

LEGISLATIVE COUNCIL BRIEF

LONG-TERM MANAGEMENT AND OPERATION OF THE HONG KONG WETLAND PARK

INTRODUCTION

At the meeting of the Executive Council on 15 July 2008, the Council took note of the Administration's long-term plan to manage and operate the Hong Kong Wetland Park (HKWP). Details of the plan are set out in paragraph 4 below.

JUSTIFICATIONS

2. HKWP is a special area designated under the Country Parks Ordinance. The Director of Agriculture, Fisheries and Conservation (DAFC) as the Country and Marine Parks Authority is the authority for managing such special areas.

3. In 2005, in the context of amending the Country Parks Ordinance to designate the HKWP as a special area to tie in with the opening of the HKWP in May 2006, the Administration informed the LegCo that the future management, operation and promotion of the HKWP would be outsourced under the supervision of Agriculture, Fisheries and Conservation Department (AFCD). In the interim, AFCD has taken up these duties through employment of non-civil service contract staff and appointing service contractors to assist in certain operational areas (i.e. cleansing, security and landscaping). Subsequently, having reviewed the Country Parks Ordinance, the Department of Justice (DoJ) advised that DAFC must retain the control and management of HKWP as required under Section 3(1) and Section 4(b) of the Country Parks Ordinance, details of which are set out at Annex A. According to legal advice, appointing independent contractors to manage HKWP free from DAFC's control would result in DAFC surrendering the control and management of HKWP, and was contrary to the legislative intent of the Country Parks Ordinance. However, outsourcing of services would not result in DAFC relinquishing the control and management of HKWP. For example, DAFC may appoint contractors to assist them in carrying out certain services, such as security, cleansing and landscaping services. We therefore consider that AFCD would have to take up the management and operation of the Park on a long-term basis.

4. In order for AFCD to continue to perform its statutory management functions in view of DoJ's advice, AFCD will -

- (a) set up a civil service team comprising the essential professional, executive and technical support for the management of HKWP;
- (b) in line with the "small Government big market" principle, enlarge its present scope of outsourcing the services of HKWP to areas which do not affect the control and management of HKWP by DAFC such as marketing and promotion, maintenance of exhibits, public education, revenue collection and public enquiry; and
- (c) continue to let out the café and souvenir shop in HKWP to private operators by tenancies of two to three years.

The Administration would ensure that the outsourcing would not result in DAFC's control and management of HKWP being relinquished.

IMPLICATIONS

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5. The plan has civil service implications as set out at Annex B. It has no financial, economic, environmental, productivity or sustainability implications. The plan is in conformity with the Basic Law, including the provision concerning human rights.

PUBLIC CONSULTATION

6. The plan involves the re-engineering of the management structure of HKWP. It will not affect the existing services provided to the public by HKWP. No public consultation is required.

BACKGROUND

7. HKWP is a world-class conservation, education and tourism facility. It covers some 60 hectares and is built upon an ecological mitigation area for the compensation of the loss of natural habitats due to New Town development in Tin Shui Wai, New Territories. It has a 10,000 square metre visitor centre with exhibition galleries showcasing the functions and values of wetlands, lecture theatre, classroom and resource centre, café and souvenir shop. The outdoor area is a recreated wetland reserve, including freshwater marshes, woodlands, shrublands, reedbeds and artificial mudflat which provide living habitats for wildlife.

8. Since its opening in May 2006, HKWP has attracted more than 1.8 million of visitors, 16% of whom came from overseas and the Mainland. Its professional team of management has established close

dialogues with the travel trade, the education sector, the green groups and the local Tin Shui Wai community. Together they have launched many edutainment initiatives which are well-received by the various stakeholders.

ENQUIRIES

9. Enquiries may be directed to Mrs Winifred Chung, Assistant Commissioner for Tourism (3), Commerce and Economic Development Bureau at 2810 2087.

**Commerce and Economic Development Bureau
July 2008**

CAP 208 COUNTRY PARKS ORDINANCE

o **Section 3 - Control and management of country parks and special areas - 01/01/2000**

PART II

DUTIES OF COUNTRY AND MARINE PARKS AUTHORITY AND ESTABLISHMENT OF COUNTRY AND MARINE PARKS BOARD

(Amended 37 of 1995 s. 31)

- (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)

o **Section 4 - Duties of the Authority - 01/07/1997**

Remarks

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.

Civil Service Implications

The Hong Kong Wetland Park (HKWP) is currently managed and operated by the Agriculture, Fisheries and Conservation Department (AFCD) by employing 91 staff including six civil servants and 85 non-civil service contract (NCSC) staff.

2. In accordance with advice given by the Department of Justice, AFCD has reviewed the management structure of the HKWP and plans to replace some of the NCSC positions by civil service posts. The proposal will be scrutinized in accordance with the established procedures. The civil service management team will provide essential professional, executive and technical support for the management of the HKWP. AFCD will fund the proposed civil service posts with its existing resources. There will not be any additional financial implication.

3. AFCD will continue outsourcing of existing outsourced services, such as security, cleansing, landscape maintenance, electrical and mechanical services maintenance and buildings maintenance. AFCD will also continue to let out the café and souvenir shop in HKWP to private operators by short-term tenancies. AFCD will also enlarge the scope of outsourcing service with its existing resources to cover the following services -

- (a) marketing and promotion;
- (b) maintenance and operation of exhibits;
- (c) education and outreach programmes;
- (d) revenue collection and ticket selling; and
- (e) public enquiry and information counter services.

4. AFCD intends to replace some of the NCSC positions by civil service posts in 2009-10 and staff changes should be introduced in stages. In the meantime, AFCD will prepare the outsourcing tender documents for the enlarged scope of outsourcing services with a view to awarding contracts by mid 2009.