved by the HKSAR government by announcing Lantau Island and the border zone as the first two of Hong Kong's conservation-based sustainable development zones. Within these zones, conservation should be the main objective supported by a presumption against new developments. The latter will be allowed only on an "exception" basis and in line with the principle of sustainable development.
56. For the longer term, it should be recognized that many of the problems in town planning have arisen from a problematic Town Planning Ordinance. Sustainable planning requires that the current Ordinance be revamped. A further review is not necessary as all the necessary amendments have been identified and thoroughly discussed in the earlier rounds of the review, e.g. reform of the Town Planning Board, designation of Special Design Areas.
57. It must now be clearly recognized that given the enormous dependence on land related revenues, that only a greater independence of the Board can result in balanced decisions irrespective of who is in power.
58. The Ordinance was amended in 2004 as the first of three stages of amendments. The current Ordinance is therefore an incomplete one. For the long-term well-being of this city, we ask the CE to mandate completion of stages two and three of the planned amendments within his term.

#### *Sustainable development*

59. The Council for Sustainable Development has done important work in establishing a public engagement process for the formulation of sustainable development

strategies. The CA has been a partner to the Council since its first public engagement process, hence we have a big stake in making sure the process succeeds.

60. While our assessment of the public engagement process is positive overall, we consider that there is much room for improvement. The most successful part of the public engagement has been Stages Two and Three, namely, preparation of the IR (Invitation and Response) document, and community involvement, principally because these two stages of public engagement have been supported by a variety of experts and stakeholder organisations. Considerable improvement has also been made to Stage One, on topic selection, through similar public engagement activities to canvass public views. However, Stages Four and Five cannot truly be said to be “public engagement”, as there has been little discussion and interaction between the Council and stakeholders, nor any element of engagement when the government prepared its response. The result is that the product of genuine public engagement at Stage Three becomes highly compromised when the engagement process allegedly runs its course at Stage Five.
61. This is an area which the Environment Bureau, now that it has taken over the support work for the Council, can and should rectify. The Council should not simply prepare the report on its own but should truly engage at least the support groups producing the IR documents before formulating its report. Likewise, the government should not prepare its response behind closed doors. The response document itself should be a product of public engagement so that the public understands why some measures are adopted and others are not.
62. If the public engagement process is real advance, there remains many other aspect of sustainable development on which progress is lacking – the real impact of the first two rounds of sustainable development strategies (on renewable energy, waste management, urban living space and population policy) has so far been negligible. Five years have now elapsed since the World Summit on Sustainable Development. As we have pointed out more than once, sustainable development is not one of the development options for Hong Kong; it is the only viable mode of development for Hong Kong in the globalising world. While the administrative support needs to be strengthened by the Bureau, we call on the CE to display real leadership by beginning the formulation of a Sustainable Development Bill – an idea proposed by CA as early as the Handover. This will truly make Hong Kong a leader of sustainable development in the region.

## **Conclusion**

63. The first of the CE’s five years in the third term of the HKSAR is a year for leadership. We have proposed a range of policies and measures, which we believe, will mark the CE as not just the political leader of Hong Kong, but a true leader in the SAR’s history, a leadership that reinforces his legacy, and one that enables Hong Kong itself to sustain its leadership among cities in the region. We appreciate that leadership is not easy, whether for political leaders or for cities competing in the global world. We sincerely hope that Hong Kong will not become “a city that

fails to get its job done”. The challenges are daunting, and in taking on these challenges, the CE has our blessing.