

For information

Legislative Council Panel on Environmental Affairs
Conservation of Natural Streams and Rivers in Hong Kong

PURPOSE

This paper informs Members of the measures we have put in place in protecting natural streams and rivers in Hong Kong.

LEGISLATION

2. Most of the streams and rivers in the territory are on government land and are subject to the control of the Land (Miscellaneous Provision) Ordinance (Cap.28), the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132), the Fisheries Protection Ordinance (Cap. 171) and the Waste Disposal Ordinance (Cap. 354). In addition, natural streams and rivers located in protected areas (such as country parks, conservation areas and sites of special scientific interest) are further protected by the statutory requirements stipulated in the Country Park Ordinance (Cap. 208), the Town Planning Ordinance (Cap. 131) and the Environmental Impact Assessment (EIA) Ordinance (Cap. 499). Discharges of waste or polluting matters into streams and rivers are also regulated by the Water Pollution Control Ordinance (Cap. 358).

ADMINISTRATIVE MEASURES

3. In addition to legislative measures, the Government has put in place administrative measures to protect natural streams and rivers. The ensuing paragraphs set out details of these measures.

4. Government departments are required to ensure that works projects shall not cause damage to or interfere with natural streams and rivers in general and ecologically important ones in particular. Any unavoidable damage or interference caused shall be appropriately mitigated. In this regard, guidelines have been issued to ensure that environmental concerns are taken into account in works projects in stream and rivers. They include:

- (a) in September 2003, the Environment, Transport and Works Bureau (ETWB) issued Technical Circular (Works) No. 13/2003 to provide guidelines and procedures for dealing with environmental implications of government works projects or proposals, including those affecting rivers and streams;
- (b) in October 2004, the Drainage Services Department (DSD) issued Technical Circular No. 2/2004 to provide reference on good practices for planning and execution of drainage maintenance works on ecologically important streams and rivers, including avoiding disturbance to ecosystems of natural rivers and streams;
- (c) in March 2005, ETWB issued Technical Circular (Works) No. 5/2005 to provide a comprehensive administrative framework to better protect natural streams or rivers from the impacts of government works projects and private developments, including giving priority to the protection of 33 ecologically important streams and rivers. The Circular requires project proponents to consult the Agriculture, Fisheries and Conservation Department (AFCD) and other relevant departments on development projects which may have impacts on natural streams or rivers. By the end of March 2006, about 120 of such works project proposals have been referred to AFCD for comments. Project proponents had been advised to take necessary measures to avoid or minimize impacts on natural streams or rivers where appropriate;
- (d) in August 2005, DSD issued Practice Note No. 1/2005 to promulgate a set of guidelines to facilitate the development of river channels with environmentally friendly designs. The guidelines recommend project proponent to avoid direct environmental impacts on existing streams and rivers whenever possible in determining engineering solutions to control flood;
- (e) in February 2006, ETWB issued Technical Circular (Works) No. 2/2006 on “Drainage Impact Assessment (DIA) Process for Public Sector Projects”, which requires project proponents of public sector to identify any ecologically important streams and rivers that may be affected by their projects in the DIA process, and to implement suitable mitigation measures when necessary.

5. In addition, AFCD conducts studies to collect ecological data of Hong Kong regularly and proposes appropriate conservation measures as

necessary. The information collected helps assess and avoids impacts of development on ecologically important sites, including streams and rivers, at the early planning stage.

6. For private developments, the Buildings Department has been operating a centralized processing system for plans submitted by private developers to ensure that all building development applications that affect natural streams and rivers are circulated to AFCD for comments and advice.

7. To enhance government officers' awareness of the need to protect streams/rivers from adverse impact arising from construction works, ETWB organised five workshops from May to July 2005 which were attended by about 400 government officers.

WAY FORWARD

8. Members are invited to note the legislative and administrative measures that have been put in place to protect natural streams and rivers in Hong Kong. We will continue to monitor the effectiveness of these measures.

Environmental Protection Department
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