

COUNTRY PARKS ORDINANCE
- CHAPTER 208

LONG TITLE

Long title VerDate:30/06/1997

To provide for the designation, control and management of country parks and special areas, the establishment of the Country and Marine Parks Board, and for purposes connected therewith.
(Amended 37 of 1995 s. 29)

[16 August 1976] L.N. 204 of 1976

(Originally 10 of 1976)

I

PRELIMINARY VerDate:30/06/1997

SECT 1

Short title VerDate:30/06/1997

This Ordinance may be cited as the Country Parks Ordinance.

SECT 2

Interpretation VerDate:01/07/1997

Amendments retroactively made - see 29 of 1998 s. 50

In this Ordinance, unless the context otherwise requires-

"Authority" means the Country and Marine Parks Authority within the meaning of section 3; (Replaced 37 of 1995 s. 30)

"Board" means the Country and Marine Parks Board established under section 5; (Amended 37 of 1995 s. 30)

"country park" means any area that is designated as a country park under section 14;

"leased land" (â·²æ%ø¹ç§ŸăœŸăœ°) means any land which is-

(a) held under a Government lease or a tenancy granted by the Government or any agreement for such a lease or tenancy; (Amended 29 of 1998 s. 50)

(b) vested in any person by an Ordinance; or

(c) occupied under-

(i) a licence issued under section 5 of the Land (Miscellaneous Provisions) Ordinance (Cap 28); (Amended 29 of 1998 s. 50)

(ii) a licence or permit granted or issued under any other Ordinance; or

(iii) a deed or memorandum of appropriation;

"special area" means any area designated as such under section 24.

II

DUTIES OF COUNTRY AND MARINE PARKS AUTHORITY AND ESTABLISHMENT OF COUNTRY AND MARINE PARKS BOARD* VerDate:01/01/2000

Note:

* (Amended 37 of 1995 s. 31)

SECT 3

Control and management of country parks and special areas VerDate:01/01/2000

(1) Subject to this Ordinance, the control and management of country parks and special areas are vested in the Country and Marine Parks Authority. (Amended 37 of 1995 s. 32)

(2) The Director of Agriculture, Fisheries and Conservation shall be the Authority for the purposes of this Ordinance. (Added 37 of 1995 s. 32. Amended L.N. 331 of 1999)

SECT 4

Duties of the Authority VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

It shall be the duty of the Authority-

(a) to make recommendations to the Chief Executive for the designation of areas as country parks or special areas; (Amended 34 of 2000 s. 3)

(b) to develop and manage country parks and special areas;

(c) to take such measures in respect of country parks and special areas as he thinks necessary-

(i) to encourage their use and development for the purposes of recreation and tourism;

(ii) to protect the vegetation and wild life inside country parks and special areas;

- (iii) to preserve and maintain buildings and sites of historic or cultural significance within country parks and special areas but without prejudice to the Antiquities and Monuments Ordinance (Cap 53); and
- (iv) to provide facilities and services for the public enjoyment of country parks and special areas;
- (d) generally to administer this Ordinance.

SECT 5

Establishment of Country and Marine Parks Board VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

(1) There is hereby established a Country and Marine Parks Board which shall- (Amended 37 of 1995 s. 33)

(a) act as a consultative body to advise the Authority upon any matter referred to it by the Authority;

(b) consider and to advise the Authority on, the policy and programmes prepared by the Authority in respect of country parks and special areas, including proposed country parks and special areas; and

(c) consider any objections that may be lodged under section 11 or section 17.

(2) The Board shall consist of-

(a) the Authority; and (Amended 32 of 1989 s.2)

(b) not less than 10 other members, of whom not less than 5 shall be public officers.

(2A) The Chief Executive may appoint any member of the Board as the Chairman of the Board. (Added 32 of 1989 s. 2. Amended 34 of 2000 s. 3)

(3) The members of the Board, other than those members who are public officers, shall be appointed for a period of 2 years or for such lesser period as the Chief Executive may in any particular case determine and shall be eligible for re-appointment. (Amended 34 of 2000 s. 3)

(4) Any member of the Board who is not a public officer may at any time by notice in writing to the Chief Executive resign from the Board. (Amended 34 of 2000 s. 3)

(5) 5 members of the Board shall form a quorum at any meeting thereof.

(6) The Chairman of the Board shall preside at all meetings thereof:
Provided that if at any meeting the Chairman is absent there shall preside such member of the Board as shall be elected from among those present at the meeting.

(7) The Board may appoint committees for the better discharge of its functions under this Ordinance and a committee so appointed may include persons who are not members of the Board: Provided that at least two-thirds of the members of every committee shall be members of the Board.

(8) The Authority shall appoint a public officer to be the Secretary of the Board.

(9) If a member of the Board has any pecuniary interest, whether direct or indirect, in any matter before the Board, he shall disclose the fact and nature of his interest at a meeting of the Board and, if so required by the Board, shall withdraw from the meeting at which the Board is considering the matter and in any case shall not vote thereon.

(10) Subject to this Ordinance the Board and any committee thereof may determine its own procedure at meetings.

SECT 6

Transaction of business by circulation of papers VerDate:30/06/1997

(1) The Board may transact any of its business by circulation of papers, and, subject to subsections (2) and (3), a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Board by the votes of the members so approving the resolution.

(2) Any member of the Board may, by notice in writing to the Chairman, require any business which is being transacted by circulation of papers to be transacted at a meeting of the Board.

(3) Where a notice under subsection (2) has been given to the Chairman, any resolution in respect of the business the subject of the notice which has been approved in writing by a majority of the members under subsection (1) shall be void.

SECT 7

Power of Chief Executive to give directions VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

(1) The Chief Executive may give such directions as he thinks fit, either generally or in any particular case, with respect to the exercise or performance by the Authority or a public officer of any powers, functions or duties under this Ordinance.

(2) The Authority and every public officer shall, in the exercise or performance of any powers, functions or duties under this Ordinance comply with any directions given by the Chief Executive under subsection

(1).

(Amended 34 of 2000 s. 3)

III

DESIGNATION OF COUNTRY PARKS VerDate:01/07/1997

SECT 8

Preparation of draft maps VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

- (1) The Authority shall, at the direction of the Chief Executive, prepare draft maps showing proposed country parks. (Amended 34 of 2000 s. 3)
- (2) Any map prepared under subsection (1) shall, to the extent that it is practicable, show or make provision for such facilities and services as the Authority considers appropriate for the country park.
- (3) The Authority may, in conjunction with any draft map prepared under subsection (1), prepare explanatory material relating to the map, which may be in the form of diagrams, illustrations, notes or descriptive matter; and any such explanatory material shall be part of the map.
- (4) The Authority shall consult the Board on the preparation of any draft map under this section.

SECT 9

Inspection of draft map VerDate:30/06/1997

- (1) Where the Authority has prepared a draft map under section 8, he shall publish in the Gazette a notice in English and in Chinese-
 - (a) containing a general description of the area shown in the draft map;
 - (b) giving particulars of the places and times at which a copy of the map may be inspected by the public; and
 - (c) specifying the time within which, and the manner in which, objections to the draft map may be made.
- (2) Where the Authority publishes a notice under subsection (1) he shall-
 - (a) publish a copy of the notice in 3 issues of one English language and 2 Chinese language daily newspapers; and
 - (b) display a copy of such notice in some conspicuous part of the proposed country park.
- (3) A copy of a draft map shall be available for inspection by the public free of charge at such offices of the Government as the Authority thinks fit for a period of 60 days from the date of publication of a notice under subsection (1) and during the hours when those offices are normally open to the public.
- (4) The Authority shall supply a copy of the draft map upon payment of such fee as the Authority may determine.

SECT 10

Effect of publication of notice under section 9(1) VerDate:30/06/1997

(1) After the publication of a notice by the Authority under section 9(1), no new development shall be carried out within the area of the proposed country park shown in the draft map without the prior approval of the Authority.

(2) The granting of approval by the Authority under subsection (1) shall be in addition to any other approval which may be required in respect of the new development.

(3) For the purposes of this section-
"development" means the carrying out of building, engineering, mining or other similar operations in, on, over or under land, or the making of any material change in the use of any buildings or other land other than-

(a) the carrying out of works for the maintenance, improvement or alteration of any building;

(b) the use of any land for the purpose of agriculture, forestry or fisheries and the use for any of those purposes of any building occupied together with land so used;

(c) the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of dwelling house as such; or

(d) the carrying out of any works for the purpose of inspecting, repairing or renewing any sewer, mains, pipes, cables or other apparatus; [cf. 1971 c. 78 s. 22(1) & (2) U.K.]

"new development" means any development other than development in respect of which all the necessary approvals and permissions had been obtained prior to the date of publication in the Gazette of a notice under section 9(1).

SECT 11

Objections VerDate:30/06/1997

(1) Any person aggrieved by a draft map available for inspection under section 9 may within the period of 60 days referred to in section 9(3) send to the Authority and to the Secretary of the Board a written statement of his objection to the draft map.

(2) A written statement under subsection (1) shall set out-

(a) the nature of and reasons for the objection; and

(b) if the objection would be removed by an alteration to the draft map, any alteration proposed.

(3) Where the Authority receives a written statement of objection under subsection (1), he may within 30 days of receipt of the objection send to the Secretary of the Board his written representations concerning such objection.

(4) Upon receipt of an objection under subsection (1) and any representations by the Authority under subsection (3), the Secretary of the Board shall fix a time and place for the hearing of the objection by the Board and shall give 14 clear days' notice thereof to the objector.

(5) The objector may attend the meeting of the Board at which the objection is to be heard, and may be heard in person or by his authorized representative.

- (6) Upon the hearing of an objection, the Board may-
- (a) reject the objection in whole or in part; or
 - (b) direct the Authority to make amendments to the draft map to meet such objection in whole or in part.
- (7) Where the Board rejects the objection under subsection (6)(a), the Secretary of the Board shall notify in writing the objector of the Board's decision.

SECT 12

Submission of draft map to Chief Executive in Council VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

The Authority shall, within 6 months from the last day of the period during which objections may be lodged, submit the draft map to the Chief Executive in Council for approval, and shall at the same time submit-

(Amended 34 of 2000 s. 3)

- (a) a schedule of objections and representations made under section 11; and
- (b) a schedule of the amendments made by the Authority pursuant to a direction under section 11(6)(b) with a view to meeting such objections.

SECT 13

Power of Chief Executive in Council upon submission of draft map VerDate:12/02/2005

- (1) Upon submission of a draft map under section 12, the Chief Executive in Council shall-
- (a) approve the draft map;
 - (b) refuse to approve it; or
 - (c) refer it to the Authority for further consideration and amendment.
- (2) Where the Chief Executive in Council refuses to approve a draft map under subsection (1)(b), the Authority shall as soon as possible after such refusal give notice in the Gazette of such refusal.
- (3) The Chief Executive in Council may by order published in the Gazette correct any omission from or error in any map approved by him.
- (4) Every map approved by the Chief Executive in Council shall be signed by the Authority and shall be deposited in the Land Registry.
(Replaced 20 of 2002 s. 5)
- (5) The deposit of maps under subsection (4) shall be notified in the Gazette.

(6) The Authority shall supply a copy of an approved map to any person upon payment of such fee as the Authority may determine.
(Amended 34 of 2000 s. 3)

SECT 14

Designation of country parks VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

Where the Chief Executive in Council has approved a draft map under section 13 and it has been deposited in the Land Registry, the Chief Executive shall, by order in the Gazette, designate the area shown in the approved map to be a country park.

(Amended 8 of 1993 s. 2; 34 of 2000 s. 3)

SECT 15

Replacement or amendment of approved maps VerDate:12/02/2005

"map"

(1) The Chief Executive in Council may refer any map approved by him under section 13 to the Authority for replacement by a new map or for amendment. (Amended 34 of 2000 s. 3)

(2) Upon any reference under subsection (1), sections 8 to 14 shall apply in respect of a new map in replacement of the map referred to or any amendment to the map referred in like manner as they applied to the map it replaces or amends; and where the reference is in respect of an amendment the word "map" in sections 8 to 14 shall be construed as referring to the map showing the amendment. <*

Note - Exp. X-Ref.: Sections 8, 9, 10,

11, 12, 13, 14 *>

(3) A map referred to the Authority shall be replaced by the new approved map or read as one with any approved amendment as the case may be.

(4) The Land Registrar shall endorse accordingly the map deposited under section 13 which has been replaced or amended and shall cause the copies of the maps deposited in the Land Registry to be similarly endorsed. (Amended 8 of 1993 ss. 3 & 23; 20 of 2002 s. 5)

IV

CONTROL OF LAND IN COUNTRY PARKS VerDate:01/07/1997

SECT 16

Control of use of land in country park VerDate:01/07/1997

Amendments retroactively made - see 29 of 1998 ss. 51 & 105

(1) Notwithstanding any Ordinance or the terms of any lease or agreement for a lease, in any case where the Authority is of the opinion that any use or proposed use of any leased land by the occupier within a country park would substantially reduce the enjoyment and amenities of the

country park as such, he may request the appropriate Land Authority to exercise the powers conferred by this section.

(2) Where the Land Authority receives a request under subsection

(1), he may, by notice in writing-

(a) require the occupier, within such period, not being less than 3 months, as the Land Authority may determine, to discontinue or modify the use; or

(b) prohibit the occupier from proceeding with the proposed use or, within such period, not being less than 3 months, as the Land Authority may determine, require the occupier to modify the proposed use, so as to avoid the enjoyment and amenities of the country park being substantially reduced; and where the occupier is not the Government lessee, the Land Authority shall, where practicable, serve on the Government lessee a copy of the notice given to the occupier. (Amended 29 of 1998 s. 105)

(3) A notice under subsection (2) shall notify the occupier, and where the occupier is not the Government lessee, the Government lessee, of his right to object under section 17. (Amended 29 of 1998 s. 105)

(4) An occupier who fails to comply with the requirements of a notice given to him under subsection (2) shall be guilty of an offence and shall be liable to a fine of \$5000 and, in addition, to a fine of \$100 for each day during which the offence has continued. (Amended L.N. 378 of 1989)

(5) Where an occupier or Government lessee objects under section 17 the operation of the notice against which he is objecting shall be suspended until the final determination of the objection. (Amended 29 of 1998 s. 105)

(6) Notwithstanding any proceedings which may be taken under subsection (3), where the requirements of a notice under subsection (2) are not complied with, the leased land which is the subject of the requirements may be resumed in accordance with the Lands Resumption Ordinance (Cap 124), and for the purposes of section 3 of that Ordinance it shall be deemed that the resumption of such land is required for a public purpose. (Amended 29 of 1998 s. 51)

(7) In this Part "Land Authority" means-

(a) in relation to leased land within a country park situated in the New Territories, the Director of Lands; and (Amended L.N. 370 of 1981; L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)

(b) in relation to leased land within a country park in Hong Kong other than the New Territories, the Director of Lands. (Amended L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)

SECT 17

Objection to notice under section 16(2) VerDate:01/07/1997

Adaptation amendments retroactively made - see 29 of 1998 s. 105; 34 of 2000 s. 3

(1) Where a notice is served on an occupier or Government lessee under section 16(2) in respect of the use or proposed use of any land held by him-

(a) under a Government lease or any agreement for such lease; or

(b) under any Ordinance, he may, within 1 month of the service on him of such notice, send to the Authority, the Land Authority and to the Secretary of the Board a written statement of objection to the notice. (Amended 29 of 1998 s. 105)

(2) A written statement under subsection (1) shall set out the nature of and reasons for the objection.

(3) Where the Authority and the Land Authority receive a written statement under subsection (1) they may within 14 days of receipt of the statement send to the Secretary of the Board their written representations concerning such objection.

(4) Upon receipt of a written statement under subsection (1) and any representations under subsection (3), the Secretary of the Board shall fix a time and place for the hearing of the objection by the Board and shall give 14 clear days' notice thereof to the objector.

(5) The objector may attend the meeting of the Board at which the objection is to be heard, and may be heard in person or by his authorized representative.

(6) Upon the hearing of the objection, the Board may-

(a) reject the objection;

(b) uphold the objection; or

(c) direct the Land Authority to amend the notice served under section 16(2).

(7) Where the Board rejects the objection or directs the Land Authority to amend the notice the Secretary shall notify the objector in writing of the Board's decision and shall also notify the objector of his right of appeal under subsection (8).

(8) Any objector aggrieved by the Board's decision may appeal by way of petition to the Chief Executive within 1 month of being notified of the Board's decision. (Amended 34 of 2000 s. 3)

(9) Upon consideration of a petition under subsection (8) the Chief Executive may-

(a) direct the Land Authority to withdraw or amend the notice served under section 16(2); or

(b) direct that the petition be referred to the Chief Executive in Council. (Amended 34 of 2000 s. 3)

(10) The Chief Executive in Council, upon considering a petition referred to him under subsection (9) may- (Amended 34 of 2000 s. 3)

(a) direct the Land Authority to withdraw or amend the notice served under section 16(2); or

(b) dismiss the petition.

(11) The decision of the Chief Executive or the Chief Executive in Council shall be final.
(Amended 34 of 2000 s. 3)

V
COMPENSATION VerDate:01/07/1997

SECT 18
No remedy except under this Ordinance VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

(1) No compensation shall be paid to the owner of, or to any person interested in, any land because it is situated within or is affected by a country park.

(2) No action, claim or proceedings shall lie or be brought against the Government or any other person to recover damages, compensation or costs for- (Amended 34 of 2000 s. 3)

(a) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;

(b) personal disturbance or inconvenience;

(c) extinguishment, modification or restriction of rights; or

(d) the costs of effecting or complying with any requirement,
(Amended L.N. 235 of 1996)
which is authorized or imposed by or under this Ordinance or arises from any act or omission so authorized, except in pursuance of the rights to compensation provided for in section 19.

SECT 19
Compensation VerDate:01/07/1997

Adaptation amendments retroactively made - see 29 of 1998 s. 52; 34 of 2000 s. 3

(1) Where-

(a) the Authority refuses approval under section 10 for the carrying out of new development on any land; or

(b) the occupier of land within a country park discontinues or modifies the use or ceases to proceed with or modifies the proposed use of that land in accordance with a notice given to him under section 16(2), and such new development or use is permitted by or under the terms of any lease or agreement for a lease under which the land is held-

(i) in the case of loss, damage or cost under paragraph (a), the owner of the land; and

(ii) in the case of loss, damage or cost under paragraph (b), any person owning a compensatable interest in the land, shall have the right to claim compensation from the Government to the extent of the loss, damage or cost suffered or incurred by him as assessed under this Part. (Amended 34 of 2000 s. 3)

(2) The basis on which compensation is to be assessed shall be-

(a) in the case of a claim for loss, damage or cost under subsection (1)(a), the amount by which the value of the land is reduced on account of the refusal to approve the carrying out of new development; and

(b) in the case of a claim for loss, damage or cost under subsection (1)(b)-

(i) the amount by which the value of the land is reduced; and

(ii) the amount which might fairly and reasonably be estimated as the loss of the claimant in respect of works necessary to effect the discontinuance, cessation or modification of the use or proposed use, on account of the requirement to discontinue or modify or the prohibition.

(3) In the assessment of compensation no account shall be taken of any increase or decrease in the value of land to which the compensation relates which is attributable to-

(a) the land being within an area of a proposed country park shown on a draft map prepared under section 8; or

(b) the land being within a country park.

(4) For the purposes of this section the value of land shall be such value as would be assessed under the Lands Resumption Ordinance (Cap 124) if the land were to be resumed under that Ordinance. (Amended 29 of 1998 s. 52)

(5) In this section "compensatable interest" means the estate or interest of-

(a) a person having an unexpired term in land (including any further term which could be obtained as of right) of not less than one month or a tenancy or sub-tenancy terminable (whether by virtue of an Ordinance or otherwise) by either party by not less than one month's notice;

(b) a mortgagee in possession;

(c) the holder of a valid or subsisting option to purchase an interest referred to in (a) or (d);

(d) a purchaser under an agreement for sale and purchase to whom the benefit of an interest referred to in (a) or (c) has already passed.

SECT 20

Claims for compensation VerDate:30/06/1997

(1) Any person claiming compensation under section 19 shall submit a claim in writing to the Authority stating the nature of his estate or interest in the land and the amount which he seeks to recover.

(2) A person claiming compensation under section 19 shall submit his claim to the Authority within 1 year of the refusal to approve new development or of the receipt of a requirement to discontinue or modify the use or proposed use, as the case may be, or within such further period as the Authority may allow.

(3) If any such person and the Authority do not agree, within 3 months from the submission of the claim under subsection (1), as to the amount of compensation (if any) to be paid, either party may submit the claim to the Lands Tribunal for determination of the amount of compensation (if any) to be paid.

(4) The Lands Tribunal shall determine the amount of compensation payable in respect of a claim submitted to it under subsection (3) in accordance with section 19.

SECT 21

Interest on compensation VerDate:12/04/2001

For the validation of interest payments and application provisions relating to the amendments made by 6 of 2001, see section 13 of 6 of 2001.

(1) The Lands Tribunal may direct that interest be paid on compensation (but not on costs) from such date and for such period as it thinks fit, at the rate specified in subsection (2) or at such other rate as may be determined by resolution of the Legislative Council. (Amended 76 of 1980 s. 24; 6 of 2001 s. 5)

(2) For the purposes of subsection (1), the rate of interest paid-

(a) in respect of a working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day. (Added 6 of 2001 s. 5)

(3) In this section-

"non-working day" means a day that is not a working day;

"note-issuing bank" has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap 65);

"working day" means any day other than-

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap 1). (Added 6 of 2001 s. 5)

SECT 22

Compensation to be paid from funds provided by the Legislative Council VerDate:30/06/1997

All compensation, including interest thereon and costs, shall be paid from such money as may be provided from time to time by the Legislative Council.

SECT 23

Payment when claimant absent etc. VerDate:30/06/1997

If a claimant to whom compensation is payable, either by agreement or following an award by the Lands Tribunal,-

- (a) is absent from Hong Kong;
- (b) cannot be found;
- (c) within 3 months of an agreement for or award of compensation makes no claim for payment; or
- (d) in the opinion of the Authority is unable to give an effectual discharge for the compensation, the Authority may direct payment of the compensation to be made to such other person on behalf of the claimant as he shall think proper, subject to such conditions as he thinks fit, and the receipt of the person to whom payment is made shall be a valid and effectual discharge for the compensation in the same manner as if payment had been made to the claimant.

VI

SPECIAL AREAS VerDate:01/07/1997

SECT 24

Designation of special areas VerDate:01/07/1997

Adaptation amendments retroactively made - see 29 of 1998 s. 105; 34 of 2000 s. 3

- (1) The Chief Executive may by order in the Gazette designate any area of Government land outside a country park as a special area for the purpose of this Ordinance. (Amended 34 of 2000 s. 3)
- (2) The Authority may, on the advice of the Board, by order in the Gazette, designate any area of Government land within a country park as a special area for the purposes of this Ordinance.
- (3) In this section "Government land" means any land which is not leased land. (Amended 29 of 1998 s. 105)

VII

EXCLUSIONS VerDate:01/07/1997

SECT 25

Exclusions from country parks and special areas VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

The Chief Executive may by order in the Gazette exclude from any country park or special area- (Amended 34 of 2000 s. 3)

- (a) village areas, traditional burial grounds, temples and other religious buildings;
- (b) any area in respect of which a lease is issued or to be issued by the Director of Lands, after consultation with the Authority, for the purposes of recreation or tourism; and (Amended L.N. 370 of 1981; L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)
- (c) any place, building, site or structure that has been declared a monument under section 3 of the Antiquities and Monuments Ordinance (Cap 53).

VIII

MISCELLANEOUS VerDate:01/07/1997

SECT 26

Regulations VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

- (1) The Chief Executive in Council may make regulations to provide for- (Amended 34 of 2000 s. 3)
 - (a) the proper management and control, including closure or partial closure, of country parks and special areas;
 - (b) prohibiting or restricting the entry into, or movement within, country parks and special areas of persons, vehicles, boats and animals;
 - (c) the preservation of good order and prevention of abuses and nuisances within country parks and special areas;
 - (d) the fees or charges payable in connection with the use of any country park or special area or any part thereof or in connection with the use of any amenities or facilities provided therein;
 - (e) prohibiting or restricting the killing, hunting, trapping, molesting or disturbance of any form of wild life within a country park or special area, the taking of, destruction of or interference with vegetation within a country park or special area or the doing of anything therein which will interfere with the soil;
 - (f) prohibiting or restricting the lighting of fires within a country park or special area and the prevention of fire hazards;
 - (g) prohibiting or controlling the use of a country park or special area for-
 - (i) picnicking;
 - (ii) barbecuing;

- (iii) camping;
- (iv) swimming;
- (v) hawking;
- (vi) advertising;
- (vii) fishing; and
- (viii) any other similar activities;

(h) the seizure and disposal of any vehicle, boat, animal or other article or thing in respect of which any regulation made under this section is contravened;

(i) the issue by the Authority on such terms and subject to such conditions as the Authority may personally determine, of permits authorizing the entry into a country park or special area or the doing of anything therein which would otherwise be unlawful; and

(j) generally the purposes of this Ordinance.

(2) Regulations made under this section shall not derogate from or adversely affect any rights attached to any land within a country park or special area.

(3) Regulations made under this section may provide that a contravention or breach thereof shall be an offence punishable by a fine not exceeding \$5000 and imprisonment for a term not exceeding 1 year and where the offence is a continuing offence, punishable by a daily fine not exceeding \$100 in addition to the penalties imposed in relation to that offence.

SECT 27

Powers of arrest VerDate:30/06/1997

(1) Any public officer or class of public officers authorized in writing by the Authority in that behalf may without warrant arrest any person whom he reasonably suspects of having committed any offence under the regulations.

(2) Any public officer who arrests any person under subsection (1) shall take the person to a police station or, if further inquiries are necessary, first to an office of the Authority and then to a police station, there to be dealt with in accordance with the Police Force Ordinance (Cap 232):
Provided that in no case shall any person be detained for more than 48 hours without being charged and brought before a magistrate.

(3) If any person forcibly resists or attempts to evade arrest under this section, the public officer arresting him may use such force as is reasonably necessary to effect the arrest.

SECT 28

Powers of entry VerDate:30/06/1997

(1) For the purpose of-

- (a) surveying any land in connection with the preparation of a draft map under section 8;
- (b) ascertaining whether any new development is being carried out on any land;
- (c) ascertaining whether the use or proposed use of any land within a country park would substantially reduce the enjoyment or amenities of the country park as such; or
- (d) surveying any land or estimating its value in connection with any claim for compensation under section 19, any public officer authorized in writing by the Authority in that behalf may enter upon that land at all reasonable times.

(2) Any person who wilfully obstructs any public officer lawfully exercising his powers under this section shall be guilty of an offence and shall be liable on conviction to a fine of \$5000 and to imprisonment for 1 year.