



# 第一章 Chapter 1

## 引言 INTRODUCTION

1.1 在很多人的心目中，香港只是一個地少人多、發展密集的城市 — 摩天大廈林立，街道繁忙。不過，隨著越來越多人發現香港優美的自然環境，並懂得欣賞這些引人入勝的自然景貌和種類繁多的野生生物，這個形象已迅速改變。今日香港，不僅是世界上其中一個重要的商業中心，也是遠足和觀鳥的勝地。

1.2 香港地勢多變，海岸線綿長，自然美景令人目不暇給 — 低處有石灘和潮間帶泥灘，高處有林地和青草遍地的山野。香港雖只是彈丸之地，卻有著多姿多采的自然景貌，鮮有別處可以媲美。香港自然環境的價值不只在於優美的景色。我們有各種不同的生境，為林林總總的動植物提供棲息和生長的地方，其中一些動植物更是

1.1 To many people, Hong Kong is just a small, densely populated and developed city with tall concrete skyscrapers and crowded streets. However, this image is fast changing when more and more people discover and learn to appreciate the beauty of our natural environment that bears fascinating landscapes and a diversity of wildlife. Today, Hong Kong is not only one of the world's leading business centres, but also a good place for hiking and bird watching.

1.2 Hong Kong has a varied topography and a long coastline. Scenically, it has a great deal to offer – a landscape rising from rocky foreshores and inter-tidal mudflats to woodlands, hilly areas covered by open grassland, and a variety of scenic vistas that are rarely matched despite Hong Kong's small area. The value of our natural landscape goes beyond the beautiful scenery. It provides a wide range of habitats to support a variety of animals and plants including some that were first found in and named after Hong Kong, and a few



中區及維多利亞港  
Central and Victoria Harbour



在香港首次發現並以香港命名，另有數種則屬本港特有物種。香港處於溫帶與熱帶動物地理區域的交界，因此得天獨厚，生物品種豐富繁多。此外，香港也位於北極、東亞與澳洲之間的主要候鳥遷徙路線上，不少候鳥每年都會飛到這裡逗留。

1.3 我們的自然環境也為發展康樂、旅遊和教育活動，提供了必須的資源。香港愈趨都市化，這些天然資產也愈加重要。我們需要休憩用地舒展身心；優美恬靜的自然環境能使我們精神煥發。此外，大自然除了是一間活生生的教室外，也有助發展生態旅遊，既可發揮公眾教育的功能，又可帶來經濟收益。

1.4 保護這項寶貴的天然資產需要大家共同努力。政府作牽頭，自一九七六年開始設立郊野公園以來，在過去約三十年持續推行自然保育的計劃。由於鄉郊地區的發展需求與日俱增，政府後來實施土地用途分區管制，改善這些土地的規劃和發展，包括保存它們的自然景貌。《環境影響評估條例》亦在一九九八年生效，列明土地使用者及發展商為保護環境須考慮的參數。

other species that are endemics. Hong Kong's strategic location at the junction of the temperate and tropical zoogeographical regions has contributed to the rich biodiversity of the territory. Moreover, as Hong Kong is located along a major pathway of migratory birds across the Arctic, Oriental, and Australian Regions, many migratory birds visit Hong Kong every year.

1.3 Our natural environment also provides vital resources for recreational, tourism and educational activities. This natural asset is increasingly important as Hong Kong becomes more and more urbanized. We need open space for relaxation. The tranquility and beauty of the natural environment can freshen our minds. Apart from serving as a living classroom for students, our natural environment also facilitates the development of eco-tourism that can both serve public education functions and generate economic values.

1.4 Protection of this valuable natural asset requires the joint efforts of all. The Government takes the lead and over the last three decades has been implementing a continuous programme of conservation with the launching of designation of country parks in 1976. In the light of the increasing development pressure in the rural areas, zoning control was later introduced to regulate land uses for better planning and development including conservation of natural landscape and features. The Environmental Impact Assessment Ordinance, which came into operation in 1998, provides clear protection parameters for users and developers of land.

八仙嶺郊野公園  
Pat Sin Leng Country Park







1.5 本港的土地資源有限，我們既要滿足經濟需要，亦要迎合社會其他需求。發展計劃和相關的人類活動難免會對自然環境造成不良影響，有時甚至與自然保育的目的互相抵觸。我們必須在兩者之間取得平衡，確保在滿足香港的發展需要的同時，不會對自然環境造成不能接受的破壞。

1.6 對於某一個地點是否確實值得保育，近年不時引起爭論。假如有人計劃發展有關地點，爭論尤其熱烈。此外，也有人批評現行的自然保育政策和措施有不足之處，未能充分保育私人土地上具重要生態價值的地點，政府必須就有關事宜作出回應。現在是適當時候檢討現

1.5 There are always competing demands for land to meet economic and social needs. Developments and the associated human activities would unavoidably have an adverse impact on the natural environment and may, in some cases, conflict with the nature conservation objective. We need to strike a proper balance to ensure that Hong Kong's development needs are met without doing unacceptable damage to the natural environment.

1.6 In recent years, there have been debates on whether a particular site really deserves conservation especially when there are plans to develop the site. There are also criticisms about the limitations of the existing nature conservation policy and measures in conserving ecologically important sites that fall under private ownership. The Government has to be responsive and it is highly appropriate that we should conduct a review on the existing nature conservation policy and measures with the objective of identifying areas for further improvement in those regards. Although nature





薄扶林及南丫島景色  
Pok Fu Lam and Lamma Island

行的自然保育政策和措施，以找出可予改善的地方。雖然自然保育的對象包括陸地和海洋生境及物種，但這次檢討主要集中於陸地生態的保育事宜，原因是這方面引起最多爭論和批評。

1.7 本文件載述現行的自然保育政策和措施，以及上述檢討的結果，並就以下事宜徵詢市民及關注團體的意見 —

- (a) 實施計分制，以更客觀和有系統的方式，評估不同地點在生態方面的相對重要性，以期與社會各界就須優先加強保育的地點達成共識；以及
- (b) 尋求切實可行的方法，以有限的資源加強保育私人土地上具重要生態價值的地點。

conservation covers both terrestrial and marine habitats and species, the review is mainly focused on terrestrial conservation that is the centre of the debates and criticisms.

1.7 This document sets out the existing nature conservation policy and measures, and the results of our review. It seeks views from the public and interested bodies on –

- (a) the introduction of a scoring system for assessing, in a more objective and systematic manner, the relative ecological importance of sites with the objective of reaching a consensus within the community on the priority sites for enhanced conservation; and
- (b) practicable ways to better conserve ecologically important sites that are under private ownership within limited resources.







## 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<sup>1</sup>，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 features<sup>1</sup> 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

大埔滢自然護理區  
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





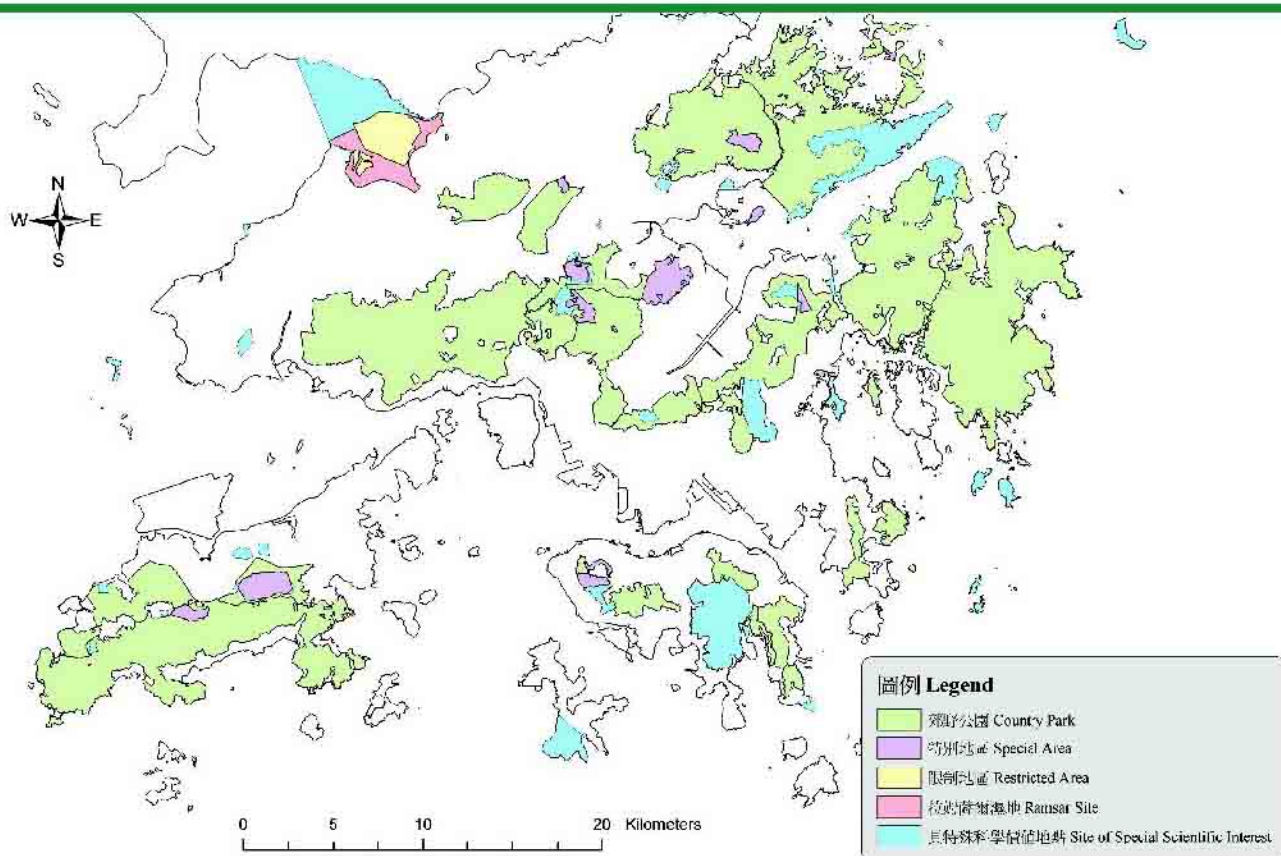
## 保育工作和成效

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／內前海灣（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，其中包括卷羽鵜鶘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  
Rorer'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.







## 第三章 Chapter 3

### 改善建議

## IMPROVEMENT PROPOSALS

#### 採用計分制評估個別地點的生態價值

3.1 我們會繼續透過採用現行的保育工具、就個別生境及物種推行保育計劃，以及適當地加強現行保育地區的管理，以達致自然保育的目的。為了進一步提高保育工作的成效，我們的首要工作是建立一套可靠及廣為人所接受的制度，用以評估個別地點的生態價值，以期與社會各界就須優先加強保育的地點達成共識。我們參考過國際慣例後，擬訂了載於表1的計分制，根據個別地點的獨特生境和生物多樣性，評估其生態價值。這套建議計分制旨在提供一個較為客觀和更有系統的機制，用以評估不同地點在生態方面的相對重要性，以便挑選值得加強保護的地點，以及釐定有關保育工作的優先次序。制定須優先加強保育的地點清單不但可以讓我們日後能

#### Introduction of a Scoring Scheme for Assessing Ecological Value of Sites

3.1 We will continue to pursue the nature conservation objective through the existing conservation tools, implementation of conservation programmes for individual habitats and species, and enhancement of the management of the existing conserved areas as appropriate. In seeking to further enhance the effectiveness of the conservation efforts, the foremost task is to establish a reliable and widely acceptable system for evaluating the ecological value of individual sites with the objective of reaching a consensus within the community on a list of priority sites for enhanced conservation. After drawing reference from international practices, we have worked out a scoring system at Table 1 for assessing the ecological value of individual sites by taking account of the value of their peculiar habitat and biodiversity. The proposed scoring system seeks to provide a more objective and systematic mechanism for assessing the relative ecological importance of different sites, and to facilitate the identification of sites



集中資源，用於最值得保護的地區，而且為策劃發展項目的人士提供有用的資料，讓他們在早期的策劃階段便能顧及對生態的潛在影響。

3.2 漁護署現正進行一項全港調查計劃，蒐集生態基線資料，以期在二零零五年年底或之前分階段建立一個全面的生態資料庫。生態調查的範圍會包括不同的生境；約100個植物群落的地點、狀態和組合；以及約1,000種動物的分布和數量。生態調查的結果會補充從以往的研究和調查得來的現有生態資料。(這些研究和調查包括香港大學在一九九六至九七年進行的生物多樣性調查。)最重要的是，調查結果會為建議計分制提供有用的資料，可用來擬訂須優先加強保育的地點清單。

that deserve better protection and their relative priorities for action. The priority list will help us focus our future efforts on the most deserving areas. It will also provide useful information for planners of development projects who can take into account the possible ecological impact at the early planning stage.

3.2 AFCD is now collating baseline ecological information through the conduct of a territory-wide survey programme with a view to establishing a comprehensive ecological database in phases by 2005. The survey programme will cover different habitats; the location, status and composition of about 100 plant communities; and the distribution and abundance of about 1,000 animal species. The findings of the ecological surveys will supplement existing ecological information available from previous studies and surveys (including the Biodiversity Survey conducted by the University of Hong Kong in 1996 - 97). Above all, the findings will provide useful input to the proposed scoring system for the compilation of the priority list of sites for enhanced conservation.

紅外線相機調查  
Camera Trapping



水獭  
Chinese Otter



生態調查  
Ecological Survey



表 1：評估個別地點生態價值的建議計分制

Table 1 : Proposed Scoring System for the Assessment of Ecological Value of Sites

準則 Criteria	比重 Weighting	說明 Description	分數 Score	說明 Description
<b>生境 Habitat</b>				
天然程度 Naturalness	15%	<p>天然生境或以往因人類的活動而改動最少的生境，會有較高的保育價值。真正天然的生境(即未經人為改動的生境)通常具高度價值。不過，本港大多數地區都曾被改動。一般來說，改動較少的生境得分會較高。</p> <p>Habitats that are natural or with least modification by human activities in the past history will have higher conservation value. Truly natural habitats (i.e. not modified by man) are usually highly valued. However, most areas of the territory have been modified. Generally, those habitats less modified will tend to be rated higher.</p>	0	已建設或嚴重退化而保育價值極低。 Built-up or highly degraded areas with little conservation value.
			1	人造或經人類大幅改動(例如農地)。 Man-made or intensively modified by human, e.g. agricultural land.
			2	半天然或經輕微改動(例如受干擾的林地)。 Semi-natural or moderately modified, e.g. disturbed woodland.
			3	真正天然或大致上未經人為改動(例如天然林地)。 Truly natural or relatively free from human modification, e.g. natural woodland.
生境多樣性 Habitat diversity	15%	<p>一般來說，某個地點的主要生境數目越多，其整體重要性越大。主要生境類別包括林地、潮間帶泥灘、紅樹林、天然溪澗和淡水沼澤等。</p> <p>Generally, the greater the number of major habitats, the greater the overall importance of the site as a whole. Major habitat types include woodland, inter-tidal mudflat, mangrove stand, natural stream course, freshwater marsh, etc.</p>	0	沒有主要天然生境或生境已嚴重退化。 Containing no major natural habitats or habitats which are highly degraded.
			1	只有一類主要生境。 Containing only one major habitat type.
			2	有兩至三類主要生境。 Containing two to three major habitat types.
			3	有四類或更多主要生境。 Containing four or more major habitat types.
面積 Size	10%	<p>如其他情況相同，面積較大的地點比面積較小的地點更具價值。</p> <p>Larger sites shall be more valuable than smaller ones, all else being equal.</p>	0	微型：1公頃或以下 Minute-sized: $\leq 1$ ha.
			1	小型：大於1公頃但不超過10公頃 Small-sized: $1 \text{ ha} < \text{size} \leq 10 \text{ ha}$ .
			2	中型：大於10公頃但不超過100公頃 Medium-sized: $10 \text{ ha} < \text{size} \leq 100 \text{ ha}$ .
			3	大型：大於100公頃 Large-sized: $>100 \text{ ha}$ .





準則 Criteria	比重 Weighting	說明 Description	分數 Score	說明 Description
重新建立的難度 Non-recreatability	10%	難以重新建立的生境具較高價值。這項準則評估生境類別的複雜程度、重新建立生態系統所需的時間和工夫，以及重新建立生境的不穩定性。 Habitats which are difficult to be recreated are valued higher. This evaluates the complexity of the habitat types, the time and effort needed to recreate the ecosystem and the degree of uncertainty in recreating the habitats.	0    1   2   3	容易重新建立，但重新建立的生境保育價值很低(例如園景美化地區)。 Easy to recreate, but recreated habitats would have little conservation value e.g. landscaped areas.  容易重新建立(例如魚塘和荒廢的農地)。 Easy to recreate, e.g. fishponds, abandoned agricultural land.  有可能重新建立，但要花很多時間和工夫(例如次生林地)。 Possible to recreate but it takes much time and effort, e.g. secondary forests.  無論花多少時間和工夫，都很難或甚至不能重新建立(例如潮間帶泥灘、天然林地和河澗)。 Very difficult or impossible to recreate regardless of time and effort, e.g. inter-tidal mudflats, natural woodlands, streams.
受干擾程度 Degree of disturbance	10%	受人類的活動、發展和污染干擾的地區，其保育價值較低。 Disturbance from human activities, development and pollution will lower the conservation value.	0   1   2   3	受極大干擾(例如都市化地區或嚴重污染的河道)。 Extreme level of disturbance e.g. urbanized area or highly polluted stream courses.  受高度干擾。 High level of disturbance.  受中度干擾。 Medium level of disturbance.  受輕度干擾或不受干擾。 Low or free from disturbance.





準則 Criteria	比重 Weighting	說明 Description	分數 Score	說明 Description
<b>生物多樣性 Biodiversity</b>				
物種多樣性 及豐富程度 Species diversity & richness	20%	某個地點的物種群聚和群落越多樣化，保育價值越高。 The more diverse the species assemblages and communities of a site, the higher is its conservation value.	0	所有生物分類群的多樣性均甚低(參考值為某個生物分類群佔在本港錄得的物種總數不超過 5%)。 Insignificant diversity (as a reference, $\leq 5\%$ of total number of recorded species in HK of a particular taxa group) for all taxa groups.
			1	至少一個生物分類群的多樣性屬低水平(高於 5%但不超過 20%)。 Low diversity ( $5\% < \text{diversity} \leq 20\%$ ) of at least one taxa group.
			2	至少一個生物分類群的多樣性屬中等水平(高於 20%但不超過 50%)。 Moderate diversity ( $20\% < \text{diversity} \leq 50\%$ ) of at least one taxa group.
			3	某個生物分類群的多樣性屬高水平(高於50%)或至少三個生物分類群的多樣性屬中等水平。 High diversity ( $>50\%$ ) of a particular taxa group or moderate diversity of at least three taxa groups.
物種稀有程度 / 獨特性 Species rarity / endemism	20%	某地點越多稀有 / 本地特有物種棲息或生長，保育價值越高。 The more rare / endemic species the site supports, the higher is its conservation value.	0	未發現有任何稀有或本地特有物種居群。 Not known to support any population of rare or endemic species.
			1	有至少一個生物分類群的稀有物種居群。 Support populations of rare species of at least one taxa group.
			2	有一個本地特有物種居群，或兩至三個生物分類群的稀有物種居群。 Support a population of endemic species, or populations of rare species of two to three taxa groups.
			3	有一個極稀有物種居群或稀有的本地特有物種居群，或多於三個生物分類群的稀有或本地特有物種居群。 Support a population of extremely rare species or rare endemic species, or populations of rare or endemic species of more than three taxa groups.





## 加強保育私人土地上具重要生態價值的地點的方案

3.3 正如第二章所述，現行的保育措施就保育涉及私人土地的生境有其不足之處。我們因此預料大多數確定須優先加強保育的地點會位於私人土地上。我們研究過多個方案後，認為如要加強保育這些地點，最切實可行的方案是與主要利益相關者（包括土地擁有人和非政府機構）合作，力求達到自然保育的目的。我們認為與土地擁有人簽訂管理協議和公私營機構合作這兩個方案較切實可行，因此值得詳細研究，探討如何把這兩個方案應用於日後確定須優先加強保育的地點。

### 與土地擁有人簽訂管理協議

3.4 按照這個方案，政府會鼓勵非政府機構利用政府的資助或本身的經費，與土地擁有人簽訂管理協議。根據管理協議，土地擁有人須承諾進行指定的工作或容許非政府機構在其名下土地上進行這些工作，藉此加強保育有關的生境。協議條款會由非政府機構與土地擁有人議定。而非政府機構須進行監察，確保協議得以妥善執



穿山甲  
Chinese Pangolin

## Options to Better Conserve Ecologically Important Sites under Private Ownership

3.3 In the light of the limitations of the existing conservation measures mentioned in Chapter 2, it is expected that most of the priority sites identified for enhanced conservation will involve land under private ownership. We have examined a number of options and consider that the most practicable ones to better conserve these sites are through partnerships with key stakeholders including landowners and NGOs in the pursuit of the nature conservation objective. We consider that the options of management agreements with landowners and private-public partnership are more practicable and worthy of further examination for application to the priority sites to be identified.

### Management agreements with landowners

3.4 Under this option, NGOs will be encouraged to enter into management agreements with the landowners concerned either with government subsidies or their own funding. Through the management agreement, the landowner is required to undertake specified activities or allow the conduct of these activities by the NGO on his land for the purpose of better conserving the habitat concerned. The terms of the agreement will be drawn up by the NGO in negotiation with the landowner, and the NGO shall monitor and ensure the proper implementation of the agreement to meet the conservation objectives of the site concerned. The amount of funding to be made available for application



香港茶  
Hong Kong Camellia



行，達到保育有關地點的目的。如決定採用這個方案，政府須詳細研究供非政府機構申請的撥款金額及其他細節安排，包括決定這些資助款項的分配和用途的機制。

3.5 這些管理協議可讓政府、非政府機構和土地擁有人三方在保育個別生境上建立伙伴關係，共同合力保育獨特生境。由於管理協議按個別情況議定，這個方案給予協議各方更大的彈性，讓他們根據個別地點的需要訂定最適當的計劃。如政府資助非政府機構與土地擁有人簽訂管理協議，這個方案會為政府帶來經常開支，數額則視乎協議的條款而定。

3.6 這個方案能否奏效，取決於以下因素：土地擁有人和非政府機構是否願意簽訂這類管理協議；他們會否承諾履行協議所訂的責任；以及是否有一套有效的監察和審核制度，確保經常開支用得其所，能達到原訂目的。我們認為這個方案最適宜用於須倚賴某些人類活動才能維持的生境。

by the NGOs and other implementation details including the mechanism governing the allocation and usage of the subsidies will have to be further looked into if this option is to be pursued.

3.5 The management agreements will constitute a form of partnership among the Government, NGOs and the landowners in conserving individual habitats. Since the management agreements are negotiated on a case-by-case basis, this option will provide the flexibility for programmes that best suit the needs of individual sites to be drawn up. This option will incur recurrent cost on the Government if subsidies are provided to NGOs for entering into management agreements with the landowners. The cost will vary depending on the terms of the agreement.

3.6 The effectiveness of this option will depend on the willingness of the landowners and NGOs to participate in this type of management agreements, their commitment to fulfil the obligations under the agreements and the implementation of an effective monitoring and audit system for checking that the recurrent resources are well spent on the intended objectives. We consider this option most suitable for habitats the sustainability of which depends on the type of human activities that take place in them.



沙羅洞  
Sha Lo Tung





## 公私營界別合作

3.7 按照這個方案，私人發展商如擁有具重要生態價值的地點，但由於極有可能對環境造成影響，因此很難加以發展，政府會容許發展商在該地點中生態較不易受破壞的部分進行發展，條件是發展商須負責長期管理和保育該地點的其餘部分。政府曾採用類似的模式，鼓勵私營界別參予加強保育后海灣地區的濕地（主要是魚塘）。為了使這個方案更具彈性，政府也會在特殊情況下考慮涉及非原址換地以供發展的建議，但這類建議須有充分理由支持。每項建議會交由各有關當局按個別情況考慮，而先決條件是發展商須證明已訂有可行和可以接受的保育計劃，確保會在具重要生態價值的有關地點長期進行保育管理工作。

3.8 這個方案是否切實可行，將視乎私營界別是否主動提交建議而定。當局評估每項建議的可行性時，須考慮個別情況和多個因素，包括實際環境的限制、生態狀況、有關地區是否易於到達、土地用途是否協調，以及基礎設施的容量等。發展商就長期保育有關生境提出的

## Private-public partnership

3.7 Under this option, a private developer with an ecologically important site, which development will otherwise be difficult because of the likely environmental impacts, will be allowed to develop a less sensitive section of his site provided that he undertakes long-term obligations to manage and conserve the remaining part of the site. A similar approach has been adopted in promoting private-sector initiatives in enhancing conservation of wetlands (mainly fishponds) in the Deep Bay area. In order to enhance the flexibility, proposals involving non in-situ land exchange for development with full justifications may also be considered on an exceptional basis. Each of the proposals will have to be examined on a case-by-case basis by the authorities concerned. The pre-requisite will be that the developer has to demonstrate that there is a feasible and acceptable conservation plan that can ensure the long-term conservation management of the ecologically important site concerned.

3.8 The practicability of this option will depend on the private sector's initiative to submit proposals. Whether a particular proposal is feasible will have to be assessed on a case-by-case basis having regard to a number of factors including site constraints, ecological conditions, accessibility of the area, land use compatibility, infrastructural capacity, etc. The financial viability of the management plan proposed by the developer for





建議管理計劃在財政上是否可行，是其中一個主要的考慮因素。由發展商成立信託基金以提供長期管理有關保育地點所需的款項，是一個可行的方法，但發展商注入的資本須足以支付信託基金的經常開支。無論如何，當局都必須實施一套有效的監察、審核和執行制度，確保發展商妥善管理有關保育地點。

3.9 這個方案會鼓勵私營界別（不論是土地擁有人、發展商和非政府機構）制訂建議。這些建議如能成功實行，既可滿足自然保育的需要，又可符合發展需求。這個方案也有助鼓勵私營界別參與自然保育工作，而長遠來說，自然保育的工作能否取得成效，私營界別的參與是一個關鍵因素。

#### 其他方案

3.10 在這次檢討中，我們也研究過其他方案，包括收緊現有保育措施、收地、換地、在工程場地之外採取緩解措施及轉移發展權益。然而，這些方案所涉及的龐大財政和土地資源，或者實行起來的複雜性和困難度，已超越因達到保育目的而帶來的裨益。我們認為這些方案都不可行，因此不會再予考慮。我們探討這些方案時曾考慮的因素現概列於附件。



紅樹林  
Mangrove stand

the long-term conservation of the habitats concerned is one of the key considerations. One possibility will be the establishment of a trust by the developer to finance the long-term management of the conserved area with a capital injection adequate to support the recurrent expenditure of the trust. In all cases, an effective monitoring, audit and enforcement system will be required to ensure the proper management of the conserved area.

3.9 This option will encourage the private sector, landowners, developers and NGOs alike, to draw up proposals that, if successfully implemented, can satisfy both nature conservation and development needs. It can also help promote greater private-sector participation in nature conservation work that is essential to its success in the long run.

#### Other options

3.10 The other options that we have examined in the review include tightening of the existing conservation measures, land resumption, land exchange, off-site mitigation and transfer of development rights. However, they involve huge financial and land resources implications, or implementation complexities and difficulties that will more than balance out the conservation objective that they can achieve. These options are not considered practicable and will not be pursued. A summary of the considerations given to these options is at Annex.



溪神蜻蜓  
Blue Chaser



### 對可持續發展的影響

3.11 我們已就今次檢討中所有考慮過的方案進行初步的可持續發展評估。評估結果顯示，雖然其中三個方案，即公私營界別合作、與土地擁有人簽訂管理協議及在工程場地之外採取緩解措施，只可以按個別情況而採用，但卻可在經濟與生物多樣性兩者考慮因素之間取得較佳的平衡。公私營界別合作方案就成本效益來說更會帶來正面的影響。然而，由於在工程場地之外採取緩解措施這方案實行起來困難重重，而且不明朗因素很多，因此我們對這個方案是否切實可行甚表懷疑。收地和換地方案涉及大量財政和土地資源，因此在財政方面的承擔是不能持續的。轉移發展權益的方案完全不可行，因為根據農地租約批租的土地的擁有人並沒有任何發展權益。餘下的一個方案是收緊現行的自然保育措施，把與保育目的不協調的土地用途從法定規劃圖則中剔除。這個方案不會增加政府的開支，但由於沒有涉及積極管理有關地點的措施，因此成效不大。

3.12 我們將考慮公眾諮詢中所收集到的意見，在稍後階段就將予以採用的改善方案進行詳細的可持續發展評估。

### Sustainability implications

3.11 A preliminary sustainability assessment has been carried out on all the options examined in this review. The results show that options including private-public partnership, management agreements with landowners and off-site mitigation, though applicable only on a case-by-case basis, can strike a better balance between the economic and biodiversity considerations. Private-public partnership also records a positive return in the cost-benefit analysis. There are however operational difficulties and uncertainties relating to the implementation of the off-site mitigation option, which cast strong doubts on its practicability. Application of the options of land resumption and land exchange would not be financially sustainable due to their immense financial and land implications. The option of transfer of development rights is a non-starter because landowners have no development rights under agricultural leases. The remaining option, i.e. tightening the existing conservation measures by removing land uses on statutory town plans that are incompatible with nature conservation will not impose additional costs on the Government but will have only limited impact since no active management is involved.

3.12 A more detailed sustainability assessment on new improvement options to be adopted would be carried out at a later stage taking into account comments received during the public consultation exercise.







## 第四章 Chapter 4

# 公眾支持及諮詢 PUBLIC SUPPORT AND CONSULTATION

4.1 檢討結果確定了現行的自然保育政策和措施多年來能有效保護我們的天然財產，對社會大有裨益。我們的天然財產是一項寶貴的資產，對保持生態平衡和促進市民的身心健康，均發揮重要的作用。這些天然財產不但為我們的居住環境增添姿彩，更為相協調的經濟、康樂和教育用途提供發展資源。每一位市民都有權分享這項寶貴資產所帶來的好處。同時，我們所有人都有責任保護這項資產免受威脅或干擾。

4.2 隨著香港人口日益增加，發展需求與日俱增。我們需要每一位市民的支持和積極參與，合力保護自然環境，使香港的自然保育工作得以持續，因此單靠政府的

4.1 The review has reassured us that the implementation of the existing nature conservation policy and measures over the past years is effective in protecting our natural heritage and has been yielding significant benefits for the community. Our natural heritage is a valuable asset important to the maintenance of ecological balance and improvement of the well-being of the community. It enriches our living environment and provides resources for compatible economic, recreational and educational uses. Every member of the community has the right to enjoy the benefits generated from this valuable asset. At the same time, all of us have the obligation to protect it from threat or disturbance.

4.2 With an increasing population and the pressure for development, we need the support and active participation of every member of the community in protecting the natural environment so as to sustain the efforts in nature conservation. The Government's effort alone is inadequate. All members of the community



努力是不足夠的。所有市民都必須盡一己之力，投入這項別具意義的工作。只有大家同心協力，我們才能世代繼續享有這優美的自然環境。

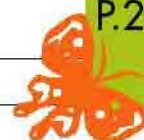
4.3 本文件簡述政府在保護香港的重要生境和物種方面所做的工作，並概述這次檢討的結果，包括現行政策和措施的成效和不足之處，以及進一步改善這些措施的建議。這些建議能幫助我們更有效地達到自然保育的目的。

4.4 自然保育並非一門純科學。要以絕對客觀的方法對不同生境或物種的生態價值進行量化評估，是不可能的事。第三章建議的計分制，目的在於提供一個機制，以更有系統和較客觀的方式，根據個別地點的生境和物種特色，評估不同地點在生態方面的相對重要性。由於資源並非無窮無盡，我們首先須制訂一套廣為市民接受的制度，可用來評估不同地點在生態方面的重要性，以選定須優先加強保育的地點。

must become owners of this worthy cause and play a due part in it. Only if all of us share the same commitment will our future generations and we be able to continue to enjoy the beauty of our natural environment.

4.3 This document has briefly set out the efforts that the Government has been making in protecting the important habitats and species in Hong Kong. It has summarized the results of our review, including the effectiveness of the existing policy and measures, their shortcomings and proposals for further improving the measures that can enable all of us to better achieve the nature conservation objective.

4.4 Nature conservation is not a pure science. It is impossible to make a quantitative assessment on the ecological value of different habitats or species in an absolutely objective way. The proposed scoring system in Chapter 3 aims to provide a mechanism that can assess the relative ecological importance of different sites by taking into account the characteristics of the habitats and species found there in a more systematic and objective manner. As resources are not unlimited, we need to firstly devise a system that is generally acceptable to the community for assessing the ecological importance of different sites with the objective of identifying priority sites for enhanced conservation.





4.5 我們完全明白現行的措施有不足之處，未能充分保護具重要生態價值但由私人擁有的地點。我們也完全明白，私人土地擁有人有權使用其名下土地，而市民也有權和希望保護自然資產和享受優美的自然環境；如何在兩者之間取得平衡，是一個可能引起爭議的問題。制訂切實可行的措施，以加強保育這些地點，不但極易引起爭議，而且非常複雜，涉及眾多不同的利益相關者，並須考慮種種因素，包括對財政的影響、成本效益、土地用途規劃、實行方面的困難等。你們的意見有助我們制訂更全面的自然保育政策和措施，從而更有效地達到自然保育的目的。

4.6 自然環境屬於每一位市民；我們所有人都有責任加以保護。請就積極參與自然保育工作，踏出重要的一步，就以下事宜提供意見 —

- (a) 實施在第三章建議的計分制，以更客觀和有系統的方式，評估不同地點在生態方面的相對重要性；以期與社會各界就須優先加強保育的地點達成共識；以及
- (b) 尋求切實可行的方法，以有限的資源加強保育私人土地上具重要生態價值的地點。

馬鞍山郊野公園  
Ma On Shan Country Park



4.5 We are fully aware of the limitations of the existing measures in providing full protection of ecologically important sites that are under private ownership, and the potential controversy as it involves how the balance should be struck between the right of the landowners on the use of their land on one hand and the right and desire of the community to protect the natural asset and to enjoy a pleasant natural environment on the other hand. Identifying practicable measures to better conserve these sites is a highly controversial and complex issue involving many different stakeholders and diverse considerations including financial implications, cost-effectiveness, land use planning, implementation difficulties, etc. Your views will help us map out a more comprehensive nature conservation policy and measures that will enable us to better achieve our nature conservation objective.

4.6 The natural environment belongs to every member of the community and all of us have a responsibility to protect it. Please take this important step in actively participating in nature conservation work by sending us your views and comments on the following –

- (a) the introduction of the proposed scoring system detailed in Chapter 3 for assessing, in a more objective and systematic manner, the relative ecological importance of sites with the objective of reaching a consensus within the community on the priority sites for enhanced conservation; and
- (b) practicable ways to better conserve ecologically important sites that are under private ownership within limited resources.



小花鳶尾  
Hong Kong Iris



請於二零零三年十月十八日或之前，以郵寄、傳真或電郵方式，把意見送交政府總部環境運輸及工務局：

香港中環花園道三號  
萬國寶通銀行大廈十樓

傳真：2136 3321

電郵地址：nature\_views@etwb.gov.hk

查詢電話：2150 7144

本報告也可從環境運輸及工務局網頁 (<http://www.etwb.gov.hk>) 及漁農自然護理署網頁 (<http://www.afcd.gov.hk>) 下載。

4.7 我們在決定未來路向時，會充分考慮收到的意見。

Please send your views by letter, facsimile or e-mail to the Environment, Transport and Works Bureau, Government Secretariat at the following address on or before 18 October 2003 :

10/F, Citibank Tower,  
3 Garden Road,  
Central, Hong Kong

Facsimile : 2136 3321

E-mail address : nature\_views@etwb.gov.hk

Enquiry telephone no. : 2150 7144

Copies of the report can also be downloaded from the homepage of the Environment, Transport and Works Bureau (<http://www.etwb.gov.hk>) or the Agriculture, Fisheries and Conservation Department (<http://www.afcd.gov.hk>).

4.7 We will take full account of the views received in finalising the way forward.



萬宜水庫  
High Island Reservoir

生態探索  
Eco-exploration



附件  
Annex

我們認為不切實可行的方案  
Options Considered Impracticable

## 收地 Land Resumption

### 應用 Application

政府可藉著收地程序，行使法定權力，強制接收私人土地的擁有權，把有關土地改作公共用途。政府過去曾多次收地，把土地用作自然保育以外的用途，例如發展新市鎮和興建大型基礎設施。受影響的土地擁有人和佔用人均獲發特惠補償，金額按既定的公式計算。不過，根據法律意見，自然保育可否視為公共用途，成為政府收地的理由，須按個別情況決定。

By means of land resumption, the Government exercises statutory power to compulsorily take over ownership of private land for achieving a public purpose. The Government has resorted to land resumption on many occasions in the past for purposes other than nature conservation. For instance, private land has been resumed for developing new towns and building major infrastructure. Ex-gratia compensation calculated according to the established formula has been paid to the affected landowners and occupants. However, according to legal advice, whether nature conservation can be justified as a public purpose for triggering land resumption needs to be determined on a case-by-case basis.

如要把收地用作保育工具，須得到社會上大多數人認同，因為完成收地程序和向合資格人士發放補償，都需要大量人力和財政資源。收地對政府財政的影響，也是須予考慮的重要事項。

Adopting land resumption as a conservation tool demands a majority consensus in the community, as considerable manpower and financial resources are required in completing the resumption procedures and providing compensation to the eligible parties. The financial implication for the Government is also an important issue that needs to be taken into account.

### 優點 Merits

政府可藉著收地取得一個地點的所有控制權，並加以管理，以達到自然保育的目的。此外，有關地點也可作多種不會影響生態價值的用途，例如推廣自然保育教育、自然觀賞、其他靜態康樂活動及生態旅遊等，使市民從中受惠。

Land resumption will allow the Government to gain complete control of a site and manage it for nature conservation purpose. The site may also be made available for a number of uses that can generate benefits for the public provided that they will not adversely affect the ecological value of the area, e.g. promotion of conservation education, nature appreciation, other forms of passive recreation, eco-tourism, etc.

### 可行性 Feasibility

這個方案對財政的影響極大。我們曾根據現有生態資料挑選了約十個具重要生態價值的私人地點，粗略估計收回和清理這些土地所需的費用。根據現行的補償率計算，收回和清理當中約1,000公頃私人土地的費用估計約為200億元。這尚未包括管理收回的地點所需的經常費用。收地雖然可能有利於自然保育，但所涉及的龐大財政承擔著實令人關注，亦會影響其可行性。此外，由於現行的措施已能保護本港不少重要生境，包括一些位於私人土地上的地點，因此我們對這個方案動用大量資源加強保育少數私人擁有的地點是否具有成本效益有所保留。

The financial implications of this option are tremendous. We have conducted a rough assessment on the potential resumption and clearance costs involved in the acquisition of about 10 ecologically important sites of private land that are identified based on the available ecological information. The costs estimated according to the existing compensation rates are in the order of \$20 billion for a total area of about 1,000 hectares of private land involved. That has not included the recurrent costs for managing the resumed sites. Notwithstanding the potential benefits in relation to nature conservation to be gained from the resumption of a site, the huge financial implications arising are definitely a concern and affect its practicability. Since with the existing measures many important habitats in Hong Kong including some on private land have already been conserved, there are reservations over the cost effectiveness of spending huge resources on enhancing conservation of a few additional sites under private ownership.

我們認為這個方案既不可行，也不能持久實施。

This option is considered neither feasible nor sustainable.



## 換地 Land Exchange

### 應用 Application

按照這個方案，政府會向土地擁有人批出可供發展的政府土地，以換取土地擁有人交還具重要生態價值的農地。這是一個非原址換地方案。由於涉及以私人協約方式直接批出政府土地，違反本港沿用已久的土地資源公開競爭原則，因此在現行的土地政策下，沒有充分理由支持這個方案。

This option will involve the Government granting developable government land to a landowner in exchange for his surrender of his agricultural lot of high ecological importance. It is a non-insitu land exchange that is not supported by existing land policy, since it involves a direct grant of government land by way of private treaty and is against our long established principle of open competition on land resources.

### 優點 Merits

與收地方案一樣，這個方案可以讓政府取得一個地點的所有控制權，從而保護該地點免受與保育目的不協調的活動和用途影響。受保育的地點也可用作與自然保育目的沒有抵觸的公共用途。

Similar to land resumption, this option will allow the Government to gain complete control of a site and protect it against incompatible activities and uses. The conserved site can also be made available for public uses that are compatible with the conservation objective.

### 可行性 Feasibility

根據過往經驗，任何換地過程預料都需時多年才能完成，因為政府與土地擁有人就換地條件進行的談判極有可能曠日持久。政府能否成功換取有關的私人土地，也沒有保證。此外，政府一旦表明有意換取某幅土地，在談判中便會處於不利的位置。再者，一些土地（特別是新界土地）所涉及的共有業權，亦會引發很多複雜的問題。最重要的是，政府的土地儲備中並無足夠土地，可供實行這個方案。

Based on past experience, any land exchange is expected to take years to complete, as negotiations with the landowners over the terms of exchange are likely to be protracted. Acquisition of the private land concerned also cannot be guaranteed. Besides, the Government's position in the negotiations may be severely undermined by the proclaimed desire to acquire the land. Multiple landownership particularly in respect of land in the New Territories will also give rise to complicated problems. Most importantly, there will not be enough government land in the land reserve for implementing this option.

我們認為這個方案並不切實可行。

This option is considered not practicable.





## 收緊現時的自然保育措施 Tightening of the Existing Conservation Measures

### 應用 Application

按照這個方案，規劃圖則上自然保育地帶的准許用途定義會收緊，藉此加強保護這些地帶內的生境。  
Under this option, protection of habitats under conservation zonings on town plans will be strengthened by tightening the uses permitted within those zonings.

當局根據《城市規劃條例》劃定不同的用途地帶，規管個別地點的土地用途，以達到預先訂定的規劃目標，例如住宅發展、商業用途或自然保育等。正如第二章所述，具特殊科學價值地點、自然保育區及海岸保護區一般被視為自然保育地帶，因為這些地帶的規劃目標都是保護有關地區內的自然景物。規劃圖則的註釋列明每個地帶經常准許的用途，以及須事先經城市規劃委員會(城規會)批准的用途。為了保護生態環境，自然保育地帶的准許用途頗為有限。

Under the TPO, zonings are designated for regulating land uses at specific sites to meet pre-defined planning objectives such as residential development, commercial use, nature conservation, etc. As explained in Chapter 2, SSSI, CA and CPA are commonly regarded as conservation zonings since they all share the common objective of protecting the natural features of an area concerned. The notes to a town plan would specify for each zoning a list of uses that are always permitted and a list of uses that would require approval by the Town Planning Board (TPB) before they are allowed to proceed. For protection purpose, the number of uses that are permitted within conservation zonings is fairly limited.

規劃署最近完成了一項檢討，其中一個結論是准許用途的定義可進一步收緊，以加強保育重要生境。舉例來說，城規會最近已同意加強管制具特殊科學價值地點，收緊“經常准許的用途”的範圍至主要包括郊野公園和野生動物保護區。

The Planning Department has recently completed a review and considers that, inter alia, there are rooms for further tightening of the permitted uses for enhancing conservation of important habitats. For example, TPB has recently agreed to tighten the control over SSSI by restricting the scope of the "always permitted uses" to cover mainly country park and wild animals protection area.

### 優點 Merits

這個方案會加強自然保育地帶所發揮的保育功能，而且較為易於實行，因為在《城市規劃條例》下已有既定程序對法定規劃圖則進行修改。

This option will enhance the conservation function of the conservation zonings. Implementation will be relatively simple since there are established procedures for making changes to statutory town plans under the TPO.

### 可行性 Feasibility

由於土地用途分區制度基本上只是管制土地用途的一種規劃工具，人類活動不在其管制範圍內。因此，即使有人在個別地帶內進行與規劃目的不協調的活動，只要沒有改變該地帶的准許用途，這個制度便不能禁止這些活動。這個方案也沒有向土地擁有人提供任何誘因，促使他們進行能加強保育有關地點的活動。另一方面，針對非法土地用途的巡查和執法行動，也需要大量資源。再者，如在劃定自然保育地帶之前，某些與保育目的不協調的土地用途已經存在，當局便無法加以禁止。

The land use zoning system is primarily a planning tool for controlling land uses, and human activities are beyond its ambit. It therefore cannot protect a site from incompatible activities provided that they do not constitute any changes to the land uses allowable under the respective zonings. It does not provide any incentives to the landowners to carry out activities that will better conserve the site either. On the other hand, policing and enforcement against illegal land uses require tremendous resources. In addition, it is impossible to prohibit land uses that may not conform with the conservation zonings if they were already in existence before the land use zoning was imposed.

這個方案不能解決保育具重要生態價值的私人土地所涉及的主要問題，因此效用極為有限。

This option cannot tackle the main problems relating to conservation of private land of high ecological importance and hence its effectiveness is very limited.



## 在工程場地之外採取緩解措施 Off-site Mitigation

### 應用 Application

這個方案容許《環境影響評估條例》(《環評條例》)下指定工程項目的倡議人向一個基金投入款項，以補償他們的工程項目對生態造成的不良影響，而無須在工程場地之內採取緩解措施。

Under this option, proponents of designated projects under the EIA Ordinance will be allowed to compensate for the adverse ecological impacts arising from their projects by putting money into a Fund instead of implementing on-site mitigation measures.

《環評條例》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；如完全避免是不切實可行，便須把這些影響紓緩至可以接受的程度。該條例的技術備忘錄訂明須在工程場地之內採取緩解措施；假如無法在工程場地之內採取緩解措施，方可考慮在工程場地之外採取這些措施。不過，在某些個案中，在工程場地之內為個別工程項目採取的緩解措施規模小，而且較零碎。在這些情況下，讓工程項目倡議人選擇向一個基金投入款項，在金錢上作出補償，或許更能達到自然保育的目的。這個基金可用來收回具重要生態價值的選定地點，進行積極的保育工作，以彌補失去的生態功能。

The EIA Ordinance requires proponents of designated projects to avoid causing adverse environmental impact as far as practicable, and if total avoidance is not practicable, to mitigate the adverse impact to an acceptable level. As stipulated under the Technical Memorandum to the EIA Ordinance, mitigation measures should be conducted on-site. Off-site mitigation may only be considered after the potential for implementing on-site mitigation has been exhausted. However, in some cases on-site mitigation measures implemented for individual projects are small in scale and piece-meal in nature. In these cases, it may better serve the nature conservation purpose if project proponents are allowed the alternative of putting monetary compensation into a Fund. The Fund can then be used for resuming selected sites of high ecological importance for active conservation management to compensate for the ecological functions lost.

### 優點 Merits

這個方案可以讓政府無須動用公帑，便能收回具重要生態價值的私人土地，同時在制訂緩解措施方面，為《環評條例》下指定工程項目的倡議人提供更大的彈性。假如在工程場地之內採取實際的緩解措施並不切實可行(例如受實際環境所限)，或者當局認為與其花錢在工程場地之內採取緩解措施，不如利用這些款項保護生態價值更高的其他地點，都可以採用這個方案。

This option can enable the Government to acquire ecologically important sites under private ownership without drawing on public money and will also provide proponents of designated projects under EIA Ordinance with more flexibility in drawing up mitigation measures. It could be used for projects where substantive on-site mitigation is not practicable because of, for example, site constraints, and for cases where it is considered that the money to be spent on on-site mitigation could be better used to protect other sites of higher ecological importance.

### 可行性 Feasibility

如要實行這個方案，便須修訂《環評條例》及其技術備忘錄，更改有關紓緩工程對生態的潛在影響的現有規定。舉例來說，當局須制定條文，容許發展商向基金投入款項，以代替在工程場地之內採取緩解措施；容許無須根據“同類彌償同類”及“最後選擇”的原則，在工程場地之外採取緩解措施；以及放寬目前計算生態補償時採用的“無淨損失”原則等。由於須修訂現行環評機制下一些沿用已久的緩解/補償原則，這個方案影響深遠，而且從自然保育的角度來看，整體的效益也難以預料。

Amendment of the EIA Ordinance and its Technical Memorandum to change the existing requirements regarding mitigation of possible ecological impacts will be required for implementing this option. For example, provisions need to be made for payment of money by developers into the Fund instead of conducting on-site mitigation, allowing the adoption of off-site mitigation not on a "like for like" and "last resort" basis, relaxing the current "no-net-loss" principle in calculating ecological compensation, and so on. The need to revise these well-established mitigation / compensation principles under the existing EIA mechanism would have huge implications, and the overall merits from the nature conservation perspective are uncertain.

此外，為了決定這個方案適用於哪些指定工程項目，以及發展商應向基金投入多少款項以代替在工程場地之內採取緩解措施，當局必須擬訂清晰而廣為人所接受的準則。這是極為困難，甚至不可能的事。這些決定很可能因有關事件被政治化而引起爭議，而且預料須進行冗長的辯論或磋商。由工程對生態造成影響，直到在工程場地之外採取緩解措施以彌補失去的生態功能，其間會有一段時間差距。這也是一個令人關注的問題。

Besides, it could be very difficult, if not impossible, to draw up clear and widely acceptable criteria for deciding on the designated projects to which this option could be applied and the amount of money developers are to pay into the Fund in lieu of on-site mitigation. The decisions are likely to be politically controversial, and lengthy debates or negotiations are expected. The gap between the time when the ecological impacts surface and the time when the off-site mitigation to compensate for the ecological functions lost will be implemented is also a concern.

這個方案實行起來困難重重，而且不明朗因素甚多。

The practical difficulties and uncertainties associated with this option are immense.





## 轉移發展權益 Transfer of Development Rights

### 應用 Application

按照這個方案，政府為了保護某一地點，以達到自然保育的目的，會把另一幅土地的發展權益批予該地點的土地擁有人，而土地擁有人則須交出該地點的發展權益，作為交換。由於本港發現有重要生境的私人土地通常都以農地租約批出，而根據這類租約，土地擁有人並無任何發展權益可供轉移，因此我們認為這個方案不適用於香港。

Under this option, the Government will grant development rights to a landowner on another piece of land in exchange for surrendering his development rights at the site to be protected for nature conservation purpose. This option is considered not applicable in Hong Kong, since the private land where important habitats are found are usually held under agricultural leases under which the landowners are not entitled to any development rights for transfer.