


Subcommittee on Combating Fly-tipping**List of follow-up actions arising from the discussion at the meeting on 15 June 2009****Response to item 3 - Latest Situation of Private Land Filling sites (involving inert C&D materials)**



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Latest Situation of Private Land Filling sites (involving inert C&D materials)



District	Location	Approx Area (ha)	Land Use Zoning
Kwai Tsing	Shing Mun Road	0.139	Green Belt
<div style="display: flex; justify-content: space-around;">   </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> Photos taken in March 2008 Photos taken in June 2009 </div>			




As the previous land filling activity involved illegal dumping of waste on Government Land, prosecutions were initiated under the Waste Disposal Ordinance against a transportation company, two dump truck drivers and a person who arranged for the land filling. The offenders were convicted and fined HK\$10,000 each by the court after trials



The private agricultural lots are held under a Block Government Lease (BGL) and it is not a breach of BGL for earth filling/ dumping of C&D materials. The site was not previously covered by Development Permission Area Plan (DPA Plan). Though not designated as the “Main Watercourse” under the Land Drainage Ordinance, with the consent of the land owners of the private lots concerned, a portion of the materials deposited near the stream was cleared and sand bags placed at the toe of filling to ensure the stream flow is not impeded. No blockage of the watercourse has been reported since the clearance. Our latest inspections in June have not detected any environmental or sanitary nuisance.

District	Location	Approx Area (ha)	Land Use Zoning
Yuen Long	DD96, Chau Tau, San Tin	0.08	Green Belt
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Photo taken in November 2008</p> </div> <div style="text-align: center;">  <p>Photo taken in June 2009</p> </div> </div> <p>A public complaint was received in October 2008 and the site inspection conducted revealed that the site was vacant and planted with trees. The site was closely monitored and recent site inspection revealed that three containers have been deposited on the site. Subject to evidence/assessment, enforcement action may be instigated against possible unauthorised development under the Town Planning Ordinance (TPO).</p> <p>A section of the streamcourse, which is located within Government Land (GL) and abutting DD 96 Lot 2250, was decked and replaced by box culvert. Enforcement action would be taken to remove illegal structure on the streamcourse which is on GL. It is not in breach of lease conditions for earth filling on Old Schedule private agricultural lot. Our latest inspections in June have not detected any environmental or sanitary nuisance. We will monitor the site situation closely.</p>			




District	Location	Approx Area (ha)	Land Use Zoning
Yuen Long	DD99, Hop Shing Wai, San Tin	0.059	Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)
<div style="display: flex; justify-content: space-around;">   </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <p>Photo taken in May 2006</p> <p>Photo taken in June 2009</p> </div>			
<p>An Enforcement Notice under the TPO requiring the discontinuance of the pond filling operation was issued on 18.5.2006. The unauthorised development was subsequently discontinued. Reinstatement Notice was issued on 6.7.2006 requiring the concerned parties to reinstate the damaged land by (i) removing the converted containers; (ii) removing the debris on the land; and (iii) grassing the land. Compliance Notice for the Enforcement Notice and Reinstatement Notice were issued on 9.2.2007. It is not in breach of lease conditions for earth filling on Old Schedule private agricultural lot. Our latest inspections in June have not detected any environmental or sanitary nuisance.</p>			



District	Location	Approx Area (ha)	Land Use Zoning
Yuen Long	DD99, Chau Tau, San Tin	1.15	Partly Conservation Area and partly Other Specified Uses (Comprehensive Development & Wetland Enhancement Area)
<div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>Photo taken in December 2008</p> </div> <div style="text-align: center;">  <p>Photo taken in June 2009</p> </div> </div> <p>A Stop Notice under the TPO requiring the discontinuation of the land filling and pond filling operations was issued on 12.11.2008. The unauthorised development was subsequently discontinued. Reinstatement Notice was issued on 9.12.2008 requiring the concerned parties to reinstate the damaged land by (i) removing the leftovers and debris on the land; (ii) grassing the land; and (iii) reinstating the natural watercourse on the land. Recent site inspections revealed that while reinstatement of the streamcourse is in progress, the site has not been fully reinstated. Prosecution action will be instigated against non-compliance with the Reinstatement Notice. It is not in breach of lease conditions for earth filling on Old Schedule private agricultural lot. Our latest inspections in June have not detected any environmental or sanitary nuisance. We will keep monitoring the site situation closely.</p>			

District	Location	Approx Area (ha)	Land Use Zoning
Yuen Long	DD115, Nam Sang Wai	0.1	Conservation Area
<div>  <p>Photos taken in December 2008</p> </div> <div>  <p>Photo taken in June 2009</p> </div> <div>  <p>Photo taken in January 2009 (streamcourse reinstated)</p> </div>			
<p>Site inspected and found entirely on Government land. Clearance operation for the removal of the vehicular access was conducted on 31.12.08 and completed, with the streamcourse reinstated on 2.1.09. As the land filling activity involved illegal dumping of waste on Government Land, upon collecting sufficient evidence, a summons was issued against the responsible person according to the Waste Disposal Ordinance. Court hearing will be held in early July 2009. Our latest inspections in June have not detected any environmental or sanitary nuisance. We will keep monitoring the site situation closely.</p>			

District	Location	Approx Area (ha)	Land Use Zoning
Islands	Ham Tin Kau Tsuen, Pui O, Lantau	0.5	Partly Village Type Development and partly Coastal Protection Area
<div>   </div> <div> <p>Photo taken in January 2007</p> <p>Photo taken in June 2009</p> </div>			
<p>The filling did not cause substantial drainage impact to the surrounding as the surface runoff within the area could be overflowed to Pui O Wan. We did not receive any flooding complaint in Pui O Ham Tin Kau Tsuen in the past five years. The site was also not previously covered by DPA Plan and it is not in breach of lease conditions for earth filling on Old Schedule private agricultural lot. Our latest inspections in June have not detected any environmental or sanitary nuisance. We will keep monitoring the site situation closely.</p>			

District	Location	Approx Area (ha)	Land Use Zoning
Yuen Long	DD125 various Lots, Ha Tsuen	0.15	Partly Green Belt and partly Recreation
<div data-bbox="154 248 1254 531" data-label="Image"> </div> <div data-bbox="535 534 882 564" data-label="Caption"> <p>Photo taken in November 2008</p> </div> <div data-bbox="1258 248 2072 679" data-label="Image"> </div> <div data-bbox="1507 681 1798 710" data-label="Caption"> <p>Photo taken in June 2009</p> </div>			
<p>An Enforcement Notice under the TPO requiring the discontinuation of the pond/land filling operation was issued on 22.12.2008. The unauthorised development was subsequently discontinued. Reinstatement Notice was issued on 25.3.2009 requiring the concerned parties to reinstate the damaged land by (i) removing the leftovers, including construction wastes and debris on the land; and (ii) grassing the land. Prosecution action will be instigated if the Reinstatement Notice was not complied with. It is not in breach of lease conditions for earth filling on Old Schedule private agricultural lot. Our latest inspections in June have not detected any environmental or sanitary nuisance and no streamcourse was affected. We will keep monitoring the site situation closely.</p>			

District	Location	Approx Area (ha)	Land Use Zoning
Yuen Long	DD129 various Lots, Lau Fau Shan	0.45	Green Belt
<div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>Photo taken in January 2009</p> </div> <div style="text-align: center;">  <p>Photo taken in May 2009</p> </div> </div> <div style="text-align: center; margin-top: 20px;">  <p>Photo taken in June 2009</p> </div>			
<p>An Enforcement Notice under the TPO requiring the discontinuation of the land filling operation was issued on 12.3.2009. The unauthorised development was subsequently discontinued. Reinstatement Notice requiring the concerned parties to reinstate the damaged land will be issued. It is not in breach of lease conditions for earth filling on Old Schedule private agricultural lot. Our latest inspections in June have not detected any environmental or sanitary nuisance and no streamcourse was affected. We will keep monitoring the site situation closely.</p>			

District	Location	Approx Area (ha)	Land Use Zoning
Yuen Long	DD129 various Lots, Sha Kiu Tsuen, Lau Fau Shan	0.05	Coastal Protection Area
<div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>Photo taken in July 2008</p> </div> <div style="text-align: center;">  <p>Photo taken in June 2009</p> </div> </div> <p>An Enforcement Notice under the TPO requiring the discontinuation of the pond filling operation was issued on 1.9.2008. The unauthorised development was subsequently discontinued. Site inspection conducted on 17.11.2008 revealed that the site was already covered with vegetation. Compliance Notice for the Enforcement Notice was issued on 15.1.2009. It is not in breach of lease conditions for earth filling on Old Schedule private agricultural lot. Our latest inspections in June have not detected any environmental or sanitary nuisance and no streamcourse was affected. We will keep monitoring the site situation closely.</p>			