

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 9 December 2010

**The Council continued to meet at
half-past Two o'clock**

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.S., S.B.ST.J.,
J.P.

THE HONOURABLE FRED LI WAH-MING, S.B.S., J.P.

DR THE HONOURABLE MARGARET NG

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, G.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, S.B.S., J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, S.B.S., J.P.

THE HONOURABLE LI FUNG-YING, S.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

DR THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE CHEUNG HOK-MING, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, B.B.S., J.P.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CHIM PUI-CHUNG

PROF THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

DR THE HONOURABLE LAM TAI-FAI, B.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.

THE HONOURABLE CHAN KIN-POR, J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

THE HONOURABLE WONG KWOK-KIN, B.B.S.

THE HONOURABLE IP WAI-MING, M.H.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

DR THE HONOURABLE SAMSON TAM WAI-HO, J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

MEMBERS ABSENT:

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.M., G.B.S., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE TIMOTHY FOK TSUN-TING, G.B.S., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE STARRY LEE WAI-KING, J.P.

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN

THE HONOURABLE LEUNG KWOK-HUNG

PUBLIC OFFICER ATTENDING:

DR KITTY POON KIT, J.P.

SECRETARY FOR THE ENVIRONMENT

CLERK IN ATTENDANCE:

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

PRESIDENT (in Cantonese): The Council now resumes and continues with the debate on "Air Pollution and Public Health". Does any Member wish to speak?

MEMBERS' MOTIONS

AIR POLLUTION AND PUBLIC HEALTH

Continuation of debate on motion which was moved on 8 December 2010

MR CHAN KIN-POR (in Cantonese): President, air pollution in Hong Kong has continued. In recent years, the various social sectors have come to realize the gravity of the problem, and the Government has striven to improve air quality. However, it is regrettable that rather than seeing any alleviation of the pollution problem, we have seen a trend of deterioration.

Although there is not yet any completely objective evidence to prove that air pollution has directly caused many deaths and incidence of diseases in Hong Kong, it is already an incontestable fact that air pollution and public health are definitely related. Regardless of how many people have died as a result of air pollution, society as a whole should still spare no efforts in combating air pollution and striving to protect nature.

At the end of last year, the Environmental Protection Department (EPD) completed the consultation exercise on Air Quality Objectives (AQOs). As a member of the Panel on Environmental Affairs, I also took part in the relevant discussions. Members of the Panel all agreed that the most stringent standards of the World Health Organization's air quality guidelines must be attained, but there were indeed some arguments over whether such standards should be attained immediately or in stages, I think that rather than setting up a regime marked by high standards but a low rate of attainment, it is better to formulate a proactive and feasible time frame, one which compels the Government to finalize and implement the specific details of our AQOs in phases. Members should know only too well that when it comes to the source of air pollution in Hong Kong, besides local emissions, we are, to a very large extent, also affected by air pollution in the whole region, that is, the Pearl River Delta (PRD) Region. Actually, Hong Kong's volume of pollutant emissions accounts only for 1% to 15% of the total emission in the PRD Region. For this reason, it is believed that

even if Hong Kong immediately adopts the most stringent standards, it will not be possible to attain such standards in the short run, and doing so will be of no practical use.

I hold that the Government's policy of improving air quality should cover the control of pollutant emissions at source and proper energy demand management. In respect of controlling pollutant emissions at source, I agree in principle to the various proposals contained in the original motion and amendments, especially the proposal that the Government should invest more resources in tackling the pollution caused by various means of transport. The Government has ceased the scheme of replacing Pre-Euro and Euro I diesel vehicles, but at present, more than 20 000 highly polluting diesel vehicles still run on the roads. I hope that the Government can expeditiously roll out a subsidy scheme especially for Pre-Euro and Euro I vehicles, and the scheme should include the provision of subsidy to compensate owners of written-off vehicles. Another point is that the Government is presently assisting the bus companies in conducting tests on operating environmentally-friendly hybrid buses and a trial of retrofitting Euro II and III buses with catalytic reduction devices to reduce nitrogen oxides emissions. I hope that if the trial schemes are successful, the Government can take further steps to urge the bus companies to implement the relevant proposals.

As for energy demand management, that is, the adoption of more efficient means to encourage people to conserve energy, the Government should adopt a greater number of measures, including updating the Building Energy Codes (BECs) to bring all buildings under the ambit of the BECs, as well as the inclusion of more prescribed electrical appliances under the Mandatory Energy Efficiency Labelling Scheme, and so on.

Actually, the most important task is to encourage members of the public to conserve energy. I think there is some degree of difficulty in making members of the public and organizations conserve energy voluntarily. For this reason, the Government should introduce some effective means to provide incentives for the public, such as the implementation of a reward and penalty system which offers tariffs subsidy to households with low electricity consumption and imposes a punitive levy on those with high electricity consumption. This is of course one of the examples only. I believe the Government must conduct thorough studies to determine whether this idea is really practicable. But what I wish to point out

is that if we can pay attention to some details in our daily life, we will be able to help reduce air pollution.

What is more, if we read the consultation document on AQOs once again, we will notice that at that time, the Government still proposed an increase from the present 28% to 50% for the proportion of natural gas in the fuel mix for power generation, and there was no mention of expanding the proportion of nuclear power generation. However, in the consultation document entitled *Hong Kong's Climate Change Strategy and Action Agenda*, the Government has put forward the proposal of reducing the proportion of natural gas of the overall fuel mix to 40%. At the same time, an increase from 23% to 50% for nuclear power generation is proposed. But there was no prior public consultation. I maintain that unless the Government can dispel people's worries about nuclear power, it should not hastily put forward any plan to expand the use of nuclear power. Rather, it should continue to explore the idea of expanding the use of natural gas and renewable energy as the main fuels of power generation in Hong Kong.

President, I so submit.

MS LI FUNG-YING (in Cantonese): President, we are once again debating air pollution and public health today. We can see that in relation to this broad topic, a whole series of proposals are put forward in the original motion and the amendments. One of the many proposals relates to the suspension of school and outdoor work when the Air Pollution Index (API) reaches the "extremely severe" level. I support this proposal totally. As a matter of fact, in the motion entitled "Protecting the safety and health of employees at work in inclement weather" that I moved in May this year, air pollution was precisely one of the issues mentioned.

The original motion mentions that in respect of the situation where the API reaches the "extremely severe" level, specific guidelines should be formulated including implementation of measures to suspend schools and arrange for workers who need to work outdoors for long hours to suspend work, so as to protect the health of school children and the socially disadvantaged, such as people with chronic illness, the elderly and workers working outdoors, in situations where the pollution is serious. At present, the Environment Protection Department (EPD) already has in place an air pollution advice system for the public. Such advice can actually form the basis of the guidelines. According

to the advice of the EPD, when the Roadside API is "Very High", persons with existing heart or respiratory illnesses should avoid prolonged stay in areas with heavy traffic; when the Roadside API is "Severe", the general public should avoid prolonged stay in areas with heavy traffic. During the motion debate in May this year, I already requested the application of such principles to all employees having to work outdoors. I said that when the Roadside API remained "Very High" for prolonged periods, employers must permit employees with heart or respiratory illnesses who must work outdoors to take an additional half-hour rest for every three hours of work; when the Roadside API remained "Severe" for prolonged periods, employers must permit all employees who must work outdoors to take an additional half-hour rest for every three hours of work.

President, my proposal is frankly most humble, so humble that it even defies the common knowledge that when the API is high, people should not work outdoors. The EPD advises the general public against prolonged stay in places where air pollution is high. When even staying in such places is inadvisable, we can easily imagine that it will be even more inadvisable to work outdoors in these places. My proposal does not ask for the immediate suspension of outdoor work when the API is high. It only asks for an additional 30 minutes of rest for employees who need to work outdoors. However, even such a humble request is not accepted by the Government.

The public officer responsible for responding to the motion on behalf of the Government today is the Secretary for the Environment. The Secretary for the Environment is very concerned about the impacts of air pollution on public health. We can therefore see that although summer in Hong Kong is very long, humid, sultry and rainy, the Administration has still insisted on introducing the Motor Vehicle Idling (Fixed Penalty) Bill (the Bill). However, when it comes to outdoor employees whose health is similarly affected by high APIs, what kind of attitude does the Government of the Special Administrative Region (SAR) adopt? In reply to my motion in May, the Secretary for Labour and Welfare said that the health impacts of air quality would vary from person to person, and he also maintained that since the circumstances of various industries, occupations and workplaces were not the same, it would be difficult to make any decision on suspending outdoor work solely on the basis of air pollution levels. I am not supposed to debate the Bill with the Secretary on this present occasion. But I must point out that the justifications advanced by the Secretary for Labour and Welfare for refraining from protecting the health of outdoor employees in times

of high APIs are also completely applicable in the case of the Bill. But the plain truth is that the SAR Government has chosen to apply double standards and handle the relationship between air pollution and public health on a selective basis. An incontestable fact is that providing outdoor employees with an additional half-hour rest will involve the interests of employers and large corporations, and banning idling vehicles with running engines will mainly affect front-line professional drivers only.

President, the SAR Government should adopt measures to reduce air pollution and protect public health. On this motion today, Members have put forward many proposals. But are we supposed to wait until all the measures on improving air quality yield the desired results before we proceed to improve public health? And, in the meantime, are we supposed to totally ignore the health of employees having to work in outdoor places with air pollution? And, is the Government supposed to shirk its responsibility on the excuse of employer-employee consultation? I think such an environmental protection policy is gravely erroneous.

MR WONG KWOK-HING (in Cantonese): President, air pollution and road traffic are closely related. As Members all know, the exhaust fumes and various types of suspended particulates emitted by vehicles all produce huge impacts on the human body. Unfortunately, however, the Government has not adopted any inter-departmental approach to tackle the related problems. This is especially the case with the development of transport networks for the future, where the respective authorities responsible for lands, buildings, transport and the environment all attend to their own business without any co-ordination. Therefore, it is certain that the Government does not have any long-term planning.

I should perhaps cite several concrete cases. For example, the Government now has plans to develop the river loop zone and launch a large-scale development project in Hung Shui Kiu, and the Kai Tak Development Project has also been formulated. In the foreseeable future, there will be new urban planning. But has the Government ever considered the promotion of environmentalism in these new development areas? We have visited the current World Expo. There, we saw the operation of electric buses, supported by well-developed on-street charging facilities. All this requires sound prior planning. However, we fail to see any government blueprints for the urban

planning of these new development areas. The EPD has never put forward any proposals in this regard. The Secretary is present today, so I hope that when she replies to us later on, she can tell us whether the authorities have considered the adoption of electric buses with adequate charging facilities or other transport means that causes less pollution on the roads in new development areas, such as the river loop zone, the Kai Tak development area and Hung Shui Kiu? If she is going to turn in a blank answer sheet, then she must not blame all those "squids" (that is, vehicles emitting black smoke) running on the roads now. She must instead blame herself for failing to formulate any plans to reduce the number of "squids".

Let us also look at the situation in the old districts. Despite all the development constraints in the old districts, the public and various green groups have still put forward many good suggestions. However, I simply fail to see any government attempts to provide ancillary facilities for new road development in the old districts. President, we need not look at places far away. Let me just talk about Hong Kong Island. As we all know, trams on Hong Kong Island have a history of more than 100 years. All along, they have been operating along the original alignment. But we now have a rare opportunity of road expansion on the northern shore of Hong Kong Island. Has the Government ever considered or tried to consider the introduction of trolley buses? If this is possible, it will of course be fine. But if this is not, will it consider the provision of a non-polluting transport system to tie in with the operation of trams along northern Hong Kong Island? We have not observed any government intention in this regard either. Along the northern shore of Hong Kong Island, many new roads will be completed one after another. But we simply cannot see any such considerations by the Government.

President, I also wish to point out that when dealing with the positive opinions put forward by some transport organizations, the various government departments still show no co-ordination. They do not adopt any open attitude, and they have time and again flatly rejected such opinions without consulting the Legislative Council. One recent example is the proposal put forward to the Government by green minibus operators and their trade associations on increasing the number of seats on each green minibus by four. By doing so, they can avoid fare increases for three years on the one hand and replace their vehicles by Euro V minibuses on the other. In contrast to Euro IV minibuses, Euro V minibuses emit far fewer suspended particulates and less nitrogen oxides. It is

wonderful that trade associations are willing to so. The Government has caught a deer. No, the deer has actually offered itself; it has not been caught. But it is a pity that the Transport Department (TD) has turned down their proposal by citing statistics that there is still spare capacity on green minibuses during peak periods. Should the authorities do so? Why could the EPD and TD not hold discussions together? Why did they not adopt an open attitude? Why did they flatly turn down the proposal without consulting the Legislative Council?

Between January and November this year, the TD already approved the fare rises of 39 green minibus routes, and the increases range from \$0.1 to \$0.6. At present, the TD is still examining the fare rise applications of 109 green minibus routes. Such fare increases will have very great impacts on people's livelihood. The deer has offered itself, but the Government has refused the offer. This is indeed very bureaucratic. Secretary, are you aware of this incident? I really do not know whether she is aware of it. If the authorities are aware of it, have they conducted any discussions and expressed any concern? President, through this opportunity today, I wish to ask the Environment Bureau whether the various government departments are really minding their own business and shifting responsibility to one another, with the result that environmental problems cannot be properly resolved.

I hope to hear the Secretary's response later on. Thank you, President.

MR ALBERT CHAN (in Cantonese): President, this present discussion on air pollution and public health of course cannot compare with the heated debate on fatal drink driving yesterday. However, practically speaking, the impacts of air pollution on the human body are much greater, especially when it comes to the number of deaths caused by air pollution. Air pollution causes insidious poisoning. The Government has been discussing this problem, but it has been all thunder but no rain. Over the years, the Government has failed to implement or carry through many measures, nor has it shown any sincerity in this regard.

Many Members have already discussed the impacts of air pollution on the human body and various related issues. President, I am going to focus on two issues only. First, I have had discussions with the Secretary, the Under Secretary and various government officials for many years, requesting the

Government to adopt electric vehicles. In the mid-1990s, the Hongkong Electric Company Limited already started to experiment the adoption of electric vehicles on Lamma Island. But the overall development of electric vehicles over all these years suggests that there has been no satisfactory result in terms of technological development and mass production. And, the Government has also used this as an excuse for not taking this policy fully forward.

However, recently, many new technologies and products have emerged, including a product designed by The Hong Kong Polytechnic University which is already available in the market. This proves that the adoption of electric vehicles in Hong Kong is feasible, and that the Government may even take the lead. I have stressed and described repeatedly that the trips travelled by government vehicles in Hong Kong are usually short, so a fully charged vehicle will definitely be able to finish a designated trip. What is more, car parks are found in many places in Hong Kong, so charging facilities can be installed in car parks, and the Government can thus adopt electric vehicles in many different places.

The Government can in fact make a decision immediately. It can implement the whole thing and draw up comprehensive planning immediately for the next five or 10 years. The Secretary can take the lead and set an example to prove to Hong Kong and the world that the Hong Kong Government is capable of taking the lead in this respect. This is something that can be done easily, something that can show the Hong Kong Government's sincerity and build a good reputation for it in the international community. I have thought about this matter over and over again, but I cannot understand all the same why the Government has, up to this moment, still failed to show clearly, directly and unequivocally its determination to take this policy forward. If it cannot even get this done, it will only expose its incompetence, hypocrisy and bureaucratic red tape. Therefore, I hope that the Secretary can respond clearly to my aspiration. I have actually discussed the related problems with the Secretary and Under Secretary for many times, and the relevant committee has also discussed them repeatedly. It seems that I have become very much like "Eunuch LAM", a human tape-recorder.

President, the second issue I wish to discuss is the pollution caused by aviation flights. This is an issue that has received scant attention. In 2004, I already raised this issue in the Legislative Council, questioning whether the fuels used by the planes landing in and taking off from the Chek Lap Lok Airport had

caused any pollution that affected the atmosphere and the health of nearby residents. Many people are not quite clear about the pollution caused by aviation fuels. According to some studies, 11% of the atmospheric pollution is caused by aviation fuels, thus showing the gravity of the problem. And, the pollution caused by a plane landing in the Chek Lap Kok Airport is equivalent to that caused by a 6 400 km journey of a car. Such a distance is equal to three or four round trips to Beijing by car. Every day, at intervals of one minute or so, there is a flight departure or landing, so the gravity of the air pollution caused by aviation flights can easily be imagined. Flight emissions include carbon dioxide, carbon monoxide, sulphur dioxide and ozone. Such emissions may cause respiratory diseases and damage the lungs, and they may even be carcinogenic. But the Government has paid little attention to the problem.

In 2009, Greenopia published a rating list of 10 eco-friendly airlines. On the top of the list is Virgin America, and among the rest is Continental Airlines. But I notice that these airlines are not frequent users of the Chek Lap Kok Airport. This proves that Hong Kong is extremely backward when it comes to the promotion of environmentalism and reduction of aviation flight pollution. I therefore hope that while discussing vehicle and industrial pollution, the Government will not ignore the pollution caused by aviation fuels because these fuels are the biggest cause of air pollution in Hong Kong.

I think that Ms Audrey EU as the Deputy Chairman of the Panel on Environmental Affairs should call a special meeting on this problem, so as to arouse public concern, especially the concern of Tung Chung residents, who are frequently affected by air pollution. In Hong Kong, Tung Chung is the place where air pollution is the most serious. This has something to do with the pollution caused by aviation flights. It is hoped that the Government can squarely address the problem. The Secretary may give a reply regarding this allegation and other related concerns.

MISS TANYA CHAN (in Cantonese): President, Mr Albert CHAN has just talked about sincerity. We have recently seen that one Secretary is indeed full of "sincerity". He is Secretary TSANG Tak-sing. He is very "sincere" in marketing the bid to host the Asian Games. His "sincerity" is felt practically everywhere, especially in the consultation document. As Members all know, the

consultation on whether we should bid to host the Asian Games ended on 1 December. But in less than a week, or five days precisely, he already managed to draw a conclusion based on the consultation findings and make an announcement. As for the question of whether the conclusion is fair, Members can all see for themselves. What was even more "impressive" was that in less than 10 days, he could already report to the Legislative Council. If our young people are at all interested, they must all come here at 8.30 am tomorrow. Why? Because the Secretary claims that primary and secondary students support the bid to host the 2023 Asian Games most strongly

PRESIDENT (in Cantonese): Miss CHAN, our debate is on air quality.

MISS TANYA CHAN (in Cantonese): Right. We will move on to sincerity in a moment. I have just mentioned the report, that is, the consultation. Members will remember that last year, that is, in 2009, the Government conducted a consultation exercise on air quality. But for reasons unknown, the findings of that consultation have yet to be announced.

I have talked about Mr Albert CHAN's reference to sincerity. But can sincerity always ensure success? I dare not give any guarantee here. But if there is no sincerity, I believe even the Government itself and also members of the public will think that the Government has let down the public, and the public will also be very disappointed. The consultation on Air Quality Objectives (AQOs) already ended on 30 November 2009. Students, medical doctors, Members and ordinary members of the public, especially parents, all have many views on air quality. But for reasons unknown, after the passage of one whole year, nothing has been heard. We naturally very much hope that air quality can be improved, at least to levels close to international standards. If Members have paid any attention to the issue, they will know that our AQOs are really very backward. President, today, we are still using a product made 23 years ago. Hong Kong is an advanced city, and we have been talking about catching up with the United States and overtaking the United Kingdom. But day in, day out, we exceed the AQOs, and the AQOs are very old ones.

As Members are aware, 2010, that is, this year, is the year in the recent five years with the largest number of days when APIs exceeding the AQOs were recorded by roadside monitoring stations. But this year has not yet come to an end. Just two days ago, Members could notice that the API recorded by roadside monitoring stations again exceeded the AQOs. Therefore, I do think that not only the Secretary for the Environment but also Secretary Dr York CHOW should attend the meeting today to listen to our views. To go further, I would say that Secretary Rita LAU should also attend this meeting because air quality will directly affect Hong Kong's competitiveness.

Some Members may have recently heard that a university professor has come with her husband and children to teach in Hong Kong, but she has decided not to stay here because the air quality is very poor. She has even asked Members what efforts they have made in this regard. In response, we can only tell the public that we have actually been fighting hard. But the most important thing is that the SAR Government must show its determination and enterprise.

Speaking of air quality, I think that both young people and some "sojourners", that is, visitors to Hong Kong, will certainly know how our air quality is like when they take a walk in the streets of Causeway Bay. I wish to tell Members a little story about my personal experience. In 2007, when I ran in the District Council Election, I once stood on a sloping road for canvassing. The road was climbing uphill, and the vehicles that used the road were commercial vans, buses and minibuses. A reporter happened to come along, and he took a photograph of me. It was daytime, but after taking the photograph, he said to me that the photograph was very eerie. I asked him, "It is broad daylight. How come you've taken an eerie picture?" It turned out that when he took the photograph, there was a cluster of black smoke beside my legs. There was of course nothing spooky. It just so happened that a vehicle driving past me at that time emitted some black smoke and the smoke clustered around my legs. This accounted for the "eerie" picture. This story tells us that there is still much the Government must do and can do. For example, as mentioned just now, it can encourage the replacement of commercial vehicle engines by more environmentally-friendly ones, so as to upgrade the quality of vehicles. I hope that the Government can expeditiously adopt measures to phase out commercial vans that are not environmentally-friendly.

Our party leader yesterday asked whether consideration could be given to imposing penalties in addition to offering incentives. Naturally, the Government should first offer incentives. If people still do not replace their vehicles, measures such as licence fee increases may then be considered. Regarding buses, our party leader also mentioned catalytic reduction devices yesterday. In this connection, if catalytic reduction devices are installed on old buses just two years before their replacement, for example, it would just be a waste of money. I do not think that resources should be used in this way. I hope that the Government can conduct studies expeditiously and monitor the use of resources more prudently, rather than installing catalytic reduction devices on buses that will be replaced soon. This will be a waste of resources and time. In regard to the reorganization of bus routes, I of course know that the Government is making efforts. We hope that it can continue to co-operate closely with the various major political parties and District Councils because, after all, bus routes cut through the boundaries of several District Councils. It may thus be necessary to spend more time on discussions.

Besides, I also wish to say a few words on electric vehicles. President, I do not own any car, and I rely heavily on public transport. I once also wanted to buy an electric car when they became more commonly used. But I was worried whether they could cope with the slopes. But I have recently heard that the performance of such vehicles is superb, and they have no difficulties in running upslope. But I am still worried about charging. At present, only 85 electric vehicles are in use on the roads, far fewer than the projection of 200 vehicles made in the 2009 Policy Address for this financial year. I very much hope that I can become a Member in support of the policy address and the driver of an electric car. However, there must first be more charging facilities and hardware facilities to rid drivers of worries.

I so submit. Thank you, President.

MR WONG YUK-MAN (in Cantonese): President, in 2005, the World Health Organization published the "Air Quality Guidelines on Particulate Matter, Ozone, Nitrogen Dioxide and Sulfur Dioxide". In the Foreword of this document, it is stated, "Clean air is a basic requirement of human health and well-being." The rationale behind this is very simple, all about common sense. The various social sectors have been requesting the Government to affirm the value of clean air and

protect Hong Kong people's health. They have been voicing this aspiration year after year, but so far, as an open and advanced society, we have still failed to achieve this objective.

The contents of the motion today are all about technical issues, including updating the AQOs, reviewing air quality monitoring stations, replacing buses and lorries, installing emission reduction devices, promoting the use of electric vehicles and reorganizing bus routes. All these are technical issues. Technical issues are of course not necessarily simple. In particular, the question of who should bear the costs of environmental policies is extremely thorny. In this kind of debates where everybody simply sticks to his own arguments, it is actually very difficult to reach any constructive conclusions. The Government in particular We can see that the Government We do not want to chide the Government for the sake of chiding it. We may look at our great Chief Executive, Mr Donald TSANG. During the environmental conference in 2006, he advanced a theory on Hong Kong people's longevity. I do not know whether Under Secretary Dr Kitty POON has also heard of what he said. It was all so ridiculous. When there is such a Chief Executive, I really think that If they can give him some help, it will certainly be very good. That way, they can make him "smarter". But he is beyond redemption. What did he say? He said, to this effect, "We must approach the issue from a macro perspective. People's health is ultimately measured in terms of their life span. This is the most important indicator. The life expectancy in Hong Kong is among the highest in the world. In the case of men, the average life expectancy in Hong Kong is 78.8 years. This is the highest in the world, even out-competing Japan. The average life expectancy of women in Hong Kong is 84.4 years, second only to Japan. For instance, if one goes to live in the United States, one's life expectancy will be reduced by four years. If one goes to live in the United Kingdom, one's life expectancy will be reduced by two years. The case with Singapore is similar. Therefore, when people complain about air quality and food impurities, they should note that all is relative." Secretary, have you ever heard such remarks? We now know that we have such a Chief Executive who has such a perception of environmental protection, that air pollution will not affect our health, buddy. Our health is measured by our life expectancy. Since Hong Kong people's average life expectancy is very long, so it is all right to allow pollution to spread all around, right? It is indeed right according to his logic. When superiors favour something Let us not use the word "favour". When the highest leader's perception is so shallow, how can we expect the leaders of the Environment Bureau to really put forward any practicable policies on resolving Hong Kong's environmental problems?

Mr Donald TSANG obviously does not know anything about environmental protection. His remarks may not represent the stance of the Environment Bureau. But the Environmental Bureau is not any better either. In the motion entitled "Improving air quality" and passed on 5 May this year, the Member concerned unequivocally "requests the Administration to make protection of public health its primary policy objective in tackling the problem of air pollution". Isn't this clear enough? This should be the primary policy objective — the protection of public health. The objective of tackling air pollution is the protection of public health. This is very clear, but the Government has not put it into practice.

The Government can of course completely ignore the motions passed by the Legislative Council because such motions are not binding, right? But even though such motions are not binding, two motions are still moved every Wednesday. It is basically meaningless to do so. Very often, for reasons of face saving, the Government will assign some "paparazzi" to do canvassing work here, so as to secure the votes of the "royalists". All is just for face. Even if a motion like this is passed, is there any use? There is no use, right?

Chairman of the Hong Kong Asthma Society, Dr Alfred TAM, is right in saying, to this effect, "AQOs are a vital yardstick for measuring our existing air quality. The present AQOs are far too lax and should be tightened. When even a yardstick for measurement is absent, the Government will have no way to know what measures can achieve 'protection of public health'."

The SAR Government has been unwilling to make this "yardstick" more stringent. In 2007, the Government conducted a review of our AQOs, and it repeatedly said that the yardstick would be made more stringent to protect public health. And, in the 2009-2010 Policy Address, the Government once again avows in black and white that our AQOs will be updated following the consultation exercise. It has been one year since the completion of the consultation. The findings show that there is a clear social consensus on the need for updating the AQOs. But the Environment Bureau has not honoured this undertaking.

The SAR Government likes to blow its own trumpet, always feeling self-satisfied. It often says that the concentration of this or that pollutant has dropped against the level in the previous year. But such so-called improvement

is actually a long way behind others' achievement in truly protecting public health. The Environment Bureau also likes to shirk its responsibility on various excuses, saying things like, "Wind speeds have slowed down after the typhoon, so it is difficult to disperse pollutants. As a result, we cannot see a blue sky." We do not want to hear any more of such absurd and ridiculous "scientific explanation". We want the Government to take concrete steps to honour its undertaking.

Environmental protection of course incurs costs. When the Government wants to take certain actions, it will argue this way, but when it does not want to do anything, it will argue the other way. The governments of Chinese people are especially noted for such behaviour. International image is very important. Therefore, during the Beijing Olympic Games, there was no pollution in the city. Do Members know how much was spent on tackling this problem? After the Olympic Games, the problem has received no further attention, and air pollution persists. This was also the case with the Guangzhou Asian Games. All the money spent on improving air quality was meant for maintaining the city's international image, and afterwards, nothing more has been done. After the Asian Games, the air there continues to be as polluted as before. If anyone does not believe this, he can go to Guangzhou for a look. I have not been to Guangzhou recently, but I can still see the situation there on the Internet. One does not always need to visit the Mainland to know the situation there. "One cannot tell the true appearance of Lu Shan when one is in the mountain", President. Mainland residents' understanding of the Mainland is far shallower than ours. The Government now wants to bid to host the Asian Games. Is it going to be a "green Asian Games"? If we wish to see any temporary and short-term improvements to air quality, we may really need to bid to host the Asian Games. Thank you.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr KAM Nai-wai. You may now reply to the four amendments. You have up to five minutes.

MR KAM NAI-WAI (in Cantonese): President, just now, some Honourable colleagues asked the question of whether or not the Government has any sincerity. In my view, we can see that a number of Honourable colleagues have proposed amendments today. Inclusive of those proposed in my original motion, altogether, after counting, 18 suggestions have been made for the Government's reference. Mr LEE Wing-tat said yesterday that we should not talk too much to the Government because it actually could not do so much work, and we should not talk too much, so as to give it time to do its work. I think he was just making an ironic remark because in fact, we have persistently advanced such views to the Government, hoping that it can make reference to them. We can see from these suggestions that some Honourable colleagues have mentioned, for example, issues relating to electric buses, electricity and the adoption of low-emission power generation technologies. One of the amendments has highlighted the enactment of legislation on classifying the related diseases contracted during outdoor work under extremely serious air pollution conditions as occupational diseases. All these proposals are new ideas, and I hope the relevant authorities can take them into serious consideration.

Certainly, some Honourable colleagues, for example, Mr IP Wai-ming from the Hong Kong Federation of Trade Unions, have mentioned the deletion of the word "disappointment" in the wordings of my original motion which read "this Council expresses its disappointment", meaning that this Council expresses its disappointment at the fact that at present, many highly polluting vehicles still run on the roads, and the substitution of which by "expresses its grave concern". Certainly, I am a bit disappointed at this amendment.

On the approach to reviewing the AQOs, just now, I heard Mr CHAN Kin-por ask the question of whether or not this needed to be done in one stride. It is in fact mentioned in my original motion that we hope the Government can set objectives for adopting the standards of the World Health Organization's air quality guidelines. However, we have not mentioned "in one stride".

However, Members have made the request for formulating a timetable in their amendments, including the amendment made by Mr IP Wai-ming as I mentioned just now. Yesterday, when Mr IP Wai-ming was speaking on this amendment, I did not hear him say "several decades". Rather, he hoped that the guidelines concerned could be adopted in eight to 10 years. We also hope that

this can materialize. Besides, we expect that a timetable can be formulated, so that this can be achieved. However, regarding the remark made by Mr CHAN Kin-por, that as we still do not have the ability to reach the relevant standards, we should refrain from setting those standards for the time being, I do not quite agree with it, for the guidelines are not meant to serve this purpose.

For example, as Members are aware, at present, the air pollution has exceeded the relevant standards, so do we need to lower the standards in the AQOs? We should not. Although the standards are so low now, we have still exceeded the standards. However, just now, Mr WONG Yuk-man also pointed out in quoting a medical doctor from the Hong Kong Asthma Society that the present AQOs functioned precisely as a mirror for us to gain an understanding of our existing air quality. The present AQOs are not world standards and they are merely self-deceptive standards. As stated in a book given to me by the Friends of the Earth yesterday, the AQOs are rotten and outdated. Should we continue to adopt the AQOs? We should not.

Certainly, among the various amendments, except for Mr IP Wai-ming's deletion of the word "disappointment" in the original motion as I mentioned just now, in fact, the Democratic Party supports all the amendments proposed by Honourable colleagues and hopes that the Government can put them in place. Certainly, I also have to remind Honourable colleagues not to change their stances suddenly between the stage of the actual implementation of their suggestions and that of the Government's legislating on and implementing those measures. Members very often say that they support certain environmental initiatives, but when the Government really has to enact legislation, for example, classifying by way of legislative amendment the related diseases contracted by employees due to air pollution as occupational diseases, Members will please refrain from changing their stances suddenly, so that the relevant proposals can be implemented. President, I so submit.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Members very much for giving their valuable opinions last night and today on the motion on "Air pollution and public health".

The Government attaches very great importance to the work of improving air quality. Clean air is closely related not only to the health of the general

public, and as mentioned by many Members today, the building of a good living environment is also inextricably linked with the competitiveness of Hong Kong and its status as an international financial and trading centre. As such, the Government has been striving to improve the air quality of Hong Kong, and introduce measures in various aspects for the improvement of air quality over the years, including a package of initiatives relating to the reduction of vehicle emissions as mentioned by Members, which is also a key area of work carried out by the Government.

A number of Members have suggested earlier on that the Government should provide concessions to the transport sector to facilitate the replacement of old vehicles with the aim of improving air quality. Actually, the franchised bus companies are required to use buses under the age of 18 to run their services, and to replace their serving buses accordingly. It is anticipated that over 40% of the in-use buses will be replaced in 2015, including all Pre-Euro and Euro I buses and some Euro II buses. Currently, over 60% of the franchised buses are of Euro II or Euro III models, and as the number is very large, it is difficult for us to replace them all in the next few years. So, we are now studying other cost-effective alternatives, such as retrofitting suitable emission reduction devices for existing buses.

Concerning the retrofitting of emission reduction devices, the Government has all along encouraged the franchised bus companies to retrofit suitable emission reduction devices for their existing buses. Currently, all Pre-Euro and Euro I franchised buses have been retrofitted with diesel oxidation catalysts, which can effectively reduce the emission of particulates by about 30% and the emission of hydrocarbon and carbon monoxide by 50%. In addition, the franchised bus companies are in the process of retrofitting their Euro II and Euro III buses with diesel particulate filters, which can reduce the emission of particulates, hydrocarbon and carbon monoxide by about 80% to 90%, and the relevant retrofitting work is expected to be completed within 2010. We will continue to liaise with the bus companies and monitor their follow-up work in this regard.

Regarding the emission of nitrogen dioxide which is another kind of major roadside air pollutants, there have been successful overseas experiences of retrofitting buses with Selective Catalytic Reduction (SCR) devices to reduce the emission of nitrogen oxide. As such, we are now making arrangements with the

bus companies to conduct a trial run of retrofitting local buses with SCR devices, and if the trial is successful, the Government will provide full subsidy for the bus companies to retrofit their Euro II and Euro III buses with these devices, while the bus companies are required to defray the future additional operation and maintenance costs. The parallel retrofitting of diesel particulate filters and SCR devices for Euro II and Euro III buses can enhance the emission performance of these buses to a level of Euro IV or above. If the trial is proven successful, it will be a more cost-effective option than accelerating the replacement of buses.

However, as public funds are involved in the scheme for replacement of Euro II diesel vehicles, careful consideration must be given when we design the various types of subsidy schemes to ensure that public funds are properly spent. Mr KAM proposed that Pre-Euro and Euro I commercial vehicles be placed under the subsidy scheme for replacement of diesel commercial vehicles, and we do not agree to this proposal. We have already allowed three years for owners to replace their Pre-Euro and Euro I diesel vehicles with new ones. Prior to the expiry of the scheme, we have also made special arrangements for owners who have ordered new vehicles from suppliers to retain their eligibility for application until 31 March next year. Concerning the old vehicles which are still running on the streets, we consider that there is a need to introduce appropriate disincentive measures to further facilitate the replacement of old vehicles. We will also continue to follow up the relevant proposals with the Legislative Council Panel on Environmental Affairs.

We also cannot agree to the proposal of subsidizing vehicle owners who write off their vehicles. The objective of the Government in providing subsidies is to help owners who replace old vehicles with more environmental-friendly ones for their operations, with a view to improving air quality. If car owners decide to write off their old cars, there is a likelihood that they may not need to use these cars any more. Over the past three years, there were actually more than 12 000 Pre-Euro and Euro I commercial vehicles written off voluntarily by their owners. Under these circumstances, we think it is inappropriate to subsidize owners who write off their old vehicles.

Mr Ronny TONG proposed yesterday that incentives be given by the Government for the replacement of old minibuses. In fact, minibuses are commercial vehicles and so, owners of minibuses can apply under the existing subsidy scheme for replacement of old diesel commercial vehicles and replace

their old minibuses with environmental-friendly new minibuses. Regarding the subsidy scheme for replacement of Pre-Euro and Euro I diesel commercial vehicles which expired at the end of March this year, 36% of the eligible old public light buses have participated in it, and under a special arrangement, about 130 public light buses have applied for their eligibility to be retained until 31 March next year. Therefore, a total of 460 old minibuses have received subsidies for their replacement, accounting for about 50% of all eligible minibuses. Moreover, the current statutory emission standard for newly registered vehicles is the Euro IV standard, and in order to encourage owners to use Euro V commercial vehicles and hence expedite the improvement of roadside air quality, the Government has, since April 2008, provided concessions for the first registration tax for owners who have purchased Euro V commercial vehicles. At present, a major minibus supplier has already offered for sale minibuses of the Euro V model. If minibus owners replace their Euro II minibuses with Euro V ones, they can enjoy concessions for the first registration tax in addition to a one-off subsidy. We believe that these financial incentives will help expedite the replacement of old minibuses. As proposed by Mr IP Wai-ming, we will, as in the past, take follow-up action jointly with the sector and the relevant vehicle suppliers if any problem arises in a particular vehicle model, so as to identify a solution to the problem early.

I can see that Members who have spoken are very concerned about the work relating to the promotion of electric vehicles (EVs). In promoting the use of EVs in Hong Kong, the SAR Government has all along been seeking co-operation with different EV manufacturers so as to introduce their EVs into Hong Kong. We have seen the introduction of Mitsubishi's "i-MiEV", Tesla's "Roadster", and "MyCar" one after another in Hong Kong. Hong Kong is also the first market in Asia for the sale of "i-MiEV" and "Roadster". Smith, a commercial EV manufacturer, plans to launch its commercial EVs in Hong Kong by the end of this year, and Nissan has also decided to provide at an earlier time 200 units of "Nissan LEAF" out of its first batch of EV production for supply to corporate clients in Hong Kong. Besides, we are also aware that car dealers have plans to introduce electric buses and a greater variety of electric sedans for launch in the Hong Kong market.

In the promotion of EVs, charging facilities and simple procedures for the application for road use permits are, of course, very important, too. In this connection, the Government and the two power companies have implemented a

pilot scheme in the first half of this year for the installation of about 60 standard charging points at various car parks throughout Hong Kong, and set up three quick charging facilities for use by EVs free of charge. Moreover, the Government has also invited developers, property management companies and car park operators to install more charging points or facilities in their properties. Up to now, there are over 120 charging points all over Hong Kong which are open for use by the public free of charge. Depending on the number and pace of growth in EVs, the Government will continue to study the provision of more charging facilities.

At present, if a certain EV model is certified by the Transport Department (TD) after a type approval process to be suitable for use on an expressway, its registered owner may apply to the TD for an expressway permit under the Road Traffic (Registration and Licensing of Vehicles) Regulations, so that the vehicle can be used on an expressway. An EV owner may apply for vehicle first registration and an expressway permit at the same time. In general, the permit, together with the vehicle registration documents and the vehicle licence, can be issued to the applicant on the second working day after the application. As for road use, like drivers of other vehicles, EV drivers must abide by road traffic regulations and codes. The TD will also formulate measures to facilitate the introduction of EVs into Hong Kong with reference to overseas practices and having regard to the performance and use of EVs.

Mr CHAN Hak-kan's proposal to encourage bus companies to use electric buses is consistent with the Government's policy direction. The Chief Executive has also proposed in this year's Policy Address to fund the full cost of procuring six hybrid buses for use by the franchised bus companies along busy corridors to test the operational efficiency, in order to ascertain, among other things, if these buses can cope with the topographic and climatic conditions in Hong Kong, and to collect operational data. The Government is also prepared to fund the bus companies to test other greener buses such as electric buses. At present, the Government is discussing the ways to launch the trial scheme for hybrid buses with the relevant franchised bus companies which are conducting studies on using the subsidies to test wholly electric buses.

The Chief Executive has also pointed out in this year's Policy Address that the ultimate policy objective of the Government is to have zero emission buses

running across the territory. When the current bus franchises expire in the coming few years, we will impose additional requirements in the franchises for the bus companies to actively switch to zero emission buses or the most environmentally-friendly buses when replacing existing ones, taking into account the feasibility and affordability for bus operators and passengers.

Of course, the rationalization of bus routes can also improve roadside air quality. The TD has been working with the District Councils and the franchised bus companies to reduce the number of bus trips and bus stopping activities particularly on busy corridors through route cancellation, amalgamation, and truncation as well as frequency adjustment.

With the completion of a number of new railway lines over the past few years, the TD has cancelled 48 bus routes, truncated 20 routes and reduced the frequency of 121 routes, and at the same time opened up 23 new routes and increased the frequency of 137 routes by implementing the bus service rationalization plans from 2004 to June 2010. The number of franchised buses was reduced from 6 179 in 2004 to 5 767 at the end of June 2010, representing a reduction of nearly 7%. I understand that Members are concerned about the impact of the rationalization plans on jobs. The TD will give consideration to the number of jobs for the employees of bus companies, in an effort to prevent by all means redundancy in the rationalization of bus routes.

Members are concerned about the interchange concessions. The TD has been encouraging the franchised bus operators to offer fare concessions in the light of the actual circumstances, so as to attract the affected passengers to switch to the alternative service, thereby facilitating the implementation of the rationalization plans. As at the end of September 2010, the bus companies have altogether provided 239 concessionary bus-bus interchange schemes, and about 400 routes are involved in the existing interchange schemes with a coverage of about 70%.

In busy districts such as Causeway Bay, Central and Mong Kok, franchised buses account for 40% of the traffic flow. If greener models of franchised buses are deployed to serve these districts, the roadside air quality will definitely be greatly improved. As such, the Government has been encouraging the franchised bus companies to deploy more greener buses to run on busy corridors.

To achieve better results in environmental protection, the Government will designate pilot low-emission zones (LEZs) in these busy districts, and our aim is to increase as far as possible the ratio of low-emission franchised buses running in these zones from 2011-2012, with the target of having only low-emission buses in these zones by 2015. The data collected by the roadside air quality monitoring stations will be used to assess the effectiveness of these pilot LEZs in improving roadside air quality, and the overall effect on public transport services, so as to conduct studies on the feasibility of extending these pilot LEZs to other districts of busy traffic and other vehicles.

Mr Ronny TONG proposed to build a better green transport system, and we totally agree to this. Given land scarcity and a large population, the Government has all along advocated the use of public transport in order to alleviate traffic congestion and air pollution, as well as reduce the number of vehicles on the roads. Currently, there are nearly 90% of the passengers using public transport services every day.

Railway is an environmentally-friendly and efficient mass carrier. As such, a key transport strategy of the Government in the long term is to make railways the backbone of our passenger transport system. It is expected that there will be a number of new railway lines coming into operation in the next 10 years, such as the West Island Line, the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, the South Island Line (East Section), the Kwun Tong Line Extension and the Shatin-Central Line. Through land planning along the railway lines, the new railways will greatly increase the passenger volume of public transport in districts along these lines, which will, in turn, change the travelling pattern of the general public and further improve roadside air quality.

We also agree to the views put forth by Mr IP Wai-ming and Mr CHAN Hak-kan on promoting the use of renewable energy, energy conservation, emission reduction, and reduction in power consumption and in emissions from power plants. Renewable energy virtually produces no air pollutants, and can reduce the emission of greenhouse gases, as well as alleviate the impact of climatic change. The Government has all along supported and encouraged the development of renewable energy in Hong Kong. We have signed the Scheme of Control Agreements with the two power companies in 2008, whereby the power companies are allowed to have a higher rate of return from their

investments in renewable energy facilities. So, financial incentives have been provided in this regard.

In order to increase the use of renewable energy, Hongkong Electric Company Limited (HEC) commissioned the first commercial-scale wind power station in February 2006, and commenced in July this year the operation of Hong Kong's largest solar power generation system on Lamma Island with capacity to generate about 620 000 units of electricity annually. In addition, the CLP Power Hong Kong Limited (CLP) and HEC are planning to construct an offshore wind farm in Hong Kong's southeastern waters and the neighbouring southwestern waters respectively. CLP and HEC expect their projects to be completed in mid 2010s subject to the results of relevant studies and tests.

In the public consultation on Hong Kong's Climate Change Strategy and Action Agenda launched in September this year, we have also proposed to substantially increase the use of non-fossil low-carbon fuels, so that renewable energy will account for 3% to 4% of the fuel mix in power generation in 2020.

However, the accessibility to renewable energy in Hong Kong is actually restricted by various technical and non-technical factors, including the environmental impact assessment on the site where renewable energy facilities are to be constructed, its cost effectiveness and the impact on the residents nearby. Owing to land scarcity and a large population, there are about 6 480 people in each square kilometer of land in Hong Kong. As land in Hong Kong is mostly rural land, and the developed districts feature a high density of buildings, there is only limited space for the construction of renewable energy facilities, such as solar energy system or wind power installation. Besides, consideration has to be given to the wind intensity, the impact on the surrounding environment, economic benefits, and so on, in the construction of wind power facilities. It is also necessary to consider factors such as the space for the installation of photovoltaic panels, the shading effect of the surrounding high-rise buildings or objects, as well as the economic benefits in the development of solar power generation facilities.

In promoting energy conservation and emission reduction, enhancing energy efficiency and reducing power consumption, we have also embarked on a package of initiatives, such as implementing the Energy Efficiency Labelling

Scheme and promoting the use of water-cooled air-conditioning systems, district cooling systems, and so on. In addition, the Legislative Council enacted the Building Energy Efficiency Ordinance not long ago in November. We believe that with the mandatory implementation of the Building Energy Codes, the energy efficiency performance of the existing and new buildings in Hong Kong can be fully enhanced.

President, as I said yesterday during the scrutiny of the Second Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences in the Legislative Council, in order to further tighten the amended emission cap for power generation plants substantially, we must change the fuel mix in power generation, develop low-carbon economy, and use more clean energy, renewable energy and nuclear energy in Hong Kong by 2020 as proposed in the public consultation document for Hong Kong's Climate Change Strategy and Action Agenda. We will also give detailed consideration of the views collected in the public consultation, so as to map out the way forward for and pace of emission reduction in the power generation sector, with a view to further reduce the emissions from power plants.

Some Members have mentioned the extremely serious situation as indicated by the Air Pollution Index (API) and some counter measures. Since the surge in the API in Hong Kong as a result of sandstorm weather conditions in March this year, the Government has reviewed and revised the health advice for various API levels, with a view to making suggestions on the preventive measures to be taken at different API levels by members of the public and people susceptible to the impact of air pollution, including persons with respiratory and heart illnesses, children, elders and people working outdoor.

The Education Bureau has also updated the guidelines on safety measures to be adopted by schools when the API is at a high level. When the API or its forecast reaches the "severe" level, schools should make arrangements for all students to avoid physical exertion and outdoor activities, and should suspend, cancel or postpone physical education classes, swimming galas, athletic meets and outdoor activities.

Mr CHEUNG Kwok-che asked about the guidelines for workers. In fact, the Social Welfare Department has issued guidelines to the social welfare services organizations informing them of the suitable preventive and contingency

measures that they should pay attention to and adopt in various situations of air pollution, such as reminding persons suffering from respiratory illness and elders to reduce physical exertion and outdoor activities, and suspending or canceling the relevant activities if necessary.

Ms LI Fung-ying has also mentioned the arrangements for employees. The Labour Department (LD) has compiled relevant guides to help employers assess the suitability and the risks of working outdoor when air pollution is at a high level, so that necessary preventive measures can be arranged for their employees in light of such risks, such as using mechanical aids to reduce physical exertion of employees and scheduling suitable rest breaks, with a view to protecting the health of employees.

Some Members mentioned the arrangements made by the Government in respect of some environmental protection facilities in times of high pollution. Actually, the Environmental Protection Department (EPD) will make arrangements to suspend the operation of the incineration facilities at the Tsing Yi Chemical Waste Treatment Centre when a high level of pollution is recorded, and we precisely made such arrangements in March. We will also request the power companies to increase the use of natural gas for power generation in an effort to alleviate air pollution.

As for the new Air Quality Objectives (AQOs), it is proposed in the consultation paper on Air Quality Objectives Review that the new AQOs should be set and the highest standards of the World Health Organization (WHO) be achieved by a staged approach based on the principles of protecting public health and benchmarking against WHO's air quality guidelines and interim targets. With regard to the proposed AQOs, except for respirable suspended particulates and fine suspended particulates for which more practical objectives are set because they are subject to very strong regional influence, the others are broadly comparable to the objectives adopted by other advanced countries. The WHO clearly points out that the potential health risks posed by air pollution can be substantially reduced if its interim targets are met.

We reported to the Legislative Council Panel on Environmental Affairs the findings of the consultation exercise on 28 June this year. We also reported the relevant information to its Subcommittee on Improving Air Quality on 27 July, including the key considerations in deciding on how best the air quality

improvement measures can be taken forward, and the progress of improvement measures for which concrete implementation programmes have been drawn up. Generally speaking, the majority of the respondents supported the proposed new AQOs, and they also agreed to adopting the WHO's air quality guidelines and interim targets which are suitable for Hong Kong's actual situation and also adopting the highest air quality standards of the WHO as our ultimate target. A large number of respondents also agreed to the need to establish a regular review mechanism to assess the AQOs and relevant measures and arrangements proposed.

As the proposed air quality improvement measures cover a very wide range of areas, including power generation plants, vehicles, traffic and transport management, enhancement of energy efficiency, and so on, which are closely related to the public's daily livelihood and business operation, the Government needs to give careful consideration and seek consensus, so as to formulate new AQOs acceptable to all sectors in society and implement the best proposals for air quality improvement. However, to expedite air quality improvement, we are striving to implement air quality improvement measures on which a consensus can be forged more easily in society, including further tightening the emission cap for power generation plants, funding and encouraging vehicle owners to replace their Euro II diesel commercial vehicles with new ones at an earlier time, implementing the new emission reduction measures proposed specifically for franchised buses, setting up the \$300-million Pilot Green Transport Fund, and so on.

Dr Joseph LEE hopes that the Government will review the existing air quality monitoring stations, so as to ensure that more comprehensive data can be collected. The EPD has now set up an air quality monitoring network, comprising 11 general monitoring stations and three roadside monitoring stations to monitor the concentrations of major atmospheric and roadside pollutants and assess whether air quality in Hong Kong meets the prescribed AQOs. The EPD will conduct regular reviews of the air quality monitoring network, including the location, design and operation of monitoring stations by making reference to the guidelines of the United States Environmental Protection Agency (EPA) so as to ensure that the data collected by us are most representative. At present, our air quality monitoring network covers all major districts in Hong Kong scattering from West to East and from North to South, and in terms of land use, includes different types of developments such as the residential, mixed residential/commercial, and mixed residential/commercial/industrial development

zones, rural areas, and busy streets in urban areas. So, our existing air quality monitoring network is capable of providing information on the lowest to the highest levels of air pollution in Hong Kong, as well as the air quality in various types of development zones. Overall speaking, the existing monitoring network can adequately reflect our air quality level.

Dr PAN Pey-chyou has earlier on mentioned the height of the roadside air monitoring stations. In fact, their design, including the height, meets the international standards in all aspects. Our roadside air monitoring stations, which are generally two to seven metres high, are also in accordance with the guidelines issued by the United States EPA. As such, the height of our three roadside air monitoring stations is in compliance with the international standards.

In addition, some Members have proposed that the EPD should invite the Food and Health Bureau and the Department of Health to provide professional opinions in drawing up important policies on air pollution improvement. This is precisely what we are doing. For example, when the Environment Bureau conducted reviews of the AQOs in Hong Kong and formulated policies on long-term air quality administration, the Food and Health Bureau had all along participated in the work of the relevant advisory panel to provide professional opinions on the impact of air quality on public health. Moreover, the Food and Health Bureau will also be involved in the policy committee in accordance with the existing mechanism to provide opinions on public health for the drawing up of air pollution improvement policies.

Air quality in Hong Kong is partly affected by external emission contributions, and our exhaust emissions will also affect the neighbouring regions. In order to improve air quality in Hong Kong and in the region, we have reached a consensus in 2002 with the Guangdong Provincial Government on the regional reduction of major pollutant emissions in 2010, with a view to reducing the emissions by 20% to 55% using 1997 as the base year. Concerning the improvement of air quality in the Pearl River Delta (PRD) Region, the Governments of Guangdong and Hong Kong have all along maintained close co-operation. In the Hong Kong/Guangdong Co-operation Joint Conference held in August 2009, we signed a new Environmental Co-operation Agreement with Guangdong Province, whereby the two sides agreed to conduct a joint study on the post-2010 emission reduction arrangements in the PRD Region. We have also set up a research team in collaboration with the Guangdong Provincial

Government under the Hong Kong-Guangdong Joint Working Group on Sustainable Development and Environmental Protection to embark on the relevant work. We hope to complete the relevant work as soon as possible, so that air quality in Hong Kong and in the region can be improved in a sustained manner.

President, lastly, I would like to thank Mr KAM Nai-wai again for moving the motion on "Air pollution and public health", and I also thank Members for their views. With regard to improving air pollution and reducing the health risks caused by air pollution to the public, the Government and Members actually have the same direction. We will continue to make the utmost efforts to implement appropriate measures for improving air quality on the principle of protecting public health. We also hope that Members and all sectors in society will support us in putting forth air improvement measures. With the concerted efforts of all of us, we believe that air quality will be definitely improved.

Thank you, President.

PRESIDENT (in Cantonese): Mr CHAN Hak-kan, you may now move the amendment to the motion.

MR CHAN HAK-KAN (in Cantonese): President, I move that Mr KAM Nai-wai's motion be amended.

Mr CHAN Hak-kan moved the following amendment: (Translation)

"To delete "as" after "That," and substitute with "given that"; to delete "by" after "update AQOs" and substitute with "and formulate a timetable and relevant measures for eventually"; to delete "as Hong Kong's AQOs" after "air quality guidelines"; to add "and the effectiveness of the relevant measures" after "review AQOs regularly"; to add "(f) to encourage, through policy initiatives, the various bus companies to deploy wholly electric buses in new development areas and busy districts, so as to further improve roadside air quality in such areas;" after "reducing air pollution;"; to delete the original "(f)" and substitute with "(g)"; to delete the original "(g)" and substitute with "(h)"; to add "(i) to actively promote the energy conservation policy, and further increase the ratio of natural gas and

renewable energy in the fuel mix for power generation in Hong Kong, so as to reduce emission by power generation;" after "pollution is serious;"; to delete the original "(h)" and substitute with "(j)"; to delete "and" after "addressing the problem of air pollution;"; to delete the original "(i)" and substitute with "(k)"; and to add "; and (l) to actively follow up the work of collaborating with Guangdong Province on improving regional air quality after 2010, so as to ensure continuous improvement of regional air quality" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHAN Hak-kan to Mr KAM Nai-wai's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

PRESIDENT (in Cantonese): Members have already been informed, as Mr CHAN Hak-kan's amendment has been passed, Dr Joseph LEE has therefore withdrawn his amendment.

PRESIDENT (in Cantonese): Mr IP Wai-ming, as Mr CHAN Hak-kan's amendment has been passed, you may now move your revised amendment.

MR IP WAI-MING (in Cantonese): President, I move that Mr KAM Nai-wai's motion as amended by Mr CHAN Hak-kan be further amended by my revised amendment.

Mr IP Wai-ming moved the following further amendment to the motion as amended by Mr CHAN Hak-kan: (Translation)

"To add "; (m) to assist the industries in resolving the technical problems that occur after the implementation of the scheme for the replacement of Euro II diesel commercial vehicles, with a view to ensuring that the repair, design and parts availability, etc., of the new vehicles after replacement can tie in with the operation of the industries; (n) to study and consult the public and the transport sector on a specific proposal of designating 'low emission zones'; (o) to require power companies in Hong Kong to fully adopt low-emission power generation technologies and clean fuel for power generation on the premise of not increasing electricity tariffs and affecting public health, with a view to alleviating the air pollution caused by power generation emission in Hong Kong; and (p) to classify the related diseases contracted by employees who have to work outdoors under severe air pollution conditions as occupational diseases" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr IP Wai-ming's amendment to Mr KAM Nai-wai's motion as amended by Mr CHAN Hak-kan be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

PRESIDENT (in Cantonese): Mr Ronny TONG, as the amendments by Mr CHAN Hak-kan and Mr IP Wai-ming have been passed, you may now move your revised amendment.

MR RONNY TONG (in Cantonese): President, I move that Mr KAM Nai-wai's motion as amended by Mr CHAN Hak-kan and Mr IP Wai-ming be further amended by my revised amendment.

Mr Ronny TONG moved the following further amendment to the motion as amended by Mr CHAN Hak-kan and Mr IP Wai-ming: (Translation)

"To add "; (q) to curb the number of vehicle growth through policy formulation, green transport planning, financial measures and building a better green transport system in urban areas; and (r) to provide financial incentives to induce minibus operators to expedite the introduction of new minibuses with lower levels of emission to replace old minibuses" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Ronny TONG's amendment to Mr KAM Nai-wai's motion as amended by Mr CHAN Hak-kan and Mr IP Wai-ming be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

PRESIDENT (in Cantonese): Mr KAM Nai-wai, you may now reply and you have one minute 20 seconds.

MR KAM NAI-WAI (in Cantonese): President, the amendments to the motion have been passed. Just now, I said that the word "disappointment" would be deleted. In a way, it is right to do so because what I feel now is not disappointment but utter disappointment. The reason is that after listening to the Secretary, I notice that the Government has not made any undertaking in response to our request for immediately carrying out the first and foremost task of updating the Air Quality Objectives (AQOs). She only talked about some piecemeal remedies, saying that 19 measures will be implemented over time, and that reports have already been made to us. I wish to reiterate that the Government should expeditiously make the protection of public health its policy objective in tackling the problem of air pollution. I also hope that in the future policy addresses, the Chief Executive will no longer talk about whether air pollution has affected his health, but how public health can be protected, which is of utmost importance.

Second, I hope that the Secretary can stop putting up any more delay. I hope that the Administration can announce new AQOs in the next six months, rather than continuing to adopt these "rotten" AQOs behind me.

Finally, I hope that all the piecemeal measures can be expeditiously implemented.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr KAM Nai-wai, as amended by Mr CHAN Hak-kan, Mr IP Wai-ming and Mr Ronny TONG, be passed.

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion as amended passed.

PRESIDENT (in Cantonese): Second motion: Reviewing the policy on nature conservation.

Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Ms Audrey EU to speak and move the motion.

REVIEWING THE POLICY ON NATURE CONSERVATION

MS AUDREY EU (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

Six years ago, on 11 November 2004, Dr Sarah LIAO, the then Secretary for the Environment, Transport and Works, announced the nature conservation

policy, under which two measures were introduced, namely Public-Private Partnership (PPP) and Management Agreement (MA), with the objective of enhancing the conservation of private land with high ecological importance. Twelve sites were set aside as test points.

President, six years have passed. Not one PPP project has been implemented. As for MA projects, in fact, the peripheral areas of Long Valley and Fung Yuen in Tai Po have always been under the threat of development. Cases of conservation crisis occurred one after another in Nam Sang Wai, Tung Wan of Lamma Island, Pak Lap Wan and Tai Long Sai Wan. A lot of green areas of our countryside were reduced to muddy pitches by bulldozers. The "enclaves" adjacent to country parks are like zones which are totally unregulated and may be damaged by property developers at any time. Facts have proven that the existing nature conservation policy is flawed with loopholes. It can neither protect our countryside nor strike a balance between the land rights of the owners and the need for nature conservation. Therefore, the Government must formulate a new nature conservation policy, and this is also the reason why I propose this motion today.

As a matter of fact, what is the greatest loophole of the nature conservation policy announced six years ago? It is the unwillingness of the Government to make a commitment as it has made no financial commitment at all. Without any commitment from the Government, and since developers aim to maximize their profit under the principle of "business comes first", not one project has been able to strike a balance between development and conservation. In fact, we have heard about a lot of projects related to the 12 sites set aside as test points. For instance, the Tai Ho Wan project on Lantau Island of the Swire Properties, the elderly housing project at Mui Tsz Lam proposed by the New World Development Company Limited, the Japanese-style columbarium complex in Sha Lo Tung proposed by developers of Sha Lo Tung, the acquisition of small house concessionary rights in Luk Keng proposed by the Fung Yuen Property Limited for extending the Village Type Development to a 300-block high-class residential housing development project, and the development project of a spa resort hotel at Sham Chung proposed by the Sun Hung Kai Properties Limited. However, up till now, not one of the projects can be implemented.

The only subsidy that the Government is willing to provide is, like a saline drip, the biannual allocation of \$5 million from the Environment and Conservation Fund to three environmental protection organizations, namely the Tai Po Environmental Association, the Hong Kong Bird Watching Society, and the Conservation Association, to implement the MA projects at Fung Yuen in Tai Po and Long Valley.

As a matter of fact, the Civic Party has all along advocated that the Government should model on the United Kingdom in setting up a nature conservation fund, or putting in place a compensation mechanism for development rights, such as a mechanism for transfer of development rights, with a view to providing compensation to land owners for the loss caused by conservation. But the Government has all along refused to accept the proposal.

In August, I mentioned in the programme "Letter to Hong Kong" of Radio Television Hong Kong that I had suggested the Government to allocate \$1 billion as seed money to set up a nature conservation fund to be managed by community groups which can raise funds in the community as a statutory fund of independent operation. President, why do I propose an allocation of \$1 billion? It is because the Government has an abundant reserve and \$1 billion is not a big amount. Moreover, in the 2007 Policy Address, \$1 billion was allocated to the Environment and Conservation Fund to fund environmental education programmes and activities organized by the public. As the Fund was subsequently overflowed with cash, the Government had to "give away money". The scope of funding was then expanded to cover environmental activities of District Councils, energy conservation projects in buildings, and even subvention for two social welfare organizations in their recycling operations in the EcoPark.

President, instead of using a sum of money to implement a great variety of activities, the Government might as well focus on nature conservation policy practically. President, in 2001 — Members may have forgotten — on 18 December 2001, John TSANG, the incumbent Financial Secretary and the then officer in charge of planning, went to the Hong Kong Institute of Architects and met with many architects. He proposed to follow the examples of New York and Vancouver and formulate a plan for transferring development rights, under which the accumulated floor area would be transferred to other land lots in the same Outline Zoning Plan. We have seen this extraordinary approach

adopted in extraordinary times in the case of King Yin Lei. However, the Government should, after all, formulate a policy. It cannot adopt extraordinary measures in extraordinary times only when something has happened and is followed by public outcry. So, is it possible for the Government to implement a policy? Think about this: Since John TSANG put forward the proposal in 2001, the Government has not conducted any consultation at all, and progress has not been made by the Government in this respect. In this connection, can we take forward nature conservation in other ways?

After I had proposed the amendment, some people expressed concern about "compensation" for land lots. They are concerned about how much money would be considered enough for making compensation. They asked me whether the "king of land" in the New Territories would benefit from it. President, after doing some research, I found that the Court of Final Appeal had already delivered a judgment (in case compensation to the owner must be made for resumption of land under the Basic Law). In the judgment on the case of FACV 2&3/2002, the Court of Final Appeal pointed out that according to the Lands Resumption Ordinance, there should not be any expectation of being compensated based on the "hope value", that is, there should not be any assumption that the price at which the lot is expected to be sold in the market would simply be the amount of compensation. Many owners think that after changing the land use, there would be an increase in land value, and the land would be sold for a lot of money. However, the Court of Final Appeal had delivered a judgment. The expected increase in land value would not be considered in making the compensation. Compensation would only be granted based on the actual development rights; otherwise, if agricultural land is involved, compensation will be made based on the price of agricultural land.

President, at least this is not without a legal basis. I put this forward with the hope of pointing out that if the Government genuinely wishes to protect land with conservation value, it cannot expect the title owners to take up the responsibility of conservation without paying compensation to them. We really need to have a mechanism in place to implement ways to conserve land with ecological value.

President, the Tai Long Sai Wan incident has also exposed that many "enclaves" adjacent to country parks are not under any protection at all. It is

found after the incident that there are 77 "enclaves" adjacent to country parks which have become the Achilles heels of conservation. After the incident was brought to light, the Government has implemented planning control on more than 20 of these enclaves. It has also announced Development Permission Area plans for these sites, which are effective for a period of three years, covering places such as Pak Lap and So Lo Pun. Therefore, my motion proposed today has also covered this aspect, and I urge the Government to implement planning control, so as to plug the loopholes.

(THE PRESIDENT'S DEPUTY, MS MIRIAM LAU, took the Chair)

Deputy President, my motion has also pointed out another loophole. Under the existing mechanism, many owners or non-owners of proposed development projects, after making application to the Town Planning Board (TPB) for the implementation of their development projects, can make unlimited applications for postponement. The best example is Nam Sang Wai, a case frequently reported in newspapers recently. Deputy President, this court case started more than 10 years ago in early 1990s before I became a Member. At that time I was also engaged in this case as I represented the Agriculture and Fisheries Department in the proceedings concerning Nam Sang Wai. The TPB had approved the development back then but up till now, the project is still being postponed. Let us consider this: More than 10 years have passed and it is still being postponed. So, Deputy President, this is an obvious loophole. With the passage of time, there may be changes in the mindset of development, planning and conservation. Therefore, the Government must identify ways to plug the loophole now. Since all members of the TPB are appointed by the Chief Executive, we cannot just rely on the TPB to act as the gatekeeper.

Deputy President, there is a part in my original motion which is related to small house concessionary rights. In fact, small house concessionary rights serve to resolve the housing needs of the indigenous inhabitants. However, they are used by many developers to carry out large-scale developments now, thus deviating from their original purpose. We can even see advertisements seeking small house sites — Miss Tanya CHAN, please show it to Members — this has contravened the original purpose of the system of small house concessionary

rights. Therefore, the Government must introduce policies expeditiously; otherwise, a lot of land lots in the New Territories will be deserted, or owners will be waiting for acquisition proposals offered by developers for carrying out large-scale developments, which will cause damages to land with ecological value.

Deputy President, I have put forward many proposals in my original motion, such as increasing penalties for those who carry out unlawful development and cause land damage in contravention of the law. We can often read about these reports. For instance, it has been rumoured that people with triad background have been undertaking illegal dumping of construction waste and damaging the environment in the Long Valley Wetland over the past two years. In this respect, the Government must expeditiously introduce legislation to the Legislative Council so as to make amendments to the law, with a view to increasing penalties and combating these unlawful dumping activities.

Deputy President, with respect to nature conservation, many Members of the Legislative Council will put forward a lot of proposals later. I will speak again when other colleagues have put forward their amendments.

Thank you, Deputy President.

Ms Audrey EU moved the following motion: (Translation)

"That this Council urges the Government to expeditiously review the existing policy on nature conservation and formulate appropriate measures, including: setting up a community-led and government-supported nature conservation fund; putting in place a compensation mechanism for cases in which the land lots have been frozen for development due to nature conservation and have established development rights according to law; immediately implementing planning control on 'enclaves' adjacent to country parks; requiring developers, upon the expiry of the planning permission and building plan approval, to apply afresh for development permission according to the existing conservation requirements in respect of projects yet to be commenced; plugging the loophole that developers can undertake large-scale developments by acquiring small house concessionary rights; and increasing the penalties

for property owners and liable persons who carry out unlawful development and cause land damage in contravention of the law, so as to properly conserve land lots with high ecological value and picturesque sceneries."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Audrey EU be passed.

DEPUTY PRESIDENT (in Cantonese): Mr KAM Nai-wai and Mr CHEUNG Hok-ming will move amendments to this motion, and Mr LEE Wing-tat will move an amendment to Mr CHEUNG Hok-ming's amendment. This Council will now proceed to a joint debate on the motion and the amendments.

I will call upon the above Members to speak one by one; but no amendments are to be moved at this stage.

MR KAM NAI-WAI (in Cantonese): Deputy President, the topic we were discussing just now was air pollution, which is followed by this debate on the policy on nature conservation. Evidently, with respect to the work of environmental protection, the Government actually has high aspirations but little ability. Why do I say that? In respect of nature conservation policy, just now Ms Audrey EU mentioned the new nature conservation policy introduced in 2004, under which 12 sites were designated as sites with high ecological value. We often say that Hong Kong is a small place with a large population but in fact, there is a lot of land in Hong Kong, spreading all over the New Territories. Very often, many people in Hong Kong and foreign visitors do not know that there are actually so many wetlands, parks, sites with ecological value and hiking trails in Hong Kong. This is a side of Hong Kong not known to foreigners. Foreign visitors find it amazing when they are introduced to our eco-tourism. They find that apart from the "concrete jungle", there are many good places in Hong Kong.

Two measures were announced under the new nature conservation policy in 2004, and one of them was Public-Private Partnership (PPP). As mentioned

earlier, this is just empty talk without accomplishing anything. I would like the Secretary to tell us later what projects have actually been implemented since this measure was announced in 2004. With respect to the pilot PPP projects, I would like the Secretary to explain to us what the Administration has done in respect of conservation, and what projects have been implemented successfully under this scheme. Please give us an answer. According to the information that I have obtained, the answer is nil. Even though there are applications, nothing has been accomplished. It is just empty talk.

Another measure is called the Management Agreements (MA) pilot scheme. This pilot scheme was implemented in Long Valley and Fung Yuen. I have found the latest information on the Internet. According to the website of the Radio Television Hong Kong, one of the projects is implemented in Long Valley by the Bird Watching Society and the Conservation Association. As a result, the number of birds has been 30% higher while the number of bird species recorded has increased from 218 to 261 since 2005. In fact, these projects can certainly benefit ecological conservation. However, the example I have quoted just now is actually the only example. What actually has the Government done from 2004 till now? This makes me think of the Tai Long Sai Wan incident which happened some time ago. Many people have not visited Tai Long Sai Wan. When people think of going hiking, they often wish to go there and have a look.

The community has been talking about Nam Sang Wai more recently. I saw a report on television today. KWONG Chun-yu, a member of the Yuen Long District Council, is organizing a rally called "December Rally for Nam Sang Wai" this Sunday, but before the rally is held, the Town Planning Board will discuss the issue tomorrow. I do not understand why the work of nature conservation has always resulted in seething public sentiments, followed by large-scale rallies and many protests. Is the Government actually aware of the needs of the public? Take Nam Sang Wai as an example. There are already over 10 000 signatures on the Facebook in support of the rally that I mentioned just now. A total of 25 000 people have signed a joint petition to "resolutely resist the occupation of Nam Sang Wai". Moreover, they have also produced a short film entitled "Downfall of Justice" on YouTube. I wonder if any Member has watched this short film. It is good, and the standard of production is also quite good. I call upon Members to watch it online. Over the past two days, this short film already has a hit-rate of over 10 000. I wonder if it is because the

Government wishes to encourage young people to use correct channels such as the Facebook or other websites to express their views that it has used these negative examples to incite public sentiments. However, is this good to the Government? Why does the Government always act in hindsight in its handling of the nature conservation policy?

As a matter of fact, I visited a columbarium in Tai Po some time ago. The village head told me that building a columbarium there would not bring about any adverse impact because even we Members had to take "tai fei" (speed boat) to reach the columbarium located at the Tai Po Waterfront. However, it is found that the Government has just developed a park with ecological value adjacent to the columbarium where the public will be able to see rocks with conservation value. Why would the Government have such a design? Why is a columbarium located beside a park? We are all shocked. How does the Government conserve places with ecological value at a policy level? I think the Government should conduct a review in this regard.

I mentioned Nam Sang Wai just now. Let me provide some supplementary information. Although the Town Planning Board will discuss this tomorrow, the locals will organize the "December Rally for Nam Sang Wai" on Sunday at Nam Sang Wai at 3 pm this Sunday on 12 December. They have also called on members of the public to actively take part in the rally. I will certainly attend the rally. But if the public has to hold large-scale rallies every time before the Government will change its policy, is the Government being slow and insensitive in response? Is it necessary for the Government to formulate forward-looking policies for taking forward work in this area? Has the Government conducted a review on the conservation policy announced in 2004? It is true that the policy had been announced but unfortunately it was brushed aside. Has the Government actually conducted a review? Is it necessary for the Government to immediately review the pilot schemes on MA and PPP to examine whether something has gone wrong with the schemes? If the schemes are found to be not feasible, what can be done by the Government to rectify the mistake? Of course, today's topic involves a controversial issue and that is, how will the Government handle rural sites with ecological value which involve private property rights?

Talking about private property rights, I would like to point out that there is an example in the urban area, which is the case of King Yin Lei mentioned by Ms Audrey EU just now. The Democratic Party has put forward the proposal of transfer of plot ratio before, which can be considered by the Government. However, how should the compensation mechanism be formulated for rural sites in private ownership? The original motion of Ms Audrey EU has proposed that a compensation mechanism should be put in place, but Ms Audrey EU mentioned that from the legal point of view, it might be after looking up some information, I have learnt that this was discussed in the Legislative Council in 2005. At that time, Members were worried that the compensation might be in an astronomical figure since the sites cover a large area. Although there are court precedents, I believe the Government should consider carefully how this compensation mechanism should operate. This is why I have asked the Government to conduct comprehensive studies and consultation, so as to enable the public to know about the substantial social resources incurred by such a compensation mechanism. We are of the view that a compensation mechanism should be put in place, but public consultation on how the mechanism is going to operate should also be conducted. The Government will need to study this issue more proactively. It must not be complacent, and sit back doing nothing, thinking that nothing is wrong. The Government should expeditiously resolve the problems related to nature conservation. I hope that all places with ecological value can be preserved.

Deputy President, I so submit.

MR CHEUNG HOK-MING (in Cantonese): Deputy President, first of all, I would like to declare that I own land and small houses in the New Territories. Deputy President, during my long years of service in the New Territories, I have come to deeply realize that over the past two or three decades, Hong Kong has undergone rapid urbanization, which has transformed many green areas in the countryside into densely-populated new towns one after another. For this reason, land with high ecological value is increasingly treasured by members of the public, who are very much concerned about how the conservation policy of the Government can strike a balance between metropolitan development and the effectiveness and sustainability of nature and ecological conservation. I believe Members will not deny that since valuable ecological sites are for the enjoyment

of all Hong Kong people, conservation should be our common responsibility, and the Government is duty-bound to undertake the work and responsibility of nature conservation.

However, it seems that the Government does not wish to take up the responsibility of conservation. It lacks a clear objective, policy and commitment. In recent years, the conflict between conservation and development has become increasingly acute, intensifying opposition and confrontation in society. What actually is conservation all about? Why do we need conservation? For some people in society, the definition of conservation is very broad. They talk about conservation when they see places with a bit of ecological value. They talk about conservation for places with a bit of historical value, and they also talk about conservation when mentioning places with picturesque sceneries. This is intended to make it more justifiable to freeze land development under the banner of conservation. Deputy President, to put it bluntly, this is earmarking of land simply by circling land on the map and the land will be frozen. Deputy President, the conservation value of a piece of land should not be decided by a person's simple comment. It should not be the case that a site has this value when a person says so, and the place does not have this value when a person says it does not. It should not be like this at all. We do not object to conservation, but conservation should be substantiated by justifiable reasons. Regrettably, a set of criteria to assess conservation value has always been lacking, which is a major reason for the failure of conservation policy in Hong Kong.

(THE PRESIDENT resumed the Chair)

Thus, in my amendment, I have proposed to adopt a scientific and widely recognized mechanism for identifying projects that are in genuine need of conservation. We are of the view that to genuinely protect places with high ecological value in Hong Kong, some objective criteria must be put in place to evaluate the conservation value of land. At present, apart from the 12 priority sites indentified by the Government in 2004 as mentioned by many colleagues, the Government has not announced the conservation value of other sites. The Administration should expeditiously assess the conservation value of land in the New Territories in accordance with the criteria on which a social consensus has

been reached, including sites adjacent to country parks. In tandem with planning, the Government should announce the full list of land included in the scope of conservation for information and compliance by the community. We cannot say one day that this piece of land should be frozen and say on another day that another piece of land should be frozen, causing endless nuisance to the title owners.

President, according to the existing policy, building small houses is the lawful traditional right of the indigenous inhabitants. Article 40 of the Basic Law has clearly stated that such right is protected. Moreover, a proper system of application for building small houses has all along been adopted by the Lands Department. Recently, new provisions have been added to the land lease to specify that any violation of rules and regulations will result in the application not being approved, or even resumption of land. The long-standing policy on small houses is a housing policy formulated by the Government to resolve the housing problem of the indigenous inhabitants of the New Territories. It cannot be treated as an isolated issue. I hope that the indigenous inhabitants and small house policy will not be labeled by the community as the culprit for damaging the environment.

Moreover, I have also proposed that the Government should put in place a compensation mechanism for cases in which land use of private lands have been restricted or their development rights have been frozen. The Government has emphasized that ecological sites are a common resource of society and so, it is necessary to designate conservation areas under the law. However, the purpose of designation is just to restrict the development of the land concerned without providing compensation for the owners. The benefits brought by conservation are shared by society as a whole. President, is it fair if the responsibilities of nature conservation are imposed on land owners who are also made to bear the financial losses incurred by the entire society? Under the existing policy, the hardest hit are owners of land measuring several hundred sq ft, and I repeat, small land owners whose land measures only several hundred sq ft. These land owners used to make a living by farming but have given up farming in their old age for health reasons or other reasons. All they have is only a piece of non-arable land which has turned out to be a burden to them in their old age. Why is that so? When he owns a piece of land, on the surface, the land can be sold in the market. But once he cannot afford to sustain his living and needs to apply for the Comprehensive Social Security Assistance, his application is not

approved due to his ownership of land. Having worked hard for the whole life, these destitute elderly people are just left with their piece of land. Their situation is indeed miserable and helpless. These forgotten elders are the best illustration of people suffering losses under the Government's conservation policy, and their private ownership is brazenly exploited by the Government. Besides, in an attempt to evade its responsibility for conservation, the Government has often shifted the focus of public opinions to the owners of private land in conservation areas, accusing them of failing to shoulder any responsibility for conservation and labeling the title owners as people having no regard for social justice. But in fact, these land owners are just scapegoats who have no channel to lodge their grievances. Under the Government's conservation policy which imposes restrictions on land use, they can only suffer in silence and bottle their grievances up.

A government showing commitment has the responsibility to ease the conflicts between private developers and the needs of conservation. It is also necessary to put in place a reasonable compensation mechanism, such as the nature conservation fund that I have proposed in the amendment, which is a fund jointly managed by the Government and the community, with a start-up capital injection of \$1 billion from the Government, to be followed by annual injections each amounting to 1% of the government land auction proceeds for acquiring or leasing land with high ecological value, thus serving as a conservation fund. This will not only provide compensation to land owners for their loss, but will also facilitate protection of land with high ecological value from being damaged. President, in fact, this is a win-win option. If a reasonable and fair compensation system is put in place, I believe many land owners will choose to sell or lease their land to the Government, so as to enable the Government to better protect and conserve the ecology which belongs to Hong Kong and to members of the community.

I mentioned at the outset of my speech that the decision on the need to conserve a site should not be made in a hasty manner. This should particularly apply to land adjacent to country parks. We must not be too eager to achieve quick results by imposing restrictions on the planning of land adjacent to country parks across the board. Thus, in my amendment, I have also asked the Government to act according to actual circumstances and take corresponding measures to regulate land of high ecological value only after consulting views in society.

I would like to put forward my views on acts of unlawful development and those causing land damage in contravention of the law. Due to the complicated circumstances related to land management in the New Territories, some of the acts may sometimes involve land owners, lessees, and even liable persons. For instance, sometimes those who are involved in the acts may have been engaged in dumping construction waste on the land without the owners' knowledge, in which case the owners themselves are also victims. Or, in other cases, due to various reasons, the owners are unable to manage and monitor the land effectively when such land is leased out, which enables the lessees to take advantage of the circumstances to cause damage to the land unlawfully. The Democratic Alliance for the Betterment and Progress of Hong Kong is of the view that in enforcing the law, the Administration must carefully and clearly identify the person who should be held responsible, in order not to subject any person to unfair treatment. Thank you, President.

MR LEE WING-TAT (in Cantonese): President, I think there are several major factors that have contributed to the problem of conservation of rural land.

First, we know that the situation in the past was not that serious. The problem has become serious over the past few years or the past decade because of the rapid acceleration in land price, as well as the increasing difficulties in land assembly in the urban area. The majority of land in the New Territories is agricultural land. An advantage of agricultural land is that it is easy to acquire a large piece of land. Although application for changing the land use to residential properties has to be made to and approved by the Town Planning Board after the land assembly process, once approval is given, the assembled land will cover a substantial area. For instance, the Fairview Park and the Hong Lok Yuen in Tai Po involved a much easier land assembly process. As this is the case, property developers have adopted a proactive approach in assembling land and agricultural land in the New Territories over the past few years. This has complicated the changes in respect of land. The situation has now become more complicated than that in the past or as mentioned by Mr CHEUNG Hok-ming when farmers could own land of several hundred sq ft, or 1 000 sq ft, or 2 000 sq ft. In the past, the situation was far simpler.

Second, there has always been a lack of clarity in government policies. Has the Government actually earmarked land unilaterally for the purposes of development, land grant or restricted land? Currently the Government has the

power to do so. I remember I was not familiar with matters in this respect when I first joined the Legislative Council. I asked the Government whether compensation would be provided after land had been earmarked like this. The question was very simple: Was it necessary to provide compensation to owners whose land had been earmarked and development had been forbidden? There were heated arguments on this question back then. The stance of the Government was that the established policy would remain unchanged. The remarks of Mr CHEUNG Hok-ming are not incorrect from a certain perspective. When the Government has earmarked a piece of land and disallowed development on it, the principle of land development can no longer apply. Of course, it can be argued that the interest of an individual should be sacrificed for the common good of public interests. However, as Mr CHEUNG Hok-ming pointed out, there are some small farmers who rely on their land of 500 sq ft or 1 000 sq ft to make a living. When their land is earmarked by the Government, they will be barred from using and farming their land. What are they going to do? But the Government has turned a blind eye to this.

The third change is the enhancement of public awareness of conservation over the past decade. The visit to Nam Sang Wai this year was not the first time I visited the place. I remember it was 1993 when I paid my first visit to the place. At that time, a representative of a property developer asked me to go with him. The scenery was charming. It has been 17 years since 1993 when the developer first wanted to develop the area. But up till now, development still has not materialized. The first reason is certainly the cost and the complicated procedure involved. The second reason is the strong awareness of conservation among the conservationists to the extent that even if land is acquired by developers, it will not be easy to rezone the land owned by farmers to residential use. Even if specifications such as providing compensation, undertaking low-density development, and even implementing works in line with the principle of environmental protection are included in the development plan for residential use, the project will not be easily approved.

I think it is now time to identify a solution to the problem. If no action is taken by the Government, certainly there will not be a way out. This is the first point. If development is undertaken simply by property developers in the absence of planning and in an arbitrary manner, allowing developers to change the land assembled for whatever use they like; or damage the land when they

failed to assemble it, so as to strip the land of its ecological value and then change its land use, these are all incorrect approaches of development.

Therefore, the Democratic Party agrees to the basic concept put forward by Ms Audrey EU in today's debate. The proposal of setting up a nature conservation fund is not a new idea in foreign countries. It requires the Government to allocate seed money to the fund, with subsequent donations from the community, and from people who support environmental protection and conservation of country parks. The huge amount of funds collected will subsequently be used to acquire or lease agricultural land with high scientific value or important value. Just as Mr CHEUNG Hok-ming said, in this way, at least land will not be frozen without any compensation. However, Mr CHEUNG Hok-ming has not replied to a question raised by me and that is, how we are going to lease and acquire such land. It is necessary to put in place a scientific mechanism in this regard.

This mechanism should be set up on two bases. First, land should be acquired in accordance with the current value. The price of agricultural land is cheap. I have become more familiar with this area recently because "Uncle Fat" had taught me how to evaluate the land of Choi Yuen Tsuen. The price of some of the land is only some \$200 per sq ft. The highest price will only be \$300 per sq ft. The price is not too expensive. A sum of only \$1 billion to \$2 billion will be sufficient to acquire the land. But in some cases, the situation is different. If the farmer or developer claims that the agricultural land has great potential for development and that, the land can be resold at a price of several thousand dollars per sq ft, that this will lead to a difficult situation. What mechanism can be used to handle this? I wish to listen to the views of the Government and other colleagues. Can this be handled by the Lands Tribunal or other organizations? The money involved may be in a very huge amount. This is also the reason why we put forward an amendment today. We agree to the principle of this issue, but we must not act in a hasty manner because upon implementation, if the amount of compensation is determined according to the development potential of the land, it will not only be \$1 billion or \$2 billion. Rather, it may amount to tens of billions of dollars, or the value of agricultural land may be as high as \$100 billion, which is a colossal amount. This is the first point I wish to put forward.

Second, why do we have reservation on the proposal of injecting 1% of the government land auction proceeds as put forward by Mr CHEUNG Hok-ming?

We agree to spend \$1 billion, or even an amount of \$2 billion as mentioned by Mr CHEUNG Hok-ming. I do not think there is a problem because this is a one-off expenditure. It is not necessary for the Government to be too mean as this is not a significant amount. Insofar as the entire Government is concerned, \$1 billion or \$2 billion is not an amount that it cannot afford. Our focus is not on general land sale. Our concern is that a levy must be charged for changing the use from agricultural to residential purpose.

Agricultural land is what many farmers rely on to maintain their livelihood. To a certain extent, when farmers rely on the land to maintain their livelihood, the place is still green. But when the land is changed for residential purpose, the place will not be 100% green. The scope of greening will be actively or passively reduced to varying degrees. Thus, I am of the view that irrespective of a developer or an indigenous inhabitant, when he modifies the use of green area or agricultural land to residential purpose, he will have to make compensation for reducing the greening coverage of the community. We think that a levy should be imposed on this kind of activities. We are not targeting general land sale activities because the land involved in land sale is located in the urban area. Moreover, we should also levy a surcharge similar to a green tax on the people concerned. This is where the difference of our proposal lies.

I hope that Mr CHEUNG Hok-ming will understand that we are well-intentioned. As a matter of fact, we do not object to the basic proposal put forward by Mr CHEUNG Hok-ming. But basically, in order to promote this area of work, it is imperative to press the Government to set up a fund. Otherwise, the outcome will only be like what happened last night, in that nothing can be achieved after debating it for three years. Thank you, President.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I am very grateful to Ms Audrey EU for moving the motion on "Reviewing the policy on nature conservation" and to Mr KAM Nai-wai, Mr CHEUNG Hok-ming and Mr LEE Wing-tat for proposing the amendments.

Hong Kong is a financial centre in the world. Whenever Hong Kong is mentioned, many people will think of high-rise buildings, busy streets and the

many beautiful lights in the city. However, apart from these scenes of prosperity, the natural resources of Hong Kong are also a source of our pride.

The Government shares the wish of the community for these valuable resources to be properly protected. At present, nearly 40% of Hong Kong's land has been designated as country parks under statutory protection, where diversified species of animals and plants can be found. In terms of the share of these protected areas, Hong Kong compares favourably with many other foreign places. We also encourage the public to explore our treasures through various avenues. For instance, the Hong Kong National Geopark opened last year has already become a popular spot visited by the public during holidays. While they can explore unique geological features and rock clusters of this Geopark, the public will also be able to enjoy the natural scenery of Hong Kong.

Apart from the land under statutory protection, we are also very concerned about how private land with ecological value can be protected. This is also an issue of concern to Members today. In 2004, the Government introduced the Nature Conservation Policy with the objective to regulate, protect and manage natural resources that are important for the conservation of Hong Kong in a sustainable manner, taking into account social and economic considerations, for the benefit and enjoyment of the present and future generations. The Public-Private Partnership and Management Agreement schemes were two measures introduced under the Nature Conservation Policy with the objective of providing land owners with financial incentives in jointly conserving private land with ecological value. Private land with special conservation value is also protected under the existing Town Planning Ordinance and the Environmental Impact Assessment Ordinance.

To successfully conserve the natural environment, apart from the commitment and participation of the Government, the views and support of the public are also important. I know that Members have a lot of good ideas and sincere views on nature conservation. I would be pleased to listen to Members' views before giving a consolidated response in my concluding speech. Thank you, President.

MR TOMMY CHEUNG (in Cantonese): President, the Liberal Party is of the view that natural topography, ecological environment, natural sceneries, and cultural heritage sites are public resources, and should be shared by all members of the public. The Government has the responsibility to protect them by implementing a comprehensive conservation policy. However, there have been a number of cases recently in which land lots of conservation value are tampered with to varying degrees, showing that there is a gap between the existing nature conservation policy and public expectation. The Administration must conduct a review in this regard.

In announcing the New Nature Conservation Policy in 2004, the Government emphasized that efforts would be particularly stepped up to conserve sites with important ecological value under private ownership, and the Public-Private Partnership and Management Agreement schemes were introduced under which 12 priority sites were identified for enhanced conservation. However, six years have passed. Among the 12 priority sites for enhanced conservation, conservation proposals under the Management Agreement scheme have been implemented on two sites only, namely Fung Yuen and Long Valley. Not one project has been approved under the Public-Private Partnership scheme. From this we can see that the policy is ineffective, and it is necessary to conduct a review and make amendments.

Moreover, due to the lack of a comprehensive conservation policy, whenever an incident related to conservation occurred, the Government could only adopt stop-gap measures to tackle the problem. When the incident of Tai Long Sai Wan occurred, the Administration had to rush to the place and hastily "put off the fire", and when an incident occurred in another place, it had to rush there to "put off another fire". It has never taken any precautionary measure.

Frankly speaking, the Administration's approach of freezing development as a nature conservation initiative is merely addressing the symptoms rather than solving the problem at root. Since land developments have been frozen because of conservation, very often, land owners will do nothing while the land become deserted with weeds growing all over it, which is not helpful to conservation at all.

By comparison, the approach taken by the Development Bureau in heritage conservation is much more flexible and proactive than that of the Environment

Bureau in nature conservation. For instance, King Ying Lei in Wan Chai has avoided the fate of becoming "a broken jade", as it can be preserved by way of land exchange. This can strike a balance between heritage conservation and respect for the owner's interests, and the outcome proved to be satisfactory for both the owner and the public. Given that the Administration is able to achieve this in heritage conservation, why can it not consider this option in nature conservation?

As a matter of fact, when the Government was developing the New Territories in the 1970s, it always adopted the approach of "Letter "B" land exchange entitlements to exchange land with owners for the development of new towns and other infrastructure. Moreover, in the past, the Administration insisted that conservation by way of land acquisition was not sustainable as it involved significant amounts of public money. But if conservation is implemented by way of land exchange, the Administration will not have to spend significant amounts of money on land acquisition, while the rights of land owners will not be sacrificed for the cause of conservation. This is mutually advantageous to both parties, and should be considered by the Administration.

We are open-minded about the compensation mechanism proposed in the original motion, as well as other conservation proposals by way of compensation, such as setting up a conservation fund to acquire land, land resumption by the Government, exchanging development rights, or increasing the plot ratio. It is important to ensure that these proposals can strike a balance between nature conservation and the lawful rights of owners.

With respect to the proposal of increasing the penalties for unlawful development and causing damage to land in contravention of the law, the Liberal Party is of the view that it is worth considering. However, the recent Tai Long Sai Wan incident has illustrated that government departments have worked separately in their own ways, and the approach of law enforcement is a matter of greater concern. According to the Government, a complaint was lodged to the Agriculture, Fisheries and Conservation Department on as early as 1 June, alleging that excavation works were being carried out in Sai Wan. The responsibility was then shifted to the Lands Department. The district lands office had only sent a letter to the owner and put up a warning sign, as if the case would be solved satisfactorily. No other action was taken and as a result,

excavation works continued to the extent that a public uproar eventually emerged. It was then that the Development Bureau hastily took actions to address the problem.

The Agriculture, Fisheries and Conservation Department knew nothing about engineering vehicles going through the country park to the construction site. It was only afterwards that it said that it would pursue responsibility for the entry of engineering vehicles into the country park. This is undoubtedly like "mobilizing the troops after the robbers had fled".

This incident reveals the fragmented approach adopted as different departments were working separately in their own ways, shirking responsibilities, and showing a complete lack of co-operation. So, with respect to stepping up conservation efforts, the Liberal Party considers that increasing penalties only without strengthening co-ordination and co-operation among government departments will only end up in empty talks.

President, on the principle of protecting private property rights, we consider it necessary to address the issue of the interests of land owners being affected by conservation. We agree that there should be more injections from the Government and public consultation on the relevant criteria should also be conducted.

President, I so submit.

PROF PATRICK LAU (in Cantonese): President, recently there are many problems concerning nature conservation. I would like to thank Ms EU and other colleagues for raising their concern about the situation. Just now many colleagues mentioned cases such as private land development in Tai Long Sai Wan, construction of private columbaria in green belts, and expansion of the landfill in Tseung Kwan O, which have caused many heated debates in the community. I support Ms EU in bringing out this important message. Although we have included country parks, nature conservation, sites with special scientific value and coastal protection areas into the scope of protection under the Outline Zoning Plan, there are still some undesirable conflicts between the existing nature conservation policy and land rights, or in respect of the development control, as many colleagues mentioned earlier.

Mr CHEUNG Hok-ming and Mr LEE Wing-tat raised the question of how the problem should be tackled. Of course, advice from our sector should be sought. I am an architect and I represent the sector of planners. There are also surveyors and landscape architects in our sector. All of them are experts of this subject. Why do I say that? It is very simple. The development of all the areas mentioned earlier is carried out only after these planners have conducted studies. The architects also have a part to play. They have to decide whether a certain piece of land be used for construction. The surveyors are most formidable. They calculate all the prices, such as how much the development will cost and how much premium has to be paid. All of us know that we cannot proceed with any development or construction project without them. The most important is landscape architects. They do not only give advice with respect to what kind of trees should be planted, but also take into account the overall environment, as well as conservation, and landscape issues. I hope the Government will attach more importance to our profession. This is a role played by functional constituencies.

So, how should we deal with areas which lack planning but have high conservation value? Two Members have also talked about this earlier. In fact, it is very simple. The answer is to invite us to conduct planning study from a professional perspective, so as to categorize them and implement planning control expeditiously. We should also conduct a review on the effectiveness of the Country Parks Ordinance. I am of the view that the Government has the responsibility to, as Ms EU proposed earlier, proactively conduct studies with the relevant institutes, environmental protection and conservation groups or stakeholders, so as to explore how to set up a nature conservation fund or a relevant operation mechanism. Only in this way can we identify whether land under private ownership has special qualities for nature conservation. Just as she has pointed out, we can carry out conservation in many ways, such as land exchange, compensatory plot ratio, and so on.

In principle, I am in support of strengthening control of and increasing penalties for property owners as well as liable persons who carry out unlawful development and cause land damage in contravention of the law. However, I am of the view that the Government has the responsibility to conduct a review afresh to ascertain which sites are suitable for development and which are not allowed to develop due to their conservation value. The practice adopted by

foreign countries is very simple. They designate part of the land as "greenfield site" where development cannot take place. On the other hand, part of the land is designated as "brownfield site" where a certain degree of development is allowed. We can set out clear specifications in the Outline Zoning Plan of Hong Kong. Moreover, various public and easily accessible channels should be provided to enable the public to check clearly the status of various sites. This way, developers and owners will not carry out unlawful development so easily, while conservation groups will be able to gain access to the relevant information and undertake appropriate monitoring and environmental protection work.

I would like to remind Members that, as mentioned by the Secretary and many Members, although Hong Kong is a densely populated modern city where land resources are scarce, it only takes a journey of about an hour or less to arrive at a place of spectacular and enjoyable natural scenery. Many foreign visitors have shown admiration for these sceneries. As mentioned by the Secretary, many people know that Hong Kong is not just a concrete jungle. As a matter of fact, there are many beautiful natural sceneries in Hong Kong. They envy Hong Kong for such a good environment in the city. President, the best reason is that Hong Kong is a city of high density, which means that development is carried out in a very small place. This is not found elsewhere in the world. So, many people come to Hong Kong to learn from us and to find out why we have so many potentials. This is very important. Therefore, we should not talk about "wall buildings" or height restrictions any more. It is because of our own advantages that we can protect land with natural ecological value. The reason for us to have these advantages is that only 20% of our land is truly developed. In Singapore, a place so often praised by people, 40% to 50% of the land is developed. We cannot cease our development completely. Therefore, I hope that the Government will conduct a review on land suitable for development. There is a vast expanse of deserted agricultural land in the New Territories with development potential. Unfortunately, Secretary Carrie LAM is not in the Chamber. I would suggest that a review should be conducted. At present, these sites are used for storing containers and dumping garbage, and this has brought about many new problems. We need to conduct a review on this. How are we going to bring greater development to these undesirable sites of a low value? Apart from making an effort in planning, we must uphold the principle of sustainable development, and carry out appropriate environmental

protection and nature conservation initiatives as our primary goal, with a view to preventing the precious ecological resources of Hong Kong from being damaged.

I so submit. Thank you, President.

MR WONG YUNG-KAN (in Cantonese): President, in recent years, there have been a number of cases related to the aspirations for conservation in Hong Kong, such as King Yin Lei at the Mid-levels of Hong Kong Island, the Queen's Pier, Wing Lee Street which has become well-known recently after being featured in the award-winning movie *Echoes of the Rainbow*, excavation works at Tai Long Sai Wan of Sai Kung, the proposed construction of a columbarium in Ma Shi Chau Special Area in Tai Po, and the Wishing Tree at Lam Tsuen. Every case has become the focus of attention in the community, and what has been most frequently said is the word "conservation", as if Hong Kong has a new name called a "capital of conservation" in the international community.

Land with conservation value refers to land with ecological value, historical value, landscape value and humanistic value. It is easy if the land with conservation value and the superstructure belong to the Hong Kong Special Administrative Region (SAR) (or strictly speaking, if such land belongs to the country and managed by the SAR Government). For instance, this Legislative Council Building where we are holding this meeting now which will soon be vacated was the Supreme Court and the Legislative Council under the British rule. It was the headquarters of the Kempeitai under the Japanese rule and should therefore be conserved. There is completely no problem. Seldom will there be opposition as in the case of relocation of the Queen's Pier. On the contrary, if the target of conservation is land under private ownership, it will often become a problem difficult to be resolved.

Since the existing policy only imposes regulation on designated conservation areas on private land and prohibits acts which are destructive and in violation of land use, owners do not have the responsibility to proactively manage, maintain or enhance the ecological value of the land, resulting in the decrease of its ecological value. For instance, with the cessation of agricultural activities in Long Valley or farming of fish at Mai Po, there will be a substantial drop of their ecological function in attracting migratory birds to these areas.

Very often, a piece of land will have ecological value because the agricultural land has become deserted and gradually developed into a wetland, which can in turn become an attraction to birds. However, the owner's request for resumption of agricultural activities is often rejected by government departments on the ground that this would do damage to the ecological environment, thus making it impossible for the owner to operate in accordance with the planned land use.

I would like to point out what happens to the fish ponds in the vicinity of the wetland park. A lot of fish fry placed in the ponds by local fish farmers have been eaten by migratory birds. Fish farmers find themselves in a vulnerable situation with nowhere to turn to for assistance. Although the Government has said that it will instruct some environmental organizations or birds' societies to pay a little money to them, not one single penny is paid to them in the end and they are only told to talk to the Government. But how should fish farmers talk to the Government? The Government wishes to achieve nature conservation but does not wish to pay a price for that. How can the sector help in the conservation work? So, I am of the view that the Government is duty-bound to conduct a review. It should also consider how to achieve the objective of conserving the wetland while protecting the fish ponds which should be a pre-condition for conserving the wetland.

The Administration has included many private land lots in the New Territories in the nature conservation zone or the scope of country parks, which implies that the development rights of the land owners would be frozen on a permanent basis. As a result, the land would lose its value, and it would be difficult to sell the land while the land owners would not be compensated. This is very unfair.

Although the Government announced the New Nature Conservation Policy in November 2004, under which the Public-Private Partnership and Management Agreement schemes were introduced, the Government has in fact shifted the conservation responsibility to community groups, owners and developers, evading the issue of providing reasonable compensation to owners. This is still an unfair and unreasonable practice. No wonder Chairman LAU Wong-fat vehemently made an appeal for land owners in the New Territories back then, pointing out that Article 6 and Article 105 of the Basic Law had clearly stipulated that the right of private ownership of property, and the right to compensation for lawful deprivation of property should be protected. However, under the current practice, once the land has been designated as conservation zone, the land use

will be frozen indefinitely while the land owner will not be provided with any compensation.

When land under private ownership has been included in the scope of conservation, the nature of land ownership will be changed from private ownership to common wealth of society. I am of the view that it is necessary for the Government to set up a conservation fund to provide reasonable compensation to owners for their loss. A mechanism should also be formulated to provide for various modes of compensation such as land resumption, land lease, land exchange or conversion of plot ratio, so that the community's aspiration for conservation will be met while the land owners will be provided with compensation. In this way, we can build a harmonious society that attaches importance to nature conservation and also respects private ownership of property. With the injection of the proceeds from changing land use under the Public-Private Partnership scheme, in addition to an injection of funds by the Government at a reasonable percentage, the Government will be able to gather a start-up capital for the conservation fund.

Lastly, President, I would like to talk about the planning of land adjacent to country parks. The recent Tai Long Sai Wan incident has highlighted the need to take prompt action to regulate land use in the vicinity of country parks to forestall human damage. At present, there are 77 sites adjacent to country parks, or located in country parks without being included in the list of private land under the coverage of country parks, and 54 sites of them have not been included in the Outline Zoning Plan. However, the Chief Executive has recently announced in the Policy Address that 50 sites adjacent to country parks but not yet covered by statutory plans will either be included into country parks, or their proper uses will be determined through statutory planning, with a view to enhancing protection and preventing developments not in line with the environment from taking place in these places.

I agree with some of the measures taken by the Government, but since this involves broader issues, prior consultation with the owners concerned should be conducted. We opine that apart from consulting land owners, it is all the more necessary to enhance communication with the Heung Yee Kuk and the Rural Committees in the New Territories.

President, I so submit.

MR LAU WONG-FAT (in Cantonese): President, first of all, I have to declare that I am a land owner and estate developer in the New Territories.

Just like the conservation of antiquities and monuments, nature conservation has also become an issue of increasing concern to various social sectors in Hong Kong. Without a doubt, nature conservation is the aspiration of the community and an irresistible trend. But how are we going to effectively and consistently implement and develop this great cause to the benefit of the public and the generations to come? Because of the procrastination and squabbles of the parties concerned, the matter has remained "half-baked" so far.

So, where does the crux of the problem lie? The crux of the problem remains that the Government has all along failed to attach due importance to nature conservation over the years. Instead, it just tried to muddle through by putting forward some pilot schemes which were neither fish nor fowl. The Government has never demonstrated its resolution by making any substantive undertaking to formulate a well-balanced set of proposals compatible with natural justice with due regard to the interests of the various parties concerned, so as to ensure that our nature conservation efforts can achieve real and long-lasting effects.

Why do I say that? One can see why by comparing the attitude of the Government in handling conservation of monuments and nature conservation. As far back as in 2007, the Government already made it clear that "conservation should not simply be based on the value and the age of the building; a balance between conservation needs and economic costs should be maintained; and private property rights should be given due regard."

President, with the Government giving this final word, in just three years' time, the conservation of monuments in Hong Kong has made great progress and won loud applauses. One very good example is the King Yin Lei case in which the conservation objective was successfully and smoothly achieved through land exchange.

Unlike the conservation of monuments, the situation of nature conservation is another story. The major difference is that rather than paying regard to land owners' rights and interests, the authorities choose to adopt a high-handed tactic. In the name of conservation planning, the Government simply freezes the land use of private land lots concerned without offering any compensation to the

affected land owners. This is the most unfair and unreasonable part of the entire nature conservation mechanism.

While both causes are related to conservation and public interest, why then should the owners of monuments and land owners be treated so differently? It is indeed necessary for the Government to give a convincing explanation in this regard. It should note that the success or otherwise of conservation efforts depends on not only a clear objective but also the unreserved co-operation between the public and the stakeholders. As the public and the community as a whole will benefit from conservation, it is just natural that they should make concerted efforts and work hard for this cause. On the contrary, it would be unfair and unacceptable if land owners were required to bear all the responsibilities and financial losses.

The authorities are now riding roughshod over the land owners and neglecting their interests totally, but such tactics will achieve nothing but force the affected land owners to boycott or resist the cause. As such, rather than enhancing the effectiveness of nature conservation efforts, these tactics will only serve to affect adversely the stability and harmony of the community.

Protecting private property right is the responsibility of any responsible government. As far back as in 1992, the Report of the Special Committee on Compensation and Betterment, which was produced in connection with the review of the Town Planning Ordinance, already pointed out that the Government should make compensation for the land value losses caused by government planning efforts. As regards the Basic Law implemented after the reunification, Article 105 has clearly provided for the protection of private properties and rights.

President, in pursuing nature conservation, it is just impossible for the Government to evade or shift the responsibility of making compensation. As a matter of fact, neither the "Management Agreement" nor the "Public-Private Partnership" arrangement can effectively replace real-term compensation. As regards the question of what compensation arrangement or mechanism should be suitable and feasible for pursuing nature conservation, I believe there should be much room for discussion. In my opinion, in addition to land exchange, purchasing the land lots earmarked for conservation or paying rent to the land owners concerned could also be considered as well.

To better achieve the objective of nature conservation, the Heung Yee Kuk reached a consensus with 11 non-government green groups to put forward the proposal of establishing a statutory nature conservation fund to provide reasonable compensation to land owners of sites earmarked for conservation. Actually, such an arrangement is nothing new, for there are already some successful precedents in other countries. Actually, the authorities have made no positive response to this proposal so far not because they "could not do it" but because they "would not do it".

President, the Tai Long Sai Wan incident earlier on can be regarded as a new opportunity to review the policy on nature conservation. I need to point out that the authorities' abrupt inclusion of the piece of land adjacent to the country park in the planning control scope is just a stop-gap measure made for expediency. Issues like how the criteria should be formulated and whether such criteria are fair are indeed rather controversial. Any long-term solution can hardly be feasible without a set of reasonable policies capable of balancing the interests of different parties. How can such a solution be achieved? As I said just now, it all depends on the resolve and commitment of the Government.

President, earlier on, the Government took the lead to earmark \$5 billion to set up the Community Care Fund. This is an important first step of the Government, the business sector and the general public towards poverty alleviation. If the Government can show the same resolve and commitment in nature conservation, it would not be long before our nature conservation efforts could achieve some phenomenal progress.

President, I so submit.

MR CHAN HAK-KAN (in Cantonese): President, people have always described Hong Kong as a concrete jungle. Actually, we do have many places with beautiful scenery and ecological value, only that not many people know about or notice such places. But then, if people came to learn about or notice such places, in many cases it was just because of some negative press coverage, as such cases always involved the conflicting needs of development and conservation. As Hong Kong is a small place with a large population, land is a very precious resource, and the development pressure on land lots in the New Territories is becoming increasingly heavier. When some sites of ecological

value are about to undergo development, the attention of green groups and the press will always be drawn to such sites, and it is always at this juncture that the Government intervenes and follows up the cases. As most people say, this approach is indeed a "palliative". Rather than achieving any conservation objectives, this approach will only impose restrictions on the development of land owners' properties. Indeed, this approach can hardly achieve any result in any way.

President, just now some Honourable colleagues have referred to some government policies regarding nature conservation. In retrospect, we can see that the last time the Government reviewed the policy on nature conservation was back in 2004. At the time, the then Secretary for the Environment, Transport and Works put forward a "New Nature Conservation Policy" to introduce a scoring system to select 12 priority sites for enhanced conservation, and to enhance the results of conservation efforts on sites under private ownership by way of "Management Agreement" and "Public-Private Partnership". However, six to seven years have passed since then, can this policy achieve its intended objectives? I personally consider the result not at all satisfactory, as it is clear to us that not many applications have been made in response to the scheme. So far, only three proposals have been awarded government funding to operate under the "Management Agreement" mode. The majority of the sites still remain under zero care and zero management.

President, in fact, we do have some successful examples in Hong Kong that can do very good on both the development and conservation sides. The one I am familiar with is Fung Yuen in Tai Po, which is a successful case of private land development and conservation. An organization is now managing the place as a butterfly reserve, and many people like to visit the place on weekends, Sundays and public holidays to see the butterflies there and participate in some nature conservation-related activities. While many seminars have already been held in the reserve, visitors to Fung Yuen can also gain some knowledge of ecology and rural culture. Many green groups are now actively drawing on the experience of Fung Yuen, hoping that they can also organize relevant group activities in other places. Hence, we can see that Fung Yuen is indeed a very good example of successful conservation of private sites of ecological value.

What I wish to point out is that if we are to do a real good job of ecological conservation, we need to have a comprehensive set of arrangements. We cannot make it a success by simply finding a few non-government organizations to take

up the job and providing them with some funding. Several years ago, the Government made an application in response to the request made by the Democratic Alliance for the Betterment and Progress of Hong Kong as well as some other organizations, and successfully made some special geological landscapes in northeastern New Territories a national geopark. If we just depended on non-government efforts at that time and pushed on without the Government's participation, it would be a lot more difficult for the geopark application to succeed.

As such, the Government cannot and should not outsource the nature reservation work to conservation groups by way of "nature conservation Management Agreements". Instead, the Government should participate more actively in this respect. Whether the work involved is negotiating with the land owners concerned, assessing the ecological value of sites or proposing regulation and control arrangements, the Government should always take the lead and never evade assuming its own responsibilities.

President, when talking about the policy on nature conservation, many people would think that this is an issue within the Environment Bureau's portfolio. In our view, however, the Development Bureau should also be involved. The loopholes in the existing policy are, to a certain extent, attributable to the disputes involving land leases and land titles, as well as the problematic planning work done in the past. The Development Bureau really has an unshirkable responsibility in this respect. I understand that since its establishment, the Development Bureau has to deal with a lot of issues. For example, monuments conservation and tree management are in the Bureau's brief as well. Nevertheless, the authorities also need to understand that the people of Hong Kong are very much concerned about the local ecological environment. That is why we hope very much that the Development Bureau can formulate some policies in response to such concern of ours. As another gatekeeper in this respect, the Environment Bureau should actively offer professional advice to other government departments in such areas as conservation and ecological value assessments, perfect the existing policies on conservation, as well as consult the stakeholders concerned.

Last but not least, President, I wish to say that I support very much the concept of the "nature conservation fund" proposed by Mr CHEUNG Hok-ming, and that this concept is also approved of by the Heung Yee Kuk and some green

groups. However, the Government has all along been turning a deaf ear to this "nature conservation fund" concept. Instead, it just keeps emphasizing that it will use the Environment and Conservation Fund to help promote other conservation efforts. However, the conservation work on private sites requires more financial resources, it is just impossible to do a good job with just the Environment and Conservation Fund alone. As such, the concept of setting up a dedicated fund is indeed worthy of consideration by the Government. Let me cite an example. The United Kingdom has a successful experience of managing nature conservation sites by way of a trust fund. The National Trust, which is a nature conservation fund, has a history of over a hundred years, and it is managing a total of almost 250 000 hectares of land of ecological value across England, Wales and Northern Ireland, 600 miles of coastline, as well as 200-odd buildings and farms of preservation value. The Trust conducts conservation and management work through land acquisition and paying rent to the land owners concerned. Besides, it has also recruited a large number of volunteers (currently 38 000 volunteers) and provided them with training, so that they can take up the management and conservation duties. In addition, through effective management, the Trust has been developing the sites of preservation value into tourist attractions in a step by step manner. This is a very good example of striking a balance between the conflicting needs of development and conservation. I hope very much that the Secretary can seriously consider setting up a fund to manage the nature conservation sites (*The buzzer sounded*) Thank you, President.

PRESIDENT (in Cantonese): Mr CHAN, your speaking time is up. Does any other Member wish to speak?

MISS TANYA CHAN (in Cantonese): President, as a matter of fact, not only the Secretary for the Environment should be here today, the Secretary for Development should also attend this motion debate. As we can see, a significant part of this subject is related to land issues and small house concessionary right matters, all of which are within the portfolio of the Secretary for Development. It is indeed regrettable that she is not present today.

As we all know, the Civic Party has all along been very much concerned about subjects of nature conservation. President, the Tai Long Sai Wan incident

earlier on has indeed demonstrated the two sides of the same coin. We all know that green groups have been striving over a dozen years for the preservation of sites not included as part of the county park, yet it seems that the cause has only drawn the attention of some green groups or people relatively better aware of environmental protection. However, in the wake of the Tai Long Sai Wan incident, many people were drawn to the cause and the issue was successfully resolved as a result. Regrettably, under the existing legislation, we just know that even if the development permission area plan is extended to cover Tai Long Sai Wan, Mr LO, the person who has purchased the site, still has no responsibility to restore the site, nor does the Government have any power to require him to do so. I have paid a site visit there, and the sight is indeed deplorable. It just looks like a beautiful table or a nice piece of wood drilled with many holes. The damage done to the place is indeed heart-breaking.

Certainly, we support very much the motion proposed by our party leader Audrey EU. And I would like to take this opportunity to talk about Nam Sang Wai as well.

We can see that many people are concerned about the Nam Sang Wai incident. Actually, the incident in Nam Sang Wai makes me think that this is just a New Territories version of the Hopwell Centre II saga. Why do I say so? Perhaps Members still recall the development of Hopwell Centre II (originally named as Mega Tower). The development project had already been approved by the Town Planning Board (TPB) in 1994, but things just dragged on until 2008 when a breakthrough emerged. At that time, it was noticed that the developer had been making minor amendments to the building plan every two years to keep the project "afloat". So much so that the approval given in 1994 and the terms and conditions applied then still remained effective in 2008. Similarly, the Nam Sang Wai project was also approved by the TPB in 1994 with 26 terms and conditions. As of today, the approval together with the terms and conditions are still effective. However, I wish to tell Members that Mr KAM Nai-wai just now also asked why the project would be brought up for discussion this coming Friday. If we have the opportunity to review the history of the project, we will know why it will be discussed again this Friday.

I wish to tell Members that in 1994 when the TPB gave the approval, it also required that the project be commenced within five years' time, or the relevant approval would be considered void. Subsequently, the Henderson Land

Development Company Limited (Henderson) made an application to the TPB in 2001 for an extension of the approval for five years. But the TPB only approved an extension of three years, and made it clear that it would keep a close watch on the compliance or otherwise of the relevant terms and conditions. Three years later, the developer applied for another three-year extension to December 2007. In September 2007 when the extension period had yet to expire, the developer applied again for a 36-month extension to 18 December 2010. That is why we have an opportunity to examine the application again. In this coming Friday, the TPB has to handle the case again.

I wonder if Members have noticed that every time the TPB gave its approval (and particularly in 2007), it would reiterate that if the development project did not commence before the expiry date (which was 2010), the relevant approval would become void. However, recently, Henderson made another extension application. Do Members know what has happened all these years? Our understanding of and aspirations for conservation have changed completely. In particular, Hong Kong signed a very important document in 1999 and became a party to the convention. This convention is a very important convention, which is the Ramsar Convention on Wetlands of International Importance. Why did we sign this Convention? If Honourable colleagues are aware, we have a Ramsar site in Hong Kong which covers a reserve area. The Henderson development project in Lut Chau and Nam Sang Wai mentioned just now is located within the reserve. That is why we have to follow up this project. Regrettably, however, the Convention was signed in 1999 and does not have any retrospective effect. As such, we cannot apply it to the approval given in 1994. The Convention stipulates that there should not be any loss in wetlands, and that refers to net loss.

Many wetlands are located in Lut Chau and Nam Sang Wai, and so is the second largest reedbed in Hong Kong. However, while this Henderson development project may cause damage to the reedbed, the size of the wetlands may also be reduced as a result. We can see very clearly from this picture that 30% of the site the developer intends to develop actually belongs to the Government. If the Government refuses to exchange land with Henderson, they just cannot proceed with the project. But then, they even attempt to cheat the Government. They are offering to exchange this Lut Chau site where they have no development right for the site in Nam Sang Wai, so that they can develop a nine-hole golf course and luxury residential buildings not exceeding eight storeys.

It is regrettable that the Secretary for Development is not present today. But I still hope very much that the Government can earnestly protect the land lots outside the reserve. With regard to the remaining 50-odd sites, I just hope the Government will expeditiously publish development permission area plans or outline zoning plans to enable the sites to be covered by statutory plans. I do not wish to see any more losses, as those sites belong to the people of Hong Kong. Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR ALBERT CHAN (in Cantonese): President, Hong Kong's policy on conservation and its tangible results are a total failure. The cause of the failure is not the lack of support from the people of Hong Kong. Actually, just from the public officer assigned to attend this motion debate in this Chamber today, we can see clearly where the cause of the failure lies.

To begin with, conservation of wetlands should be a crucial part of the strategic development of Hong Kong, a responsibility to be taken charge of by not just the Environment Bureau alone. Besides, wetland conservation should by no means be handled in a passive manner. As a matter of fact, the wetlands in Hong Kong are formed as a result of Hong Kong's policy on agriculture, which is a total failure. Over the past years, many places have developed successfully into paradises for birds. But they were in fact born from abandon lands, not developed as a result of the Government's active planning.

We mentioned Long Valley in our discussion on the development of railways, but the wetlands in Long Valley are not developed as a result of the Government's planning efforts. The existing Mai Po Reserve and the secondary wetlands in Mai Po are all developed from abandoned agricultural lands. In fact, more than a dozen years ago, the then Legislative Council was very much concerned about the damages caused by owners of agricultural lands to wetlands. Seeing that such damages had affected the original landscape of the wetlands, the Council put forward a number of proposals to the then Government. We did that more than 10 years ago. At that time we noted that some of the owners of the agricultural lands in the vicinity of wetlands were major developers (which are the leading developers today), and that those abandoned agricultural lands

were very good wetlands. But then, the developers just filled the sites with concrete, turning the habitats of birds into concrete jungles and defeating completely the original nature conservation purposes.

Naturally, from the point of view of the land owners, in order to ensure that their lands can be developed in future, and that the development projects will not be affected by the nature conservation value of the sites, they have to do some destructive preparatory work. So, what they have done are actually of some economic value and effects. Nevertheless, all these years, the Government has not formulated any corresponding policies to deal with conservation-related matters. Although it seems that the Government has formulated many seemingly practical control measures, such measure are in fact totally useless. The restrictions on filling thickness and disposal of certain waste materials are some examples of such useless measures. Apart from that, the Government does not have any specific measures to preserve the wetlands.

The Government must tackle the issue at root, and one of the feasible measures is to implement territory-wide planning. At present, the planning work done by the Government is very simple. It only zones certain places of the territory as greenbelts, or designates certain sites for agricultural land use, and so on. However, such efforts are not supported by any clear and long-term policies or resource commitment to ensure the further development of wetlands which carry conservation value or potential. If the Environment Bureau does not actively take any leading actions in this respect, if the Government does not actively take any leading actions in terms of planning, the wetlands in Hong Kong will just disappear gradually.

I now appeal to the Government that there is no free lunch in this world, and there will not be any free lunch in respect of wetland preservation and development of nature conservation areas. As the owners of the sites, land owners naturally do not wish to see their property being continuously occupied by birds and lose their room of development in the long run. As such, the Government should, in the first place, formulate comprehensive policies and planning strategies. If there are any places in Hong Kong that are worthy of nature conservation purposes, the Government should designate their uses by way of planning. However, if the sites designated for nature conservation are under private ownership, I believe the Government should acquire the sites concerned. It would be unreasonable of the Government to designate a piece of land for

nature conservation purposes and as a habitat for birds if such land is under private ownership. In so doing, the Government is just robbing Peter to pay Paul.

Given that the Government has such a handsome reserve and such a huge amount of public money at its disposal, if this is a policy approved of by the people of Hong Kong as a whole, and if the relevant nature conservation area is a resource under the common ownership of the general public, the Government should acquire the site with public money. This is just like the case of the Express Rail Link. While the development of railways is related to public interest, transportation and communication purposes, as well as other planning purposes of the Government, nature conservation areas are also related to public interest. Hence, there is no reason for the Government to not appropriate some public money as land acquisition compensation payment and turn the sites concerned into areas for public enjoyment. As far as overall nature conservation is concerned, I believe the Government should effect a fundamental change in terms of its concepts, policies and planning efforts. Otherwise, even after another 10 years of discussion, we will still be stuck in square one.

I suggest that the Government adopt a three-tiered mode. The first tier is designating uses at planning level, the second is land acquisition, and the third is actively rather than passively making comprehensive development plans for sites of conservation value or potential conservation value. That way, the sites concerned will be enabled to really achieve the original conservation purposes. Besides, the Government should also implement relevant measures to put the sites to suitable uses, so that the conserved sites can give full play to their potentials. Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR ALAN LEONG (in Cantonese): President, the Tai Long Sai Wan incident some time ago and the recent incident in Nam Sang Wai have aroused public concern about land with high ecological value, and reflected the many loopholes in the existing policies. First, the nature conservation policy is nothing but an empty shell, which functions only as public relations gimmicks and can hardly have any conservation effect. Even land lots like those in Tai Long Sai Wan

with high scenic value are entirely not included in the conservation list. Second, the rural and town planning policy has been implemented for 20 years since its amendment in 1991, but the statutory plans are still yet to be drawn up for many land lots in the countryside, thus giving opportunities for the financially powerful developers to take advantage of this. Third, the policy on country parks has also been implemented for 35 years, but quite many scattered plots of private land are still seen in these parks. The Government takes the attitude of "negative non-management", which deprives the villagers of support for sustainable development. Fourth, the Government has been procrastinating in the Small House Policy review after the reunification, and the developers have spotted this opportunity afforded by the policy and launched large-scale acquisition of small house concessionary rights and then urged the Town Planning Board to change the land use in the name of small house development, in an attempt to further encroach into the rural areas.

President, I would like to particularly pinpoint the potential problem with the existing Small House Policy in the New Territories. As early as in 2002, the Audit Commission pointed out in its audit report that the existing Small House Policy is very confusing and deficient in systemic regulation. The Small House Policy is originally intended to afford an indigenous villager who is a male person at least 18 years old and descended through the male line from a resident in 1898 of a recognized village the right to build a small house once in a lifetime on concessionary terms. The policy objective is to allow indigenous village inhabitants in the New Territories to build their own houses and foster cohesiveness in villages, as well as to improve the housing and hygiene conditions in the rural areas in the New Territories.

However, the original intent of the Small House Policy has gradually been distorted. The former Audit Department discovered that many indigenous inhabitants would have their small houses sold shortly after they had been issued with a completion certificate. Given the handsome amount of money offered by the developers, many indigenous inhabitants would sell their small houses approved to be built on concessionary terms to developers immediately after they have been completed. The developers would then put the small houses on the same land lot together for comprehensive development into modern villa estates for sale to the public for exorbitant profits. Coupling with the verification of the status of indigenous inhabitants being carried out very loosely, the developers have even allured indigenous inhabitants with money to sell the small house

concessionary rights to them direct. After securing enough concessionary rights by hook or by crook, the developers would launch a full-scale construction of small houses in the form of private villas to make profits. The practice of selling the concessionary rights prior to the building of the houses has steered the Small House Policy towards commercialization, which is a total violation of the original intent to sustain the clan culture. President, the Small House Policy has now become a symbol of business opportunity for property development. The rural privileges and real property hegemonism have joined hands to make use of rural land resources in the New Territories for making huge profits. This, coupled with inadequate regulation by the Government, enables the developers to take advantage of this policy to launch large-scale development in the rural areas, destroying the ecological environment wantonly.

President, on the premise of promoting conservation of rural areas with a high ecological value, the Government also needs to tackle the restriction of being unable to meet endless demand with limited land. The authorities have to strike a balance acceptable to all stakeholders between showing respect for the rights of the indigenous inhabitants and devising a sustainable land development policy for Hong Kong, and it is all the more imperative to curb the activities of unscrupulous businessmen making profits with the concessionary rights.

President, in a bid to plug the loophole of developers taking advantage of the Small House Policy to encroach into the rural areas, the Audit Commission has also put forth many proposals for improvement, including requesting the Administration to ensure that only those eligible indigenous inhabitants of recognized villages listed on the approved register can build small houses, and that the villages recorded on the small house register be cross checked against those recognized villages on the approved list to prove that the information is accurate and error-free.

However, there has been not much to commend in the performance of the Government since the publication of the report by the Audit Commission in 2002. Developers have continued to acquire the concessionary rights for construction of luxury houses over these few years, and plans for encroaching into rural areas have been rolled out. Only in the face of strong reactions in society have the authorities reacted like awakening from a dream, but it is disappointing to see that the Development Bureau and the Environment Bureau are trying to shirk their

responsibilities for tackling this difficult task. President, perhaps you may remember that Michael SUEN — who was the former Secretary in charge of land — had said that he would solve the small house problem within his term of office, and now he has left his office for many years. Even Secretary Carrie LAM whom we thought to be fearless also said recently in a meeting of the Panel on Development that she felt quite helpless as to what to do. Such performance is really disappointing. It is incumbent on the Government to address the public concern about environmental conservation through inter-departmental synergy, and to courageously embark on a comprehensive reform of the Small House Policy through legal means or by way of political negotiations.

President, I so submit.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR RONNY TONG (in Cantonese): President, both yesterday and today are environmental protection days as we have been debating issues relating to environmental protection. Though we have spent two days on discussions, I think it is absolutely necessary.

President, when I spoke yesterday, I said some people may think that air pollution is the price that a successful city like ours has to pay; similarly, there are other people who think that failure in nature conservation is also the price paid for Hong Kong's success. However, is such price actually worth paying, and can it be avoided? I consider that the price can actually be avoided. There is a saying prevailing on the Mainland — "when a policy is devised at the top, there are always ways of getting around it from below", and such phenomenon seems to be taking place in Hong Kong, particularly in respect of nature conservation. As the drawing up of a policy alone can only solve half of the problem or is merely a start, the problem will actually remain unresolved if we lack a certain degree of confidence and determination in implementing the policy.

President, I would like to spend a few minutes illustrating in brief some examples that other people will feel ridiculous. President, early this year I received complaints from villagers of Tin Ping Shan Tsuen in Fan Ling North

alleging that some agricultural land in their neighbourhood have been let out to be used as a container yard, where more than six stacks of containers have been piled up, and it is referred to by the media as the "Great Wall of Containers". You can imagine what the situation is like. That is, the place has become a container yard with the stacking of many containers. A lot of sewage and waste keep running out from the yard, thus contaminating the farmland nearby and making the normal growth of crops impossible. The farmers, of course, asked the developer to take the site back and cease the operation of the container yard. Initially, the villagers thought that the turning of the site, apparently a piece of farmland, into the "Great Wall of Containers " was obviously in violation of the original land use, and hence constituted an illegal activity, and they wondered whether this could be actually stopped. So, they lodged a complaint with the authorities. But it is ridiculous that the reply received by the villagers said the farmland is a piece of private land, and what has been done to it is not illegal despite the fact that the persons concerned have not applied to the authorities for change of land use, and the only thing they consider illegal is the fee collection kiosk installed in the container yard, which is an authorized structure. So, the only thing that the enforcement department can do is to remove the kiosk, and the "Great Wall of Containers" still remains there. Do you think that the reply is ridiculous to the villagers concerned?

President, a more important point is that when a piece of farmland has been turned into the "Great Wall of Containers" with the laying of cement on it, can you convert it back into farmland or a piece of land that you can grow trees and flowers instantly even after you have taken the land back and removed the concrete? No, you cannot. President, this is precisely where the biggest problem lies. Many developers have "jumped the gun" and done something when the Government was not watching. Even when the Government discovers and attempts to stop it, the destruction done is in fact irreparable or irreversible. For example, a developer has "jumped the gun" to build a road for a villa development, and though you can stop the construction of the villa, the road has already been completed and the sand and rubble dug out at the time of the road construction had been dumped into the river nearby where fish cannot live and birds cannot fly over it. Even though you can stop the development, the nature conservation of the place has been completely destroyed and the situation is irreversible. In such circumstances, seeing that the environment cannot be salvaged in any way, the developer will ask the Government to let them carry on

with the development, and surprisingly the Government will believe such words and allow them to change the land use, resulting in a complete collapse of the defence of nature conservation.

President, another very good example is that a columbarium has been constructed adjacent to a country park not long ago. It was questioned that the columbarium had been constructed in contravention of the lease terms. So, the Government consulted the lawyers but still could not come up with an answer after two years of repeated discussions. Up to now, in putting forth a solution, the Government has only said: "Let me tell you that this columbarium may violate the lease terms. However, I will not stop you from doing it until we have put in place a mechanism two or three years later, and by then we will conduct a review afresh and come to a decision as to whether or not you can do it." However, construction works have been carried out in the interim, and the so-called nature conservation has gone down the drain with the vanishing of all trees and flowers there. Even if the Government would come to a decision and say in future, "Sorry, you have violated the lease terms and you have no right to do such things", it cannot do anything to help solve the problem, can it?

President, I think this is virtually a chicken-or-egg question. However, I think the kernel of the question is that the Government lacks determination to enforce and implement the conservation policy.

President, there are several things that I think the Government must do. First, it needs to safeguard the integrity and sanctity of land lease. If someone violates the lease, the Government should take the land back, and adopt deterrent measures as a warning to others, so as to stop the developers from acting in contravention of the law. Failing that and by taking lenient and tolerant action, the result will be like what I have just said, that is, you can never salvage the environment. Even if you can stop any further destruction to the environment, damage has already been done and cannot be reverted. Besides, President, the Government must provide resources and set up an independent department to execute the policy and carry out follow-up and enforcement action so as to earnestly implement the conservation policy, failing which, all would be nothing but "empty talk". And, it would be futile for us to speak any more in this Chamber, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Ms Audrey EU, you may now speak on the amendments.

MS AUDREY EU (in Cantonese): President, Miss Tanya CHAN, who may be speaking too fast earlier on, has pronounced "發展局" (Development Bureau) as "快閃局" (flash bureau), and I think this explains why Secretary Carrie LAM has chosen to evade this meeting today.

President, there are two amendments today. I would like to speak of Mr CHEUNG Hok-ming's amendment first. There are two very important points in common in his amendment and my original motion. First, we very much hope to set up a nature conservation fund which is also proposed in the original motion. Mr CHAN Hak-kan has earlier on expressed support for Mr CHEUNG Hok-ming's nature conservation fund, and I certainly hope that he also supports the nature conservation fund proposed in my original motion. Another point is about the setting up of a compensation mechanism, which is also the core part of my original motion. In this regard, Mr CHEUNG Hok-ming also said in his speech that he is very supportive of it. So, these are the two major common points in our proposals.

However, President, I am very sorry that the Civic Party cannot support Mr CHEUNG Hok-ming's amendment today, mainly because he has amended a very important point in my motion. I made it clear in my proposal that the nature conservation fund should be "community-led and government-supported", but he revised this to "jointly managed by the Government and the community". We think that it is not feasible, and it is like a "conservation version" of the Community Care Fund with funds being raised by the Government and then managed jointly with the community. I do not see how it can be implemented in such a way. Mr CHAN Hak-kan has earlier on expressed that he is very supportive of this viewpoint of Mr CHEUNG Hok-ming, and mentioned a nature conservation fund in the United Kingdom, which is, in fact, a nature conservation fund independently managed by the community. As such, if Mr CHAN

Hak-kan or the DAB is in support of the British model, it is certainly unlikely for them to support Mr CHEUNG Hok-ming's amendment, as he has changed the original spirit.

Our original motion means that the Government should set up a seed fund first through a start-up capital injection. Only through this can the fund be established. If the Government does not play a leading role, it will be very difficult for the community to do it. I know that many celebrities in society are now looking into this. Wishing them good luck, I hope that they can succeed as soon as possible. However, I believe that if the Government is willing to provide capital injection to set up a seed fund, the community-led and government-supported nature conservation fund can be established once the conditions are ripe.

Mr CHEUNG Hok-ming's amendment even specifies a capital injection of \$1 billion. As I have mentioned in my speech earlier, I think this is a good start, which will naturally be followed by donations from the community. Many colleagues have earlier on mentioned in their speeches and I do very much agree that there are actually a lot of people in Hong Kong and abroad who are very appreciative of the nature conservation environment in Hong Kong. They marvel at the fact that there are rivers and mountains in nearby areas, and the country trails are particularly suitable for hiking in Hong Kong, which is completely different from Taiwan. Of course, many mountain hikers are more than happy to inject funds or make donations to a nature conservation fund. So, this is the point that makes Mr CHEUNG Hok-ming's amendment a little different from my original motion.

In addition, in item (e) of his amendment, Mr CHEUNG Hok-ming has also deleted the wordings of "plugging the loophole that developers can undertake large-scale developments by acquiring small house concessionary rights" in the latter part of my motion, which is, however, a very core issue in this motion debate. As I have spoken earlier on, the small house concessionary rights have defeated their original purpose of design, and what we see now is that developers are undertaking large-scale acquisition of such concessionary rights, which will very often be used for carrying out development projects to the detriment of the ecological environment. The deletion he made is unacceptable to us, which is also the reason why I cannot support Mr CHEUNG Hok-ming's amendment.

However, I am very much supportive of Mr KAM Nai-wai's amendment, in which he has mainly added the wordings of conducting comprehensive studies and consultation because of the large amount of public money that may be involved. Of course, I agree to it very much. As I have mentioned when I spoke earlier on, actually we do not have to be too worried that many landlords in the New Territories will hence ask for exorbitant prices as a mechanism is provided in the existing legislation to deal with compensation for resumption or acquisition of land in this regard. For this reason, the Civic Party supports Mr KAM Nai-wai's amendment.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I wish to thank again the Members who have spoken on the motion and the Member sponsoring the motion.

At present, 40% of the lands in Hong Kong have been zoned as country parks, and that is why we can more effectively protect the natural environment and biodiversity of Hong Kong. Our efforts in this respect have won the recognition of the various sectors of our community. Perhaps it is due to this background that when Members spoke on the issue of nature conservation just now, they tended to place their emphasis on the preservation of privately-owned sites of conservation value.

Many Members mentioned that the Government should consider how our natural environment can be further conserved. In particular, the legal rights and interests of land owners must be taken care of, and financial incentives should also be offered to the relevant land owners to help achieve the conservation purposes. Quite a number of Members also opined that the Government should step up efforts to regulate the relevant land development projects and combat acts of violation, so as to further conserve our natural environment.

President, I wish to take this opportunity to reiterate the policies and principles adopted by the Government in pursuing nature conservation.

To begin with, 40% of our lands have been zoned as country parks, and this is indeed uncommon. As regards privately-owned lands of conservation value, it is our policy to respect the property rights of land owners. And on this major premise, we will offer financial incentives to ensure that conservation and

development purposes can be pursued simultaneously. One of the objectives of the nature conservation policy announced by the Government in November 2004 is to give land owners of relevant sites a financial incentive, with a view to enhancing the conservation of sites of ecological importance that are under private ownership.

To achieve this objective, we selected 12 priority sites for enhanced conservation. We introduced two types of schemes, namely, the Public-Private Partnership scheme and the Management Agreement scheme. For the Management Agreement schemes, the Environment and Conservation Fund (the Fund) is now funding non-profit-making organizations to enter into Management Agreements with land owners, so as to actively preserve the privately owned lands within the 12 priority sites for enhanced conservation. As regards, the Public-Private Partnership schemes, they allow project proponents to conduct development activities of a limited scale on ecologically less sensitive lands within the 12 priority sites. However, the proponents are required to undertake long-term conservation of the places concerned and manage other places of higher ecological value.

Just now Mr KAM Nai-wai asked about the development situation of the 12 priority sites for enhanced conservation. Actually, two of the sites (namely, Long Valley and Fung Yuen) have been included under the Management Agreement schemes. These two projects have effectively preserved 15 hectares of land under private ownership and attained encouraging results in respect of nature conservation. Since the commencement of the project in 2005, both the varieties and numbers of butterflies found in Fung Yuen have been on the increase. The number of butterfly species has increased from 162 to over 200, accounting for over 80% of the butterfly species found in Hong Kong. As regards Long Valley, since 2005, the number of bird species found there has increased from 202 to 230, accounting for about 50% of the bird species found in Hong Kong. Given the remarkable results attained, the two projects have received a total funding of more than \$20 million from the Fund. The successful implementation of the two projects really cannot be realized without the support of the local residents.

Under the Management Agreement schemes, the Conservancy Association is funded by the Fund to work with the farmers in Long Valley to cultivate crops that are conducive to nature conservation, so that farmers can cultivate their lands and preserve the environment at the same time. Besides, the Conservancy

Association also helps the farmers to identify points-of-sale for their produces, so as to boost the sale volume. As regards the Fung Yuen project, its public participation activities have encouraged the public and the local residents to care more about nature conservation and become more aware of the need to preserve the natural environment.

With regard to Public-Private Partnership schemes, upon consultation with the Advisory Council on the Environment (ACE) in 2008, the Government received the ACE's support in implementing the Sha Lo Tung project. The proponent of the Sha Lo Tung project proposes to set up an ecological reserve of over 50 hectares to preserve the biodiversity of Sha Lo Tung. In addition, Sha Lo Tung will also see the establishment of a columbarium and some relevant facilities on a site with lower ecological value and less than 5 hectares in area. As the project is a designated project under the Environmental Impact Assessment Ordinance (EIAO), the proponent is required to submit an Environmental Impact Assessment (EIA) report to the Government, and subsequently submit the project to the Town Planning Board (TPB) for approval.

The Government has also received a project proposal regarding Fung Lok Wai, which is also located in one of the 12 priority sites for enhanced conservation. According to the proponent of the project, 4 hectares of land on the site will be developed into a low-density residential area, while the remaining 70-odd hectares of land will be designated as a "Wetland Nature Reserve" dedicated to conservation purposes. The EIA report of the project has already been approved by the ACE, and the proponent of the project is required to submit the necessary planning applications.

Given that these projects all involve rather complicated land arrangements and the lands involved are of ecological importance, and that the requirements under the EIAO must be fulfilled, we have to be very careful in handling these project proposals. As such, the time required to process the proposals will be comparatively longer.

In addition to vetting these applications in accordance with the established procedures under the existing legislation like the EIAO and the Town Planning Ordinance (TPO), the Government will also follow up with the proponents of the projects to ensure their long-term conservation and management of the relevant

areas, particularly the areas of higher ecological value. The land and funding arrangements will be followed up as well. It is worth noting that the proponents of the two projects have both indicated that they would donate seed money for the long-term conservation of the relevant sites.

We hope that in allowing a limited scale of development on these lands with ecological value through the Public-Private Partnership schemes, and offering a financial incentive to land owners, both the development needs of sites and the objective of nature conservation can be fulfilled at the same time.

In the motion debate today, Members have put forward quite a number of views, and I would like to respond to them here. It was proposed just now that the Government should support the setting up of a nature conservation fund with community involvement, so as to offer financial support to land owners and thereby promote conservation efforts. Mr CHEUNG Hok-ming's amendment even specifically proposes the setting up of a nature conservation fund with government funding and subsequent annual injections drawn from government land auction proceeds.

Different places of the world have set up similar nature conservation funds with different functions. For example, to preserve the lands of ecological importance, some funds may acquire sites with the money raised or accept land donation. The one referred to by Mr CHAN Hak-kan just now is the National Trust for Places of Historic Interest or Natural Beauty in the United Kingdom. This trust fund has a history of over a hundred years and its operation is independent of the British Government. It is one of the largest charity organizations in the United Kingdom and one of the largest land owners in the country as well. The trust fund establishes its land reserve through acquiring lands of ecological importance with the money raised. Besides, it also accept land donation from land owners. Apart from the example in the United Kingdom, other places have also set up similar funds, but their operation modes are not the same due to the culture and actual situations of the places concerned.

Ms EU has mentioned "putting in place a compensation mechanism for cases in which the land lots have been frozen for development due to nature conservation and have established development rights according to law". I also noticed that some Members have opined that the Government should consider acquiring the privately-owned lands of ecological value. Mr KAM Nai-wai's

amendment also proposes "conducting comprehensive studies and consultation, so as to enable the public to put forward their views on the substantial social resources incurred by such a compensation mechanism".

First of all, I have to stress that the Government respect private property rights. As a matter of fact, many lands in the rural areas are agricultural lands. If the relevant land owners insist on maintaining the agricultural use of their lands, they are always permitted to do so.

Indeed, in consulting the public on the nature conservation policy in 2003, the Government already examined the question of whether public money should be used to acquire privately-owned lands of ecological importance. The Lands Resumption Ordinance provides for the resumption of any land required for a public purpose. As regards the question of whether nature conservation can be considered a public purpose and hence a ground for the Government to resume land, it all depends on the merits of each individual case. More importantly, as the land resumption option involves a huge amount of land and resources, it is not sustainably feasible. Besides, this option will also involve important principles such as how the use of the limited public money should be prioritized, and whether land resumption will impact adversely on private property rights. For this reason, we need to discuss this option prudently. At the present stage, we still consider that resumption of land for nature conservation purposes is not an appropriate option.

Under the existing TPO, members of the public (including the affected land owners) may make representation to the TPB in respect of its statutory plan within a statutory time limit. They may also express whether they support or object the representation made, and all the parties that have made representation to the TPB may attend the hearing held by the TPB. The TPB will strive to strike a reasonable balance between public interests and private ownership, and come up with a reasonable decision.

According to the TPO, with the exception of certain land use zones where development is prohibited, development proposals that are in line with the land use zones are always permitted. For example, "agricultural use" and "on-farm domestic structure" are always permitted on a site zoned as "conservation area". As such, the term "frozen for development" is totally inappropriate.

Besides, after a piece of private land is included in a country park area, the land owner still enjoys the relevant rights stipulated in the land lease concerned. Nevertheless, when the land owner makes an application for development, if the Director of Agriculture, Fisheries and Conservation in the capacity as Country and Marine Parks Authority considers that the said development will reduce the enjoyment and amenities of the country park, the Director may require the land owner to discontinue the development. Under the Country Parks Ordinance, the affected land owners may apply for compensation by the Government in the light of the situations concerned.

President, in speaking on the motion, many Members have expressed particular concern about privately-owned sites of ecological value. Like members of the public, the Government also considers that these sites have to be preserved as well. At present, Hong Kong has a total of 77 country park "enclaves", of which 27 are included in outline zoning plans or draft development permission area plans, and there are still 50 enclaves remaining.

Recently, as mentioned by Ms EU, the Sai Wan incident has aroused strong public concern, and highlighted the need to preserve the country park "enclaves". The Chief Executive has already indicated in the 2010-2011 Policy Address that the Government would either include the country park "enclaves" into country parks, or determine their proper uses through the statutory planning procedure, and that the Government would start work as soon as possible.

Actually, in August and September this year, the Government already prepared draft development permission area plans for some country park "enclaves" under greater development pressure, namely, Sai Wan, Hoi Ha, Pak Lap and So Lo Pun.

At the same time, relevant departments including the Agriculture, Fisheries and Conservation Department, Lands Department and Planning Department will continue to monitor the country park "enclaves". Besides, these departments will also enhance their mutual notification mechanism, with a view to curbing unlawful development activities under the existing legal framework.

As regards the development of other rural areas, it all depends on the situation of each individual case. Generally speaking, the development of rural areas is governed by the relevant land leases and the Country Parks Ordinance.

If the project is a designated project under the EIAO, it will be governed by the said Ordinance as well. These existing control mechanisms have all played an important part in preserving the privately-owned sites of ecological importance.

Ms EU's motion mentions "requiring developers, upon the expiry of the planning permission and building plan approval, to apply afresh for development permission according to the existing conservation requirements in respect of projects yet to be commenced".

In granting planning permission, the TPB will include an additional condition, stipulating that the permission granted will cease to be valid after a specified date (the normal validity period is four years), unless the permitted development has already commenced before the expiry of the specified date or the relevant extension application has been approved.

The additional condition of time limit imposed by the TPB in granting the planning permission is to ensure that the permitted development will be implemented within a reasonable period of time. If the permitted development cannot commence within the specified period, the party to whom the permission is granted may apply under section 16A of the TPO for an extension of the commencement period.

According to the TPB Guidelines, the first or any subsequent extension of time for commencement of development shall not result in an aggregate extension period longer than the original duration for commencement of the approved development. In addition, the TPB Guidelines also specifies that if there are any new planning conditions affecting the relevant application, the TPB may not necessarily approve the application for extension. In considering an application for extension, the TPB will take into account any significant changes in planning conditions since the original permission was granted, such as changes in the planning policy or changes in the land use zone of the site in question. Hence, if the developer still wishes to proceed with the relevant development project after the TPB has rejected the extension application, the developer has to submit a new planning application in accordance with the requirements of the relevant statutory plan, and submit the results of the various related assessments to support the planning application.

Some Members consider that the Government should "plug the loophole that developers can undertake large-scale developments by acquiring small house concessionary rights". Under the existing policy, an indigenous villager may apply to build a small house on Government land by way of a "Private Treaty", or he may apply for a "Free Building Licence" to build a small house on his own private land. In general, the site applied for should be located in an area within the "environs of a recognized village", and the land within such "environs of a recognized village" should overlap with or be encircled by the land zoned as "Village Type Development" on the relevant outline zoning plan. If the site is located outside the "Village Type Development" zone, the applicant is required to obtain a planning permission from the TPB.

In addition, even though the Government cannot inhibit lot owners from selling their private lands to other people, the Lands Department will reserve the lands within the "environs of a recognized village" mainly for small house development. Unless in very exceptional circumstances, the Department will not approve any land exchange application involving development of non-small house on sites within the "environs of a recognized village". This is to discourage indigenous villagers from selling their lands within the "environs of a recognized village" to other people for non-small house development.

Moreover, if the small house application is approved, it will be subject to the sale and assignment terms and conditions stipulated in the relevant "Private Treaty" or the "Free Building Licence".

Just now some Members mentioned combating unlawful activities, and the Government will certainly keep up with its efforts under the existing legislation to combat unauthorized development. As prescribed in the TPO, the Planning Authority (Authority) may, in a statutory notice served on the relevant land owners, occupiers or persons who are responsible for the relevant matters, require the relevant persons to discontinue the relevant matters in relation to any unauthorized development on or before a specified date, take the steps as specified in the notice, or reinstate the land to its original condition. Failure to comply with the requirements specified in the statutory notice is an offence, and is liable, in the case of a first conviction, to a fine of \$500,000 and an additional fine of \$50,000 for each day, after the date in the notice, during which the failure to comply continues. In the case of a second or subsequent conviction, the offender is liable to a fine of \$1 million; and in addition, to a fine of \$100,000 for

each day, after the date in the notice, during which the failure to comply continues.

The Planning Department will continue to monitor the level of fines imposed on the offence under the enforcement provisions of the TPO. In the event that the Authority considers that the sentence imposed is wrong in principle, or manifestly excessive or manifestly inadequate in that it fails to reflect the severity of the offence under the enforcement provisions of the TPO, the Authority will, after taking into account the justified facts, merits and principles and seeking the advice of the Department of Justice, lodge a review or appeal in respect of the sentence as appropriate.

President, the Government has all along been mindful of the fly-tipping activities involving construction and demolition materials and land filling activities that take place frequently on private lands in the rural areas of the New Territories. In addition to contravening the relevant land use and planning control, such activities may also cause damage to the environment. Depositing activities conducted without the consent of the relevant land owners is an infringement on the land owners' rights and interests.

In view of the concern in this respect, the Legislative Council has set up a Subcommittee on Combating Fly-tipping (Subcommittee) to follow up the relevant issues. We have already made it clear to the Subcommittee that the Environment Bureau is following up the matter and planning to amend the Waste Disposal Ordinance (Cap. 354) to enhance the enforcement effectiveness of the legislation against depositing activities on private lands, so as to safeguard the rights and interests of private land owners, and to prevent the occurrence of possible environmental problems and other problems that might arise from illegal depositing activities on private lands.

On the other hand, given that the problems arising from such activities may involve the work of several government departments, we propose to set up an advance notification mechanism to serve as a platform on which the enforcement actions of relevant departments can be further co-ordinated to act against unauthorized activities. Upon receiving information on depositing activities, the control authority will inform the relevant departments, so that the latter can take follow-up actions in the light of the actual situation to prevent the depositing activities from contravening the existing legislation. If the departments find any

contravention of relevant legislation by depositing activities, they may take corresponding enforcement actions as appropriate.

The relevant departments will continue to discharge their inspection and prosecution duties as prescribed in their terms of reference and the legal framework, including the various land lease conditions, the TPO, the Country Parks Ordinance, and so on, so as to deter and punish unauthorized activities. They will continue to strive hard to protect Mother Nature.

All in all, the conservation efforts made by the Government over the years are in line with the requirements under the international Convention on Biological Diversity. With the Genetically Modified Organisms (Control of Release) Ordinance coming into effect in March next year, we will make formal arrangements for extension of the Convention to Hong Kong. This will further demonstrate to the international community the determination of the Government of the Hong Kong Special Administrative Region in protecting Mother Nature.

President, I hope that the Government will continue to have the support of Members and the general public, as nature conservation cannot be achieved by government efforts alone. It cannot be achieved without the respect that each of us has for Mother Nature. This is the only way that human beings and Mother Nature can co-exist in harmony and endlessly.

Thank you, President.

PRESIDENT (in Cantonese): Mr KAM Nai-wai, you may now move the amendment to the motion.

MR KAM NAI-WAI (in Cantonese): President, I move that Ms Audrey EU's motion be amended.

Mr KAM Nai-wai moved the following amendment: (Translation)

"To add "many land lots with high ecological value have been damaged in recent years," after "That"; to add "conducting comprehensive studies and consultation on" after "nature conservation fund;"; and to add ", so as to

enable the public to put forward their views on the substantial social resources incurred by such a compensation mechanism" after "according to law"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr KAM Nai-wai to Ms Audrey EU's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

PRESIDENT (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Miriam LAU, Mr Tommy CHEUNG, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr CHEUNG Kwok-che and Dr Samson TAM voted for the amendment.

Dr Raymond HO, Mr LAU Wong-fat, Mr Abraham SHEK, Mr WONG Ting-kwong, Prof Patrick LAU and Mr IP Kwok-him voted against the amendment.

Mrs Sophie LEUNG, Ms LI Fung-ying and Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr Fred LI, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Miss Tanya CHAN and Mr Albert CHAN voted for the amendment.

Mr CHAN Kam-lam, Mr CHEUNG Hok-ming, Mr CHAN Hak-kan and Dr Priscilla LEUNG voted against the amendment.

Mr WONG Kwok-hing and Mr WONG Kwok-kin abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 17 were present, eight were in favour of the amendment, six against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 17 were present, 10 were in favour of the amendment, four against it and two abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

MS MIRIAM LAU (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion "Reviewing the policy on nature conservation" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU be passed.

PRESIDENT (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion on "Reviewing the policy on nature conservation" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr CHEUNG Hok-ming, you may move your amendment.

MR CHEUNG HOK-MING (in Cantonese): President, I move that Ms Audrey EU's motion be amended.

Mr CHEUNG Hok-ming moved the following amendment: (Translation)

"To add ", given the recent occurrence of a number of cases of tampering with land lots of conservation value, and at the same time conflicts between private land owners' development rights and the needs of conservation have not been properly tackled," after "That"; to delete "setting up a community-led and government-supported" after "appropriate measures, including:" and substitute with "(a) to establish policy objectives and strategies for nature conservation, and adopt a scientific and widely recognized mechanism for identifying projects that are in genuine need of conservation; (b) to set up a"; to delete "; putting" after "nature conservation fund" and substitute with "jointly managed by the Government and the community, with a start-up capital injection of \$1 billion from the Government, followed by annual injections each amounting to 1% of the government land auction proceeds, and coupled with proactive efforts to seek community capital injections; (c) to put"; to add "well-devised" after "in place a"; to delete "land lots have been frozen for development" after "cases in which the" and substitute with "uses of the private land lots have been restricted or their development rights frozen"; to delete "and have established development rights according to law; immediately implementing" after "due to nature conservation" and substitute with "; (d) after consulting the various stakeholders in society, to progressively implement"; to delete " 'enclaves' adjacent to country parks; requiring" after "planning control on" and substitute with "land lots of high conservation value adjacent to country parks but yet have no planning restrictions; (e) in case of development projects for land lots within the scope of nature conservation, to require"; to delete "plugging the loophole that developers can undertake large-scale developments by acquiring small house concessionary rights; and increasing the penalties for" after "to be commenced;" and substitute with "and (f) to make clear the respective responsibilities of"; and to delete "so as to properly conserve land lots with high ecological value and picturesque sceneries" immediately before the full stop and substitute with "and at the same time properly conserve land lots of high conservation value through enhanced monitoring and heavier penalties"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHEUNG Hok-ming to Ms Audrey EU's motion, be passed.

PRESIDENT (in Cantonese): I now call upon Mr LEE Wing-tat to move the amendment to Mr CHEUNG Hok-ming's amendment.

MR LEE WING-TAT (in Cantonese): President, I move that Mr CHEUNG Hok-ming's amendment be amended.

Mr LEE Wing-tat moved the following amendment to Mr CHEUNG Hok-ming's amendment: (Translation)

"To delete "annual injections each amounting to 1% of the government land auction proceeds" after "followed by" and substitute with "capital injections from a surcharge to be levied upon the payment of regrant premium for changing the use of agricultural lands"; and to add "formulated through thorough studies and public consultation" after "compensation mechanism"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEE Wing-tat to Mr CHEUNG Hok-ming's amendment, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Ms Audrey EU rose to claim a division.

PRESIDENT (in Cantonese): Ms Audrey EU has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mr CHEUNG Man-kwong, Ms Miriam LAU, Mr Tommy CHEUNG, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che and Dr Samson TAM voted for the amendment.

Dr Margaret NG voted against the amendment.

Mrs Sophie LEUNG, Mr LAU Wong-fat, Mr Abraham SHEK, Ms LI Fung-ying, Mr Andrew LEUNG, Mr WONG Ting-kwong and Mr IP Kwok-him abstained.

Geographical Constituencies:

Mr Fred LI, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr KAM Nai-wai, Dr Priscilla LEUNG, Mr WONG Sing-chi and Mr WONG Kwok-kin voted for the amendment.

Ms Audrey EU, Mr Ronny TONG, Ms Cyd HO, Mr Alan LEONG, Miss Tanya CHAN and Mr Albert CHAN voted against the amendment.

Mr CHAN Kam-lam, Mr CHEUNG Hok-ming and Mr CHAN Hak-kan abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 18 were present, 10 were in favour of the amendment, one against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 17 were present, seven were in favour of the amendment, six against it and three abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr CHEUNG Hok-ming to Ms Audrey EU's motion, be passed.

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Ms Audrey EU rose to claim a division.

PRESIDENT (in Cantonese): Ms Audrey EU has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr IP Kwok-him and Dr Samson TAM voted for the amendment.

Dr Margaret NG, Mr CHEUNG Man-kwong and Mr CHEUNG Kwok-che voted against the amendment.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin voted for the amendment.

Mr Fred LI, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Miss Tanya CHAN and Mr Albert CHAN voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 18 were present, 15 were in favour of the amendment and three against it; while among the Members returned by geographical constituencies through direct elections, 17 were present, six were in favour of the amendment and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Ms Audrey EU, you may now speak in reply. You still have three minute and nine seconds.

MS AUDREY EU (in Cantonese): President, the Secretary has spoken for 26 minutes and 26 seconds earlier on. I did listen to her very attentively, but I found that she had actually said nothing at all. She has only reiterated what the current situation is, practically without addressing some core issues in today's motion and amendments. The first core issue is, of course, the many loopholes in the conservation policy, of which a review should be conducted, but I did not hear the Secretary say anything about it.

In addition, we hope that a conservation fund can be set up. Despite the fact that some of my views on the setting up of the conservation fund are different to Mr CHEUNG Hok-ming's, our standpoints are the same. What was the Secretary's reply? She spent a lot of time talking about the situation in the United Kingdom, and finally responded to us only with a phrase — "the culture and actual situations are different". What does that mean? President, is it that the United Kingdom can set up a conservation fund, while Hong Kong cannot because the culture and actual situations are different? She mentioned that the United Kingdom has accumulated so large an amount for the fund with savings gathered over the past century. However, we can also start with a small amount. Both Mr CHEUNG Hok-ming and I also proposed that a provision of \$1 billion be made to set up a seed fund, which would then rely on donations from the community. The Government can do it bit by bit, say one dollar, two dollars, three dollars, and so on, and with the achievement of good results, it will attract more and more people to donate money and their estates, which will make the fund larger and larger, why can we not do like that? But I absolutely hear nothing of the sort in her reply.

In addition, regarding the transfer of development rights and the compensation mechanism as mentioned by me, there is also no response from her. The Secretary switched to talk about something else, and by employing the tactics of changing the subject, she said it would not be practicable to accommodate the request for the Government making provisions to acquire land for conservation purposes. When did we request the Government to undertake single-handedly the task to acquire all land for conservation purposes? We have only requested that the Government make some provisions to set up a seed fund, which will then be led by the community and gradually amassed to a larger amount, and it has to tie in with the policy of the Government on the transfer of development rights, instead of drawing up interim Development Permission Area (DPA) plans at times of some slight irregularities as in the "hit-the-dumb" game illustrated earlier

on by Mr Tommy CHEUNG, or fencing off land for conservation as said by Mr CHEUNG Hok-ming. What we have said is that the Government has to formulate policies so that owners know how to do, and the interests of owners and the need for conservation can be balanced. In this connection, it is natural that the Government must take the lead to implement policies and provide capital injection so that members of the public know how to follow through with it. However, the Secretary has not responded to it at all. She has only given an account of the existing legislation when speaking of the concessionary rights, and merely repeated what is written in the existing legislation concerning town planning. She has only told us the current situation in respect of 77 country park enclaves, and informed us of the progress of 12 sites under the Public-Private Partnership scheme. President, she has not responded to any of the proposals put forth by Members whatsoever.

However, I think we should not be disappointed as I am very delighted to see today more than 10 Members speaking on the motion and putting forth many views in common. I believe there are really people in society who care for conservation, and I am also aware that some people in the community are taking the lead to take forward such work. We must continue to strive still harder. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Audrey EU be passed.

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

PRESIDENT (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Miriam LAU, Mr Tommy CHEUNG, Dr LAM Tai-fai, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che and Dr Samson TAM voted for the motion.

Dr Raymond HO, Mr Abraham SHEK, Mr WONG Ting-kwong, Prof Patrick LAU and Mr IP Kwok-him voted against the motion.

Mrs Sophie LEUNG, Mr LAU Wong-fat, Ms LI Fung-ying and Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr Fred LI, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Miss Tanya CHAN and Mr Albert CHAN voted for the motion.

Mr CHAN Kam-lam, Mr CHEUNG Hok-ming, Mr CHAN Hak-kan and Dr Priscilla LEUNG voted against the motion.

Mr WONG Kwok-hing and Mr WONG Kwok-kin abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 18 were present, nine were in favour of the motion, five against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 17 were present, 10 were in favour of the motion, four against it and two abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 15 December 2010.

Adjourned accordingly at twenty-three minutes past Six o'clock.