

Country and Marine Parks Board (CMPB)
Confirmed Minutes of the 45th Meeting

Date : 21 September 2010 (Tuesday) File Ref.: AF CPA 01/1/0
Time : 2:30p.m.
Venue : Room 701, Agriculture, Fisheries and Conservation Department (AFCD)
Headquarters

ATTENDANCE

Chairman

Prof. Nora TAM Fung-ye, J.P.

Members

Dr. Gary ADES

Prof. CHU Lee-man

Ms. Betty HO Siu-fong

Prof. Paul LAM Kwan-sing, J.P.

Dr. LAW Chi-kwong, S.B.S., J.P.

Mrs. Tennessy LEE HUI Mei-sheung

Mr. LEUNG Wing-hang

Dr. Eric LI Shing-foon

Mr. LI Yiu-ban, B.B.S., J.P.

Dr. LO Wing-lok, J.P.

Mr. Young NG Chun-yeong

Hon. WONG Yung-kan, S.B.S., J.P.

Dr. YAU Wing-kwong

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| Mr. Alan WONG Chi-kong, J.P. | Director of Agriculture, Fisheries and Conservation |
| Dr. LEUNG Siu-fai | Deputy Director of Agriculture, Fisheries and Conservation |
| Mr. Wilson SO Ying-leung | Assistant Director of Planning (New Territories) |
| Mr. Andrew TSANG Yue-tung, J.P. | Assistant Director of Home Affairs (2) |
| Mr. Bobby NG Mang-tung, J.P. | Assistant Director of Water Supplies (Development) |

Secretary

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| Mr. Patrick TSANG | Assistant Secretary (Boards)1, AFCD |
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IN ATTENDANCE

Agriculture, Fisheries and Conservation Department (AFCD)

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| Mr. Joseph SHAM | Assistant Director (Country and Marine Parks) |
| Mr. LEUNG Chi-hong | Senior Country Parks Officer/ North-west |
| Ms. NGAR Yuen-ngor | Senior Country Parks Officer/South-east |
| Mr. Edmond LAM Yui-fong | Senior Country Parks Officer/Ranger Services |
| Mr. Alan CHAN Lai-koon | Senior Marine Parks Officer |

Leisure and Cultural Services Department (LCSD)

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| Mr. Alfred CHOW Chi-man | Chief Leisure Manager (New Territories East) |
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Lands Department (LandsD)

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| Ms. Regina WU | District Lands Officer/Sai Kung |
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For Agenda Item I only

Environmental Protection Department (EPD)

Mr. Vincent TANG Chi-leung Assistant Director (Nature Conservation & infrastructure Planning)

ABSENT WITH APOLOGIES

Ms. Jasminia Kristine CHEUNG

Ms. Karen CHAN Pui-yee Assistant Director of Lands (Estate Management)

Mr. Donald CHOY Chi-mun Assistant Director of Leisure and Cultural Services (Leisure Services)³

Mr. LI Yuk-kwong Assistant Director of Marine (Port Control)

(The meeting would be proceeded to the closed-door session in which public attendance was not allowed)

OPENING REMARKS BY THE CHAIRMAN

154/10 The Chairman welcomed everyone to the meeting.

155/10 The Chairman informed members that, as an established practice, to facilitate the taking of meeting minutes, sound recording would be made during the meeting. The audio records would be destroyed after the meeting minutes were confirmed.

AGENDA ITEMS

I. Closed-door Session

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(End of the discussion under the closed-door session. The meeting was opened for public attendance)

II. Confirmation of Minutes of the Meeting held on 15 January 2010

188/10 The minutes of the last meeting held on 15 January 2010 were confirmed without amendments.

III. Matters Arising

(a) Progress Report on the Phase III Redevelopment of HKFYG Jockey Club Sai Kung Outdoor Training Camp (Para. 55/10)

189/10 Mr LEUNG Chi-hong reported that HKFYG had completed its Environmental Impact Assessment (EIA) and Traffic Impact Assessment (TIA) and would submit its EIA report to EPD in late September 2010. The HKFYG expected that it might have the EIA report approved in mid December 2010 and the environmental permit issued in January 2011. It would consult the Board on the project and present the EIA report to the Board in the next meeting on 18 January 2011.

190/10 Mr. Wilson SO said that HKFYG, via AFCD, should inform Planning Department of details of the project so that they could express their views from planning perspective.

(b) Proposed Double Haven Special Area, High Island Special Area, Sharp Island Special Area, Ung Kong Group Special Area and Ninepin Group Special Area (Para. 74/10)

191/10 Mr LEUNG Chi-hong reported that AFCD had completed survey, plan-making process and public consultation of the five Special Areas. The Department consulted North District Council on 11 February 2010, Sai Kung District Council on 9 March 2010 and Panel on Environmental Affairs of Legislative Council on 28 June 2010 respectively. All of them supported the proposal. The Department would submit the finalized proposals to the Chief Executive in Council for designation in accordance with section (24) of the CPO. It was anticipated that the designation would be completed in early 2011.

192/10 In addressing a member's concerns on the impact on the livelihood of fishermen, Mr. Joseph SHAM advised that all the five Special Areas were government lands and the boundaries of islands within the Areas were drawn with reference to the high water mark and no sea areas would be included in these Special Areas. Hence, the designation would not affect the livelihood of fishermen.

IV. Assessment on Potential Sites Suggested for Designation as Part of the Clear Water Bay Country Park in connection with the Encroachment of Country Park Land by SENT Landfill Extension (Working Paper: WP/CMPB/11/2010)

193/10 Mr. LEUNG Chi-hong briefed members on Working Paper WP/CMPB/11/2010. He said that the seven potential sites, namely Siu Chik Sha, Razor Hill, Tai Au Mun, Tai Wan Tau, Ng Fai Tin, Sheung Yeung Shan and Chuk Kok, were assessed in accordance with established principles and criteria. Amongst the criteria were landscape quality, recreation potential, conservation value, land status and effectiveness of management.

194/10 Mr. LEUNG advised that both Siu Chik Sha and the upper slope above the Tai Au Mun Road would be suitable for designation as part of the Clear Water Bay Country Park (CWBCP). He explained that the two sites comprised mainly Government land and were adjacent to the CWBCP, hence easier for the management services to be extended to these sites. Moreover, conservation and amenity values of the sites were similar to those of the 5-hectare land proposed for excision from CWBCP. As regards Siu Chik Sha, it had been agreed at the Board meeting of 18 June 2009 that it would be more appropriate to consider designating it as part of the CWBCP the area together with the adjacent landfill area after restoration. For the upper slope above the Tai Au Mun Road, there were established native woodland but limited recreation potential owing to its steep gradient. Among the various suggested sites, the upper slope above the Tai Au Mun Road (about 15 hectares) would be the preferred option for designation.

195/10 The Chairman advised members that the Board meeting was now opened for public attendance. Public attendees and the media could listen only but could neither express their views during the meeting nor disturb the meeting. She supplemented that the public and the media were allowed to take photos and made sound recording on the condition that members were not disturbed. In addition, she informed members that an email from Mr Paul Zimmerman and Mr. Mike Kiburn with their comments on the subject was tabled for members' reference.

196/10 Mr. LEUNG Chi-hong replied a member's enquiry that no private lots were included in the Siu Chik Sha site and only a very small piece of private lot, which was currently dense woodland, was included in the Tai Au Mun Road site. Apart from the Sheung Yeung Shan site where more than 80% of the area was private lots, the areas of the other sites not suitable for designation were mainly Government land. He answered the member's further enquiry that private lots at foothill at Siu Chik Sha were not included in the site.

197/10 A member appreciated AFCD's efforts in conducting the assessment on the seven potential sites. He said that the Razor Hill site might be another suitable site because that it had high scenic landscape quality and the designation of the site would protect it from future development.

198/10 Mr. LEUNG Chi-hong addressed the member's view that the site was mainly Government land and was zoned as Green Belt (GB) and Conservation Area (CA). As a result, the site already had protection against development. He advised that while the site had scenic landscape quality, its location was distant from the CWBCP and extending effective management there would give rise to higher resource implication as compared to the preferred site.

199/10 Mr. Alan WONG Chi-kong, J.P. advised that the designation issue arose from concerns over compensation for the loss of country park land in the process of excising the five hectare land from the CWBCP for the SENT Landfill Extension, and it was not designation for new country park. He said that the Razor Hill site could be accessed by the public and it was protected from development by existing zoning. He highlighted that the public may have higher expectation on country park management in the wake of the Sai Wan Incident. They would strengthen their patrol in country parks and peripheral areas and inform departments concerned of any unusual phenomena.

200/10 Mr. LEUNG Chi-hong addressed a member's enquiry that the northern part of Tai Au Mun was Ha Yeung Sun Chuen and the lower slopes along Clear Water Bay Road were man-made ones. Though the area of Tai Au Mun was about 40 hectares, only the upper slope above the Tai Au Mun Road with an area of about 15 hectares could be considered suitable for designation.

201/10 Mr. LEUNG Chi-hong replied a member's enquiry that all the areas in the Clear Water Bay Peninsula were protected by either the CPO or the TPO. All sites suggested were mainly zoned as either "CA" or "GB" in their respective OZP. Converting any of these sites into a country park would involve amendments to the OZP.

202/10 Mr. LEUNG Chi-hong replied a member's enquiry that trees would be planted at suitable locations with respect to the Tai Au Mun Road site.

203/10 The Chairman remarked that they were expected to play a more active role in enhancing facilities of a site that had been designated as a country park. Hence, the designation should result in betterment of conservation and public enjoyment of the site.

204/10 Dr. LEUNG Siu-fai said that the objectives of a country park were conservation and public enjoyment. He added that designation of a site as a country park would result in better utilization of the site with the concerted effort of the Board and AFCD. He advised that AFCD had actively identified sites in the surrounding areas of the CWBCP so that the integrity of the CWBCP could be maintained. He summarized the background of the designation issue and informed that the Tai Au Mun Road site was the preferred option.

205/10 The Chairman reminded members that the Board had requested AFCD to identify suitable sites surrounding the CWBCP for designation in previous meetings. She explained the reasons why the Tai Au Mun Road site and the Siu Chik Sha site were suitable while the Razor Hill site was not suitable. She emphasized that the Board was also of the view that there was no existing policy of "area-for-area" compensation. Moreover, the Board had requested AFCD to identify suitable sites in addressing public's concerns and they identified seven sites for assessment.

206/10 Mr. LEUNG Chi-hong replied a member's enquiry that because the upper slope above the Tai Au Mun Road was quite steep and was inaccessible, no recreation facilities or footpath would be provided so it should not pose hazard to public safety. In addition, vegetation would be planted at suitable locations of the site.

207/10 Mr. Wilson SO supplemented that as far as uses permitted within "CA" or "GB" zones were concerned, they were clearly stated in the relevant OZP. For unallocated government lands, they were managed by Lands Department. As for private lands, they were under the responsibility of the concerned landowners.

208/10 In response to a member's views, the Chairman advised that the Board had discussed about the excision of five hectares country park land for the SENT Landfill Extension at previous meetings and had made the conclusion after deliberating relevant issues of public interests. She emphasized that the excision did not mean there would be further encroachment of the CWBCP.

209/10 A member opined that land uses of all the seven potential sites were protected by either “CA” or “GB” zoning. So it deemed that the designation was not necessary.

210/10 A member supported the designation of the site at the upper slope above Tai Au Mun Road (“the Site”).

211/10 A member supported designation of a site as a country park even if the site had already been zoned as either “CA” or “GB”. She said that the Administration could take quicker actions if the site was designated as a country park instead of CA or GB.

212/10 A member supported the designation of the Site. He said that the Board would convey a bad message if it did not support the designation after the excision of the five hectares country park land.

213/10 A member supported the designation of the Site as it would offer better protection to it.

214/10 A member agreed with the member’s view that it would be better to designate the Site as a country park.

215/10 The Chairman appreciated AFCD’s efforts in conducting the assessment on the potential sites and recommending the Site. She commented that designation of a site as a country park would be a better measure than zoning it as “CA” or “GB” for nature conservation purposes. She added that members of the general public naturally believed that it would be difficult to proceed with any development within a country park but it was comparatively easy to rezone a site zoned as “CA” or “GB” for a development. She proposed that the Government should enhance the facilities and management at the Site in the future for nature conservation purposes.

216/10 Mr. Alan WONG Chi-kong, J.P. thanked members for supporting the designation of the Site. He remarked that members’ suggestions on enhancing the environment of the Site were welcomed and they would strive to adopt members’ suggestions given the approval on the amendments to the OZP as well as the CWBCP approved map and adequate resources.

217/10 In response to a member’s enquiry on whether the potential of a site would be used as one of the assessment criteria after the value of the site would have been enhanced in terms of recreational use and conservation value in the long term, Mr. LEUNG Chi-hong replied that the criterion has by and large been used.

218/10 The Chairman pointed out that AFCD had used the potential of a site as a criterion. She supplemented that they had considered the present and future situation of a site; however, they did not state the future situation explicitly in conservation status of the Summary of Assessment (Annex 2). She proposed that AFCD might add this item into the Summary to make it clear.

219/10 Mr. Alan WONG Chi-kong, J.P. advised that it was a matter of priority. AFCD had already tasked with considering including some of the enclaves into country parks that had attracted widespread public attention. AFCD definitely accorded high priority to that task first. As to the possibility of other sites being designated as country parks in the long term, AFCD would definitely be open to suggestions.

220/10 In response to a member's suggestion about improvement on footpaths in Razor Hill, the Chairman asked AFCD to relay his suggestion to relevant government departments as Razor Hill was not a country park and his suggestion was outside the purview of the Board.

221/10 A member supported the designation of the site at Tai Au Mun. The designation indicated that the Board highly valued country parks.

222/10 After thorough discussion, the Chairman concluded that the majority of members supported the designation of the site at the upper slope above the Tai Au Mun Road as part of the Clear Water Bay Country Park. Moreover, she pointed out that the designation of the site was not a case of "area-for-area compensation". Instead, the designation was resulted from the Board's reflection of public concerns on identifying suitable sites in the vicinity of the CWBCP for designation as part of the CWBCP.

(Prof. Paul LAM Kwan-sing, J.P. and Ms. Betty HO Siu-fong left the meeting at this juncture.)

V. Proposed Arrangements for Release of Papers and Minutes of Open Meetings to the Public (Working Paper: WP/CMPB/12/2010)

223/10 The Secretary presented Working paper WP/CMPB/12/2010. He said that working papers with a maximum file size at eight megabytes could be uploaded onto the AFCD website. Hard copies of working papers with size larger than eight megabytes would be provided to attendees of a meeting as far as possible.

224/10 Mr. Joseph SHAM answered a member's enquiry that after seeking the Chairman's consent, they on behalf of the Board would release information of the Board's meetings, except those parts containing personal, commercial or other issues of confidential nature (for example, issues discussed in closed-door meetings), to the public upon request according to the "Code on Access to Information". He added that there was an appeal mechanism for the public to express their views on the release of such information. Each case would be deliberated by an Assistant Director of AFCD initially and further considered by the Director if necessary. The Chairman would be advised of the decision accordingly.

225/10 Mr. Joseph SHAM replied a member's enquiry that members' names would not be disclosed in the confirmed minutes so that they could express their opinions more freely. In relation to issues of confidential or commercial nature, names of commercial organizations would usually not be disclosed in the confirmed minutes. On the other hand, names of government officials would be mentioned.

226/10 In reply to the member's further enquiry, Mr. Alan WONG Chi-kong, J.P. pointed out that public attendance to the Board's meetings, except closed-door meetings, was welcomed. Hence, members' views would be heard by the public, including the media and the interested parties, in the open meetings. He supplemented that closed-door meetings would be arranged for those issues of personal or confidential nature and with the Chairman's consent. The minutes of the closed-door meetings would not be disclosed to the public.

227/10 The Secretary supplemented that to safeguard the interests of persons or parties involved and to let members express their opinions more freely, the Board would be recommended to conduct closed-door meetings for matters involving personal, commercial or other issues of confidential nature. Information of the matters might not be suitable to be made known to the public. Hence, confirmed minutes of closed-door meetings would be issued to members only and it would not be uploaded onto the AFCD webpage.

228/10 In response to enquiries from the Chairman and a member, the Secretary responded that information technology solutions would be sought so that files of working papers with size larger than eight megabytes could be uploaded onto the AFCD website.

229/10 The Chairman concluded that members endorsed the proposed arrangements and would review them as necessary.

(Dr. LO Wing-lok, J. P. left the meeting at this juncture.)

VI. Summary Report of Marine Parks Committee (MPC) (Working Paper WP/CMPB/13/2010)

230/10 As Prof. Paul LAM Kwan-sing, J.P., Chairman of the Marine Parks Committee, had left the meeting in order to attend another meeting, the Chairman presented the Summary Report on his behalf. The Report summarized issues discussed at the MPC meeting held on 8 July 2010, including Hong Kong Reef Check 2009, Education and Publicity Activities of Marine Parks and the Country and Marine Parks Authority Progress Report on Marine Parks and Marine Reserve. Members noted the Report.

VII. Summary Report of Public Relations Committee (PRC) (Working Paper WP/CMPB/14/2010)

231/10 As Dr. LO Wing-lok, J.P., Chairman of the Public Relations Committee, had left the meeting for other appointment, the Chairman presented the Summary Report on his behalf. The Report summarized issues discussed at the PRC meeting held on 3 June 2010, including Publicity and Media Coverage, Country Park Education Programmes, Country Park Volunteer Scheme, Country Parks Summer Youth Programme and the Country and Marine Parks Authority Progress Report. Members noted the Report.

VIII. Country and Marine Parks Authority Progress Report (Working Paper WP/CMPB/15/2010)

232/10 Mr. Joseph SHAM presented Working Paper WP/CMPB/15/2010 on Country and Marine Parks Authority Progress Report for the period from 1 April to 31 August 2010. He highlighted that the number of fires was nil during the period as a result of efforts of AFCD staff and organizations concerned on fire prevention. In addition, there was a steady increase in the number of visitors in country parks compared with the corresponding period of last year, probably due to the publicity, in particular publicity on the Hong Kong National Geopark. He

said that Lions Nature Education Centre and Ngong Ping Nature Centre were still very popular and the number of visitors at these two Centres continued to rise.

233/10 Mr. Alan CHAN Lai-koon replied a member's enquiry that staff of the Marine Parks Division of AFCD assisted in patrolling the waters areas close to geosites, including Ninepin Island. Given limited resources, the Division had strived to patrol the geosites one to two times a day. The patrols would be arranged in two to three different shifts, including a shift from 8:00a.m. to 5:00p.m. and a night shift in order to monitor activities in the areas in different time of a day. He pointed out that the Division had enhanced sea patrolling in holidays by deploying more manpower. Patrol staff also gave advice and distributed leaflets to advise visitors not to land on those locations without proper landing facilities.

234/10 Addressing a member's concerns on insufficient provision of sanitary and first-aid facilities in country parks and geoparks, such as Tung Ping Chau, Mr. Edmond LAM Yui-fong advised that planning and study on provision of public facilities were conducted in cautious manner during initial development stage of geoparks. He emphasized that AFCD planned to minimize man-made facilities in geoparks by making best use of existing public facilities there, particularly toilets. He pointed out that though there was an increase in the number of visitors to Tung Ping Chau from 3,000 to 6,000 per month, the existing public toilet there could still meet the demand of visitors because visitors could reach Tung Ping Chau by vessel service available on Sunday only. He said that there were not sufficient toilets in the East Dam of the High Island Reservoir, so temporary toilets were provided there after the launching of The High Island Geo-Area. And more temporary toilets would be provided if necessary. He emphasized that it was very difficult to construct permanent toilets in geoparks.

235/10 Mr. LEUNG Chi-hong replied a member's enquiry on control of development that most of the development proposals were related to minor works for utility services such as electricity, telephone and water supply, path improvement and slope repair. He pointed out that large-scale development proposals would be discussed either at the Board or Country Parks Committee. Moreover, a detailed half-yearly summary report of development proposals would be submitted to the Country Parks Committee for consideration. The Chairman remarked that the half-yearly reports would have clearly stated the details of these proposals.

(Hon. WONG Yung-kan, S.B.S., J.P. left the meeting at this juncture.)

236/10 A member said that the requirements of public facilities by country parks visitors in the future should be noted so that provision of the facilities could meet the demand.

237/10 The Chairman advised that members' views on the provision of public facilities in country parks and geoparks should be considered.

238/10 In response to enquiries from the Chairman and a member on including total prosecution cases and successful cases under item IV of the Report, Mr. Edmond LAM Yui-fong pointed out that most of the prosecution cases were successful. He said that the figures of unsuccessful cases would be incorporated into the Reports in the future.

239/10 Dr. LEUNG Siu-fai supplemented that there might be a time lapse of several months leading to the prosecution. Hence, the figures of total cases, successful cases and unsuccessful ones in a progress report at any one time might not match with each other.

IX. Annual Field Visit

240/10 Mr. Joseph SHAM informed the meeting that the annual field visit was scheduled to be held on one of the following three dates, namely 3 December, 6 December or 7 December 2010 and the Secretary would invite members to indicate their availability on the proposed dates in due course. He briefed member on the draft itinerary which would cover visits to Sai Wan site, site of Country Park Plantation Enrichment Project on Wan Tsai peninsula, and Hoi Ha enclave. Members noted the draft itinerary.

241/10 The Chairman agreed with Mr. SHAM that visits to Sai Wan enclave and Hoi Ha enclave were very useful to members in understanding issues of country park enclaves. She earnestly invited members to join the Visit.

[Post-meeting note: The Secretary had invited members to indicate their availability on the proposed dates and then informed members that the annual field visit would be held on 7 December 2010. The annual field visit was taken place on 7 December 2010.]

X. Any Other Business

242/10 Members had no other business to discuss.

X. Date of Next Meeting

243/10 The Chairman informed members that they would be informed of the date of next meeting in due course.

244/10 The meeting was adjourned at 17:20 p.m.