

## **COUNTRY AND MARINE PARKS BOARD**

### **Proposed Designation of the Country Park Enclaves of Tai Long Sai Wan, Kam Shan and Yuen Tun as part of Country Parks**

#### **1. Purpose**

This paper aims to update Members on the consultation progress regarding the proposed designation of the country park enclaves of Tai Long Sai Wan (Sai Wan), Kam Shan and Yuen Tun as part of country parks; and to seek Members' views on invoking the statutory procedures under the Country Parks Ordinance (CPO) on the designation proposals.

#### **2. Progress of Consultation**

##### *Sai Wan Enclave*

2.1 Sai Wan 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 Sai Kung East Country Park (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. The popular MacLehose Trail passes through the enclave and there are a few shops selling food 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 Sai Wan before proceeding to other parts of the SKECP. At the meeting of 11 October 2011, Members considered the enclave being 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. A map showing the location of Sai Wan enclave is at Annex 1.

2.2 However, during the consultation with the Sai Kung District Council (SKDC) in February 2012, the majority of the SKDC Members showed strong opposition to the proposal and they urged Government to respect the private property rights of local

villagers. Subsequently SKDC set up a Task Force with a view to addressing as far as possible the concerns of the rural community, which primarily focus on whether and if so how small house applications may be handled if the enclave were to be incorporated into the country park, and requests to improve the accessibility and other support to villagers residing in the enclave.

2.3 To address SKDC's concerns, AFCD prepared a "Note on the Use or Development of Land within a Country Park Enclave after Inclusion into a Country Park" for discussion by the Task Force in June 2012. CMPB chairman and two other CMPB members were also invited to exchange views with the Task Force over the subject on the same occasion. After three rounds of meetings and one site visit, the Task Force concluded its deliberation and submitted a report to the SKDC on 17 July 2012. The report recommends 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. A copy of the Task Force report is at Appendix.

2.4 The Authority is of the view that designation of Sai Wan as country park area would improve the management of the area, enhance the overall conservation and landscape value of the area, and increase its enjoyment and amenities. In addition, with improved accessibility and environment of Sai Wan village, the area will capitalize on its naturalness and landscape beauty to develop into a venue for hiking, camping and nature appreciation, which in turn, improves the local economy of the area. Thus, the Authority recommends invoking the statutory procedures under the CPO to proceed with the designation of Sai Wan as part of the SKECP. It is also noted that when the progress of consultations with the SKDC and the Task Force were reported to the CMPB at its meetings on 22 February 2012 and 13 June 2012, Members advised that the proposal should be pursued as soon as possible.

#### *Kam Shan and Yuen Tun Enclaves*

2.5 The country park enclave of Kam Shan is less than 1 hectare 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. A map showing the location of Kam Shan enclave is at Annex 2.

2.6 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. A map showing the location of Yuen Tun enclave is at Annex 3.

2.7 At the meeting of the CMPB held on 13 June 2012, Members were informed that the proposed incorporation of the country park enclaves of Kam Shan and Yuen Tun into KSCP and TLCP respectively had been supported at the meeting of Country Parks Committee on 12 April 2012. Members were also informed that the Development and Housing Committee of the Sha Tin District Council (STDC) had been consulted on the proposed designation of the country park enclave of Kam Shan on 3 May 2012 while the Tsuen Wan District Council (TWDC) had been consulted on proposed designation of the country park enclave of Yuen Tun on 29 May 2012. The two District Councils in-principle supported the respective proposed designations.

### **3. Invoking Statutory Procedures**

3.1 It is proposed to invoke the statutory procedures under the CPO to proceed with the designation proposals for the three enclaves that require replacing the approved maps of the SKECP, KSCP and the TLCP.

3.2 Subject to the views of the CMPB, the approved maps may be replaced by the following statutory procedures:-

- (a) the Chief Executive in Council to refer the approved maps of SKECP, KSCP and TLCP to the Authority for replacement (section 15(1) of the CPO);
- (b) the Authority to prepare draft maps of SKECP, KSCP and TLCP in consultation with CMPB (section 8);

- (c) the Authority to gazette the three draft maps for public inspection (section 9);
- (d) the CMPB to hear any objections to the three draft maps, if any (section 11); and
- (e) the Authority to submit the three draft maps, together with objections, to the Chief executive in Council for approval (section 12).

#### **4. Advice Sought**

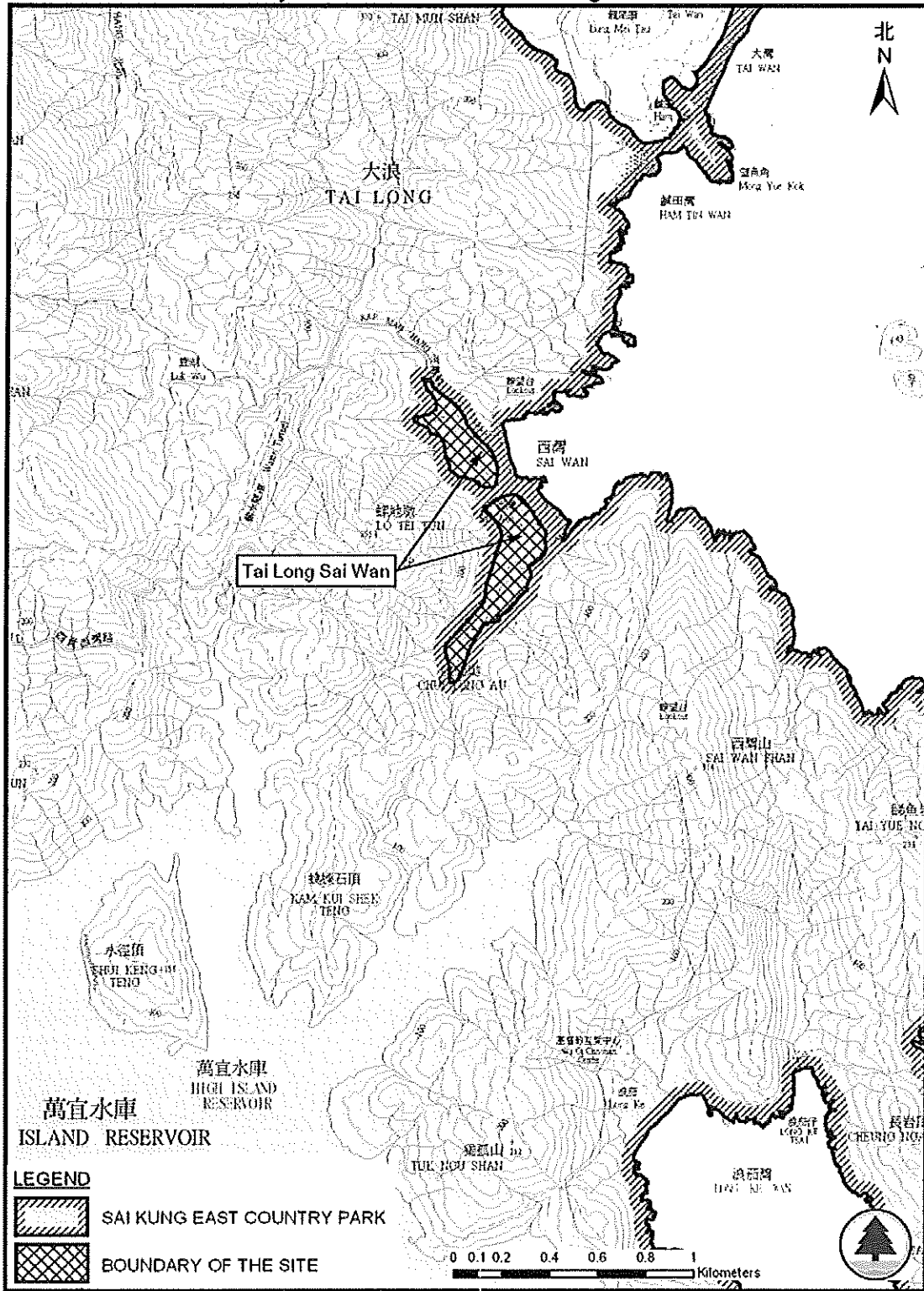
4.1 Members are invited to offer views on invoking the statutory procedures under the Country Parks Ordinance to incorporate the country park enclaves of Tai Long Sai Wan, Kam Shan and Yuen Tun into Sai Kung East Country Park, Kam Shan Country Park and Tai Lam Country Park respectively.

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

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# Location of the Country Park Enclave of Tai Long Sai Wan

Annex 1



PLAN No. M\_SD\_2012\_026-3

**For Sai Kung District Council Meeting  
on 17 July 2012  
SKDC(M) Paper No. 162/12**

**Sai Kung District Council**  
**Progress report of Task Force on Planning Issues related to Tai Long Sai Wan**

The third meeting (2012) of the Task Force on Planning Issues related to Tai Long Sai Wan (the Task Force) under Sai Kung District Council was held on 18 June 2012.

2. The Chairman and two members of the Country and Marine Parks Board (the Board) attended the meeting. They exchanged views with the Task Force, villagers and locals regarding the planning arrangements of “country park enclaves” of Tai Long Sai Wan.
3. The Board conducted a site visit to Tai Long Sai Wan (Sai Wan) in December 2010 and had discussed about the culture, conservation values and people’s livelihood of Sai Wan Village for many times. The Board said that their objectives agreed with the views of the villagers and locals and they hoped to introduce an overall coordinated management to Sai Wan Village and conserve its rural characteristics. The Board considered that designating Sai Wan as country park area could bring along better development and management to Sai Wan than including it in the outline zoning plan. It was because the Government would allocate resources to manage country park area and improve the supporting facilities. The Board also respected private properties and the culture and characteristics of the village. They hoped to work with the villagers of Sai Wan Village to develop ecotourism and carry out conservation work.
4. The Board agreed that rural conservation had to be carried out together with the villagers so as to be in concert with the customs, history and habits of the village. Besides, if Sai Wan was to be designated as country park area, villagers could make use of the funding from the Environment and Conservation Fund to implement the Management Agreement Scheme in Sai Wan. Villagers could choose a way that suits them most for more effective management of the land. This could help villagers maintain a living while conserving the history, culture and ecological value of Sai Wan.
5. Villagers of Sai Wan Village expressed their worries and concerns about the suggestion to include Sai Wan Village in the Sai Kung East Country Park:
  - (i) They were worried that the daily life of villagers and the land development would be restricted and affected by the Country Parks Ordinance;
  - (ii) With experience in the past on the construction of the High Island Reservoir, they were worried that the Government would once again overlook the daily needs of villagers of Sai Wan Village;
  - (iii) They hoped that the Government would help to improve the environment of Sai Wan Village to meet the daily needs of villagers and help villagers become self-sufficient by developing tourism in Sai Wan.
6. The initial reply by government departments were as follows:
  - (i) If Sai Wan was to be designated as country park area, it did not mean that the ownership of the land in Sai Wan would belong to the Government.
  - (ii) If Sai Wan was to be designated as country park area, the Government would be able to allocate resources into the area for more effective management and enhancement of the land.
  - (iii) To facilitate villagers in understanding the arrangements of country park

management by the Agriculture, Fisheries and Conservation Department (AFCD), the AFCD had prepared a draft explanatory note on the use or development of land inside country parks for their reference. Provided that the ecological habitat, conservation value and landscape inside the country park would not be affected, the AFCD would assess the applications of villagers reasonably and would avoid setting conditions that were too harsh for villagers to develop their land.

- (iv) When implementing the Management Agreement Scheme, they would draw up contents based on the different situation of individual villages and the concerns and interests of villagers would be fully considered.
- (v) If the planning of Sai Wan was to be done by outline zoning plan, the Planning Department would consult all the relevant departments, residents of Sai Wan Village, stakeholders of the land and the public when formulating the outline zoning plan and the land use.
- (vi) The Sai Kung District Lands Office (SKDLO) explained the related procedures and regulations regarding the applications from villagers for the construction of small houses and farming on agricultural land. The SKDLO would handle the applications for the construction of small houses according to the existing policy and waiting list. As for the rehabilitation of private agricultural land, the SKDLO would not object to the application if it complied with the relevant land lease. Besides, if the SKDLO had issued villagers with Government Land Licence for agricultural use, villagers could rehabilitate the land given that the land licence conditions would not be violated.
- (vii) The Transport Department (TD) introduced the guidelines and conditions on the use of village vehicles as stipulated in the Road Traffic Ordinance. The Task Force suggested the TD to follow up with villagers of Sai Wan Village regarding their enquiries on the application for village vehicle permit after the meeting.
- (viii) The Works Section of the Sai Kung District Office would be responsible for repairing the village road and would conduct the appropriate beautification works at the government lands inside the area of Sai Wan Village.

7. The views and recommendations of the Task Force regarding the planning issues of Sai Wan were summarized as follows:

- (i) The situation in Sai Wan was different and the case might not be handled in the same way as in other villages. It was also not necessary for outsider organizations to implement the Management Agreement Scheme. If the implementation of the Management Agreement Scheme was considered, it should involve the stakeholders of Sai Wan and include the local elements of Sai Kung.
- (ii) As there was at present no vehicular access leading to Sai Wan, the conservation, greening, environmental protection and development of Sai Wan were hampered. The Task Force therefore suggested the Authority to develop land or sea transport for Sai Wan and to improve the environmental hygiene there. Not only would this provide villagers with more convenience, the local tourism and development could also be promoted, which could improve the living environment of villagers and enable them to be self-sufficient.
- (iii) The Task Force suggested the Government to set up an interdepartmental organization to coordinate, manage and enhance country parks, and to provide specific proposals and recommendations that catered for the situation of Sai Wan.

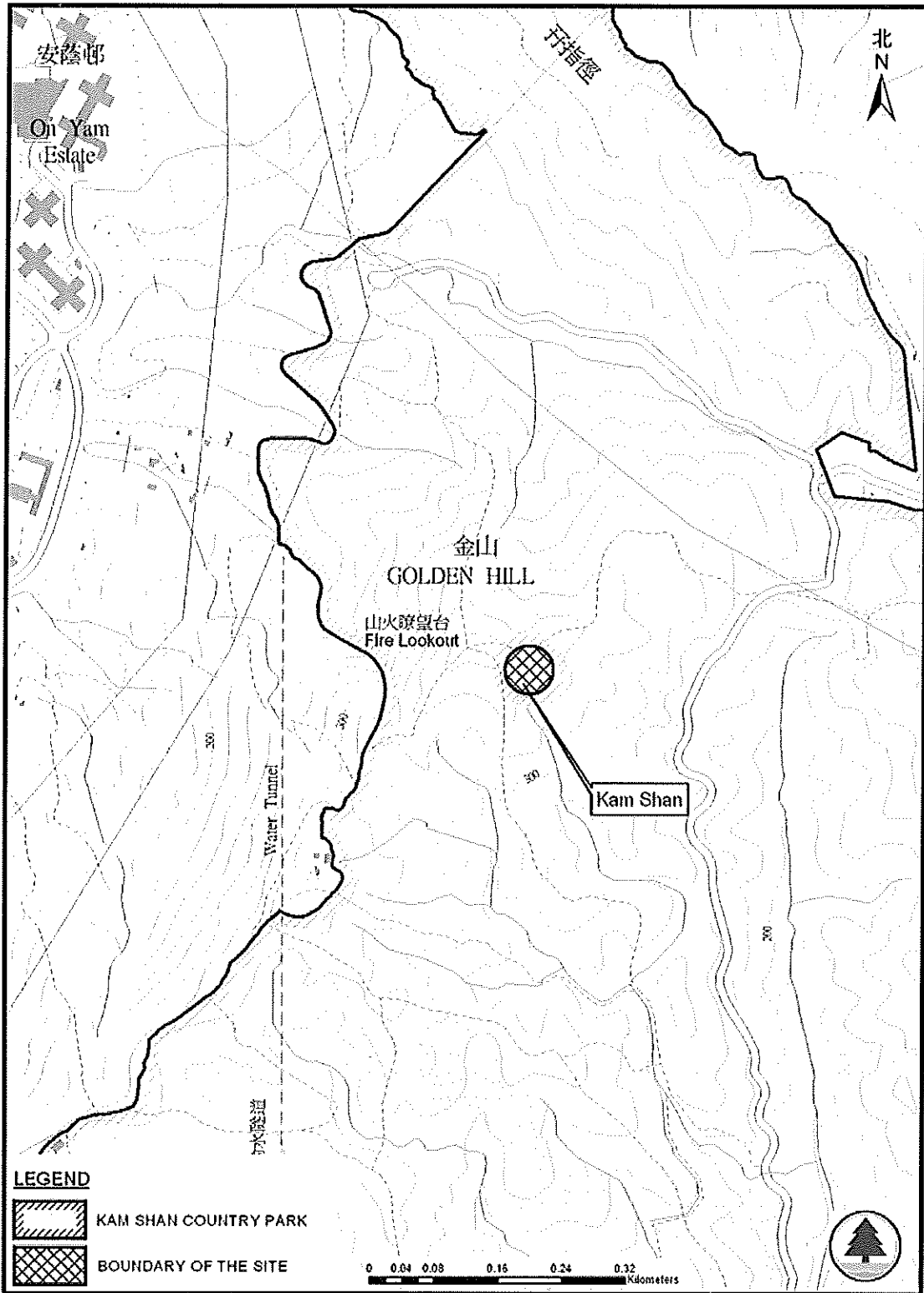
- (iv) The Task Force suggested the Government to loosen the restrictions related to the development of “home stay lodging”, assist villagers in providing “home stay lodging” in the village, improve the facilities, or grant exemption in specific situations, so that the villagers could live a normal life in the village.
- (v) At the Sai Kung District Council (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. The relevant documents should specifically describe the works villagers could conduct inside country park area and the works items that could be waived or handled leniently should be listed out clearly for reference by villagers. This could also avoid possible misunderstanding between frontline law enforcing personnel and villagers in the future.
- (vi) The Task Force hoped that the Government could draw up more appropriate proposals for the planning of Sai Wan after learning about the concerns and views of villagers and locals of the place, so that the villagers there, various stakeholders and the public of Hong Kong could all benefit from the improvements, conservation and development of Sai Wan.

Task Force on Planning Issues related to Tai Long Sai Wan  
Sai Kung District Council  
July 2012



# Location of the Country Park Enclave of Kam Shan

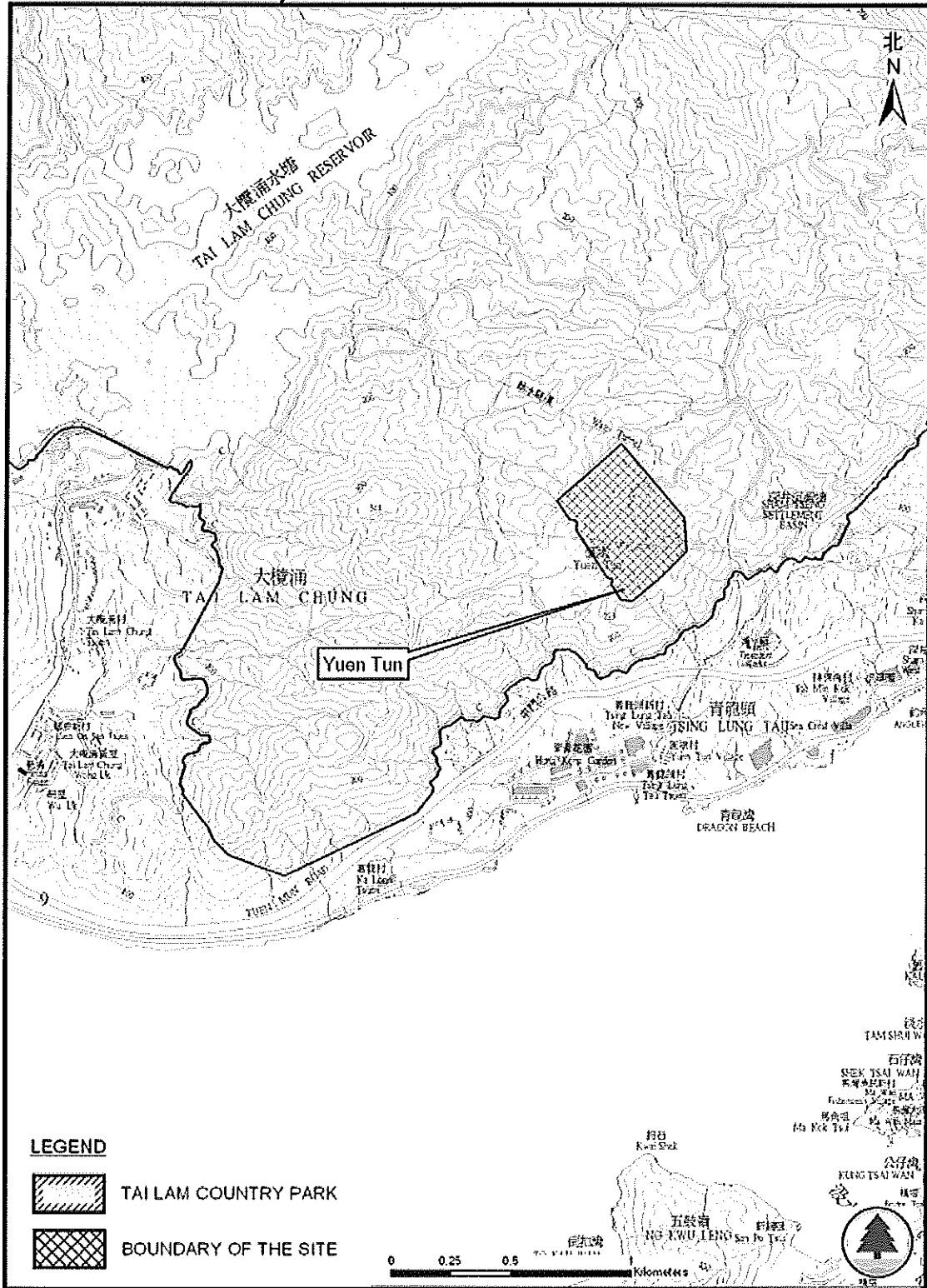
Annex 2



PLAN No. M\_SD\_2012\_026-2

Location of the Country Park Enclave of Yuen Tun

Annex 3



PLAN No. M/SD/2012/026-1