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(ACE 53/94)  
for discussion

## Discussion Paper for the Advisory Council on the Environment

### I. Proposed resolution:

**In recognition of the environmental costs of the Kau Sai Chau golf course project and the pressure to develop nearby lands to serve the golf course, this Council requests that (i) the Government legislate to make the rest of Kau Sai Chau a country park area and (ii) designate the surrounding islands as Development Permission Areas.**

#### Background:

Kau Sai Chau will have two 18 hole golf courses capable of handling 640 golfers a day. In October 1993, a Legislative Brief from the Recreation and Culture Branch contained the ominous phrase that "when planning the development of the remaining part of the [Kau Sai Chau] island, the Administration should ensure that any new development is compatible in nature with the golf centre project..."

Kau Sai Chau and the nearby smaller islands are not covered by any of Sai Kung's five Development Permission Area (DPA) plans. There is a sub-regional land use plan which sites Kau Sai Chau as a conservation area. According to SPEL, the general intention of a conservation area is to only allow developments which are compatible with passive recreation.

The fear is that the Administration may one day argue that hotel resorts or low-rise residences are "compatible in nature" with the project and will sell the remaining land to private developers. I would add that any development of this sort would require extensive land, water and sewage facilities which were never envisioned in the original Kau Sai Chau EIA.

Once the golf course project goes ahead, there will inevitably be interest and pressure to develop the surrounding areas. On these nearby islands are extensive private land holdings which, in theory, are available for purchase and development.

In May, I wrote to the Administration expressing these concerns. The Administration replied that the "inaccessibility [of the southern part of the island] reduces the potential of the island for the public's enjoyment and nature education. Due to their remoteness and inaccessibility, Kau Sai Chau and surrounding islands are not likely to be subject to significant development pressure. There is no imminent need to prepare a DPA plan to extend statutory planning control to the island."

The Administration's reply is unconvincing. Its own estimate is that in the next four years, there will be 50,000 more people interested to play golf in Hong Kong. Further, the October 1993 Legislative Brief made quite clear that "the remainder of the island also renders itself for further development in the future to include a wide range of other recreational facilities, not just for golfers, but also for their family members and other visitors."

The Administration seems reluctant to acknowledge that the development of Kau Sai Chau must proceed step in step with statutory conservation efforts if unforeseen environmental degradation is to be avoided. Past experience elsewhere has shown that vague land use intentions in regional plans are very difficult, if not impossible, to enforce at the district level. For example, many parts of the New Territories were listed as Agricultural Areas, a land use designation of identical power as a conservation area, but they were turned into container truck storage areas and vehicle scrap yards. Without statutory backing, the Administration was powerless to stop such development at the time.

In 1991, the Administration amend the Town Planning Ordinance to bring these development areas under statutory control. The new Ordinance gave the Administration the right to declare parts of the Territory as DPA which requires all development and land use changes after July 1991 to be approved by Government planning bodies. As for developments that existed before this date, the Government has committed several billion dollars to step up enforcement under the Buildings Ordinance and, in the worst cases, buying back these developments.

Furthermore, the maintenance and construction of the Kau Sai Chau golf course involves considerable environmental costs. These costs range from the loss of a large mangrove standing to "the removal of the scenic upper reaches of Kwat Tau Tam valley" (EIA report) to the construction of chemical leaching ponds. I believe that the general public should be compensated for these environmental costs which they will suffer.

In summary, (i) since all of Kau Sai Chau Island, with the exception of Kau Sai Village, is crown land, the Government can easily gazette the southern part of the island as Country Park land. (ii) Applying DPA status to nearby islands will be the only way to ensure statutory development control in areas presently not covered by any other land use laws.

II. Wider issues for future consideration:

The case of Kau Sai Chau points to other deficiencies in current land use planning. Hong Kong is on a relentless land development trend. We have now come to the point where we can see that if we continue at this pace, we will soon have nothing left to develop. It is essential then that we, as a community, step back and seriously consider a comprehensive land conservation policy to balance the deterioration to our environment and, therefore, overall quality of life in Hong Kong.

As a first step, the Territorial Development Strategy (TDS), released in 1993, recognized that land conservation is an indispensable part of a land development policy. It offered a landscape and conservation strategy, the base of which are 14 areas of potential country park and special areas of interest.

In the Governor's 1994 policy address, the SPEL issued a policy commitment stating that SPEL will "start to study the 14 areas identified as potential country parks and special areas in the TDS."

I suggest that this Council considers asking for a policy paper and implementation timetable regarding this commitment from the Administration for its meeting in December.

from  
Christine Loh  
October 10, 1994