

**Legislative Council Panel on Security
Legislative Council Panel on Development
Legislative Council Panel on Environmental Affairs**

Review of the Frontier Closed Area

Purpose

This paper sets out the finalized plan for reducing the coverage of the Frontier Closed Area (FCA), taking account of the comments received during the consultation exercise conducted in September to November 2006.

Background

The review of the FCA

2. Section 36 of the Public Order Ordinance (Cap. 245) provides that the Chief Executive may, where he reasonably believes that it is necessary for the protection of national security or public safety, or the protection of public order or public health, by order declare any area or place to be a closed area. The FCA designated under this provision is an integral part of the security measures for maintaining the integrity of the boundary between Hong Kong and the Mainland, and for combating illegal immigration and other cross-boundary criminal activities. The Police control access to the FCA through the issue of closed area permits based on actual needs to enter the FCA.

3. On 7 September 2006, we announced the results of our review of the FCA coverage for consultation. Specifically, we proposed to construct a secondary boundary fence (SBF) along the southern edge of the existing boundary patrol road (BPR) (the Original Alignment) to ensure that the BPR and the existing primary boundary fence (PBF)^{Note} are protected from deliberate or inadvertent interference. Having secured the BPR, all the land south of the BPR could be excised from the FCA, with only the BPR and areas to its north (including the Lok Ma Chau Loop and Hoo Hok Wai area),

^{Note} The PBF is equipped with advanced detection devices and built mainly along the northern edge of the BPR.

the Starling Inlet plus the areas with points of crossing (i.e. the boundary control points and the Sha Tau Kok town) remaining within the FCA. This would enable a reduction of the FCA land coverage from about 2 800 hectares to about 800 hectares. A map showing the existing FCA and the proposed FCA coverage then is at **Annex A**. We further proposed that the reduced FCA would finally be put in place upon the completion of the entire SBF. Details of the recommendations arising from the review are set out in LC Paper No. CB(2)3000/05-06(01).

Public Consultation

4. In September to November 2006, we consulted the relevant parties, namely, Heung Yee Kuk, Town Planning Board, Advisory Council on the Environment, North District Council, Yuen Long District Council, and Ta Kwu Ling, Sha Tau Kok, Sheung Shui, and San Tin Rural Committees on the results of the FCA review. We also consulted green groups and the Planning Sub-Committee of the Land and Building Advisory Committee on the future development of the area. We had 12 meetings with different parties and received 9 written submissions on the proposed revised FCA boundary. The views received during the consultation exercise are summarised in LC Paper No. CB(2)1156/06-07(01).

Revised coverage of the reduced FCA

5. The local community and other parties consulted generally welcomed the proposed reduction of the FCA coverage. Taking account of specific suggestions received during the consultation exercise, we have finalized the coverage of the reduced FCA as explained in paragraphs 6 to 17 below.

(a) Lok Ma Chau Loop (the Loop) and Hoo Hok Wai (HHW)

6. For the Loop and HHW area, we originally proposed in the FCA review to retain all the land north of the existing BPR in the FCA. This covered about 100 hectares in the Loop and about 300 hectares in the adjacent HHW, as outlined in orange on the map at **Annex A**.

7. During the consultation, the local community suggested that the Loop and HHW be excluded from the FCA. After consideration, we have

decided to accept the recommendations and reduce the FCA coverage accordingly. To this end, the existing maintenance road of the Drainage Services Department to the north of the Loop and HHW will be used as the BPR, with a PBF constructed along the northern edge of the road and a SBF along the southern edge of the road.

Lok Ma Chau Loop (the Loop)

8. The Chief Executive announced in his Policy Address on 10 October 2007 that we will work with the Shenzhen authorities to tap the land resources of the Loop to meet future development needs and consolidate the strategic position of Shenzhen and Hong Kong in the Pan-Pearl River Delta region. For this purpose, Hong Kong and Shenzhen signed the “Co-operation Agreement on Recently Initiated Major Infrastructural Projects” on 18 December 2007. According to the Agreement, a new “Hong Kong-Shenzhen Joint Task Force on Boundary District Development” will be set up to explore the feasibility of developing the Loop on the basis of mutual benefit. The Loop is a reinstated dumping ground with a large amount of soft sediments, some of which is contaminated. Any future land use and development proposal for the Loop will take into account the environmental implications and required mitigation measures, and will be considered by the Hong Kong-Shenzhen Joint Task Force.

Hoo Hok Wai (HHW)

9. With its large number of active fishponds and reinstated ponds and marshes, HHW forms an important part of the Deep Bay wetland ecosystem and the wetland conservation area with high ecological and conservation value. In view of the exclusion of HHW from the FCA, Planning Department will ensure that the area, similar to other areas to be excised from the FCA, will be put under statutory planning control. Areas of high conservation value will be zoned “Conservation Area” so that only developments that are needed to support the conservation of the natural landscape or scenic quality of the area, or which are essential infrastructure projects with overriding public interest, may be permitted. Such Conservation Area Zoning would effectively put HHW under the same protection mechanisms currently enjoyed by other ecologically important wetlands located outside the FCA. The Conservation Area Zoning will also render any development in HHW to be subject to the control under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499). Therefore,

HHW will be protected or conserved under the Town Planning Ordinance and the EIA Ordinance. In addition, the Agriculture, Fisheries and Conservation Department will continue to regularly monitor the ecological condition of HHW as part of its water bird monitoring programme for the Mai Po Inner Deep Bay Ramsar Site. Furthermore, HHW is located within one of the twelve priority sites (i.e. Deep Bay Wetland outside the Ramsar Site) identified for enhanced conservation under the new nature conservation policy. Under this policy, the new measures, viz. management agreements with landowners and public-private partnership, can be employed to enhance conservation of the sites concerned and promote public participation in ecology conservation.

(b) Tak Yuet Lau, Ha Wan Tsuen and Ma Tso Lung

10. In the FCA review, we proposed retaining the village of Tak Yuet Lau and part of Ha Wan Tsuen, both located north of the existing BPR, within the FCA under the Original Alignment. In response, the Tak Yuet Lau villagers expressed concerns about the inconvenience arising from the proposed SBF within the village. The Ha Wan Tsuen villagers, on the other hand, requested their entire village to be excluded from the FCA. In addition, the relevant District Council and Rural Committee suggested that the proposed SBF, which would run right in front of a number of village houses at Ma Tso Lung, should be located as far away from the houses as possible. The afore-mentioned places are shaded in purple at **Annex A**. On the whole, we have accepted the residents' suggestions. With the exclusion of the Loop and HHW from the FCA, the aspirations of the local community will also be conveniently addressed.

(c) Patches of land northwest of Lin Ma Hang Village and north of Pak Fu Shan

11. We proposed to retain two patches of land northwest of Lin Ma Hang and north of Pak Fu Shan respectively (as hatched blue at **Annex A**) in the FCA under the Original Alignment. The relevant Rural Committee requested that these two areas be excised from the FCA to release their development potential. After consideration, we shall construct a new section of the BPR along the Shenzhen River bank to the north of the two areas and erect new sections of the PBF and the SBF along the new section of the BPR, in accordance with the views of the local community. The areas concerned to the south of the new SBF will be excluded from the FCA.

(d) Sha Tau Kok (STK) town

12. During the consultation, we received requests for the exclusion of the STK town from the FCA to facilitate the development of the town. However, having re-examined the unique situation at Chung Ying Street, we conclude that given the security risks associated with the lack of proper boundary control point facilities and a physical barrier to delineate the boundary between Hong Kong and the Mainland at Chung Ying Street, coupled with continued smuggling activities and illegal immigration at STK, it remains necessary to maintain the FCA restrictions at the STK town. Although we cannot completely remove the FCA around STK, we will reduce the FCA northwards up to “Gate One” (the entrance to the STK town). The current Police and Customs check posts at Shek Chung Au will be relocated to “Gate One”.

13. The above arrangement will not impede the development of the STK town. Although the town is not covered by a statutory town plan, land uses and developments on private land are regulated by the respective land lease conditions. There is also a non-statutory layout plan to provide guidance for the development of the town. We will review the layout plan from time to time to meet changing planning circumstances.

14. Short of excluding the STK town from the FCA altogether, we will proactively consider whether to open up the STK town to tourists on a limited scale. Our initial view is that due to the unique security situation of Chung Ying Street, such opening up would necessitate restricting the local community’s access to Chung Ying Street or introducing enhanced security measures inside the town. We will continue our discussion with the local community options of allowing tourists to use the STK public pier for accessing the outer islands and the east coasts of northern New Territories, with a view to drawing up a mutually agreeable arrangement.

Phased implementation

15. Under our original proposal, the reduced FCA would formally be put in place upon the completion of the entire SBF. During the consultation, a number of parties suggested that the new FCA be implemented in phases

so that the land in earlier phases could be released for development as soon as possible.

16. The alternative approach is technically feasible. Taking account of the local topography and the works programme involved, we shall split the PBF and SBF into four sections as shown in the map at **Annex B**. Subject to the funding approval of the Legislative Council Finance Committee, we anticipate that sections 1 (from Mai Po to the Lok Mak Chau Control Point) and 4 (from Lin Ma Hang to STK) will be completed around the end of 2010, and section 2 (from the Lok Mak Chau Control Point to Ng Tung River) in the third quarter of 2011. The construction work for section 3 (from Ng Tung River to Lin Ma Hang) will start in end 2010 when we aim to complete the statutory land resumption procedures under the Roads (Works, Use and Compensation) Ordinance, and should complete around the end of 2012.

17. The current coverage of the FCA is specified in the Frontier Closed Area Order (Cap. 245A) pursuant to section 36(1) of the Public Order Ordinance (Cap. 245). We shall amend Cap. 245A to stipulate the commencement of the new statutory FCA boundary in phases to tie in with the completion of the construction works for the four sections.

Environment Issues

18. There are major environmental issues arising from the reduction of the FCA coverage, including possible impact on the nearby ecologically sensitive sites, sewerage and in turn the water quality of Deep Bay, the large amount of soft sediment, some of which is contaminated, previously dumped at the Loop, and the noise and air quality of the areas. The reduction may also increase development pressure and lead to an upsurge in human activities in the areas which in turn will impact on the environment. Detailed planning study and strategic environmental assessment are therefore required before any decision is made on the future developments in the areas. Effective development control is also needed to prevent environmental degradation. Adequate environmental facilities, suitable environmental measures and proactive conservation measures will have to be in place before major developments take place. For any designated projects relating to developments in the released areas, the statutory EIA process will need to be followed.

19. The construction of the SBF plus new sections of PBF and BPR is a designated project under the Environmental Impact Assessment Ordinance. An EIA study will be conducted for the project in accordance with the Ordinance as well as the guidelines in the Technical Memorandum on Environmental Impact Assessment Process. The EIA study will address the potential and cumulative environmental and ecological impacts arising from the construction and future operation of the SBF and new sections of PBF and BPR.

Planning Study

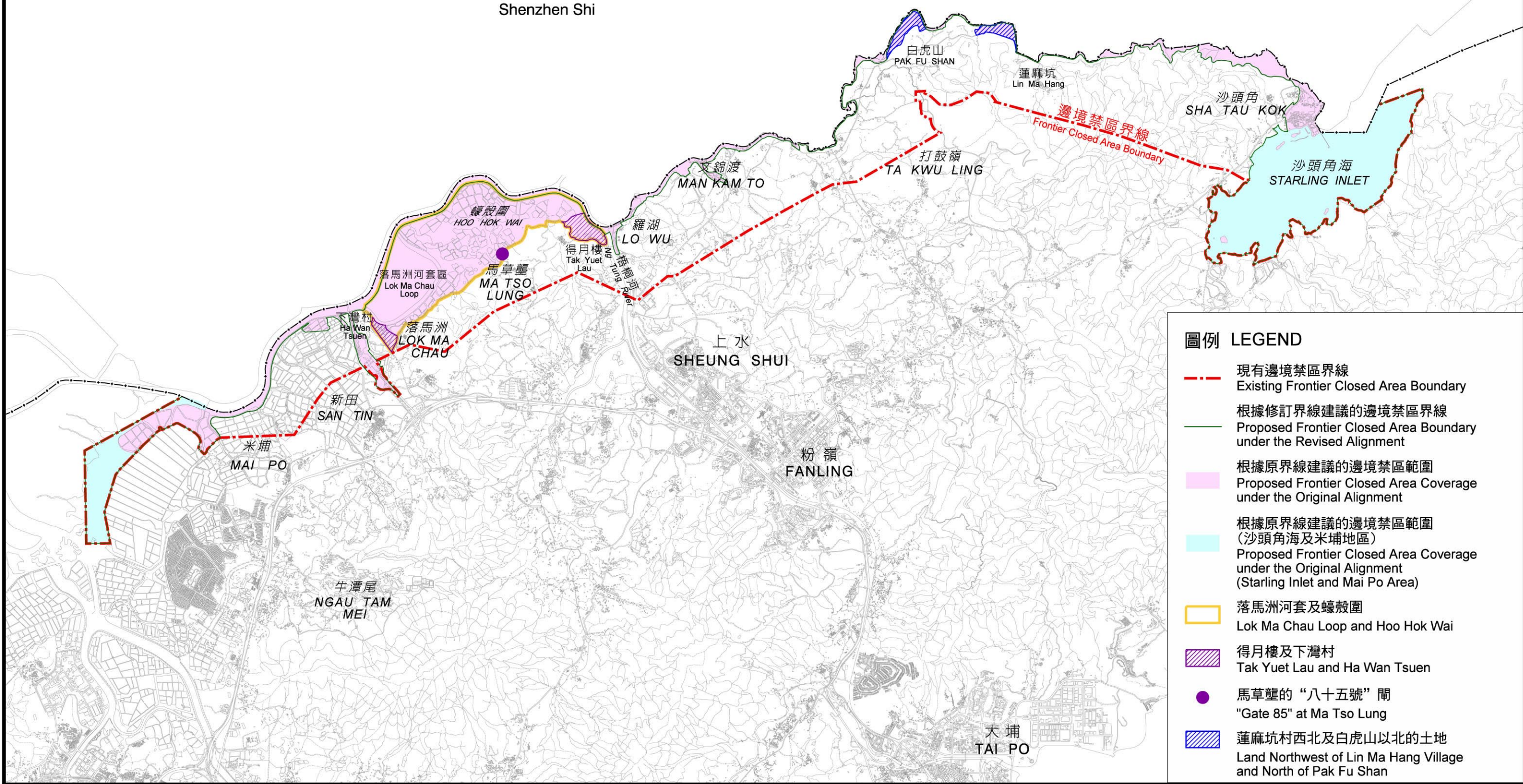
20. For the land to be excluded from the FCA, Planning Department has embarked on a study to examine the development potential and the constraints of the land to be released, and to formulate a planning framework for the preparation of statutory town plans to guide the conservation and development of the land based on the principle of sustainable development before the new FCA boundary comes into effect. The planning study includes a Strategic Environmental Assessment, which will study the potential cumulative environmental and ecological impacts arising from the proposed development of the areas to be released from the FCA. The findings and recommendations of the Strategic Environmental Assessment will provide input to various stages of the planning study.

21. The planning study will be completed in mid-2009, and the draft conceptual plan for the area to be released from the FCA is expected to be ready for promulgation for public engagement purposes in the first half of 2008.

**Security Bureau
Development Bureau
Environment Bureau
January 2008**



深圳市
Shenzhen Shi



圖例 LEGEND

-  現有邊境禁區界線
Existing Frontier Closed Area Boundary
-  根據修訂界線建議的邊境禁區界線
Proposed Frontier Closed Area Boundary under the Revised Alignment
-  根據原界線建議的邊境禁區範圍
Proposed Frontier Closed Area Coverage under the Original Alignment
-  根據原界線建議的邊境禁區範圍 (沙頭角海及米埔地區)
Proposed Frontier Closed Area Coverage under the Original Alignment (Starling Inlet and Mai Po Area)
-  落馬洲河套及蠔殼圍
Lok Ma Chau Loop and Hoo Hok Wai
-  得月樓及下灣村
Tak Yuet Lau and Ha Wan Tsuen
-  馬草壟的“八十五號”閘
"Gate 85" at Ma Tso Lung
-  蓮麻坑村西北及白虎山以北的土地
Land Northwest of Lin Ma Hang Village and North of Pak Fu Shan

現有的邊境禁區界線及建議的邊境禁區範圍

Existing Frontier Closed Area Boundary and Proposed Frontier Closed Area Coverage



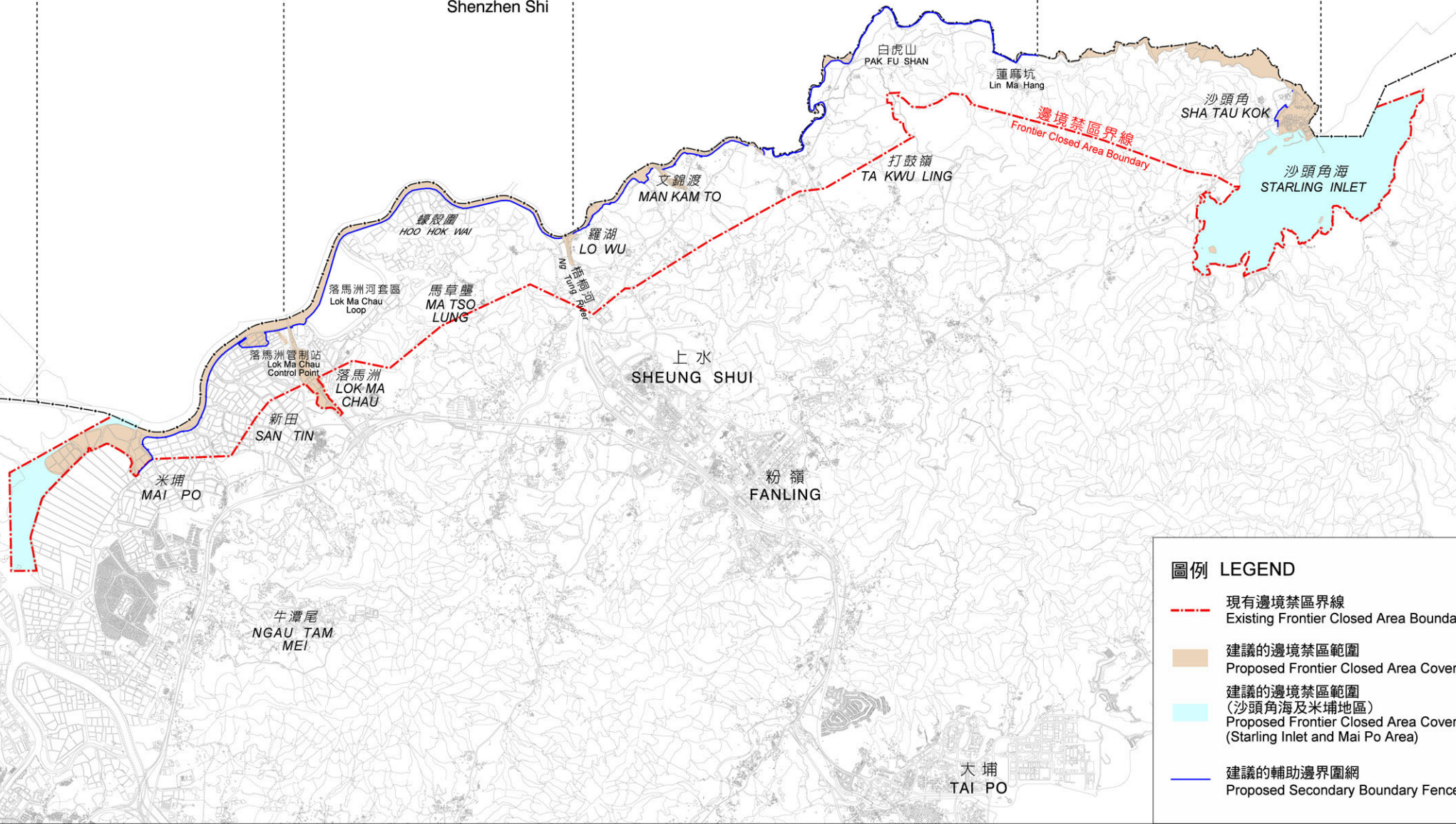
第1段
Section 1

第2段
Section 2

第3段
Section 3

第4段
Section 4

深圳市
Shenzhen Shi



圖例 LEGEND

- - - 現有邊境禁區界線
Existing Frontier Closed Area Boundary
- 建議的邊境禁區範圍
Proposed Frontier Closed Area Coverage
- 建議的邊境禁區範圍
(沙頭角海及米埔地區)
Proposed Frontier Closed Area Coverage
(Starling Inlet and Mai Po Area)
- 建議的輔助邊界圍網
Proposed Secondary Boundary Fence

現有的邊境禁區界線及根據修訂界線建議的邊境禁區範圍

Existing Frontier Closed Area Boundary and Proposed Frontier Closed Area Coverage under the Revised Alignment