Country and Marine Parks Board (CMPB)
Confirmed Minutes of the 54th Meeting

Date	:	24 February 2014 (Monday)	File Ref.: AF CPA 01/1/0
Time	:	2:30 p.m.	
Venue	:	Room 701, Agriculture, Fisheries and Conservation Department (AFCD) Headquarters	

ATTENDANCE

Chairman

Mr TANG King-shing, GBS, PDSM

Members

Professor CHIU Lai-har, Rebecca, JP

Mr CHOW Kwok-keung

Professor CHU Lee-man

Ms Suzanne M. GENDRON

Dr HAU Chi-hang, Billy

Ms HUI Mei-sheung, Tennessy, JP

Ms KWAN Sau-wan

Mr LAM Chung-lun, Billy, GBS, JP

Mr LEE Chung-ming, Eric

Dr LI Shing-foon, Eric

Ms MA Miu-wah, Katherine

Dr MAN Chi-sum, JP

Mr MO Ka-hung, Joseph

Dr NG Cho-nam, BBS, JP

Ms SO Ka Man

Ms WONG Lai-yin, Idy	
Mr Alan WONG Chi-kong, JP	Director of Agriculture, Fisheries and Conservation (DFAC)
Dr LEUNG Siu-fai, JP	Deputy Director of Agriculture, Fisheries and Conservation
Miss Sian LI	Senior Administrative Officer (Nature Conservation), Environmental Protection Department
Ms Olga LAM, JP	Assistant Director of Lands (Estate Management)
Ms WOO Jacinta Kit Ching	Assistant Director of Planning (New Territories)
Mr HUI, Eric Kwok Sun, JP	Assistant Director of Home Affairs (2)

Secretary

Mr Patrick TSANG	Assistant Secretary (Boards)1, AFCD

IN ATTENDANCE

Agriculture, Fisheries and Conservation Department

Mr Joseph SHAM	Assistant Director (Country and Marine Parks)
Mr C H LEUNG	Senior Country Parks Officer (North-west)
Mr Franco NG	Senior Country Parks Officer (South East)
Mr Alan CHAN	Senior Marine Parks Officer
Mr Patrick LAI	Senior Country Parks Officer/Ranger Services
Mr K S CHEUNG	Country Parks Officer (Special Duties)
Mr Timothy LAM	Country Parks Officer (Sai Kung)

Leisure and Cultural Services Department

Mr K L CHEUNG	Chief Leisure Manager (Management)

Marine Department

Mr LAI Chi-tung	General Manager/Vessel Traffic Services

Water Supplies Department

Mr KAM Wing-kee	Chief Engineer/Development 2

ABSENT WITH APOLOGIES

Mr CHAN Ka-chun, Jan

Honourable HO Chun-yin, Steven

Ms LO Po-man

Mr TANG Tat-chi, William

Mr Donald CHOY	Assistant Director (Leisure Services)3, LCSD
Mr S M CHUNG	Assistant Director of Marine (Port Control)
Mr MAK Shing-cheung, Vincent	Assistant Director of Water Supplies/Development

OPENING REMARKS BY THE CHAIRMAN

1/14 The Chairman welcomed everyone to the meeting, in particular Mr LAM Chung-lun, Billy, GBS, JP; Ms MA Miu-wah, Katherine; Ms SO Ka Man; Miss Sian LI, Senior Administrative Officer (Nature Conservation) of Environmental Protection Department; Mr KAM Wing-kee, Chief Engineer/Development 2 of Water Supplies Department; and Mr LAI Chi-tung, General Manager/Vessel Traffic Services of Marine Department, who were attending

the meeting for the first time.

2/14 The Chairman informed members that, as an established practice and 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. Confirmation of Minutes of the Last Meeting held on 4 October 2013

3/14 The minutes of the last meeting held on 4 October 2013 were confirmed without amendments.

II. Matters Arising from the Last Meeting

(a) Draft Replacement Maps of Sai Kung East Country Park, Kam Shan Country Park and Tai Lam Country Park (Para. 342/13)

4/14 Mr K S CHEUNG reported that the Country Parks (Designation) (Consolidation) (Amendment) Order 2013 (the Order) 《2013年郊野公園(指定) (綜合) (修訂)令》, which replaced the original approved maps in respect of the Sai Kung East Country Park (SKECP), the Kam Shan Country Park and the Tai Lam Country Park with the new approved maps, were gazetted and tabled in the Legislative Council (LegCo) for negative vetting on 11 and 16 October 2013 respectively and came into operation on 30 December 2013. Besides, a Sai Wan villager had submitted an application for leave to proceed with a judicial review (JR) on CE in C's decision to approve the draft map of the SKECP into which Sai Wan had been incorporated; hence, a lawsuit was pending.

[Post-meeting note: The court dismissed the application for leave for JR on 28 February 2014. The applicant applied for legal aid to lodge an appeal against the court's judgement on 28 March 2014 and the result is pending.]

(b) Convention on Biological Diversity (Para. 343/13 to 347/13)

5/14 Mr Joseph SHAM reported that the AFCD planned to complete a preliminary draft of its Biodiversity Strategy and Action Plan (BSAP) at the end of 2014 and commenced the implementation of the BSAP by 2015. The BSAP would serve as planning guidelines to

enhance conservation on local biodiversity in 2015 - 2020. He said that the BASP Steering Committee would conduct its third meeting on 28 February 2014 to consider overall progress of BASP formulation, and progress update from Working Groups as well as Focus Groups. The three Working Groups had conducted four rounds of meetings and scheduled their fifth round of meeting in March/April 2014. To raise public awareness about local biodiversity and enhance engagement in discussion about the BASP, roving exhibitions, public lecture series on biodiversity and public forums were being conducted. A symbol had been designed for the events of the BASP. Local organizations would be welcomed to seek AFCD's permission to use the symbol for the publicity of the events in connection with biodiversity and the BASP.

(Mr CHOW Kwok-keung attended the meeting at this juncture.)

6/14 Mr Joseph SHAM advised the Chairman that AFCD would report the up-to-date progress of the BASP in due course.

(Mr C M LEE attended the meeting at this juncture.)

(c) Annual Field Visit (Para. 389/13 to 392/13)

7/14 Mr Joseph SHAM briefed members of the details of the Visit.

(Ms Suzanne M. GENDRON attended the meeting at this juncture.)

III. Management Plan of Sai Wan in Sai Kung East Country Park

8/14 Mr Franco NG gave a powerpoint presentation on the Sai Wan Management Plan (the Management Plan). He briefed members on the background, intrinsic resources as well as opportunities of Sai Wan, the three inter-related objectives, conceptual plan, financial support and the way forward of the Management Plan. Members noted that the three objectives were (1) provision of a safe and pleasant place for compatible recreation activities, (2) biodiversity enhancement and nature conservation, and (3) facilitation of ecotourism through engagement of local community. Members were informed that at the Country Parks Committee (CPC) meeting on 12 February 2014 the Working Group on Sai Wan Management (the Working

Group) had been formed under the CPC to advise the Country and Marine Parks Authority (the Authority) on matters relating to the management of Sai Wan and to oversee the development and implementation of the Management Plan by the Authority. Mr MO Ka-hung, Joseph was elected as the convenor of the Working Group.

(Ms MA Miu-wah, Katherine attended the meeting at this juncture.)

9/14 A member supported the Management Plan. He opined that the Management Plan might be too attractive that Sai Wan would be overloaded with visitors; hence, the Authority and the Working Group should devise appropriate measures to regulate the stream of visitors. He suggested that the Authority should adopt a holistic approach to the implementation of management strategies and proposed measures, not just carry out some of the measures and leave the others on the shelf. The Authority should also endeavour to pursue those proposed measures that did not fall within its ambit, for example, provision of a new footpath to Sai Wan and planting of mangrove, as soon as practicable.

10/14 Mr Alan WONG Chi-kong, JP thanked members for their support for the Management Plan. He said that the Task Force on Planning issues related to Tai Long Sai Wan (the Task Force) (關注大浪西灣規劃事宜專責小組) under Sai Kung District Council (SKDC) wished to exchange views with the Working Group on promotion of ecotourism in Sai Wan and improvement of related facilities through engagement of Sai Wan villagers and local NGOs. As local engagement would play a vital role, AFCD would act as a co-ordinator between the two parties with a view to facilitating the smooth implementation of the Management Plan

IV. Proposal to Designate Country Park Enclaves of Fan Kei Tok, Sai Lau Kong and the Site near Nam Shan as Part of Country Parks (Working Paper: WP/CMPB/1/2014)

11/14 In response to a member's request, the Chairman invited her to brief the meeting on her suggestion to seek clarification from the Authority on the role of CMPB in the assessment and decision-making process with regard to whether or not an enclave should be incorporated into a country park, given that she had learnt in the CPC meeting on 12 February that CPMB and CPC members were only invited to note the Authority's assessment on the suitability of the

enclaves at Hoi Ha, Pak Lap, Pak Tam Au, So Lo Pun, Tin Fu Tsai and To Kwa Peng (the six enclaves) for incorporation into country parks, and its decisions.

12/14 Mr Joseph SHAM advised that the Country Parks Ordinance (CPO) prescribed the Terms of Reference (TOR) of CMPB and the statutory procedures of designation of country parks or amendment of approved maps of country parks. The TOR of the CMPB stipulated that CMPB shall act as a consultative body to advise the Authority upon any matter referred to it by the Authority. The Authority had assessed altogether nine enclaves according to the updated principles and criteria for designating new country parks or extending existing country parks. Three enclaves (Fan Kei Tok, Sai Lau Kong and the site near Nam Shan) were considered to be suitable for incorporation in the country parks concerned. It had consulted CPC members on the proposals to designate these three enclaves as part of the respective country parks at the meeting on 12 February 2014, and would do so at this meeting. Regarding the six enclaves assessed to be not suitable for incorporation into country parks, the Authority had briefed CPC members on the assessment results and its decision.

13/14 Mr Joseph SHAM addressed to a member's concern and indicated that in view of the ongoing judicial review on Sai Wan and the pending court ruling on the judicial review application, the Authority considered that it would be more appropriate to accord priority to designating those enclaves with no private land and no village environs at this moment, like the enclaves of Fan Kei Tok, Sai Lau Kong and the site near Nam Shan.

14/14 In response to a member's opinion that members' views should also be sought with regard to those enclaves assessed to be not suitable for incorporation into country parks, Mr Joseph SHAM replied that members would be consulted on the proposals to designate those enclaves assessed to be suitable for incorporation into country parks, like the proposal to designate the three enclaves. For those enclaves assessed to be not suitable, members were also welcomed to offer their views to the Authority for consideration or referring to relevant departments for consideration if necessary.

15/14 Mr Joseph SHAM addressed to a member's enquiries that the Authority would consider the provision of information about the assessment results of the six enclaves to members in due course.

[Post-meeting note: Having regard to the concern of the CMPB members expressed at the meeting, the Authority would provide information on the six enclaves to the Board later.]

16/14 A member expressed concerns for the Authority's decision not to consult CMPB on those enclaves assessed to be not suitable for incorporation into country parks. He remarked that the public might expect CMPB to deliberate on the suitability for designation of the 54 enclaves on a case-by-case basis and then make suggestions to the Administration as appropriate. Should the Authority uphold its decision not to consult CMPB, the public might not know the Authority's decision and the outcomes of these enclaves because that the decision and the outcomes were presented at the closed CPC meetings but not the open CMPB meetings. When the outcome for these enclaves was made known to the public, the public might misunderstand that members had not discharged their duties properly. He was of the view that the Authority could also consult CMPB on those enclaves assessed to be not suitable in accordance with the TOR in spite of the fact the Authority's decision complied with the CPO. Should the Authority uphold the decision, he suggested that the Authority should clearly state that it was the Authority's decision not to consult CMPB so as to redress the misunderstanding of the public.

17/14 A member pointed out that CMPB should advise the Authority upon any matter referred to it by the Authority in accordance with the CPO and the TOR. For other matters not referred by the Authority, members could voice their opinions through other channels outside the meeting. He opined that members could always comment on the Authority's decision not to refer any matters to CMPB; however, they should not seek to put forward such matters at the CMPB meeting.

18/14 Dr LEUNG Siu-fai, JP supplemented that for those enclaves assessed to be suitable for incorporation into county parks in accordance with the updated principles and criteria adopted by CMPB, the Authority would consult CMPB for advice. For those enclaves assessed to be not suitable, the Authority would report the outcome to CMPB as appropriate. Members would also be welcomed to express their views to the Authority for consideration.

19/14 In response to members' enquiries, Mr Joseph SHAM replied that the Authority would provide members with the assessment results of the six enclaves that were presented at the CPC meeting on 12 February 2014 in due course.

20/14 A member expressed concern that members were not consulted on those enclaves assessed to be not suitable for incorporation into country parks given that supplementary information about the assessment results of the six enclaves would now be provided to members.

21/14 Mr Alan WONG Chi-kong, JP replied that the AFCD would be exercising its professional judgment to carry out assessment on the suitability for designation of the 54 enclaves as part of country parks in accordance with the updated principles and criteria adopted by CMPB. If an enclave was assessed to be suitable for designation as part of a country park, the Authority would consult CMPB under the CPO. For those enclaves assessed to be not suitable for incorporation into country parks, they would be protected by including them into statutory plans under the Town Planning Ordinance (TPO). The public could express their opinions on the statutory plans during public inspection period.

22/14 In response to a member's enquiry, Mr Joseph SHAM replied that in general it might be possible to consider incorporating a portion of an enclave into a country park on condition that the enclave was large in extent. On the other hand, if an enclave was small or the majority of the open flat land of an enclave was occupied by private land and village areas, the incorporation of the enclave would make the provision of country park facilities and daily management difficult. In this connection, it would not be appropriate to designate the enclave in accordance with the updated principles and criteria. To help CMPB members from being misunderstood by the public, the Authority would upload the assessment results of the six enclave that were presented at the last CPC meeting to AFCD's website, apart from providing the results to members. Besides, members were welcomed to offer their views on these assessment results.

23/14 Dr LEUNG Siu-fai, JP supplemented that at the CPC meeting on 12 February 2014 the Authority had agreed to provide supplementary information about the assessment results of the six enclaves, in particular on conservation value and recreation potential, to members after the information was compiled. He also remarked that the Authority would seek members' views on those enclaves assessed to be not suitable for incorporation into country parks in the future. The Authority would make a final decision taking into account members' views.

24/14 As regard the Chairman's enquiry about whether the Authority would seek members' views on the six enclaves at this meeting, Mr Joseph SHAM replied that the Authority would unlikely change its decision for not incorporating the six enclaves into country parks as the decision was based on AFCD's professional judgement.

25/14 Mr K S CHEUNG briefed members on Working Paper WP/CMPB/1/2014.

26/14 As regards a member's enquiry about the timetable to proceed with those enclaves which had private land and village environs, Mr Joseph SHAM answered that the court ruling was not yet available at the moment. Besides, the statutory procedures involved in country park designation were time-consuming. For example, it was estimated that it might take about a year to complete the statutory procedures for country park designation of the three enclaves. It was hence the plan of the Authority to proceed with those enclaves with no private land or village environs first. Once there was a clear court ruling, the Authority would review the timetable as and when appropriate.

27/14 In response to a member's enquiry about why the three enclaves of Fan Kei Tok, Sai Lau Kong and the Site near Nam Shan (the three enclaves) had not been incorporated into the respective country parks in 1970s, Mr K S CHEUNG explained that at that time relevant rural committees or Heung Yee Kuk pointed out that there were human settlements or village houses in these enclaves though indigenous villages might not exist. Hence, they had requested the then government not to incorporate these three enclaves into country parks. He also replied that the Government land licences in the enclaves of Sai Lau Kong and the site near Nam Shan would not be affected by their designation as country parks.

28/14 Mr Joseph SHAM replied to a member that AFCD would discuss with relevant parties about the possible impacts on the Short Term Tenancy of a drug treatment and rehabilitation centre at Sai Lau Kong to the proposed designation of the enclave as part of a country park.

29/14 Mr Joseph SHAM addressed a member's enquiry that an enclave could still be designated as part of a county park under the CPO after it had been included into an Outline Zoning Plan (OZP) under the TPO since both the CPO and TPO are independent of one another.

30/14 Ms WOO Jacinta Kit Ching supplemented that should a Country Park be designated after an OZP had been prepared, a "Country Park" zoning would be reflected on the OZP accordingly.

31/14 Ms WOO Jacinta Kit Ching addressed the Chairman's enquiry that Planning Department would consult relevant government departments and stakeholders on suitable land uses to be designated on an OZP during the plan-making process. Appropriate land use zoning such as "Conservation Area" or "Coastal Protection Area" would be designated for conservation purpose.

32/14 A member supported in-principle the proposed designation of the three enclaves. He suggested that the Authority should consult the villagers of Sai Lau Kong and the site near Nam Shan and explain the effects of country park designation of the enclaves to them as soon as possible. He also suggested that the Authority should explore the applicability of Management Agreement Scheme after incorporation of these enclaves. Lastly, he suggested that the Authority should consider the implications of the need to meet the requirements on sewage disposal and fire safety of the drug treatment and rehabilitation centre at Sai Lau Kong.

33/14 Mr Joseph SHAM replied to a member's suggestion that the Authority would consider seeking legal advice about the proposed designation of the enclaves of Sai Lau Kong and the site near Nam Shan as part of country parks if necessary.

34/14 In response to a member's view that the six enclaves should be incorporated into country parks since their conservation value were not lower than that of the three enclaves, Mr Alan WONG Chi-kong, JP pointed out that whether an enclave would be suitable for incorporation into a country park should be assessed in accordance with the full set of principles and criteria established by the CMPB in 2011 in a holistic manner. Conservation value was only one of the several criteria.

35/14 Mr K S CHEUNG answered a member's enquiry and confirmed that according to the Lands Department there was neither an indigenous village nor private land in the enclaves of Sai Lau Kong and the site near Nam Shan.

36/14 A member was concerned about the impact of construction and increasing sewage in the enclave of Hoi Ha on Hoi Ha Marine Park since CMPB would not be consulted on the six enclaves.

37/14 In response to a member's suggestions that the discussion on the proposed designation of the enclaves of Sai Lau Kong and the site near Nam Shan be deferred pending the court ruling on the judicial review application, and legal advice about the proposed designation of the enclaves of Sai Lau Kong and the site near Nam Shan be sought, Mr Joseph SHAM reiterated that legal advice would be sought if necessary.

38/14 Dr LEUNG Siu-fai, JP supplemented that AFCD would arrange prior consultation with relevant stakeholders of the three enclaves (including relevant District Councils, local residents, rural committees, etc. where applicable) before invoking the statutory procedures. The Authority would then report the results of the consultation as well as the progress of the judicial review to CMPB and seek members' views on the way forward.

39/14 A member suggested that the proposed designation of the enclaves of Sai Lau Kong and the site near Nam Shan should not be postponed as there was neither an indigenous village nor private land in these two enclaves. He pointed out that unlike the enclave of Sai Wan, no interests of indigenous villagers were involved in the proposed designation of these two enclaves. Moreover, the views of the residents of these two enclaves should be reported to CMPB after consultation.

40/14 A member supported that the proposed designation of the enclaves of Sai Lau Kong and the site near Nam Shan be postponed, but legal advice should be sought because adverse possession might arise and the interests of the residents would be affected.

41/14 Dr LEUNG Siu-fai, JP replied that the Authority would carry out public consultation and concurrently seek legal advice if necessary. The Authority would report the results of the consultation and any legal advice sought in the subsequent meetings.

42/14 A member agreed with Dr LEUNG Siu-fai, JP that the Authority should proceed with the designation proposals of the three enclaves and report the progress of the proposals in the subsequent meetings.

43/14 A member supported that the Authority should proceed with the designation of the three enclaves as proposed.

44/14 The Chairman summed up that the Authority should take members' views into consideration in proceeding with the proposals.

V. Summary Report of Country Parks Committee (CPC) (Working Paper: WP/CMPB/2/2014)

45/14 Professor CHU Lee-man, Chairman of the Country Parks Committee, presented Working Paper WP/CMPB/2/2014 on issues discussed at the CPC meeting held on 12 February 2014. Members noted the Report.

VI. Summary Report of Marine Parks Committee (MPC) (Working Paper: WP/CMPB/3/2014)

46/14 Dr LI Shing-foon, Eric, Chairman of the Marine Parks Committee, presented Working Paper WP/CMPB/3/2014 on issues discussed at the MPC meeting held on 1 November 2013. Members noted the Report.

VII. Summary Report of Public Relations Committee (PRC) (Working Paper WP/CMPB/4/2014)

47/14 Ms HUI Mei-sheung, Tennessy, JP, Chairman of the Public Relations Committee, presented Working Paper WP/CMPB/4/2014 on issues discussed at the PRC meeting held on 5 November 2013. Members noted the Report.

VIII. Country and Marine Parks Authority Progress Report (Working Paper WP/CMPB/5/2014)

48/14 Mr Joseph SHAM presented Working Paper WP/CMPB/5/2014 on Country and Marine Parks Authority Progress Report for the period from 1 August to 31 December 2013.

49/14 As regards a member's enquiry about the reason for the overall decrease of visitor number during the report period in compared with the corresponding period of last year, Mr Patrick LAI replied that it might be mainly due to higher rainfall in 2013 (i.e. 2,847 mm) as compared with that in 2012 (i.e. 1,927 mm).

50/14 Mr Joseph SHAM answered to a member's enquiries that both AFCD and Hong Kong Tourism Board (香港旅遊發展局) had been reviewing the strategies and measures to promote green tourism. As regards regulation of visitors flow in country parks, AFCD had augmented the management and publicity for country parks. Besides, AFCD was considering cooperation with hiking groups to deal with the matter of visitors flow in country parks, in particular in peak periods and holidays.

51/14 The member suggested that AFCD should step up education and publicity on country parks, in particular about safety and emergency help, to the growing number of visitors from the Mainland.

52/14 The Chairman suggested that AFCD could invite hiking groups to provide information about visitors from the Mainland in country parks for devising suitable management and contingency measures.

53/14 Members noted the Report.

IX. Any Other Business

54/14 As regards a member's enquiry about the blocking of footpath by villagers, Mr Joseph SHAM replied that AFCD would upload the information of closure of hiking trails, footpaths or roads in country parks onto its website at the first moment, whether the closure was due to natural causes or human actions. AFCD would also take appropriate measures and post notice at the scene to advise visitors. Such arrangements were made in the recent closure of the footpath at Sha Lo Wan (沙螺灣). Mr Patrick LAI also briefed members about the blocking of footpath at Sai Wan Village as well as Yi O (二澳) Village and said that the information about the blockage had been uploaded onto AFCD's website.

[Post-meeting note: The blockage of footpath at Sai Wan Village had been resolved on 23 March 2014.]

55/14 A member suggested that AFCD could make use of the Country Parks Hiking Group Patrol Scheme (旅行隊郊野公園巡邏計劃) to disseminate the information about the blocking and fencing and gather relevant information from visitors as well. He also suggested that AFCD should promote the Scheme to the public through the media.

X. Date of Next Meeting

56/14 The Chairman informed members that the date of next meeting was tentatively scheduled for 13 June 2014.

57/14 The meeting was adjourned at 5:40 p.m.

– End –