



第二章 Chapter 2

檢討現行政策及措施

REVIEW OF EXISTING POLICY AND MEASURES

現行政策及措施

2.1 香港現行的自然保育政策，在一九九三年發表的《一九八九年白皮書〈對抗污染莫遲疑〉第二次檢討》中公布。該報告書指出—

“本港的環境保育政策是經過多年演進而成的。概括來說，政策目的是保育美化我們的自然環境，方法包括保護現時的自然保育地區和特色文物¹，找出其他應予保育的地方，並對值得保育但因重要發展計劃而不可避免地失去的自然環境，作出彌補。”

2.2 我們多年來按照這套政策，採取了各項措施，保護具重要生態價值的地點。這些措施包括—

1. 保護文物的工作現已納入民政事務局的政策範疇內。

Existing Policy and Measures

2.1 Our existing nature conservation policy was promulgated in the Second Review of the 1989 White Paper on "Pollution in Hong Kong – A Time to Act" published in 1993. It stated that –

“Our conservation policy has evolved over many years. In simple terms, it seeks to conserve and enhance our natural environment by protecting existing conservation areas and heritage features¹ by identifying new areas for such conservation, and by compensating for areas which merit conservation but which are inevitably lost to essential development projects.”

2.2 Under this policy, we have been implementing various measures to protect sites of high ecological importance. These measures include –

1. The protection of cultural heritage is under the policy portfolio of the Home Affairs Bureau.

- (a) 根據《郊野公園條例》設立郊野公園和特別地區；
- (b) 根據《城市規劃條例》劃定自然保育地帶；
- (c) 根據《野生動物保護條例》設立限制地區；
- (d) 根據《環境影響評估條例》推行法定機制，以避免或紓緩指定工程項目對生態的潛在影響；
- (e) 為重要的生境和物種實施保育計劃；以及
- (f) 公眾教育和宣傳。

郊野公園及特別地區

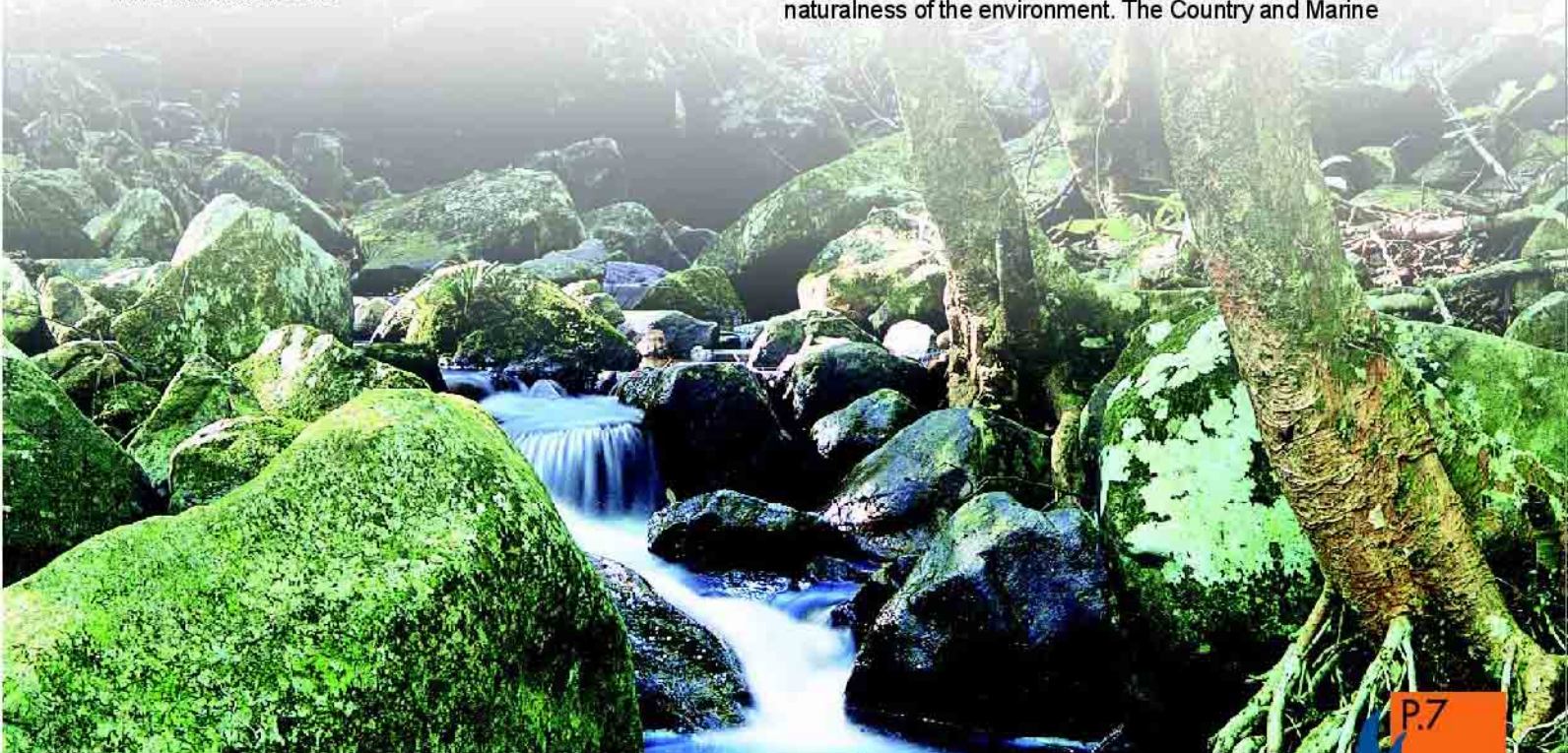
2.3 《郊野公園條例》為在香港指定、管制和管理郊野公園及特別地區制定條文。漁農自然護理署署長擔任郊野公園及海岸公園管理局總監（總監），負責管理這些地區，以達致自然保育和教育目的。與特別地區不同，指定和管理郊野公園的另一目的，是滿足市民在康樂方面的需要。為了使環境保持天然，在郊野公園和特別地區內進行的發展項目及活動均受嚴格規管。郊野公園及海

- (a) the establishment of country parks and special areas under the Country Parks Ordinance;
- (b) the designation of conservation zonings under the Town Planning Ordinance;
- (c) the establishment of restricted areas under the Wild Animals Protection Ordinance ;
- (d) the implementation of a statutory mechanism under the Environmental Impact Assessment Ordinance to ensure that potentially adverse ecological impacts caused by designated projects are avoided or mitigated;
- (e) the implementation of conservation plans for important habitats and species; and
- (f) public education and publicity.

Country parks and special areas

2.3 The Country Parks Ordinance (CPO) provides for the designation, control and management of country parks and special areas in Hong Kong. The Director of Agriculture, Fisheries and Conservation is the Country and Marine Parks Authority ("the Authority") responsible for managing these areas for nature conservation and educational purposes. Unlike special areas, country parks are designated and managed also for meeting the recreational needs of the community. Both developments and activities are strictly regulated in country parks and special areas to preserve the naturalness of the environment. The Country and Marine

大埔滘自然護理區
Tai Po Kau Nature Reserve



岸公園委員會是根據《郊野公園條例》成立的法定諮詢組織，就指定和管理郊野公園和特別地區的事宜，向總監提供意見。

2.4 《郊野公園條例》規定，政府及私人土地均可指定為郊野公園，但只有政府土地才可被指定為特別地區。與郊野公園相比，特別地區面積較小，覆蓋具較高生態價值的地區，並且專門作自然保育和教育用途。

土地用途分區制度

2.5 《城市規劃條例》所訂的土地用途分區制度，目的是藉著規管土地用途，達到個別地區的指定規劃意向。這套制度也用作保育工具，保護生態易受破壞的地點免受發展計劃和與保育目的不協調的土地用途影響。一般來說，根據《城市規劃條例》擬備的法定規劃圖則，具特殊科學價值地點、自然保育區及海岸保護區都被視為自然保育地帶。政府及私人土地均可劃為具特殊科學價值地點、自然保育區或海岸保護區。與劃定其他用途地帶一樣，劃定自然保育地帶的建議由城市規劃委員會（城規會）提出，並由行政長官會同行政會議批准。

Parks Board is a statutory advisory body established under the CPO to advise the Authority on matters relating to the designation and management of country parks and special areas.

2.4 CPO provides that both government land and private land may be designated as country parks, while only government land can be designated as special areas. Compared to country parks, special areas are smaller in size and comprise areas of higher ecological value. Special areas are dedicated solely to nature conservation and educational uses.

Land use zoning system

2.5 The land use zoning system under the Town Planning Ordinance (TPO) aims to regulate land uses for meeting specified planning intentions of individual areas. It is also used as a conservation tool to protect ecologically sensitive sites from development and incompatible land uses. Site of Special Scientific Interest (SSSI), Conservation Area (CA) and Coastal Protection Area (CPA) are generally regarded as conservation zonings designated on statutory town plans under the TPO. Both government and private land can be zoned as SSSI, CA or CPA. Like other zoning



香港仔郊野公園
Aberdeen Country Park

2.6 劃定具特殊科學價值地點的目的，是保護本港具科學價值的地區，例如有稀有動植物種生長的地區或具代表性的生境。這類地點受嚴格管制；除非得到城規會批准，否則幾乎所有新建議的土地用途均不能進行，即使農業活動也不例外。劃定自然保育區及海岸保護區的目的，是保護這些地區的自然特色和景觀。劃定這些地區，有時並非為了其生態價值，而是為了保護景觀和其他保育方面的價值。除了農業和與保育有關的活動（例如植樹）外，任何其他類別的土地用途均須經城規會批准。

2.7 與郊野公園和特別地區不同，政府並沒有參予管理由土地用途分區機制所劃定的自然保育地帶。政府的角色主要限於由規劃署執行《城市規劃條例》，確保這些土地不會用作未經准許的用途。

designations, these conservation zonings are recommended by the Town Planning Board (TPB) for the approval of the Chief Executive in Council.

2.6 SSSI are designated to protect areas of scientific interest such as areas with rare fauna or flora species or representative habitats in Hong Kong. Stringent control is imposed on land zoned as SSSI where nearly all proposed land uses including agricultural activities cannot be carried out unless with TPB's approval. CA and CPA are designated to protect the natural character and landscape of the sites. Sometimes they are designated to protect the landscape features or other conservation values of a site instead of its ecological value. Other than agriculture and activities related to conservation such as tree planting, all other types of land uses would require TPB's approval.

2.7 Unlike country parks and special areas, the land use zoning mechanism does not involve any active management of the conserved areas by the Government. The Government's role is mainly restricted to enforcement by the Planning Department of the TPO to ensure that the land is not put to non-permitted uses.

米埔內后海灣拉姆薩爾濕地
Mai Po Inner Deep Bay Ramsar Site



限制地區

2.8 《野生動物保護條例》就指定限制地區制定條文，以保護重要的生境免受干擾。漁農自然護理署（漁護署）實施許可證制度，限制未經許可人士擅闖這些地區。

環境影響評估

2.9 《環境影響評估條例》於一九九八年生效，有助保護具重要生態價值的地區免受發展項目影響。該條例規定指定工程項目的倡議人須盡可能避免對環境造成不良影響；如完全避免並非切實可行，也須把這些影響紓緩至可以接受的程度。

重要生境及物種的保育計劃

2.10 漁護署一直不斷推行各項保育計劃，以保護在本港發現的重要生境和物種，確保它們能繼續得以保存，生生不息。舉例來說，米埔內后海灣拉姆薩爾濕地的保育管理計劃由一九九八年開始實行，目的是推動這些濕地的保育工作和鼓勵善用這些濕地，並讓市民更明白濕地的重要性。

Restricted areas

2.8 The Wild Animals Protection Ordinance (WAPO) provides for the designation of restricted areas to protect important habitats from disturbance. Access to these areas is restricted through a permit system administered by the Agriculture, Fisheries and Conservation Department (AFCD).

Environmental impact assessment

2.9 The Environmental Impact Assessment (EIA) Ordinance which came into operation in 1998, helps to protect ecologically important areas from adverse development impact by requiring proponents of designated projects to avoid causing adverse environmental impact as far as practicable. If total avoidance is not practicable, the project proponents are required to mitigate the adverse impact to an acceptable level.

Conservation plans for important habitats and species

2.10 AFCD has been implementing conservation plans for the protection of important habitats and species found in Hong Kong to ensure that they will continue to survive and sustain. For example, the conservation management plan for the Mai Po Inner Deep Bay Ramsar Site has been implemented since 1998 to promote the conservation and wise use of the wetlands therein, and to raise public awareness about their importance.



中華白海豚
Chinese White Dolphin



綠海龜
Green Turtle

2.11 漁護署已為重要物種(包括中華白海豚、綠海龜及黑臉琵鷺)制訂保育計劃。在中華白海豚方面,漁護署採取“四管齊下”的保育方式,包括妥善管理、公眾教育、研究和跨境合作,使珠江口的中華白海豚能繼續以香港水域作為其活動範圍的一部分。此外,除了根據《野生動物保護條例》在綠海龜產卵季節把南丫島深灣劃定為限制地區外,漁護署亦安排人員清理該地點的草木和垃圾,以及監察綠海龜的產卵情況。同時漁護署已經為黑臉琵鷺制訂保育計劃。該項計劃包括多項優先進行的工作,目的是改善濕地生境,讓黑臉琵鷺在冬季到來覓食和棲歇。

公眾教育和宣傳

2.12 政府的自然保育工作要取得成效,市民的支持和參與是不可或缺的。為此,漁護署不斷為社會各界舉辦各類活動,包括植樹計劃、林務工作營、由專人帶領的參觀活動和健行活動等。此外,漁護署也印製了一些單張、小冊子和海報,以及製作視像光碟,介紹本港各種引人入勝的野生生物,並講解保護我們寶貴的自然環境和尊重野生生物的需要及方法。

2.11 AFCD has developed conservation plans for important species including the Chinese White Dolphin, Green Turtle and the Black-faced Spoonbill. For the Chinese White Dolphin, AFCD has adopted a four-pronged conservation approach involving management, public education, research and cross-boundary cooperation to enable the species to continue to use Hong Kong waters as a portion of their population range in the Pearl River Estuary. Moreover, apart from designating Sham Wan Beach, Lamma Island as a restricted area under WAPO during the nesting season of Green Turtle, AFCD arranges for clearing of vegetation and rubbish at this nesting site and monitors the laying of eggs. A conservation plan has also been developed for the Black-faced Spoonbill. The plan contains prioritized actions aimed at improving the wetland habitats for the species' feeding and roosting during winter.

Public education and publicity

2.12 Public support and participation are essential to the success of our conservation efforts. AFCD has been organising a wide range of activities for different sectors of the community including tree-planting schemes, forestry work camps, guided visits, hiking festivals, etc. In addition, AFCD has been publishing leaflets, booklets and posters, and producing VCDs to introduce the attractive wildlife found in Hong Kong and to explain the need and ways to protect our precious natural environment and respect wildlife.

團體導覽
Guided tour for visitors



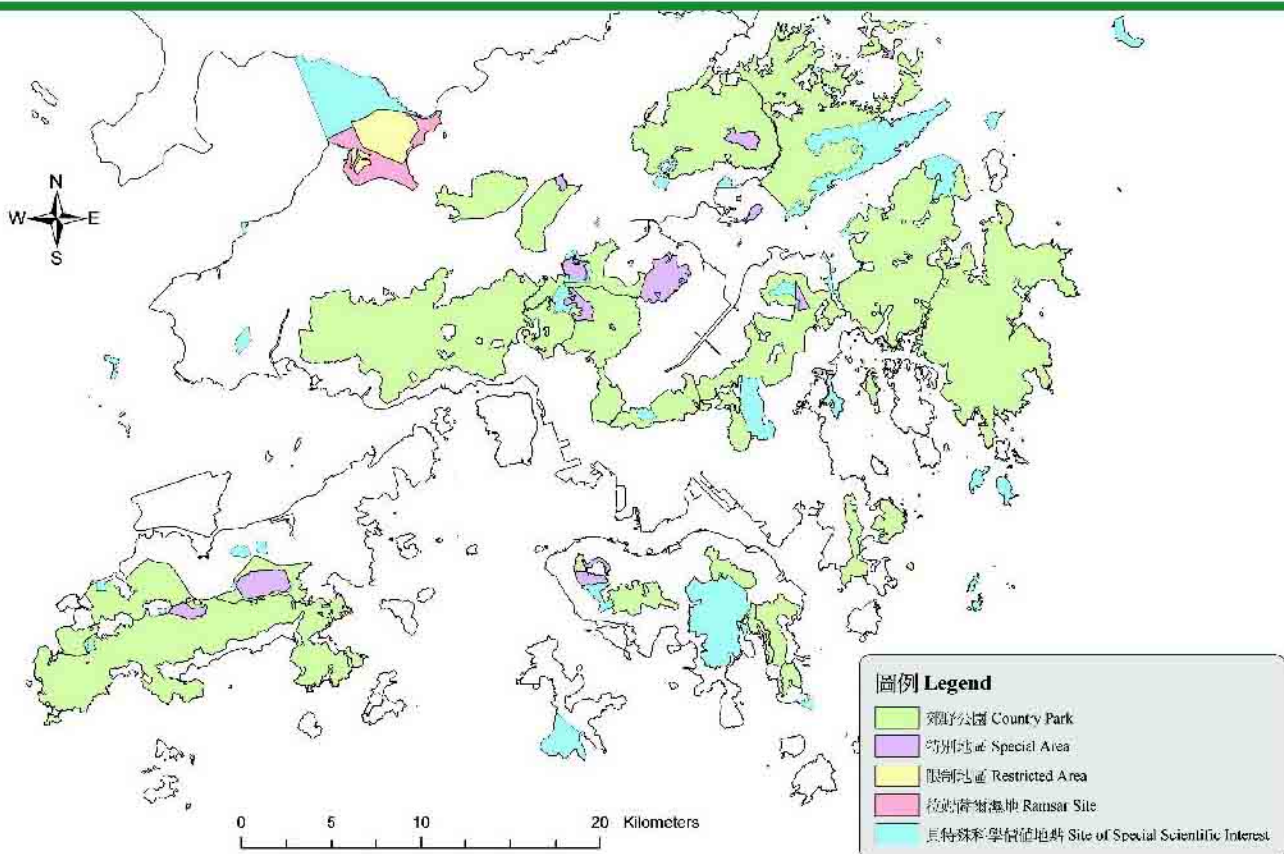
保育工作和成效

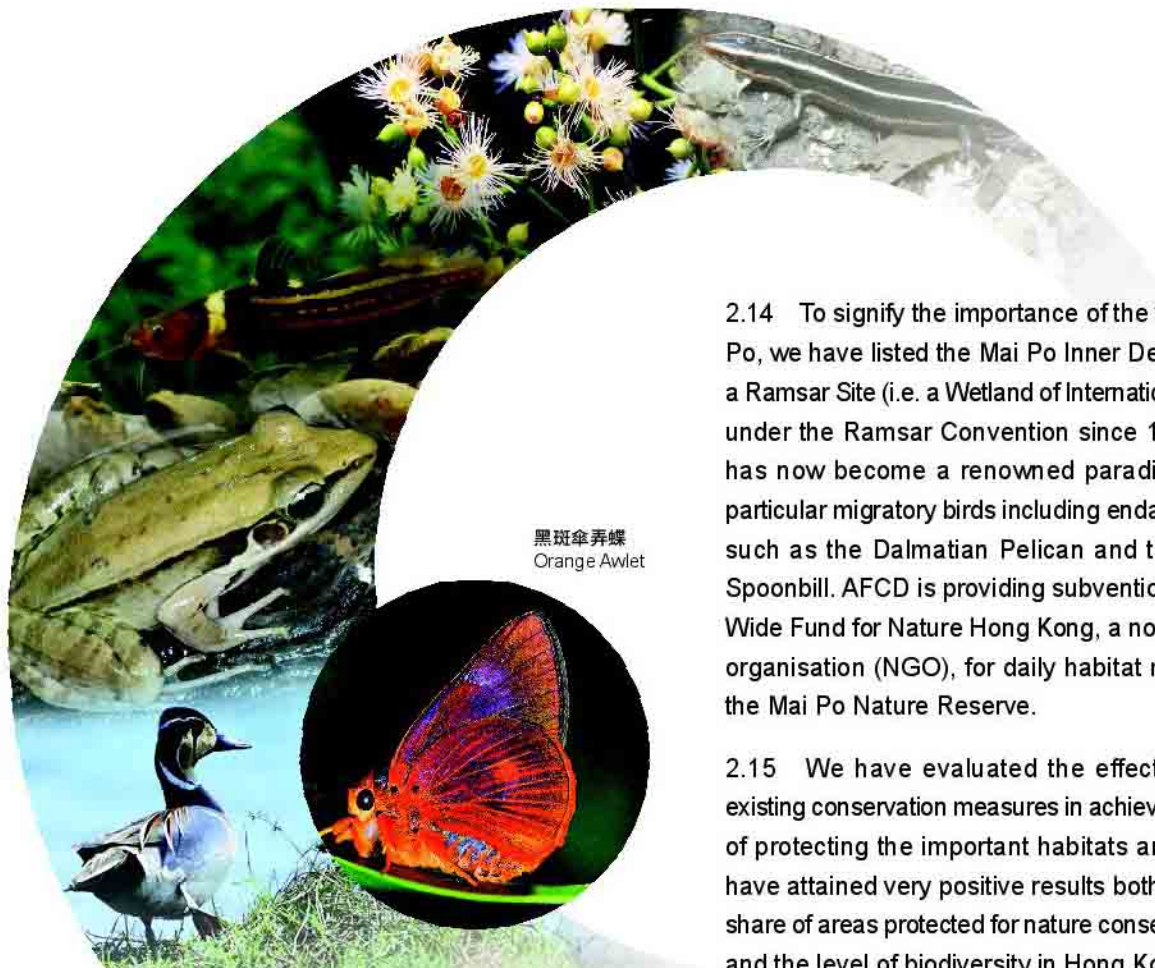
2.13 我們採用了“生境為本”的方式以達致自然保育的目的，我們藉著指定不同的保育地區（包括郊野公園、特別地區和自然保育地帶），保護重要的生境。目前，本港已指定 23 個郊野公園和 15 個特別地區（其中 11 個位於郊野公園範圍內），總面積約 41,600 公頃，覆蓋全港超過 60% 的林區、55% 的灌木林、40% 的草原、所有淡水庫和大部分溪澗源頭，以及在這些生境內的動植物。這些地區由漁護署積極管理，以便原地保育在這些地區棲息和生長的野生生物。此外，我們已把另外 6,600 公頃的土地劃為具特殊科學價值地點、自然保育區或海岸保護區，保護這些地區免受發展威脅。我們也根據《野生動物保護條例》，把三個已劃為具特殊科學價值地點的重要生境指定為限制地區，使這些地區得到更全面的保護，免受人類干擾。這三個地點包括米埔沼澤 / 內后海灣（鳥類保護區）、鹽灶下鷺鳥林（鷺鳥築巢的地方）及深灣（瀕危的綠海龜的產卵地）。

Conservation Efforts and Achievements

2.13 We have adopted a "habitat approach" in pursuit of the nature conservation objective by protecting important habitats through various conservation designations including country parks, special areas and conservation zonings. We have so far designated 23 country parks and 15 special areas (11 of them are within country parks) with a total area of about 41,600 hectares. They cover over 60% of the forests, 55% of the shrub land, 40% of the grassland, all the freshwater reservoirs and most of the stream origins in the territory, and the fauna and flora associated with these habitats. These areas are under the active management of AFCD, which enables the in-situ conservation of the wildlife there. Moreover, we have designated another 6,600 hectares of land as SSSI, CA and CPA to protect them from development threats. We have also designated three important habitats that are already zoned as SSSI as restricted areas under WAPO, viz. Mai Po Marshes/Inner Deep Bay (bird sanctuary), Yim Tso Ha Egretty (nesting site of egrets) and Sham Wan Beach (nesting site of endangered Green Turtles), to further protect the areas from human disturbance.

香港的保護區
Protected area system in Hong Kong





黑斑傘弄蝶
Orange Awlet

2.14 一九九五年，我們根據《拉姆薩爾公約》把米埔及內后海灣列為拉姆薩爾濕地（即具有國際重要性的濕地），以顯示其重要性。這個地區現已成為著名的雀鳥天堂，特別是候鳥，其中包括卷羽鵝鵝及黑臉琵鷺等瀕危品種。漁護署也資助世界自然（香港）基金會（屬非政府機構）在米埔自然保護區進行日常的生境管理工作。

2.15 我們評估過現行保育措施在保護重要生境和物種方面的成效。無論從受保護地區所佔的比例，還是從生物多樣性來看，我們都已取得理想的成績。

2.16 到目前為止，現行的保護區制度所覆蓋的土地面積約達 48,200 公頃，相當於全港土地的 43%。這些地區中，有些指定為郊野公園或特別地區，有些則劃為自然保育地帶，全都受到保護，以達到自然保育目的。在這方面，香港較很多經濟發展相若的城市 / 地方優勝。此外，雖然香港只是彈丸之地，而且多年來發展迅速，但是生物多樣性仍然非常豐富。可以在本港找到的動植物種類繁多，包括超過 3,100 種維管束植物、約 50 種哺乳類動物、450 種雀鳥、80 種爬蟲類動物、超過 20 種兩棲類動物和 140 種淡水魚。昆蟲的種類也很多，包括超

2.14 To signify the importance of the wetlands in Mai Po, we have listed the Mai Po Inner Deep Bay area as a Ramsar Site (i.e. a Wetland of International Importance) under the Ramsar Convention since 1995. The area has now become a renowned paradise for birds, in particular migratory birds including endangered species such as the Dalmatian Pelican and the Black-faced Spoonbill. AFCD is providing subventions to the World Wide Fund for Nature Hong Kong, a non-governmental organisation (NGO), for daily habitat management of the Mai Po Nature Reserve.

2.15 We have evaluated the effectiveness of the existing conservation measures in achieving the objective of protecting the important habitats and species. We have attained very positive results both in terms of the share of areas protected for nature conservation purpose and the level of biodiversity in Hong Kong.

2.16 So far, about 48,200 hectares, or 43% of Hong Kong's land area are put under the current protected area system, i.e. designated as country parks, special areas or put under conservation zonings, and protected for nature conservation purpose. This compares favourably with other cities/places at a similar stage of economic development. Moreover, despite its small size and rapid development over the years, Hong Kong still enjoys a rich biodiversity. A wide variety of plants and animals can be found here including over 3,100 species



香港鬥魚
Hong Kong Paradise Fish



植樹運動
Tree planting activities



過 230 種蝴蝶和 100 種蜻蜓。大多數野生生物，都可以在本港受保護的地區內找到。

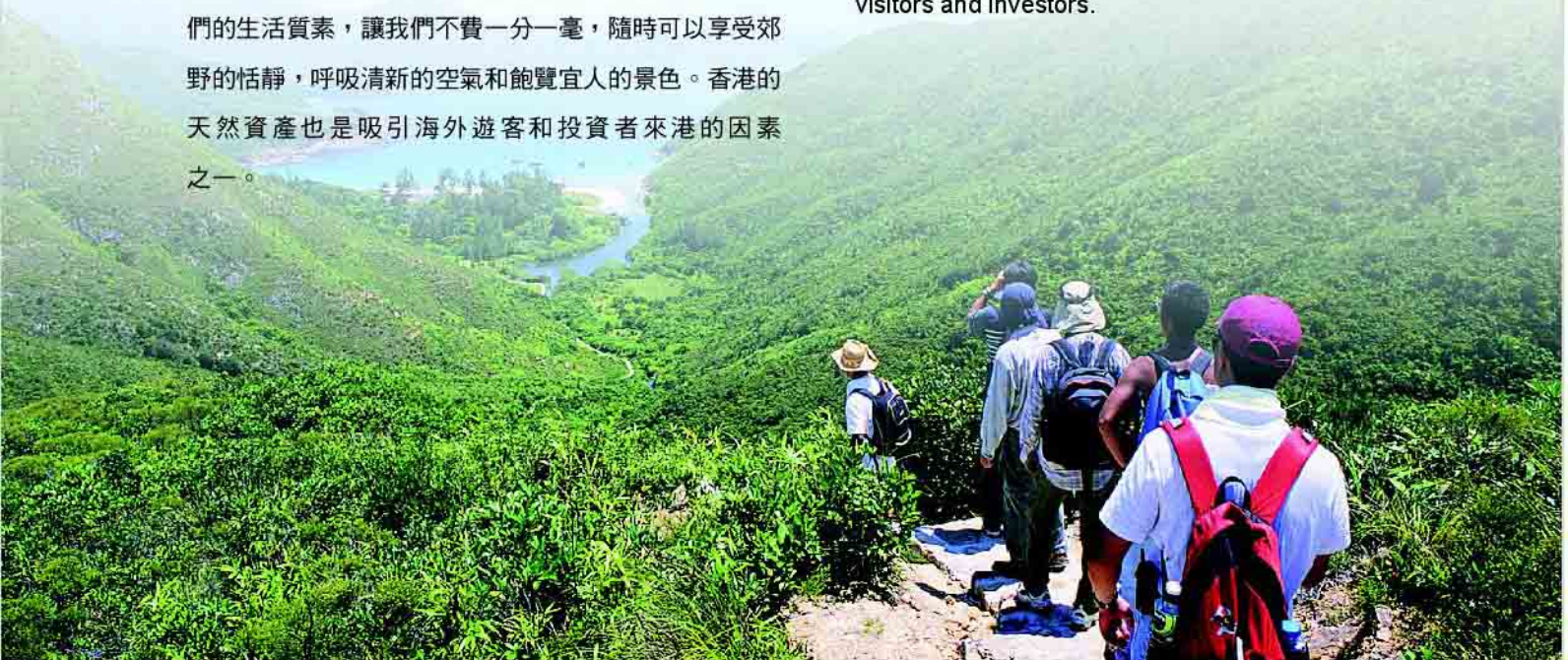
2.17 現時通過不同機制劃定的保育地區，不但為野生生物提供棲息和生長的理想環境，更可讓發展商在初步策劃階段已掌握充足的資料，及早避開生態易受破壞的地區。此外，郊野公園也發揮重要的教育和康樂功能。郊野公園一方面蘊藏豐富的野生物種，為推動自然保育教育和有關的科學研究提供寶貴的資源。另一方面，23 個郊野公園內也不乏山明水秀的景點。不少郊野公園位於市區邊緣，交通十分方便，是進行戶外康樂活動（例如遠足、露營、燒烤和野餐）和生態旅遊的好地方。每年前往郊野公園遊玩的人次超過 1,000 萬。

2.18 我們致力保存的自然環境，是屬於香港這一代及未來世世代代的寶貴資產。大自然不但提供了翠綠的背景，美化我們的城市景貌和居住環境，而且能夠提高我們的生活質素，讓我們不費一分一毫，隨時可以享受郊野的恬靜，呼吸清新的空氣和飽覽宜人的景色。香港的天然資產也是吸引海外遊客和投資者來港的因素之一。

of vascular plants, some 50 species of mammals, 450 species of birds, 80 species of reptiles, more than 20 species of amphibians and 140 species of freshwater fish. Insect diversity is also very high with more than 230 species of butterflies and 100 species of dragonflies. Most of the wildlife is already represented in our protected areas.

2.17 The areas currently put under various conservation designations not only offer a sanctuary for wildlife, but also facilitate informed planning by developers who can avoid ecological sensitive areas at the early planning stage. Country parks also serve important educational and recreational functions. On one hand, they harbour a diversity of wildlife that provides valuable resources for promoting conservation education and related scientific researches/studies. On the other hand, there are many scenic sites with spectacular landscapes within the 23 country parks. Many country parks are located at the urban fringe and are easily accessible by the public. They are great venues for outdoor recreational activities such as hiking, camping, barbecue and picnic, and for eco-tourism. Every year, the country parks attract over 10 million visitors.

2.18 The natural environment that we have preserved is a valuable asset belonging to the people of Hong Kong and their future generations. It provides a green backdrop that enhances our city's landscape and living environment, and improves the quality of life by providing easy and free access to the tranquillity of the nature, fresh air and scenic views. This natural asset has also become one of the attractions of Hong Kong to overseas visitors and investors.



牛背鷺
Cattle Egret



不足之處

2.19 現有的保育措施雖然有助保護本港具重要生態價值的地區和孕育豐富的生物品種，但也有不足之處。對於某一個地點是否應予保育，不時引起爭論。假如發展建議與自然保育目的有抵觸，爭論尤其熱烈。此外，也有人批評現行措施未能充分保育具重要生態價值但由私人擁有的地點。

2.20 概括地說，自然保育實際上是保存生物多樣性，包括保護、維持、持續利用、修復和改善自然環境。為了確保香港得以持續發展，我們須在經濟、社會和環境方面的需要之間取得平衡。我們必須尋求方法，挑選值得保育的地點，以及決定合適的保育措施和保育工作的優先次序。然而，我們目前沒有一套客觀和有系統的制度，可用來評估個別地點的生態價值。

2.21 對於何謂具重要生態價值的地點，不同的人可能有不同看法。對於是否值得為了達到自然保育目的而保護某一個地點及應如何保護是不容易解答的問題。舉例來說，假如某個地點有一種在香港罕見但在內地常見的植物，我們會難以決定這個地點是否具有重要生態價值。另外，假如某個地點有一種稀有的蝴蝶，而另一地點有很多青蛙品種，我們也不能比較兩者在生態方面的重要性。凡此種種，不時都會引起爭論，爭論的問題是

Limitations

2.19 Although the existing conservation measures have contributed to the protection of significant areas of ecological value and rich biodiversity in the territory, they are not without limitations. From time to time, there are debates on whether a site should be conserved especially when the nature conservation objective conflicts with development proposals. There are also criticisms about the inadequacy of the existing measures in conserving ecologically important sites under private ownership.

2.20 Nature conservation, in its broad term, is essentially the conservation of biodiversity. It includes protection, maintenance, sustainable utilization, restoration and enhancement of the natural environment. To ensure the sustainable development of Hong Kong, we have to strike a balance among economic, social and environmental needs. We need ways to identify sites that deserve conservation, and decide the appropriate conservation measures as well as the priority for action. Yet, currently we do not have a system for evaluating the ecological value of individual sites in an objective and systematic manner.

2.21 Different people may have different views on what should constitute an ecologically important site. There are no easy answers to the questions of whether a particular site is worthy of protection for nature conservation purpose and what sort of protection it should be accorded with. For instance, it is difficult to decide whether we should regard a site with a plant species that is rare in Hong Kong but abundant in the Mainland one of high ecological importance. We cannot compare the ecological importance of a site with a very

豪豬
Chinese Porcupine



應否保護某個地點，若然的話，應進行哪些保育工作和如何釐定優先次序。有時，這些爭論或會影響發展項目的策劃工作。

2.22 此外，現有的生態資料在覆蓋範圍及仔細程度上有所不足。我們需要一個全面的生態資料庫，以便制訂和實行自然保育政策和措施，以及策劃發展項目。

2.23 保育私人土地上具重要生態價值的生境，是另一個備受關注的問題。政府可以利用現行的保育措施，透過土地規劃規管土地用途，藉此保護這些地點免受發展威脅。然而，由於有關土地屬私人擁有，只要土地用途符合用途分區管制的規定，即使某些人在這些土地上進行的活動與自然保育目的有抵觸或會影響生境（例如改變耕作模式、進行模擬戰爭遊戲，以及在這些土地上駕駛越野車輛），政府也不能禁止。雖然《郊野公園條例》的確訂有條文，對在郊野公園內進行與環境不協調的活動施加限制，但是現時大多數甚至所有土地擁有人都會強烈反對政府把他們的土地指定為郊野公園或劃作一般的自然保育用途，因為他們認為這會影響其名下土地將



盧氏小樹蛙
Romer's Tree Frog

rare butterfly species with one that supports a rich diversity of frog species. All these give rise to debates from time to time on whether and, if so, what sort of nature conservation efforts and priority for action should be accorded to particular sites. These debates may in turn affect planning of development projects.

2.22 Moreover, the ecological information currently available is not extensive enough in respect of areas covered and details of information collected. We need a comprehensive ecological database that can facilitate the formulation and implementation of nature conservation policy and measures as well as planning of development projects.

2.23 Conservation of ecologically important habitats under private ownership is another major concern. With the existing conservation measures, the Government can protect these sites from development threats by regulating the land use through zonings. However, so long as the land use complies with the zoning control, due to their private land status, the Government cannot prohibit human activities carried out on the land even if they may not be compatible with the conservation objective or may cause adverse impact on the habitats, e.g. change of agricultural practices, war games and use of off-road vehicles. The CPO does contain provisions that restrict the conduct of incompatible activities in country parks. However, most, if not all, of the landowners nowadays would strongly resist any proposal to designate their land as country parks or, generally, for nature conservation purpose because, in their view, this would affect the potential of future development of their land. This is despite the fact that most of these sites are under agricultural leases and



益母草
Mother-wort

來的發展潛力。雖然這些地點大都以農地租約批租，而根據這些租約，土地擁有人並無發展權，即是除非獲得政府批准，否則不得在這些土地上搭建建築物或構築物，但是這些土地擁有人仍認為他們土地的發展潛力會因而受到限制。

2.24 為了更有效達到自然保育目的，我們除了繼續進行現時的工作，保護重要的生境和物種外，還須尋求其他切實可行的措施，以補上述不足之處。由於資源有限，我們首先須設立一套制度，為挑選須優先加強保育的地點，提供清晰而客觀的指引。如要保育私人土地上的重要生境，顯然需要土地擁有人和其他利益相關者的支持和合作才能成功。因此，我們須探討新的方法，加強與他們的伙伴關係，力求達到自然保育的目的。一方面，私人土地擁有人有權使用其名下土地，另一方面，市民也有權和希望享受優美的自然環境。我們必須在兩者之間取得平衡。

therefore by virtue of these land leases, the landowners have no development right in terms of erecting buildings or structures on their land except with the approval of the Government.

2.24 To better achieve the nature conservation objective, apart from continuing the existing efforts in protection of important habitats and species, we need to explore whether there are other practicable measures to address the limitations mentioned above. Since resources are limited, it is imperative to establish in the first instance a system that provides clear and objective guidelines for selecting priority sites for enhanced conservation. It is evident that conservation of important habitats involving private land would not succeed without the support and cooperation of the landowners concerned and other stakeholders. It is therefore necessary to examine new ways to enhance partnership with them in pursuing the nature conservation objective. In this regard, we need to strike a balance between the rights of landowners over the use of their land on the one hand and the right and desire of the community to enjoy a pleasant natural environment on the other hand.