

立法會
Legislative Council

LC Paper No. CB(1) 1133/04-05(04)

Ref. : CB1/PL/EA

Panel on Environmental Affairs

Meeting on 24 March 2005

**Background brief on
restoration of the damaged section of Tung Chung Stream**

Introduction

Tung Chung Stream, Lantau, is about 3 kilometres long. In early 2004, a section of the stream of about 330 metres long between Shek Lau Po and Shek Mun Kap was found damaged by unauthorized works. An access road of five to 15 metres in width was formed alongside the damaged section of the stream, and boulders and pebbles on the streambed were removed. The materials removed from the stream were stockpiled alongside the stream and on vacant land near Hau Wong Temple. There were also signs of other filling activities and several temporary dams had been formed. As a result, the riparian habitats there were disturbed.

Existing legislation on protection of rivers in Hong Kong

2. Most of the rivers in Hong Kong are on government land and are subject to the control of a number of legislation, including the Land (Miscellaneous Provisions) Ordinance (Cap. 28) which provides that any person who carries out excavation without a valid excavation permit; extracts or removes earth, turf or stone from the land without a valid removal permit; or erects any structure on the land without authorization, commits an offence. In addition, some natural rivers (on both government and private land) have been designated as protected areas, such as country parks, conservation areas and sites of special scientific interest, and are protected by the Country Parks Ordinance (Cap. 208), the Town Planning Ordinance (Cap. 131) and the Environmental Impact Assessment (EIA) Ordinance (Cap. 499).

3. The Government requires that public works shall not cause damage to or interfere with watercourses where practicable except for necessary execution of the works. Any damage or interference caused shall be reinstated satisfactorily. For private developments, the Buildings Department (BD) operates a centralized

processing system for plans submitted by private developers to ensure that all interested government departments are consulted. Recently, an enhancement measure has been introduced to ensure that all building development applications that affect natural rivers or streams will be circulated to the Agriculture, Fisheries and Conservation Department (AFCD) and other relevant government departments for comment.

Remedial measures taken to restore Tung Chung Stream

4. As a remedial measure, the District Lands Office/Islands has demanded the Tung Chung Rural Committee (TCRC) to undertake reinstatement works to restore the damaged section of Tung Chung Stream to its original physical setting. An inter-departmental task force has been set up to oversee the reinstatement works while a specialist group comprising members from the Advisory Council on the Environment and green/interest groups has been invited to participate in monitoring the works.

Impact of construction works on rivers in Hong Kong

5. The incident has aroused much public concern on the need for measures to protect rivers from environmental damage. At the joint meetings of the Panel on Environmental Affairs and the Panel on Planning, Lands and Works on 23 February and 23 March 2004, the wider issue of impact of construction works on rivers in Hong Kong was discussed. Interested parties, including green groups, were invited to attend the meeting on 23 February 2004.

6. There was general concern about the lack of public awareness on the protection and conservation of rivers in Hong Kong. The Panels held the view that Government departments should coordinate the planning and monitoring of construction works at rivers. Sustainable flooding control strategies as well as ecologically friendly stream channel designs should also be developed. It was pointed out that channelization of rivers, although effective in preventing flooding, should only be taken as the last resort given its detrimental effect on natural habitat. The Panels considered that a cross-departmental conservation authority should be set up to oversee the formulation of a comprehensive conservation strategy. According to the Administration, the Drainage Services Department had been giving more consideration to the protection of the environment and preservation of natural habitat in the implementation of flooding prevention projects in recent years. It had issued an internal guidance circular to provide references on good practices for planning and execution of drainage maintenance works in environmentally sensitive watercourses.

7. On the proposal to set up a cross-departmental conservation authority, the Administration advised the Panels that as protection of rivers/streams involved nature conservation, land administration and landscape management, and touched on the

responsibilities of a number of bureaux/departments, it was not practicable to set up one authority to deal with all the issues involved. According to the Administration, a more effective way would be to enhance coordination and environmental awareness within the Government. To this end, consideration was being given by the Administration to set up an inter-bureaux/departmental working group to handle issues relating the minimization of impact of construction works on rivers in Hong Kong. Meanwhile, AFCD would provide advice to other government departments on nature conservation issues arising from public and private works projects. It would also provide information about ecologically important sites collated from the ongoing ecological surveys to all relevant government departments to facilitate them to avoid or minimize impacts of development on these sites at the early planning stage. The Government would also step up law enforcement against acts of eco-vandalism in rivers and require offenders to carry out the required restoration works.

8. The Panels had dissenting views on the liability of TCRC in restoring the Tung Chung Stream. While some Panel members held the view that TCRC should be held responsible, others considered it inappropriate to arrive at any presumptions at the present stage when the case was still pending investigation and trial. They also pointed out that the damage to the Tung Chung Stream was done by a few TCRC members rather than TCRC as an entity.

Council Business Division 1
Legislative Council Secretariat
18 March 2005