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1 November 2013

Ms. Sharon Chung
Chief Council Secretary (1)6
Legislative Council Secretariat
Council Business Division 1
Legislative Council Complex,
1 Legislative Council Road, Central, Hong Kong

(By Email and by Fax : 2978 7569)

Dear Ms Chung,

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

**List of follow-up actions arising from the discussion
at the meeting on 29 October 2013**

Further to the meeting of the Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2013 held on 29 October 2013, we write to provide further information on the issues raised at that meeting.

Three Country Park Enclaves to be Incorporated into Country Parks

The suitability of a site for designation as a country park is assessed according to established principles and criteria, which include conservation value, landscape and aesthetic value, recreation potential, size, proximity to existing country parks, land status and existing land. If a site is considered compatible with the setting of country parks, the use and function of the site, no matter it consists of private land or not, will be assessed to determine its

suitability for country park designation. After an assessment based on the principles and criteria for designating country parks, the first batch of three country park enclaves at Sai Wan, Kam Shan and Yuen Tun were identified to be better protected by inclusion into country parks.

Sai Wan Enclave

Sai Wan is an enclave of the Sai Kung East Country Park (SKECP). It is situated on the eastern coast of the Sai Kung peninsula. The SKECP was designated in 1978, covering an area of 4,477 hectares (ha). Back then, there was a small population engaging in agricultural activities on land in Sai Wan. Together with some Government land in the vicinity of the private land to provide buffer areas, an area of about 16.55 ha had not been included in the boundary of the SKECP, or which 4.02 ha are private land which covers about 24.29% of the total area of the enclave, and the remaining 75.71% is government land. It is noted that the private land in the enclave comprises mainly village houses and agricultural land. The enclave is separated into two parcels of land, namely, northern and southern parcels, entirely encircled by the SKECP.

Sai Wan comprises mainly agricultural land and scattered village houses. It is endowed with rich natural resources and landscape components, including a natural and unpolluted beach, well-established woodland around the hillsides of the enclave, two natural streams flowing from the SKECP and embracing the enclave and with nice mangroves established at the lower stream courses. The combination of these natural and landscape components form an outstanding scenic quality in Sai Wan. It is also ranked as number one in a public campaign “Hong Kong Best Ten Scenic Sites” organized by the Friends of the Country Parks in 2006. Sai Wan is accessible via walking trails or by boat. The popular MacLehose Trail passes through the enclave and there are a few shops selling foods and drinks to hikers passing by. It is a popular spot for country parks visitors who usually stop there for a rest or enjoy the natural environment of the Sai Wan before proceeding to other parts of the SKECP.

Though not outstanding in ecological value, the site has a high landscape and aesthetic value which complements the overall naturalness and the landscape beauty of the surrounding SKECP. In addition, the natural

beauty of the site has high recreation potential for developing into a venue for hiking, camping and nature appreciation. The enclave is considered as an integral part of the landscape of the SKECP. Designation of Sai Wan as part of the SKECP would improve the management of the area, enhance the overall conservation and landscape value of the area, and increase its enjoyment and amenities.

Detailed assessment of the suitability of Sai Wan for country park designation in accordance with the set of principles and criteria mentioned in the second paragraph of this letter is in **Annex A**.

Kam Shan Enclave

The country park enclave of Kam Shan is less than 1 ha in area and located at the upland near the peak of Kam Shan surrounded by the Kam Shan Country Park (KSCP). Its centre is a piece of concrete paved area which provides a good venue for hikers and morning walkers to rest, gather and perform various outdoor activities. Judging from the location, size and physical environment of the enclave, visitors are unlikely to tell it is not part of the KSCP. It is considered that the enclave is equipped with sufficient intrinsic value for designation as part of the KSCP.

Yuen Tun Enclave

The country park enclave of Yuen Tun is located at the southern part of the TLCP. The enclave is about 19 ha in area, which is entirely allocated to the Civil Aid Service as an outdoor training ground named Yuen Tun Camp (the Camp). The Camp was in existence before the designation of Tai Lam Country Park (TLCP) in 1979. Most of the enclave is covered by natural secondary woodland which is indistinguishable with the surrounding habitat of the TLCP. The buildings in the Camp are compatible with the countryside setting. The public can access the enclave and visit the ruins of the old Yuen Tun Village inside the Camp via a popular Yuen Tun Country Trail which traverses across the enclave. It is assessed that the enclave is equipped with sufficient intrinsic value for designation as part of the TLCP.

Reason for Incorporating Sai Wan Enclave into Country Park, instead of Statutory Plan under Town Planning Ordinance

On the protection of country park enclaves, the Government would either include the enclaves into country parks, or determine their proper uses through statutory planning upon considering relevant factors such as conservation values, landscape and aesthetic values, geographical locations, existing scale of human settlement and development pressures are taken into consideration.

Sai Wan is situated on the eastern coast of the Sai Kung peninsula. It has a high landscape and aesthetic value, including a natural and unpolluted beach, well-established woodland, two natural streams flowing with nice mangroves established at the lower stream courses, which is an integral part of the overall naturalness and the landscape of the surrounding the SKECP. Considering also its high recreation potential, the enclave meets the criteria for incorporation into country park. Moreover, if Sai Wan is incorporated into the SKECP, the Government would improve the management of the area, allocate resources for habitat and amenities improvement, and thereby increase its aesthetic value. Upon its incorporation into the SKECP under the Country Parks Ordinance (CPO) (Cap. 208), the Government will manage the sites as part of the SKECP and improve the supporting facilities therein, and seek to enhance the environment in collaboration with local villagers. The Country and Marine Parks Authority (the Authority) will implement appropriate management measures, including patrols and law enforcement, refuse collection and vegetation management. Besides, suitable country park facilities such as information boards, warning signs, etc. will be provided for the convenience of the visitors. Moreover, the Agriculture, Fisheries and Conservation Department has dedicated law enforcement staff, i.e. the Park Rangers to carry out regular patrol and surveillance in country parks who would take action under the Country Parks and Special Areas Regulations (Cap. 208A) against irregularities or breaches as and when necessary.

Although statutory town plans prepared under Town Planning Ordinance (TPO) (Cap. 131) would set out the land use framework and make provision for planning enforcement, the Planning Department or the Town Planning Board would not allocate resources for habitat/amenity improvement. Regular management of sites like patrol and refuse collection would also fall

outside their ambit. As there are sound justifications that Sai Wan is suitable for inclusion into country park and Sai Wan can be effectively protected under the CPO, there is therefore no justification for preparing Outline Zoning Plan for Sai Wan under the TPO.

Impact on Indigenous Villagers' Rights after Incorporation into Country Park

Incorporating private land in enclaves into country parks is by no means depriving the ownership of the private land, nor would the incorporation revert the land back to the Government. The private lands within country parks are mostly governed by lease conditions and the CPO¹.

Development Application (including Small House Applications) under CPO

There are precedent cases of approval on small house application within country park area. For any development proposal on private land (including small house application), the concerned party is required to check whether the proposed works comply with the lease conditions and do not contravene the CPO or other legislations. If necessary, based on the land lease, he should submit an application to the relevant District Lands Office (DLO), who will then review the applications following the established procedures. If the application is not in contravention to the CPO as well as other relevant legislations, and is not objected by relevant departments, the DLO may approve such application with conditions. The proposed works could only be commenced after obtaining the approval from the DLO. In considering any application for use within a country park, the DLO will consult the Authority before making a decision to approve or not approve it. The Authority will assess any proposed development of land in a country park on the merits of the individual case. The Authority will consider whether the proposed development would substantially reduce the enjoyment and amenities of the country park concerned. In this connection, the Authority will take into account all relevant factors including land status, location, nature

¹ Country parks are designated for the purposes of nature conservation, countryside recreation and outdoor education, the CPO provides a legal framework for the designation, development and management of country parks and special areas. The Country Parks and Special Areas Regulations provides for the prohibition and control of certain activities in country parks. Taken into account the everyday life of residents living inside country parks, it is either clearly stated in the law that some of the control shall not apply to a person who being ordinarily resident within a country park, or the Authority will issue a permit for residents who live inside country parks by Administrative means. Therefore, the regulations would not have significant impacts on the residents living inside country parks.

conservation, landscape and visual impacts, and country park users or facilities points of views. If necessary, the Authority will seek advice from the Country and Marine Parks Board before deciding whether the proposed use or development is acceptable or not.

Development of small house must comply with the small house policy and the requirements of relevant grant conditions, as well as with the relevant ordinances and other requirements stipulated by the Government. Should the proposed development involves private land within a country park, it must comply with the CPO. On those applications which involve land covered by an Outline Zoning Plan, if the proposed development is unable to comply with the requirements of the TPO and the relevant Outline Zoning Plan, then a planning application must be submitted to the Town Planning Board and its approval obtained. In approving the building of a small house, an administrative fee will be charged and the applicant will be required to pay a land premium calculated based on an ex-gratia rate. However, in the case where a Free Building Licence is granted for developing a small house on private land, the land premium will be waived. If the owner of the small house is a grantee of government land and he wishes to assign his small house, he is normally required under the alienation restriction clause to apply to the relevant DLO; and if approved, subject to payment of premium. For a licensee who has been granted a Free Building Licence for developing a small house on private land, similar restrictions normally apply within five years, i.e. assignment of small house is only possible after approval by the relevant DLO and subject to payment of premium.

In respect of Sai Wan, as most of the private lands in country parks or country park enclaves are Old Schedule agricultural lots or Old Schedule building lots, the development permitted under the terms of the lease concerned is limited. Without prejudice to the Authority's consideration of the facts of each individual case, in general the Authority is of view that small houses are compatible with country parks. The Authority will consider small house applications in Sai Wan on the merits of the facts of each individual case.

In response to villagers' concerns, regarding development applications within a country park enclave after the enclave is included into a country park, the Authority has prepared a "Note on the Use or Development

of Land within a Country Park Enclave after Inclusion into a Country Park” (the Note) to better illustrate the focus of concern on assessing such application. The Note is appended at **Annex B**.

Control and Compensation Mechanism under Section 16 of CPO

Upon designation of the enclaves as country park areas, if the Authority is of the opinion that any use or proposed use of, or any new development on, any leased land within the sites would “substantially reduce the enjoyment and amenities of the country park as such”, under section 16 of the CPO, he may request the appropriate Land Authority to exercise the powers conferred by the CPO, whom may then, by notice in writing, require the occupier to discontinue or modify a use within a designated period, or to prohibit the occupier from proceeding with the proposed use or, within a designated period, require the occupier to modify the proposed use. Any aggrieved occupiers or the Government lessees could object, appeal or seek compensation according to procedures prescribed in the CPO, of which the details are at **Annex C**.

Objections on Incorporation of Sai Wan into Country Park and the Authority’s representations

During the 60-day period of public inspection, the Authority received nine objections against the draft map of the SKECP. Apart from the objections, the Authority also received more than 3,200 emails supporting the incorporation of Sai Wan into the SKECP.

The major views put forward by the objectors are related to –

- (a) use of base maps for preparation of draft map of the SKECP;
- (b) incorporation of other enclaves adjacent to the SKECP into the country parks;
- (c) the Authority’s ability in enhancing the protection or management of the enclaves after their incorporation into the country parks;
- (d) other alternative to protect the enclave of Sai Wan;
- (e) impact on indigenous villagers’ rights and compensation to

landowners after Sai Wan is incorporated into the SKECP; and

- (f) consultation with stakeholders on the proposed incorporation of Sai Wan into the SKECP, as well as previous discussion on country park policy.

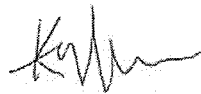
The details of these major views, as well as the Authority's representations, are already summarised at **Annex B of the Legislative Council Brief**. We have nothing to supplement.

Other Measures to Enhance Conservation of Enclaves

In respect of remote places like Sai Wan, its high ecological value and aesthetic value are important. In terms of our city, these are areas where we should allocate resources to make them more suitable for public enjoyment. Therefore, apart from proposing to incorporate these areas into country parks, we also encourage non-profit making organizations to work with the landowners, through the Management Agreement (MA) Scheme, to organise conservation activities which are compatible with the land uses and country park objectives within private land in country park enclaves and in country park. It would be conducive to enhancing the overall conservation and scenic values of the country parks.

In June 2011, the Government has obtained the support of the Environment and Conservation Fund Committee to extend the MA Scheme from the twelve priority sites for enhanced conservation under the New Nature Conservation Policy to cover country park enclaves as well as private land within country parks. We have presented this scheme to different non-profit making organizations, the Sai Kung District Council and local residents, but have yet to receive any applications concerning MA projects at Sai Wan.

Yours sincerely,



(Miss Sian LI)

for Director of Environmental Protection

Assessment of the Suitability to Designate the Country Park Enclave in Tai Long Sai Wan as Part of a Country Park

1. The Site

Tai Long Sai Wan (Sai Wan) is an enclave of the Sai Kung East Country Park (SKECP). It is situated on the eastern coast of the Sai Kung peninsula. It is separated into two parcels, namely northern parcel and southern parcel, and has a total area of about 16.55 hectares (ha). The boundary of the site is shown in **Figure 1**.

2. Assessment Principles and Criteria

2.1 The assessment of suitability of the subject site for designation as a country park has followed the revised principles and criteria endorsed by the Country and Marine Parks Board in May 2011. Conservation value, landscape and aesthetic value, and recreation potential are the three main themes of the intrinsic criteria in assessing the suitability of a site for country park designation. Other factors, including size, proximity to existing country parks, land status and existing land use are used in demarcating a boundary of a county park.

3. Intrinsic Criteria

3.1 Conservation value

General Description

3.1.1 Apart from the built-up village area which includes mainly village houses, shelters, etc, the site consists of habitats including lowland woodland, shrubland, mangroves, active or abandoned agricultural land, shrubby grassland and turfed area. A habitat map of the site is shown in **Figure 2**. A list of recorded flora and fauna species with their conservation status is in **Appendix 1**.

3.1.2 Lowland woodland habitat is mainly around the hillside of the two parcels. Dominant tree species include *Rhaphiolepis indica* (石斑木), *Sterculia lanceolata* (假蘋婆) and *Gordonia axillaris* (大頭茶). Some exotic tree species such as *Firmiana simplex* (梧桐) and *Acacia confusa* (台灣相思) are found at the edge of the woodland near the village. Five species of conservation importance are identified within the

woodland, including *Podocarpus macrophyllus* (羅漢松), *Pavetta hongkongensis* (香港大沙葉), *Euonymus kwangtungensis* (長葉衛矛), *Enkianthus quinqueflorus* (吊鐘) and *Cibotium barometz* (金毛狗).

3.1.3 True mangrove species including *Kandelia obovata* (秋茄樹), *Aegiceras corniculatum* (蠟燭果), *Excoecaria agallocha* (海漆), *Bruguiera gymnorhiza* (木欖) and some associate mangrove plant species such as *Hibiscus tiliaceus* (黃槿) and *Cerbera manghas* (海杧果) are found along the stream at the southern parcel. Similar to other mangrove habitats elsewhere in Hong Kong, various crustacean species, gastropods, crabs and mudskippers can be found in Sai Wan. Besides mangroves, there is a large group of *Casuarina equisetifolia* (木麻黃) at the stream bank adjacent to the Sai Wan village. It is believed that such trees were planted for protection of the village.

3.1.4 For other habitats such as abandoned agricultural field, shrubland, shrubby grassland and turfed area, etc, only common and widespread species are found. Most areas of these habitats had been disturbed by human activities to different extent. No species of conservation importance was identified in these habitats.

Assessment

3.1.5 The conservation value of an area is determined by the following criteria: species diversity, degree of naturalness, rarity, fragility, representativeness, position in an ecological or geographical unit, intrinsic appeal, historical records, and potential value. Detailed assessment on the conservation value of the site is shown in **Table 1** below:

Table 1

Criteria	Assessment
Species diversity	Species diversity is high in woodland area, but low to medium in other habitats. There are a total of 10 species of birds, 25 species of butterflies, 9 species of dragonflies, 14 species of freshwater fish, 5 species of amphibians and 1 species of wild mammal recorded in the site. The representativeness of each taxa group in Hong Kong is: 2% for birds, 10% for butterflies, 8% for dragonflies, 8% for freshwater fish, 21% for amphibians and 2% for mammal. The overall biodiversity is unlikely remarkable.

Degree of naturalness	Woodland, shrubland and mangrove habitats are considered with high degree of naturalness. Other habitats are either artificially created or had been disturbed by human activities in different extent. These habitats are only considered as low to medium degree of naturalness.
Rarity	<p>5 flora species and 4 fauna species are considered as conservation important species. They include:</p> <ul style="list-style-type: none"> ● <i>Pavetta hongkongensis</i> 香港大沙葉 and <i>Enkianthus quinqueflorus</i> 吊鐘 - protected species of Cap. 96; ● <i>Cibotium barometz</i> 金毛狗 - scheduled plant of Cap. 586 : 1; ● <i>Euonymus kwangtungensis</i> 長葉衛矛 - listed in “Rare and precious plants in Hong Kong, AFCD”; ● <i>Podocarpus macrophyllus</i> 羅漢松 - a plant under threat of illegal digging due to its high market value; ● Emerald Dove 綠翅金鳩 - listed as “Vulnerable” in China Red Data Book Status; ● Crested Goshawk 鳳頭鷹 - listed as “Rare” in China Red Data Book Status and listed in Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586); ● Courtesan 芒蛺蝶 - “Rare” in the baseline surveys conducted by AFCD; and ● Predaceous chub 異鱸 - “Vulnerable” in China Red Data Book Status but a widespread species in Hong Kong. <p>Among the 9 species of conservation concerns, only <i>Euonymus kwangtungensis</i> 長葉衛矛 and Courtesan 芒蛺蝶 are considered as “rare” in Hong Kong. Species rarity is not high.</p>
Fragility	Artificially created or highly disturbed habitats with high fragility, i.e. active or abandoned agricultural land, turfed area are generally more vulnerable to change. Woodland and mangrove habitats are comparatively more complex in species composition with relatively low fragility.

Representativeness	All habitats are considered typical in their type in terms of species composition and community structure.
Position in an ecological or geographical unit	The woodland within the site is part of the whole woodland habitat which extends from the site to the hilly area of the SKECP.
Potential value	It is unlikely that the conservation value of the site will be substantially increased through active management or natural processes. The potential value of the site is only considered as medium.
Intrinsic appeal	Woodland and shrubland habitats have high intrinsic appeal. Turfed area and agricultural land, either abandoned or active, are artificially created habitats which have low intrinsic appeal. Some parts of the mangrove habitat are adjacent to a footpath; it is likely that the habitat has been disturbed by human activities to a certain extent.
Historical records	Sai Wan is one of the listed sites of archeological interest in Hong Kong. Further investigation is required to ascertain its archaeological potential or degree of significance. Historical records related to natural history or ecosystem of the site is very limited.

Conclusion

3.1.6 According to the assessment, the biodiversity and species rarity of the site is not considered of high value. Besides woodland, shrubland and mangrove habitats, most of the areas have been disturbed by human activities to a certain extent and with low degree of naturalness, high fragility and low intrinsic appeal. All habitats are considered typical in their type in terms of species composition and community structure, but only with low to medium potential value. Since there is only very limited historical information about the ecosystem of the site, the conservation value of the site in the past could not be traced. Although the woodland and mangrove habitats are considered with high conservation value, the overall conservation value of the site is not considered remarkable.

3.2 Landscape and Aesthetic value

General Description

3.2.1 The site is a piece of lowland which is surrounded by a chain of massive

and spectacular mountains in the north, west and south, and Sai Wan beach in the east. Most of the area in the northern parcel is fenced, turfed and planted with ornamental shrubs and trees. Two artificial ponds were constructed inside the fenced area. At the back of the fenced area is a piece of nice natural woodland with canopy interlocking. A few village houses of one to two storeys are located at the foothill. Outside the fenced area is shrubby grassland of natural regenerated herbaceous plants and shrubs which extends to the sandy beach of the SKECP.

3.2.2 Comparing with the northern parcel, there are relatively more village houses in the southern parcel. Most of these village houses are situated close to the Sai Wan beach. Some of them are vacant and some are in dilapidated conditions. The ground floor of a few village houses has been changed to a “eating place” or “café”. Behind the village houses are abandoned agricultural land and woodland which stretches up to the hilly area of the SKECP. Some mangroves and riparian plants grow along a natural stream at the southern parcel. Before the stream entering to the sea, it is blocked by loose sand and with stream water impounded to form a small “lake”. The small “lake”, mangroves and riparian plants constitute a beautiful streamside landscape.

3.2.3 Surrounding the enclave are some outstanding landscape features. They include the well-known Sai Wan beach which is characterized by white sand and clear blue water; a famous natural stream course and its natural pools named “Sze Dip Tam”; well-established lowland woodland at the hillside, etc. The combination of these natural and landscape components forms outstanding scenic quality of Tai Long Sai Wan which was ranked the best scenic site of Hong Kong by the public. Viewing from hiking trails in higher attitudes, the site and the surrounding area is indistinguishable. Furthermore, the site complements and contributes to the natural beauty of the surrounding SKECP. Scenery and landscape features of the site are shown in **Appendix 2**.

Assessment

3.2.4 The landscape and aesthetic value of an area is qualitatively assessed by the following criteria: degree of naturalness, scenic quality, integrity, completeness, uniqueness of the topography, presence of distinctive and representative features of visual interest, effect of urban development and presence of eyesores. Assessment of landscape and aesthetic value of the site is shown in **Table 2** below:

Table 2

Criteria	Assessment
Degree of naturalness	Woodland and mangrove habitats are considered with high degree of naturalness. Other habitats are either artificially created or had been disturbed by human activities to different extent. These habitats are only considered low to medium degree of naturalness.
Scenic quality	The site and its surrounding SKECP have outstanding scenic quality with very good composition and combination of landscape components such as streams, woodland, agricultural land and natural beach. Sai Wan is ranked as the top of the Hong Kong Best Ten Scenic Sites in 2006.
Integrity, completeness, uniqueness of the topography	The site forms an integral part of landscapes of the SKECP and complements the overall naturalness and the landscape beauty of the surrounding SKECP.
Presence of distinctive and representative features of visual interest	A lot of distinctive and representative features of visual interest are located within or adjacent to the site, such as the well-known Sai Wan beach, a famous pool named “Sze Dip Tam”, a nice mangrove and riparian plants adjacent to a “lake” formed by stream water impounded by loose sand, etc.
Effect of urban development and presence of eyesores	A few village houses with their ground floor turned into a “eating place”. The site is provided with some basic infrastructures, such as electricity, water supply, toilet facilities, etc. Since there is no direct vehicular access to the site, thus restricting the development of the site, the site maintains countryside setting and the overall effect of urban development is limited. Rubbish problems are identified in some locations.

Conclusion

3.2.5 The site forms an integral part of landscapes of the SKECP and complements the overall naturalness and landscape beauty of the surrounding SKECP. Together with the adjacent area of SKECP, the site is well recognized by the public of their outstanding scenic beauty. It has high degree of naturalness in the woodland and mangrove habitat with lots of distinctive and representative features of visual interest in or adjacent to the site. The effect of urbanization to the site is limited. The

countryside setting of the village could generally be maintained. Although some rubbish problems are identified, it is believed that the problems can be rectified under active country parks management. The overall landscape and aesthetic value of the site is considered outstanding.

3.3 Recreation Potential

General description

3.3.1 Surrounding the site is SKECP which was designated in 1978 and covers 4,477 hectares of eastern uplands and coasts of Sai Kung Peninsula. Each year, about 2 million visitors visit the SKECP for various kinds of outdoor activities. The site, including its surrounding country park area, has already been a popular area for country parks visitors. It is observed that most visitors visit the site through the MacLehose Trail starting from Pak Tam Chung or by boat. Most hikers from the MacLehose Trail usually stop at the site for rest before continuing their trip to other parts of the SKECP, while some spend their leisure time to enjoy the nice Sai Wan beach adjacent to the site. To cater for the needs of visitors, toilet facilities in the site had been upgraded and some village houses had been turned into “eating place” for selling foods and drinks.

3.3.2 Since the site is currently not within the SKECP, there are only a few country park facilities on the site, mainly signage. There are lots of country park facilities including a camp site, hiking trails, notice boards, distance poles, directional signs, provided outside the site in SKECP.

Assessment

3.3.3 The recreation potential of an area for country parks is qualitatively assessed by the following criteria: attractiveness and comfort, compatibility of existing recreation activities, range of potential user groups, accessibility, carrying capacity and complement to surrounding recreation sites. Assessment of recreation potential of the site is shown in **Table 3** below:

Table 3

Criteria	Assessment
Attractiveness and comfort	The site is highly attractive with well-known landscape features which provide comfortable environment for outdoor activities.
Compatibility of existing	Existing recreation activities within the site are

recreation activities	mainly hiking, swimming and nature appreciation. These kinds of recreation activities are considered compatible with country park objectives.
Range of potential user groups	The site is used to be a popular outdoor site for the general public and is not limited to be used by local villagers or specific interest groups. There is a wide range of potential user groups.
Accessibility	The site is accessible through the popular MacLehose Trail or by boat.
Carrying capacity	The current setting of the site is sufficient to accommodate the existing amount and type of recreation uses. With careful planning and management, the site could accommodate more visitors and more activities without compromising the physical environment and visitors' experience.
Relation with surrounding recreation sites	Hikers pass through the site via the MacLehose Trail to other parts of the SKECP. There are a number of country parks facilities provided along the MacLehose Trail and adjacent to the site to cater for hikers' needs. Inclusion of the site into the SKECP would make the recreation facilities provided along the trail more complete and consistent.

Conclusion

3.3.4 The site is currently well used by the general public for informal outdoor recreation, such as hiking, camping, nature appreciation and swimming, and such recreation uses are compatible with the country park setting. Together with its surrounding area, there are lots of high quality landscape features which attract visitors to stay for leisure and enjoyment. It is observed that there is still spare carrying capacity to accommodate more visitors. Since the site is remote and accessible only through hiking trails or by boat, it provides an excellent opportunity for people to escape the hustle and bustle of urban life and enjoy the wilderness of quiet countryside. The overall recreation potential of the site is considered highly compatible with country parks. Furthermore, inclusion of the site into the SKECP could make the recreation facilities provided along the trail more complete and consistent.

4. Demarcation Criteria

Size and Proximity to existing country parks

4.1 The total area of the site is only about 16.55 hectares. As it is contiguous to the SKECP, it is easy to extend the existing country parks management services to the site if it is included as part of the SKECP.

Land status and Land use compatibility

4.2 Among the 16.55 ha of the site, 4.17 ha is private land which covers about 25% of the total area of the site, and the rest, i.e. 75% of the site is Government land. Land status plan of the site is shown in **Figure 3**. Although about 25% of the total area of the site is private land, it is noted that such private land comprises mainly village houses and agricultural land. The existing human settlement is not extensive and the village setting blends in well with the country park environment. As such, the overall existing land use of the site is considered compatible with country park setting and the site is suitable to be included into the SKECP for protecting the overall scenic beauty and maintaining the integrity of the country park.

5. Recommendation

5.1 According to the above assessments, though the site does not have high conservation value, its landscape and aesthetic value is considered outstanding and its recreation potential is highly compatible with the country park setting. It is considered that the site is equipped with sufficient intrinsic value for designation as a country park in principle. Considering the assessment of demarcation criteria, i.e. the size, proximity to existing country park, land status and land use compatibility, it is recommended the site to be incorporated as part of the SKECP.

Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
October 2011

File Ref: AF GR CPA 02/9/0

Flora species recorded in the country park enclave of Tai Long Sai Wan

Appendix I (a)

Scientific Name	Chinese Name	Family Name	Habitat type	Exotic	Species of conservation concern
<i>Litsea glutinosa</i>	潺槁樹	LAURACEAE	A, D, F, S		No
<i>Litsea rotundifolia</i> var. <i>oblongifolia</i>	豺皮樟	LAURACEAE	A, S		No
<i>Celtis sinensis</i>	朴樹	ULMACEAE	A, F, G		No
<i>Casuarina equisetifolia</i>	木麻黃	CASUARINACEAE	A, B, D, G	*	No
<i>Tetracera asiatica</i>	錫葉藤	DILLENiaceae	A, S		No
<i>Gordonia axillaris</i>	大頭茶	THEACEAE	A, S		No
<i>Pentaphylax euryoides</i>	五列木	PENTAPHYLACACEAE	A		No
<i>Cratoxylum cochinchinense</i>	黃牛木	CLUSIACEAE	A, B, D, S		No
<i>Garcinia oblongifolia</i>	嶺南山竹子	CLUSIACEAE	A, B, D		No
<i>Sterculia lanceolata</i>	假蘋婆	STERCULIACEAE	A, B, D		No
<i>Firmiana simplex</i>	梧桐	STERCULIACEAE	A	*	No
<i>Hibiscus tiliaceus</i>	黃槿	MALVACEAE	A, B, F		No
<i>Enkianthus quinqueflorus</i>	吊鐘	ERICACEAE	S		Yes (Note 1)
<i>Aegiceras corniculatum</i>	蠟燭果	MYRSINACEAE	B		No
<i>Rhaphiolepis indica</i>	石斑木	ROSACEAE	A, S		No
<i>Prunus persica</i>	桃	ROSACEAE	G	*	No
<i>Archidendron lucidum</i>	亮葉猴耳環	MIMOSACEAE	A, B, S		No
<i>Acacia confusa</i>	臺灣相思	MIMOSACEAE	A, G	*	No
<i>Caesalpinia crista</i>	華南雲實	CAESALPINIACEAE	A, B		No
<i>Caesalpinia bonduc</i>	刺果蘇木	CAESALPINIACEAE	A, F		No
<i>Melaleuca quinquenervia</i>	白千層	MYRTACEAE	A, D	*	No
<i>Psidium guajava</i>	番石榴	MYRTACEAE	A, G	*	No
<i>Melastoma candidum</i>	野牡丹	MELASTOMATACEAE	A, S		No
<i>Melastoma sanguineum</i>	毛茛	MELASTOMATACEAE	A, S		No
<i>Bruguiera gymnorrhiza</i>	木欖	RHIZOPHORACEAE	B		No
<i>Kandelia obovata</i>	秋茄樹	RHIZOPHORACEAE	B		No
<i>Alangium chinense</i>	八角楓	ALANGIACEAE	A		No
<i>Euonymus kwangtungensis</i>	長葉衛矛	CELASTRACEAE	A		Yes (Note 2)
<i>Ilex asprella</i>	梅葉冬青	AQUIFOLIACEAE	A, B, S		No
<i>Macaranga tanarius</i>	血桐	EUPHORBIACEAE	A, G, S		No
<i>Alchornea trewioides</i>	紅背山麻桿	EUPHORBIACEAE	A, G		No
<i>Mallotus paniculatus</i>	白楸	EUPHORBIACEAE	A, G, S		No
<i>Aporusa dioica</i>	銀柴	EUPHORBIACEAE	A, B, S		No
<i>Excoecaria agallocha</i>	海漆	EUPHORBIACEAE	B		No
<i>Bridelia tomentosa</i>	土蜜樹	EUPHORBIACEAE	A, F		No
<i>Ricinus communis</i>	蓖麻	EUPHORBIACEAE	G		No
<i>Dimocarpus longan</i>	龍眼	SAPINDACEAE	A, G	*	No
<i>Mangifera indica</i>	杧果	ANACARDIACEAE	A, G	*	No
<i>Zanthoxylum avicennae</i>	筍欖花椒	RUTACEAE	A		No
<i>Clausena lansium</i>	黃皮	RUTACEAE	G		No
<i>Acronychia pedunculata</i>	山油柑	RUTACEAE	A		No
<i>Cerbera manghas</i>	海杧果	APOCYNACEAE	A, B, F, G		No
<i>Ipomoea cairica</i>	五爪金龍	CONVOLVULACEAE	F	*	No
<i>Lantana camara</i>	馬纓丹	VERBENACEAE	A, F	*	No
<i>Vitex rotundifolia</i>	單葉蔓荊	VERBENACEAE	F	*	No
<i>Scaevola taccada</i>	草海桐	GOODENIACEAE	F		No
<i>Psychotria asiatica</i>	九節	RUBIACEAE	A, B, D, F		No
<i>Pavetta hongkongensis</i>	香港大沙葉	RUBIACEAE	A		Yes (Note 1)
<i>Morinda parvifolia</i>	雞眼藤	RUBIACEAE	A, B, S		No
<i>Gardenia jasminoides</i>	梔子	RUBIACEAE	A, S		No

Flora species recorded in the country park enclave of Tai Long Sai Wan

Appendix I (a)

Scientific Name	Chinese Name	Family Name	Habitat type	Exotic	Species of conservation concern
<i>Viburnum odoratissimum</i>	珊瑚樹	CAPRIFOLIACEAE	A, F, G		No
<i>Wedelia chinensis</i>	蟛蜞菊	ASTERACEAE	F		No
<i>Bidens alba</i>	白花鬼針草	ASTERACEAE	A, B, F, G	*	No
<i>Mikania micrantha</i>	薇甘菊	ASTERACEAE	A, D, F, S	*	No
<i>Phoenix hanceana</i>	刺葵	ARECACEAE	A, B, D, F, G		No
<i>Pandanus tectorius</i>	露兜樹	PANDANACEAE	A, B, F, G		No
<i>Alpinia zerumbet</i>	豔山薑	ZINGIBERACEAE	D, A		No
<i>Crinum asiaticum var. sinicum</i>	文殊蘭	LILIACEAE	D, F		No
<i>Podocarpus macrophyllus</i>	羅漢松	PODOCARPACEAE	A		Yes (Note 4)
<i>Dicranopteris pedata</i>	芒萁	GLEICHENIACEAE	A, S		No
<i>Cibotium barometz</i>	金毛狗	DICKSONIACEAE	A		Yes (Note 3)

Remarks:

* Exotic species

Notes:

1. *Enkianthus quinqueflorus* 吊鐘 and *Pavetta hongkongensis* 香港大沙葉 - Protected species of Cap. 96
2. *Euonymus kwangtungensis* 長葉衛矛 - plant listed in "Rare and precious plants in Hong Kong, AFCD"
3. *Cibotium barometz* 金毛狗 - scheduled plant of Cap. 586 : 1
4. *Podocarpus macrophyllus* 羅漢松 - plant under threat of illegal digging due to its high market value

Habitat type

A : Woodland

B : Mangroves

C : Active agricultural land

D : Abandoned agricultural land

E : Turfed area

F : Shrubby grassland

G : Village area

S : Shrubland

Fauna species recorded in the country park enclave of Tai Long Sai Wan

Scientific Name	Common name and chinese name	Fauna group	Species of conservation concern
<i>Acridotheres cristatellus</i>	Crested Myna 八哥	bird	No
<i>Orthotomus sutorius</i>	Common Tailorbird 長尾縫葉鶯	bird	No
<i>Egretta garzetta</i>	Little Egret 小白鷺	bird	No
<i>Pycnonotus jocosus</i>	Red-whiskered Bulbul 紅耳鶇	bird	No
<i>Garrulax perspicillatus</i>	Masked Laughingthrush 黑臉噪鶇	bird	No
<i>Corvus macrorhynchos</i>	Large-billed Crow 大嘴烏鴉	bird	No
<i>Prinia flaviventris</i>	Yellow-bellied Prinia 黃腹山鷓鴣	bird	No
<i>Chalcophaps indica</i>	Emerald Dove 綠翅金鳩	bird	Yes (Note 1)
<i>Butorides striata</i>	Striated Heron 綠鷺	bird	No
<i>Accipiter trivirgatus</i>	Crested Goshawk 鳳頭鷹	bird	Yes (Note 1)
<i>Rana guentheri</i>	Günther's Frog 沼蛙	amphibian	No
<i>Kaloula pulchra</i>	Asiatic Painted Frog 花狹口蛙	amphibian	No
<i>Microhyla pulchra</i>	Marbled Pigmy Frog 花姬蛙	amphibian	No
<i>Fejervarya limnocharis</i>	Paddy Frog 澤蛙	amphibian	No
<i>Polypedates megacephalus</i>	Brown Tree Frog 斑腿泛樹蛙	amphibian	No
<i>Curetis dentata</i>	Toothed Sunbeam 尖翅銀灰蝶	butterfly	No
<i>Remelana jangala</i>	Chocolate Royal 萊灰蝶	butterfly	No
<i>Euripus nyctelius</i>	Courtesan 芒蛺蝶	butterfly	Yes (Note 2)
<i>Papilio helenus</i>	Red Helen 玉斑鳳蝶	butterfly	No
<i>Polytremis lubricans</i>	Contiguous Swift 黃紋孔弄蝶	butterfly	No
<i>Euploea midamus</i>	Blue-spotted Crow 藍點紫斑蝶	butterfly	No
<i>Chilades lajus</i>	Lime Blue 紫灰蝶	butterfly	No
<i>Spindasis syama</i>	Club Silverline 豆粒銀線灰蝶	butterfly	No
<i>Zizeeria maha</i>	Pale Grass Blue 酢漿灰蝶	butterfly	No
<i>Ariadne ariadne</i>	Angled Castor 波蛺蝶	butterfly	No
<i>Cupha erymanthis</i>	Rustic 黃襟蛺蝶	butterfly	No
<i>Cyrestis thyodamas</i>	Common Mapwing 網絲蛺蝶	butterfly	No
<i>Hestina assimilis</i>	Red Ring Skirt 黑脈蛺蝶	butterfly	No
<i>Junonia lemonias</i>	Lemon Pansy 蛇眼蛺蝶	butterfly	No
<i>Neptis hylas</i>	Common Sailer 中環蛺蝶	butterfly	No
<i>Catopsilia pomona</i>	Lemon Emigrant 遷粉蝶	butterfly	No
<i>Catopsilia pyranthe</i>	Mottled Emigrant 梨花遷粉蝶	butterfly	No
<i>Eurema hecabe</i>	Common Grass Yellow 寬邊黃粉蝶	butterfly	No
<i>Graphium agamemnon</i>	Tailed Green Jay 統帥青鳳蝶	butterfly	No
<i>Graphium sarpedon</i>	Common Bluebottle 青鳳蝶	butterfly	No
<i>Papilio demoleus</i>	Lime Butterfly 達摩鳳蝶	butterfly	No
<i>Papilio memnon</i>	Great Mormon 美鳳蝶	butterfly	No
<i>Papilio polytes</i>	Common Mormon 玉帶鳳蝶	butterfly	No

Fauna species recorded in the country park enclave of Tai Long Sai Wan

Scientific Name	Common name and chinese name	Fauna group	Species of conservation concern
<i>Papilio protenor</i>	Spangle 藍鳳蝶	butterfly	No
<i>Parnara guttata</i>	Common Straight Swift 直紋稻弄蝶	butterfly	No
<i>Gynacantha japonica</i>	Blue-spotted Dusk-hawker 日本長尾蜓	dragonfly	No
<i>Orthetrum luzonicum</i>	Marsh Skimmer 呂宋灰蜻	dragonfly	No
<i>Tramea virginia</i>	Saddlebag Glider 華斜痣蜻	dragonfly	No
<i>Neurothemis fulvia</i>	Russet Percher 網脈蜻	dragonfly	No
<i>Neurothemis tullia</i>	Pied Percher 截斑脈蜻	dragonfly	No
<i>Orthetrum chrysis</i>	Red-faced Skimmer 華麗灰蜻	dragonfly	No
<i>Orthetrum pruinosum</i>	Common Red Skimmer 赤褐灰蜻	dragonfly	No
<i>Crocothemis servilia</i>	Crimson Darter 紅蜻	dragonfly	No
<i>Euphaea decorata</i>	Black-banded Gossamerwing 方帶幽蟬	dragonfly	No
<i>Rhinogobius duospilus</i>	溪吻鰕虎魚	freshwater fish	No
<i>Lutjanus argentimaculatus</i>	Mangrove snapper 紫紅笛鯛	freshwater fish	No
<i>Lutjanus russellii</i>	Russell's snapper 勒氏笛鯛	freshwater fish	No
<i>Liza</i> sp.		freshwater fish	No
<i>Acanthopagrus latus</i>	Yellowfin seabream 黃鰭棘鯛	freshwater fish	No
<i>Periophthalmus modestus</i>	Common mudskipper 彈塗魚	freshwater fish	No
<i>Terapon jarbua</i>	Jarbua terapon 細鱗鱯	freshwater fish	No
<i>Gerres oyena</i>	Common silver-biddy 奧奈銀鱸	freshwater fish	No
<i>Mugilogobius abei</i>	Estuarine goby 阿部鰕鰕虎魚	freshwater fish	No
<i>Pseudogobius javanicus</i>	爪哇擬鰕虎魚	freshwater fish	No
<i>Glossogobius giuris</i>	Fork tongue goby 舌鰕虎魚	freshwater fish	No
<i>Eleotris acanthopoma</i>	Spinecheek Gudgeon 刺蓋塘鱧	freshwater fish	No
<i>Eleotris oxycephala</i>	Sharphead sleeper 尖頭塘鱧	freshwater fish	No
<i>Parazacco spilurus</i>	Predaceous chub 異鱗	freshwater fish	Yes (Note 3)
<i>Pipistrellus abramus</i>	Japanese Pipistrelle 東亞家蝠	mammal	No

Note:

1. Emerald Dove 綠翅金鳩 and Crested Goshawk 鳳頭鷹 were recorded in lowland woodland of Sai Wan. Emerald Dove 綠翅金鳩, listed as “Vulnerable” in China Red Data Book Status, is a scarce resident in Hong Kong. Crested Goshawk 鳳頭鷹, listed as “Rare” in China Red Data Book Status and listed in Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586), is an uncommon resident in Hong Kong.
2. Courtesan 芒蛺蝶 is assessed as “Rare” in the baseline surveys conducted by AFCD.
3. Predaceous chub 異鱗 - listed as “Vulnerable” in China Red Data Book Status but widespread in Hong Kong.



General view of country park enclave of Tai Long Sai Wan



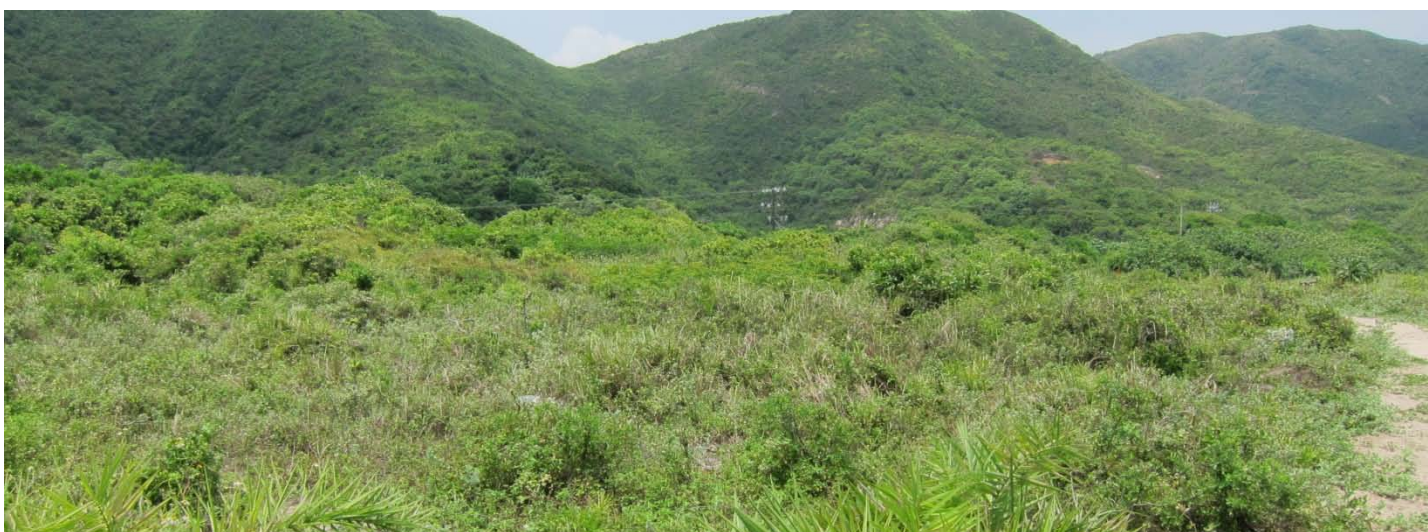
General view of northern parcel



Lowland woodland behind village houses of northern parcel



Turfed area at northern parcel



Shrubby grassland at northern parcel



Village houses at southern parcel



Village houses at southern parcel



Mangroves at southern parcel



Casuarina equisetifolia along stream bank of southern parcel



Abandoned agricultural land at southern parcel



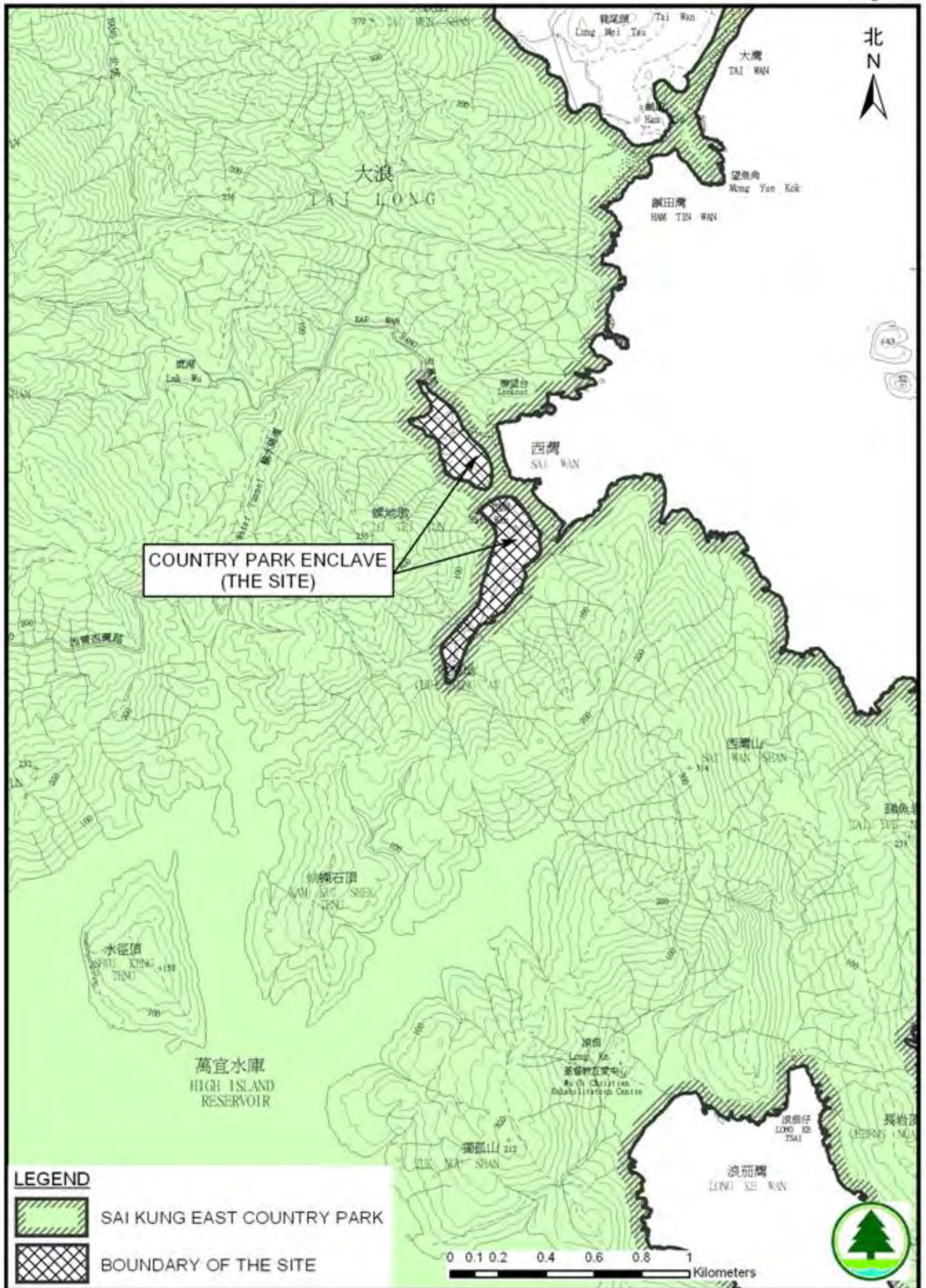
Beach beside southern parcel



"Sze Dip Tam" beside northern parcel

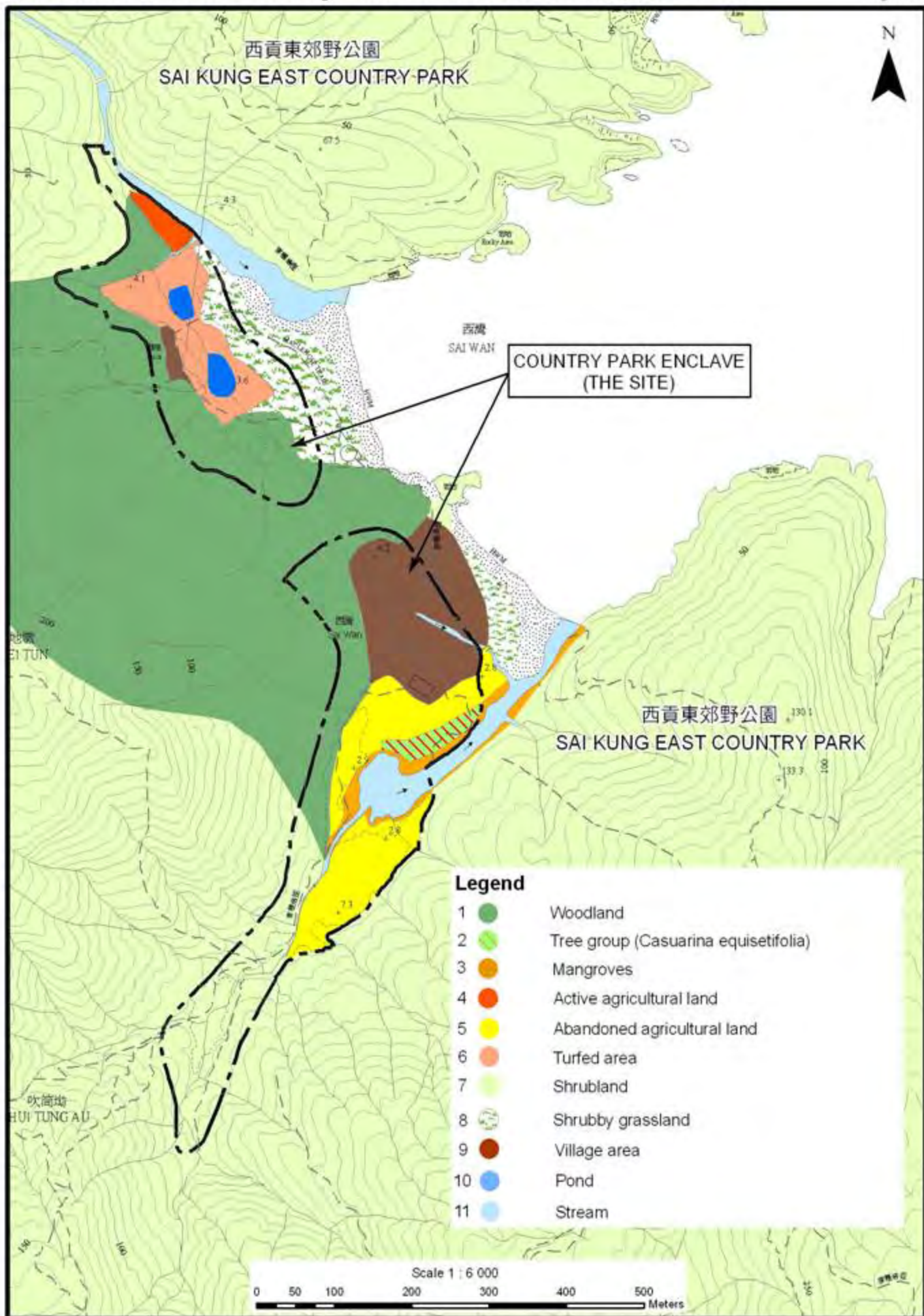
Location of the Country Park Enclave of Tai Long Sai Wan

Figure 1



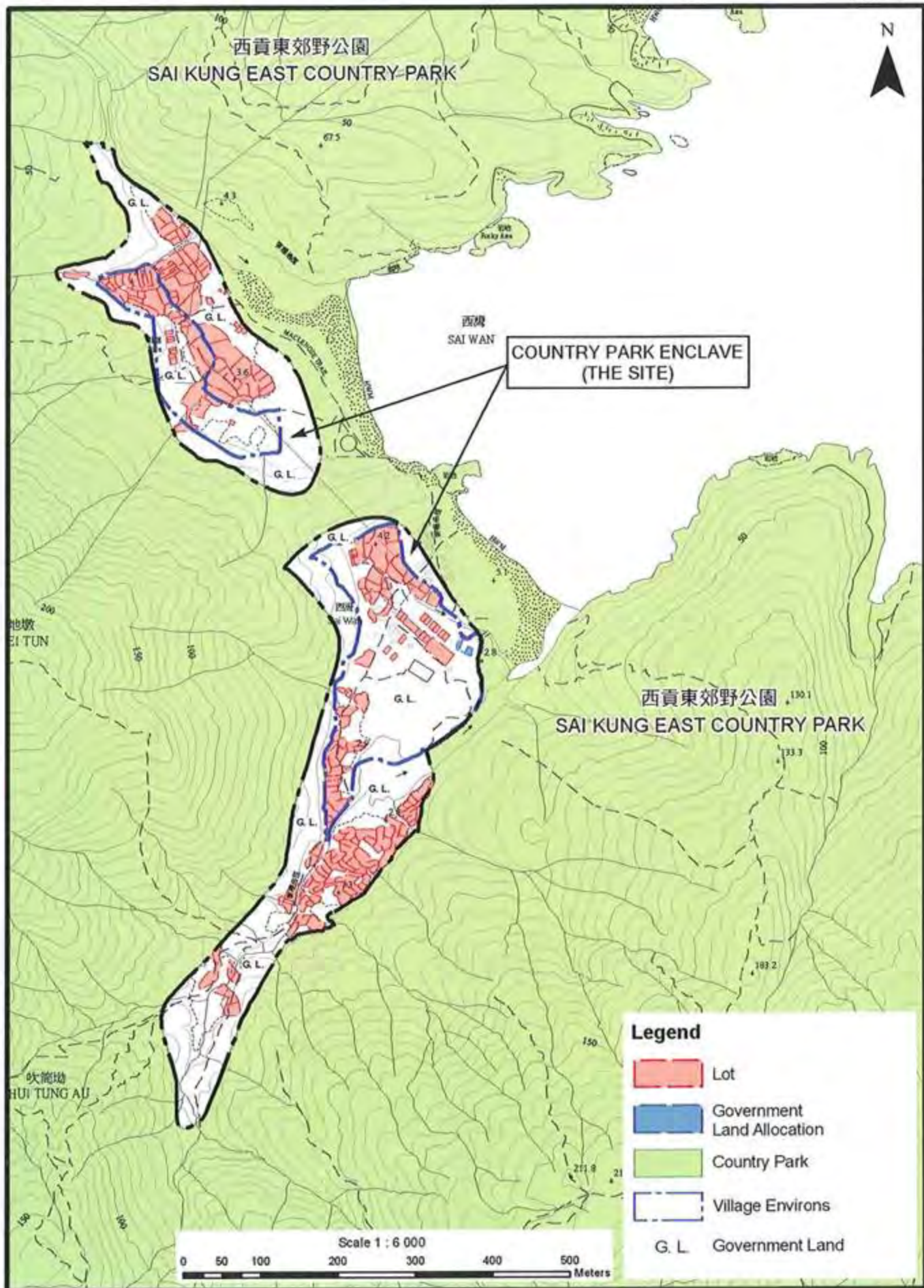
Habitat Map of the Country Park Enclave of Tai Long Sai Wan

Figure 2



Land Status Plan of the Country Park Enclave of Tai Long Sai Wan

Figure 3



**Note on the Use or Development of Land within a Country Park Enclave
after Inclusion into a Country Park**

1. Purpose

1.1 This note aims to provide information for villagers, occupiers or owners of leased land on issues relating to the use or development of land within a country park enclave after the enclave is included into a country park.

2. Background

2.1 Country park enclaves are lands that are surrounded by or adjacent to country parks, but are not part of the country parks. Many of these country park enclaves comprise both private and Government lands.

2.2 In June 2010, excavation works were detected on both private land and Government land in the enclave of Tai Long Sai Wan, arousing significant public concerns on the protection of country park enclaves in Hong Kong. The incident was discussed by the Legislative Council Panel on Environmental Affairs and Panel on Development at a joint meeting held in July 2010 and the Country and Marine Parks Board (CMPB) in August 2010. The Administration agreed that there was an urgent need to enhance the protection of country park enclaves against incompatible uses which may adversely affect the overall beauty and integrity of our country parks. The 2010 Policy Address also pointed out that the Tai Long Sai Wan incident had highlighted the need to take prompt action to regulate land use in the vicinity of country parks to forestall human damage. To meet conservation and social development needs, the Administration will consider either including country park enclaves into country parks, or determining their proper uses through statutory planning.

3. Development Proposals in Country Parks

3.1 Use of any leased land within a country park is subject to, among others, the conditions of a lease and relevant provisions of the Country Parks Ordinance (Cap 208) (the Ordinance). Without prejudice to the power of the Country and Marine Parks Authority (the Authority) under section 16 of the Ordinance, no prior approval of the Authority is

required for any of the following works (which conforms with the conditions of the lease concerned) to be carried out within a country park (including a proposed country park) after the publication of a draft map of the country park concerned under section 9(1) of the Ordinance:

- (a) the carrying out of works for the maintenance, improvement or alteration of any building;
- (b) the use of any land for the purpose of agriculture, forestry or fisheries and the use for any of those purposes of any building occupied together with land so used;
- (c) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of dwelling house as such; or
- (d) the carrying out of any works for the purpose of inspecting, repairing or renewing any sewer, mains, pipes, cables or other apparatus.

3.2 For development proposals on Government land, the project proponent is required to submit an application for a short term tenancy to seek an approval from the relevant District Lands Officer (DLO) who is acting in the capacity of the Government land agent and may or may not approve such application, and if he approves the application, he may impose those conditions including the charging of rent and/or fees as he deems appropriate. If the development proposal falls within a leased land and is not in contravention of the lease concerned, then no application is required from the lessee. However, if the proposed development is not permitted under the lease concerned, the land lessee is required to submit an application for lease variation to the DLO who is acting in the lessor capacity and who may or may not exercise his discretion to approve such application, and if he exercises his discretion to approve the application, he may impose those conditions including the charging of premium and/or fees as he deems appropriate. In considering any application for use of Government land or for lease variation within a country park, a DLO will consult the Authority before making a decision to approve or not approve it.

3.3 The Authority will assess any proposed use or development of land in a country park on the merits of the individual case. The Authority will consider whether the proposed use or development would substantially reduce the enjoyment and amenities of the country park concerned. In this connection, the Authority will take into account all relevant factors including land status, location, nature conservation, landscape and visual impacts, and country park users or facilities points of views. If necessary, the Authority will seek advice from the CMPB before deciding whether the proposed use or development is acceptable or not.

3.4 It should be noted that any use or development sanctioned by the Authority must also conform with all other relevant legislation, any other Government requirements, as may be applicable, and the Government lease (including any lease variations which may be approved by DLO) concerned.

4. Consideration of use or development

4.1 Without prejudice to the Authority's consideration of the facts of each individual case, the Authority in general may allow those proposed use or development that are compatible with the purposes of the Ordinance. The Authority may, for example, allow those minor public and engineering works, and development that are essential to villages and related to the well-being of the rural community, as long as such works and development would be compatible with the purposes of the Ordinance.

4.2 The Ordinance provides for the designation, control and management of the countryside as country parks and special areas, and enables them to be developed for nature conservation, outdoor recreational and educational purposes. The country parks are important habitats for flora and fauna of Hong Kong, which are part of our natural heritage that the public treasure and to which attach great importance. Besides playing an indispensable and vital role in maintaining biodiversity, our country parks also serve as valuable places for the public to escape the hustle and bustle of urban life. Members of the public visit our country parks for their natural scenery, tranquility, rural atmosphere, wilderness and clean air as well as for different recreational activities offered by the country parks, such as sightseeing, barbecuing, picnicking, camping, hiking, nature appreciation, photography, etc. To achieve the purposes of the Ordinance, the Authority would take into account any adverse effect of the use or development, or proposed use or development on, for example, the scenic quality, tranquility, completeness, the integrity of country parks, the overall recreation potential of country parks and the ecological important habitats, such as woodland, undisturbed natural coast, or established mangrove stands in considering whether the use or development or proposed use or development would substantially reduce the enjoyment and amenities of the country park. The Authority would consider each case on its own merits.

5. New Territories Small House Development within Country Parks

5.1 Under the New Territories Small House Policy, an indigenous villager may apply for permission to erect for himself during his lifetime a small house on a "suitable site"

within his own village. Such a “suitable site”, generally means a site which falls within the environs of a recognized village, i.e. village environs (“VE”).

5.2 If a DLO receives a small house application on a “suitable site” within a country park, the DLO will normally consult the Authority before making a decision as to whether to approve or not to approve it. The Authority shall consider whether the proposed small house would substantially reduce the enjoyment and amenities of the country park having regard to the relevant circumstances of each application. Specifically, the following would be considered:

- (a) areas of difficult terrain, dense vegetation, ecological sensitive areas and stream courses within “VE” should be avoided where possible;
- (b) whether construction of the proposed small house would cause any diversion of streams or filling of pond;
- (c) whether the construction would involve any felling of trees, in particular mature trees, rare and protected trees, or old and valuable trees. Compensatory planting shall be required if felling of trees is unavoidable;
- (d) whether construction of the proposed small house would cause any damage to and/or pose cumulative impacts on the ecological values, integrity and biodiversity of the habitat; and
- (e) whether the construction would cause any adverse impacts on existing footpaths or hiking trails, recreational sites and facilities.

Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
June 2012

**Control under section 16 of Country Parks Ordinance (CPO) and
Compensation mechanism under CPO**

1. Under section 16 of the CPO, in any case where the Authority is of the opinion that any use or proposed use of any leased land by the occupier within a country park would substantially reduce the enjoyment and amenities of the country park, he may request the appropriate Land Authority to give written notice to require the occupier to discontinue or modify the use within a designated period, or to prohibit the occupier from proceeding with the proposed use or, within a designated period, require the occupier to modify the proposed use. Any aggrieved occupiers or the Government lessees could object and seek compensation according to procedures prescribed below.

2. Objection
 - Under section 17 of the CPO, where a notice is served on an occupier or Government lessee under section 16(2) in respect of the use or proposed use of any land held by him, the occupier or Government lessee may within 1 month of the service on him of such notice object to the notice. The Country and Marine Parks Board (“the Board”) shall hear the objection and may then reject, uphold the objection, or direct that the Land Authority’s decision be amended.

 - Any objectors aggrieved by the Board's decision may appeal by way of petition to the Chief Executive within 1 month of being notified of the Board's decision. The Chief Executive may direct that the Land Authority’s decision be withdrawn or amended, or refer the petition to the Chief Executive in Council, who may direct that the Land Authority’s decision be withdrawn or amended, or dismiss the petition.

3. Compensation
 - Under section 18(1) of the CPO, no compensation shall be paid to the owner of, or to any person interested in, any land because it is situated within or is affected by a country park.

 - Under section 19(1) of the CPO, where –
 - (a) the Authority refuses approval under section 10 for the carrying out of new development on any land; or

- (b) the occupier of land within a country park discontinues or modifies the use or ceases to proceed with or modifies the proposed use of that land in accordance with a notice given to him under section 16(2),
and such new development or use is permitted by or under the terms of any lease or agreement for a lease under which the land is held-
- (i) in the case of loss, damage or cost under paragraph (a) , the owner of the land; and
 - (ii) in the case of loss, damage or cost under paragraph (b), any person owning a compensatable interest in the land,
- shall have the right to claim compensation to the extent of the loss, damage or cost suffered or incurred by him as assessed under Part V of CPO.
- Under section 19(2) of the CPO, The basis on which compensation is to be assessed shall be-
 - (a) in the case of a claim for loss, damage or cost under section 19(1)(a) referred to in the above, the amount by which the value of the land is reduced on account of the refusal to approve the carrying out of new development; and
 - (b) in the case of a claim for loss, damage or cost under section 19(1)(b) referred to in the above –
 - (i) the amount by which the value of the land is reduced; and
 - (ii) the amount which might fairly and reasonably be estimated as the loss of the claimant in respect of works necessary to effect the discontinuance, cessation or modification of the use or proposed use,

on account of the requirement to discontinue or modify or the prohibition.
 - Under section 19(3) of the CPO, In the assessment of compensation no account shall be taken of any increase or decrease in the value of land to which the compensation relates which is attributable to -
 - (a) the land being within an area of a proposed country park shown on a draft map prepared under section 8 of the CPO; or
 - (b) the land being within a country park.
 - Under section 19(4) of the CPO, for the purpose of section 19 of the CPO, the value of land shall be such value as would be assessed under the Lands Resumption Ordinance (Cap. 124) if the land were to be resumed under the that Ordinance.
 - If the Authority and the aggrieved party could not agree on the amount of compensation (if any) to be paid within 3 months from the submission of the claim

under section 20(1), either party may submit the claim to the Lands Tribunal for determination of the amount of compensation (if any) to be paid.

- Under section 20(4) of the CPO, the Lands Tribunal shall determine the amount of compensation payable in respect of a claim submitted to it under section 20(3) in accordance with section 19 of the CPO.
- Under section 22 of the CPO, all compensation shall be paid from such money as may be provided from time to time by the Legislative Council.