

Sai Wan villagers decry work halt

Michael Martin

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Residents of Sai Wan village where energy company tycoon Simon Lo Lin-shing is building a beachside home are unhappy that construction has halted after pressure from green groups and hiking enthusiasts.

"If nobody bought the land, it would be a wasteland with rubbish and mosquitoes. Very dirty," said Lai Kwan, Sai Wan village head.

Lai said Lo told village authorities that he would not build an additional house in Sai Wan, but would refurbish existing homes and plant a large garden that Lai said would beautify the area "even if privately owned".

Many Sai Wan locals believe that the new construction will improve what has been a difficult situation ever since the government constructed the local High Island Reservoir in 1979. Before the reservoir was built, a ferry could bring residents and tourists to Sai Wan in 15 minutes, but now a winding trail brings hikers there in around an hour.

There is no road to Sai Wan. Locals believe that's keeping tourists from frequenting their restaurants and keeping the ageing community of roughly 20 homes - Lai described them as "primarily over 50" - from faraway hospital care.

Lai said that if anyone needs to go to hospital facilities, the village uses a golf cart to take them through the hiking path to nearby Sai Kung. But they have to wait until park staff are off duty, as it is illegal to drive any motor vehicle on the trail.

Chiu said she believes that bringing people like Lo to Sai Kung will bring a road to the area. But near the site of Lo's future beach house is a landing pad for his helicopter.

Other villagers believe that the construction project will bring the remote village money. The villagers used to subsist on their own crops, grown with water from a river that was redirected away from Sai Wan after the reservoir was built. Chiu said that nearly 200 families lived in Sai Wan then, but not knowing their rights, gave up their homes and left when the river was diverted.

Lai owns the Sai Wan beachfront restaurant Oriental, where tourists visiting the pristine beaches bring him money on the weekends - but only in the summer, and when there are no typhoons.

"Of course the construction workers bring us a little business during the week," Lai said, explaining that on a good week in the summer he can make up to HK\$5,000, but on a bad week he makes as little as HK\$100. He used to illegally rent five empty apartments to tourists, until government inspectors found that he didn't have the proper licences. Lai has two boys, ages five and six, who live with their mother in a HK\$1,500 home in Sai Kung, where they go to school. There are no local schools.

The new development didn't only bring construction workers' lunch money to Sai Wan: village members voted to pool their collective share of beachside property to sell to Lo.

Lai's uncle, Lai Mu, aged 75, said he made HK\$500,000, the smallest amount among the villagers. Altogether 50 homes agreed to sell their land to Lo, with some making as much as HK\$4-5 million.

Lai says the land is private, not public, and that it is up to the villagers to dispose of it as they wish.



Lai Kwan, Sai Wan Village Head

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It may be legal, but is it right?

Jul 23, 2010

I commend the ***South China Morning Post*** ([SEHK: 0583](#), [announcements](#), [news](#)) for its detailed coverage of the destruction of the Sai Wan beach area.

I am also pleased to see that Secretary for the Environment Edward Yau Tang-wah has at last taken the trouble to visit the site and see for himself the damage at Sai Wan beach. He can no longer say that he is not "even sure where it is", even though it's a long, hard walk to get there by foot ("Sai Wan case? I don't know, says minister", July 17).

I am sure that Simon Lo Lin-shing is quite within his rights legally to develop land that he has painstakingly bought, parcel by parcel from the local villagers, subject to the almost non-existent laws regarding new developments on land adjoining country parks and Hong Kong's few remaining pristine beaches.

But as to whether Mr Lo is morally right and is exhibiting any sense of social conscience, and whether the government allows him to continue, that is an entirely different question.

Would it be legally right for the government to tear up Statue Square and sell off the prime land for development? Almost certainly yes. But would it be morally right? Certainly not.

Hundreds of thousands of walkers and swimmers visit Sai Wan beach every year, far more than visit Hong Kong's few remaining "heritage" sites, about which there is so much discussion by the Antiquities Board.

If Hong Kong's young country park trekkers want a perfect example of how blind our government is to the environment, then please let Mr Lo go ahead.

Peter D. Bentley, Mid-Levels



The pristine beauty of Sai Wan is under threat

No-build zones

Private development in pristine Sai Wan shows the urgent need for government protection

Paul Zimmerman

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Hong Kong's country parks are under threat. A developer who paid HK\$16 million for a former village in Tai Long Wan, Sai Kung, is believed to be turning the area into his own private playground, with a helipad that allows him to shuttle in and out of it at his pleasure. The area, described in a government landscape study as "an area still largely inaccessible and almost free from development", is known for its remoteness and natural beauty.

Yet, the new owner can seemingly redevelop the old village structures with impunity. He can trace *ding* rights - rights of the former Sai Wan villagers to build houses - and create a villa park under the established practice of the Lands Department and Town Planning Board. One just needs to look at Tai Tan and other similar "private pocket areas" within or surrounded by country parks to see this already happening.

Public outrage has forced the developer to halt work at the site for now and wait for the storm to pass. But the problem has not gone away.

The situation that Hong Kong finds itself in - where country parks and areas of unspoiled, remote natural beauty are open to the whims of developers - is due to a lack of foresight. When country parks were created, the settling of private property rights was avoided so the government did not have to pay compensation to their then inhabitants. No planning or development controls were introduced because significant development wasn't seen as practicable - the lack of access alone was deemed to be a sufficient barrier.

How times have changed.

With the huge increases in wealth of mainland China and its entrepreneurs, remote areas have become accessible. The latest "must have" toys of the affluent - powerboats and helicopters - are turning Hong Kong's country parks into the next neighbourhood for the ultra-rich. The only player that seems surprised by this development is the government - which, ironically, is responsible for making the city so attractive to the Chinese diaspora with friendly tax, financial and legal regimes. What Monaco is for the Europeans, Hong Kong is now for the Chinese.

But the government should not be in a position of playing catch-up. During consultations on the mapping of Hong Kong's landscape in 2001, most participants suggested that significant natural or cultural landscapes should be identified for protection. But the government said that the study's objectives did not include recommending any specific landscapes be designated for protection. Even so, it did conclude that there was sufficient information to be used as the basis for designating landscape areas for protection, "if it was considered desirable" to do so after the study was completed.

However, nothing happened. During the consultations for the 2004 New Nature Conservation Policy, the government was again made aware of the issues with private sites in high-value areas. Ninety per cent of the 137 submissions explained the need for planning and development control by means of land resumption, land exchange, tightening of the existing measures relating to conservation zonings on town plans, off-site mitigation and transfer of development rights.

The government chose to consider this "impracticable" in view of the financial and land resource implications, and the complexities and difficulties of implementation. It justified its inaction by explaining that there was no need to worry, as development was sufficiently frustrated for these sites, "since the sites concerned are mainly held under agricultural leases, under which the landowners are not entitled to any development rights". That statement has proven to be false, as many leases allow extensive earth works, rebuilding previous structures and building new village houses.

The only step the government was willing to take was to implement management agreements and public-private partnerships as "practicable improvement options" for the development of 12 pilot areas. Six years on, none of these have progressed. In the meantime, WWF has reported that another 40 sites of conservation value have been degraded, including recently Ma Shi Chau, So Lo Pun, Sam Tam Lo, Lui Kung Tin and now Tai Long Sai Wan.

There are three things the government can still do to immediately control the damage at Tai Long Sai Wan:

- **Stop the crossing of Sai Kung East Country Park with construction equipment and materials whether by air, sea or land;**
- **Prepare a Development Permission Area Plan for Tai Long Sai Wan; or alternatively**
- **Reacquire the private land to safeguard the public interest by preserving the landscape value of Tai Long Wan.**

Tai Long Sai Wan has proven without doubt the need for a comprehensive review of private land within or surrounded by country parks to protect the public's interest in Hong Kong's unique natural heritage. Tai Long Sai Wan must spark a comprehensive renewal of the Nature Conservation Policy in the same way the King Yin Lei Mansion triggered the renewal of our heritage policy. These measures must be taken:

- Include private land that is surrounded by, and adjacent to, country parks but without stringent planning control in the ongoing programme of the Development Permission Areas Plan;
- Decide the land uses for each area so that they are consistent with the surrounding country parks;
- Reacquire all private land deemed too valuable for any private development;
- Enforce restrictions on crossing country parks with construction equipment and materials;
- Require an environmental impact assessment study for any and all development-related works on land within and adjacent to country parks;
- Establish an interdepartmental task force, led by the chief secretary, to resolve the land use and ownership issues of private land surrounded by and within country parks.

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Close these loopholes to protect our green spaces

■ LEADER

Jul 23, 2010

Pockets of private land within Hong Kong's country parks are a quirk of history - something that is perhaps difficult to unwind and resolve. But the fact that some remain unzoned and that enforcement of rules in those areas is not as good as it should be have nothing to do with the past. As the case of development overlooking a stunning stretch of coastline on the Sai Kung peninsula demonstrates, our government does not have a proactive enough approach towards the environment. It is a situation that has to urgently change.

No one beyond the landowner is sure what will take shape on the hard-to-get-to 10,000 square metre site at Sai Wan overlooking a Tai Long Wan beach. This is despite it being on the boundary of our much-touted geopark. The businessman says he is creating an organic garden, but others contend he is building a retreat, with ornamental ponds and tennis courts. We hope that whatever it turns out to be is not an eyesore and fits in with the natural surroundings, but it seems that there is little beyond hope that we can depend on - the land is not zoned. There are about 20 other such sites in or near two country parks in the Sai Kung area. Illegal construction work has already blighted two of them. How many others there are in the New Territories is anyone's guess.

Officials who put in place the country park system in the 1970s created the anomaly. Their agenda was recreation and conservation of water catchment areas and nature, but they were also respectful of ownership rights. Rather than forcing villagers off ancestral land through compulsory purchases, they zoned areas as agricultural or conservation, restricting usage. Land that did not fit either category because of remoteness or rugged terrain was left unzoned.

The Hong Kong of then is far removed from the one of now. Environmentalism was in its formative stages. A concrete-and-glass urban jungle with all the stress and pollution that

that entails was rapidly created. It is only because of the foresight four decades ago that 38 per cent of our land was designated to be left untouched.

It is a treasure that we have come to cherish; a getaway from the anxiety, noise and claustrophobia of high-density living. Expectations for a better quality of life mean we are now protective of open spaces and greenery. Damage to our country parks that was once ignored is no longer tolerated. Just as importantly, we understand that development needs to be managed, regulated and controlled. It does not serve Hong Kong to let anyone do whatever they like on their land. We do not allow it in Causeway Bay or in Kowloon Tong; we should not allow it in country parks.

There is no better place to start than the site at Tai Long Wan and others like it on the Sai Kung peninsula. The lack of government oversight has created loopholes that can be exploited - a matter that some opportunity-conscious New Territories people have become adept at. Unzoned land has to be designated. Laws have to be enforced and penalties that have been unchanged for decades made reflective of our high regard for the environment. There has to be a policy of negotiating a reasonable price for land that comes on the market and integrating whatever is bought into country parks.

Closing the loopholes requires resolve. Our government is unwieldy when it comes to environmental protection, with at least a dozen departments, bureaus and agencies involved. Responsibilities are not always clear-cut and where there is uncertainty, inaction often ensues. It is easy to lament the destruction of our green spaces. It is much better to prevent it from happening.

Upgrade laws to ensure real conservation

Jul 23, 2010

Anyone looking at pictures on the internet of Wineglass Bay in Tasmania, voted one of the world's best 10 beaches in a number of tourist surveys, could be forgiven for thinking they were of our own beach at Sai Wan.

What is happening in Sai Wan is not an isolated example of environmental degradation.

It is frustrating and annoying to hear the standard, helpless responses from various government departments whenever part of our natural heritage is at stake:

- The Environmental Protection Department said its approval was not required as there were no breaches of anti-pollution regulations, but it would monitor the situation;
- The Agriculture, Fisheries and Conservation Department said it could not step in since the destructive work was carried out on private sites, even within protected areas or the country park; and
- The Lands Department could not act over tree felling activities on the private site because it was old agricultural land, and leases were granted in the early 20th century under leases for agricultural use without any tree preservation conditions.

One must question the commitment of our government regarding nature conservation when the Environment Bureau says the site should not be seen as part of the geopark, as the park does not contain private land.

What has our government done to conserve our natural beauty and to prevent continuous molestation of our countryside in the name of economic development?

Surely the government should be proactive, and review existing legislation on private land in country parks as well as its conservation policies.

These laws were enacted when the priority was urban development and few people showed any interest in the New Territories.

Officials should act now and ensure that our environment is conserved and effectively managed.

C. Yu, North Point