

Chapter 10 : Conservation

1. Conservation is considered in this chapter in terms of land use which can be shown by zonings on statutory and non-statutory town plans. Two key aspects of conservation are covered in this chapter, namely nature conservation and biodiversity and conservation of cultural heritage.

Principles of Conservation

2. The following four principles should be adopted for the practical pursuit of conservation in land use planning:
 - (i) retain significant landscape, ecological and geological attributes and heritage features as conservation zones;
 - (ii) restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features;
 - (iii) ensure compatibility of adjoining uses to minimise adverse impacts on conservation zones and optimise their conservation value; and
 - (iv) create, where possible, new conservation zones in compensation for areas of conservation value, which are lost to development.

Nature Conservation and Biodiversity

3. Our nature conservation policy is to regulate, protect and manage natural resources that are important for the conservation of biological diversity of Hong Kong in a sustainable manner, taking into account social and economic considerations, for the benefit and enjoyment of the present and future generations of the community. Biodiversity conservation can be achieved through protecting areas or individual sites of ecological or landscape significance from incompatible land uses, which is important in ensuring the continued survival and thriving of species therein. Conservation of biodiversity at the genetic level is indirectly assured as a result.

Statutory Town Plans

4. A list of conservation zones designated for protection of natural landscapes and habitats on statutory town plans i.e. Outline Zoning Plans and Development Permission Area Plans, and their planning intentions are summarized in **Table A** below. Under these conservation zonings, there is a general presumption against development and the uses which are permitted, may be subject to the imposition of appropriate conditions by the Town Planning Board.

Table A : Conservation Zones in Statutory Town Plans	
Zonings	Planning Intention
“Country Park”	To reflect a country park or special area as designated under the Country Parks Ordinance, where all uses and developments require consent from the Country and Marine Parks Authority.
“Coastal Protection Area”	To conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development; and to cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion, with a general presumption against development.
“Site of Special Scientific Interest”	To conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI and to deter human activities or developments within the SSSI, with a general presumption against development.
“Conservation Area”	To protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as SSSI or Country Park from the adverse effects of development. There is a general presumption against development in this zone.
“Green Belt”	To primarily conserve the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, to define the limits of urban and sub-urban development areas by natural features, to contain urban sprawl as well as to provide passive recreational outlets, with a general presumption against development.

Table A : Conservation Zones in Statutory Town Plans	
To regulate developments within the wetland area around Mai Po Marshes and Inner Deep Bay near the Ramsar Site, the following land use zones are introduced in the OZPs within these areas:	
Zonings	Planning Intention
“Conservation Area”	To discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.
“Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)”	For conservation and enhancement of ecological value and functions of the existing fishponds or wetland through consideration of application for development or redevelopment under the “private-public partnership approach”. The “no-net-loss in wetland” principle is adopted for any change of use in this zone.
“ Other Specified Uses (Comprehensive Development to include Wetland Restoration Area)”	To provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands.
“ Other Specified Uses (Comprehensive Development and Wetland Protection Area)”	To allow consideration of comprehensive low-density residential development or redevelopment provided that all the existing continuous and contiguous fish ponds within the zone are protected and conserved. The “no-net-loss in wetland” principle is adopted for any change in use within the zone.

Non-Statutory Town Plans

5. Non-statutory town plans and supporting planning documents should also be used to express the planning intention to protect conservation areas. Broad conservation sites should be identified and an overall framework of conservation should be reflected in planning and development studies as appropriate. At the district level, Outline Development Plans and Layout Plans are prepared at scales which enable existing and potential conservation sites to be shown and annotated with relevant symbol.

Heritage Conservation

6. Heritage conservation is the protection of declared monuments, historic buildings, sites of archaeological interest and other heritage items, but in a wider sense implies respect for local activities customs and traditions. The concept of heritage conservation is to conserve not only individual items but also respecting their wider urban or rural setting as a way to preserve our cultural heritage. The policy statement on heritage conservation is

to protect, conserve and revitalise as appropriate historical and heritage sites and buildings through relevant and sustainable approaches for the benefit and enjoyment of present and future generations.

Statutory Town Plans

7. The existing Town Planning Ordinance does not have provisions for the protection of declared monuments, historic buildings, sites of archaeological interest and other heritage items. It is also generally not possible to indicate on the statutory town plans, anything other than the wider ‘use’ in which these heritage items are located e.g. an ancestral hall within a “Village Type Development” zone or an archaeological relic within a “Conservation Area” zone. However, the information related to declared and proposed monuments, graded historic buildings, and sites of archeological interest are reflected on the relevant statutory town plans by making reference to the website of the Antiquities Advisory Board (www.aab.gov.hk), Antiquities and Monuments Office (AMO) or the Government website on heritage conservation in the Explanatory Statements and that prior consultation with the AMO is necessary for any developments or rezoning proposals affecting these sites or buildings and their immediate environment.

Non-Statutory Town Plans

8. Non-statutory town plans and supporting planning documents should be used to express the planning intention to protect declared monuments, historic buildings, sites of archaeological interest, and other heritage items. Declared monuments, historic buildings and sites of archaeological interest should be identified and an overall framework of conservation should be reflected in planning and development studies as appropriate. Layout Plans are prepared at scales which enable all declared monuments, recorded sites of archeological interest, graded historic buildings and other heritage items be shown and annotated with relevant symbol.

Enforcement

9. Conservation measures should be enforced under the most appropriate ordinance and authority as summarized in Table B below:

Table B : Legislation and Administrative Controls for Conservation	
Legislation	Authority (Administered by)
Country Parks Ordinance (Cap 208)	Country & Marine Parks Authority (Agriculture, Fisheries and Conservation Department)
Marine Parks Ordinance (Cap 476)	Country & Marine Parks Authority (Agriculture, Fisheries and Conservation Department)
Wild Animals Protection Ordinance (Cap 170)	Director of Agriculture, Fisheries and Conservation (Agriculture, Fisheries and Conservation Department)
Waterworks Ordinance (Cap 102)	Water Authority (Water Supplies Department)

Table B : Legislation and Administrative Controls for Conservation	
Legislation	Authority (Administered by)
Antiquities and Monuments Ordinance (Cap 53)	Secretary for Development (Antiquities and Monuments Office)
Town Planning Ordinance (Cap 131)	Town Planning Board (Planning Department)
Forests and Countryside Ordinance (Cap 96)	Director of Agriculture, Fisheries and Conservation (Agriculture, Fisheries and Conservation Department)
Environmental Impact Assessment Ordinance (Cap 499)	Director of Environmental Protection (Environmental Protection Department)
Administrative Regulation	
Site of Special Scientific Interest	Director of Agriculture, Fisheries and Conservation (Agriculture, Fisheries and Conservation Department)
Outline Development Plans/ Layout Plans	Director of Planning (Planning Department)