

## **LEGISLATIVE COUNCIL BRIEF**

### **Marine Parks Ordinance (Chapter 476) Designation of Tung Ping Chau Marine Park**

#### **INTRODUCTION**

At the meeting of the Executive Council on 2 May 2000, the Council advised and the Chief Executive gave directions under section 6(1) of the Marine Parks Ordinance (Cap. 476) to the Country and Marine Parks Authority to prepare a draft map of the proposed Tung Ping Chau Marine Park (TPCMP).

#### **BACKGROUND AND ARGUMENT**

2. The Territorial Development Strategy Review published in 1996 identified a number of areas for marine conservation. These include the waters around Tung Ping Chau. As the Authority under the Marine Parks Ordinance, Agriculture, Fisheries and Conservation Department (AFCD) appointed the Chinese University of Hong Kong to conduct a study on the ecological value of the area. The study, completed in June 1999, confirmed that the seabed in the area around Tung Ping Chau has extensive coral formations and rich growth of seaweed. The fringing coral formation, measuring 1.8 square kilometers, is one of the largest in Hong Kong. It supports at least 124 species of reef fish. The coastline of Tung Ping Chau is also characterized by sedimentary rock formations and geological features, which are of high scientific and educational value.

#### **Designation of Marine Parks**

3. Under section 7(1) of the Marine Parks Ordinance, the Authority shall, at the direction of the Chief Executive (CE) in Council, prepare draft maps showing proposed marine parks. When a draft map is prepared, the Authority will notify in the Gazette the availability of the draft map for public inspection and specify how objections to the draft map may be made. The Country and Marine Parks Board will then consider any objections raised. Within six months after the close of the objection period, the Authority will submit the draft map for the CE in Council's approval.

4. Upon notification of the draft map in the Gazette, no new development may be carried out within the proposed marine park without approval of the Authority. Such restriction will continue to apply after approval of the draft map by the CE in Council. In addition, following its designation as a marine park, the area will be managed and controlled by the Authority under the provisions of the Marine Parks and Marine Reserves Regulation for conservation, recreation, education and scientific research purposes.

### **Proposed Tung Ping Chau Marine Park**

5. The proposed TPCMP covers about 270 hectares of sea area around Tung Ping Chau. A sketch of the proposed TPCMP with preliminary boundaries is at the **Annex**. Most of the land of Tung Ping Chau has been designated as a country park since June 1979. The proposed TPCMP complements the landuse designation there.

### **BASIC LAW IMPLICATIONS**

6. The Department of Justice advises that the proposal does not conflict with provisions of the Basic Law.

### **HUMAN RIGHTS IMPLICATIONS**

7. The Department of Justice further advises that the proposal is consistent with the human rights provisions of the Basic Law.

### **BINDING EFFECTS**

8. The proposed designation does not affect the current binding effect of the provisions of the Marine Parks Ordinance.

### **ENVIRONMENTAL IMPLICATIONS**

9. The proposed TPCMP, when designated, will bring long-term improvements to the marine environment of the area. It will help conserve the rich and diverse marine life there, protect breeding grounds for fish stocks, and provide opportunities for scientific research.

## **ECONOMIC IMPLICATIONS**

10. The proposal will not have any significant economic implications. It will not have significant implications on marine activities and traffic.

## **FINANCIAL AND STAFFING IMPLICATIONS**

11. The resources required for the preparation of the draft map and the future control and management of the TPCMP will be absorbed by AFCD through internal re-deployment. There are no other financial or staffing implications arising from this proposal.

## **PUBLIC CONSULTATION**

12. The Country and Marine Parks Board and the Marine Parks Committee were consulted on the proposed designation of TPCMP on 27 July 1999 and 26 October 1999 respectively. Both supported the proposal. Interviews with visitors to Tung Ping Chau also showed that the majority were in support of protecting the area as a marine park.

13. District Officer (Tai Po) reported that indigenous villagers might object to the proposal as they feared that the proposed designation might affect their interests, particularly regarding small house applications and development proposals on Tung Ping Chau. However, given the fact that the proposed marine park will not encroach onto any land above the high water mark, villagers' property rights will not be affected. We do not envisage any compensation to villagers being required.

14. We will conduct consultations with District Councils, Rural Committees, fishermen organizations, Village Representatives and other sectors affected by the proposal in the preparation of the draft map.

## **PUBLICITY**

15. A press release will be issued and a spokesman will be available to answer media enquiries.

16. When the draft map is ready, a notice on the making of the draft map will be published in the Gazette. The draft map will also be made available for public inspection.

## **ENQUIRIES**

17. For enquiries on this brief, please contact Mrs. Philomena Leung, Principal Assistant Secretary for the Environment and Food at 2848 2606.

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