

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 4 December 2013

**Amendments to motion on
“The policy on ‘enclaves’ ”**

Further to LC Paper No. CB(3) 197/13-14 issued on 21 November 2013, three Members (Dr Hon Kenneth CHAN, Ir Dr Hon LO Wai-kwok and Hon CHAN Chi-chuen) have respectively given notices of their intention to move separate amendments to Hon WU Chi-wai’s motion on “The policy on ‘enclaves’ ” scheduled for the Council meeting of 4 December 2013. As directed by the President, the respective 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 three amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon WU Chi-wai to speak and move his motion;
- (b) the President proposes the question on Hon WU Chi-wai’s motion;
- (c) the President calls upon the three Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Dr Hon Kenneth CHAN;
 - (ii) Ir Dr Hon LO Wai-kwok; and
 - (iii) Hon CHAN Chi-chuen;

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

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

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“The policy on ‘enclaves’ ”
to be held at the Council meeting of 4 December 2013**

1. Hon WU Chi-wai’s original motion

That, in dealing with the ‘enclaves’ of Hoi Ha, Pak Lap and So Lo Pun, the Government adopted the practice of covering the sites concerned by statutory plans rather than incorporating them into country parks, which has aroused public queries; the authorities need to consider taking prompt actions to make the ‘enclaves’ covered by protective measures, so as to avoid possible incompatible developments; in this connection, this Council urges the Government to:

- (1) based on the factors of the conservation value, landscape and aesthetic value, geographical locations and existing scale of human settlements of the sites, and the relevant development pressure, assess afresh the incorporation of the three ‘enclaves’ of Hoi Ha, Pak Lap and So Lo Pun into country parks;
- (2) immediately review the criteria of adopting statutory plans to deal with ‘enclaves’, including the practice of proposing to designate sites that are inconsistent with the existing scale of human settlements for ‘village-type development’, so as to reduce the damage to the ecological environment of nearby country parks and the emergence of incompatible developments;
- (3) expeditiously make public a timetable and arrangements for dealing with ‘enclaves’; and
- (4) on the premise of not affecting private ownership and considering the impact of developing ‘enclaves’ on country parks, assess afresh the adoption of the approach to incorporate ‘enclaves’ into country parks to replace the original approach to cover the sites by statutory plans.

2. Motion as amended by Dr Hon Kenneth CHAN

That, *given that* in dealing with the ‘enclaves’ of Hoi Ha, Pak Lap and So Lo Pun, the Government adopted the practice of covering the sites concerned by

statutory plans rather than incorporating them into country parks, which has aroused public queries; the authorities need to consider taking prompt actions to make the ‘enclaves’ covered by protective measures *and study the incorporation of all ‘enclaves’ into country parks*, so as to avoid possible incompatible developments; in this connection, this Council urges the Government to:

- (1) based on the factors of the conservation value, landscape and aesthetic value, geographical locations and existing scale of human settlements of the sites, and the relevant development pressure, assess afresh the incorporation of the three ‘enclaves’ of Hoi Ha, Pak Lap and So Lo Pun into country parks;
- (2) immediately review the criteria of adopting statutory plans to deal with ‘enclaves’, including the practice of proposing to designate sites that are inconsistent with the existing scale of human settlements for ‘village-type development’, so as to reduce the damage to the ecological environment of nearby country parks and the emergence of incompatible developments;
- (3) expeditiously make public a timetable and arrangements for dealing with ‘enclaves’; and
- (4) on the premise of not affecting private ownership and considering the impact of developing ‘enclaves’ on country parks, assess afresh the adoption of the approach to incorporate ‘enclaves’ into country parks to replace the original approach to cover the sites by statutory plans, *so as to allow people, under the circumstances of not damaging the natural environment, to engage in agricultural rehabilitation, agricultural activities and eco-tourism, etc., on the sites concerned.*

Note: Dr Hon Kenneth CHAN’s amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Ir Dr Hon LO Wai-kwok

That, *given that* in dealing with the ‘enclaves’ of Hoi Ha, Pak Lap and So Lo Pun, the SAR Government adopted the practice of covering the sites concerned by ~~statutory plans rather than incorporating them~~ *outline zoning plans, but in dealing with other similar ‘enclaves’, it incorporated the sites concerned* into country parks, which has aroused public queries; ~~the authorities need to consider taking prompt actions to make the ‘enclaves’ covered by protective measures, so as to avoid possible incompatible developments;~~ in this connection, this Council urges the Government to:

- (1) ~~based on the factors of the conservation value, landscape and aesthetic value, geographical locations and existing scale of human settlements of the sites, and the relevant development pressure, assess afresh the incorporation of the three ‘enclaves’ of Hoi Ha, Pak Lap and So Lo Pun into country parks~~ ***on the premise of seeking a proper balance among factors such as protecting private ownership, promoting environmental conservation, upholding the rule of law, and ensuring overall consistency in planning, etc., apply the same criteria for properly dealing with ‘enclaves’;***
- (2) ~~immediately review the criteria of adopting statutory plans~~ ***adopt the approach of outline zoning plans*** to deal with ‘enclaves’, ~~including the practice of proposing to designate sites that are inconsistent with the existing scale of human settlements for ‘village-type development’~~ ***with ‘village-type development’ and involving private ownership, and undertake specific planning,*** so as to reduce the damage to the ecological environment of nearby country parks and the emergence of incompatible developments;
- (3) expeditiously make public a timetable and arrangements for dealing with ‘enclaves’; and
- (4) ~~on the premise of not affecting~~ ***honour the pledge previously made to villagers in ‘enclaves’ to respect and properly handle the issue of private ownership and considering the impact of developing ‘enclaves’ on country parks, assess afresh the adoption of the approach to incorporate ‘enclaves’ into country parks to replace the original approach to cover the sites by statutory plans.***

Note: Ir Dr Hon LO Wai-kiok’s amendment is marked in ***bold and italic type*** or with deletion line.

4. Motion as amended by Hon CHAN Chi-chuen

That, in dealing with the ‘enclaves’ of Hoi Ha, Pak Lap and So Lo Pun, the Government adopted the practice of covering the sites concerned by statutory plans rather than incorporating them into country parks, which has aroused public queries; ***in respect of Hoi Ha, the existing population is about 110, and the total planned population is projected to be about 590, which is a drastic fivefold increase, but the authorities have not conducted any environmental assessment on the impact of the planning for Hoi Ha on the water quality of nearby marine parks;*** the authorities need to consider taking prompt actions to make the ‘enclaves’ covered by protective measures, so as to avoid possible

incompatible developments; in this connection, this Council urges the Government to:

- (1) based on the factors of the conservation value, landscape and aesthetic value, geographical locations and existing scale of human settlements of the sites, and the relevant development pressure, assess afresh the incorporation of the three 'enclaves' of Hoi Ha, Pak Lap and So Lo Pun into country parks;
- (2) immediately review the criteria of adopting statutory plans to deal with 'enclaves', including the practice of proposing to designate sites that are inconsistent with the existing scale of human settlements for 'village-type development', so as to reduce the damage to the ecological environment of nearby country parks and the emergence of incompatible developments;
- (3) expeditiously make public a timetable and arrangements for dealing with 'enclaves'; ~~and~~
- (4) on the premise of not affecting private ownership and considering the impact of developing 'enclaves' on country parks, assess afresh the adoption of the approach to incorporate 'enclaves' into country parks to replace the original approach to cover the sites by statutory plans; *and*
- (5) *before deciding to incorporate the 'enclaves' into country parks or cover them by statutory plans, compulsorily conduct environmental assessment on the impact of the planning on water quality in the vicinity.*

Note: Hon CHAN Chi-chuen's amendment is marked in *bold and italic type* or with deletion line.