

RESEARCHING INTERNAL DISPLACEMENT

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Evaluating Hong Kong's Legal and Policy Frameworks to Address Climate and Disaster-Related Displacement in the Pearl River Delta

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Abstract

As a low-lying coastal region, the Pearl River Delta is home to millions vulnerable to displacement from disasters and climate change. Despite these well-documented risks, how Hong Kong should respond to future displacement challenges has remained largely unexplored.

This paper evaluates Hong Kong's readiness to address regional displacement in the context of disasters and climate change. The analysis highlights several factors that may affect this readiness. Firstly, important elements of a displacement-centric framework were found to be wholly absent in Hong Kong. Secondly, the fragmentation of Hong Kong's existing legal and policy frameworks exacerbates the difficulty of mainstreaming displacement considerations.

The policy oversights mean that at-risk communities within the Pearl River Delta region face heightened vulnerability to displacement. By comparing Hong Kong's approach against international instruments and regional frameworks, the paper concludes with recommendations that work towards helping Hong Kong develop a holistic strategy to address climate and disaster-related displacement risks.

Keywords

Climate- and disaster-displacement; disaster risk reduction; Hong Kong; Pearl River Delta

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1. Introduction

Displacement in the context of climate change and disaster is arguably one of the world's largest humanitarian and development challenges of the 21st century.¹ There is widespread agreement among scientists that climate change, alongside other factors, will multiply the threat of displacement in the future.² The World Bank estimates that in the next thirty years a further 216 million people will be displaced from their homes and livelihoods, unless urgent action is taken to address the problem.³

With more than 700 kilometres of coastline, 263 islands and great swathes of low-lying land, Hong Kong is geographically primed to feel the forces of nature. According to the 2015 Sustainable Cities Index, Hong Kong is ranked as the city that faces the highest natural disaster risk in Asia.⁴ Yet despite these foreboding risks, Hong Kong's policy landscape on displacement in the context of disaster and climate change remains relatively understated and understudied.

This paper represents a first attempt to evaluate Hong Kong's capacity to address displacement in the context of disasters and climate change. The paper adopts a qualitative approach. Relevant materials have been systematically reviewed from a wide range of available sources. These sources include government policy documents, academic research, scientific reports and civil society commentary.

The displacement addressed by the paper includes internal displacement within Hong Kong, alongside regional movements within the Pearl River Delta metropolitan region. The paper attempts to synthesize the key findings on these two focuses from the consulted sources, through which insights on Hong Kong's capacity to protect those vulnerable to climate change and/or disaster-associated displacement have been obtained.

The paper subsequently identifies applicable international standards and best practices from other jurisdictions to provide 'food for thought' for policy-making. The paper concludes with preliminary recommendations stemming from an analysis of Hong Kong's current law and policy space, which policymakers and practitioners may wish to consider.

¹ The Nansen Initiative. (2015). 'Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change'. Volume 1. Available at: https://disasterdisplacement.org/wp-content/uploads/2014/08/EN_Protection_Agenda_Volume_I_low_res.pdf [Accessed 26 November 2021].

² Ibid.

³ Al Jazeera. (14 Sept 2021). 'Climate change could displace 216 million by 2050: Report', available at: <https://www.aljazeera.com/news/2021/9/14/climate-change-could-displace-216-million-by-2050-report>

⁴ Prevention Web. (2021). 'Hong Kong has the highest natural disasters risk in Asia – Study'. Available at: <https://www.preventionweb.net/news/hong-kong-has-highest-natural-disasters-risk-asia-study> [Accessed 26 November 2021].

Ultimately, the paper aims to cultivate the necessary building blocks for effective policy design and implementation. This will be essential to developing protection-based solutions that will be durable and help those displaced by climate change and disasters in the Pearl River Delta Region, as well as those who will be vulnerable to its effects.

2. Background

Historically, Hong Kong has been relatively unscathed by natural disasters.⁵ However, rising sea levels⁶, intensifying typhoons⁷ and other unpredictable weather-related events means it would have to be prepared for increasing risks of displacement in the context of climate change and disaster. The costs are already becoming harder to ignore: between 2016-2020, the Internal Displacement Monitoring Centre reported that 5,290 persons in Hong Kong were internally displaced by disasters (as defined under the 1998 Guiding Principles for Internal Displacement)⁸.

Across the border, the impact of climate displacement is already being felt. The Pearl River Delta's rapid industrialization, and population growth, aggravates the region's vulnerabilities to coastal inundation and riparian flooding, while weakening its resilience to sudden-onset disasters.⁹ There is consensus among scientists that, in the next several decades, climate change is set to increase the intensity of typhoons in the PRD by 8.5%.¹⁰ For a glimpse of the emerging impacts, one only needs to look to the devastation wrought by Super Typhoon Mangkhut in September 2018, which displaced 2.45 million people in the PRD.¹¹

Through a statistical analysis of historical flood damage data, local sea-level characteristics and national development measures, one scientific study was able to model the potential magnitude of

⁵ South China Morning Post Chronicles, 'In the eyes of the storm: Typhoons in Hong Kong', <https://multimedia.scmp.com/typhoons/>

⁶ South China Morning Post. (9 Nov 2015). 'Rising sea levels set to displace 45 million people in Hong Kong, Shanghai and Tianjin if earth warms 4 degrees from climate change', available at: <https://www.scmp.com/news/hong-kong/health-environment/article/1877284/rising-sea-levels-set-displace-45-million-people>

⁷ S. Liu, J. Li, L. Sun, G. Wang, D. Tang, P. Huang, H. Yan, S. Gao, L. Chao, Z. Gao, Y. L. Y. Yang. (2018) 'Basin-wide responses of the South China Sea environment to Super Typhoon Mangkhut'. *Science of The Total Environment*, Volume 731, 2020. p.12

⁸ Internal Displacement Monitoring Centre, 'Internally displaced persons, new displacement associated with disasters (number of cases)' / World Bank [online] <https://data.worldbank.org/indicator/VC.IDP.NWDS>

⁹ D. Carmona, L. Qu, & Y. Tai. (2014), 'Towards a liveable urbanized delta region: Spatial challenges and opportunities of the Pearl River Delta'. *Revista M*, p.16

¹⁰ J. Chen, Z. Wang, , CY. Tam. *et al.* (2020). 'Impacts of climate change on tropical cyclones and induced storm surges in the Pearl River Delta region using pseudo-global-warming method.' *Sci Rep* **10**, 1965, p.7

¹¹ CNN, 'Typhoon Mangkhut hits mainland China, lashes Hong Kong, dozens dead in Philippines', (17 Sept 2018), <<https://edition.cnn.com/2018/09/17/asia/typhoon-mangkhut-china-hong-kong-intl/index.html>>

displacement from slow and sudden onset displacement in the Pearl River Delta.¹² The table below shows the number of deaths and displacements that can be expected from a 100-year flooding event in the region:

Table 1: Estimated number of deaths and displacements in Hong Kong and the Pearl River Delta based on projected sea level rise scenarios

Year	2050 (20–25 cm SLR)	2100 (40–75 cm SLR)
<i>Deaths (people)</i>		
Hong Kong	~ 10	15–20+
PRD	~ 100	300–1000+
PRD (rapid development)	30–50	80–200+
<i>Displacements (people)</i>		
Hong Kong	~ 3000	20,000–100,000
PRD	~ 60,000	1–15 million
PRD (rapid development)	~ 15,000	15,000–1.5 million

Source: Yu, Q., Lau, A.K.H. Tsang, K.T. *et al.*, (2018) p.1031

While many disaster-displaced persons are usually able to return to their homes after a relatively short period of time¹³, climate change is poised to exacerbate its potential displacement effects. Millions in the PRD are thus vulnerable to such displacement, some of whom will require ongoing protection, humanitarian assistance and support to find durable solutions to end their displacement. All of these anticipated impacts should therefore be a major concern to regional policymakers. As observed by Sim, Wang and Han:

*‘The increasing challenge that is presented by climate change and by the region’s unstable socio-political dynamics may create new and unpredictable disaster risks...and the absence of a long-term vision that addresses impending hazards and risks and the city’s inexperience with disasters suggest that it remains unclear if Hong Kong is well positioned to cope with a potentially volatile future’.*¹⁴

Given Hong Kong’s deepening integration with the PRD as part of the ‘Greater Bay Area’, climate change and disaster-associated displacement could foreseeably give rise to new migration corridors, where those internally displaced in the region may find themselves in Hong Kong as a place of destination, transit, or origin. If protection needs are not pre-emptively addressed, evidence suggests that the likelihood of cross-border displacement following internal displacement

¹² Q. Yu., A.K.H. Lau, K.T. Tsang, *et al.* (2018). ‘Human damage assessments of coastal flooding for Hong Kong and the Pearl River Delta due to climate change-related sea level rise in the twenty-first century’ (*Natural Hazards* **92**, 1011–1038, p.1011 <https://doi.org/10.1007/s11069-018-3236-9>

¹³ The Nansen Initiative, *op. cit.*, p.14

¹⁴ T. Sim, D. Wang, Z. Han. (2018). ‘Assessing the Disaster Resilience of Megacities: The Case of Hong Kong’ *Sustainability*. 10(4):1137, p. 13

becomes significantly increased.¹⁵ As Hong Kong is situated between several interdependent economic and political zones, regional authorities will need to develop effective institutional responses to address ‘quasi-cross border’ displacement challenges. Consequently, there is a clear imperative to develop policy, at multiple levels of governance, that address the mobility challenges for those who may be internally displaced by climate-associated impacts in the region.

3. Hong Kong’s Current Approach to Displacement in the Context of Disaster and Climate Change

Based on publicly available materials, Hong Kong has not developed any umbrella or integrated frameworks to address displacement in the context of climate change and disaster. The Government’s approach is largely event-reactive: relying on a ‘three tier’ emergency response management system when a disaster event occurs.¹⁶ Further measures include those relating to disaster preparedness, financial support to disaster victims and infrastructure rebuilding. Utilising the Sendai Framework for Disaster Risk Reduction’s ‘Ten Essentials for Making Cities Resilient’, the table below draws upon Sim, Wang and Han’s research to provide a conceptual overview of Hong Kong’s current law and policy space in this arena:¹⁷

Table 2: Hong Kong’s Legal and Policy Frameworks for Disaster and Displacement Reduction

Indicators	Laws	Policies / Instruments / Mechanisms
E1 – Organise for disaster resilience	Paris Agreement (via. China)	Hong Kong Climate Action Plan 2030+
E2 – Identify, understand use current and future risk scenarios	Environmental Impact Assessment Ordinance (Cap. 499)	Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area
E3 – Strengthen financial capacity for resilience	Emergency Relief Fund Ordinance (Cap. 1103)	The Emergency Relief Fund The Green Tech Fund
E4 – Pursue resilient urban development and design	Town Planning Ordinance (Cap. 131) Waste Disposal Ordinance (Cap. 354)	Planning Department, ‘ <i>Urban Design Guidelines for Hong Kong</i> ’

¹⁵ M. Garlick & E. Bower. (2015) ‘Enhancing Legal Protection For People Displaced In The Context of Disasters and Climate Change’ in *Climate Refugees: Beyond the Legal Impasse*, Routledge, p.118

¹⁶ T. Sim, D. Wang D, Z. Han, *op. cit*, p.3

¹⁷ Ibid.

	Country Parks Ordinance (Cap. 208)	Planning Department, <i>‘HK 2030+: Towards a Planning Vision and Strategy Transcending 2030’</i>
E5 – Safeguard natural buffer to enhance the protective functions offered by natural ecosystems	<p>Water Pollution Control Ordinance (Cap. 358)</p> <p>Air Pollution Control Ordinance (Cap. 311)</p> <p>Ozone Layer Protection Ordinance (Cap. 403)</p> <p>Dumping at Sea Ordinance (Cap. 466)</p> <p>Hazardous Chemicals Control Ordinance (Cap. 595)</p> <p>The Protection of Harbour Ordinance (Cap. 531)</p>	<p>Environmental Department</p> <ul style="list-style-type: none"> - <i>A Guide to the Water Pollution Ordinance</i> - <i>Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters</i> - <i>A Concise Guide to the Air Pollution Ordinance</i>
E6 – Strengthen institutional capacity for resilience	N/A	HK Government Emergency Response System
E7 – Understand and strengthen societal capacity for resilience	<p>Product Eco-Responsibility Ordinance (CAP. 603);</p> <p>Occupational Safety and Health Ordinance (Cap. 509)</p> <p>HK Bill of Rights Ordinance (absolute and non-derogable rights)</p> <p>Immigration Ordinance</p>	<p>Labour Department, <i>Code of Practice in times of Typhoons and Rainstorms</i></p> <p>HK Observatory, Tropical Cyclone Forecast System</p> <p>Social Welfare Department (SWD), <i>Precautions for Residential Care Homes for the Elderly during the Typhoon</i></p> <p>Unified Screening Mechanism and Torture Claims Appeal Board (for non-refoulement claims)</p>
E8 – Increase infrastructure resilience	<p>Building Management Ordinance (Cap. 344)</p> <p>Buildings Ordinance (Cap. 123)</p>	Buildings Department, Code of Practice on Wind Effects

E9 – Ensure effective disaster response	The Emergency Regulations Ordinance (Cap. 241)	Emergency Relief Fund - SWD (grants for death and injury)
E10 – Expedite recovery and build better	Emergency Relief Fund Ordinance (Cap. 1103)	- Lands Department, Marine Department, Agriculture, Fisheries and Conservation Department (other grants)

4. Policy Gaps and Consequences

4.1 Gaps

As can be seen from the above, measures that may have tangential relevance to address displacement in the context of climate change and disaster in Hong Kong are scattered across a range of instruments pertaining to other policy priorities. The responsibility for policy implementation is then distributed to relevant government departments according to a bureaucratic setup, each of whom have distinct (and sometimes conflicting) mandates.¹⁸ As a result, Hong Kong's approach to climate-change governance becomes fragmented and piecemeal, as policy measures are then by and large, narrowly tailored in accordance with the specific mandate of each department. Existing measures thus only address specific forms of disaster risk reduction (e.g. landslides, construction).¹⁹ Crucially, a comprehensive approach to displacement in the context of climate change and disaster is missing.

Furthermore, there is a notable policy vacuum in relation to identifying climate and/or disaster displaced populations and assessing their protection needs. The Unified Screening Mechanism (USM), Hong Kong's only process for determining protection claims, focuses on asylum seekers at risk of torture and/or persecution.²⁰ A separate institutional structure and legal framework would thus be needed to identify and assess the protection needs of displaced populations in the context of disasters and climate change from the Pearl River Delta. While the UNHCR is responsible for seeking durable solutions for displaced communities in Hong Kong, it is questionable whether it has the operational mandate and necessary resources to facilitate an effective protection response to large-scale displacement events because of climate change and/or disaster in the region.

A fragmented protection regime thus emerges from Hong Kong's law and policy landscape; making it ill-suited to equip relevant stakeholders with the necessary policy direction to protect persons at risk of climate displacement. The problem can be summarised as follows:

¹⁸ M. Francesch-Huidobro. (2012). 'Institutional deficit and lack of legitimacy: the challenges of climate change governance in Hong Kong', *Environmental Politics*, 21:5, p.791-810

¹⁹ T. Sim, D. Wang., Z. Han, *op. cit.*, p.12

²⁰ Immigration Department, 'Notice to Persons Making Non-Refoulement Claim', https://www.immd.gov.hk/pdf/notice_non-refoulement_claim_en.pdf

*‘Hong Kong authorities have yet to build up an organizational structure with clearly identified processes that are necessary for reducing disaster-related exposure, effects, and vulnerabilities in Hong Kong.’*²¹

4.2 Consequences

The lack of identified processes is reflected in the fact that Hong Kong’s frameworks currently do not recognise or refer to the concept of climate displacement, notwithstanding pre-existing warnings in academic literature. The Government recognises in public discourse that climate change will have substantial hydro-meteorological effects, but the potential human impacts of these effects are often overlooked. For example, Hong Kong’s Climate Action Plan 2030+ recognises that coastal inundation and flooding are likely to increase with sea level rise, yet policy treatment only seems to go so far as to suggest this will have ‘wide social, financial and political implications’ in the long term ‘that will need to be discussed in the coming years’.²²

The fact that displacement considerations have not been mainstreamed into Hong Kong’s law and policy instruments has three predominant explanations. Firstly, policy fragmentation has roots in the Government’s limited institutional capacity.²³ Evidence suggests that Hong Kong’s position as a semi-autonomous sub-state makes it politically challenging for officials to develop independent policy direction without perceptive leadership or a national mandate.²⁴ The lack of high-level direction fosters institutional inertia, especially on complex issues like displacement that require cross-sectoral co-ordination.²⁵ Secondly, public engagement processes in climate-related governance is also weak, with minimal evidence that stakeholder views and community needs are incorporated into policy formulation.²⁶ Newnham, Patrick and Balsari contend that effective community outreach would require the Hong Kong Government to forge a collaborative, regionally-focused and displacement-centric agenda, where deep engagement would facilitate effective vulnerability mapping of at-risk populations and contextualised protection measures.²⁷ Finally, regional collaboration for strategic planning appears lacking. Despite the establishment of

²¹ T. Sim, D. Wang., Z. Han., *op. cit.*, p.12

²² Hong Kong Environment Bureau, Hong Kong Climate Action Plan 2030+, p.72-73

²³ A. Lo. (2016). ‘Public Discourses of Climate Change in Hong Kong’, *Journal of Environmental Policy & Planning*, 18:1, 27 46, p.4-5

²⁴ D. Mah, P. Hills. (2016). ‘An international review of local governance for climate change: implications for Hong Kong’, *Local governance, city climate initiatives, Hong Kong*, 21(1), p.27

²⁵ *Ibid*, p.32

²⁶ *Ibid*, 33-36; E. Newnham, K. Patrick, S. Balsari, J. Leaning, *op.cit.*, p.2

²⁷ E. Newnham, K. Patrick, S. Balsari, J. Leaning, “Community Engagement in Disaster Planning and Response: Recommendations for Hong Kong” (2016), *Hong Kong Jockey Club Disaster Preparedness and Response Institute*, <<https://www.hkjcdpri.org.hk/policy/community-engagement-disaster-planning-and-response-recommendations-hong-kong>>

various environmental institutions between Hong Kong and the Mainland,²⁸ their achievements have been limited to facilitating information exchange, organising seminars and conducting research.²⁹

The consequences of policy oversight mean that at-risk communities in the region face unnecessarily heightened vulnerability to displacement upon the onset disaster and climate change impacts. These impacts include substantial risks of impoverishment, food insecurity, disruption of social support networks, all of which compound marginalization.³⁰ As observed by Lewis and Maguire:

*‘Human rights violations of IDPs are usually not intended or planned; rather they arise from inappropriate policies, insufficient resources/capacity, neglect or oversight’.*³¹

In conclusion, concrete policy treatment of climate displacement appears to have been neglected in Hong Kong, or vaguely considered among other policy priorities. Relevant measures have tended to be framed narrowly through the lens of either disaster risk reduction or emergency response, with a focus limited to Hong Kong. The foreseeable risk of regional displacement, and the resulting migrant flows in and out of Hong Kong, appear largely unresearched and unconsidered. In turn, important elements of a displacement-centric framework, as found in international soft law instruments and/or guidelines by international organisations, are thereby wholly absent in Hong Kong.³²

5. International Standards and Best Practices

Under international law, states have the primary duty to protect and assist internally displaced persons (IDPs) in accordance with their obligations under international human rights law as well as, where applicable, international humanitarian law.³³ Through the Bill of Rights Ordinance and relevant constitutional case law,³⁴ these obligations are domestically enshrined in Hong Kong’s legal system.

²⁸ See Hong Kong-Guangdong Joint Liaison Group on Combatting Climate Change; Hong Kong Guangdong Joint Working Group on Sustainable Development And Environmental Protection

²⁹ D. Mah., & P. Hills, *op. cit.* p.33-34

³⁰ B. Lewis & R. Maguire (2016). ‘A Human Rights-based Approach to Disaster Displacement in the Asia-Pacific’, *Asian Journal of International Law*, 6(2), p.330

³¹ *Ibid.*

³² T. Sim, D. Wang., Z. Han *op. cit.* p.12

³³ M. Garlick, M. Franck & E. Bower, *op. cit.*, p.119

³⁴ See *C & Ors v the Director of Immigration and Another* (2013) 16 HKCFAR, *Ubamaka v Secretary for Security and Another* [2012] HKCFA 87

Given current gaps, Hong Kong can learn from international and regional best practices by establishing, harmonising and implementing complementary forms of protection that are tailored to disaster and climate change contexts. Such frameworks emphasise the need for an integrated and cross-sectoral approach; spanning disaster risk reduction, climate change adaptation, humanitarian assistance, human rights, protection and development initiatives.³⁵ Compiling a broad set of effective practices can therefore help regional authorities to proactively develop better responses to future displacement. The tables below provides a snapshot of international, regional and national instruments from which Hong Kong policymakers could model its own approach:

Table 3: International, Regional and National Instruments on Displacement in the Context of Disasters and Climate Change

	Instrument	Overall Framework / Approach
Intl.	UN Guiding Principles on Internal Displacement	<ol style="list-style-type: none"> 1. Protection Against Displacement (Principles 5-9) 2. Protection During Displacement (Principles 10 to 23) 3. Framework for Humanitarian Assistance (Principles 24 to 27) 4. Protection During Return, Local Integration or Resettlement (28 to 30)³⁶
	Inter-Agency Standing Committee Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (2011) ³⁷	<ol style="list-style-type: none"> 1. Sustainable re-integration at place of origin (return); 2. Sustainable local integration in areas where internally displaced persons take refuge (local integration); 3. Sustainable integration in another part of the country (resettlement)³⁸
	The Nansen Initiative – Protection Agenda (2015)	<ol style="list-style-type: none"> 1. Protecting Cross-Border Disaster-Displaced Persons 2. Managing Disaster Displacement Risk in Country of Origin 3. Developing Priority Areas for Future Action: <ol style="list-style-type: none"> a. Collecting data and enhancing knowledge on cross-border disaster-displacement;

³⁵ International Federation of Red Cross And Red Crescent Societies. (2021). ‘Responding to Disasters and Displacement in a Changing Climate: Case Studies - Asia Pacific National Societies in Action’, p.11

³⁶ UN Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, 1998)

³⁷ Inter-Agency Standing Committee. (2011). ‘IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters’.

³⁸ Lewis, Maguire, *op. cit.* p.331

		<p>b. Enhancing the use of humanitarian protection measures for cross-border disaster-displaced persons, including mechanisms for lasting solutions, such as by harmonizing approaches at (sub)regional levels;</p> <p>c. Strengthening the management of disaster displacement risk in country of origin by i) integrating human mobility into DDR and adaptation strategies, ii) facilitating migration with dignity, iii) improved use of planned relocation as a preventative and responsive measure, iv) ensuring IDP needs are specifically addressed by relevant laws and policies.³⁹</p>
National & Regional	Bangladesh National Strategy on the Management of Disaster and Climate Induced Internal Displacement (2015) ⁴⁰	<p>Acknowledges the multi-dimensional nature of migration, which has been a dynamic adaptation strategy to environmental and economic stresses;⁴¹</p> <p>Recognises that chronic social, environmental, economic or political stresses can exacerbate consequences of disaster and climate impacts;</p> <p>Recognises that migration can be temporary, cyclical or permanent based on perceived future risk.⁴²</p>
	Regional Framework for the Resilient Development of the Pacific (FDRP) ⁴³	<p>Adopts an all-stakeholder approach in the consultative process;⁴⁴</p> <p>Provides guidance on co-ordinated and integrated priorities for Government, civil society, private sector, regional organisations, development partners and local communities in three focus areas:</p> <ol style="list-style-type: none"> 1. Strengthened integrated adaptation and risk reduction to enhance climate resilience; 2. Low carbon development; and 3. Strengthened disaster preparedness, response and recovery.

³⁹ The Nansen Initiative, *op. cit.*, p.6-10

⁴⁰ Prevention Web. (2015). 'Bangladesh National Strategy on the Management of Disaster and Climate Induced Internal Displacement'. Available at: https://www.preventionweb.net/files/46732_nsmdcidfinalversion21sept2015withc.pdf

⁴¹ M. Denise Smith. & S. Henly-Shephard, 'Disasters and Displacement in Bangladesh: Re-conceptualising Strategies of Risk Reduction and Resilience', *Internal Displacement Monitoring Centre* (2021), p.3-4

⁴² Ibid.

⁴³ Regional Framework for the Resilient Development of the Pacific, *SPC-SPREP-PIFS-UNDP-UNISDR-USP*, available at: http://tep-a.org/wp-content/uploads/2017/05/FRDP_2016_finalResilient_Dev_pacific.pdf

⁴⁴ Pacific Islands Forum, The Framework for Resilient Development in the Pacific, available at: <https://www.forumsec.org/the-framework-for-resilient-development-in-the-pacific/>

		<p>Creates regional framework for partnership, collaboration and knowledge-sharing;</p> <p>Emphasises the need for an integrated approach that mainstreams displacement considerations into all areas of planning and support;</p> <p>Recognises that vulnerability factors (gender, age, ethnicity, sexual orientation, disability and health) can heighten exposure to displacement risks.</p>
	<p>Fiji Planned Relocation Guidelines (2018); and Displacement Guidelines in the Context of Climate Change and Disasters (2019).⁴⁵</p>	<p>Develops pre-emptive approach and forward looking principles to fill protection gap from slow-onset hazards;</p> <p>Serves as a co-ordination mechanism to enhance the involvement and collaboration of all stakeholders;</p> <p>Recognises the richness of indigenous knowledge, the multi-cultural and interfaith composition of the Fijian population, when addressing communities experiencing uncertainty about their future due to climate change;</p> <p>Establishes community-focused and forward-looking principles, recognising those at future risk of climate impacts can still be protected by the Guidelines.⁴⁶</p>

Overall, soft law instruments provide the benefit of a ready-made set of tailored standards that can be co-opted for domestic and application. These standards have the potential to attenuate Hong Kong's weak institutional capacity, as it allows authorities to advance protective norms without the constraint of establishing binding legal instruments. The wider scope of soft law also enables policymakers to explore more ambitious policies with more flexibility, which can better fill the existing protecting gaps for climate induced IDPs in the region.

6. Policy Recommendations

⁴⁵ National Legislative Bodies / National Authorities, *Fiji: Planned Relocation Guidelines - A framework to undertake climate change related relocation* (2018), December 2018, available at: <https://www.refworld.org/docid/5c3c92204.html>; *Fiji: Displacement Guidelines – In the context of climate change and disasters* (2019), available at: <https://www.adaptationcommunity.net/publications/displacement-guidelines-in-the-context-of-climate-change-and-disasters/>

⁴⁶ L. Moore. (2019). 'Planning for the Worst', *Oxford Monitor of Forced Migration*, available at: <https://www.oxforcedmigration.com/post/planning-for-the-worst-the-normative-significance-of-fiji-s-planned-relocation-guidelines-for-the-p>

While climate displacement may not appear to be an immediate concern for Hong Kong, evidence suggests that its costs could be too high for policymakers to ignore in the future. The risk of climate-related displacement can be reduced through effective adaptation, disaster risk reduction and development planning, especially when these are integrated within a wider strategy. Yet compared to other countries, Hong Kong’s law and policy instruments lack a holistic and integrated approach. Moreover, the imperative for an integrated strategy will only increase with further integration with the Greater Bay Area. Particularly salient gaps are seen in the lack of measures relating to post-displacement protection, cross-border strategic collaboration and community engagement.

In line with the UN Guiding Principles and recommendations of the Nansen Initiative, this paper recommends Hong Kong authorities to conceptualise a comprehensive approach to climate displacement. Based on the analysis presented in this paper, the table below sets out a range of initial recommendations that policymakers should further evaluate as part of a holistic strategy:

Table 4: Recommendations

Stages	Recommendations
Pre-Displacement (Disaster Risk Reduction)	<ol style="list-style-type: none"> 1. Develop comprehensive, detailed and updated internal displacement risk maps for the city, with the participation of local communities.⁴⁷ 2. Monitor migration movements from slow- and sudden-onset disasters to help identify areas or communities at risk of potential displacement in the future. 3. Develop community-led disaster preparedness plans and mobility strategies that are based on first-hand experience and carefully studied best practices.⁴⁸ 4. In collaboration with Mainland authorities, develop contingency plans that identify transboundary risk scenarios. Formulate comprehensive disaster risk management measures to reduce vulnerability and strengthen capacity to respond to regional displacement. 5. Strengthen regional institutions to prevent, prepare for and respond to displacement in the context of climate and disaster, while collaborating with other government bodies to mitigate its causes;

⁴⁷ E. Newnham, K. Patrick, S. Balsari, J. Leaning, *op.cit.*, p.5

⁴⁸ Ibid.

	6. Review existing immigration arrangements with Guangdong to determine how migration as an adaptation measure can be facilitated.
Displacement Phase (Emergency Response and Humanitarian Assistance)	<ol style="list-style-type: none"> 1. Develop criteria to identify climate and disaster displaced persons into Hong Kong law and policies; 2. Strengthen capacity of relevant authorities to identify climate displaced persons and their needs; 3. Grant temporary entry and stay for cross-border disaster-displaced persons, such as through the issuance of humanitarian visas or other exceptional migration measures.
Post-Displacement (Durable Solutions – Return, Re-Integration, Resettlement)	<ol style="list-style-type: none"> 1. Explore the possibility of extending the Unified Screening Mechanism to process applications from displaced persons in the context of disasters and climate change; 2. Review domestic legislation and policies on disaster risk management to identify regulatory barriers to IDP protection, alongside avenues for harmonisation and integration of protection considerations at all stages of displacement. 3. Consider developing new or, harmonising previous law and policy frameworks to establish clear procedures for supporting climate-displaced persons in the Region. 4. Ensure that affected persons, including host communities, are consulted and are able to meaningfully participate in developing durable solutions.

7. Conclusion

The paper highlights the need for Hong Kong to develop holistic legal frameworks and coordinated policy responses to address the challenge of climate displacement in the Pearl River Delta. The recommendations provided are measures that aim to incorporate the rights and needs of people on the move, while supporting in situ adaptation for those who stay in the Region. Formulating a comprehensive strategy that has an anticipatory focus, together with more focused research, are critical steps that Hong Kong must take if it wishes to future-proof itself from the humanitarian repercussions of climate displacement.

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