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19 May 2016

Clerk to LegCo Panel on Environmental Affairs
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Ms Angel SHEK)
(By e-mail and fax: 3529 2837)

Dear Ms Shek,

LegCo Panel on Environmental Affairs
Illegal soil dumping at the Deep Bay Wetland

Thank you for the letter dated 22 April 2016 from the Panel on the captioned matter.

Regarding the concerns expressed by Hon Kenneth CHAN Ka-lok over the spread of illegal soil dumping problem to the Deep Bay Wetland Conservation Area, the Government attaches great importance to the matter and has followed up on the case seriously. Our response is as follows.

The Government is committed to combating illegal dumping of construction waste regardless of where such illegal activities take place. An inter-departmental co-ordination mechanism is also in place under which the Environmental Protection Department (EPD) will coordinate the enforcement actions of various government departments, including the Buildings Department (BD), Civil Engineering and Development Department, Lands Department (LandsD), Planning Department (PlanD), Food and Environmental Hygiene Department, Agriculture, Fisheries and Conservation Department (AFCD),

Drainage Services Department, Home Affairs Department and Highways Department, etc. The departments will jointly monitor the black spots of illegal dumping of construction waste, exchange intelligence and take joint enforcement actions.

The Government attaches great importance to conserving the Deep Bay Wetland. If cases of illegal waste dumping are found, the relevant departments, including AFCD, EPD, PlanD and LandsD, etc., will take appropriate enforcement actions according to the circumstances of each case. Generally speaking, for conservation zones, such as "Sites of Special Scientific Interest", "Conservation Area", "Coastal Protection Area" and "Green Belt", or "Agriculture" zones within areas designated as Development Permission Areas, planning permission from the Town Planning Board is required for land filling activities. Otherwise, such activities will be considered as illegal development and PlanD will take enforcement actions. AFCD will also provide professional advice on the restoration of the affected wetlands.

On conserving the Deep Bay Wetland, AFCD has been keeping watch on the ecological environment of the area. If cases of illegal soil dumping and fishpond filling are found, AFCD will contact the relevant departments immediately for taking appropriate enforcement actions so as to prevent damage to the ecological environment. AFCD will step up patrols at the Deep Bay Wetland and provide professional advice on the restoration of the affected fishponds from the ecological and fisheries perspectives.

Regarding the illegal soil dumping case at the Deep Bay Wetland mentioned by Hon Kenneth CHAN Ka-lok, enforcement actions have already been taken by PlanD and EPD. For details, please refer to Annex.

Yours sincerely,



(Vivian CHAN)

for Director of Environmental Protection

Illegal soil dumping at the Deep Bay Wetland

Enforcement Actions taken by PlanD and EPD

EPD had seven successful prosecution cases under the Waste Disposal Ordinance in 2015 and the authorities will continue monitoring the situation. Meanwhile, EPD is investigating complaints against suspected illegal land filling activities in the areas northwest of the junction of San Tin Tsuen Road and Tun Yu Road as well as northwest of Yan Shau Wai in the same Demarcation District.

Regarding the suspected illegal land filling activities at the area around Tsim Bei Tsui, Deep Bay in December last year, after site inspections were conducted by the relevant government departments, it was found that an area with natural mangroves was excavated and covered by fill materials. Following a thorough investigation into the illegal dumping of construction waste and land filling incident at Tsim Bei Tsui in Deep Bay, the case involves contravention of the Waste Disposal Ordinance and the Environmental Impact Assessment Ordinance. EPD is now consolidating the evidence and proceeding with the preparations for instituting prosecution against the suspected parties, including the responsible person on-site, the transportation contractor and a lorry driver. AFCD is also examining ways to restore the affected government land.

PlanD has already taken appropriate enforcement actions against the unauthorised land in and pond filling in San Tin Tun Yu Road. After the enforcement actions, three of the land and pond filling activities had stopped. Land and pond filling activities in other four sites had also stopped after prosecutions were made to the parties concerned. PlanD had issued Reinstatement Notices to the parties concerned of all the seven sites and had also issued a Compliance Notice to one of the sites in March this year. It is closely monitoring the reinstatement progress of the remaining six sites for considering any further action.