

**立法會**  
**Legislative Council**

LC Paper No. CB(1)263/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/16/16/1

**Subcommittee on Country Parks  
(Designation) (Consolidation) (Amendment) Order 2017**

**Minutes of first meeting  
held on Monday, 16 October 2017, from 9:00 am to 10:30 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Tanya CHAN (Chairman)  
Hon CHAN Hak-kan, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Hon LEUNG Che-cheung, SBS, MH, JP  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon YUNG Hoi-yan  
Hon HUI Chi-fung  
Hon Kenneth LAU Ip-keung, BBS, MH, JP
- Member absent** : Dr Hon Junius HO Kwan-yiu, JP
- Public Officers attending** : **For item II**  
Dr Samuel CHUI, JP  
Assistant Director (Nature Conservation &  
Infrastructure Planning)  
Environmental Protection Department

Ms Vivian CHAN  
Senior Administrative Officer (Nature Conservation)  
Environmental Protection Department

Mr Patrick LAI  
Assistant Director (Country & Marine Parks)  
Agriculture, Fisheries and Conservation Department

Ms NGAR Yuen-ngor  
Senior Country Parks Officer (NW)  
Agriculture, Fisheries and Conservation Department

Ms Wendy HO  
Government Counsel  
Department of Justice

**Clerk in Attendance :** Miss Cindy HO  
Chief Council Secretary (1)1

**Staff in attendance :** Ms Vanessa CHENG  
Assistant Legal Adviser 5

Mr Joey LO  
Senior Council Secretary (1)8

Miss Mandy POON  
Legislative Assistant (1)1

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Action

**I. Election of Chairman**

Mr CHAN Hak-kan, the member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Ms Tanya CHAN was nominated by Mr YIU Si-wing and the nomination was seconded by Mr HUI Chi-fung. Ms Tanya CHAN accepted the nomination. There being no other nominations, Ms Tanya CHAN was declared Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

Action

**II. Meeting with the Administration**

- (L.N. 141 of 2017 — Country Parks (Designation) (Consolidation) (Amendment) Order 2017
- File Ref: EP CR 9/15/6 — Legislative Council Brief
- LC Paper No. LS99/16-17 — Legal Service Division Report
- LC Paper No. CB(1)15/17-18(01) — Marked-up copy of relevant provisions to be amended by the subsidiary legislation prepared by the Legal Service Division (Restricted to members)
- LC Paper No. CB(1)15/17-18(02) — Background brief prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)15/17-18(03) — Gazetted maps with indications of the areas to be incorporated into the country parks provided by the Administration)

Discussion

4. The Subcommittee deliberated (index of proceedings attached at the **Annex**).

Follow-up actions to be taken by the Administration

- Admin 5. The Administration was requested to provide information on the following:

*The building of small houses in country parks*

- (a) the respective number of applications for the building of small houses in recognized villages within the boundary of country parks received, approved and rejected by the Administration since the handover in 1997;

Action

*Compensation claims under section 19 of the Country Parks Ordinance (Cap. 208)*

- (b) the respective number of claims made and granted under section 19 of Cap. 208 in relation to the Country and Marine Parks Authority's decisions on the land use in country parks so far;

*Sai Wan Management*

- (c) records of discussion of the Working Group on Sai Wan Management; and
- (d) details of the funding proposal of \$9.5 million approved by the Environment and Conservation Fund for a non-governmental organization to implement a Management Agreement project at Sai Wan enclave through engagement of the local community and public.

*(Post-meeting note: The Administration's written response was issued vide LC Paper No. CB(1)125/17-18(02) on 26 October 2017).*

**III. Any other business**

Invitation of views

- 6. Members considered it not necessary for the Subcommittee to receive public views on the Amendment Order.

Legislative timetable

- 7. The Chairman concluded that the Subcommittee had completed the scrutiny of the Amendment Order and would not propose any amendment to the Amendment Order. Members noted that the Chairman of the House Committee ("HC") would move a resolution at the Council meeting of 18 October 2017 to extend the scrutiny period of the Amendment Order to the Council meeting of 8 November 2017. The Chairman reminded members that if the scrutiny period was extended, the deadline for giving notice of amendment to the Amendment Order was 1 November 2017. The Chairman would report the deliberations of the Subcommittee to HC on 27 October 2017.

Action

*(Post-meeting note: As the proposed resolution to extend the scrutiny period of the Amendment Order to 8 November 2017 was not dealt with at the Council meeting of 18 October 2017, the scrutiny period of the Amendment Order had therefore expired at the said Council meeting.)*

8. There being no other business, the meeting ended at 10:18 am.

Council Business Division 1  
Legislative Council Secretariat  
23 November 2017

**Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2017**

**Proceedings of the first meeting  
on Monday, 16 October 2017, from 9:00 am to 10:30 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I — Election of Chairman</i>			
000406 - 000527	Mr CHAN Hak-kan Mr YIU Si-wing Ms Tanya CHAN Mr HUI Chi-fung	Election of Chairman	
<i>Agenda Item II — Meeting with the Administration</i>			
000528 - 000708	Chairman	Opening remarks	
000709 - 001132	Administration	Briefing by the Administration on the Country Parks (Designation) (Consolidation) (Amendment) Order 2017 ("the Amendment Order") (L.N. 141 of 2017)	
001133- 002606	Chairman Mr Kenneth LAU Mr CHAN Hak-kan Administration	<p>Discussion on the rationale for incorporating the three enclaves into country parks, and whether the proposed inclusion was consistent with the government policy.</p> <p>Regarding the Administration's consultation work in reviewing and assessing the enclaves to be incorporated into country parks, Mr Kenneth LAU and Mr CHAN Hak-kan had expressed grave concern that the views of Heung Yee Kuk had not been sought during the Country and Marine Parks Authority ("the Authority")'s consultation with relevant stakeholders. They were of the view that relevant developments of enclaves on Government land would have across the board implication on other enclaves located on private land in rural areas, the Authority should consult the Heung Yee Kuk on such important policy issues.</p> <p>Mr CHAN Hak-kan suggested that the Administration should consider providing a mechanism to compensate those landowners whose land was incorporated into a country park for their loss of possible opportunities for land development, or setting up a conservation fund to provide compensation to landowners</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>for their financial loss due to the implementation of Government initiatives on conservation. He also pointed out that there were precedent cases of the Administration offering land exchange for a site with conservation value, citing the example of the ecological conservation project at Sha Lo Tung.</p> <p>The Administration advised that in accordance with the Country Parks Ordinance ("CPO")(Cap. 208), no compensation shall be paid to the owner of, or to any person interested in, any land because it was situated within or was affected by a country park. However, as announced in the Chief Executive's 2017 Policy Address, to enhance the conservation of remote countryside areas, the Government would set up a multi-disciplinary Countryside Conservation Office ("the Office") to coordinate conservation projects to protect the natural ecology of the countryside, revitalize its village architectural environment, and conserve the precious cultural resources. In this connection, the issues raised by members in this area could be further explored by the Office.</p>	
002607 - 003156	Chairman Mr YIU Si-wing Administration	<p>Discussion on management of the land in a country park enclave after incorporation into a country park.</p> <p>Discussion on implications of the inclusion of an enclave into a country park to the living environment of the local villagers and other local economic activities.</p>	
003157 - 003833	Chairman Mr Steven HO Administration	Discussion on how the Administration had addressed the concerns raised by stakeholders during the consultation process.	
003834 - 004325	Chairman Mr HUI Chi-fung Administration	<p>Discussion on whether there had been cases involving unauthorized development, pollution or vandalism in the three enclaves.</p> <p>In response to Mr HUI's enquiry, the Administration advised that once the enclaves were included to their respective country parks under CPO, the Authority would take active management of the areas. Incompatible land developments and activities within the country</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>park areas were unlikely to be approved. 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. For the visitors, country park facilities would be provided and signage/notice boards would be installed to promote outdoor safety. Publicity and education programmes would be implemented to encourage the appreciation of the nature and to remind visitors not to spoil the natural environment. The visitors would also bring business opportunities to local villagers.</p>	
004326 - 004929	<p>Chairman Dr Elizabeth QUAT Administration</p>	<p>Discussion on the consultation process.</p> <p>Discussion on the Administration's efforts in providing financial support for engaging villagers in enhancing conservation of the sites concerned.</p> <p>The Administration advised that, in respect of financial support for engaging villagers in conservation of land, the Management Agreement ("MA") Scheme under the New Nature Conservation Policy has been extended in 2011 to cover country park enclaves as well as private land within country parks. Under the MA Scheme, funding support would be granted to enable competent non-profit making organizations to enter into management agreements with landowners to organize conservation activities which were compatible with the land uses and country park objectives within private land in country parks or their enclaves. The Administration had undertaken to assist interested villagers in applying for funds under the MA Scheme for conservation activities and obtaining the necessary licences for operating small business within country parks.</p>	
004930 - 011545	<p>Chairman Mr LEUNG Che-cheung Mr CHU Hoi-dick Mr Kenneth LAU Dr Elizabeth QUAT Administration</p>	<p>Discussion on implications of the incorporation of private land into a country park on the ownership and development potential of the land, and the possibility of providing mechanism to compensate the landowners.</p> <p>In response to Mr LEUNG Che-cheung's enquiry regarding applications for building of</p>	





Time marker	Speaker	Subject(s)	Action required
		<p>expressed concern on whether there was any further appeal relating to the case as the judgment might have implication on the future work of CMPB. The Administration advised that the applicant had lodged an appeal in July 2017 against the decision of the court and it would seek legal advice from the Department of Justice in the light of new development of the judicial proceeding currently underway.</p>	
<p><b>Section-by-section examination of the Country Parks (Designation) (Consolidation) (Amendment) Order 2017</b>                      [The Amendment Order (L.N. 141 of 2017)]                      [Marked-up copy of the Amendment Order prepared by the Legal Service Division (LC Paper No. CB(1)15/17-18(01))]</p>			
011546 - 012006	Chairman Administration	<p><u>Section 1 — Commencement</u></p> <p><u>Section 2 — Country Parks (Designation) (Consolidation) Order amended</u></p> <p><u>Section 3 — Schedule amended</u></p> <p>Members raised no query.</p> <p>The Chairman concluded that the Subcommittee was in support of the Amendment Order.</p>	
<p><b><i>Agenda Item III — Any other business</i></b></p>			
012007 - 012224	Chairman Administration	Legislative timetable	