

立法會
Legislative Council

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Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

Minutes of meeting
held on Tuesday, 30 June 2009, at 8:30 am
in Conference Room B of the Legislative Council Building

- Members present** : Hon LEE Wing-tat (Chairman)
Hon Audrey EU Yuet-mee, SC, JP
Hon CHEUNG Hok-ming, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
- Public officers attending** : Dr Kitty POON
Under Secretary for the Environment
- Mr TANG Kin-fai
Assistant Director (Environmental Compliance)
Environmental Protection Department
- Mr Lawrence WONG
Acting Assistant Director (Waste Management Policy)
Environmental Protection Department
- Mr Jonathan LEUNG
Chief Assistant Secretary (Works) 5
Development Bureau
- Mr ROSS Graham Martin
Deputy Director (Specialist) (Lands Administration Office,
Headquarters)
Lands Department
- Mr Albert CHEUNG
District Lands Officer (District Lands Office, Yuen Long)
Lands Department

Mr LEE Yan-ming
Chief Traffic Engineer (New Territories West)
Transport Department

Mr YEUNG Tak-keung
District Officer (Yuen Long District Office)
Home Affairs Department

Mr CHEUNG Kwok-wai
Senior Conservation Officer (Technical Services)
Agriculture, Fisheries and Conservation Department

Mr Edmond LAM
Senior Country Parks Officer (Ranger Services)
Agriculture, Fisheries and Conservation Department

Ms Phyllis LI
Acting Assistant Director of Planning (Special Duties)
Planning Department

Mr Kelvin CHAN
Chief Town Planner (Central Enforcement and
Prosecution)
Planning Department

Mr SO Yam-tat
Assistant Director (Operations and Maintenance)
Drainage Services Department

Mr Fedrick KAN
Chief Engineer (Mainland North)
Drainage Services Department

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Franco KWONG
Council Secretary (1)1

I. Meeting with the Administration

- (LC Paper No. CB(1) 2086/08-09(01) — List of follow-up actions arising from the discussion at the meeting on 15 June 2009
- LC Paper No. CB(1) 2086/08-09(02) — Lands Department's response to item 1 of CB(1) 2086/08-09(01)
- LC Paper No. CB(1) 2086/08-09(03) — Planning Department's response to item 2 of

- LC Paper No. CB(1) 2086/08-09(04) — CB(1) 2086/08-09(01)
Environmental Protection
Department's response to items
3, 4 and 5 of
CB(1) 2086/08-09(01)
- LC Paper No. CB(1) 2086/08-09(05) — Drainage Services Department's
response to item 6 of
CB(1) 2086/08-09(01)
- LC Paper No. CB(1) 2086/08-09(06) — Letter from Hon LEE Wing-tat
dated 24 June 2009 (Chinese
version only)
- LC Paper No. CB(1) 2086/08-09(07) — Agriculture, Fisheries and
Conservation Department's
response to
CB(1) 2086/08-09(06))

Relevant papers

- LC Paper No. CB(1) 1503/08-09(16) — List of follow-up actions arising
(issued for the meeting 7 May 2009) from the discussion at the
meeting on 20 April 2009
- LC Paper No. CB(1) 1631/08-09(01) — List of follow-up actions arising
(issued on 19 May 2009) from the discussion at the
meeting on 7 May 2009
- LC Paper No. CB(1) 1631/08-09(03) — Administration's response to
(English version issued on items 2 to 5 of
19 May 2009) CB(1) 1503/08-09(16) and
(Revised Chinese version issued on CB(1) 1631/08-09(01)
20 May 2009)
2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. The Administration was requested to -
- (a) consider setting up a database containing information and aerial photos of water gathering grounds as well as stream and river courses (particularly those of smaller scale) to facilitate future cross-referencing for reinstatement works or development of small houses etc;
 - (b) provide regular half-yearly progress report (with aerial photos) on the nine cases discussed by the Subcommittee to the relevant LegCo Panel. The first report should be made available in mid December 2009; and
 - (c) report the progress of the trial fly-tipping control scheme (with the installation of closed-circuit television) to the relevant LegCo Panel after it has come into operation for six months.

III. Any other business

4. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
16 September 2009

Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

**Proceedings of the meeting
on Tuesday, 30 June 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Meeting with the Administration</i>			
000001 - 000435	Chairman	Members' agreement to first discuss LC Paper No. CB(1) 2086/08-09(04) which set out the latest situation of nine private land filling sites in conservation-related zones, to be followed by LC Paper No. CB(1) 1631/08-09(03) which set out the Administration's response to views/proposed measures put forward by deputations at the meeting on 7 May 2009	
000436 - 000725	Chairman Administration	<p><u>Shing Mun Road, Kwai Tsing</u></p> <p>Chairman's enquiry whether the stream had been reinstated to its original form before March 2008</p> <p>Administration's response -</p> <p>(a) since the stream was not a designated "Main Watercourse", no previous record on the stream was maintained;</p> <p>(b) a portion of deposited materials near the stream was cleared, and sand bags were placed to ensure the stream flow was not impeded; and</p> <p>(c) the Administration would closely monitor the site</p>	
000726 - 001336	Mr CHEUNG Hok-ming Chairman Administration	Mr CHEUNG Hok-ming and Chairman's view that the Administration should maintain a database of rivers and streams to facilitate future cross-referencing for reinstatement works	

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		<p>Administration's response -</p> <p>(a) main rivers and streams were recorded in maps;</p> <p>(b) it was difficult to record small streams and rivers, particularly those seasonal ones which would change from time to time; and</p> <p>(c) the proposed database would require substantial manpower to conduct surveys of all small seasonal streams let alone the need to regularly update the database</p> <p>Chairman's view that aerial photos were sufficient to record details of streams, such as locations and flows</p>	
001337 - 001652	Prof Patrick LAU Administration Chairman	<p>Prof Patrick LAU's view on the need for a clear and detailed record of streams in water gathering grounds using aerial photos to ensure cleanliness of drinking water on the one hand, and to facilitate future village development on the other</p> <p>Administration's confirmation that there was a record of main watercourses and streams in catchment areas</p>	
001653 - 002150	Prof Patrick LAU Administration	<p>Prof Patrick LAU's enquiry about the restrictions on development of villages houses within the water gathering grounds and how the "Village Type Development" ("V") zone on statutory plans were drawn up</p> <p>Administration's response -</p> <p>(a) water gathering grounds were defined by the respective authority;</p> <p>(b) delineation of "V" zones on statutory plans would take into account all relevant factors, including physical characteristics of the area, supply of land, demand for Small Houses, environs of</p>	

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		<p>recognized villages, infrastructural constraints, etc</p> <p>(c) The Town Planning Ordinance (Cap. 131) (TPO) had set out the requirements for carrying out studies for and publication of the statutory plans for public inspection and the consideration of representations and public comments. The “V” zones on statutory plans had been carefully drawn up and subject to due process and consultation</p>	
002151 - 002921	Mr CHEUNG Hok-ming Chairman Administration	<p>Mr CHEUNG Hok-ming’s concerns/views -</p> <p>(a) a considerable number of Small House applications were rejected because the sites were close to streams and catchment areas (less than 30 metres); and</p> <p>(b) need to establish a database of streams and water gathering grounds to provide clear reference for assessing and approving Small House applications</p> <p>Chairman’s request for setting up of a database on streams and rivers</p>	The Administration to consider setting up a database containing information and aerial photos of water gathering grounds as well as stream and river courses (particularly those of smaller scale) to facilitate future cross-referencing for reinstatement works or development of small houses etc
002922 - 003145	Prof Patrick LAU Chairman Administration	<p>Prof Patrick LAU and Chairman’s view that the fine of \$10,000 carried insufficient deterrence. Consideration should be given to recovering the cost of reinstatement from the concerned parties</p> <p>The Administration’s confirmation that legal action was being taken to recover the cost incurred as a civil debt</p>	
003146 - 003352	Chairman Administration	<p><u>DD96, Chau Tau, San Tin, Yuen Long</u></p> <p>Chairman’s concern that little improvement had been made to the site given the insignificant difference between the photos taken in November 2008 and June 2009</p>	

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		<p>Administration's explanation -</p> <p>(a) inspection in November 2008 revealed that the public complaint case involved tree planting in the site; and</p> <p>(b) inspection in June 2009 revealed that three containers were deposited on the site. Subject to evidence/assessment, enforcement action might be instigated against possible unauthorized development under TPO</p>	
003353 - 003543	Chairman Administration	<p><u>DD99, Hop Shing Wai, San Tin, Yuen Long</u></p> <p>Chairman's query that the photos taken in May 2006 and June 2009 were from different angles, and hence not able to provide a meaningful comparison on the improvement being made</p> <p>Administration's response -</p> <p>(a) while the shooting angles were slightly different, the photos represented the same site; and</p> <p>(b) the case involved pond filling operation. Upon issuance of an Enforcement Notice (EN) and a Reinstatement Notice (RN) under TPO, the parties concerned had discontinued the unauthorized development and reinstated the damaged land. Compliance Notices for EN and RN were subsequently issued</p>	
003544 - 004110	Chairman Administration	<p><u>DD99, Chau Tau, San Tin, Yuen Long</u></p> <p>Chairman's enquiry on the latest situation of the site</p> <p>Administration's response -</p> <p>(a) after issuance of a Stop Notice under TPO, the unauthorized land/pond filling activities were</p>	

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		<p>subsequently discontinued;</p> <p>(b) the concerned parties were required to reinstate the natural watercourse taking into account the widths of upstream and downstream; and</p> <p>(c) as the damaged land was not fully reinstated, prosecution action would be instigated against non-compliance with RN</p>	
004111 - 004514	Chairman Administration	<p><u>DD115, Nam Sang Wai, Yuen Long</u></p> <p>Chairman's enquiry on the latest situation of the site, and whether the stream had been reinstated</p> <p>Administration's response -</p> <p>(a) the vehicular access which covered the stream was removed, and the stream was subsequently reinstated as illustrated in the photos taken in December 2008 and January 2009; and</p> <p>(b) dumping materials on land had been removed</p> <p>Chairman's view that grassing the land was required to reduce sand and dust</p>	
004515 - 004736	Mr CHEUNG Hok-ming Chairman	Mr CHEUNG Hok-ming's view that it was difficult to assess the reinstatement works in the lack of a complete record on streams and rivers	
004737 - 005652	Mr KAM Nai-wai Chairman Administration Prof Patrick LAU	<p>Mr KAM Nai-wai's views -</p> <p>(a) satellite photos could be used to facilitate cross-referencing for reinstatement works; and</p> <p>(b) global positioning system (GPS) should be used to ensure that photos were taken in the same position for comparison purpose</p>	

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		<p>Administration's response -</p> <p>(a) there were 2 500 kilometres of streams in Hong Kong, some were seasonal streams which changed constantly; and</p> <p>(b) aerial photos would be periodically taken and used for reference</p> <p>Prof Patrick LAU's remarks that the Town Planning Board often used aerial photos in considering applications for planning permission</p>	
005653 - 010234	Chairman Administration	<p><u>Ham Tin Kau Tsuen, Pui O, Lantau</u></p> <p>Chairman's concern that not much improvement had been made as the deposited materials had yet to be removed</p> <p>Administration's response that the site was not covered by Development Permission Area (DPA) Plan, and that it was not in breach of lease conditions for earth filling on Old Schedule (OS) private agricultural lot. Nevertheless, the Administration would keep monitoring the site situation closely</p> <p>Chairman's enquiry whether control action could be taken as the site was partly Coastal Protection Area (CPA)</p> <p>Administration's response that -</p> <p>(a) control action was not taken because no environmental or sanitary nuisance had been detected on the CPA part; and</p> <p>(b) it was considering the feasibility of amending the Waste Disposal Ordinance (Cap. 354) (WDO) to tighten control of land filling activities</p>	
010235 - 010413	Chairman Administration	<p><u>DD125 various lots, Ha Tsuen, Yuen Long</u></p> <p>Chairman's enquiry on the latest situation of the site</p>	

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		<p>Administration's response that -</p> <p>(a) EN and RN requiring the parties concerned to discontinue the pond/land filling operation, and to reinstate the land were issued; and</p> <p>(b) prosecution action would be instigated if RN was not complied with</p>	
010414 - 011044	Chairman Administration	<p><u>DD129 various lots, Lau Fau Shan, Yuen Long</u></p> <p>Chairman's enquiry on the latest situation of the site</p> <p>Administration's response -</p> <p>(a) the land filling activities were discontinued after issuance of EN in March 2008; and</p> <p>(b) a RN would be issue shortly</p> <p>Chairman's enquiry whether the Administration would require the concerned parties to reinstate the site to its original ground level</p> <p>Administration's response -</p> <p>(a) the extent of reinstatement works would be assessed on a case-by-case basis; and</p> <p>(b) the concerned parties, where appropriate, might be required to remove the excessive amount of deposited materials</p>	
011045 - 011543	Chairman Administration	<p><u>DD129 various lots, Sha Kiu Tsuen, Lau Fau Shan, Yuen Long</u></p> <p>Chairman's enquiry on the latest situation of the site, and why earth filling on OS private agricultural lot was not considered a breach of lease conditions</p>	<p>The Administration to provide regular half-yearly progress report (with aerial photos) on the nine private land filling sites discussed by the Subcommittee The first report should be made available in mid December 2009</p>

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		<p>Administration's response -</p> <p>(a) subsequent to enforcement action, the site had been re-vegetated; and</p> <p>(b) as there was no restriction prohibiting earth filling on OS private agricultural lot, pond/land filling operations on these lots were not in breach of the lease conditions</p> <p>Members' request that the Administration should provide progress reports (with aerial photos) on these nine land filling sites for future discussion of the relevant Panel</p>	
011544 - 012842	Chairman Administration	<p>Discussion on the Agriculture, Fisheries and Conservation Department (AFCD)'s response to his letter (LC Paper Nos. CB(1) 2086/08-09(06) and (07) respectively) regarding the alleged fly-tipping and unauthorized tree felling cases at So Lo Pun Village and Pak Lap Village</p> <p>Chairman's concern that some landowners might try to destroy the ecological value of their land through land filling to pave way for development. He enquired whether application for development had been received in respect of So Lo Pun Village</p> <p>Administration's response that it had not received any applications so far, but could not rule out the possibility of future applications</p>	
012843 - 013229	Chairman Administration	<p>Chairman's enquiry on the measures to avoid recurrence of the land excavation and tree felling at Pak Lap Village</p> <p>Administration's response -</p> <p>(a) investigation revealed that land excavation and vegetation clearance were conducted by</p>	

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		<p>villagers of Pak Lap; and</p> <p>(b) warning signs had been erected at the vicinity of the affected areas to prevent unauthorized excavation and tree felling on Government land. Patrol at Pak Lap Village had also been stepped up to prevent illegal use of vehicles in the area, which was prohibited under the Country Park Ordinance (Cap. 208)</p>	
013230 - 013649	Chairman Administration	<p>Discussion on the summary of views/measures put forward by deputations (Annex to LC Paper No. CB(1) 1631/08-09)</p> <p>Chairman's enquiry on the enhanced measures to control depositing activities</p> <p>Administration's response -</p> <p>(a) the 1823 call centre had been set up to receive complaints on a 24-hour basis;</p> <p>(b) a database of land filling cases on private land and a list of fly-tipping black-spots involving C&D materials had been put in place;</p> <p>(c) inspections and ambush operations at fly-tipping black-spots outside office hours had been arranged in addition to regular patrol;</p> <p>(d) preventive measures, such as erection of warning signs and setting up of road barriers at black-spot locations would be pursued where practicable. A trial fly-tipping control scheme based on remote monitoring would be implemented by installation of closed-circuit televisions (CCTV) at Siu Lang Shui Road in Tuen Mun and Tai Po Road public car park</p>	

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013650 - 014459	Mr KAM Nai-wai Administration Chairman	<p>Mr KAM Nai-wai's enquiries -</p> <p>(a) any pledge on the time required to respond to complaints received through the hotline 1823; and</p> <p>(b) measures to protect CCTVs from being vandalized</p> <p>Administration's response -</p> <p>(a) 1823 operators were trained to obtain relevant information from complainants in order to arrange for necessary follow-up actions;</p> <p>(b) for large-scale and active fly-tipping cases, site inspections would be carried out within 24 hours;</p> <p>(c) for roadside fly-tipping cases, the deposited materials would be removed by the relevant departments as soon as practicable depending on the severity of the cases; and</p> <p>(d) the Electrical and Mechanical Services Department was responsible for the installation of CCTVs and would take measures to guard against vandalism</p>	
014500 - 014841	Chairman Administration	<p>Chairman's enquiry on the schedule of the trial fly-tipping control scheme</p> <p>Administration's response -</p> <p>(a) the trial scheme would be launched in September 2009 for one year; and</p> <p>(b) a half-year review would be conducted and subject to the outcome of the trial scheme, consideration would be given to extending the CCTV installations to other fly-tipping black-spots</p>	<p>The Administration to report the progress of the trial fly-tipping control scheme to the relevant LegCo Panel after it has come into operation for six months</p>

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014842 - 015910	Chairman Administration	<p>Chairman's enquiry on the progress of and timetable for preparing DPA Plans for land not covered by these plans</p> <p>Administration's response-</p> <p>(a) some 10% or 12 000 hectares of land were currently not covered by statutory plans or outside Country Parks;</p> <p>(b) factors, such as conservation value, development pressure, and vehicular access would be taken into account in determining the timing/priority for preparing statutory plans for these areas. Such information could not be disclosed due to its sensitivity, especially the need to prevent establishment of "existing uses"; and</p> <p>(c) conversion of DPA Plans to Outline Zoning Plans would have to be completed within the statutory time frame of three years as provided under TPO, or else they would lapse; and</p>	
015911 - 015946	Chairman	Member's agreement to hold another meeting to continue discussion	