

Information paper
30 June 2009

**Legislative Council Panel on Environmental Affairs
Subcommittee on Combating Fly-tipping**

**Measures to be taken by Drainage Services Department
When Land Filling Activities affect Rivers or Streams**

This paper reports the measures to be taken by Drainage Services Department when land filling activities affect rivers or streams.

2. In the meeting of the Subcommittee on Combating Fly-tipping held on 15 June 2009, Members requested Drainage Services Department to submit an information paper on the enforcement action and remedial measures to be taken when land filling activities affect rivers or streams for discussion in the Subcommittee Meeting on 30 June 2009.

3. There are about 2500 km of rivers and streams in the territory. The rivers and streams within government land are managed by the Government, whereas those within leased government lands are maintained by the lessees according to the provisions in the land leases.

4. Rivers and streams in the major drainage basins in the north and northwest New Territories, namely Tin Shui Wai, Yuen Long/Kam Tin/Ngau Tam Mei, San Tin, Indus and Ganges, which are vulnerable to flooding are designated under the Land Drainage Ordinance (Cap 446) as “main watercourses”. Drainage Services Department is responsible for regular inspection and maintenance of these designated main watercourses. According to the Land Drainage Ordinance, any person authorized by the Director of Drainage Services can enter any land within the Drainage Authority Area for carrying out inspection and clearing obstruction for the purpose of maintaining free flow of the main watercourses.

5. When Drainage Services Department receives a report on land filling activity involving blockage of any river or stream which is designated as main watercourse, the Director of Drainage Services can serve a notice to order the person causing the obstruction to remove such obstruction within a specified time. If the obstruction is not removed within the specified time, the Director of Drainage Services can authorize his contractor to enter the land to clear the obstruction.

6. If the blocked river or stream is not a designated main watercourse and is located within government land, Drainage Services Department will in collaboration with other government departments investigate whether the activity is unlawful, provide drainage advices, and take appropriate joint actions to remove the obstruction.

7. If the blocked river or stream is not a designated main watercourse and is located within private land, Drainage Services Department will in collaboration with other government departments carry out inspection, provide technical advices, and assist relevant government departments to take remedial and enforcement actions.

Drainage Services Department

June 2009