

Country and Marine Parks Board (CMPB)
Confirmed Minutes of the 51st Meeting

Date : 17 October 2012 (Wednesday) File Ref.: AF CPA 01/1/0
Time : 2:30 p.m.
Venue : Room 701, Agriculture, Fisheries and Conservation Department (AFCD)
Headquarters

ATTENDANCE

Chairman

Prof Nora TAM Fung-ye, BBS, JP

Members

Dr Gary ADES

Ms Jasminia Kristine CHEUNG

Professor Rebecca CHIU Lai-har, JP

Prof CHU Lee-man

Dr Billy HAU Chi-hang

Ms Tennessy HUI Mei-sheung, JP

Dr Eric LI Shing-foon

Dr Young NG Chun-yeong, MH

Mr TIK Chi-yuen, BBS, JP

Mr WONG Yung-kan, SBS, JP

Mr Alan WONG Chi-kong, JP Director of Agriculture, Fisheries and Conservation

Dr LEUNG Siu-fai, JP Deputy Director of Agriculture, Fisheries and Conservation

Mr Wilson SO Ying-leung Assistant Director of Planning (New Territories)

Ms Trevina KUNG Assistant Director of Lands (Estate Management) (Acting)

Mr Elvis AU Wai-kwong, JP	Assistant Director (Nature Conservation & Infrastructure Planning), Environmental Protection Department
Mr HUI, Eric Kwok Sun, JP	Assistant Director (2), Home Affairs Department
Mr CHUNG Siu-man	Assistant Director / Port Control, Marine Department
Mr CHAN Kin-man	Assistant Director / Development (Acting), Water Supplies Department

Secretary

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

Agriculture, Fisheries and Conservation Department (AFCD)

Mr Joseph SHAM	Assistant Director (Country and Marine Parks)
Mr LEUNG Chi-hong	Senior Country Parks Officer/North-west
Mr Franco NG	Senior Country Parks Officer/South-east (Acting)
Mr Edmond LAM	Senior Country Parks Officer/Ranger Services
Mr Alan CHAN	Senior Marine Parks Officer
Mr Timothy LAM	Country Parks Officer / Sai Kung
Mr CHEUNG Ka-shing	Country Parks Officer / Special Duties

Leisure and Cultural Services Department (LCSD)

Ms LOK Kit-ha	Chief Leisure Manager (New Territories East)
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For Agenda Item II only

Sai Kung District Office

Mr SIN Hey Long, Jackson

Assistant District Officer (Sai Kung)

Mr WONG Ping Ming

Senior Inspector of Works (Sai Kung)

For Agenda Item III only

Flying Fox

Mr Richard McCALLUM

Director

Mr Jonathan WALTER

Director

Mr Ernst ZIMMERMANN

Consultant

Ngong Ping 360 Ltd

Dr Stella KWAN

Head of Commerce & Marketing

ABSENT WITH APOLOGIES

Mr CHOW Kwok-keung

Ms KWAN Sau-wan

Mr LEUNG Wing-hang

Ms LO Po-man

Dr NG Cho-nam, BBS, JP

Mr TANG King-shing, GBS, PDSM

Mr Donald CHOY Chi-mun

Assistant Director of Leisure and Cultural Services
(Leisure Services)³

176/12 Mr SIN Hey Long briefed members on the proposed improvement works. He mentioned that the existing footpath, except the last 100m, fell within the Sai Kung East Country Park (SKECP).

177/12 Mr SIN Hey Long then briefly responded to the mitigation measures (a) – (f) in paragraph 4.4 of the Paper :-

- SKDO had no problem taking measure (a) on board and decreasing the width to not more than 1.2 metres. As background information, he explained that the proposed width of 1.5 metres was originally intended to allow two persons to walk side by side and to facilitate better access for the elderly to transport their daily necessities.
- Measure (b) was acceptable as it could also serve to prevent the accumulation of water at certain sections of the footpath.
- As regards measure (c) which referred to the first section of the path (CH0 to CH220), he explained that there were steps along section CH135 to CH150 and thus a ramp was suggested to be constructed for that section. For other sections of this first section, only minor repairing works would be carried out as suggested by measure (c).
- SKDO had no problem implementing measure (d) if Members deemed it suitable, amid that the cost of the proposed footpath could go up by 30% if stone was used. As background information, he explained that the paving materials in the proposal were suggested having considered that they were more durable and could lower the cost of construction and future maintenance works.
- SKDO would undertake to adopt measure (e).
- As regards the measure (f), he pointed out that the existing retaining walls were at the middle and end sections of the existing footpath. As the proposed works would replace such sections with an alternative route, the works should not have any impact on the existing retaining walls. In any case, SKDO would check again before commencement of works that the existing walls would not be affected by the works.

178/12 A member enquired about whether the proposed works would wait for the clarification of the zoning of Pak Lap which was currently covered by a Development Permission Area (DPA) plan. Mr SIN Hey Long responded that the last 110m of the existing footpath was covered by the DPA plan. PlanD confirmed that the provision and maintenance of footpaths were always permitted within a DPA plan and so no planning permission was

required from the Town Planning Board (TPB). With PlanD's confirmation, the proposed improvement works would be proceeded after seeking the Board's endorsement.

179/12 A member enquired about the background information of unauthorized pathway that was previously built to bring in vehicles to Pak Lap and the description of a village vehicle (VV), and whether the alignment of ramp on the unauthorized pathway would regularize an illegal act. Mr SIN Hey Long responded that the current pathway was a footpath, and land control measures were taken by the respective departments including the Lands Department. Mr Edmond LAM supplemented that AFCD detected construction works of an illegal vehicular access at the site in 1994. AFCD together with Sai Kung District Lands Office (SKDLO) had taken law enforcement actions that led to successful prosecution. They were required to restore the damaged pathway as well as country park areas and to provide a footpath for Pak Lap villagers. He elaborated that the footpath was the solely overland pathway though villagers could also make use of Kaito (街渡) for sea transport. He pointed out that AFCD had been detecting illegal uses of the unauthorized pathway after restoration and set up monitoring programmes so as to collect evidence of such illegal activities and take prosecution against suspects. A metal-cum-concrete road block was constructed at both ends of the footpath respectively to prevent entry of vehicles and no-entry signs were also installed there. Apart from on-going law enforcement actions, AFCD had carried out greening and tree planting along the footpath. However, plants and trees did not grow well due to continual illegal activities. Considering present situation of the footpath and villagers' requests, AFCD was of the view that the proposed improvement works on the damaged pathway were acceptable with a view to facilitating better access for villagers, restoring natural environment and strengthening law enforcement. He explained that the width of proposed footpath below 1.2 metres would prevent the use of private cars as well as light goods vans while still allowing carts and VVs to go through for the transportation of goods. He described that a VV was about the same size of a farmer cart or golf car and could not carry passengers. To prevent villagers from carrying passengers by their VVs, no passengers were allowed to ride on them. He said that AFCD would step up patrols to guard against the use of the footpath as illegal vehicular access.

180/12 In response to a member's enquiries, Mr Edmond LAM answered that some villagers and land developers had tried to carry out private development projects there, including development of small house, international school and resort area. And goods vehicles and bulldozers might have been illegally brought in; therefore, AFCD had been stepping up the control of unauthorized entry of any goods vehicles and bulldozers. He said

that it would not be easy to collect evidence of illegal entry because (1) these vehicles were at the private land soon after entering Pak Lap; (2) nobody admitted to be the owners of the vehicles; and (3) AFCD staff could not find the information of vehicle registration of all these vehicles and any records of the bulldozers. Despite such difficulties, AFCD did step up the patrol in Pak Lap to combat illegal entry. Occasionally we could apprehend the offenders and prosecuted them successfully. Besides, AFCD, in collaboration with SKDO and SKDLO, enhanced the communication with villagers so as to convey the message that illegal entry of vehicles to Pak Lap would not be allowed. As a result, the illegal activities had subsided to a certain extent because the road blocks had proven to be effective; in addition, villagers could not foresee the possibility of immediate development after Pak Lap had been covered by a DPA plan.

181/12 A member supported the proposed improvement works to facilitate better access for the elderly. He also proposed that native tree species should be planted to ensure the planted species were compatible with surrounding environment.

182/12 In response to a member's enquiries, Mr SIN Hey Long responded that the section from CH 500 to CH 610, which was about 110 metres in length, was covered by the DPA plan. After completion of the improvement works, AFCD would be responsible for management of the parts of the footpath within the SKECP, and SKDO would be responsible for the rest. Moreover, upon the completion of the alternative route, SKDO planned to close the original latter section of the footpath and would suitably apply greening to it. At both sides of the footpath entrance, planters would be added to prevent general vehicles from accessing the footpath. He highlighted that the purpose of the proposed works was to improve a footpath but not to provide an access for vehicles.

183/12 Mr Edmond LAM supplemented that Pak Lap Village was basically surrounded by the SKECP. Goods were transported to Pak Lap by sea in the past. Now most of them were transported by vehicles from Sai Kung Man Yee Road instead. It was convenient for villagers to transport goods by vehicles, therefore, an unauthorized pathway was constructed over a decade ago. Villagers had been requesting to legalize the unauthorized pathway but AFCD had never acceded to that request for protecting the integrity of the SKECP. Meanwhile, AFCD had stepped up enforcement action to control the unauthorized entry of vehicles. AFCD staff observed that villagers occasionally pushed over AFCD's concrete road blocks at the footpath entrance in order to allow their vehicles entering the footpath. These vehicles would be found

at villagers' private lots later. Whenever AFCD staff encountered this scenario, they would step up enforcement action. They also took this matter up with the village head as far as possible so as to find out what had happened. AFCD had been monitoring the situation very closely and kept illegal activities under control. The situation had improved substantially after Pak Lap had been covered by DPA plan.

184/12 Mr SIN Hey Long responded to the member that SKDO would go along with the suggestion on retaining the existing footpath if members agreed. As regards future maintenance and management responsibilities of existing footpath, the Chairman remarked that AFCD would take up the responsibilities for the sections within the SKECP while SKDO would be responsible for the sections covered by the DPA plan.

185/12 Mr SIN Hey Long remarked that SKDO would adopt a member's suggestion that the surface of the proposed ramp from point CH 220 and thereafter (paragraph 6 of Annex 2 of the Working Paper refers) should be paved by non-slippery, safe and environmentally friendly materials.

186/12 A member supported the proposed improvement works. He believed that the management issues raised by members would be well taken care of by relevant departments.

187/12 In response to the member's view, Mr Alan WONG Chi-kong, JP pointed out that management issues and hardware issues were separate ones. AFCD would keep on managing the parts of the footpath within the SKECP regardless of improvement works. AFCD might explore further the reasons why the illegal activities could not be prevented effectively. He said that permits were required to bring vehicles into the SKECP and High Island Reservoir and control measures were imposed at Pak Tam Chung Barrier. As he understood that the SKDO issued the permits to Pak Lap villagers, the matter of issuing permits should be reviewed. He was of the view that if private cars should not be allowed to go to the Pak Lap Village, permits should not be issued for private cars except VVs. The permits allowed the villagers to bring their vehicles into the Pak Lap Village via the footpath which was not for ordinary vehicles but for VVs only. Hence, AFCD would discuss the matter with the SKDO.

188/12 Mr WONG highlighted that improvement works should be done because the population were aging and there were some inherent risks associated with the existing footpath. To facilitate the management of the footpath and to minimize the chances of illegal use there, AFCD would try to work out appropriate measures, for example, installation of a gate at the entrance, with the SKDO so as to prevent the entry of private cars.

189/12 Mr SIN Hey Long responded to a member's enquiry that the SKDO would discuss with AFCD regarding the planting of trees (including the species and period of maintenance) and take note of members' comments when formulating the detailed design of the proposed works.

190/12 Mr Edmond LAM explained to a member that the width of proposed footpath should not exceed 1.2 metres which allowed passengers to safely pass a VV which was about 0.9m – 1.0m wide. The Chairman supplemented that 1.2 metre was not sufficiently wide for private cars.

191/12 The Chairman advised the member that both AFCD and the SKDO were aware of members' concerns about whether the proposed improvement could effectively prevent the illegal use and further illegal widening of the improved footpath after completion of the works.

192/12 The Chairman thanked Mr SIN Hey Long and Mr WONG Ping Ming of the SKDO for attending the meeting and advised them to leave.

(Mr SIN Hey Long, Mr WONG Ping Ming and Mr WONG Yung-kan, SBS, JP left the meeting at this juncture.)

193/12 The Chairman pointed out that the proposed works were not about legalizing an unauthorized pathway because the Paper was about the proposed improvement to footpath at Pak Lap only. The improvement works were of concern to members because illegal activities had been occurring at the footpath. The improvement was just to facilitate better access of the villagers. However, members should pay heed to whether an improved footpath would make it more convenient for those who used the footpath illegally. Members' remarks would guide AFCD and the SKDO to step up the management of the footpath in the future and prevent

vehicles from accessing the footpath in particular. She understood that members did not oppose to have a more accessible path for the villagers and the public; however, the improved footpath must not be a precedent on regularizing an illegal road and measures should be stepped up to prevent vehicles from accessing the footpath easily. Besides, the proposed footpath should be paved by non-slippery, safe and environmentally friendly materials and should be under effective management. Native tree species should be planted along the proposed footpath as far as possible. As a large part of the proposed footpath fell within the SKECP, the proposal would not seriously be affected by the future zoning of Pak Lap which was currently covered by the DPA plan. As formal approval on the proposal was not required from the TPB, she was of the view that the Board could advise the SKDO of members' comments for their follow-up actions.

194/12 The Chairman advised a member that AFCD would keep a close eye on the improvement works to ensure that they would be compatible with the country park setting.

195/12 The Chairman concluded that members basically supported the proposed improvement works to the footpath to facilitate better access for the villagers. However, members had certain concerns, in particular the possibility of illegal entry of vehicles. The Board expected that better management measures would be introduced at the entrance so as to reduce illegal entry of vehicles after improvement to the footpath. She proposed that AFCD convey members' concerns to the SKDO so that the Board's objective could be achieved.

III. Proposed Eco-adventure Zipline Tour at Ngong Ping, Lantau North Country Park (Working Paper: WP/CMPB/15/2012)

196/12 The Chairman drew members' attention that any member who considered he/she had a conflict of interest in the proposal, which was a private project, should declare his/her interest before the agenda item commenced.

197/12 Dr Gary ADES declared that he was approached by the project proponents on the issues in relation to the ecology of Lantau Island several months ago. He did not have formal connection with the proponents. Members had no objection to his attending the meeting.

198/12 The Chairman declared that the project proponents also contacted her on 15 October 2012 to let her understand better about the project so that she could chair the meeting more smoothly. She remarked that she had not given any opinions to them.

199/12 Mr TIK Chi-yuen declared that the project proponents had provided some reference materials to him. The Chairman was of the view that the materials were for reference only and no private connection had been established; hence, today's discussion would not be affected. Members had no comment.

200/12 Mr Timothy LAM briefed Members on Working Paper WP/CMPB/15/2012.

201/12 The Chairman welcomed the following persons to attend the meeting:

Flying Fox

Mr Richard McCALLUM Director

Mr Jonathan WALTER Director

Mr Ernst ZIMMERMANN Consultant

Ngong Ping 360 Ltd (NP360 Ltd)

Dr Stella KWAN Head of Commerce & Marketing

202/12 Mr Richard McCALLUM and Mr Jonathan WALTER briefed members of the proposal.

203/12 A member remarked that the project was neither an eco project nor an environmental protection project. The project was also not an eco-tourism project according to the definitions of UNESCO 2002 International Year of Ecotourism (聯合國教科文組織2002國際生態旅遊年). He was of the view that Flying Fox intended to occupy country park areas for their private project. He highlighted that it was not worthwhile to sacrifice country park areas to serve only a small number of visitors, namely, about 400 tourists per day. In this regard, Flying Fox might choose wrong site. Besides, he advised that Ngong Ping had been a

very large volcanic crater where precious volcanic rocks could be found; however, such significant geological heritage was not taken into consideration in the Environmental Impact Assessment (EIA) of the project. He pointed out that if the Board approved this project, it implied that other similar projects in the country parks could also seek the approval of the Board in the future. He supplemented that the project remained to be a kind of adventurous activity even if elements of eco-tourism and education were added. He urged members to seriously deliberate on the project because the Board would set a very bad precedent if granting an approval on the project.

204/12 In response to a member's enquiries, Mr Jonathan WALTER said that Flying Fox required a total area of approximately 320 m² for four launch / landing platforms ("CloudStation"), namely, each platform occupied an area of about 80 m², and would also build 430 m of new paths. He clarified that the project did not occupy the trapezium shape of land shown at Annexes I and II of the Working Paper. Besides, he advised that Flying Fox would not deprive visitors of the use of Lantau Trail and would welcome public access to the new paths. Flying Fox would only limit public access to the CloudStations and the suspension bridge for safety reasons. He supplemented that all the paths were free for public access except suspension bridge because the public did not have right safety equipment to cross the bridge. As regards environmental mitigation measures on protection of the water catchment area within Flying Fox's operational area, he remarked that any fuel spillage and any erosion by plant or machinery would be prevented during construction. Flying Fox would use cable car or helicopter to transport equipment and materials so as to avoid building any new path within the catchment area. The operation itself was a zero emissions operation in which no fuel or power was involved. Flying Fox would not permit guests to bring in any food or to smoke on the site. Guests would not be permitted to go to the toilet within the catchment area. Flying Fox instructors would ensure guests have the opportunity to go to the toilet before embarking on the zipline tour, and would ensure enforcement of this policy at all times.

205/12 In response to a member's comments, Mr Jonathan WALTER agreed that the project was not a conservation project; however, he remarked that it was an ecotourism project. He explained that the project, being an eco-adventure activity, aimed to encourage young visitors to enjoy magnificent views of the country park from vantage points which are currently inaccessible, to have an opportunity to learn more about the ecology of the area through a combination of information boards and interpretative commentary from guides trained with AFCD's assistance, as well as to have a fun and thrilling experience. This was the reason why

Flying Fox did not propose building ziplines in Ocean Park or from International Financial Centre. He said that the project was an ecotourism project because it was, among other things, a zero emissions activity. He disagreed with the Authority's view that the project was fundamentally different from the conventional recreational use of country parks for picnicking and hiking, etc (para. 4.2(d) of the Working Paper refers). He remarked that about a thousand metres out of about 1,600 metres of tour length was for hiking.

206/12 As regard the member's comments on precedent case, Mr Richard McCALLUM advised that Lantau North Country Park (LNCP) was the only viable location for zipline tour because of the combination of the right topography, ecological & cultural interest and the existing NP360 infrastructure. In addition, the alignment among Tourism Commission, NP360 Ltd and Flying Fox was unique. He believed the Board would consider future submissions on a case-by-case basis.

207/12 As regard the member's comments on educational element of the tour, Mr Jonathan WALTER said that interpretation boards located on CloudStation would provide fun, visual information about conservation and ecology to guests while they were waiting. Besides, instructors would engage guests with fun commentary on a range of ecological and conservation issues.

208/12 Mr Jonathan WALTER cited that there were about 100 sites in the USA and 30 sites in UK government forests for zipline tours, though the activity was new to Hong Kong. He pointed out that the sites were not normally found within 2 to 3-hour travelling distance of each other; hence, there should be only one site in Hong Kong.

209/12 A member had in-principle no objection to the concept of the project from the perspectives of environmental impacts and youth development. He remarked that the project could achieve the objectives of ecotourism, conservation education and youth development if it was properly designed. He was of the view that the project proponents could perform good deed while making a profit, namely, paying a reasonable rental for the use of the land, acting like a responsible commercial operator and offering concessionary rates for disadvantaged youth and families. There was room for discussion on his view for this project.

210/12 In replying to a member's enquiry on the sum of investment, Mr Richard McCALLUM said that capital investment of the project was about US\$2 million, including the installation cost of zipline infrastructure and working capital requirement. As regards her enquiries on the expected revenue and profits generated by the project in the first three years of the operation, he explained that financial viability analysis of the project had been conducted and the breakeven scenario could be achieved under the assumptions of eleven months of operation per year and 50 visitors per day. He opined that the project was economically viable since NP360 currently received 1.6 million visitors per year.

211/12 A member suggested that Flying Fox should consider sites outside the country parks, for example Victoria Peak, given that there was no precedent case of allowing use of country park areas for commercial purposes. He was also of the view that a formal EIA might be required for this project because the information of ecological impacts provided by the project proponent was crude, like the vague definition of tall shrub, no information about whether tall shrubs would become tall trees, and non-specific protection measures for uncommon Leaf Litter Toad.

212/12 In addressing the member's remarks, Mr Richard McCALLUM explained that Flying Fox had not found any other places in Hong Kong which had the right combination of criteria for a zipline tour, for example the right topography and infrastructure. LNCP had steep topography to allow gravity to propel guests without the need of power. The zipline tour also benefitted from its location next to the existing public access and logistical facilities of NP360. He agreed that Victoria Peak might be commercially a more sensible site for a zipline tour; however, it was not in line with Flying Fox's mission of getting people outdoor.

213/12 Mr Jonathan WALTER supplemented that Flying Fox believed that MTR's 2003 Cable Car EIA report provided excellent source material and was the only ecological baseline survey which we knew of that covered the area of LNCP in question. He remarked that the 30-page proposal (Annex 3 of the Board's Working Paper refers) was preliminary and aimed to show Flying Fox's awareness of the environmental impacts of the project. Flying Fox would conduct a new environmental and ecological survey for the project and develop mitigation measures accordingly.

214/12 A member remarked that the zipline tour was an adventurous activity rather than an eco-tourism activity to be conducted in a natural environment. She pointed out that members should carefully assess ecological impacts of the activity, landscape and visual impacts of the installation and the setting of a precedent case of allowing use of government land within country parks for fee-charging commercial activities.

215/12 Mr Richard McCALLUM remarked that Flying Fox did have experience on operating in natural environment, for example two locations in India (one was a private forest while another was a government forest).

216/12 As regards whether the total land area required by Flying Fox was either 6 ha or 0.26ha, Ms Trevina KUNG advised the Chairman that the total actual area of the land to be granted under a Short Term Tenancy (STT) had to be provided by the project proponent to Lands Department (LandsD) for consideration. LandsD had not received the details and specific requirements of the project yet. She explained that in general LandsD would grant airspace only in a STT or a licence if an applicant required the use of airspace only; hence, whether the land underneath the ziplines would be granted under a STT depended on the requirement of the project proponent. If the proponent applied for the use of airspace only, then LandsD would grant the airspace only in a STT and the land underneath the ziplines was still under AFCD management.

217/12 Mr Jonathan WALTER advised that the project did not require the land underneath the ziplines. He explained that NP360 used the land underneath their cables for a rescue trail because their rescue involved lowering people from their cable cars to the ground. On the other hand, there was no requirement to lower guests who were mid-span on the zipline to the ground in rescues. He highlighted that the total combined land area and airspace required was 0.26 ha, not the 6 ha mentioned in the Board's Working Paper.

218/12 A member shared his working experience that the Government was likely to grant peripheral land to the project proponent in case the infrastructures adjoined slopes. He remarked that the issues, including visual impacts of ziplines, land grant and mode of commercial operation, should be considered in priority. He was of the view that the 2003 EIA report should be updated and elaborated on issues such as noise impact of zipline operation and

visitors. As the project was a fee charging activity, the areas required for storage lockers, changing rooms and bathrooms should also be considered.

219/12 A member could not totally agree that the project was an eco-tourism project because one basic element of an eco-tourism project was that the profit made from the project should be used on local community. He was of the view that the project was largely a commercial operation and the proponent somewhat overstated the element of eco-tourism in the project. Besides, he opined that the proposed project site was not suitable for delivering ecological education to young people since the vegetation was poor in quality. He advised that Victoria Peak would be a better location to promote education on terrestrial ecology as the secondary forest was more mature thereat.

220/12 As regards the member's enquiry about whether statistics were available or a formal survey was conducted to show the effectiveness of zipline tour to attract more youth for hiking, Mr Richard McCALLUM replied that 37% of their Indian customers were aged 10-24 years and 17% returned for a second time. Besides, a McKinsey & Co. study commissioned by NP360 identified 'families with children' as a visitor segment that was under-represented in Ngong Ping and the report suggested more eco-tourism initiatives as a way to reach that segment. He supplemented that Flying Fox was willing to provide statistics on the age profile of their customers in India if requested by AFCD or the Board.

221/12 In response to the member's view on the eco-tourism element of the project, Mr Richard McCALLUM pointed out that they were very open to the idea of providing concessionary rates for school children, lower income families, and people who did ordinarily not do this kind of activity. He welcomed the inputs from the Board or AFCD for working out the right criteria of the activity.

222/12 Addressing the member's enquiry about group dynamics of tours, Mr Richard McCALLUM explained that the tours often got mixed groups of guests, ranging from one person to twelve people in each group. Whenever a group was filled up to 12 people, a fantastic dynamics within the group created because the guests bonded with the guide and with each other.

223/12 As regards the safety issues raised by the member, Mr Jonathan WALTER replied that Flying Fox instructors carried with them all the equipment required to rescue guests mid-span on the zipline in the event of gear failure and were trained to complete such rescues within 10 minutes.

224/12 As regards a member's enquiries about whether EMSD's logo in the Powerpoint slide "Safety & Risk Management" signified EMSD's endorsement on the project, Mr Richard McCALLUM answered that EMSD were fully aware of the project though they had not been endorsing it. He elaborated that at a meeting convened by the Tourism Commission on 15th August 2012, two representatives from EMSD explained the process for application under the EMSD guidelines. In the discussion about the most applicable standards for the project, EMSD was of the view that the Code for Amusement Rides was appropriate though there was no specific Zipline Code for Hong Kong. Whenever there was a gap of standards relating to the project, it would make reference to the highest international standard available.

225/12 Echoing the member's concern about the possibility of showing AFCD's logo in the Powerpoint presentation of Flying Fox in the future, the Chairman advised Flying Fox that the Board did not wish to see AFCD's logo to be shown in their Powerpoint presentation for signifying the Board's endorsement, simply because the Board was consulted on the project. The member advised that Flying Fox should ask permission from a government department or an organization at first if they wanted to present something from the department or organization.

226/12 The member remarked that the MTR's Cable Car EIA was very different from an EIA for zipline tour. She noted from Flying Fox's website that the zipline tour was promoted as an adventurous activity in which a visitor would enjoy the exciting experience in a James BOND movie. Hence, she opined that the project was fundamentally different from the conventional use of country parks and it was only portrayed as an eco-tourism project. She pointed out that a country park was also a habitat for various kinds of creatures, apart from trees and vegetation. As she saw from the website that the visitors were screaming all the time in a tour, she worried about the impact of visitors' screams on the creatures living in the project site. She raised the concerns that an EIA for this project was not conducted.

(Mr TIK Chi-yuen, BBS, JP left the meeting at this juncture.)

227/12 Mr Elvis AU Wai-kwong, JP remarked that EPD kept an open mind about the project. He pointed out that according to available information, it was very likely that the project would be considered to be a designated project under the Environmental Impact Assessment Ordinance (EIAO).

228/12 A member advised that a project was worded as an eco-tourism project did not necessarily mean that it would attach importance to ecology and environmental protection in the project. He also advised members to seriously consider the possibility of future expansion of this profit-making project within the country park if it was supported by the Board. He also opined that an EIA must be required so as to take the precious geological heritage of Ngong Ping into consideration. He agreed that Flying Fox had chosen the wrong site, perhaps Victoria Peak or Ocean Park would be a better site for the project. He proposed Flying Fox to consider another business partner instead of NP360 Ltd.

229/12 A member alerted members to the tactic of packaging a tourism project as an eco-tourism project. She said that if the Board allowed the operation of a commercial project in the name of attracting more people to country parks, it would set a bad precedent to invite other commercial activities which could also claim to attract more people to country parks. She remarked that young people should not be used as a shield because the proposal did not mention the proportion of the project that would benefit the youth.

230/12 Mr CHAN Kin-man highlighted that the project proponent was required to conduct detailed evaluation on the impacts on water quality because the project site was within a Water Gathering Ground. The proponent must seek the approval from Water Supplies Department before commencement of works.

231/12 In response to members' enquiries, Mr Richard McCALLUM undertook that there would be no expansion of the project in the future if Flying Fox was granted permission to run the project in the area. He also replied that they would comply with the requirements of the EIAO in connection with the EIA of the project. He reiterated that the intention of Flying Fox was to provide a world-class fun activity for Hong Kong and they had no intention to use eco-tourism as a gimmick for the project.

232/12 The Chairman thanked the representatives of Flying Fox and NP360 Ltd for attending the meeting and advised them to leave.

(Representatives of Flying Fox and NP360 Ltd left the meeting at this juncture.)

233/12 A member expressed her clear-cut objection to the project. She elaborated that the project was just a small investment for one more tourism attraction only. To allow the use of country park land for the sake of one more tourism attraction would do a disservice to the public. Secondly, the project did not have a detailed plan about concession and education to low-income youth; hence, concession and education were gimmicks only. Thirdly, the project proponent had many alternative locations for consideration. Finally, she worried that the project would be a precedent case of allowing use of land within country parks or geoparks for other commercial projects.

234/12 A member expressed concern about the setting of a precedent case. He enquired about whether NP360 was a precedent case of using country park land for commercial purposes.

235/12 Mr Alan WONG Chi-kong, JP answered that NP360, which was one of the Priority Projects, was proposed by the Administration and operated by the MTRC. The project was constructed within the country park about ten years ago. Public consultation on the project was also conducted. He highlighted that the nature of this project was different because it was developed by the Administration as an essential infra-structure project.

236/12 The Chairman supplemented that NP360 was in fact a mode of transport because people could use Tung Chung Road as the only land route to go to Ngong Ping prior to NP360.

237/12 A member was of the view that there were little substance in the proposal and the details of the project were unclear, for example, location as well as area of land use and information about various kinds of impacts on the country park. She objected to giving approval in-principle on the project with such little information.

238/12 A member indicated that he did not feel comfort to support the project at this stage. He pointed out that the biggest question was to use country park land for a private project of commercial purpose. The Board and the Authority would face a lot of public pressure if the use of country park land for commercial activities was allowed. He agreed that the project was packaged as an eco-tourism project though the eco-element was just marginal.

239/12 A member was of the view that members should keep an open mind to new concepts given that Hong Kong was a tourist city and was in competition with other cities. Meanwhile, members must adhere to the Board's basic principles, including protection of natural environment and habitats of Hong Kong. The project could be further explored; however, it might choose the wrong site. She therefore agreed that the project should not be granted an approval in principle with little information at this stage; on the other hand, it should not be rejected outright. She suggested that the proponents look at alternative sites as well as other feasible practices and might come back to convince the Board with the details of more studies.

240/12 After thorough discussion, the Chairman summed up that an overwhelmingly majority of the members opined that the Board could not support the proposal at this stage. She expounded that the proposal was a commercial and fee charging project in country park areas. The nature of the proposal therefore differed fundamentally from the purpose of country parks which was to provide free recreational and leisure areas for public enjoyment. Secondly, it was not appropriate to give up valuable country park areas to serve only a small number of visitors. Thirdly, the proposal was not an eco-based project but was actually an adventure-based activity. Hence, visitors would possibly return for the thrill of doing the activity but not for ecological reasons and this was different from what the proponent claimed. Fourthly, the concern about whether the implementation of the project would ruin the precious geological heritage of Ngong Ping was not satisfactorily addressed during the presentation. Lastly, the Board was concerned about the potential environmental impacts of the proposal, including the noise impact of visitors. Hence, she advised that Flying Fox could consider whether to pursue the project with relevant government departments and to conduct a detailed EIA for the project after taking account of the Board's views. She supplemented that the Board supported new ideas and activities; however, they might not be suitable for the country parks. Therefore, Flying Fox might choose a wrong site for the project. If Flying Fox wished to pursue this project, they should make a commercial decision about whether it was necessary to consult AFCDD and other relevant departments in the future.

241/12 Mr Alan WONG Chi-kong, JP thanked members for their valuable comments. He remarked that visitors' screams would adversely affect resident animals in this quiet area and so noise impacts should be considered seriously in the detailed EIA. After seeking the Chairman's advice that the Board did not support the proposal to be run in all the country parks, not only Lantau North Country Park, he pointed out that the Tourism Commission and organizations concerned would be informed of the Board's deliberations on the proposal.

[Post-meeting note: The Secretariat issued a letter on 14 November 2012 to inform Flying Fox that the Board did not support their proposal and a detailed assessment was required to address the potential environmental impacts of the proposal in the form of an EIA. The letter was copied to the Tourism Commission and NP360 Ltd for information.]

(Prof CHU Lee-man left the meeting at this juncture.)

242/12 The Chairman advised a member that the Board did not support the project meant that it objected to the project.

**IV. Draft Replacement Maps of Sai Kung East Country Park, Kam Shan Country Park and Tai Lam Country Park
(Working Paper: WP/CMPB/16/2012)**

243/12 Mr CHEUNG Ka-shing presented Working Paper WP/CMPB/16/2012. He remarked that the draft maps of the Sai Kung East Country Park (SKECP), Kam Shan Country Park (KSCP) and Tai Lam Country Park (TLCP) could be published in the Gazette on 26 October 2012 at the earliest if members did not have many comments on them. Copies of the draft maps and explanatory statements shall be made available for inspection by the public for a period of 60 days from 26 October to 24 December 2012 accordingly.

244/12 The Chairman summed up that the Board unanimously endorsed the draft replacement maps and explanatory statements of the three country parks. Besides, the Authority was advised to publish in the Gazette a notice in English and in Chinese regarding the draft maps on 26 October 2012.

[Post-meeting note: A letter of 30 October 2012 was issued to inform members of the gazettal of the draft replacement maps on 26 October 2012.]

**V. Summary Report of Marine Parks Committee (MPC)
(Working Paper WP/CMPB/17/2012)**

245/12 Dr Eric LI Shing-foon, Chairman of the Marine Parks Committee, presented the Working Paper WP/CMPB/17/2012. Members noted the Report.

**VI. Summary Report of Public Relations Committee (PRC)
(Working Paper WP/CMPB/18/2012)**

246/12 Ms Tennessy HUI Mei-sheung, JP, Chairman of the Public Relations Committee, presented the Working Paper WP/CMPB/18/2012. Members noted the Report.

**VII. Country and Marine Parks Authority Progress Report
(Working Paper WP/CMPB/19/2012)**

247/12 Mr Joseph SHAM presented Working Paper WP/CMPB/19/2012 on Country and Marine Parks Authority Progress Report for the period from 1 May to 31 August 2012. Members noted the Report.

VIII. Annual Field Visit

248/12 Mr Joseph SHAM informed the meeting that the annual field visit was scheduled to be held on either 11 December (Tuesday) or 13 December (Thursday) 2012. The Secretary would invite members to indicate their availability on the proposed dates in due course. He briefed member on the draft itinerary which covered visits to Woodside Biodiversity Education Centre, Quarry Bay Tree Walk, Prehistoric Story Room at Bank of China Tower, Geopark featured rooms at L'hotel Island South, and Cape D'Aguilar Marine Reserve. Members noted the draft itinerary.

249/12 The Chairman 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 11 December 2012. The annual field visit was taken place on 11 December 2012.]

IX. Any Other Business

(a) Tree Felling at a Site in Tong Fuk (塘福) on Lantau Island

250/12 Mr Franco NG answered to a member's enquiry that the site in Tong Fuk where tree felling issue occurred was not within a country park or a marine park. The site was leased out for agricultural activities under a STT; so the uses of the site had to comply with the licence conditions. LandsD recently inspected the site and confirmed that the current development violated the licence conditions. Subsequently District Lands Officer (Islands) served a notice on 8 October 2012 to advise the tenant that the site was used for agricultural activities and the unauthorized structures and caravans must be removed from the site within 14 days; otherwise, LandsD would revoke his licence. As regards the tree felling issue, he remarked that AFCD has not given any advice/consent to the licensee on this aspect.

251/12 Ms Trevina KUNG advised that Lands Department had served a warning notice to the licensee that the unauthorized structures and caravans must be removed from the site by 22 October 2012.

252/12 Mr Alan WONG Chi-kong, JP advised the member that AFCD staff would strive to take law enforcement action against illegal activities affecting the environment of country parks as soon as possible. It would also collaborate with departments concerned, including LandsD and EPD, to follow up those activities in the surrounding areas that would affect adjoining country parks as fast as possible, for example, effluent/sewage discharge from villages to streams flowing into country parks.

253/12 The Chairman supplemented that AFCD staff had endeavoured to protect the environment of country parks. She suggested that AFCD should collaborate with departments

concerned to minimize the impacts of activities in surrounding areas that might affect the management and conservation of country parks.

(b) Designation of Shui Hau (水口) on Lantau Island as Site of Special Scientific Interest (SSSI)

254/12 Mr Joseph SHAM said that the proposal has been sent to Planning Department for consideration. Besides, relevant stakeholders, including area committees and rural committees, were consulted.

255/12 Mr Wilson SO Ying-leung supplemented that in 2010 HAD suggested that District Council (Islands) and Area Committee (Lantau South) be consulted again before proceeding the designation proposal. He knew that AFCD had subsequently consulted the local residents who maintained their strong views against the designation proposal. Planning Department had reported the result of the consultation to the Development Bureau in taking the matter forward.

256/12 The Chairman was of the view that both AFCD and Planning Department should communicate with Development Bureau for designation of Shui Hau as SSSI as soon as possible since there is a growing public concern.

(c) Proposal for a Site of Special Scientific Interest and Support for Country Park Designation on Po Toi Island by The Hong Kong Bird Watching Society

257/12 The Chairman remarked that it was too hurried to discuss the proposal as the Hong Kong Bird Watching Society submitted it yesterday evening. She was of the view that the suitability of Po Toi Island for designation as a country park should be assessed by AFCD in accordance with the updated principles and criteria for designating new country parks or extending existing country parks. She proposed that AFCD report the progress of the assessment on the suitability of Po Toi Island for designation as a country park in next meeting, if appropriate.

258/12 Mr Joseph SHAM responded that AFCD received this 67-page proposal this morning, which did not allow them to have adequate time to study the proposal in detail before the meeting. He agreed with the Chairman that AFCD would report the progress of the assessment in next meeting as appropriate.

(d) Convention on Biological Diversity

259/12 Mr Joseph SHAM remarked that the Convention on Biological Diversity (the Convention) had been extended to Hong Kong as China was a signatory of the Convention. In light of this, AFCD was required to formulate its Biodiversity Strategy and Action Plan (BSAP). It was expected that AFCD would consult the Board, relevant parties and the public in due course.

X. Date of Next Meeting

260/12 The Chairman informed members that they would be informed of the date of next meeting in due course.

[Post-meeting note: The next meetings were special meetings to hear the objections to the draft maps of the Sai Kung East Country Park and the Tai Lam Country Park on 7 and 8 February 2013].

261/12 The meeting was adjourned at 6:05 p.m.

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