

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.

立法會
Legislative Council

LC Paper No. CB(3) 283/10-11

Ref : CB(3)/M/MM

Tel : 2869 9205

Date : 7 December 2010

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 8 December 2010

**Proposed amendments to Hon Audrey EU Yuet-mee's motion on
"Reviewing the policy on nature conservation"**

Further to LC Paper No. CB(3) 274/10-11 issued on 3 December 2010, Members are invited to note that the President has **given permission for Hon LEE Wing-tat to move an amendment** to Hon CHEUNG Hok-ming's amendment (i.e. the second amendment to the motion). The terms of the motion as amended by the two Members are set out in **Appendix I**. As directed by the President, Hon LEE Wing-tat's amendment will be printed in the terms in which it was handed in on the Agenda of the Council.

2. Members are also invited to note that:

Amendment to motion	Relevant wording in Appendix II
<p><u>2nd amendment moved by Hon CHEUNG Hok-ming</u></p> <p>The President has given permission for Hon CHEUNG Hok-ming to revise the terms of his proposed amendment, if Hon KAM Nai-wai's amendment has been passed.</p>	<p>Item 5 <i>(1 revised amendment)</i></p>

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended in various scenarios, are set out in the **Appendix II** (Chinese version only). If any Member wishes to refer to the English translation of any of the wording in Appendix II, please contact Ms Jessica CHAN, Senior Council Secretary (3)4, at 2869 9550 and the Secretariat will prepare the English translation of the required wording for reference by the Member concerned.

4. To economize on the use of paper, Appendix II will be **issued by e-mail** only. However, two copies of Appendix II together with the relevant circular will be placed on the two wooden cabinets at the corridor between the Chamber and Ante-Chamber throughout the relevant Council meeting. Also, two copies will be placed inside the Chamber (one at the last row of the Government Despatch Box near Entrance A and one at the other side of the Chamber near Entrance C, i.e. the entrance where two stewards are seated). If any Member wishes to obtain a personal copy, please contact Council Business Division 3 at 2869 9492.

5. In addition, the terms of Hon LEE Wing-tat's proposed amendment and the terms of the original motion and of the motion, if amended in various scenarios, together with the relevant circular are also uploaded onto the Legislative Council website to facilitate Members' reference.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl. (Appendix II issued by e-mail only)

(Translation)

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

Motion as amended by Hon CHEUNG Hok-ming and Hon LEE Wing-tat

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 capital injections from a surcharge to be levied upon the payment of regrant premium for changing the use of agricultural lands, and coupled with proactive efforts to seek community capital injections;~~*
- (c) *to put in place a well-devised compensation mechanism ~~formulated through thorough studies and public consultation~~ 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.

Hon LEE Wing-tat's amendment is marked in *bold and italic type with dotted line.*

2010年12月8日(星期三)舉行的立法會會議
“檢討自然保育政策”議案辯論

1. 余若薇議員的原議案

本會促請政府盡快檢討現行自然保育政策及制訂適當措施，包括：設立由民間主導、政府支援的自然保育基金；為因自然保育需要而被凍結發展，並且在法律上已確立擁有發展權的土地訂立補償機制；對毗鄰郊野公園的‘不包括的土地’馬上實施規劃管制；要求發展商在規劃許可和建築圖則許可到期後，就尚未展開工程的項目按照現行保育準則，重新申請發展許可；堵塞地產商利用收購丁權進行大規模開發的漏洞；以及對違規發展和非法破壞土地的業主和責任人加強罰則，藉此妥善保育具有高生態價值和景色怡人的地段。

2. 經甘乃威議員修正的議案

近年，不少具高生態價值的土地受到破壞，本會促請政府盡快檢討現行自然保育政策及制訂適當措施，包括：設立由民間主導、政府支援的自然保育基金；為~~就~~因自然保育需要而被凍結發展，並且在法律上已確立擁有發展權的土地訂立補償機制*的事宜，進行全面的研究和諮詢，讓公眾對補償機制牽涉的龐大社會資源提供意見*；對毗鄰郊野公園的‘不包括的土地’馬上實施規劃管制；要求發展商在規劃許可和建築圖則許可到期後，就尚未展開工程的項目按照現行保育準則，重新申請發展許可；堵塞地產商利用收購丁權進行大規模開發的漏洞；以及對違規發展和非法破壞土地的業主和責任人加強罰則，藉此妥善保育具有高生態價值和景色怡人的地段。

註：~~甘乃威議員的修正案以粗斜字體或刪除線標示。~~

3. 經張學明議員修正的議案

鑒於近期發生多宗干擾具保育價值的土地的個案，而同時私人土地擁有人的發展權益與保育需要之間的矛盾亦尚未妥善處理，本會促請政府盡快檢討現行自然保育政策及制訂適當措施，包括：

- (一) ~~確立自然保育政策目標及策略，以科學及具廣泛認受性的機制，釐定真正需要保育的項目；~~
- (二) ~~設立由民間主導、政府支援政府及民間共同管理的自然保育基金；，並由政府先注資10億元作為啟動基金，其後每年注入政府賣地收益百分之一的資金，並積極尋求民間注資；~~
- (三) ~~為因自然保育需要而被凍結發展，並且在法律上已確立擁有發展權的土地訂立管制土地用途或凍結發展權益的私人土地，訂立妥善的補償機制；~~
- (四) ~~在諮詢社會上各持份者的意見後，對毗鄰郊野公園的‘不包括的土地’馬上但未有任有規劃限制而具有高保育價值的土地，逐步實施規劃管制；~~
- (五) ~~在涉及自然保育範圍內土地的發展項目，要求發展商在規劃許可和建築圖則許可到期後，就尚未展開工程的項目按照現行保育準則，重新申請發展許可；堵塞地產商利用收購丁權進行大規模開發的漏洞；以及對及~~
- (六) ~~釐清違規發展和非法破壞土地的業主和責任人加強之間的責任，同時透過加強監管和罰則，藉此妥善保育具有高生態價值和景色怡人保育價值的地段。~~

註：張學明議員的修正案以**粗斜字體**或刪除線標示。

4. 經張學明議員及李永達議員修正的議案

鑒於近期發生多宗干擾具保育價值的土地的個案，而同時私人土地擁有人的發展權益與保育需要之間的矛盾亦尚未妥善處理，本會促請政府盡快檢討現行自然保育政策及制訂適當措施，包括：

- (一) ~~確立自然保育政策目標及策略，以科學及具廣泛認受性的機制，釐定真正需要保育的項目；~~
- (二) ~~設立由民間主導、政府支援政府及民間共同管理的自然保育基金；，並由政府先注資10億元作為啟動基金，其後每年注入政府賣地收益百分之一的透過農地更改土地用途補地價時徵收附加費注入資金，並積極尋求民間注資；~~

- (三) 為因自然保育需要而被凍結發展，並且在法律上已確立擁有發展權的土地訂立**管制土地用途或凍結發展權益的私人土地，訂立經詳細研究及公眾諮詢得出的妥善的**補償機制；
- (四) **在諮詢社會上各持份者的意見後，對毗鄰郊野公園的‘不包括的土地’馬上但未有**任何規劃限制而具有高保育價值的土地，**逐步**實施規劃管制；
- (五) **在涉及自然保育範圍內土地的發展項目，**要求發展商在規劃許可和建築圖則許可到期後，就尚未展開工程的項目按照現行保育準則，重新申請發展許可；**堵塞地產商利用收購丁權進行大規模開發的漏洞；以及對及**
- (六) **釐清**違規發展和非法破壞土地的業主和責任人**加強之間的責任，同時透過加強監管和罰則，藉此妥善**保育具有高生態價值和景色怡人**保育價值**的地段。

註：張學明議員的修正案以**粗斜字體**或刪除線標示。

李永達議員的修正案以**粗斜字體及下加虛線**標示。

5. 經甘乃威議員及張學明議員修正的議案

近年，不少具高生態價值的土地受到破壞，本會促請政府盡快檢討現行自然保育政策及制訂適當措施，包括：設立由民間主導、政府支援的自然保育基金；為就**因自然保育需要而被凍結發展，並且在法律上已確立擁有發展權的土地訂立補償機制**的事宜，進行全面的研究和諮詢，讓公眾對補償機制牽涉的龐大社會資源提供意見；在諮詢社會上各持份者的意見後，對毗鄰郊野公園的‘不包括的土地’馬上但未有**任何規劃限制而具有高保育價值的土地，**逐步**實施規劃管制；**在涉及自然保育範圍內土地的發展項目，**要求發展商在規劃許可和建築圖則許可到期後，就尚未展開工程的項目按照現行保育準則，重新申請發展許可；**堵塞地產商利用收購丁權進行大規模開發的漏洞；以及對釐清**違規發展和非法破壞土地的業主和責任人**加強之間的責任，同時透過加強監管和罰則，藉此妥善**保育具有高生態價值和景色怡人**保育價值**的地段；**及確立自然保育政策目標及策略，以科學及具廣泛認受性的機制，釐定真正需要保育的項目。****

註：甘乃威議員的修正案以**粗斜字體**或刪除線標示。

張學明議員的修正案以下加單橫線標示。