



A Study on Land Reclamation and Its Management Systems

围填海造地及其管理制度研究

胡斯亮 著

面对新的发展形势，我国必须审时度势，准确评价围填海造地的经济效益、社会效益与生态环境效

益。本书考虑围填海造地的生态环境效益、经济效益和社会效益以及指标可获得性，论文构建了三层综合效应评价指标体系，运用市场价值

法、专家评估法和问卷调查法，影响因子法和层次分析法等评价方法，通过实证分析对围填海造地的生态、社会、经济三个方面的效益进行综合评价。

采用分层次筛选法与综合指数评价法对围海造地各种效益进行了综合评价。其中，以南海区广东省为例，从水动力条件、海洋冲淤条件、海洋环境质量和生物资源四个角度实证分析了围填海造地的生态环境效益；以北海区河北省为例，以经济价值损益、对农业、渔业、运输业和旅游业的影响等为内容实证分析了围海造地的经济效益；以东海区福建省为例，实证分析了围海造地的社会效益，包括人口和就业、基础设施和公共服务、抵御灾害能力和辐射效应的积极和消极影响。



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摘要

随着沿海地区经济的快速发展以及人口增长压力的日益增大,土地资源、空间资源短缺的矛盾越来越突出,对海洋进行围垦已经成为各国沿海地区拓展土地、空间,缓解人地矛盾的重要途径之一。

纵观国内外围填海的发展历史,可以发现围填海造地的效益分为正面效益与负面效益两方面。正面效益主要体现在社会经济方面,而负面效益主要体现在自然和生态方面,累积性负面效益更集中表现在资源影响上。在一定时期内,人们忽视了围填海造地的负面效益,只注重正面的经济效益,使得自然生态结构和资源的破坏反过来阻碍或减缓了社会经济的发展,并直接影响到区域社会经济的持续发展问题。海域资源的稀缺性、海洋环境的脆弱性和不可逆特性都决定了对待围填海造地必须持极其谨慎的态度,这也对政府加强围填海管理提出了客观要求。外部效应理论、海岸带综合管理理论、海陆一体化与区域协调发展理论是政府加强围填海造地管理的理论依据。基于上述理论,建立规范的围填海管理的制度框架,成为我国向海洋要土地、要空间的必然政策趋向。

我国围填海造地的历史变迁与北海区、东海区、南海区的典型围填海案例表明,虽然我国围填海造地的正面效益比较突出,增加了土地供给,缓解了沿海用地紧张的局面,且在一定程度上缓解了内陆地区的环境压力,但其负面效益也不容忽视:海湾面积锐减、海湾属性弱化;海岸自然景观遭到破坏;生态系统功能退化;造成资源利用冲突,加剧产业之间的矛盾;激化了社会矛盾,增加了社会的不稳定因素等。

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面对新的发展形势,我国必须审时度势,准确评价围填海造地的经济效益、社会效益与生态环境效益。本文在综合考虑围填海造地的生态环境效益、经济效益和社会效益以及指标可获得性的基础上,构建了三层综合效应评价指标体系,运用市场价值法、专家评估法和问卷调查法、影子工程法等评估方法,对分析指标层各指标进行了说明和计算解释,采用分层次筛选法与综合指数评价法对围填海造地各种效益进行了综合评价。其中,以南部海区广东省为例,从水动力条件、海洋冲淤条件、海洋环境质量和生物资源四个角度实证分析了围填海造地的生态环境效益;以北部海区河北省为例,从经济价值损益,对农业、盐业、运输业和旅游业的影响等角度实证分析了围填海造地的经济效益;以东部海区福建省为例,实证分析了围填海造地的社会效益,包括人口和就业、基础设施和公共服务、抵御灾害能力和景观效应的积极和消极影响。

巨大经济效益以及由此引发的资源、环境和社会问题,表明政府加强围填海造地管理的重要性与必要性。以 20 世纪 90 年代为界,我国对围填海造地的管理与制度建设可以分为两个阶段。20 世纪 90 年代以来,我国的围填海造地管理制度主要包括相关法律法规,以及海洋功能区划制度、海域权属管理制度、海域有偿使用制度、环境影响评价制度以及海域使用论证制度等围填海造地管理制度。上述规章制度的实施在一定程度上规范了围填海造地行为,但在围填海专门法律法规建设、具体管理制度、管理体制、监管体制等方面存在一些亟待健全、规范与完善的内容。上述问题的存在主要是由于海域权属观念淡薄、缺少必要的法律法规和政策支持、多部门管海、职能冲突、对海岸带缺乏综合规划和管理等原因造成的。由于我国围填海造地管理制度还不够健全,海域管理法律、法规和配套规章制度体系尚需逐步完善,加上各省市区海域使用立法工作发展不平衡,给我国海洋资源与环境的可持续发展以及经济社会等方面带来了一定的消极影响。

作为拓展生存空间和发展空间的重要手段,围填海造地在世界上其他沿海国家已得到广泛实践。根据各国围填海造地的目的

摘要

不同,可以分为生存安全需求主导型(如荷兰)、工业化发展需求主导型(如日本)、城市化发展需求主导型(如美国)三种主要模式。这些国家围填海造地的历史和管理措施的变迁,为我国完善围填海管理规章制度提供了较好的经验作为借鉴。

21世纪,我国沿海地区围填海造地呈现新的发展趋势,针对我国围填海造地存在的问题以及管理制度的缺陷,通过制度创新,进一步加强围填海造地管理,成为当前我国实现海洋经济可持续发展的必然选择。基于海洋综合管理的需要,继续规范政府规章制度:建立健全围填海造地相关的法律法规体系;建立相对集中、统一的海洋综合管理体制;规范微观控制制度,加强政府管理围填海项目的制度基础。基于围填海造地项目过程管理的需要,需要理顺下列管理流程:搞好围填海造地的全面综合规划与管理;建立并完善围填海造地的战略论证制度;严格围填海项目的审批制度;建立围填海项目的跟踪检查和动态监测机制;建立围填海造地的后评估制度;等等。

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Abstract

With the rapid economic development in coastal areas, the increasing pressure of population growth and the contradiction between shortage of the land resources and the space resources become sharper and sharper, so reclamation of the ocean has become an important way to develop lands' area and space, and to ease the contradiction between humanity and land.

Throughout the history of the development of domestic and external reclamation, we can find the impact of land reclamation can be divided into positive results and negative results. Positive results are mainly reflected in the socio-economic aspects, while the negative impact is mainly reflected in the natural and ecological aspects, especially the cumulative negative impact is more focused on the effect of resources. During a certain period, people ignored the negative effects of confining land reclamation, focusing only on positive economic benefits. The destruction of natural ecology and resources, in turn, hinder or slow down the socio-economic development, directly reflecting the sustainable development of regional socio-economic aspects. The scarcity of marine resources, the vulnerability and irreversibility of marine environment determine that the government should hold very cautious approach when treating land reclamation, and strengthen the management of reclamation. External effect theory, integrated management of coastal zone theory, integration of land and sea and re-

gional coordination development theory is the theoretical basis for the government to strengthen the management of land reclamation. Based on the above theories, establishing a standard framework for reclamation management system has become the necessary policy trend for our government obtaining land and space from the ocean.

Historical changes of China's land reclamation and the typical reclamation cases of the North sea area, the East sea area, the South sea area indicate that although the positive effects of China's land reclamation is prominent, which increases land supply, ease the tension of coastal land, and ease the pressure on the environment of inland areas to some extent, however the negative impact of reclamation can not be ignored. Reclamation will lead to sharp drop in the gulf area, weak of the gulf property and degradation of ecosystem function. The natural landscape of coastal will be destroyed. It will cause the conflict of using of resources, intensify the contradiction between industries, and intensify social contradictions, increase social instability, etc.

In face of new development situation, China must size up the situation; accurately make an estimate the economic, social and eco-environmental benefits of land reclamation. Considering these three aspects of effectiveness as well as availability of indicators, the paper constructs a three-tier combined effects' evaluation system, using the assessment methods such as market value method, expert assessment method, questionnaire survey method and shadow project method, etc. Each index of indicator level are described and calculated to explain. It comprehensively evaluates the various benefits of the land reclamation, using stratified screening method and comprehensive index evaluation method. Among them, the thesis empirically analyze the ecological envi-

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ronmental benefits of reclamation from hydrodynamic conditions, marine sediment conditions, marine environment quality and biological resources these four angles by giving Guangdong province in the South sea as an example, analyze the economic benefits of reclamation with economic profit value, the influence of agriculture, salt, tourism, transportation as the content by giving Hebei province in the North sea as an example, analyze the social benefits of reclamation including population and employment, infrastructure and public service, the ability to resist disasters and positive and negative of the effects landscape effect by giving Fijian province in the East sea as an example.

Great economic benefits and the arising resources, environmental and social problems show that the importance and necessity of government's strengthening the reclamation management. Management of land reclamation and institution building around our country can be divided into two phases fringing by 1990's. Since then our management system around the land reclamation mainly includes the relevant laws and regulations, as well as reclamation management system such as marine function zoning system, marine tenure management system, marine paid use system, environmental impact assessment system and marine using demonstration system, etc. The implementation of these rules to some extent regulates the reclamation act, but there are some problems to improve, standardize and perfect in the specific reclamation laws and regulations, specific management system, management framework, monitoring system etc. The problem exists mainly due to a weak sense of marine ownership, the lack of necessary laws, regulations and policy support, multi-sector controlling the sea, the conflict of functions, lack of integrated coastal zone planning and management and other reasons. Our country's

management system around reclamation is not yet perfect. Marine management laws, regulations and supporting regulatory systems still need to be gradually improved, together with uneven development of various provinces and the cities using the legislation to marine resources. All of these brought about a certain negative impact to the sustainable development of China's marine resources, the environment and economic and social aspects.

Land reclamation is widely practiced in other coastal countries as an important tool to expand living space and develop space. According to the causes of each country, the type of land reclamation reclamation can be divided into these three modes, the first one is life security demand mode, such as Netherlands, the second one is the industrialization demand mode such as Japan, the last one is the urbanization demand mode such as America. The history of land reclamation and changes of management measures in these countries provide good experience for our country to improve the management regulations of the reclamation.

In the 21st century, land reclamation around our coastal areas presents a new trend. It has become the inevitable choice for our country to realize sustainable development of marine economy and to aim at the existing problems of the reclamation and defects of management system, to further strengthen the reclamation management through the system innovation. We should continue to regulate the government regulation system based on the comprehensive marine management needs. To achieve this goal, we should establish land-reclamation related system laws and regulations, establish the relative centralization, unified comprehensive marine management system, establish standard micro control system, and strengthen the system foundation of government's management of reclamation projects. In addition, we should stream-

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line the administrative process, based on the needs of the management of land reclamation projects process. To achieve this objective, we should improve land reclamation about the comprehensive integrated planning and management, establish and improve land reclamation about the strategic demonstration system, strict the reclamation project about the examination and approval system, establish reclamation projects about track inspection and dynamic monitoring mechanism, and establish land reclamation about assessment system after the projects, etc.

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