

LEGISLATIVE COUNCIL BRIEF

Country Parks Ordinance (Chapter 208)

COUNTRY PARKS (DESIGNATION) (CONSOLIDATION) (AMENDMENT) ORDER 2023

INTRODUCTION

At the meeting on 7 November 2023, the Executive Council **ADVISED** and the Chief Executive **ORDERED** that the Country Parks (Designation) (Consolidation) (Amendment) Order 2023 (the Order) (at **Annex A**) should be made under section 14 of the Country Parks Ordinance (the Ordinance). The Order seeks to designate the Robin's Nest Country Park (RNCP) with the area shown in the map (at **Annex B**), which was approved under Section 13(1) of the Ordinance.

JUSTIFICATIONS

2. The proposed RNCP covers about 530 hectares of land and is located at Sha Tau Kok in the North East New Territories, in close proximity to the boundary between Hong Kong and the Mainland. The proposed RNCP is of hilly terrain with secondary woodland, shrubland and upland grassland, presenting a pleasant landscape of high aesthetic value. The site is rich in biodiversity, with over 500 kinds of plant and animal species identified therein, many of which are with high conservation value, such as Red Azalea, Incense Tree, Chinese Grassbird and Chinese Pipistrelle.

3. It is a policy measure stipulated in the Chief Executive's 2023

Policy Address that the Government would designate the RNCP within 2024. The designation of the RNCP will provide statutory protection to the area concerned, thereby conserving the natural environment and biodiversity, preserving scenic landscape as well as cultural heritage resources. It will authorise the Country and Marine Parks Authority (the Authority)¹ to carry out management measures for conservation, recreation and education purposes. The proposed RNCP will also echo with the adjacent Wutong Mountain Scenic Area of Shenzhen, and help create a cross-boundary ecological corridor between Hong Kong and Shenzhen, thereby promoting ecological integration between the two places².

THE APPROVAL PROCESS

4. In accordance with sections 8(1) and 8(4) of the Ordinance, the Authority had prepared the draft map of the proposed RNCP in consultation with the Country and Marine Parks Board (CMPB), and as per section 9(3) of the Ordinance, arranged the same for a 60-day public inspection from 2 December 2022 to 30 January 2023. During the said period, the Authority received four objections against the draft map, which were heard and rejected in whole by the CMPB on 28 March 2023, in accordance with section 11(6) of the Ordinance.

5. Under section 12 of the Ordinance, the Authority submitted the draft map, together with the schedule of objections and the Authority's representations, to the Chief Executive in Council for approval. On 27 June 2023, the Chief Executive in Council approved the draft map in accordance with section 13(1)(a) of the Ordinance (the approved map). The approved map (at **Annex B**) was subsequently signed by the Authority and deposited in the Land Registry as per section 13(4) of the Ordinance, which was notified in the Gazette on 4 August 2023 in accordance with section 13(5) of the Ordinance. Section 14 of the Ordinance provides that

¹ Under section 3 of the Ordinance, the Director of Agriculture, Fisheries and Conservation shall be the Authority for the purposes of the Ordinance.

² The Agriculture, Fisheries and Conservation Department paid a visit to Shenzhen on 15 and 16 June 2023 to discuss and agree with the Planning and Natural Resources Bureau of Shenzhen Municipality and the Shenzhen Wutong Mountain Scenic Area Management Office to take forward the creation of the ecological corridor between the proposed RNCP and the Wutong Mountain Scenic Area of Shenzhen, covering aspects including joint control and cleanup of invasive alien species, exchange of ecological data, establishment of wildlife corridor, etc.

the Chief Executive shall designate the area shown in the approved map to be a country park.

THE ORDER

6. The Order designates the area delineated and coloured pink on the approved map (at **Annex B**) as a country park and, accordingly, amends the Country Parks (Designation) (Consolidation) Order (Cap. 208B) to include the area in the Schedule.

LEGISLATIVE TIMETABLE

7. The legislative timetable is as follows: -

Publication in Gazette	24 November 2023
Tabling at the LegCo	29 November 2023
Commencement of the Order	1 March 2024

OTHER OPTIONS

8. Pursuant to section 14 of the Ordinance, there is no other option to achieve the designation of the proposed RNCP other than by making the Order.

IMPLICATIONS OF THE ORDER

9. The designation of the RNCP would have positive environmental implications in the long run as the designation would help enhance protection and conservation of the concerned Robin's Nest area, and safeguard it from incompatible developments and human activities. As for sustainability implications, the designation of the RNCP will increase the total area of country parks with statutory protection and active

management by about 1.2% which is conducive to the nature conservation in Hong Kong. It would also strengthen the ecological connectivity between the protected areas in Hong Kong and Shenzhen, thereby conserving and enhancing the overall natural landscape, ecology and habitat resources in the region.

10. For the economic implications, the loss in development potential due to the proposed country park designation is considered insignificant given the hilly terrain of the area concerned and the limited baseline development potential for economic activities. On the other hand, the proposed RNCP would be conducive to the development of eco-tourism in the Sha Tau Kok area.

11. For financial and civil service implications, there is operational need to engage a dedicated team of staff to manage the new country park given its remoteness from other country parks. Additional recurrent resources required for the operation and management of the proposed RNCP would be absorbed by existing resources.

12. The Order is in conformity with the Basic Law, including the provisions concerning human rights. There is no impact on productivity, family, or gender. The amendments proposed will not affect the current binding effect of the Ordinance.

PUBLIC CONSULTATION

13. Several rounds of public engagement and consultation exercises, covering relevant stakeholders of various sectors including green groups, academics, professional bodies, district council, Heung Yee Kuk, rural committees, village representatives, advisory bodies and concern groups, for the proposed RNCP were conducted between July 2018 and July 2019. The stakeholders generally supported the designation of the RNCP. Some stakeholders were concerned about the interface between the proposed RNCP and private land and permitted burial grounds, potential traffic impact to Sha Tau Kok area, and some called for early designation of the RNCP. In this regard, the proposed RNCP does not include any village environs, private lands and permitted burial grounds. The Authority has

completed an assessment on the potential increase of traffic demand arising from the establishment of the RNCP, and will follow up with the relevant departments on necessary enhancement measures. Having regard to the time necessary for providing basic recreation facilities in the proposed RNCP, the commencement date of the Order is set on 1 March 2024. Other facility enhancement works will be carried out in the meantime. For example, the revitalisation of the abandoned Lin Ma Hang Lead Mine Cave will be completed tentatively by the end of 2024.

14. In accordance with the relevant provisions of the Ordinance, the Authority had consulted the CMPB, and allowed a 60-day public inspection on the draft map of the proposed RNCP. Members of the CMPB supported the draft map in general, while four objections were received during the public inspection period. The CMPB rejected all the objections in whole after conducting hearing.

PUBLICITY

15. A press release will be issued on 24 November 2023. A Government spokesperson will be arranged to respond to media enquiries.

ENQUIRIES

16. Any enquiries on this brief may be addressed to Mr. Desmond WU, Principal Assistant Secretary for Environment and Ecology (Nature Conservation) of the Environment and Ecology Bureau at 3151 7160, or Dr. Jackie YIP, Assistant Director (Country Parks) of Agriculture, Fisheries and Conservation Department at 2150 6606.

Environment and Ecology Bureau
Agriculture, Fisheries and Conservation Department
November 2023

Country Parks (Designation) (Consolidation) (Amendment) Order 2023

(Made by the Chief Executive under section 14 of the Country Parks Ordinance (Cap. 208) after consultation with the Executive Council)

1. Commencement

This Order comes into operation on 1 March 2024.

2. Country Parks (Designation) (Consolidation) Order amended

The Country Parks (Designation) (Consolidation) Order (Cap. 208 sub. leg. B) is amended as set out in section 3.

3. Schedule amended

The Schedule—

Add

“25. Robin’s Nest Country Park

That area delineated and coloured pink on Plan No. CP/RN^A approved on 27 June 2023 by the Chief Executive in Council and deposited in the Land Registry.”



Chief Executive

15TH NOVEMBER 2023

Explanatory Note

This Order designates an area in the North East New Territories as a country park, to be known as the Robin's Nest Country Park.

2. As a result of the designation, the area is to be controlled and managed in accordance with the Country Parks Ordinance (Cap. 208) and the Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A).

Map of Robin's Nest Country Park

Explanatory Statement

1. AUTHORITY

1.1 This statement forms part of the map of the Robin's Nest Country Park (RNCP), prepared by the Country and Marine Parks Authority under the Country Parks Ordinance (Cap. 208).

2. LOCATION AND BOUNDARIES

2.1 RNCP is located at Sha Tau Kok in the north-eastern part of the New Territories. It is in close proximity to the boundary between Hong Kong and Mainland. The mountain ridges of RNCP and the Wutong Mountain Scenic Area of Shenzhen are connected.

2.2 RNCP is bounded to the north by the Lin Ma Hang Road along its southern kerb from the Lin Ma Hang Lead Mine Site of Special Scientific Interest (SSSI) to its eastern end at Sha Tau Kok Town except the area around San Kwai Tin which has been excluded; to the south-east by a mid-hill boundary which runs mostly along existing features and the contour lines ranging from 90m - 180m broadly parallel to Sha Tau Kok Road with an additional narrow strip of woodland near the Sha Tau Kok Police Station; and to the west by the upper section of the unnamed single-lane road above Wo Keng Shan and the natural slopes above Lin Ma Hang and Tong To Shan Tsuen. RNCP covers an area of about 530 hectares and it does not include any village environs, permitted burial grounds and private lands.

3. OBJECTIVES

3.1 RNCP is a hilly terrain with secondary woodland and shrubland habitats dominating on the northern slopes and forming a continuous blanket of greenery. The southern slopes are predominately covered by upland grassland with sparse shrubland. The area is rural in character with high degree of naturalness presenting a pleasant landscape of high aesthetic value. RNCP is also rich in biodiversity resources of high ecological value. In particular, the southern slopes support a population of the globally-threatened Chinese Grassbird while the Lin Ma Hang Lead Mine SSSI is a bat roosting site and supports one of the most important bat colonies in Hong Kong. The lead mine was also one of the most extensive mining systems in Hong Kong's mining history. Together with the two MacIntosh Forts which are Grade-2 historic buildings, they are the key heritage resources in RNCP.

3.2 RNCP also offers opportunities for outdoor recreation and countryside education. Recreation and education facilities would be provided at suitable locations to facilitate hiking and nature/heritage appreciation by the general public.

3.3 The overall management objectives of RNCP are to conserve the natural environment, its biodiversity and heritage resources, preserve the scenic landscape and promote outdoor recreation, through country park management measures such as hill fire

control, vegetation management, regular patrol and enforcement, and provision of recreation and education facilities at suitable locations to facilitate hiking and nature / heritage appreciation.

4. ACCESS

4.1 There are four major access points for RNCP. At the eastern end, visitors can access via Shan Tsui Village Road between Sheung Tam Shui Hang and Shan Tsui. A new footpath will be constructed next to the Sha Tau Kok Police Station to connect to RNCP. Both accesses will be served by a number of public bus and minibus routes alongside the Sha Tau Kok Road.

4.2 At the western end, visitors can access via the Lin Ma Hang Road and a footpath that connects to Lin Ma Hang village where a long staircase leads to RNCP.

4.3 At the south-western end, access could be made via an unnamed single-lane vehicular access road leading from Wo Keng Shan Road. However, the road is a steep and winding track which is not suitable for the use of general vehicles. It can serve as a hiking track and a controlled access for vehicles of government departments, utilities operators and emergency services.

5. ZONING

5.1 RNCP will be subdivided into conceptual zones appropriate to different uses, an arrangement which can be adjusted to accommodate future requirements.

- (a) Conservation Zone – Areas with conservation interest, including Lin Ma Hang Lead Mine SSSI which is a bat roosting site, the southern grassland slopes which support the Chinese Grassbird, and the northern woodland slopes which connect and form an ecological corridor with Shenzhen Wutong Mountain. Conservation and protection of natural habitats and heritage resources would be the priority of the management of this zone. Disturbance due to human activities would be minimised as far as possible.
- (b) Wilderness Zone – The hilly and less accessible areas serve as a scenic backdrop of Robin's Nest. This zone facilitates public enjoyment of the natural landscape and carrying out of passive recreation activities in harmony with the natural setting such as hiking and nature appreciation.
- (c) Recreation Zone – Conservation is the primary objective of RNCP. The hilly terrain in RNCP also poses constraints to relatively intensive recreation activities such as barbecuing and camping. However, supporting facilities for hiking trail network and viewing points would be provided where appropriate.

6. VISITOR FACILITIES

6.1 Suitable existing footpaths will be upgraded and new footpaths will be constructed to create a hiking trail network for RNCP. Information boards, waymarks and directional signages will be erected as supporting facilities. Picnic sites, rain

shelters, viewing points, seating benches, etc. will also be provided at suitable locations. Information on RNCP and the cultural / historical heritages in the neighbouring villages will be provided near the major entrances of RNCP and through departmental website. The Lin Ma Hang Lead Mine cave will be revitalised as an open museum to showcase its mining history and information on bat ecology.

Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
May 2023