

No planning rules for 54 country park sites

Officials act to stop development at Sai Wan, but dozens of similar spots are at risk

Cheung Chi-fai

Jul 29, 2010

Fifty-four pockets of private land in or close to country parks are not protected by statutory zoning plans and therefore are vulnerable to development such as that which has defaced a scenic site on Sai Kung's Tai Long Wan coast.

This emerged yesterday as the government began the process of imposing a temporary zoning of the site at Sai Wan - which is surrounded by but not part of the Sai Kung East Country Park - where the millionaire owner has started building a private retreat.

The Agriculture, Fisheries and Conservation Department said it had identified 77 similar sites of which only 23 had zoning plans. But it said it was not ready to publish details of the sites such as their size and owners.

Some of the 54 sites without planning control are abandoned villages in poorly accessible sites in Sai Kung, along the Tolo Channel and on Lantau Island, that had been excluded from the country parks originally because there were settlements or farming activities there, the department said.

Earlier, the *South China Morning Post* ([SEHK: 0583](#), [announcements](#), [news](#)) identified at least 20 such sites in or close to the two Sai Kung country parks, including Pak Lap, Hoi Ha, Lai Chi Chong, Chek Keng and To Kwa Peng. Most of them are not subject to planning control and some of them face imminent development threats such as small house construction.

A spokesman for the conservation department said last night a preliminary assessment of the 54 sites suggested only a few were facing development threats and the department was discussing with other departments the possibility of putting these sites under planning control. It would look into whether the sites should be incorporated into country parks.

The total number of sites was given at a special joint meeting of the Legislative Council environmental affairs and development panels held to discuss conservation and development issues related to Sai Wan.

During the meeting, Secretary for Development Carrie Lam Cheng Yuet-ngor announced she had directed the Town Planning Board on Monday to designate Sai Wan as a development permission area (DPA).

This would outlaw any development not permitted under a DPA plan or without prior approval from the board.

Pledging to put the designation process on the fast track, Lam said a zoning plan was not a development killer and it could not stop the Sai Wan site owner from carrying out works, such as excavation, on his private land.

"This is not going to satisfy all parties since having a plan does not mean nothing can be done on the site," she said, citing the example of the Tai Long Wan zoning plan that still allows village houses.

Lam also stressed that it was unrealistic to expect her colleagues in the Planning Department to draw up plans for other pocket sites within a short period as priority should be given to sites under development pressure or with high ecological value.

Apart from the zoning issues, the Sai Wan case has also renewed the debate over how nature conservation can best be achieved as landowners defend their property and development rights while the government has so far resisted resuming sites for nature conservation purposes.

Lawmaker Cheung Hok-ming, also vice-chairman of the Heung Yee Kuk that represents indigenous New Territories villagers, called for a fund to compensate landlords who lose their right to develop their properties.

"What justice is it when the developer [of Sai Wan] is treated as a thief and everybody tries to catch him," he said. "It has to be fair. There should be a balance between conservation and development."

Environment minister Edward Yau Tang-wah sidestepped lawmakers' questions about buying up conservation sites with public money or setting up a fund to finance the resumption, instead asking his own questions.

"Is buying up all sites equivalent to conservation?" he asked. "What should we do with sites that just have natural landscape value? Does natural conservation mean not a blade of grass on a site can be touched?"

Yau was accused by lawmaker James To Kun-sun of failing to deliver in his role as environment minister because he had over-emphasised "striking a balance".

Meanwhile, Regina Wu Kam-man, Sai Kung District Lands Officer, said 5,500 metres of the 12,000 square metres of the site excavated at Sai Wan involved government land and prosecution of the contractor was being considered.

Conservation department director Alan Wong Chi-kong said the department was collecting evidence to find out who had commissioned diggers to be moved onto the site.



Kap Man Hang River in Sai Wan is polluted by excavation nearby by a private developer. Photo: Peter Li