

漁農自然護理署



AGRICULTURE, FISHERIES
& CONSERVATION
DEPARTMENT

Cheung Sha Wan Government Offices
5th Floor, 303 Cheung Sha Wan Road,
Kowloon, Hong Kong

九龍長沙灣道三〇三號
長沙灣道政府合署五樓

本處檔號 Our Ref : AF UTF 39/2008 Pt. 2
來函檔號 Your Ref :
電話 Tel. No. : 2150 6606
電郵地址 e-mail address : joseph_ch_sham@afcd.gov.hk
圖文傳真 Faxline No : 2152 0070

TRANSLATION

BY EMAIL

Miss Becky Yu
EA Panel Secretary
(Subcommittee on Combating Fly-tipping)
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Miss YU,

**Request for Further Information on Fly-tipping
and Unauthorised Tree Felling Issues**

I refer to a letter from the Hon LEE Wing-tat dated 24 June to the Subcommittee on Combating Fly-tipping. The letter was referred to the Agriculture, Fisheries and Conservation Department (AFCD) for reply. Please find herewith the information as requested by the Hon LEE.

- (1) Regarding the issue of suspected unauthorised land excavation and tree felling at So Lo Pun Village, North District, AFCD received a report in early February 2008 that a hiker saw the excavation of land and felling of trees at So Lo Pun Village. AFCD immediately inspected the site. It was revealed that a person claiming himself to be the Chairman of So Lo Pun Rural Committee had employed workers to restructure the abandoned old field in the village for future development. The affected areas include private land in So Lo Pun Village and some unleased government land at the fringe of the village. About 400 trees of different sizes were felled, amongst which some 200 were on Government land. District Lands Officer/North confirmed that land excavation and vegetation clearance on private lands under Block Government Lease did not contravene the lease condition. However, tree felling on unleased Government land contravened Section 21(d) and Section 22(1) of the Forests and Countryside Ordinance. After collecting necessary evidence, AFCD issued a

summons to the Chairman of So Lo Pun Village (the defendant) on 30 July 2008. The case was heard by the Magistrate at Tsuen Wan Magistrate's Court on 12 September 2008. The prosecutor from Department of Justice decided not to adduce evidence to the prosecution case. The defendant was thus acquitted. To prevent occurrence of similar incidents in future, AFCD stepped up patrol at the area near the So Lo Pun Village.

- (2) The village footpath at So Lo Pun Village was one of the footpaths linking Lai Chi Wo Village and Kuk Po Village. This village footpath was built by Tai Po District Office in 1958 and was handed to North District Office. Most of the village footpath in question is located on private land inside So Lo Pun Village. According to information provided by District Lands Officer/North and District Officer/North, the land owners had the right to refuse unauthorised entry to their private land. Hence it would be legitimate for them to restrict any trespasses on their footpath.

In order to help hikers to bypass the said village footpath, we have explored the possibility of building a new footpath to replace the above mentioned village footpath. As the So Lo Pun Village was located in a coastal valley and the slopes at both sides of the valley were packed with fully grown dense vegetation. It was not possible to build a new footpath without large scale tree felling. The feasibility to build a new footpath may need further study. Since the villagers claimed that they will close the village footpath from 1 July 2009, to prevent conflicts between hikers and villagers, we had erected advisory signs at strategic locations at entrances of footpaths leading to So Lo Pun Village to advise hikers to use other alternative routes between Lai Chi Wo and Kuk Po.

- (3) Regarding the Pak Lap Village issue in Sai Kung, please note that AFCD had received reports in April this year that land excavation and tree felling was undertaken at Pak Lap Village. It was also suspected that illegal use of vehicles was taken place in the area. AFCD is collaborating with Sai Kung District Lands Office (DLO/SK) and Sai Kung District Office to follow up the issue. After investigation, it was found that land excavation and vegetation clearance were conducted by villagers of Pak Lap. Some lorries and excavators were also seen on private land inside Pak Lap Village. The villagers claimed that these vehicles had been brought in by boat hence did not contravene the Country Parks Ordinance. In order to prevent unauthorised excavation and tree felling on Government land, DLO/SK and AFCD had erected warning signs on Government land at the vicinity of the affected areas. We also stepped up patrol at Pak Lap Village to prevent illegal use of vehicles in the area.

Please be advised that Mr Edmond LAM, Senior Country Parks Ranger Services Officer, will attend the meeting of the Subcommittee to be held on 30 June 2009. Since the above issues involved owner's right of leased land and right of villagers, it is suggested that representatives from relevant Departments should also be invited to attend the said subcommittee meeting.

Yours sincerely,

(signed on the Chinese version)

(Joseph SHAM)

for Director of Agriculture, Fisheries and Conservation

cc Lands Department (Attn: Mr ROSS Graham Martin
Deputy Director (Specialist)
(Lands Administration Office, Headquarters)
District Lands Officer (North)
District Lands Officer (Sai Kung)
District Officer (North)
District Officer (Sai Kung)