

立法會
Legislative Council

LC Paper No. CB(1) 459/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/PL/DEV+EA/1

Panel on Development and Panel on Environmental Affairs

Minutes of joint meeting
held on Wednesday, 28 July 2010, at 8:30 am
in Conference Room A of the Legislative Council Building

Members present : Members of the Panel on Development

- * Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
- * Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Kwok-hing, MH
- * Hon LEE Wing-tat
- * Hon CHEUNG Hok-ming, GBS, JP
- * Hon KAM Nai-wai, MH
- * Hon Cyd HO Sau-lan
Hon Alan LEONG Kah-kit, SC
- * Hon Tanya CHAN
- * Hon Albert CHAN Wai-yip

Members of the Panel on Environmental Affairs

Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Miriam LAU Kin-yee, GBS, JP
Hon CHAN Kin-por, JP

Members attending : Hon TAM Yiu-chung, GBS, JP
Dr Hon LEUNG Ka-lau
Hon IP Wai-ming, MH

Members absent : Members of the Panel on Development

Hon LAU Wong-fat, GBM, GBS, JP (Chairman)

Hon Albert HO Chun-yan

* Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP

Hon CHAN Kam-lam, SBS, JP

Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP

Dr Hon Philip WONG Yu-hong, GBS

* Hon WONG Yung-kan, SBS, JP

Hon Timothy FOK Tsun-ting, GBS, JP

Hon Abraham SHEK Lai-him, SBS, JP

Hon Starry LEE Wai-king, JP

Dr Hon Priscilla LEUNG Mei-fun

Hon IP Kwok-him, GBS, JP

Hon Mrs Regina IP LAU Suk-yeet, GBS, JP

Dr Hon Samson TAM Wai-ho, JP

Members of the Panel on Environmental Affairs

Hon CHAN Hak-kan (Deputy Chairman)

Hon Andrew CHENG Kar-foo

Hon Jeffrey LAM Kin-fung, SBS, JP

* Also members of the Panel on Environmental Affairs

Public officers attending : **For item II**

Environment Bureau / Environmental Protection
Department

Mr Edward YAU

Secretary for the Environment

Ms Anissa WONG, JP

Permanent Secretary for the Environment/Director of
Environmental Protection

Mr Albert LAM

Deputy Director of Environmental Protection (2)

Mr TANG Kin Fai

Assistant Director (Environmental Compliance) of
Environmental Protection

Development Bureau

Mrs Carrie LAM, JP
Secretary for Development

Agriculture, Fisheries and Conservation Department

Mr Alan WONG, JP
Director of Agriculture, Fisheries and Conservation

Mr Joseph SHAM
Assistant Director (Country & Marine Parks) of
Agriculture, Fisheries and Conservation

Planning Department

Mr Jimmy LEUNG, JP
Director of Planning

Mr Ivan CHUNG
Acting District Planning Officer (Sai Kung & Islands)

Lands Department

Ms Regina WU
District Lands Officer (Sai Kung)

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)2

Miss Mandy POON
Legislative Assistant (1)4

Action

I. Election of Chairman

As Mr LAU Wong-fat, Chairman of Panel on Development, was out of town, Ms Audrey EU, Chairman of Panel on Environmental Affairs, took over the chair for the joint meeting.

II. Compatibility of the existing land and development control with environmental protection with particular reference to the Sai Wan case

(LC Paper No. CB(1) 2656/09-10(01) — Paper provided by the Administration)

2. The Secretary for Environment (SEN) explained the Government's policy in protecting country parks. In designating country parks, it had been the Government's policy to allow pre-existing private lots and human settlements inside or adjacent to country park boundaries to continue to blend in well with the country park environment, and to ensure that the traditional rights of the villagers would not be affected. Hence, private land was usually left outside the country park boundaries except where the private landowners did not raise objection to the incorporation of their land as part of the country parks. Sites of private land excluded from the country park boundaries became "country park enclaves" as they were surrounded by or adjacent to the country parks. Many of these country park enclaves comprised both private and Government land. Development of these country park enclaves was subject to the terms and conditions of the land lease, and if available, outline zoning plans (OZPs) under the Town Planning Ordinance (Cap. 131) (TPO). Sai Wan was an enclave of the Sai Kung East Country Park (SKECP). Following complaints about the suspected development at Sai Wan, relevant departments had taken actions within their respective purviews. These included warning against unauthorized excavation on the adjoining Government land by the District Lands Office/Sai Kung (DLO/SK) as well as investigation and collection of evidence by the Agriculture, Fisheries, and Conservation Department (AFCD) on the route by which excavators were brought to the site. Given the apparent imminent development pressure at Sai Wan and the fact that the site was not subject to statutory planning control, it was decided that development control should be applied to Sai Wan by way of a Development Permission Area (DPA) plan under TPO. Apart from Sai Wan, the situation of other enclaves would be closely monitored and concerned departments would enhance their alert systems to deter unauthorized developments. However, there was a need to strike a balance between nature conservation and private property rights. The adequacy of the existing protection against incompatible development would be reviewed. As there were different views on how best private sites with nature conservation value should be protected the Administration would like to seek views from members and the public on the subject.

3. The Secretary for Development (SDEV) supplemented that it was practically difficult to take lease enforcement actions against unauthorized developments in country park enclaves, given the remoteness and wide

distribution of these sites. There were also difficulties in identifying the exact boundary of private agricultural land. Notwithstanding, DLO/SK was taking follow-up actions, including investigation on whether any offences had been committed under the Land (Miscellaneous Provisions) Ordinance (Cap.28) having regard to the excavations taken place on the adjoining Government land. SDEV said that the Planning Department (PlanD) had not had a role to play in the Sai Wan incident as the site was not subject to statutory planning control. However, to protect the area, she had directed the Town Planning Board (TPB) to designate Sai Wan as a DPA on 26 July 2010, in accordance with TPO and under the delegated authority of the Chief Executive. After gazettal of the DPA plan, no new development activities, such as building, engineering, and mining or other operations as well as material change of use at the subject site, would be allowed unless with the approval of TPB or permitted as specified in the DPA plan. Unauthorized development would be subject to enforcement actions by the Planning Authority according to the provisions of TPO. During the three-year effective period of the DPA plan, detailed planning studies would be carried out to prepare an OZP to replace the DPA plan. However, even with the preparation of OZP, development would not be completely frozen and some degree of development might be allowed within the sites as in the case of the village houses under the Tai Long Wan OZP. Nevertheless, conservation-related zonings would be set out on the OZP.

4. On the heritage value of the Sai Wan site, SDEV said that according to the Antiquities and Monuments Office (AMO), the Sai Wan area (including the subject site) was a site of some archaeological interest. However, as the relics discovered so far were not of significant heritage value, the value of the site was not sufficient for declaration as a monument under the Antiquities and Monuments Ordinance (Cap. 53). Under the existing heritage protection and monitoring mechanism, which was administrative in nature, development proposals affecting any site of archaeological interest would be sent to AMO for comments. Once alerted, the Commissioner for Heritage and AMO would approach the site owner to learn more about the development plan for the site, assess the possible heritage impact, as well as discuss any necessary measures and options for conserving the heritage value of the site, with reference to the heritage policy adopted in 2007. In the Sai Wan case, AMO had not been alerted by any department of any development proposal submission. Notwithstanding, AMO had issued an advisory letter to the site owner, upon the case being reported in public, reminding him of the need to assess the archaeological value of the subject site in respect of any development proposal.

5. As Chairman of the Subcommittee on Combating Fly-tipping, Mr LEE Wing-tat said that the Subcommittee had expressed grave concern about destruction of conservation value of sites in the New Territories to

facilitate development. The Sai Wan incident was but one of the many cases involving destruction of sites with high conservation value. Given that some 10% of land with high conservation value had not been designated as DPA, he had repeatedly requested PlanD to expedite the process of designation but in vain. He stressed the need for the Administration to take a more proactive approach in protecting sites with high conservation value rather than reacting to complaints. SDEV explained that it was not possible to extend DPA to all land in Hong Kong not subject to statutory control in one go. Priority for planning control would be accorded to sites which were subject to development pressure, or which had been developed in the absence of control, and sites with high conservation value. In addition, a large number of OZPs were under preparation, including the frontier closed area where entry restrictions would be lifted. SEN said that as the Country and Marine Parks Authority, the Director of Agriculture, Fisheries and Conservation (DAFC) had made considerable efforts to protect land with conservation value. Sites would be designated as DPAs as necessary if they were subject to development pressure.

6. Mr James TO questioned SEN's commitment in protecting the environment whose emphasis seemed to focus on striking a balance between development and environmental protection. Given that many lands in the New Territories were owned by major developers, the development of these lands might encroach sites with conservation value. To protect the natural environment and landscape, SEN should endeavour to uphold environmental principles and map out more protective measures, including legislative initiatives, to avoid further damages. He therefore supported the designation of sites with conservation value as DPAs. In reply, SEN considered Mr TO's allegation unfair as the Environment Bureau was fully committed to protecting the natural environment. It had cooperated with the Development Bureau in enforcing control over incompatible development. However, the rights of private land ownership should be respected. The designation of DPA and the subsequent preparation of OZPs would help strike a balance between the needs of nature conservation and protecting the rights of private land owners. There would be more public participation in the planning process. The Permanent Secretary for the Environment (PS(Env)) said that there were over 70 country park enclaves in the areas outside country park boundaries. Some of them were already covered by OZPs and planning control had been applied. The situation of these enclaves was closely monitored and concerned departments would enhance their alert systems to deter unauthorized developments. In view of the increasing development pressure being faced in these enclaves, AFCD, in conjunction with departments concerned, would review the adequacy of existing protection against incompatible development having regard to the circumstances of each of these enclaves. DAFC added that there were 77 country park enclaves under private ownership and most of

them were village areas. Of these, 23 were already covered by respective OZPs whereas the remaining 54 sites were mostly scattered in remote areas such as Sai Kung, Lantau Island, Tolo Harbour and Plover Cove which were not easily accessible. In deciding whether development should be allowed in these enclaves, an important factor to be considered was whether the development would cause substantial reduction in the enjoyment and amenities of the country park. The naturalness of the enclaves, including the biodiversity and natural landscape, would also be taken into account in the assessment. As the Country and Marine Parks Authority, DAFC would work with the Country and Marine Parks Board (CMPB) to explore suitable measures for protecting the enclaves currently not covered by OZPs.

7. Mr LEE Wing-tat was concerned about the remaining country park enclaves which were not currently subject to any protection. While the enclaves were not easily accessible, developers could still find their way through marine transport to deposit loads of construction waste. To protect sites with conservation value, he considered that relevant departments should hold regular quarterly meetings to discuss measures in collaboration with environmental groups. Meanwhile, a priority list of conservation sites together with a timeframe for preparation of respective OZPs should be worked out. Miss Tanya CHAN requested the Administration to provide a list of sites with high conservation value which were under private ownership and not within the boundary of country parks, as well as the timetable for designation of DPA for these sites. DAFC said that designation of DPA for the enclaves would be subject to public consultation. He nevertheless agreed to provide for members' reference a list of country park enclaves together with information on whether these had already been covered by OZPs.

8. Mr KAM Nai-wai enquired whether the Environmental Impact Assessment Ordinance (Cap. 499) (EIAO) would apply to private developments and if not, whether consideration could be given to extending its application to cover developments on private land adjoining country parks, in an attempt to protect the natural environment of the surrounding areas. In this way, owners of country park enclaves would have to apply for Environmental Permits (EP) before carrying out any development or excavation activities. PS(Env) said that EIAO set out the types of works which would require the conduct of environmental impact assessments and application of EP. The proposed extension of the coverage of EIAO to all works in areas outside country parks would require amendments to the existing EIAO and the implications would need to be assessed. SEN added that DAFC was authorized under the Country Parks Ordinance (Cap. 208) (CPO) to take enforcement actions against any unauthorized works carried out within country parks. CPO however would not be applicable to any land outside country parks.

Conservation and planning policies

9. While supporting nature conservation, Professor Patrick LAU stressed the need for TPB to take into account land ownership in land planning. He held the view that the designation of scenic sites would help protect them from destructive activities. Mr Albert CHAN however took a different view. He pointed out that land ownership had indeed been taken into account in the planning of development of many sites. He considered that nature conservation policies should be mapped out to strike a balance between development and environmental protection. To resolve possible disputes over development rights, landowners affected by planning control should be given the option to sell their land to the Government for conservation purposes. Since developers were keen in developing rural areas, Mr James TO agreed that the Administration should work out the necessary policies and guidelines to protect the natural environment for the enjoyment of the people. Mr Alan LEONG echoed that planning control was of vital importance in the development of Hong Kong. Any deficiency in planning would have serious consequences. As planning control should meet the aspirations of Hong Kong people, there should be public participation in the formulation of land planning policies. Publicity efforts should also be stepped up to promote public awareness on the need to protect sites with conservation value.

10. In response, SDEV said that Government policies, including land use planning, were meant to protect public interest, and that there had all along been information sharing to facilitate the monitoring of implementation of Government policies by the public. Efforts would be made to protect and conserve the natural environment to meet public aspirations. However, land ownership was a sensitive issue in land use planning. She explained that it would not be publicly defensible for statutory land use planning to be determined by individual land ownership. As regards the proposed compensatory mechanism for diminished development due to conservation needs, SDEV said that the Lands Resumption Ordinance (Cap. 124) had provided for resumption of land for a public purpose. However, there was question on whether nature conservation would be justified as a public purpose. The Director of Planning (D of Plan) supplemented that in the plan-making process, PlanD would consult relevant departments regarding the conservation value of the sites. Different zonings would apply in different areas for better protection of the natural landscape and ecology. However, development would not be completely frozen in these areas but would be subject to planning control. SEN said that apart from reviewing the feasibility of extending CPO to the country park enclaves, the Administration would consider the feasibility of designating these enclaves as DPAs.

11. Mr CHEUNG Hok-ming said that the Sai Wan incident had demonstrated the conflict between development and environmental protection. While he did not know the owner of the Sai Wan site, he was representing indigenous villagers and landowners in pursuing their rights. Landowners should have the rights to seek compensation if development of their land was frozen. He pointed out that some indigenous villagers faced financial difficulty because they were landowners and not eligible to any form of welfare assistance, albeit they had lost their right of development of their land due to conservation. Besides, there was no consultation on planning control in 1990s, particularly in respect of the designation of green belts and country parks etc. Some of the sites with high conservation value, such as the Sai Wan site in question, were not included in the planning control. Hence, the owner of the Sai Wan site was regarded as the culprit for destroying the ecological value of the site and was barred from further development since the designation of the subject site as a DPA. He held the view that the Administration should be fair to landowners and strike a balance between development and environmental protection. He suggested that a fund should be set up to compensate owners who lost the rights to develop their land due to conservation. Other measures, including land resumption, land exchange, and transfer of plot ratio etc, should be considered to compensate landowners. He was disappointed that the Administration had repeatedly declined to discuss the subject. SDEV said that the designation of country parks was a conscious decision made to protect the natural environment. In designating country parks, the Government had all along noted that there were pre-existing private lots and human settlements inside or adjacent to the proposed country parks boundaries. Human settlements could continue to blend in well with the country park environment, and the traditional rights of villagers should not be adversely affected in the designation of country parks. SEN added that funding had been provided to undertake management agreements for protecting the priority sites for enhanced conservation. Nevertheless, he agreed to consider the need to provide incentives to facilitate private owners to make use of their land for conservation activities.

12. Mr CHEUNG Hok-ming expressed concern about the lack of progress in respect of the 12 priority sites for enhanced conservation. So far, only two pilot management agreements were undertaken at Fung Yuen and Long Valley. SEN said that incentives were required to encourage public-private partnership in developing the priority sites for enhanced conservation. However, the options of land resumption and land exchange would have significant resource implications. Management agreements were being carried out for two priority sites and continuous efforts were being made to protect sites with high conservation value. The Chairman said that the subject would be further followed up by the Panel on Environmental Affairs.

13. Miss Tanya CHAN said that she had recently visited Mui Tsz Lam and Mau Ping, being one of the priority sites for enhanced conservation. While part of Mui Tsz Lam was covered by OZP, no planning control had been imposed for Mau Ping. Nor any conservation measures had been contemplated to protect these sites of high conservation value. She requested that a list of sites with high conservation value should be provided to facilitate public monitoring, and that a watch list should be worked out by the District Land Office to monitor the land transaction of ecologically sensitive areas and their subsequent development. There was also a need to review the nature conservation policy, country parks policy, rural planning policy, and small house policy etc. SDEV said that she had tried to review the small house policy ever since she first took up the post but later found that the policy was far too complex. Therefore, she was not certain whether the issue could be resolved within her tenure of office. As regards rural planning, SDEV said that control would be applied where necessary if there was development pressure or there was a need for protecting sites with conservation value. SEN added that DAFC would work closely with the CMPB on the protection of sites with high ecological value.

14. Given that many problems associated with the small house policy could be resolved with the designation of more rural areas as DPAs, Mr Albert CHAN stressed the need for early designation and a timeframe to be worked out for completion of the statutory planning for all areas in Hong Kong. To strike a balance between development and environmental protection, he supported Mr CHEUNG Hok-ming's suggestion of setting up a fund to compensate landowners who had given up the rights for development of their land for nature conservation. He pointed out that the measures to protect nature conservation would not be effective without the needed compensatory mechanism. A land resumption mechanism similar to that of the Urban Renewal Authority should apply to rural areas. This could also help to resolve landowners' objection against conservation. SDEV said that the Administration had been progressing with the designation of DPA for areas with development pressure, such as Sham Chung and Tai O Fringe. As the authority on land, the Development Bureau would endeavour to ensure that the control on land was compatible with the nature conservation policies. Drawing reference to the heritage conservation policy, she opined that a compensatory mechanism for private owners might take the form of economic incentives involving land exchange or transfer of plot ratio.

15. Ms Miriam LAU said that the Sai Wan incident had reflected the conflict between public aspiration on nature conservation and landowners' rights for development. While the general public was concerned about the irreparable damages to the natural environment resulting from development, landowners

were concerned about the loss of their development rights. Owners who lost their rights of development would tend to destroy the conservation value of the land, leading to much controversy. Hence, a more effective nature conservation policy should be worked out. The Administration should provide a list of the scenic sites where natural landscape should be protected. Development of these sites should be allowed subject to planning control. There should be greater transparency so that landowners would be made fully aware of what could be done and what could not be done. Consideration could be given to reinstating the practice adopted in the 1970s whereby land exchange in the form of "Letter B" would be provided to landowners who lost their development rights due to conservation needs. Other compensatory measures, such as transfer of plot ratio, could also be considered. SEN agreed to the need to strike a balance between nature conservation and protection of private ownership rights. He said that the existing environmental and planning legislation had provided for protection of natural landscape. Developers were well aware of their rights of development. Through the statutory planning process, there would be public participation in the planning of DPA sites.

16. Ms Cyd HO held the view that the Government should buy out sites with conservation value as otherwise these would be acquired by developers who were keen to develop the sites. Some landowners and indigenous villagers were cooperating with developers in developing some of the rural sites. She enquired about the role of CMPB in protecting conservation sites, its membership and the number of meetings held per year. DAFC said that considerable manpower resources were required in patrolling the country parks which covered some 43% of the land areas in Hong Kong. The membership of CMPB comprised academics, environmentalists and representatives of interested groups. CMPB held regular meetings to discuss the conservation and management of country and marine parks and these meetings were open to the public. The next meeting of CMPB would be held on 21 September 2010. There had been often discussions on the blending of nature and mankind as well as the compatibility of human settlement with nature conservation. Other regular discussion items included protection of rare and endangered species. As regards preservation of natural scenery, DAFC said that this could be subjective in nature as there were different perceptions on what should be preserved.

The Sai Wan incident

17. Mr TAM Yiu-chung noted that there were many complaints from trail walkers regarding the destruction of natural environment at the Sai Wan site. He was aware that some owners of agricultural land had circumvented the law by building underground structures such as columbarium for storage of urns for

cremated remains. He therefore concurred with other members on the need for a mechanism to protect sites with conservation value, including the setting up of a compensatory fund and the provision of land exchanges. He also enquired if the owner of the Sai Wan site could be required to restore the original landscape. SEN said that developments on agricultural land were not normally allowed unless with prior Government approval and incentives to landowners would need to be carefully considered. More discussion would need to be held on the protection of sites with high ecological value using public funds. Besides, there were other more effective conservation measures, such as public-private partnership and management agreements, which could be adopted in protecting sites with conservation value. It was worth noting that existing land uses compatible with nature conservation should be allowed in conservation sites in line with the principle of designation of DPAs. The District Lands Officer (Sai Kung) (DLO/SK) added that as there were excavation signs on the adjoining Government land measuring about 5 535 square metres, the District Land Office was seeking advice from the Department of Justice on whether legal proceedings could be taken under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) based on the available evidence. If the owner was found guilty, the Administration could apply to court to recover the costs of reinstatement of the Government land from him. On restoration of the landscape of private land, D of Plan said that the planning control under DPA did not apply to existing uses and thus PlanD was not empowered to require owners to restore the private land. Notwithstanding the constraint, PS(Env) said that the Environmental Protection Department would send a letter to the owner of the subject site expressing concerns on the situation and requesting restoration of the site.

18. Dr LEUNG Ka-lau expressed concern about the scale of development at the subject site which was visible from satellite maps. He enquired if there was a monitoring mechanism on the destructive activities in country parks and if so, whether AFCD was aware of the development at the subject site prior to the media reports and if not, whether consideration would be given to using satellite which was a very useful and cost-effective means in monitoring large-scale areas and had been commonly used in the commercial sector. DAFC said that AFCD was aware of the excavating activities at the subject site since early June 2010 and had reported the situation to DLO/SK. Follow-up actions had since been taken by relevant departments. As regards monitoring mechanism, DAFC said that AFCD staff would patrol the country parks on a regular basis and hikers would also assist in monitoring the situation. Hence, the use of satellites might not be necessary for such monitoring purpose. He added that the subject site was not a part of the country parks and thus not subject to control under CPO. SEN added that there was inter-departmental cooperation in protecting the natural environment.

19. While appreciating the Administration's expeditious efforts in designating the Sai Wan site as a DPA, Mr WONG Kwok-hing was concerned that owner of the site might continue with the construction during the interim pending the gazettal of DPA, in an attempt to demonstrate that the ongoing works were part of the existing use of the site. To avoid trespassing country park areas, the owner might even try to deliver the construction materials by helicopters. He asked if actions would be taken by the Administration to guard against unauthorized developments within country parks and their enclaves, and whether a list of such enclaves could be provided for members' reference. SDEV said that under normal circumstances, designation of DPAs would not be publicized before gazettal lest owners would try to undertake development activities and establish them as existing uses, thereby circumventing the planning control. The Sai Wan incident was an exceptional case in view of the increased public concern. Following the gazettal of the DPA plan, excavation and construction would not be allowed on the site unless specified otherwise on the plan. The situation would be closely monitored and concerned departments would enhance their alert systems to deter unauthorized developments. SEN said that at present, 43% of the land in Hong Kong was within country parks. The Administration would endeavour to protect sites with nature conservation value through CPO. Designation of DPA would be considered for sites which were subject to development pressure.

20. Professor Patrick LAU concurred that the designation of Sai Wan site as a DPA was unprecedented on account of its special circumstances and should not be exercised frequently. SDEV clarified that putting land under OZP control and designation of DPA as needed was a policy. However, as planning would take time, priority would be accorded to those sites with high conservation value which were subject to high development pressure. This had explained why 23 out of 77 country park enclaves had been covered by respective OZPs.

21. Ms Cyd HO considered it necessary to find out the means through which the three excavators and machinery were brought to the subject site. She questioned the role of DAFC as the Country and Marine Parks Authority in regulating the use of excavators in country park enclaves as this would involve the trespassing of country parks. She also requested AFCD to provide a hotline so that the public could report on destructive activities occurring within country parks. DAFC said that AFCD patrolling staff had found three excavators and some machinery on the subject site in early June 2010. While the subject site was outside the boundary of SKECP, the Country Parks and Special Areas Regulations (the Regulations) prohibited the entry without permit of any vehicle into the subject site via SKECP. AFCD was conducting an investigation and collecting evidence on the route by which the excavators were brought onto the

site. Prosecution action would be taken if sufficient evidence was obtained. The contractor concerned had been warned that permission from AFCD under the Regulations was required to transport the excavators or machinery out of the subject site via SKECP. DAFC added that the hotline number 1823 had been used to facilitate the public in reporting incidents affecting country parks. In response to Ms HO's further question on legitimacy of a helipad at the subject site, DLO/SK said that the helipad was situated on Government land and had been used by the Government Flying Service for a long time.

22. Miss Tanya CHAN enquired whether AMO would further assess the heritage value of the Sai Wan site. SDEV said that the relics discovered at the subject site so far were not of significant heritage value. As such, the value of the site was not sufficient for declaration as a monument under the Antiquities and Monuments Ordinance. Notwithstanding, the subject site had been placed under the alert system.

Way forward

23. In concluding, the Chairman said that she would liaise with Mr LAU Wong-fat, Chairman of the Panel on Development, on the need for further Admin meetings to discuss the subject. She also requested the Administration to provide a list of country park enclaves and the measures to protect the 54 enclaves which were not covered by OZP. DAFC said that CMPB would need to be consulted on the means to protect the enclaves.

(Post-meeting note: The required information was circulated to members vide LC Paper No. CB(1) 2721/09-10(01) on 11 August 2010.)

III. Any other business

24. There being no other business, the meeting ended at 10:50 am.