

漁農自然護理署

九龍長沙灣道三〇三號
長沙灣政府合署五樓



覆函請寄交
「漁農自然護理署署長」
Please address all replies to
Director of Agriculture, Fisheries and Conservation

APPENDIX 19
AGRICULTURE, FISHERIES AND
CONSERVATION DEPARTMENT
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26 March 2021

(urgent by email: wyjan@legco.gov.hk, kmho@legco.gov.hk, pkwlai@legco.gov.hk)

Ms. Wendy JAN
Clerk, Public Accounts Committee
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Ms. Jan,

Public Accounts Committee
Consideration of Chapter 2 of the Director of Audit's Report No. 75
Government's efforts in tackling shoreline refuse

I refer to your letter of 17 March 2021 under reference. Please find the requested information set out in the following table:

Item	Content
a)	<p>Before the new Guideline was effective in Dec 2020, the Agriculture, Fisheries and Conservation Department (AFCD) had been using 3 types of inspection form (please refer to Appendix B of AFCD's reply to PAC's letter dated 9 Dec 2020) for different marine parks and marine reserve due to different site characteristics and modes of operation. For example, the Sha Chau and Lung Kwu Chau Marine Park is relatively large (about 1,200 hectares) and each cleansing service day could normally cover part of either Sha Chau or Lung Kwu Chau, so the inspection form had included two columns for recording the locations of work. In addition, cleansing contractor would call AFCD before their departure for commencement of work due to poor network coverage and unstable reception on Sha Chau and Lung Kwu Chau, and the time of call would be recorded in the form.</p> <p>Patrol staff would not only conduct spot-check at the site of cleansing work, but also conduct other regular duties such as patrolling, enforcement, monitoring and maintenance of facilities, provision of visitor service, etc. As patrol staff only spot-checked and did not stay on the spot throughout the cleansing services, it would not be practical for them to record all departure time of the contractors.</p>

Item	Content
	<p>We agree that the difference in recording formats might be undesirable. To achieve consistency and enhance clarity of inspection records, a standardized inspection form is now being used as recommended in the Report. Please refer to part c) for details.</p>
b)	<p>As explained in a), AFCD has been monitoring the work of cleansing contractors through spot checks. The average inspection rate on the cleansing services for the marine parks during the period audited was over 70%. Patrol staff would observe the cleaners' work and check if the services were satisfactory. Some patrol staff had put down "did not see the vessel (未見船)" if they did not see the cleaners at the time of patrol, but this did not mean "suspected absence" because the cleaners might be working at another locations in the park and not being seen by patrol staff at the sea due to the terrain. In some cases, patrol staff had put down "leave early" if they observed the cleaners leaving the park earlier than usual. As some marine parks are located far away from land (e.g. travel time between Tung Ping Chau and the refuse collection point is at least 1.5 hours one-way), cleaners might need to leave the park earlier when the weather is unstable and the sea is rough. Supervisory staff would follow-up the above irregular site findings with the management team of the cleansing contractors.</p> <p>We have checked the 18 cases cited in paragraph 3.5(a)(i) of the Report. In those six cases in which AFCD had arranged cleaning service on another day, one of them showed irregularities in contractor's monthly attendance record (i.e. showing full service on the scheduled service day on which AFCD's inspection form marked "did not see", and an additional half-day service on the replacement day). Nevertheless, no additional payment was made to the contractor. In the 12 other cases cited, after further follow-up with the contractors and review of monthly attendance records and other patrol records etc, AFCD found no evidence of absence of contractor's service. Neither providing cleaning service on another day nor deduction of fees was deemed necessary. Please refer to Appendix A for details of each of these 18 cases.</p> <p>The Report had revealed some weaknesses in our documentation of monitoring actions, notably the site inspection records and follow-up actions on irregularities detected. Please refer to c) for improvements adopted.</p>
c)	<p>The recording of site findings and documentation of follow-up actions on irregularities need to be improved. AFCD has accepted the recommendations stated in paragraphs 3.8(a)&(b) of the Report. As mentioned in our reply dated 1 March 2021 (item 4 and Appendix A), a new Guideline for Monitoring of Cleansing Services for Marine Parks and Marine Reserve has been formulated including, among others, a standardized Inspection Form which requires the recording of the arrival and departure time of the patrol staff for a particular park, individual findings related to cleansing service and the relevant specific follow-up actions by AFCD (e.g. contacts and arrangements with the management, review of refuse collection record, review of contractors' staff attendance record, review of photos or video clips of the services, etc). Appropriate guidance and training have been provided to relevant staff. In addition, AFCD has added a requirement in new cleansing contracts that the contractor has to report the arrival and departure times of their staff, and provide photos or video clips before and after the completion of service for checking by AFCD.</p>

****Note by Clerk, PAC:*** See Appendix 18 of this Report for the reply dated 1 March 2021 from Director of Agriculture, Fisheries and Conservation.

Item	Content
d)	<p>In the past, as the quantity of refuse collected is for general statistical purpose only and not related to the cost of cleaning work, and verification of quantity of refuse on the spot was constrained by site conditions, AFCD did not require its staff to verify such figures. AFCD has accepted the recommendations stated in paragraph 3.8(c) of the Report, and have arranged regular spot-checks on the quantity of refuse at the disposal sites. This requirement has been included in the new Guideline.</p>
e)	<p>(i) AFCD has been monitoring the work of cleansing contractors through spot checks. The inspection rate on the cleansing services during the period audited was over 70%. Patrol staff would observe the work of the contractors and record their performance on an inspection form. Patrol staff would also report irregular findings on the form, and the supervisory staff would follow up with the contractors. The supervisory staff would also review other records provided by the contractors, including contractors' staff attendance records and other relevant records (e.g. photos and videos), for ensuring satisfactory performance of services.</p> <p>(ii) AFCD has accepted all recommendations stated in paragraph 3.8 (d)(i)-(iii) of the Report, and taken measures to enhance monitoring of contractors' work by adopting new Guideline for Monitoring of Cleansing Services for Marine Parks and Marine Reserve. Specifically, we have added a requirement in new cleansing contracts that the contractor has to report the arrival and departure times of their staff, and provide photos or video clips before and after the completion of service for checking by AFCD.</p>
f)	<p>(i) Please see Appendix B for the chronology of events.</p> <p>(ii) From conservation perspective, the huge pipe structures washed ashore Lung Kwu Chau had no immediate direct impact on the marine park. We tried as quickly as possible to engage cleansing service companies for arranging removal of the red pipe structures. But the removal of the structures was affected by the COVID-19 outbreak and not considered urgent or essential at that time. AFCD was required to handle tasks of higher priorities e.g. arrangement of supplies and services for combating COVID-19, and field work was affected by the work-from-home arrangement. However, at that time the companies contacted were unable to arrange staff and vessel for site inspection. It was only until June 2020 that a few contractors had been able to arrange staff and vessels for inspecting the site and proposing appropriate means of removal.</p> <p>(iii) AFCD agrees with the Report's view that the long time taken to address the problem is not satisfactory. To facilitate smooth handling of large objects washed ashore in the future, this matter was discussed on the 4th meeting of Inter-departmental Working Group on Marine Environmental Management in January 2021, and the Marine Department agreed to render support and assistance as appropriate when AFCD encounters difficulties in removing large floating objects found in the marine parks and marine reserve.</p>
g)	<p>As the landward boundary of Sha Chau and Lung Kwu Chau Marine Park large follows the high water mark along the coastline, general marine refuse cleansing work in marine park under AFCD's responsibility only covers waters below the high water mark. It is considered a reasonable arrangement, as the refuse at intertidal area below the high water mark is caused by regular tidal action, which is more suitable for regular cleanup by means of manual collection. The area is also clearly demarcated and generally attracts public attention. On the other hand, refuse accumulated above the high water mark accumulated are found under</p>

Item	Content
	<p>very specific conditions, for example in relation to topography and vegetation, or tidal action and wind direction, or occasional typhoon and spring tides. In view of the complicated causes for accumulation of refuse and great disparity in the level of accumulation, as well as difficulty in removing the large-sized refuse by manual and simple methods regularly handled by general cleaners, it would be more efficient and cost-effective to handle this through focused and special in-deep cleansing operation. In recent years, all such special operations were co-organized by the Interdepartmental Working Group on Clean Shorelines (IWG), and conducted by cleansing contractors of AFCD.</p> <p>Regarding the many refuse accumulated in the slope at the back-of-beach area of Lung Kwu Chau, EPD has arranged an IWG joint site visit in January 2021, to discuss and explore practicable ways for cleanup. It was agreed on the IWG meeting on 29th January 2021 that AFCD would hire a contractor to conduct a one-off special cleanup operation with the assistance of EPD. The corresponding cleanup work was commenced in late February 2021, and completed on 13th March 2021. Moreover, it was also agreed on the IWG meeting that AFCD would conduct cleanup operation on that back-of-beach area once a year during the dry season. In view of the level of refuse accumulation onsite in recent years and scarce visitors there, such arrangement is considered appropriate and cost-effective.</p>
h)	<p>(i) In view of the large area of the Brothers Marine Park (970ha) and long coastline (~3km) of the two islands with the park, the cleansing contractor could only be able to clean up a portion of the shoreline in a single working day, given its manpower specified in the cleansing contract (i.e. 3 cleaners). During the wet season, in particular, large amount of refuse is often washed ashore after heavy rains and typhoons. Under these circumstances, the cleaners may have difficulty in promptly removing all accumulated wastes on the two islands. Use of heavy machinery for refuse collection is not practicable on the islands due to lack of access roads and pier facilities.</p> <p>(ii) As explained in (i) above, the cleansing contractor was required to clean up a portion of the shoreline on a single working day, and their performance was assessed based on the cleanliness of the area concerned. The cleaners might have difficulty removing the accumulated wastes on the two islands in a promptly manner, due to the reason stated in (i) above. No deduction of fee would be made under these circumstances.</p> <p>(iii) AFCD has accepted the corresponding recommendations stated in paragraph 3.22(e) of the Report, and increased the cleansing frequency since November 2020, so as to improve the cleanliness of the Brothers Marine Park. We will monitor the situation and consider further increase the cleaning frequency if necessary.</p>

Yours sincerely,



(Jackie YIP)

for Director of Agriculture, Fisheries and Conservation

Encl.

c.c. Director of Environmental Protection (Attn: Mr. C. K. CHEN)

Details of the 18 cases of site inspection

Case	Date	Location	Results of investigation
			Inspection records showed that patrol staff did not see contractor's staff on site
1	6 May 2019	TPCMP	Inspection record indicated that AFCD had contacted the contractor and arranged service on 9 May 2019 as replacement. AFCD has spot-checked the service on the replacement day of cleansing.
2	18 Oct 2019	TPCMP	Inspection record indicated that AFCD had contacted the contractor and arranged service on 24 Oct 2019 as replacement.
3	20 Nov 2019	TPCMP	Inspection record indicated that AFCD had contacted the contractor and arranged service on 21 Nov 2019 as replacement. AFCD has spot-checked the service on the replacement day of cleansing.
4	26 Nov 2019	TPCMP	Inspection record indicated that AFCD had contacted the contractor and arranged service on 28 Nov 2019 as replacement.
5	12 Jan 2020	TPCMP	Inspection record indicated that AFCD had contacted the contractor and arranged service on 16 Jan 2020 as replacement. AFCD has spot-checked the service on the replacement day of cleansing.
6	10 Jul 2019	TPCMP	Inspection record indicated that AFCD had contacted the contractor and re-arranged service on 11 Jul 2019 as replacement. AFCD has spot-checked the service on the replacement day of cleansing. Contractor's attendance record indicated provision of service on both 10 and 11 Jul 2019. For these two days, contractor was only paid for a day's work and no payment had been made for the additional day. The reason for the inconsistency in the contractor's attendance record and the inspection record could not be ascertained based on existing records.
7	3 Apr 2019	TPCMP	AFCD record indicated that cleaners had claimed that the contractor's vessel had mechanical fault and needed to leave the site earlier in the afternoon. According to normal practice, the supervisor would consider the actual circumstances in deciding whether the early leave was reasonable. If affirmative, no replacement of service would be required.

8	23 Apr 2019	TPCMP	According to normal practice, the supervisor should have clarified with the contractor and considered no replacement needed, but we were unable to find records of such follow-up actions. Contractor's attendance record indicated service on 23 Apr 2019.
9	27 Aug 2019	TPCMP	Patrol record of patrol staff indicated seeing the cleaners' vessel on site in the morning. Contractor's attendance record indicated service on 27 Aug 2019.
10	10 Dec 2019	TPCMP	Inspection record indicated that the contractor left early as refuse collected was too heavy (and overloading of vessel might cause safety issue). According to normal practice, the supervisor would consider the actual circumstances in deciding whether the early leave was reasonable. If affirmative, no replacement of service would be required.
11	21 Sep 2019	YCTMP	Inspection record indicated that the contractor provided service in HHWMP instead as the weather turned unstable on that day. Inspection record for HHWMP also indicated the contractor had provided service there on that day.
12	21 Feb 2020	YCTMP	Inspection record indicated the contractor had left earlier than normal. According to normal practice, the supervisor should have clarified with the contractor and considered no replacement needed, but we were unable to find records of such follow-up actions. Contractor's attendance record indicated service on 21 Feb 2020.
13	13 Mar 2020	YCTMP	Inspection record indicated that the contractor provided service in HHWMP instead as the weather turned unstable on that day. Inspection record for HHWMP also indicated the contractor had provided service there on that day.
14	29 Jun 2019	TPCMP	Inspection record indicated staff tried contacting contractor by phone but in vain. According to normal practice, the supervisor should have clarified with the contractor and considered no replacement needed, but we were unable to find records of such follow-up actions. Contractor's attendance record indicated service on 29 Jun 2019.
15	29 Jun 2019	HHWMP	Similar to Case 14 above.
16	29 Jun 2019	YCTMP	Similar to Case 14 above.
Inspection records showed that contractors left earlier than normal to refuse collection point			

17	2 Dec 2019	TPCMP	<p>Inspection record indicated that AFCD had contacted the contractor who explained that the weather became unstable and they needed to leave about 1-2 hours earlier. Tung Ping Chau was located far away from land, and normally requires a travel time of 1.5 hours for transfer of refuse to the refuse collection point at Wong Shek Pier in Sai Kung. Longer travel time would be needed in poor weather conditions. According to normal practice, the supervisor would consider the actual circumstances in deciding whether the early leave was reasonable. If affirmative, no replacement of service would be required.</p>
18	6 Dec 2019	TPCMP	<p>Similar to Case 17 above.</p>

Chronology of events in respect of the handling of the “huge red pipe structures” incident

Date	Events
Dec 2019	AFCD found two huge red pipe structures washed ashore in Lung Kwu Chau.
Dec 2019 - Jan 2020	As occurrence of such unknown huge pipe structures in Lung Kwu Chau was unprecedented, AFCD tried to identify the owner of these structures by verbally asking nearby marine users and the departments conducting works nearby, but in vain.
Feb – May 2020	AFCD started to engage cleansing service companies for arranging removal of the red pipe structures. But the removal of the structures was affected by the COVID-19 outbreak and not considered urgent or essential at that time. Meanwhile, AFCD was required to handle tasks of higher priorities, e.g. arrangement of supplies and services for combating COVID-19, and arrangement of field inspection had been affected by the work-from-home arrangement. On the other hand, the cleansing service companies contacted were unable to arrange staff and vessel for inspecting the site and suggesting appropriate cleansing methods.
Jun 2020	A few potential cleansing service companies were eventually able to arrange site inspection with AFCD. However, it was found that the large structures could only be removed and disposed of by deploying heavy machine with specific technical requirements that could not be provided by normal cleansing contractors.
Jul 2020	<p>This matter was discussed at the Task Force on Marine Refuse Meeting on 9 Jul 2020;</p> <p>As AFCD did not have the experience nor expertise to handle such abandoned structures washed ashore, EPD sought the assistance from MD in providing technical assistance in removing the structures;</p> <p>On 13/7/2020, MD agreed to provide assistance to AFCD in removing and disposing of the structures by their salvage contractor. The removal operation was completed on 29 Jul 2020.</p>