

立法會
Legislative Council

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**Panel on Environmental Affairs and
Panel on Planning, Lands and Works**

**Minutes of joint meeting held on
Monday, 23 February 2004, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Members of the Panel on Environmental Affairs

Hon CHOY So-yuk (Chairman)
Hon Cyd HO Sau-lan (Deputy Chairman)
*Dr Hon David CHU Yu-lin, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yeet, JP
Dr Hon LAW Chi-kwong, JP
Hon Henry WU King-cheong, BBS, JP
Dr Hon LO Wing-lok, JP
Hon Audrey EU Yuet-mee, SC, JP

Members of the Panel on Planning, Lands and Works

Dr Hon TANG Siu-tong, JP (Chairman)
#Hon LAU Ping-cheung (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP

Members absent : Members of the Panel on Environmental Affairs

Hon Martin LEE Chu-ming, SC, JP
*Hon WONG Yung-kan
Hon Emily LAU Wai-hing, JP

Action

Members of the Panel on Planning, Lands and Works

Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon WONG Sing-chi

(* Also members of the Panel on Planning, Lands and Works)
(# Also members of the Panel on Environmental Affairs)

Public officers attending : Environment, Transport and Works Bureau

Mr TSUI Wai
Principal Assistant Secretary (Works) W2

Ms Jessie WONG
Principal Assistant Secretary (Environment and Transport) E4

Drainage Services Department

Mr SHIU Wing-yu
Assistant Director/Operations and Maintenance

Buildings Department

Mr MO Kim-ming
Assistant Director/New Buildings 1

Lands Department

Mr Jimmy WOO Sai-cheong
Assistant Director (Estate Management)

Mr Henry WOO Kwok-wing
Chief Land Executive (District Lands Office, Islands)

Planning Department

Mr Anthony KWAN Tsoi-kwai
Chief Town Planner/Central Enforcement and Prosecution

Action

Agriculture, Fisheries and Conservation Department

Mr LAY Chik-chuen
Assistant Director (Conservation)

Attendance by invitation : Friends of the Earth (HK)

Mrs Mei NG
Director

World Wide Fund for Nature Hong Kong

Mr Alan S L LEUNG
Senior Conservation Officer

Green Lantau Association

Ms Jenny QUINTON
Committee Member

Ms Cecille Gamst BERG
Member

Conservancy Association

Dr NG Cho-nam
Director

Dr HUNG Wing-tat
Director

Kadoorie Farm & Botanic Garden

Mr Bosco CHAN
Senior Conservation Officer

Mr L C WONG
Conservation Officer

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

Staff in attendance : Mrs Mary TANG
Senior Assistant Secretary (1)2

Miss Mandy POON
Legislative Assistant 4

I. Election of Chairman

Miss CHOY So-yuk was elected Chairman of the joint meeting.

II. Impact of construction works on rivers in Hong Kong

Meeting with the Friends of the Earth (HK) (FOE)
(LC Paper No. CB(1) 1035/03-04(01) — Submission from FOE)

2. Mrs Mei NG said that the environmental damage to the streams at Tung Chung and Sha Kok Mei had revealed a lack of public awareness and co-ordination among various Government department on the protection and conservation of streams and rivers in Hong Kong. In this connection, she called upon the Legislative Council (LegCo) to help ensure that all relevant Government departments would abide by the planning guidelines and the procedures for dealing with environmental implications in implementing works projects. Contractors should be closely monitored in the delivery of these projects. Legislation should also be introduced to protect the natural resources, particularly the 17 streams which had been identified with high ecological value, such that persons who caused damages to these streams would be held liable. Moreover, investigation into the two incidents should be conducted and the results should be made known to the public. As regards the restoration plan for Tung Chung Stream, Mrs NG noted with concern that boulders and pebbles required for the restoration works were taken from a river at Hoi Fung. She considered it an irresponsible act as this would only shift the problem elsewhere.

Meeting with the World Wide Fund for Nature Hong Kong
(LC Paper No. CB(1) 1035/03-04(02) — Submission from the World Wide Fund for Nature Hong Kong)

3. Mr Alan LEUNG said that the two incidents at Tung Chung Stream and Sha Kok Mei had highlighted the poor co-ordination among Government departments in planning and monitoring construction works at streams and rivers. To this end, a cross-departmental conservation authority should be set up to oversee the formulation of a comprehensive conservation strategy. In addition, sustainable flooding control strategies as well as ecologically friendly stream channel designs should be developed and all degraded river systems should be restored. Better land use planning should be adopted to reduce or avoid future development in the flood prone areas. Channelization should only be taken as the last resort to control flooding. The Drainage Services Department (DSD) should review the needs and environmental impacts of the existing Drainage Master Plans and individual drainage projects. Illegal excavations of the natural environment, including streams and rivers, should be

Action

considered as serious crimes and heavier penalties should be imposed as deterrent.

Meeting with the Green Lantau Association

(LC Paper No. CB(1) 1035/03-04(03) — Submission from the Association)

4. Ms Jenny QUINTON took members through the submission of the Green Lantau Association, highlighting the need to restore streams and rivers devastated by river training, clean up polluted streams and rivers and conserve and enhance all existing natural streams. The Administration should also cease river training pending a review of current practices.

Meeting with Conservancy Association (CA)

(LC Paper No. CB(1) 1035/03-04(04) — Submission from CA)

5. Dr NG Cho-nam said that judging from the two incidents at Tung Chung Stream and Sha Kok Mei, it was apparent that the existing land use policy and control measures were inadequate to protect local streams and rivers. CA therefore called for an immediate review of the existing policy on protection of local streams and rivers with a view to rectifying the continuous negligence and frequent destruction of such an important type of habitat in Hong Kong. A central register of all streams and rivers in Hong Kong similar to the slope registration system should also be maintained. As the irreparable destruction of local rivers and streams were reported to have been caused by drainage improvement and flood control projects, CA suggested that Government and developers should adopt a “presumption of conservation” principle to ensure that any works affecting natural streams and rivers must have a good cause. In addition, the Agriculture, Fisheries and Conservation Department (AFCD) should be empowered to monitor the ecological well-being of all streams and rivers and enforce against any illegal works. DSD should review the needs and environmental impacts of the existing Drainage Master Plans and individual drainage projects. The Lands Department should set up a hotline to receive reports on damages to rivers and streams while the Environmental Protection Department (EPD) should take enforcement actions against illegal dumping of waste in streams and rivers. There was also a need to conduct public consultation on the measures to protect streams and rivers in Hong Kong.

6. Dr HUNG Wing-tat queried the need for some of the works projects. By way of illustration, he failed to see why a large-scale flood prevention project at Ngong Ping involving channelization of streams at the top of the hill was necessary. He hoped that LegCo Members would follow up with DSD on the Ngong Ping flood prevention project, adding that channelization with non-absorptive lining of stream bed would decrease the drainage capacity of streams. He urged the Administration to review the need for drainage projects and use more environmentally friendly drainage designs if these projects were deemed necessary.

Action

Meeting with Kadoorie Farm & Botanic Garden

(LC Paper No. CB(1) 1035/03-04(05) — Submission from Kadoorie Farm & Botanic Garden)

7. Mr Bosco CHAN pointed out that the existing legislation only provided for protection of a small number of streams and rivers within country parks and was not adequate to cover most of the natural lowland streams and rivers in Hong Kong. He also queried the criteria for assessing the ecological value of streams under the Technical Memorandum (TM) of the Environmental Impact Assessment Ordinance (Cap. 499) (EIAO) which were only applicable to stream sections of at least 100 metres in length. Since most of the streams in Hong Kong were less than 100 metres in length, they were not covered under TM despite that they were rich in biodiversity. Mr CHAN added that private developments as well as flood prevention projects had seriously affected the natural habitat of streams. Channelization of streams had threatened the survival of a number of rare species of freshwater fish which were close to extinction. The measures, such as grass planting on river embankments, which DSD had adopted in improving drainage channel designs were environmentally friendly but not ecologically friendly as these would not enhance the ecological value of the streams. He urged DSD to review the justifications, ecological impacts and mitigation measures of approved channelization projects under the Master Drainage Plans. Efforts should also be made to ecologically restore the channelized streams to enhance the survival of many lowland aquatic species.

8. The Chairman then drew members' attention to the following submissions from deputations not attending the meeting -

- (a) LC Paper No. CB(1) 1035/03-04(06) — Submission from the Hong Kong Institution of Engineers; and
- (b) LC Paper No. CB(1) 1071/03-04(01) — Submission from Green Power.

Meeting with the Administration

(LC Paper No CB(1)1035/03-04(07) — Paper provided by the Administration)

9. Before commencing discussion, the Chairman expressed dissatisfaction that senior government officials had not attended the meeting to address concerns of members and deputations. She said that the Administration had time and again failed to have due regard to the significance of issues under discussion in lining up attendance for Panel meetings. The Chairman proposed and members agreed to send a letter to the Secretary for the Environment, Transport and Works conveying members' dissatisfaction and requesting the attendance of more senior government officials at future meetings.

(Post-meeting note: A letter to the Secretary for the Environment, Transport and Works was issued on 26 February 2004.)

Action

10. The Principal Assistant Secretary for the Environment, Transport and Works (Works)W2 (PASETW(W)2) briefed members on the Administration's paper which set out the restoration plans for the damaged section of the Tung Chung Stream and the shotcreted stream at Sha Kok Mei, Sai Kung and the measures to prevent recurrence of similar incidents.

11. Referring to paragraph 4 of the paper, Mr Albert CHAN was concerned about the presumption made by both the Administration and deputations on the liability of Tung Chung Rural Committee (TCRC) in respect of the illegal devastation of the Tung Chung Stream, when the case was still pending criminal investigation and trial. According to his understanding, the project had not been approved by TCRC. He therefore questioned why the District Lands Office/Islands (DLO/Is) should demand TCRC to undertake reinstatement works to restore the damaged section of the stream to its original setting. Dr TANG Siu-tong concurred that TCRC should not be held responsible for the case which involved only a few TCRC members.

12. The Chief Land Executive (District Lands Office, Islands), Lands Department informed members that on 3 November 2003, DLO/Is staff present on site where the excavation works were conducted at the Tung Chung Stream had been told by TCRC Chairman that a contractor had been engaged to carry out the restoration works. This was later confirmed by the contractor concerned. In his official letter to the District Officer/Is dated 3 November 2003, TCRC Chairman admitted that he had authorized the excavation works. At the meeting with TCRC in mid-December 2003, TCRC Chairman had re-affirmed that he had engaged a contractor to carry out the excavation works. Based on the limited evidence available, DLO/Is had referred the case to the Department of Justice (D of J) for necessary action. Whether action would be taken against TCRC or TCRC Chairman was a matter for the D of J to decide.

13. Mr Albert CHAN remained of the view that the Administration should not have made any presumption on the liability of TCRC if the case was still awaiting investigation and prosecution. He urged the Administration to withdraw the reference in paragraph 4 of the paper. Mr James TO however did not agree with Mr CHAN. He said that the Administration should have the authority, based on available information, to demand TCRC to undertake the restoration works.

14. Ms Cyd HO recalled that consequent upon the serious flooding in 1998/99, a number of flood prevention measures had been implemented. However, there was a general agreement that stream beds should not be shotcreted as this would affect the drainage capacity. In response to the concerns raised by the deputations and Ms Cyd HO, the Assistant Director of Drainage Services (Operations and Maintenance) (ADDS(OM)) said that the purpose of flood prevention projects was to reduce the risk of flooding and damage to life and property in flood prone areas. Prior to the implementation of major flood prevention projects, environmental impact study, including ecological survey and assessments, were conducted to assess the impacts including those on the ecology of the affected rivers. Where appropriate, mitigation measures would be worked out in consultation with EPD, AFCD and the Advisory Council on the Environment. In areas where the flow velocity was high and erosion of river bank was a problem, the laying of concrete lining along streams

Action

could maintain the serviceability of the streams, such as the scoured stream at Sha Kok Mei which was seriously flooded in 1996. At the request of the Home Affairs Department and affected residents, urgent repair using concrete was done to alleviate the serious flooding and erosion there. In general, shotcreting was an old standard and not considered acceptable nowadays from an environmental point of view. More considerations had now been given to protecting the environment and preserving the natural habitat. Environmentally friendly features would be incorporated into the projects while the bottom of streams would be left intact where practicable in order to conserve the natural habitat.

15. Despite Government's assurance that environmentally friendly features would be implemented, Ms Cyd HO pointed out that many of the streams had been lined with concrete and had been used as public drains. Noting that environmentally friendly measures might not be ecologically friendly, she considered it necessary to work out the criteria for restoration of shotcreted streams. Deputations' views in this regard were most welcomed.

16. Given that one of the main causes of flooding was the scouring and blockage of streams, Dr TANG Siu-tong agreed that channelization of streams was an effective method to prevent flooding. In order to achieve a balance between flood prevention and ecological protection, consideration should be given to providing channelization at the more populated areas while adopting more ecologically friendly measures in the uninhabited areas. Mr Albert CHAN also called for enforcement against the rampant use of electrocution in catching of fish which had adversely affected the natural habitat of streams.

(The meeting was suspended at this juncture so that the Panel on Environmental Affairs could hold its meeting at 3:30 pm as scheduled. To enable the joint meeting to continue in Conference Room A, members of the Panel on Environmental Affairs agreed to suspend their meeting. The Panel meeting was subsequently re-convened at 3:55 pm.)

17. Ms Audrey EU opined that the two incidents had demonstrated the lack of environmental awareness among Government departments, particularly those responsible for works projects. She said that it would be useful for the deputations to advise these departments the measures to be adopted to ensure that works projects were conducted in an environmentally friendly manner. These might include the need for legislation to enforce against damages to natural habitat. Mr James TO added that the public should be encouraged to report illegal activities which would cause irreparable damages to the natural habitat. The public should also be informed of the feasibility and financial implications of deputations' proposals to restore the streams.

18. Dr NG Cho-nam/CA agreed to the need for joint discussions with the Administration on measures to prevent flooding and to restore the damaged streams. He said that the crux of the problem was the lack of a long-term plan to prevent flooding. At present, only temporary measures such as channelization were adopted. These measures were piecemeal and could only bring improvement to certain sections

Action

of the stream which had been widened through channelization. He also pointed out that many of the channelization projects were overly designed. This was evident in the case of Kam Tin River channel which was intended to cater for rainfall with a return period of 200 years but was eventually provided for excessive drainage capacity. In an attempt to facilitate repair works, some of the channels were widened to allow for access of motor vehicles during the dry season. To this end, a more comprehensive approach should be considered in the long run. This might include retention of wetlands and planting of vegetation to improve drainage. Reference could be made to the flood prevention experience in Holland where the natural habitat was reserved in many parts of the country. He added that while awareness on the need to protect natural habitat was seen to have improved since the enactment of EIAO, more had to be done in the protection of streams and rivers.

19. Mrs Mei NG/FOE said that the Green Lantau Association had informed both FOE and the Administration about the incident at Tung Chung Stream before it was reported by the press. However, it was disappointed that the departments concerned had not taken the necessary actions to halt the illegal activities. She therefore questioned the effectiveness of the hotline set up by the Lands Department to receive reports on illegal activities if no enforcement actions had been taken against such activities. To enable public participation, it might be worthwhile to set up a stream and river working group to oversee the protection of streams and rivers, similar to other working groups on beach water quality and wetlands.

20. Owing to time constraints, members agreed that another meeting be held to continue discussion on the subject. To facilitate further discussion, the Administration was requested to provide written responses to the concerns raised by both members and deputations. Deputations were also invited to submit their further views, if any, to the Administration before the next meeting.

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(Post-meeting note: A joint meeting of the Panel on Environmental Affairs and the Panel on Planning, Lands and Works was scheduled for Tuesday, 23 March 2004, at 4:30 pm to continue discussion on the subject)

III. Any other business

21. There being no other business, the meeting ended at 3:30 pm.

Council Business Division 1
Legislative Council Secretariat
17 March 2004