



香港地貌岩石保育協會  
Association for Geoconservation, Hong Kong

## 郊野公園及特別地區內的土地發展

本港約有 43%的土地面積為郊野公園和特別地區，但這些範圍內大約有 2%（約 480 公頃）為私人土地。因歷史問題，有些土地契約沒有詳細列明有關用途或仍沒有分區計劃大綱圖/發展審批地區圖，引致政府未能利用土地契約或城市規劃來監管一些土地發展。

這些私人土地，有些位處地質、地貌和生態敏感的地帶附近，價值未必比郊野公園和特別地區低，但因為現行漏洞，以至慘遭破壞。本會自 2008 年 9 月投訴有關政府部門及仍正跟進的馬屎洲骨灰龕場個案就是一個很好的例子，近期的新娘潭三擔籬和大欖雷公田村事件又再彰顯了這嚴重問題。

對於違規的行為，現時的刑罰則太低，欠缺阻嚇力。根據郊野公園及特別地區規例（208A 章），在未得政府批准下不得在郊野公園內摘取任何植物，挖土，建造任何建築物，放置人類遺骸的甕盎，污染溪流等。違者最高可罰港幣 2,000 元及監禁 3 個月，如罪行持續，每日可罰 100 元。如此寬鬆不合時宜的處罰，怎可有效阻嚇違規者？難怪各發展商都目無王法，依然持續違法工程。

要改善現時的狀況，需要從保育、規劃、地政、執法等多個範疇著手。我會促請政府盡快成立一個統籌部門，檢討現行保育及有關政策（包括罰則），堵塞漏洞，以阻止郊野公園範圍內的破壞行為。



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## Development of private sites inside Country Parks and Special Areas

The country parks and special areas account for about 43% of Hong Kong total area with approximately two percent (about 48 hectares) of the country park areas are private sites.

Due to historical reason, many private lots lack a clear indication of the land use in the lease or they are not covered by any outline zoning plan or development permission area plan. As a result, the Government department would not be able to use these ordinances to regulate and stop development on these private sites.

Some of these private sites are adjacent to the geological, geomorphological and ecological sensitive areas while their values are no less than the country park and special areas. However due to existing loopholes, development in these sites are not regulated which result in vast devastation of our country sides. The illegal development of Ma Shi Chau into a columbarium, the case which our Association first reported in Sep 2008 to various Government Department and has been following up, was a typical example. Recent devastation at Sam Tam Lo (Bride's Pool) and Lui Kung Tin (Tai Lam) further exemplified the seriousness of the problem.

Prevailing penalty is too lenient to stop the culprits. According to Country Parks and Special Areas Regulations (Chapter 208A), any person who cuts any plant, dig or disturb the soil; construct any building, deposit any urn containing human remains contravenes the regulation, pollute the river commits an offence and is liable to a fine of \$2000 and to imprisonment for 3 months and an additional fine of \$100 for each day during which the offence has continued. With such extremely lenient and outdated penalty, how can we effectively deter ecovandalism. No wonder the developers have no respect of the law and continue their illegal land developments.

To rectify current out of control situation, we must have a holistic approach covering conservation, planning, lands and execution aspects. Our Association sternly requests the Government to proactively set up a department to coordinate and review all these policies, ordinances and to increase penalties for offences. All the loopholes must be closed. Our country parks must be protected from all illegal acts and developments. The respective Government Departments must be a gate keeper to stop the illegal developments in the country parks.