



1<sup>st</sup>, November, 2013.

Subcommittee on Country Parks  
(Designation) (Consolidation) (Amendment) Order 2013,  
Legislative Council Secretariat,  
2/F, Legislative Council Complex,  
1, Legislative Council Road,  
Central, Hong Kong.  
(By Email only: [cb1@legco.gov.hk](mailto:cb1@legco.gov.hk))  
(For the attention of: Ms. Christina SHIU)

Dear Chairperson and Members,

**Subcommittee on Country Parks**  
**(Designation) (Consolidation) (Amendment) Order 2013**

We refer to your invitation for submissions regarding the captioned subject.

The “Tai Long Sai Wan incident” happened in mid-2010 ([http://www.nshk.org.hk/pdf/c\\_awards/2010/010.pdf](http://www.nshk.org.hk/pdf/c_awards/2010/010.pdf)), generating much public concern, news and commentary in the media. Many people in Hong Kong reacted with great concern to this case and urged the Government to take immediate action to safeguard natural landscapes that did not have any statutory protection (as was in the case of Tai Long Sai Wan). Subsequently, the then Chief Executive announced in his Policy Address (in October 2010) that the Planning Department and the Agriculture, Fisheries and Conservation Department would protect the Country Park Enclaves that were not yet covered by statutory plans according to their local conditions, either by incorporating them into the Country Parks or through statutory planning control. In September 2011, the Ombudsman also recommended that:

- (a) *DevB (Development Bureau) and EnB (Environment Bureau) should urge their executive departments to, as directed by the Chief Executive, expeditiously prepare statutory plans for those enclaves that are still unprotected or to incorporate them into country parks, in order to ensure that all enclaves are properly protected; and*
- (b) *AFCD (Agriculture, Fisheries and Conservation Department) should consider incorporating private lands that have conservation value into country parks in*

*accordance with the revised CMPB (Country and Marine Parks Board) criteria*  
([http://www.ombudsman.hk/concluded/2011\\_09\\_02.pdf](http://www.ombudsman.hk/concluded/2011_09_02.pdf)).

It has now been agreed and recommended by the Country and Marine Parks Board that the Tai Long Sai Wan enclave should be incorporated into the Sai Kung East Country Park. However, there are still queries and questions raised, even some from Legislative Councillors, as to whether or not such an action incorporating the area into a Country Park should take place (e.g., as shown in the video record of the meeting of the captioned Subcommittee). There are also reports in the media that a judicial review has been launched to challenge the decision of zoning the land as Country Park (please see the link: <http://www.scmp.com/news/hong-kong/article/1299556/tai-long-sai-wan-residents-call-judicial-review-country-park-plan>).

In the meantime, the Planning Department is working with the Town Planning Board and many other authorities to cover some other Country Park enclave areas with Development Permission Area (DPA) plans or Outline Zoning Plans (OZPs). Nevertheless, we can observe in some cases that unreasonably large Village Type Development (V) zones have been proposed to be included in the plans, e.g., even in some enclaves which are completely isolated with no sewerage facilities and limited transport access. Yet, both the Planning Department and Lands Department cannot give the general public any meaningful and scientific justification as to why and how such large V zones have to be designated in some of the enclaves which have even been abandoned and/or without a substantial indigenous resident population for a long time. The “New Territories Exempted House” (also called “Small House”) is usually an always permitted use in a V zone under the current planning system, and, normally no planning permission is required from the Town Planning Board if a small house is to be built in a V zone. We are highly concerned that these V zones will greatly impact the enclaves and also the overall integrity of the adjoining Country Parks, and eventually the enjoyment of the general public visiting the Country Park areas, and ultimately, the biodiversity of these enclaves which have a rich composition of Hong Kong’s fauna and flora would be affected by the construction and operation of “Small Houses”.

Furthermore, based on our observations and experience, we do not consider that some of the zonings under the OZPs and/or DPA plans can aid nature conservation, even those so-called conservation zonings like Conservation Area and/or Green Belt (even when the statements of planning intent clearly say that these areas are to be protected for the conservation of natural landscapes). Hence, there would be a high possibility that successful

applications for small house development could also eventually pop-up in an enclave with conservation zonings.

The table below summarises the applications for “Small House” cases or re-zoning, where, Kadoorie Farm and Botanic Garden (KFBG) has submitted written comments to the Town Planning Board between January 2012 and August 2013.

Zonings under the OZPs/ DPA plans	No. of cases approved	No. of cases rejected	No. of cases withdrawn	No. of cases deferred	Total No. of cases
Conservation Area (to be re-zoned to Village Type Development)	2	1	0	0	3
Green Belt	17	19	6	1	43
Green Belt & Village Type Development	11	7	0	1	19
Agriculture	59	27	12	5	103
Agriculture & Green Belt	2	3	0	0	5
Agriculture & Village Type Development	10	3	0	2	15
Recreation	1	1	0	0	2
Unspecified Use	7	7	17	1	32

We strongly believe that the Country Parks system would provide better statutory control on development in sensitive and ecologically important areas when compared to the zonings system administered by the Town Planning Board especially in areas of natural landscape that are already contiguous with and surrounded by natural countryside that is already under the protection of the long established Country Parks system.

**We would like to emphasise that we are not advocating extinguishing the rights of any land owner(s); we only wish to see that any new development within these enclaves can be more appropriately managed in a sensitive and environmentally-friendly manner with regard to and in keeping with the richness of the natural landscapes and biodiversity in these areas.**

We hope the Government has not forgotten the Tai Long Sai Wan incident of 2010 and will act to follow the statements expressed in the 2010 Policy Address with a promise for better protection for Country Park enclaves. In addition, the Government, and, especially, the

Legislative Council should take this opportunity in the legislative process to urgently and critically question and review the need of, and the justification for, designating such extraordinarily large V zones in some of the enclaves. Some of these enclaves are completely isolated backwaters in the countryside, completely surrounded by Country Park(s) and the sea, with no sewerage, no vehicle access and no emergency vehicle access (e.g., So Lo Pun). It is difficult to understand or conceive why there would be a consideration that there would be no problem for such “isolated” enclaves to accommodate a large resident population, of say 1000 people. In addition, if and under the circumstance that some of the land lots in these enclaves are eventually or suspected to already have been sold to developer(s), then why would the land or planning authorities still maintain that there is a need to designate V zones in some of the enclaves which are extraordinarily large to cater for the traditional rights of the indigenous villagers.

**KFBG wishes to propose the following recommendations to the Government and the Legislative Council:**

1. Incorporate the Tai Long Sai Wan, Kam Shan and Yuen Tun enclaves into the Country Parks system, as soon as possible, to protect our natural areas of countryside;
2. Facilitate the implementation of the necessary statutory and administrative processes in line with the statements of the then Chief Executive in the 2010 Policy Address and the recommendations of the Ombudsman in order to better protect Country Park enclaves ;
3. Incorporate without delay those enclaves or parts of enclaves with areas of high conservation value into the Country Parks system;
4. Critically review the status (e.g., size) of the V zone (either proposed or designated), if any, in each individual enclave. We consider that the Government should also consider the views of Environmental NGOs, and also, more importantly, the general public, other than just the views of the indigenous villagers and land owners;
5. Strongly recommend transferring/ moving the term “New Territories Exempted House” from Column 1 (uses always permitted) to Column 2 (uses that may be permitted with or without conditions on application to the Town Planning Board) **under the Schedule of Use of the V zone (if any) in any DPA plan/OZP (if any) for each and every Country Park enclave** (as in the Approved Tai Long Wan Outline Zoning Plan No. S/SK-TLW/5);
6. Recommend the Chief Executive-in-Council (through the Town Planning Board) to extend the period of the So Lo Pun, Pak Lap and Hoi Ha DPA plans (and other DPA plans covering enclaves) for one year (i.e., Town Planning Ordinance; Cap. 131, Section 20(5)); so that more time can be allowed for the relevant authorities in conjunction with the public and

stakeholders to discuss the appropriate size of the V zones within these enclaves;

7. The Convention on Biological Diversity was extended to Hong Kong in 2011. Under the articles of this international Convention, the Hong Kong Government has the responsibility to protect the biodiversity of Hong Kong. We urge the Government to respect this Convention. The notion of having a large area of V zones in some CP enclaves would threaten Hong Kong's biodiversity; potential environmental impacts associated with the V zone include, but are not limited to, sewerage problems and groundwater contamination, light pollution, human disturbance, vegetation clearance, tree felling, requests for new road access or road widening and requests for new road passing through or cutting across pristine areas of natural countryside.

We would also like to recommend to members of the Legislative Council the web page links to two Technical Reports produced by KFBG which document the conservation importance of some of the Country Park enclaves:

1. Kadoorie Farm and Botanic Garden. 2004. *A Pilot Biodiversity Study of the eastern Frontier Closed Area and North East New Territories, Hong Kong, June-December 2003*. Kadoorie Farm and Botanic Garden Publication Series No.1. Kadoorie Farm and Botanic Garden, Hong Kong Special Administrative Region.  
(<http://www.kfbg.org.hk/content/56/17/1/FCA%20report%20final.pdf>)
2. Kadoorie Farm and Botanic Garden. 2013. *Ecological and Conservation Importance of Six Sai Kung Country Park Enclaves*. Kadoorie Farm and Botanic Garden, Hong Kong Special Administrative Region. 108 pp.  
([http://www.kfbg.org.hk/content/84/26/1/2013%20KFBG%20Sai%20Kung%20CP%20enclaves%20report%20\(pdf\).pdf](http://www.kfbg.org.hk/content/84/26/1/2013%20KFBG%20Sai%20Kung%20CP%20enclaves%20report%20(pdf).pdf))

The first Report documents the importance of Kuk Po, Yung Shue Au and So Lo Pun (which are surrounded by the Plover Cove Country Park), and the second Report outlines the importance of Pak Sha O and Pak Sha O Ha Yeung, Nam Shan Tung, Pak Tam Au, Ko Tong, To Kwa Peng and Chek Keng (which are surrounded by the Sai Kung West/ East Country Parks).

We hope that both Government and the Legislative Council will seriously consider these recommendations which are set-out to assist the process for the protection of our beautiful landscapes and the cultural heritage of the Hong Kong countryside.



嘉道理農場暨植物園公司  
Kadoorie Farm & Botanic Garden Corporation

We also suggest the members of the Subcommittee and other Legislative Councillors watch two television programmes, recently broadcast, on both TVB and ATV, on the Country Park enclaves.

TVB: 時事多面睇 – 家在郊野公園

<http://news.tvb.com/programmes/closerlook/526b3e426db28c903f000000>

ATV: 時事追擊 – 寸土必爭

<http://www.hkatv.com/zh-hk/video/6566/%E6%99%82%E4%BA%8B%E8%BF%BD%E6%93%8A/%E6%99%82%E4%BA%8B%E8%BF%BD%E6%93%8A-2013-10-26-%E5%AF%B8%E5%9C%9F%E5%BF%85%E7%88%AD>

We thank you for your patience and understanding.

Yours faithfully,

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden

cc. Environment Bureau, Development Bureau, Agriculture, Fisheries and Conservation Department, Environmental Protection Department, Lands Department, Planning Department, Town Planning Board  
Conservancy Association, Countryside Foundation, Designing Hong Kong, Friends of Hoi Ha, Friends of Sai Kung, Friends of the Earth, Green Power, Greeners-action, Hong Kong Bird Watching Society, WWF-HK