

## **LEGISLATIVE COUNCIL BRIEF**

### **Country Parks Ordinance (Chapter 208)**

### **COUNTRY PARKS (DESIGNATION) (CONSOLIDATION) (AMENDMENT) ORDER 2013**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 25 June 2013, the Council ADVISED and the Chief Executive ORDERED that the Country Parks (Designation) (Consolidation) (Amendment) Order 2013 (the Order), at **Annex A**, should be made under section 14 of the Country Parks Ordinance (CPO) (Chapter 208).

2. The Order amends the Country Parks (Designation) (Consolidation) Order (Cap. 208 sub. leg. B) to replace the original approved maps in respect of the Sai Kung East Country Park (SKECP), the Kam Shan Country Park (KSCP) and the Tai Lam Country Park (TLCP) with the new approved maps, for the purpose of incorporating the country park enclaves<sup>1</sup> of Tai Long Sai Wan (Sai Wan), Kam Shan and Yuen Tun into the SKECP, the KSCP and the TLCP respectively.

#### **JUSTIFICATIONS**

##### **The Proposal**

3. In June 2010, unauthorised excavation works were detected on both private land and government land of the country park enclave of Sai Wan, which triggered significant public concerns on the protection of country park enclaves in Hong Kong. In the 2010-11 Policy Address, the Government undertook to either

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<sup>1</sup> Country park enclaves are sites that are surrounded by or are adjacent to the country parks, but are not part of the country parks. Most of these country park enclaves comprise both private and government land. Control on developments on private land at these country park enclaves relies on the terms and conditions of the land leases, Buildings Ordinance (Cap. 123) and, if available, Development Permission Area plans or Outline Zoning Plans (OZP) under the Town Planning Ordinance (TPO) (Cap. 131).

include the enclaves into country parks, or determine their proper uses through statutory planning to meet conservation and social development needs.

### **Statutory Process under CPO**

4. 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. The Director of Agriculture, Fisheries and Conservation (DAFC), acting as the Country and Marine Parks Authority (the Authority) under the Country Parks Ordinance, obtained the support of the Country and Marine Parks Board (CMPB) on the assessments with regard to the incorporation of the three country park enclaves into country parks in accordance with the provisions of the CPO. Taking into account the advice of the CMPB, the Authority sought permission from the Chief Executive in Council to invoke section 15 of the CPO to refer the approved maps of the SKECP, the KSCP and the TLCP to the Authority for replacement by new maps so as to incorporate the three country park enclaves into respective country parks. In accordance with section 8 of CPO, the Authority prepared draft maps of the SKECP, the KSCP and the TLCP in consultation with the CMPB and made available for public inspection for a period of 60 days (26 October to 24 December 2012) in accordance with section 9 of CPO. Any person aggrieved by the draft map might raise objections within the inspection period.

### **Objections and the Authority's representations**

5. During the 60-day period of public inspection, the Authority received nine objections against the draft map of the SKECP and one objection against the draft map of the TLCP. There was no objection against the draft map of the KSCP. Apart from the objections, the Authority also received more than 3,200 emails supporting the incorporation of Sai Wan into the SKECP. There were individual emails which also support the draft maps of the KSCP and the TLCP or the incorporation of other enclaves into the respective country parks.

6. 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 and the TLCP 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 summarised at **Annex B**.

B

### **Decision of the Country and Marine Parks Board on Objections**

7. The CMPB heard the objections received against the draft maps of the SKECP and the TLCP in three sessions on 7 and 8 February 2013 in accordance with section 11 of CPO. After careful deliberation of all the written objections, the opinions of those attending the hearing, the respective representations of the Authority and his comments at the hearing, the CMPB unanimously rejected all objections to the two draft maps. The Secretary of CMPB notified the objectors of its decision in writing on 12 April 2013. Although the CMPB has rejected the objections in whole, the CMPB also advised the Authority to take into account the fact that there is an indigenous village in Sai Wan in the future management of the area.

8. On 7 May 2013, the Chief Executive in Council approved the draft maps of the SKECP, the KSCP and the TLCP under section 13(1) of CPO. In accordance with section 13(4) of CPO, the new approved maps (at **Annex C**) were deposited in the Land Registry on 16 May 2013.

C

9. Upon the depositing of the approved maps in the Land Registry, in accordance with section 14 of CPO, the Chief Executive shall, by order in the Gazette, designate the areas shown in each of the approved maps to be country parks.

## **THE ORDER**

10. The Order is to amend the Country Parks (Designation) (Consolidation) Order (Cap. 208 sub. leg. B) to replace the references to original approved maps in respect of the SKECP, the KSCP and the TLCP with the references to new approved maps.

## **LEGISLATIVE TIMETABLE**

11. The legislative timetable<sup>2</sup> is as follows -

Publication in Gazette	11 October 2013
Tabling at the Legislative Council	16 October 2013
Commencement of the Order	30 December 2013

## **PROTECTION OF SAI WAN UPON THE EXPIRY OF DPA PLAN**

12. The country park enclave of Sai Wan is currently protected under the Tai Long Sai Wan Development Permission Area (DPA) Plan, which will expire on 6 August 2013. In accordance with section 10 of CPO, no new development shall be carried out within the areas of the three draft maps of the SKECP, KSCP and TLCP without the prior approval of the Authority after publication of the three draft maps by notice in the Gazette on 26 October 2012 under section 9 of CPO. After expiry of the Tai Long Sai Wan DPA Plan, the Government will rely on section 10 of CPO to protect Sai Wan from any new development. In any event, developments on private land at the country park enclave of Sai Wan are still subject to existing control measures, such as the ordinances on buildings and the land leases. Developments on private land including proposed county parks are subject to the control of the Buildings Ordinance (Cap. 123) under the purview of the Buildings Department. In this regard, section 16(1)(d) of the Buildings Ordinance may be invoked to reject any proposals for new development of private land that falls within a designated or

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<sup>2</sup> The Order is a piece of subsidiary legislation which has to be tabled at the Legislative Council (LegCo) for negative vetting. As the current LegCo session will end on 26 July 2013, it would not be possible for the Order to allow the full negative vetting period to run its full course (i.e. the initial 28-day vetting period plus the 21 day extension) before the summer recess. To allow enough time for LegCo to study the Order, the Order is therefore scheduled for tabling at the second sitting of the next LegCo session, that is 16 October 2013.

proposed country park or special area unless and until the prior approval of the Authority has been obtained. Developments of New Territories Exempted Houses are exempted from Buildings Ordinance and subject to the control of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121) under the purview of the Lands Department<sup>3</sup>. Moreover, developments on private land including those in country parks are subject to the terms and conditions of the concerned land lease. If the development proposal is not permitted under the lease, the land lessee is required to submit an application for lease variation to the District Lands Officer who is acting in the lessor capacity and who may or may not exercise the Officer's discretion to approve such application. In considering applications for development within a country park, a District Lands Officer normally consults the Authority before making a decision to approve or not approve it. If the District Lands Officer exercises the discretion to approve the application, conditions including the charging of premium and/or fees as appropriate may be imposed. The Agriculture, Fisheries and Conservation Department will also keep close monitoring and make necessary referral to other government authorities to curb any irregularity detected in Sai Wan.

## **IMPLICATIONS OF MAKING THE ORDER**

13. The making of the Order is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of CPO. On economic implications, better protection of country park enclaves might affect future development of the sites concerned. For the three country park enclaves concerned in particular, the loss in development potential should be small in overall terms. This is also the cost that needs to be incurred for meeting public expectation on preserving the environment in the country park areas concerned. The environmental and sustainability implications of the proposal are set out at **Annex D**. The financial and civil service implications arising from this proposal will be absorbed by the departments concerned from within their existing resources. There is no competition, productivity nor family implication.

### D

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<sup>3</sup> By virtue of the certificates of exemption issued by the Director of Lands under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance, New Territories Exempted Houses are exempted from certain provisions of the Buildings Ordinance and its regulations. Besides, a building already erected in the New Territories before the Buildings Ordinance (Application to the New Territories) Ordinance came into force on 1 January 1961 is not unauthorized building works in the context of the Buildings Ordinance, so long as there has been no alteration, addition to or re-construction of the building after that date.

## **PUBLIC CONSULTATION**

14. During the public inspection of the draft Sai Wan DPA Plan under the Town Planning Ordinance from 6 August 2010 to 6 October 2010, a total of 350 representations were received by the Town Planning Board. Among those representations received, about 300 of them supported the general planning intention of the area which aimed at protection and conservation of the area against incompatible uses. Furthermore, some representations asked for designating the whole Sai Wan enclave as part of the country park and the remaining representations mainly provided comments and/or proposals related to the DPA Plan. It is worth noting that the general public has strong expectation on preserving the environment of Sai Wan against development that may spoil the natural scenic beauty of the area.

15. The CMPB was consulted and expressed support of the proposal to incorporate Sai Wan into the SKECP on 11 October 2011 and 22 February 2012. We have initiated engagement with the relevant stakeholders prior to the initiation of the statutory public inspection and objection period under CPO. Communication and consultation with Heung Yee Kuk (HYK) about the proposed measures for protecting country park enclaves were conducted on 21 June 2011 and 8 November 2011. HYK raised objection to the proposal as a matter of principle as they perceived the proposal as infringing on their traditional and land rights and limiting the development potentials of the localities. The Village Representatives of Sai Wan, Sai Kung Rural Committee, and Sai Kung District Council (SKDC) expressed similar concerns as the HYK. SKDC passed a motion with 18 members opposing to the Government's proposal in February 2012 and set up a Task Force on Planning Issues related to Tai Long Sai Wan (Task Force) to follow up the matter. The Task Force, after examination and deliberation of issues of concern with the relevant government bureau/departments, the Authority, the CPMB, local villagers and other interested parties, submitted a report to the SKDC on 17 July 2012 recommending that amongst others, the Government should protect the interests of the villagers or property owners if Sai Wan would be designated as a country park. During the 60-day of public inspection of the draft maps of SKECP, KSCP and TLCP, SKDC submitted a letter to both the Chief Executive and the Authority expressing their objection to the incorporation of Sai Wan into SKECP.

16. As for the proposal to incorporate the enclave of Kam Shan into the KSCP and the enclave of Yuen Tun into the TLCP, the Country Parks Committee of the CMPB was consulted on 12 April 2012 and agreed with the Authority's suitability assessment of the two enclaves for country park designation. We proceeded with the engagement with the stakeholders of Kam Shan and Yuen Tun by consulting the

Development and Housing Committee of the Sha Tin District Council and Tsuen Wan District Council respectively on the proposal to incorporate the enclave of Kam Shan into the KSCP on 3 May 2012 and on the proposal to incorporate the enclave of Yuen Tun into the TLCP on 29 May 2012. Sha Tin District Council Members in general supported the proposal although there was objection from the rural community. Tsuen Wan District Council supported the designation in principle, but suggested that local stakeholders be further engaged, on which the Administration would follow up.

17. On 8 August 2012, after considering the results of public consultation for the three enclaves, the CMPB unanimously supported the incorporation of Sai Wan, Kam Shan and Yuen Tun into the country parks and advised the Government to initiate the statutory procedures as soon as possible. In accordance with the provisions of CPO, the Authority initiated the statutory procedures under CPO as set out in paragraph 4 above.

## **PUBLICITY**

18. A press release will be issued on 17 July 2013. A spokesman will be arranged to handle media enquires.

## **ENQUIRIES**

19. Any enquiries on this brief may be addressed to Mr Elvis Au, Assistant Director (Nature Conservation and Infrastructure Planning) of the Environmental Protection Department at telephone number 3509 8617 or Mr Joseph Sham, Assistant Director (Country and Marine Parks) of the Agriculture, Fisheries and Conservation Department at telephone number 2150 6606.

**Environmental Protection Department**  
**Agriculture, Fisheries and Conservation Department**  
**17 July 2013**

## Country Parks (Designation) (Consolidation) (Amendment) Order 2013

## Section 1

1

## Country Parks (Designation) (Consolidation) (Amendment) Order 2013

(Made by the Chief Executive under section 14 of the Country Parks Ordinance (Cap. 208) after consultation with the Executive Council)

### 1. Commencement

This Order comes into operation on 30 December 2013.

### 2. Country Parks (Designation) (Consolidation) Order amended

The Country Parks (Designation) (Consolidation) Order (Cap. 208 sub. leg. B) is amended as set out in section 3.

### 3. Schedule amended

(1) The Schedule, item 2—

#### Repeal

“Plan No. CP/KS<sup>1A</sup> approved on 14 June 1977 by the Governor in Council”

#### Substitute

“Plan No. CP/KS<sup>B</sup> approved on 7 May 2013 by the Chief Executive in Council”.

(2) The Schedule, item 6—

#### Repeal

“Plan No. CP/SK(E)<sup>A</sup> approved on 17 January 1978 by the Governor in Council”

#### Substitute

“Plan No. CP/SK(E)<sup>B</sup> approved on 7 May 2013 by the Chief Executive in Council”.

(3) The Schedule, item 12—

## Country Parks (Designation) (Consolidation) (Amendment) Order 2013

## Section 3

2

### Repeal

“map CP/TL<sup>E</sup> approved on 21 March 1995 by the Governor in Council”

### Substitute

“Plan No. CP/TL<sup>F</sup> approved on 7 May 2013 by the Chief Executive in Council”.



Chief Executive

24 July 2013



### **Explanatory Note**

This Order amends the Country Parks (Designation) (Consolidation) Order (Cap. 208 sub. leg. B) to replace the original approved maps in respect of Kam Shan Country Park, Sai Kung East Country Park and Tai Lam Country Park with new approved maps. After the amendments, the country park enclaves of Kam Shan, Tai Long Sai Wan and Yuen Tun will be incorporated into the boundaries of the above designated country parks.

**Summary of Major Views Put Forward by Objectors  
and the Authority's Representation**

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
1.	The preparation of the draft map of the Sai Kung East Country Park (SKECP) should make use of the base maps produced in or before 2010 to avoid showing the unauthorised structures in Tai Long Sai Wan (Sai Wan).	<p>In accordance with Regulation 475 of the Government Regulations, it should be ensured that maps designating areas where statutory provisions are to apply or to be removed, have either been prepared by the Deputy Director/Survey and Mapping of the Lands Department (LandsD) or have been approved by him. In this connection, the base maps produced from the 1:20 000 digital topographic map of the Survey and Mapping Office of LandsD have been used in the preparation of the draft map of the SKECP.</p> <p>The draft map showing the proposed inclusion of Sai Wan in the SKECP aims at showing the area of the proposed SKECP and will by no means regularise any unauthorised activities occurring in Sai Wan. In fact, actions against the unauthorised occupation/ structures/ excavation by relevant departments including LandsD, the Agriculture, Fisheries and Conservation Department (AFCD), Buildings Department, Environmental Protection Department (EPD) and Drainage Services Department have been taken or are being taken.</p>

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
2.	Other enclaves adjacent to the SKECP and the Tai Lam Country Park (TLCP) should also be incorporated into the country parks.	<p>There are five country park enclaves surrounded by or adjacent to the TLCP. Apart from Yuen Tun, there are another four enclaves, namely Tin Fu Tsai, Tsing Fai Tong, Sheung Tong and Sheung Fa Shan, which have yet to be assessed for their suitability for incorporation into the TLCP and thus are not included in the draft map.</p> <p>There are 11 country park enclaves surrounded by or adjacent to the SKECP. Apart from Sai Wan, there are another ten enclaves, namely (i) Pak A; (ii) Tung A; (iii) Pak Lap; (iv) To Kwa Ping; (v) Chek Keng; (vi) Tung Sam Kei; (vii) Ko Lau Wan, Mo Uk, Lam Uk and Tse Uk; (viii) site near Wong Mau Kok; (ix) Pak Tam Au; and (x) Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung (the last two are also adjacent to the Sai Kung West Country Park), which have yet to be assessed for their suitability for incorporation into the SKECP and thus are not included in the draft map.</p> <p>Regarding the enclaves which have yet to be included in the draft maps, the Government would carefully assess each of them against established criteria to determine whether it would be suitable for designation as part of a country park according to the updated criteria for designating new country parks.</p>

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
3.	<p>The resources or effort the Authority has spent in the management of country parks are insufficient. Thus, it is doubtful that the Country and Marine Parks Authority (the Authority) could enhance the management of the enclaves after they are incorporated into the country parks.</p>	<p>Incorporation of the three country park enclaves into the respective country parks under the Country Park Ordinance (CPO) will enhance the protection and conservation of the sites, and protect them against incompatible development. The conservation and management of the enclaves would be enhanced to ensure the integrity and landscape value of the sites and the adjacent country parks. Besides, country park facilities will be provided and signage and notice boards will be installed to promote outdoor safety. Publicity and education programmes will also be implemented to encourage the appreciation of nature and to remind visitors not to spoil the natural environment.</p> <p>Regarding the improvement of village and countryside environment, the Authority will arrange vegetation management (such as tree planting at suitable locations and the clearance of Mikania) and refuse collection. If necessary, the Authority will assist in improving village roads to facilitate villagers' access or use of village vehicles. The Authority will provide technical support if villagers wish to resume farming on leased agricultural land.</p> <p>The EPD and the Authority will also assist villagers interested in applying for the Management Agreement (MA)</p>

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
		Scheme <sup>1</sup> for conservation activities which are compatible with the land use and objectives of the country parks in the private land of the country parks.
4.	The Authority would fail to enhance the protection of the enclaves after they are incorporated into the country parks.	Incorporating the three country park enclaves into the respective country parks under the CPO will enhance the protection and conservation of the sites and protect them against incompatible development. Upon designation of the enclaves as country park areas, if the Authority is of the opinion that any use or proposed use of any leased land by the occupier within the country park would “substantially reduce the enjoyment and amenities of the country park as such”, he may request the Director of Lands to exercise the powers conferred by section 16 of the CPO and require such use be discontinued or modified.
5.	Preparation of statutory plans under the Town Planning Ordinance (TPO) to cover Sai Wan is a better alternative than incorporation of the enclave into the SKECP.	Sai Wan has a high landscape and aesthetic value which complements the overall naturalness and the landscape of the surrounding the SKECP. With high recreation potential, the enclave is considered as an integral part of the landscape of the SKECP. Although statutory town plans prepared under TPO would set out the land use framework

<sup>1</sup> In 2011, the Administration extended the MA Scheme under the New Nature Conservation Policy to cover private land in country park enclaves as well as private land within country parks in order to further enhance the conservation of country parks. Under the MA Scheme, funding support would be granted to enable competent non-profit making organizations to enter into management agreement with landowners. The MA scheme provides landowners with financial incentives in exchange for management rights over their land or their cooperation in enhancing conservation of the sites concerned.

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
		and make provision for planning enforcement, the implementation of the plan falls outside the ambit of the Planning Department or the Town Planning Board which would not allocate resources for habitat/amenity improvement. Therefore, including an enclave into a statutory plan cannot fully achieve the conservation objectives. If Sai Wan is incorporated into the SKECP under the CPO, 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 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.
6.	Incorporating leased land in Sai Wan into the country park will affect indigenous villagers' rights to apply for small house development as well as the rights and interests of landowners. It will even deprive private land ownership. The arrangement is tantamount to confiscating villagers' land.	First and foremost, incorporating private land into a country park is by no means depriving the ownership of the private land or would revert the land back to the Government. Regarding small house development, if the site under application for small house development lies within a country park, the District Lands Office (DLO) will consult the Authority, i.e. DAFC. The Authority will assess the application with regard to nature

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
		<p>conservation, landscape and aesthetic aspects, and the impact on recreational facilities and visitors, etc. and give his views to the DLO. These assessment criteria are not dissimilar to those used in assessing small house applications outside country parks.</p> <p>The Authority has prepared a “Note on the Use or Development of Land within a Country Park Enclave after Inclusion into a Country Park” to better illustrate the focus of concern on assessing such application. Specifically, the following will be considered by the Authority:</p> <ul style="list-style-type: none"> <li>- areas of difficult terrain, dense vegetation, ecological sensitive areas and stream courses within the “village environ” should be avoided where possible;</li> <li>- whether construction of the proposed small house would cause any diversion of streams or filling of pond;</li> <li>- 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;</li> </ul>

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
		<ul style="list-style-type: none"> <li>- whether construction of the proposed small house would cause any damage to and/or pose cumulative environmental impacts on the ecological values, integrity and biodiversity of the habitat; and</li> <li>- whether the construction would cause any adverse impacts on existing footpaths or hiking trails, recreational sites and facilities.</li> </ul>
7.	There is no compensation to land owners after their land in Sai Wan is incorporated into the SKECP.	In accordance with section 19 of CPO, if the Authority refuses approval under section 10 of the CPO for the carrying out of any new development on any land within the proposed country park, or if 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 of the CPO, 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, then the owner of the land and any person owning a compensatable interest in the land shall have the right to claim compensation from the Government to the extent of the loss, damage or cost suffered or incurred by them as assessed under Part V of the CPO.



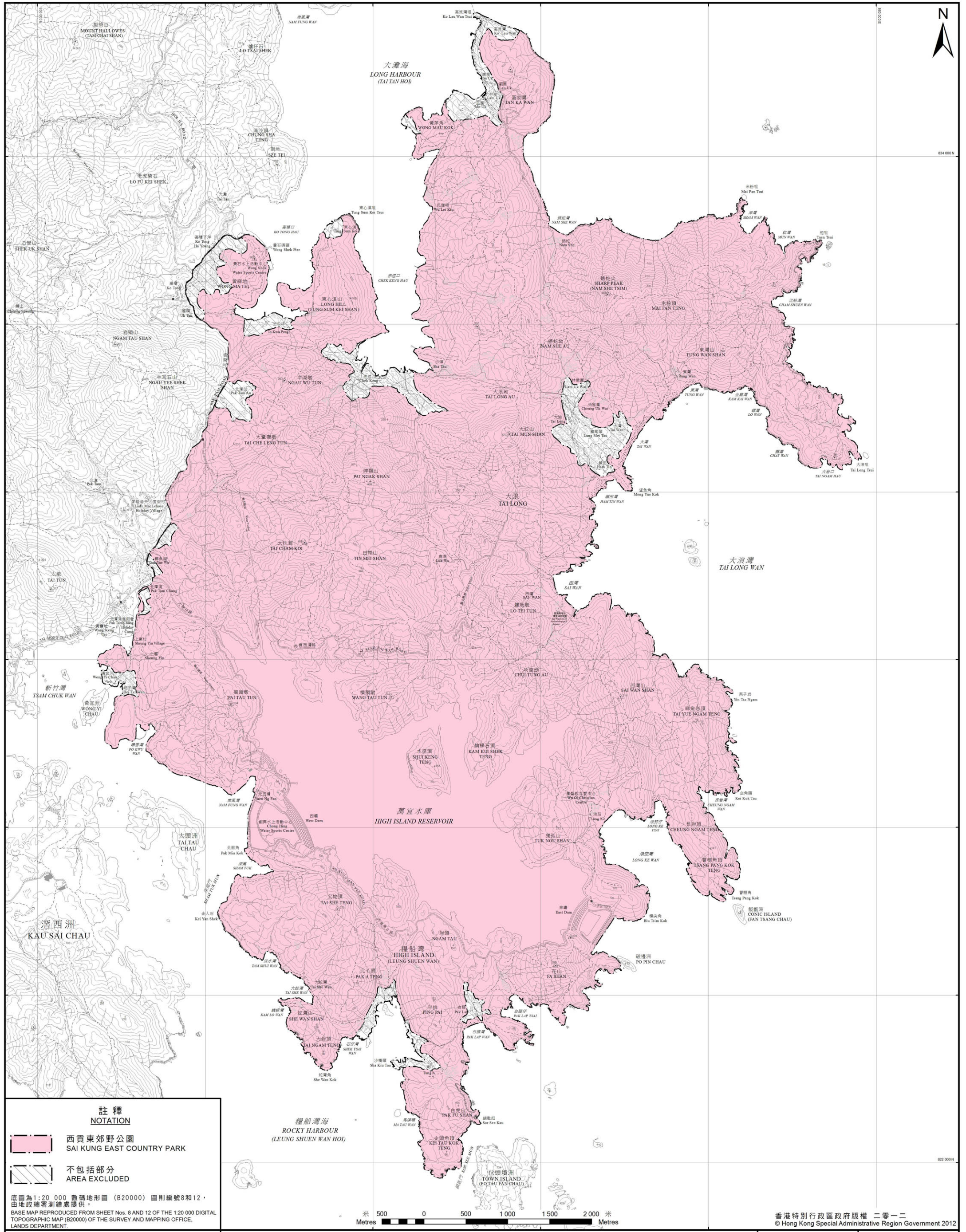
	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
		Save in circumstances described above, no compensation shall be paid to the owner of, or to any person interested in, any land because it is situated within or is affected by a country park.
8.	The Administration did not conduct thorough and sufficient consultation to reach consensus with villagers before gazetting the notice for public inspection of the draft maps. It did not give consideration to the concerns of local villagers, nor did it take any follow-up action in response to the views of the Task Force set up under the Sai Kung District Council (SKDC) to address the villagers' concerns.	Regarding the proposed incorporation of Sai Wan into the SKECP, the Administration commenced consultations with relevant stakeholders a year before invoking the statutory procedures under the CPO. The Authority and the Environmental Protection Department consulted the Sai Wan Village Representative, Sai Kung Rural Committee and SKDC on 29 August 2011, 10 October 2011 and 7 February 2012 respectively. In March 2012, the SKDC set up a Task Force on Planning Issues related to Tai Long Sai Wan (Task Force) to follow up discussions with the Government. Before the gazettal, the Authority, EPD and other government departments attended three meetings of the Task Force to address villagers' concerns about the incorporation of Sai Wan into the SKECP. The Chairperson and two members of the Country and Marine Parks Board (CMPB) were also invited to the third meeting to exchange views with the Task Force on the subject. Before invoking the statutory procedures, the Administration made reference to the various recommendations put forward by the Task Force in its report submitted to the SKDC on 17 July 2012, including the

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
		<p>recommendation that "At the SKDC meeting on 7 February 2012, SKDC members in general objected to the suggestion of the Authority. If the Government still had to designate Sai Wan as country park area, the interests of villagers or property owners would have to be protected."</p> <p>To address the concerns over small house development, the AFCD has prepared a "Note on the Use or Development of Land within a Country Park Enclave after Inclusion into a Country Park" to better illustrate the focus of concern in assessing applications on development of land within an enclave after it is included in a country park.</p> <p>The Administration will continue to follow up the recommendations of Task Force so as to meet the interests and improve the livelihood of local villagers.</p>
9.	<p>The objector claimed that according to information in the late 1970s, the Government had pledged that in considering the boundaries of new country parks, private land would not be included in country parks and the country park boundary would be kept at a certain distance away from private land. The Government's current proposal to incorporate the village as well as leased land in enclaves into the country parks is a</p>	<p>Owing to the quickened pace of urbanisation, some country park enclaves are facing increasing development pressure. Developments in these enclaves, however, may not be compatible with the natural environment of the country parks, or may degrade the integrity and the aesthetic and landscape quality of the country parks as a whole. After the Sai Wan incident, there has been public expectation on the Government to better protect the country</p>

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
	breach of its pledges made at that time.	<p>park enclaves and safeguard them against any development that would undermine public enjoyment of the natural environment. At a joint meeting of the Legislative Council Panel on Environmental Affairs and Panel on Development in July 2010 regarding the Sai Wan incident, the Government agreed that the situation of the enclaves should be closely monitored, concerned departments would enhance their alert system to check unauthorized development and review the adequacy of the existing protection against incompatible development. Subsequently, the Government pledged in the 2010-11 Policy Address to either include the enclaves in country parks, or determine their proper use through statutory planning so as to meet conservation and social development needs.</p> <p>In May 2011, the revised set of principles and criteria for designation of new country parks or extending country parks was unanimously endorsed by the CMPB. According to the revised principles and criteria, while government land is preferred when a country park is designated, the mere existence of private land will not be taken as a determining factor for exclusion from the boundary of a country park. If the use of private land is compatible with the country park setting, it should be incorporated into the country park.</p>

	<b>Major views put forward by the Objectors</b>	<b>The Authority's Representation</b>
		Consultation with Heung Yee Kuk (HYK) about the proposed measures for protecting country park enclaves was also conducted on 21 June 2011.





**註釋**  
**NOTATION**

西貢東郊野公園  
SAI KUNG EAST COUNTRY PARK

不包括部分  
AREA EXCLUDED

底圖為1:20 000 數碼地形圖 (B20000) 圖則編號8和12，由地政總署測繪處提供。  
BASE MAP REPRODUCED FROM SHEET Nos. 8 AND 12 OF THE 1:20 000 DIGITAL TOPOGRAPHIC MAP (B20000) OF THE SURVEY AND MAPPING OFFICE, LANDS DEPARTMENT.

本圖則已於二零一三年五月七日經由行政長官會同行政會議根據郊野公園條例第十三條批准。  
THIS PLAN WAS APPROVED ON 7 MAY 2013 BY THE CHIEF EXECUTIVE IN COUNCIL IN ACCORDANCE WITH SECTION 13 OF THE COUNTRY PARKS ORDINANCE.

郊野公園及海岸公園管理局總監  
COUNTRY AND MARINE PARKS AUTHORITY

日期：二零一三年五月八日  
DATE: 8 MAY 2013

# 西貢東郊野公園

## SAI KUNG EAST COUNTRY PARK

檔案編號 FILE REF.	AF GR CPA/02/9/0	圖則編號 PLAN No.	CP/SK(E) <sup>B</sup>
比例 SCALE	1 : 20 000		
製圖日期 COMPILED	10 . 2012		
漁農自然護理署 AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT			



**DRAFT MAP FOR REPLACEMENT OF  
THE APPROVED MAP OF THE SAI KUNG EAST COUNTRY PARK  
Explanatory Statement**

1. AUTHORITY

This statement forms part of the draft map (Plan No. CP/SK(E)<sup>B</sup>) for the replacement of the map (Plan No. CP/SK(E)<sup>A</sup>) of the Sai Kung East Country Park (the Country Park) approved on 17 January 1978 by the then Governor-in-Council and deposited in the Land Registry. The draft map was prepared by the Country and Marine Parks Authority (the Authority) in accordance with Sections 8 and 15(1) of the Country Parks Ordinance (Chapter 208).

2. LOCATION AND BOUNDARIES

2.1 It is proposed to incorporate about 17 hectares of land (the site) located in Tai Long Sai Wan into the Country Park. The site is endowed with rich natural resources and landscape components, including a natural and unpolluted beach, well-established woodland, two natural streams flowing from the Country Park, and mangrove stands established at the lower stream courses. The combination of these natural resources and landscape components provides an area of outstanding scenic quality. The site is a popular spot where Country Park visitors would stop for a rest to enjoy the natural scenery before proceeding to other parts of the Country Park. Designation of the site as part of the Country Park would improve the management of the site.

2.2 The Country Park comprises part of the Sai Kung peninsula lying to the east of Pak Tam Road which stretches from Long Harbour southwards to High Island. It has the largest number of bays and coves among all Country Parks. The Country Park encompasses the High Island Reservoir, the largest reservoir in Hong Kong with a capacity of 280 million cubic metres. Another prominent landmark is Sharp Peak which is made famous by its sheer conical profile, towering 468 metres above the lowlands. While the Country Park is predominantly grassy hills comprising the catchment areas and surrounding countryside, plantation dominated by fast growing tree species has also been established after years of planting and maintenance efforts. Besides, High Island forms part of the Hong Kong Global Geopark of China for the hexagonal rock columns fringing along the coast from Fa Shan to Tung Wan.

2.3 The total area of the Country Park covered by the draft map is about 4,494 hectares. The boundaries are shown on the draft map and follow recognisable topographic features such as roadsides, the

coastline, footpaths, etc. as far as possible. The area covered by the draft map shall be the area shown in the approved map of the Sai Kung East Country Park together with some 17 hectares of land cross-hatched in the draft map.

### 3. OBJECTIVES

3.1 The Country Park (after replacement of the approved map by the draft map) will continue to aim at the provision for barbecuing and picnicking activities for the public. Vegetation and wildlife are to be protected and special attention will be paid to conserve the unspoiled landscape and scenic values of the area. In addition, the need to maintain the High Island Reservoir and its catchment area in good condition and free from pollution will be an important consideration.

3.2 High Island forms part of the Hong Kong Global Geopark of China. The volcanic rock columns on the seaward cliff of Fa Shan are the highest in Hong Kong, with a height of over 100 metres, forming what is known as a "Natural Hexagonal Column Mural". The special geological features of the area will be properly conserved.

### 4. ZONING

The Country Park is broadly divided into three zones appropriate to different uses. The zoning will be reviewed and adjusted to meet future requirements.

- (a) Recreation Zones are distributed mainly on where the Country Park is easily reached by public transportation, e.g. Pak Tam Chung and Wong Shek area. Barbecue areas and camp sites are clearly identified with signs, and the lighting of fires elsewhere in the Country Park is prohibited by regulations. All the sites are provided with picnic furniture and other facilities where appropriate, which are so designed as to cater for both large and small parties of visitors.
- (b) Wilderness Zones are hilly or coastal areas which provide an essential scenic background to the recreation zones, giving opportunities for the public to enjoy the natural scenery, tranquility and wilderness of the Country Park. Waymarked footpaths are maintained and provided with facilities such as information boards, viewing points, distance posts, etc. The first two sections of MacLehose Trail, country trails and maintained footpaths traverse these zones in the Country Park. The High Island Geo Trail created at the East Dam of the High Island Reservoir is to facilitate access to the geological features of the area.

- (c) Conservation Zones are sites reserved primarily for the purpose of nature and geological conservation. Access to these zones is not encouraged. This is to minimize any potential disturbance to fauna, flora and geological features in such area. No or little Country Park facilities are provided within these zones. Management operations in these zones are limited to hill fire prevention, habitat enhancement as well as wildlife and geological conservation.

5. ACCESS

A number of roads, including the Tai Mong Tsai Road and Pak Tam Road, give access to the Country Park and are served by public transport. The vehicular use of Pak Tam Road is restricted to public transport, official, and park residents' vehicles only. Access may also be made by sea due to the extensive coastline, depending on the weather conditions.

6. VISITOR FACILITIES

- 6.1 Picnic tables, barbecue pits, benches and litter bins are provided in addition to campsites, shelters, refreshment kiosks and toilets at key locations. Information boards, viewing points and displays indicating the location of facilities and describing features of the Country Park, are erected at entry points and other strategic locations. The Pak Tam Chung Physically Handicapped and Able-Bodied Site provides facilities for visitors with disability including wheel chair path, barbecue site, braille tactile map, tactile guide path, etc.
- 6.2 Various kinds of trails created in the Country Park may serve different needs of users. Sections 1 and 2 of the MacLehose Trail are located within the Country Park and Pak Tam Chung is the starting point. The other 4 country trails in the Country Park also exhibit the beautiful scenery of countryside. Pak Tam Chung Nature Trail is an ideal destination for field study and nature education. Sheung Yiu Family Walk and Wong Shek Family Walk are designated for family visitors. Tree Walks at Wong Shek and Tai Tan are short walks with interesting flora species along the path. Information plates about such species are erected for information. The High Island Geo Trail created at the East Dam of the High Island Reservoir allows close appreciation of the interesting geological features of the area, such as faults,



twisted rock columns, dyke and sea stack. Interpretation signs are provided to enhance understanding of the geological features.

Country and Marine Parks Authority  
Agriculture, Fisheries and Conservation Department

October 2012







**DRAFT MAP FOR REPLACEMENT OF  
THE APPROVED MAP OF THE KAM SHAN COUNTRY PARK  
Explanatory Statement**

1. AUTHORITY

This statement forms part of the draft map (Plan No. CP/KS<sup>B</sup>) for replacement of the map (Plan No. CP/KS1<sup>A</sup>) of the Kam Shan Country Park (the Country Park) approved on 14 June 1977 by the then Governor-in-Council and deposited in the Land Registry. The draft map was prepared by the Country and Marine Parks Authority (the Authority) in accordance with Sections 8 and 15(1) of the Country Parks Ordinance (Cap. 208).

2. LOCATION AND BOUNDARIES

2.1 It is proposed to incorporate less than 1 hectare of land (the site) into the Country Park. The site is located at the upland near the peak of Kam Shan and mainly covered by dense shrubby woodland. Its centre is a piece of paved area which was once erected with telecommunication facilities. The paved area is being used by hikers and morning walkers for resting, gathering and performing various outdoor activities. Designation of the site as part of the Country Park would improve the management of the area.

2.2 The Country Park forms part of mountain ridges separating Kowloon Peninsula from New Territories. It mainly covers the Kowloon Group of Reservoirs, viz. Kowloon Reservoir, Shek Lei Pui Reservoir, Kowloon Reception Reservoir and Kowloon Byewash Reservoir, and their water catchment areas which are mostly covered by secondary woodlands. The total area covered by Kam Shan Country Park is about 339 hectares. Its boundary is shown on the draft map and follows recognizable features such as roadsides, footpaths, ridges, etc. as far as possible. The area covered by the draft map shall be the area shown in the approved map of the Kam Shan Country Park together with the less than 1 hectare of land cross-hatched in the draft map.

### 3. OBJECTIVES

The Country Park (after replacement of the approved map by the draft map) will continue to aim primarily at the provision of facilities for barbecuing, picnicking and hiking activities for the public. Vegetation and wildlife are to be protected, and special attention will be paid to conserve the unspoiled landscape and scenic values of the area. In addition, the need to maintain the reservoirs and their catchment areas in good condition and free from pollution will also be an important consideration.

### 4. ZONING

The Country Park is broadly subdivided into two zones appropriate to different uses. The zoning will be reviewed and adjusted from time to time to meet future requirements.

- (a) Recreation Zones are concentrated along the Golden Hill Road and around the reservoirs. These zones include recreation areas in various types such as barbecue areas, picnic areas and morning walker gardens to cater for the need of visitors and in various sizes to cater for both large and small groups of visitors. Recreation areas are provided with picnic furniture, litter bins and rain shelters. Barbecue areas are clearly identified with signs, and the lighting of fires elsewhere in the Country Park is prohibited by regulations.
- (b) Wilderness Zones are hilly areas which provide an essential scenic background to the recreation zones, giving opportunities for the public to enjoy the natural scenery, tranquility and wilderness of the Country Park. Waymarked footpaths are maintained and provided with facilities such as information boards, distance posts, etc. Sections of MacLehose Trail and Wilson Trail, and various maintained footpaths traverse these zones in the Country Park. Landscape conservation is the primary management objective of these zones.

## 5. ACCESS

5.1 The Country Park is served by an extensive public transport network along the Tai Po Road, which is a public road connecting Kowloon and Sha Tin in the New Territories.

5.2 Pedestrian access is by footpaths from Lai Chi Kok and Kwai Chung or from the Shing Mun Country Park via Smugglers' Ridge. The MacLehose Trail (Section 6) and Wilson Trail (Section 6) traverse the Country Park from Tai Po Road in the south to Shing Mun Country Park in the north. The Golden Hill Road, which runs across the Country Park from north to south, is opened to public access whilst Cheung Yuen Road, the waterworks road along the southern boundary of the Country Park is restricted to official and service vehicles.

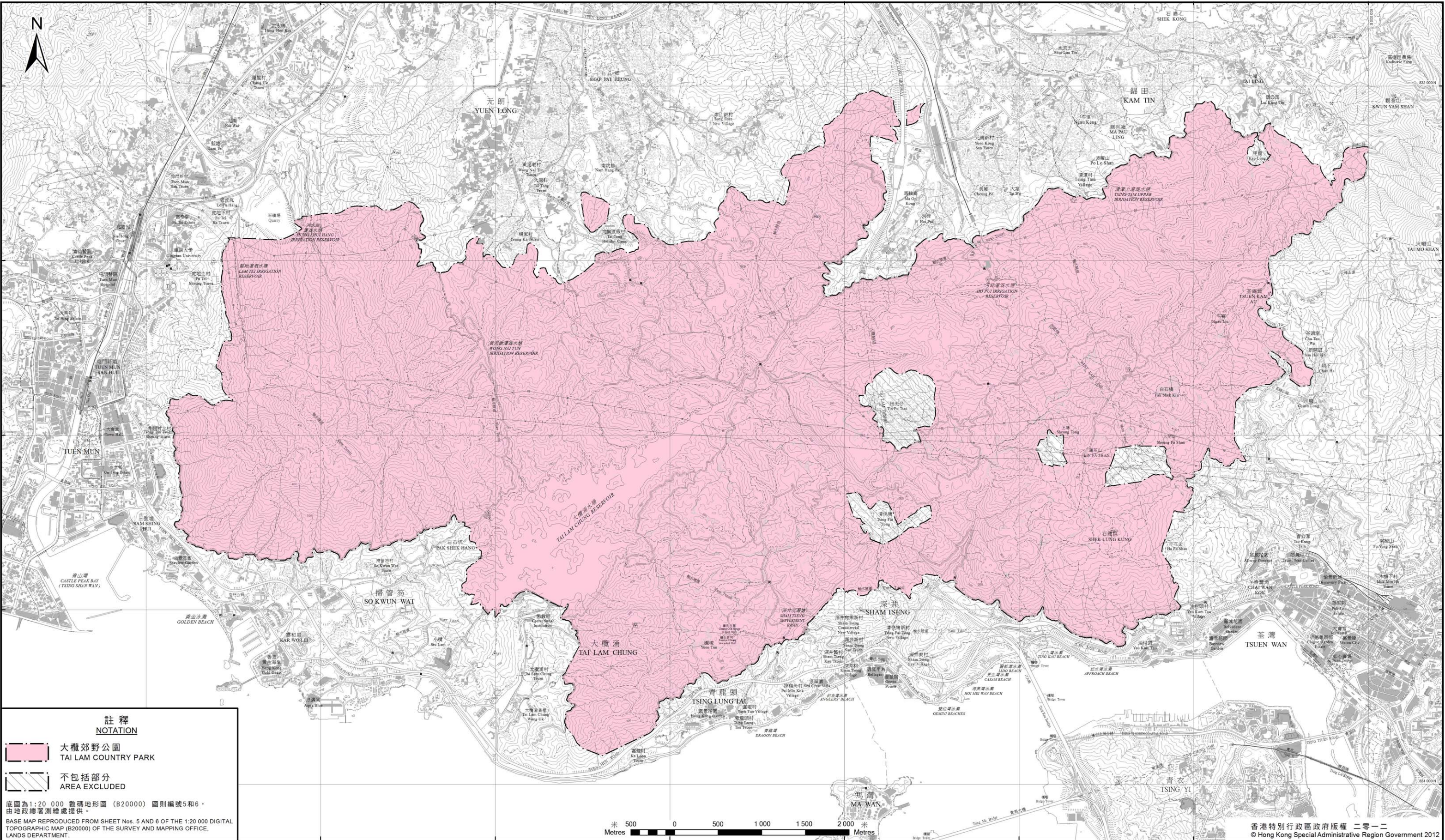
## 6. VISITOR FACILITIES

Information boards and displays indicating the location of facilities and describing features of the Country Park are provided at the main access points, look-outs and other strategic locations in the Country Park. Rain shelters, picnic furniture, barbecue pits, benches, litter bins, public toilets, etc. are provided as appropriate in the recreation zones. In addition to the two long distance hiking trails, viz. MacLehose Trail (Section 6) and Wilson Trail (Section 6), various footpaths, including Kam Shan Tree Walk, Kam Shan Family Walk, Kam Shan Orienteering Trim Course, Shek Lei Pui Reservoir Jogging Trail and Kowloon Reception Reservoir Jogging Trail, are maintained for public enjoyment within the wilderness zones of the Country Park.

Country and Marine Parks Authority  
Agriculture, Fisheries and Conservation Department

October 2012





**註釋**  
**NOTATION**

大欖郊野公園  
 TAI LAM COUNTRY PARK

不包括部分  
 AREA EXCLUDED

底圖為1:20 000 數碼地形圖 (B20000) 圖則編號5和6，  
 由地政總署測繪處提供。  
 BASE MAP REPRODUCED FROM SHEET Nos. 5 AND 6 OF THE 1:20 000 DIGITAL  
 TOPOGRAPHIC MAP (B20000) OF THE SURVEY AND MAPPING OFFICE,  
 LANDS DEPARTMENT.

本圖則已於二零一三年五月七日經由行政長官會同行政會議  
 根據郊野公園條例第十三條批准。  
 THIS PLAN WAS APPROVED ON 7 MAY 2013 BY THE  
 CHIEF EXECUTIVE IN COUNCIL IN ACCORDANCE WITH  
 SECTION 13 OF THE COUNTRY PARKS ORDINANCE.

郊野公園及海岸公園管理局總監  
 COUNTRY AND MARINE PARKS AUTHORITY  
 日期：二零一三年五月八日  
 DATE: 8 MAY 2013

# 大欖郊野公園

## TAI LAM COUNTRY PARK

檔案編號 FILE REF.	AF GR CPA/02/35/0	圖則編號 PLAN No.	CP/TL <sup>F</sup>
比例 SCALE	1 : 20 000		
製圖日期 COMPILED	10 . 2012		
漁農自然護理署 AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT			





**DRAFT MAP FOR REPLACEMENT OF  
THE APPROVED MAP OF THE TAI LAM COUNTRY PARK  
Explanatory Statement**

1. AUTHORITY

This statement forms part of the draft map (Plan No. CP/TL<sup>F</sup>) for replacement of the map (Plan No. CP/TL<sup>E</sup>) of the Tai Lam Country Park (the Country Park) approved on 21 March 1995 by the then Governor-in-Council<sup>1</sup> and deposited in the Land Registry. The draft map was prepared by the Country and Marine Parks Authority in accordance with Sections 8 and 15(1) of the Country Parks Ordinance (Cap. 208).

2. LOCATION AND BOUNDARIES

2.1 It is proposed to incorporate about 20 hectares of land located in Yuen Tun as part of the Country Park. The land to be incorporated has been allocated to the Civil Aid Service for use as an outdoor training camp. Whilst the camp occupies only part of the land, the remaining area is mainly covered by natural secondary woodland.

2.2 The Country Park covers the upland area to the west of Tai Mo Shan and lying south of Yuen Long plain. It stretches from Lam Tei near Tuen Mun eastwards to Route Twisk. The Tai Lam Chung Reservoir and several other minor reservoirs within the Country Park contribute to its scenic attractions of grassy hills and forest areas. The total area covered by the Country Park is about 5,412 hectares. Its boundary is shown on the draft map and generally follows recognizable features such as roads, footpaths, etc. as far as possible. The area covered by the draft map shall be the area shown in the approved map of the Tai Lam Country Park together with some 20 hectares of land cross-hatched in the draft map.

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<sup>1</sup> The map of the Tai Lam Country Park was firstly approved by the then Governor-in-Council in 1979. With the direction of the then Governor-in-Council under Section 15 of the CPO, the map of Tai Lam Country Park was replaced by a new map in 1995 in order to (i) excise about 2 hectares of land from the Country Park at Ma On Kong for the Route 3 development; (ii) incorporate into the Country Park a piece of woodland covering about 4 hectares of land; and (iii) incorporate into the Country Park about 38 hectares of land at Tai Tong for afforestation and recreation use.

### 3. OBJECTIVES

The Country Park (after replacement of the approved map by the draft map) will continue to primarily aim at rehabilitating the eroded landscape and provision of appropriate recreation facilities, such as hiking trails, picnic sites, barbecue sites, etc. for the general public. Special attention will be given to conserving and protecting the vegetation from hill fire and to enhancing the conservation, landscape and aesthetic value of the Country Park.

### 4. ZONING

4.1 The Country Park is broadly subdivided into three zones appropriate to different uses. The zoning will be reviewed and adjusted to meet future requirements.

- (a) Recreation Zones are distributed mainly on where the Country Park is easily reached by public transportation, for examples, Tsuen Kam Au along Route Twisk, Ho Pui, Tai Tong, Tsing Lung Tau and Maclehose Trail Section 10 near So Kwun Wat at Tuen Mun. These zones include various types of recreation areas such as barbecue areas, picnic areas, camp sites, etc. They are in various sizes to cater for both large and small group of visitors and are provided with suitable Country Park facilities, such as picnic furniture, barbecue pits, litter bins, public toilets, rain shelters, fitness equipments, etc. Barbecue areas and camp sites are clearly identified with signs, and the lighting of fires elsewhere in the Country Park is prohibited by regulations.
- (b) Wilderness Zones are hilly areas which provide an essential scenic background to the recreation zones, giving opportunities for the public to enjoy the natural scenery, tranquility and wilderness of the Country Park. Waymarked footpaths are maintained and provided with facilities such as information boards, viewing points, distance posts, etc. Sections of the MacLehose Trail, Yuen Tun Country Trail, Tai Lam Chung Country Trail, Yuen Tsuen Ancient Trail and



various maintained footpaths traverse these zones in the Country Park. In addition, there are 52 km long of mountain bike trails running across these zones. Landscape conservation is the primary management objective of these zones.

- (c) Conservation Zones are sites reserved primarily for the purpose of nature conservation. Access into these zones is not encouraged. This is to minimize any potential disturbance to wildlife and the influence to vegetation in such area. No or little Country Park facilities are provided within these zones. Management operations in these zones are limited to hill fire prevention, habitat enhancement and wildlife conservation.

4.2 The proposed land to be incorporated into the Country Park has been allocated to the Civil Aid Service for use as an outdoor training camp. The current uses and operations of the camp, which are governed by the conditions of the Government Land Allocation, will continue and will not be affected by the proposed incorporation of it into the Country Park.

## 5. ACCESS

The Country Park is served by an extensive public transport network at various access points along major roads, viz. Route Twisk, Castle Peak Road, Tuen Mun Road and Tai Tong Shan Road. The major access points are connected to the rest of the Country Park by forest tracks, waterworks road and hiking trails. The proposed area to be incorporated into the Tai Lam Country Park has a vehicular access to and from Tsing Lung Tau via Yuk Sing Road and Lung Yue Road. All the roads and trails within the Country Park are restricted to pedestrians and official vehicles only.

## 6. VISITOR FACILITIES

6.1 Information boards and displays indicating the location of facilities and describing features of the Country Park are provided

near the main access points and at strategic locations. Rainshelters, picnic tables, barbecue pits, benches, litter bins, view compasses, fitness equipments, toilets, etc. are provided as appropriate in the recreation zones.

6.2 Various hiking trails and mountain bike trails are provided within the Country Park. Apart from the long distance hiking trail, viz. Maclehose Trail (Sections 9 and 10), trails of varying lengths (e.g. Yuen Tsuen Ancient Trail, Yuen Tun Country Trail, Tai Lam Chung Country Trail, Ho Pui Reservoir Family Walk, Kap Lung Forest Trail, Tai Tong Nature Trail) are maintained for public enjoyment within the wilderness zones of the Country Park. A mountain bike trail network of 52 km (with 9 sections of designated mountain bike trails) is also available for bicyclists who carry valid mountain bike permits issued by the Authority to ride bicycles within the Country Park.

Country and Marine Parks Authority  
Agriculture, Fisheries and Conservation Department

October 2012

## **ENVIRONMENTAL IMPLICATIONS**

The proposed incorporation of country park enclaves into country park would provide better protection to them. Under Item Q.1 of Part 1 of Schedule 2 to the Environmental Impact Assessment Ordinance (EIAO)(Cap. 499), all projects including new access roads, railways, sewers, sewage treatment facilities, earthworks, dredging works and other building works, except for certain “excluded works” listed in Item Q.1, that are partly or wholly in an existing or gazetted proposed country park or special area, a conservation area, an existing or gazetted proposed marine park or marine reserve, a site of cultural heritage, and a site of special scientific interest, are designated projects under the EIAO and are regulated under the EIAO.

## **SUSTAINABILITY IMPLICATIONS**

According to the sustainability assessment, the incorporation of the three country parks enclaves to the SKECP, the KSCP and the TLCP would have positive impacts on preservation of the overall scenic beauty and integrity of these country parks. Furthermore, through active vegetation management, habitats enhancement and law enforcement conducted by the Agriculture, Fisheries and Conservation Department after the three sites to be incorporated into the SKECP, the KSCP and the TLCP, terrestrial ecological value of the sites would be increased. Nevertheless, sentiments of all stakeholders should also be handled with care.