

立法會
Legislative Council

LC Paper No. CB(3) 274/10-11

Ref : CB(3)/M/MM

Tel : 2869 9205

Date : 3 December 2010

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 8 December 2010

**Proposed amendments to motion on
“Reviewing the policy on nature conservation”**

Further to LC Paper No. CB(3) 238/10-11 issued on 25 November 2010, Hon KAM Nai-wai and Hon CHEUNG Hok-ming have respectively given notice of their intention to move separate amendments to Hon Audrey EU Yuet-mee’s motion on “Reviewing the policy on nature conservation” scheduled for the Council meeting of 8 December 2010. As directed by the President, Hon KAM Nai-wai’s and Hon CHEUNG Hok-ming’s amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the two amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Audrey EU to speak and move her motion;
- (b) the President proposes the question on Hon Audrey EU’s motion;
- (c) the President calls upon the two Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon KAM Nai-wai; and

- (ii) Hon CHEUNG Hok-ming;
- (d) the President calls upon the designated public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon Audrey EU to speak for the second time on the two amendments;
- (g) the President calls upon the designated public officer(s) again to speak;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the two Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon KAM Nai-wai to move his amendment to the motion, and forthwith proposes and puts to vote the question on the amendment;
- (i) after Hon KAM Nai-wai's amendment has been voted upon, the President deals with Hon CHEUNG Hok-ming's amendment to the motion; and
- (j) after Hon CHEUNG Hok-ming's amendment has been dealt with, the President calls upon Hon Audrey EU to reply. Thereafter, the President puts to vote the question on Hon Audrey EU's motion, or her motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Reviewing the policy on nature conservation”
to be held at the Legislative Council meeting
of Wednesday, 8 December 2010**

1. Hon Audrey EU Yuet-mee’s original motion

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.

2. Motion as amended by Hon KAM Nai-wai

That *many land lots with high ecological value have been damaged in recent years*, 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; *conducting comprehensive studies and consultation on* 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, *so as to enable the public to put forward their views on the substantial social resources incurred by such a compensation mechanism*; 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.

Note: Hon KAM Nai-wai's amendment is marked in *bold and italic type*.

3. Motion as amended by Hon CHEUNG Hok-ming

That, *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*, 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~~

- (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 nature conservation fund; ~~putting~~ 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 in place a well-devised compensation mechanism for cases in which the ~~land lots have been frozen for development~~ uses of the private land lots have been restricted or their development rights frozen due to nature conservation and ~~have established development rights according to law; immediately implementing;~~*
- (d) *after consulting the various stakeholders in society, to progressively implement planning control on 'enclaves' ~~adjacent to country parks; requiring 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 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~~ **and**

- (f) ***to make clear the respective responsibilities of*** 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~~ ***and at the same time properly conserve land lots of high conservation value through enhanced monitoring and heavier penalties.***

Note: Hon CHEUNG Hok-ming's amendment is marked in ***bold and italic type*** or with deletion line.