

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

Date : 8 August 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

Professor Rebecca CHIU Lai-har, JP

Mr CHOW Kwok-keung

Prof CHU Lee-man

Dr Billy HAU Chi-hang

Ms Tennessy HUI Mei-sheung, JP

Dr Eric LI Shing-foon

Ms LO Po-man

Dr NG Cho-nam, BBS, JP

Mr TANG King-shing, GBS, PDSM

Mr TIK Chi-yuen, BBS, JP

Dr K K LIU, JP

Deputy Director of Agriculture, Fisheries and Conservation
(Acting)

Mr Elvis AU Wai-kwong, JP

Assistant Director (Nature Conservation & Infrastructure
Planning), Environmental Protection Department

Ms Karen P Y CHAN

Assistant Director of Lands (Estate Management)

Mr HUI, Eric Kwok Sun, JP

Assistant Director (2), Home Affairs Department

Mr Bobby NG Mang-tung, JP Assistant Director / Development, Water Supplies
Department

Secretary

Mr Patrick TSANG Assistant Secretary (Boards)1, AFCD

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)

Planning Department (PlanD)

Ms Ann O Y WONG Senior Town Planner /NTHQ 1

ABSENT WITH APOLOGIES

Ms Jasminia Kristine CHEUNG

Ms KWAN Sau-wan

Mr LEUNG Wing-hang

Dr Young NG Chun-yeong, MH

Hon WONG Yung-kan, SBS, JP

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

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

Mr Donald CHOY Chi-mun

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

Mr CHUNG Siu-man

Assistant Director / Port Control, Marine Department

OPENING REMARKS BY THE COUNTRY AND MARINE PARKS AUTHORITY

137/12 Dr K K LIU, JP, Deputy Director of Agriculture, Fisheries and Conservation (Acting), on behalf of Mr Alan WONG Chi-kong, JP, Country and Marine Parks Authority (the Authority), congratulated the Chairman for being awarded Bronze Bauhinia Star (BBS).

OPENING REMARKS BY THE CHAIRMAN

138/12 The Chairman welcomed everyone to the meeting, in particular Dr K K LIU, JP, Deputy Director of Agriculture, Fisheries and Conservation (Acting), and Ms Ann O Y WONG, Senior Town Planner/NTHQ 1 of Planning Department, who were attending the meeting for the first time.

139/12 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.

140/12 The Chairman explained that the meeting was to seek Members' views on invoking the statutory procedures under the Country Parks Ordinance (CPO) to incorporate the country park enclaves of Tai Long Sai Wan (Sai Wan), Kam Shan and Yuen Tun into Sai Kung East Country Park (SKECP), Kam Shan Country Park (KSCP) and Tai Lam Country Park (TLCP) respectively.

141/12 The Chairman informed Members that a letter dated 3 August 2012 from Mr Paul ZIMMERMAN, on behalf of 13 green groups, was on table for information.

AGENDA ITEMS

- I. Proposed Designation of the Country Park Enclaves of Tai Long Sai Wan, Kam Shan and Yuen Tun as part of Country Parks
(Working Paper: WP/CMPB/13/2012)**

142/12 The Chairman drew Members' attention that any member who considered he/she had a conflict of interest in the proposed designation should declare his/her interest before the agenda item commenced.

143/12 The Chairman declared that she was a member of the Board of Governors of Friends of the Earth (HK) (香港地球之友董事) but did not actually take part in this particular matter. Members unanimously agreed that the Chairman shall continue to preside over the meeting.

144/12 Dr Billy HAU Chi-hang declared that he was a member of the Board of Directors of The Conservancy Association (長春社理事會成員).

145/12 Dr NG Cho-nam, BBS, JP declared that he was also a member of the Board of Directors of The Conservancy Association (長春社理事會成員) and Vice-chairman of Hong Kong Bird Watching Society (香港觀鳥會副主席).

146/12 The Chairman was of the view that Members had made their declaration adequately and they should not have much involvement in the matter as well as the requests in Mr ZIMMERMAN's letter. Members had no other comments.

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

147/12 Mr Joseph SHAM briefed Members on Working Paper WP/CMPB/13/2012.

(Ms Tennessy HUI Mei-sheung, JP attended the meeting at this juncture.)

148/12 As regards a member's enquiry about whether the Sai Kung District Council (SKDC) reconsidered their position after hearing the report of the Task Force, Mr Joseph SHAM answered that he did not attend the SKDC meeting on 17 July 2012. He learnt from Sai Kung District Office (SKDO) that the SKDC had introduced the report of the Task Force but did not particularly discuss it at the meeting.

149/12 A member was of the view that the Administration should not disregard the opposition and concerns of the public when invoking the statutory procedures.

150/12 Mr Joseph SHAM answered to the member's enquiries that the Authority intended to seek the direction of the Chief Executive (CE) in Council for replacement of the approved maps of the SKECP, KSCP and TLCP in a single batch. He explained that the statutory procedures of the three designation proposals were the same. To economize resources and the Board's effort, it would be desirable to handle the designation proposals including the handling any objections to the three draft maps in one go. As regards the concrete measures to enhance the management and conditions of Sai Wan, AFCD would implement suitable management measures and services, such as, refuse collection, cleansing service, maintenance of existing hiking trails and opening of new trails, upon the designation of the three enclaves as part of country parks. Other government departments had already given their initial response to the requests of local villagers of Sai Wan Village in the Task Force report. For other initiatives to

improve local conditions of Sai Wan Village, he believed that the SKDO would be the co-ordinator and other departments would be willing to offer a helping hand. As regards the setting up of a liaison group or concern group, Mr SHAM pointed out that the Administration had been hearing the views of the community and relevant stakeholders through various channels. The Authority was very willing to listen to the views of local community. In fact, AFCD subject officers had met with Heung Yee Kuk, rural committees and local villagers on many occasions for Sai Wan incident. Together with the Task Force, AFCD subject officers had a lot of discussions with villagers of Sai Wan Village about their concerns and requests, and the discussions were useful.

151/12 The Chairman supplemented that some SKDC Members said at the Task Force meeting on 18 June 2012 that the enclave of Sai Wan had a refuse problem and local villagers had to collect them by themselves. SKDC Members were advised that the Government would allocate more resources to provide litter collection and cleansing service if the enclave were to be incorporated into SKECP.

152/12 A member was of the opinion that the proper way to seek the direction of the CE in Council was to submit the three designation proposals together. He expressed concern about the scenario of bundling effect, namely, the blockage of one proposal resulted in hold-off of all the three proposals.

153/12 Mr Joseph SHAM addressed the member's concern that it was more appropriate to submit the three proposals in a single batch having balanced all factors. He pointed out that each proposal would be considered on its own merits. The Authority considered that it was more effective and efficient for the Board to handle the three proposals together, considering the time and resources to handle objections.

154/12 A member supported the incorporation of the enclaves into country parks. He was of the opinion that the report of the Task Force was reasonable, neutral and did not give a one-sided opposition to the proposed designation. He also believed that the existing framework and management mode of the Administration were sufficient to handle the matter. Hence, the three designation proposals should be handled in accordance with the established procedures under the CPO and no specific condition should be attached, for example, setting up of a concern group, for obtaining consent from relevant parties. He remarked that enhancement measures of government departments after the designation of the enclave of Sai Wan was a separate issue and should not be made a condition for agreeing to the designation.

155/12 A member agreed to the member's view that the setting up of a concern group should not be made a condition. He proposed that the Administration should establish a good mechanism to continue the communication with the villagers of Sai Wan Village after the designation so that the concerns of the villagers could be addressed expeditiously and a good dialogue between the Government and the villagers could be maintained in the future. Mr

Joseph SHAM advised that the Authority would undertake to liaise more directly with the villagers after the designation.

156/12 A member supported the designation proposals. He remarked that the proposed designation of the enclave of Sai Wan should meet the requests of the Task Force. Besides, the designation of the enclave of Sai Wan was a more appropriate measure from the perspectives of conservation and the interests of the villagers because the Administration would allocate more resources for Sai Wan.

157/12 As regards the member's enquiries, the Chairman pointed out that the Task Force had been informed at the meeting on 18 June 2012 that the enclave of Sai Wan had already been included into a Development Permission Area (DPA) plan and would be designated as part of a country park or alternatively covered by an outline zoning plan (OZP) within 3 years after the DPA plan had been gazetted. The Government would allocate resources for the area if the enclave was designated as part of a country park. On the other hand, development on private land within the enclave might not be allowed by the Town Planning Board (TPB) and the Government might not allocate resources if the enclave was covered by an OZP. She highlighted that the enclave would not revert to the state of no planning control that had existed before the DPA plan. Besides, she was of the view that the statutory procedures of designation of the enclave would not be in tandem with the statutory procedures of OZP preparation. She also deemed that the designation would be a more appropriate measure; hence, the invoking of the statutory procedures on the proposed designation of the enclave of Sai Wan would be given priority whilst the preparation of an OZP would be put on hold by Planning Department for the time being.

158/12 Ms Ann O Y WONG advised that Planning Department was very supportive of the proposed designation of the enclave of Sai Wan as part of SKECP from the perspectives of conservation and resource allocation. As regards the planning procedures, she advised that Planning Department would not prepare an OZP to cover the abovementioned enclave as it would be designated as part of SKECP. This would send a clear message to the public that the enclave would be designated as part of a country park rather than a statutory town plan. Since the DPA plan was effective for a period of 3 years until 6 August 2013 by virtue of the Town Planning Ordinance (TPO), the TPB would seek the approval from the CE in Council to extend the period for up to one additional year in case the statutory procedures on the proposed designation could not be completed before the end of the 3-year period. The extension of the period, as a last resort, would allow time for completion of the statutory procedures, including objection hearing.

(Ms LO Po-man attended the meeting at this juncture.)

159/12 A member enquired about whether the enclave of Sai Wan would still be subject to statutory control in the interim if the proposed designation of the enclave of Sai Wan was not

approved by the CE in Council and the preparation of an OZP could not be completed before the end of the effective period of the DPA plan.

160/12 Ms Ann O Y WONG replied that departments concerned would liaise with each other closely to monitor the progress of the proposed designation and prepare the follow-up work as necessary. Relevant Government departments, including Planning Department, would seek AFCD's views about the most appropriate measure to protect the enclave if situation warranted. Since the responses from the public and green groups were quite positive so far, she was prudently optimistic that the Authority could probably complete the required statutory procedures within the specified time frame.

161/12 The Chairman advised that the Authority was well experienced in invoking the statutory procedures under the CPO for replacement of approved maps of country parks; hence, the outcome of the designation proposals should be known in the near future. As Hong Kong would not allow any statutory vacuum, she believed that the statutory plans could be prepared in time. As regards whether the designation proposals of the three enclaves were bundled together in the submission to the CE in Council, her experience showed that they should not be considered as being bundled together because in fact three draft maps, not one map, were submitted to the CE in Council in a single batch. The CE in Council could refer the approved maps individually to the Authority for replacement. By citing that OZPs were often submitted to the TPB in batches or phases, she pointed out that submission of several maps in a batch was a common practice. Hence, there was no bundling of draft maps submitted to the CE in Council. She supplemented that the statutory procedures provided abundant time and opportunities to let members of the public and relevant stakeholders to express their opinions. The Board and the Authority just needed to adhere to the time table.

162/12 Mr Joseph SHAM addressed to a member's enquiries that the Authority would gazette the three draft maps for public inspection for a period of 60 days and publish a notice in Chinese and English newspapers at the same time. Any person aggrieved by the draft maps might lodge objections during the 60-day period. The Authority would, within 6 months from the last day of the period during which objections might be lodged, submit the three draft maps, together with a schedule of objections and representations, to the CE in Council for approval. Hence, the Authority had to complete the statutory procedures within the time limit. He also advised that the Authority would brief the Country Parks Committee on the facilities and measures that would be provided after the incorporation of the enclaves into respective country parks.

163/12 A member supported the proposed designation of the three enclaves as part of country parks.

164/12 A member whole-heartedly supported the proposed designation of the three enclaves as part of country parks. She remarked that the incorporation of the enclaves would

promote Hong Kong ecotourism to a higher level. She suggested that a pier should be considered at Tai Long Sai Wan to enhance the accessibility after striking a reasonable balance between environmental protection and enjoyment of the public as well as tourists. She also proposed that recreational facilities, like campsites and barbecue sites, should be provided in the enclaves after designation.

165/12 A member supported the proposed designation of the enclave of Sai Wan as part of a country park. He was of the opinion that transport for the enclaves should be developed to make them more accessible to the public, in particular families, and the proposals of management measures and recreational facilities should be drawn up for the enclaves so as to enlist stronger public support on the proposed designation of the enclaves.

166/12 A member agreed that communication with the villagers of Sai Wan Village should be continued as there were still opposing views. He remarked that the Authority should communicate more closely with Sai Kung District Office so that the Administration would be more sensitive to public views. He highlighted that the scenario in which the interests of the villagers would be affected due to control of land use after designation did not exist. On the contrary, the villagers would benefit from improvement of the environment and provision of supporting facilities after designation. By adopting this win-win attitude, the worries and concerns of the villagers could be addressed by means of communication.

167/12 Mr Joseph SHAM thanked the Board for supporting the proposed designation of the three enclaves as part of country parks. He undertook that AFCD would endeavour to complete all the statutory procedures of the proposed designation by August 2013.

168/12 The Chairman summed up that the Board unanimously supported the proposed designation of the country park enclaves of Tai Long Sai Wan, Kam Shan and Yuen Tun as part of SKECP, KSCP and TLCP respectively by invoking the statutory procedures under the CPO. She advised the Administration to proceed the statutory procedures as soon as possible. Secondly, Members would unanimously agree to meet for the objection hearing if necessary because it was vital that members of the public and various stakeholders should be allowed to voice their views. Thirdly, the Board wished to attain a win-win scenario. She pointed out that designation of the enclaves as country park area did not mean that the ownership of the private land would revert to the Government. The objective of the designation was to bring along better development and management to the enclaves for public enjoyment. Fourthly, the Authority should continue to maintain and enhance communication with members of the public, including villagers, for all the country park land and not only Sai Wan. She agreed to the members' views that there was no need to adopt a specific approach for Sai Wan which was different from the established practice for the management of country park and communication with villagers. Since the enclaves were new country park areas, Members were interested in knowing the management and improvement measures of transport and ancillary facilities for

the three enclaves. She advised Members that more meetings might be conducted to hear the views of the public because it was unlikely that the public would unanimously support the proposed designation.

II. Date of Next Meeting

169/12 The Chairman informed members that the date of next meeting was tentatively scheduled for 28 September 2012 at 2:30 p.m.

[Post-meeting note: The next meeting was re-scheduled for 17 October 2012 at 2:30 p.m.]

170/12 The meeting was adjourned at 3:30 p.m.

– End –