

LEGISLATIVE COUNCIL BRIEF

Country Parks Ordinance
(Chapter 208)

Hong Kong Wetland Park (Special Area) Order 2005

Country Parks and Special Areas (Amendment) Regulation 2005

INTRODUCTION

At the meeting of the Executive Council on 26 April 2005, the Council ADVISED and the Acting Chief Executive ORDERED that -

A

(a) The Hong Kong Wetland Park (Special Area) Order 2005, at Annex A, should be made under section 24(1) of the Country Parks Ordinance (the Ordinance) to designate the Hong Kong Wetland Park (HKWP) as a special area in order to empower the Country and Marine Parks Authority (the Authority) to manage the HKWP; and

B

(b) The Country Parks and Special Areas (Amendment) Regulation 2005, at Annex B, should be made under section 26 of the Ordinance to empower the Authority to determine the opening hours for the HKWP, to restrict entrance into the HKWP outside the opening hours or without paying admission fees, and to prescribe admission fees and car-parking fees.

JUSTIFICATIONS

Designation of HKWP as a Special Area

2. The HKWP is developed on an ecological mitigation area which was originally intended to compensate for the wetland lost due to Tin Shui Wai New Town development. The project would upgrade the 60 hectares ecological mitigation area to a world-class conservation, education and tourism facility. It comprises two phases -

(a) Phase 1 includes mainly an exhibition pavilion and an outdoor landscaped garden. It was completed and opened to the public in December 2000. It serves as a venue to promote wetland conservation and helps to publicize the whole HKWP project. It is managed by the Agriculture,

Fisheries and Conservation Department (AFCD) and has been attracting more than 100,000 visitors per year since its opening; and

- (b) Phase 2 includes the construction of a visitor centre with three major exhibition galleries, fabrication of exhibition items and an outdoor park. Works are in good progress and the whole project is expected to be completed by early 2006.

3. The HKWP will be the first major eco-tourism initiative to diversify the range of tourist attractions in Hong Kong. Over 500,000 visitors are expected for the first year of its operation. Located close to the Mai Po Nature Reserve and the Ramsar Site, the HKWP will meet the demand for visits to Hong Kong's wetlands without exacerbating human disturbance to the ecologically sensitive wetland at Ramsar site.

4. AFCD has conducted ecological monitoring at the site since early 2003. Over 150 bird species are recorded regularly, including black-faced spoonbills, egrets and herons, sandpipers and ducks. Butterflies, dragonflies and amphibians are also found in abundant number. The future operation of the HKWP will need to take into account prevailing environmental factors to preserve the ecological mitigation function of the ecological mitigation area and further enhance the conservation value of the park through proper management.

5. In view of the importance of the HKWP, it is necessary to provide a proper legal framework for the Authority, i.e. the Director of Agriculture, Fisheries and Conservation (DAFC), to protect and manage the HKWP to achieve the conservation, education, and tourism objectives and up to the desired standards of other ecological facilities, e.g. Mai Po Nature Reserve. Section 24(1) of the Ordinance provides that the Chief Executive may designate any area of Government land outside a country park as a special area by order in the Gazette. After designation, the Authority will be responsible for managing the park. Activities in the park will be subject to control of the Country Parks and Special Areas Regulations.

Collection of Fees and Charges

6. The HKWP will be a world-class eco-tourism facility. To be in line with the management of many other similar facilities and exhibition venues, it is proposed that admission fees and car-parking charges be levied on its visitors. To provide the Authority with the statutory right to collect admission fees from the public, we need to set out the admission fees and car-parking charges in the Country Parks

and Special Areas Regulations.

7. AFCD has commissioned a marketing consultant to carry out a marketing study (the marketing study) on the HKWP project in 2002. According to the findings of the marketing study, the admission fees at HK\$30 per adult and HK\$15 per child/ student/ senior citizen are appropriate having regard to visitors' affordability, traveling cost to the park, attractiveness of the park and admission fees of other similar facilities. Concessionary packages should also be provided to attract tour groups and family visitors. Taking into account the findings of the marketing study, the Administration proposes to prescribe admission fees at the levels set out at Annex C. The car-parking fee for private cars is proposed to be set at \$8 per hour; and parking fee for bus or light bus carrying visitors to the HKWP be waived so as to encourage group visitors to visit the HKWP.

C

THE ORDER AND THE REGULATION

8. The provisions of the Order seek to designate the area of Government land known as the HKWP as a special area for the purposes of the Ordinance. A plan showing the boundary of the area to be designated is at Annex D.

D

9. The major provisions of the Regulation are to –

- (a) empower the Authority to determine the opening hours of the HKWP and to provide that any person who enters or remains in the park without authorization during any period when the park is closed to the public commits an offence;
- (b) empower the Authority to charge an admission fee for entering the HKWP and to provide that any person who enters the park without first paying the required admission fee commits an offence; and
- (c) prescribe the fees for entering the HKWP and for parking a vehicle at the HKWP.

10. The effective date of the amendments is proposed to be 1 October 2005 to tie in with the operation of the HKWP in early 2006.

LEGISLATIVE TIMETABLE

11. The legislative timetable will be –

Publication in the Gazette

6 May 2005

Tabling at LegCo

11 May 2005

Commencement

1 October 2005

IMPLICATIONS OF THE PROPOSAL

E

12. The proposal has financial, economic, environmental and sustainability implications as set out at Annex E. It has no civil service and productivity implications. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. Besides, the proposal will not affect the binding effect of the Ordinance.

PUBLIC CONSULTATION

13. The Country and Marine Parks Board, the Advisory Council on the Environment, the former Wetland Advisory Committee, the Ping Shan Rural Committee, the Yuen Long District Council and the LegCo Panel on Economic Services have been consulted, and have no objection to the proposed designation of the HKWP as a special area and the proposed admission fees.

PUBLICITY

14. A press release will be issued. A spokesman will be available to handle media enquiries.

BACKGROUND

15. In November 1999, the Finance Committee of the LegCo (FC) approved a sum of \$56.7 million for the Phase 1 construction works of the HKWP project. In April 2002, it approved another sum of \$461.5 million for the Phase 2 construction works of the HKWP project. As construction works for Phase 2 are expected to complete by early 2006, the Tourism Commission, in conjunction with the AFCD and other relevant parties, are preparing for the full opening of the HKWP by that time. We are also working on the relevant supporting facilities including the transport facilities, signage, and street landscaping and improvement works. The future management, operation and promotion of the HKWP will be outsourced under the supervision of AFCD.

ENQUIRIES

16. Enquiries may be directed to Miss Patricia So, Assistant

Commissioner for Tourism, Economic Development and Labour
Bureau at 2810 3137.

Tourism Commission
Economic Development and Labour Bureau
3 May 2005

HONG KONG WETLAND PARK (SPECIAL AREA) ORDER 2005

(Made under section 24(1) of the Country Parks Ordinance (Cap. 208) after consultation with the Executive Council)

1. Commencement

This Order shall come into operation on 1 October 2005.

2. Designation of Hong Kong Wetland Park

The area of Government land known as the Hong Kong Wetland Park delineated in black and coloured pink on Plan No. SA/HKWP dated 27 April 2005 and deposited in the office of the Country and Marine Parks Authority is designated as a special area for the purposes of the Country Parks Ordinance (Cap. 208).

3. Schedule amended

The Schedule to the Special Areas (Designation) (Consolidation) Order (Cap. 208 sub. leg. D) is amended by adding -

- "6. The area of Government land known as the Hong Kong Wetland Park delineated in black and coloured pink on Plan No. SA/HKWP dated 27 April 2005 and deposited in the office of the Country and Marine Parks Authority."

Chief Executive

2005

Explanatory Note

This Order designates the area of Government land known as the Hong Kong Wetland Park as a special area for the purposes of the Country Parks Ordinance (Cap. 208).

Chapter:	208D	SPECIAL AREAS (DESIGNATION) (CONSOLIDATION) ORDER	Gazette Number	Version Date
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Schedule:		SCHEDULE	L.N. 216 of 2004	15/03/2005
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[paragraph 2]

1. The area of Government land known as the Tai Po Kau Nature Reserve delineated and bounded in red on Plan No. SA/TPK dated 25 May 1976 and deposited in the office of the Country and Marine Parks Authority. (L.N. 105 of 1977)
2. The area of Government land on Tung Lung Island comprising Tung Lung Fort and the adjacent land delineated in black and coloured pink on Plan No. SA/TLF dated 13 June 1979 and deposited in the office of the Country and Marine Parks Authority. (L.N. 164 of 1979)
3. Those areas of Government land near the village of Tsiu Hang in the northern part of Pak Sha Wan Peninsula delineated in black and coloured pink on Plan No. SA/TH dated 1 December 1987 and deposited in the office of the Country and Marine Parks Authority. (L.N. 420 of 1987)
4. Those areas of Government land in Tolo Harbour on-
 - (a) Ma Shi Chau;
 - (b) Yeung Chau;
 - (c) Centre Island; and
 - (d) the unnamed island about 100 m northeast of the shore of Yim Tin Tsai near Sam Mun Tsai New Village,
 all delineated in black and coloured pink, except those portions within such areas marked with black hatching, on Plan No. SA/MSC^B dated 12 November 1998 and deposited in the office of the Country and Marine Parks Authority. (L.N. 93 of 1999)
5. The area of Government land at Lai Chi Wo delineated in black and coloured pink on Plan No. SA/LCW dated 8 December 2004 and deposited in the office of the Country and Marine Parks Authority. (L.N. 216 of 2004)

(37 of 1995 s. 35; 29 of 1998 s. 105)

COUNTRY PARKS AND SPECIAL AREAS (AMENDMENT) REGULATION 2005

(Made by the Chief Executive in Council under section 26
of the Country Parks Ordinance (Cap. 208))

1. Commencement

This Regulation shall come into operation on 1 October
2005.

2. Interpretation

Regulation 2 of the Country Parks and Special Areas
Regulations (Cap. 208 sub. leg. A) is amended by adding -

"attendant" (管理員) means any person appointed by the

Authority as an attendant under regulation 16A(1);

"opening hours" (開放時間), in relation to a specified zone,

means the days on which, and the hours during which,

the zone is open to the public as shown in a notice

displayed under regulation 13A(1)(b);

"specified zone" (指明區域) means a country park or special

area, or part of a country park or special area, set

out in Schedule 2;".

3. Prohibition on bringing vehicles into country parks and special areas

Regulation 4 is amended -

- (a) in subregulation (3), by repealing "the
Schedule" and substituting "Schedule 1";

(b) by adding -

"(4) No person shall, without the consent of the Authority, drive a vehicle into, or leave a vehicle parked in, a car park designated by the Authority if the Authority -

(a) has closed the car park to the public; and

(b) has displayed, in a prominent position in or at the entrance to the car park, a notice in English and in Chinese of the closure."

4. Closure of country parks and special areas

Regulation 13 is amended by adding -

"(7) This regulation does not apply in relation to any specified zone."

5. Regulation added

The following is added -

"13A. Control of entry into specified zones

(1) The Authority shall -

(a) determine the days on which, and the hours during which, a specified zone is open to the public; and

(b) display, in a prominent position in or at the entrance to the zone, a notice in English and in Chinese showing the days and hours so determined.

(2) The Authority -

(a) may, notwithstanding subregulation (1), close a specified zone, or any part of a specified zone, to the public for such purposes and reason as he thinks fit; and

(b) shall, on exercising the power under paragraph (a), display, in a prominent position in or at the entrance to the zone, a notice in English and in Chinese of the closure.

(3) The Authority -

(a) may designate and set aside any area within a specified zone as a reception area; and

(b) shall, on exercising the power under paragraph (a), display, in a prominent position in or at the entrance to the zone, a notice in English and in Chinese showing the area so designated.

(4) Subject to subregulation (6), no person shall, except in accordance with a permit in writing granted by the Authority -

- (a) enter a specified zone outside the opening hours of the zone;
- (b) remain in a specified zone outside the opening hours of the zone after being requested to leave by the Authority, an authorized officer or an attendant;
- (c) enter a specified zone, or any part of a specified zone, that has been closed in accordance with subregulation (2); or
- (d) remain in a specified zone, or any part of a specified zone, that has been closed in accordance with subregulation (2) after being requested to leave by the Authority, an authorized officer or an attendant.

(5) Subject to subregulations (6) and (7), no person shall enter a specified zone unless -

- (a) the person has, before entering the zone, paid -
 - (i) the admission fee for the entry by that person, set out in Schedule 3; or
 - (ii) if that admission fee has been reduced under regulation 18A, the admission fee as reduced; or
- (b) as a result of a waiver under regulation 18A, the person may enter the zone without

paying the admission fee.

(6) Subregulations (4) and (5) do not apply to any person who is authorized by the Authority to -

(a) assist in the management of the specified zone, or any part of the zone; or

(b) carry out any construction, operation or maintenance works, or research, within the specified zone, or any part of the zone.

(7) Subregulation (5) does not apply in relation to a reception area of the specified zone as shown in a notice displayed under subregulation (3)(b)."

6. Regulation added

The following is added -

"16A. Attendants

(1) The Authority may appoint any person to be an attendant of a specified zone for the purposes of these regulations; and an attendant shall have such powers and discharge such duties as are conferred on or imposed on attendants under these regulations.

(2) The Authority shall issue to each attendant an identification document that -

(a) gives the name of the attendant to whom it is issued; and

(b) states that it is issued by or on behalf of the Authority under these regulations.

(3) When exercising a power or discharging a duty under these regulations, an attendant shall, if requested to do so, produce for inspection the identification document issued to him in accordance with subregulation (2).".

7. Permits

Regulation 18(1) and (5) is amended by repealing "the Schedule" and substituting "Schedule 1".

8. Regulation added

The following is added -

"18A. Reduction, waiver or refund of fees

The Financial Secretary or any public officer under his delegated authority may generally or in a particular case reduce, waive or refund, in whole or in part, any fee payable under regulation 4(3) or 13A(5)(a)(i).".

9. Offences and penalties

Regulation 20 is amended by adding -

"(3A) Any person who contravenes regulation 13A(4) or (5) commits an offence and is liable to a fine of \$2,000.".

10. Fees

The Schedule is amended -

- (a) by repealing "SCHEDULE" and substituting "SCHEDULE 1";
- (b) by repealing the entry relating to regulation 4(3) and substituting -

"4(3) Fee for parking a vehicle in a designated car park in -

- (a) a country park or special area (except the special area known as the Hong Kong Wetland Park) Nil
- (b) the Hong Kong Wetland Park -

- (i) in the case of a vehicle that is a bus, or light bus, within the meaning of section 2 of the Road Traffic Nil

Ordinance
(Cap. 374)
used for
the
carriage of
passengers
to the Hong
Kong
Wetland
Park

(ii) in the case \$8 per
of any hour";
other
vehicle

(c) by adding -

"13A(4) Permit to enter or Nil".
remain in a specified
zone outside the
opening hours of the
zone, or to enter or
remain in a specified
zone, or any part of a
specified zone, that
has been closed in
accordance with
regulation 13A(2)

11. Schedules 2 and 3 added

The following are added -

"SCHEDULE 2 [reg. 2]

SPECIFIED ZONES

1. The special area known as the Hong Kong Wetland Park designated under the Hong Kong Wetland Park (Special Area) Order 2005 (L.N. of 2005).

SCHEDULE 3 [reg. 13A]

ADMISSION FEE FOR ENTERING SPECIFIED ZONES

Admission fee for entering Hong Kong Wetland Park

1. (1) Subject to section 3, the admission fee for a single entry into the Hong Kong Wetland Park by a person is -

- (a) where the person is aged 65 or above, \$15;
- (b) where the person is aged 3 or above, but below 18, \$15;
- (c) where the person is aged 18 or above, but below 65, and is a full-time student, \$15;
or
- (d) where the person is aged 18 or above, but below 65, and is not a full-time student, \$30.

(2) Subject to section 4, the admission fee for unlimited number of entries into the Hong Kong Wetland Park within one year by a person is -

- (a) where the person is aged 65 or above, \$50;
- (b) where the person is aged 3 or above, but below 18, \$50;
- (c) where the person is aged 18 or above, but below 65, and is a full-time student, \$50;
or
- (d) where the person is aged 18 or above, but below 65, and is not a full-time student, \$100.

(3) The admission fee for unlimited number of entries into the Hong Kong Wetland Park within 6 months by a person is -

- (a) where the person is aged 65 or above, \$25;
- (b) where the person is aged 3 or above, but below 18, \$25;
- (c) where the person is aged 18 or above, but below 65, and is a full-time student, \$25;
or
- (d) where the person is aged 18 or above, but below 65, and is not a full-time student, \$50.

2. No admission fee is payable for an entry into the Hong Kong Wetland Park by a person aged below 3.

3. (1) For a group of 50 or more persons to which section 1(1) applies, the admission fee for a single entry into the Hong Kong Wetland Park by each person within the group is, subject to subsection (5) -

- (a) where the person is aged 65 or above, \$10.5;
- (b) where the person is aged 3 or above, but below 18, \$10.5;
- (c) where the person is aged 18 or above, but below 65, and is a full-time student, \$10.5; or
- (d) where the person is aged 18 or above, but below 65, and is not a full-time student, \$21.

(2) For a group of 30 to 49 persons to which section 1(1) applies, the admission fee for a single entry into the Hong Kong Wetland Park by each person within the group is, subject to subsection (5) -

- (a) where the person is aged 65 or above, \$12;
- (b) where the person is aged 3 or above, but below 18, \$12;
- (c) where the person is aged 18 or above, but below 65, and is a full-time student, \$12; or

- (d) where the person is aged 18 or above, but below 65, and is not a full-time student, \$24.

(3) For a group of 20 to 29 persons to which section 1(1) applies, the admission fee for a single entry into the Hong Kong Wetland Park by each person within the group is, subject to subsection (5) -

- (a) where the person is aged 65 or above, \$12.7;
- (b) where the person is aged 3 or above, but below 18, \$12.7;
- (c) where the person is aged 18 or above, but below 65, and is a full-time student, \$12.7; or
- (d) where the person is aged 18 or above, but below 65, and is not a full-time student, \$25.5.

(4) For a group of 10 to 19 persons to which section 1(1) applies, the admission fee for a single entry into the Hong Kong Wetland Park by each person within the group is, subject to subsection (5) -

- (a) where the person is aged 65 or above, \$13.5;
- (b) where the person is aged 3 or above, but below 18, \$13.5;
- (c) where the person is aged 18 or above, but below 65, and is a full-time student,

\$13.5; or

(d) where the person is aged 18 or above, but below 65, and is not a full-time student, \$27.

(5) Subsection (1), (2), (3) or (4) does not apply unless the aggregate of the admission fee for the entry by each person within the group under that subsection is paid in full in one lump sum.

4. (1) For a group of not more than 4 persons to which section 1(2) applies, the admission fee for unlimited number of entries into the Hong Kong Wetland Park within one year by any or all of those persons is, subject to subsection (2), \$200.

(2) Subsection (1) applies only if one person of the group is the parent, step-parent or adoptive parent of another person of the group, and each of the other persons of the group is the spouse, child, stepchild or adopted child of the first-mentioned person."

Clerk to the Executive Council

COUNCIL CHAMBER

2005

Explanatory Note

This Regulation amends the Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A). The main purposes of the amendment are -

- (a) to prohibit a person from driving a vehicle into, or leaving a vehicle parked in, a car park designated by the Country and Marine Parks Authority when the car park is closed to the public;
- (b) to prescribe the fee for parking a vehicle in a designated car park in the Hong Kong Wetland Park;
- (c) to specify the Hong Kong Wetland Park as a specified zone;
- (d) to empower the Country and Marine Parks Authority to determine the opening hours of a specified zone;
- (e) to require a person who enters a specified zone to pay an admission fee; and
- (f) to prescribe the fee for entering a specified zone.

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Regulation:	2	Interpretation	29 of 1998 s. 105	01/07/1997
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Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

In these regulations, unless the context otherwise requires-
"arms" (槍械) includes-

- (a) any firearm of any description from which any shot, bullet or other missile can be discharged;
- (b) any air gun, air rifle or air pistol from which any shot, bullet or other missile can be discharged; and
- (c) any propelling or releasing instrument or mechanism from or by which any shell, cartridge or projectile can be discharged, including a bow and arrow or catapult;

"authorized officer" (獲授權人員) means any person appointed by the Authority as an authorized officer under regulation 16;

"designated barbecue site" (指定燒烤地點) and "designated camping site" (指定露營地點) means a barbecue site or camping site designated by the Authority under regulation 14;

"hunting or trapping appliance" (獵捕或陷阱類器具) means any net, gin, snare, poison or poisoned weapon, bird lime, trap or bright light;

"plant" (植物) includes-

- (a) timber, trees and shrubs; and
- (b) leaves, roots, flowers, fruit, tubers, bulbs, corms, stocks, cuttings, layers, slips, suckers, seeds and any part of a plant;

"road" (道路) includes every highway, thoroughfare, street, lane, alley, court, square, archway, passage, path, way and place to which the public have access, either continuously or intermittently and either of right or by licence, whether the same be the property of the Government or otherwise; (29 of 1998 s. 105)

"soil" (土壤) includes earth, sand, clay and peat;

"vehicle" (車輛) means any vehicle, whether mechanically propelled or otherwise, intended or adapted for use on roads and includes a rickshaw but does not include a perambulator or any conveyance for use solely on railways or tramways.

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Regulation:	4	Prohibition on bringing vehicles into country parks and special areas		30/06/1997
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(1) Subject to subregulation (2), no person shall, except with the consent of the Authority, bring into a country park or special area any vehicle or bicycle, or drive, use or be in possession of any vehicle or bicycle within a country park or special area.

(2) Subregulation (1) shall not apply-

- (a) to any person driving, using or in possession of a vehicle or bicycle on any road designated by the Authority for such purposes and so marked by him or in any car park so designated; or
- (b) to any person riding a bicycle within a country park or special area if he is ordinarily resident within the park or special area.

(3) Any person who parks a vehicle in a car park designated by the Authority shall pay such

fee as is prescribed in the Schedule.

Chapter:	208A	COUNTRY PARKS AND SPECIAL AREAS REGULATIONS	Gazette Number	Version Date
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Regulation:	13	Closure of country parks and special areas		30/06/1997
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(1) The Authority may, if he considers it necessary in the interests of good management, close to the public the whole or any part of a country park or special area.

(2) A closure under subregulation (1) shall be effected by the Authority displaying in such prominent positions as he shall determine notices in English and in Chinese prohibiting entry to the park or area or to the part thereof that has been closed.

(3) Subject to subregulation (6), where a notice has been displayed under subregulation (2), no person shall-

- (a) enter the country park or special area, or part thereof, that has been closed;
- (b) remain in such park, area or part after being requested to leave by the Authority or an authorized officer; or
- (c) knowingly remain in such park, area or part more than 12 hours after the time when the notice was displayed.

(4) During the period when a country park or special area or part thereof is closed any permit granted by the Authority under these regulations and relating to that park or area, or part thereof, shall be suspended.

(5) Where a closure under subregulation (1) has extended, or is likely to extend, beyond a period of 4 weeks, the Authority shall publish in the Gazette a notice of the closure.

(6) Subregulation (3) shall not apply to any person ordinarily resident in the country park or special area, or part thereof, which has been closed.

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Regulation:	18	Permits	L.N. 362 of 1997	01/07/1997
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(1) An application for a permit under these regulations shall be made in writing to the Authority and shall be accompanied by the appropriate fee prescribed in the Schedule, except where a permit is to be issued free of charge.

(2) Upon receipt of an application under subregulation (1) and upon payment of the fee (if any), the Authority may-

- (a) grant a permit, subject to such conditions as he thinks fit; or
- (b) refuse to grant a permit.

(3) A permit shall be valid for such period as may be stated thereon.

(4) A permit shall be revoked if the holder thereof-

- (a) contravenes any regulation, whether or not he is convicted of an offence under these regulations;
- (b) contravenes or fails to comply with any condition subject to which the permit was granted.

(5) If the Authority is satisfied that a permit has been lost, destroyed or accidentally defaced, he may issue a duplicate thereof for which, in the case of a permit for which a fee is charged, he shall pay either the original fee, as specified in the Schedule or \$50, whichever is the less.

(6) Any person who is aggrieved by the refusal, revocation or suspension of a permit may, within 14 days after the receipt of the notice of refusal, revocation or suspension appeal in writing to the Chief Secretary for Administration, who may confirm, vary or set aside such refusal, revocation or suspension. (L.N. 362 of 1997)

(7) The grant by the Authority of a permit to any person in respect of any act or thing done under these regulations shall be without prejudice to any other licence, permit or consent which that person may be required to obtain under any other enactment.

Chapter:	208A	COUNTRY PARKS AND SPECIAL AREAS REGULATIONS	Gazette Number	Version Date
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Regulation:	20	Offences and penalties		30/06/1997
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(1) Any person who contravenes regulation 4, 5, 6, 8, 9, 10, 11, 12 or 13(3) commits an offence and is liable to a fine of \$2000 and to imprisonment for 3 months and, where the offence is a continuing offence to an additional fine of \$100 for each day during which the offence has continued.

(2) Any person who when driving a vehicle or riding a bicycle or horse within a country park or special area refuses or wilfully fails to stop when called upon to do so by an authorized officer acting in the course of his duties commits an offence and is liable to a fine of \$2000 and to imprisonment for 3 months.

(3) Any person who contravenes regulation 7(1) or, when the Authority has prohibited the use of fire under regulation 7(2), any person who lights or uses any fire in any country park or special area in contravention of such prohibition, commits an offence and is liable on conviction to a fine of \$5000 and to imprisonment for 1 year.

(4) If a person who is required under regulation 15(1) to produce a permit fails, without reasonable excuse, to do so, that person commits an offence and is liable to a fine of \$1000.

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Schedule:		SCHEDULE	L.N. 349 of 2000; L.N. 30 of 2001	19/01/2001
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[regulations 4 & 18]

FEES

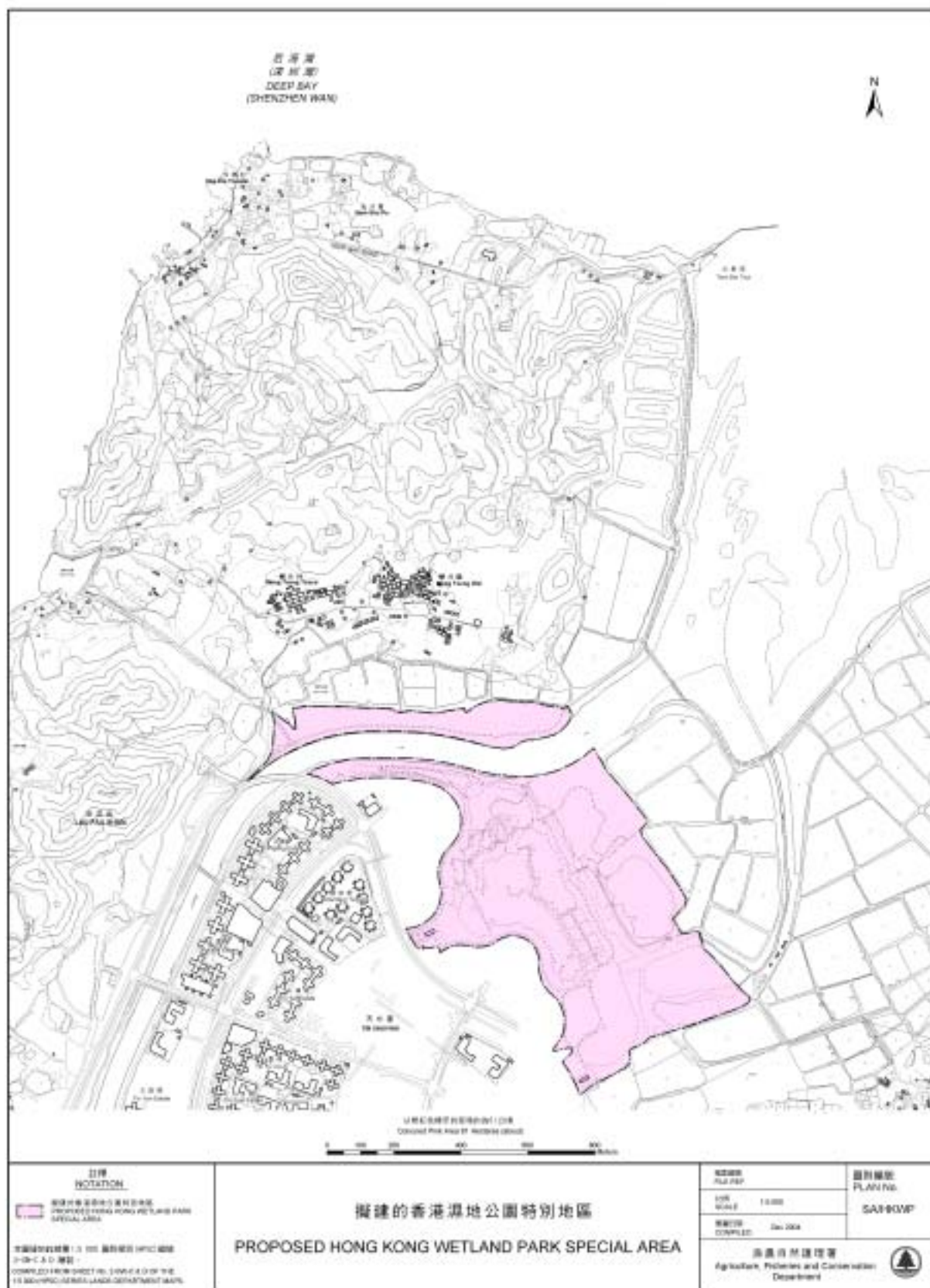
Regulation	Description	Fee
4(3)	Fee for parking a vehicle in a designated car park in a country park or special area	Nil
5(1)	Permit to bring cattle, equines, sheep, goats, pigs, dogs, cats or poultry into a country park or special area	Nil
6	Permit to carry, possess or discharge any hunting or trapping appliance or arms	Nil
8(1)	Permit to cut, pick or uproot any plant or part thereof, to dig, cultivate or disturb the soil or to sow or plant any seeds or plants	Nil
9(1)	Permit to sell or let on hire any commodity or article	\$1430 for each month or part thereof
10(1)(a)	Permit to display any sign, notice, poster, banner or advertisement	\$237 for each month or part thereof
10(1)(b)	Permit to construct or erect any building, hut or shelter or excavate any cave	\$317 for each building, hut, shelter or cave
10(1)(c)	Permit to construct or excavate any grave or deposit any human body in a grave	Nil
10(1)(d)	Permit to deposit any urn containing human remains	Nil
11(1)(a)	Permit to hold any public meeting or sporting competition, make any public speech or address any public meeting	\$467 for each event
11(1)(b)	Permit to hold any event organized for the purpose of raising funds, whether for charity or otherwise	\$467 for each event
11(1)(c)	Permit to carry on any activity for the purpose of, or incidental to, any business	\$237 per day
11(3)(a)	Permit to camp or to erect a tent or temporary shelter at a designated camping site	Nil

(L.N. 326 of 1992; L.N. 38 of 1995; L.N. 178 of 1996; L.N. 473 of 1997; L.N. 349 of 2000; L.N. 30 of 2001)

The Proposed Fees and Charges Schedule for the Hong Kong Wetland Park

Admission fees		Fee Level (HK\$)
(a) Single entry		
● Adult		\$30
● Child (3 to less than 18)/Students/Senior		\$15
● Child (Below 3)		Free
● Group	- 50 persons and above* - 30 – 49 persons* - 20 – 29 persons* - 10 – 19 persons* < * counting fee-paying visitor only >	70 % of listed price 80% of listed price 85% of listed price 90% of listed price
(b) Annual Pass		
● Adult (Full year/half year)		\$100/\$50
● Family (maximum 4 persons)		\$200
● Child/Student/Senior (Full year/half year)		\$50/\$25
Parking fees		
● Private Car		\$8 per hour
● Bus or Light Bus (for the carriage of passengers to the Hong Kong Wetland Park)		free

Annex D



IMPLICATIONS OF THE PROPOSAL

Financial Implications

Based on the estimated annual visitation of 540,000, the admission fees for HKWP will have to be set at about \$100 for each visitor on average if it is intended to recover the full cost without subsidy and concession¹. Therefore, the subsidization rates for the current proposed admission fees at \$30 per adult and \$15 for concessionary groups are 70% and 85% respectively, and on average is about 80%. Based on the proposed fees, an annual revenue of about \$11m is expected.

2. Subsidization by the Government is justified as HKWP serves important tourism, education and conservation purposes. The HKWP project upgrades the ecological mitigation area in Tin Shui Wai into a world-class tourism facility. It will be a new product adding to the range of tourist attractions in Hong Kong. The estimated annual patronage of HKWP is 540,000 of which about 30% will be tourists. Based on the broad brush assessment provided by the Hong Kong Tourism Board, it is estimated that the HKWP will induce additional tourist spending of about \$55m per annum. Apart from being an eco-tourism facility, the HKWP also serves to promote public awareness on wetland conservation. A series of education programmes, to be funded within the allocated resources, will be developed.

3. Besides, according to the marketing study, the current proposed level of admission fees is appropriate. Given the remoteness of the location of HKWP, the transportation time (about 40 minutes from Kowloon to Tin Shui Wai) and the required travelling costs, setting a high admission fees would deter visitors from going there, and affect its ultimate target of being an important eco-tourism facility.

4. The car-parking fee for private cars is proposed to be \$8 per hour. It is the same as the existing market price for outdoor car parking spaces in Ting Shui Wai and other New Territories areas. Parking fee for bus or light bus carrying visitors to the HKWP will be waived so as to encourage group visitors to visit the HKWP.

¹ Assuming 35% visitors are adults and 65% are from concessionary groups, the admission fee for adult and concessionary groups should be \$150 and \$75 respectively, so as to recover the full cost.

Economic Implications

5. The HKWP will be the first major eco-tourism initiative to diversify the range of tourist attractions in Hong Kong. The proposal will facilitate the proper and effective management of the HKWP, and thereby enabling this eco-tourism facility to deliver benefits to the tourism industry and the whole economy.

Environmental Implications

6. The constructed wetland within the HKWP is an essential mitigation measure to compensate for the habitat loss due to the Tin Shui Wai Further Development. The currently proposed HKWP is an exempted designated project under the Environmental Impact Assessment Ordinance. The proposed designation of HKWP as a special area and related legislative amendments will enable the HKWP to be protected under the Ordinance and managed by the Authority for the purposes of conservation, education and tourism.

Sustainability Implications

7. As far as sustainability implications are concerned, designation of the park as a special area will help enhance the conservation of biodiversity and terrestrial habitats, contribute to the development of eco-tourism and nature education and enhance public awareness of the importance of nature conservation.