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本署檔號 Our Ref.: (23) in LDC 1/5116/16
來函檔號 Your Ref. : () in CB4/PAC/R67

覆函請註明本署檔號
Please quote our reference in response to this letter.

我們矢志努力不懈，提供盡善盡美的土地行政服務。
We strive to achieve excellence in land administration.

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3 January 2017

By Fax and By Despatch
(Fax: 2543 9197)

Public Accounts Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Mr. Anthony CHU)

Dear Mr. CHU,

Public Accounts Committee
Consideration of Chapter 8 of the Director of Audit's Report No. 67
Sewerage systems in rural areas

I refer to your letter dated 20 December 2016.

Please find attached our responses (both Chinese & English versions) to the issues mentioned in your letter.

Yours sincerely,



(Ms. Doris CHOW)
for Director of Lands

Encl.

c.c.

Director of Environmental Protection
(Attn: Dr. CHUI Ho-kwong, Samuel)

Secretary of Development
(Attn: Mr. MAK Shing-cheung, Vincent)
(Attn: Ms. CHONG Yau-ling, Christina)

**Questions and Request for Information in respect of
Chapter 8 of the Director of Audit's Report No. 67
Sewerage systems in rural areas**

For the Lands Department

Part 2: Pollution control in unsewered areas

1. Problems of septic-tank-and-soakaway ("STS") systems

- (a) Would the Environmental Protection Department ("EPD") and the Lands Department ("LandsD") explain whether manpower shortage was the cause for the failure to complete the work mentioned in paragraph 2.21(b)? If so, whether the problem could be ameliorated by providing additional manpower? If it could not, what were the reasons for not establishing a database or a register and not preparing a map of villages?

Reply:

According to paragraph 2.21 of the Audit Report, Environmental Protection Department (EPD) published a Report on "Study on the Environmental Impact of Discharges from Septic Tanks" in October 2001. As a matter of fact, LandsD has neither been provided with a copy of the Study Report nor approached by EPD for assistance relating to the Study Report. If EPD considers necessary, LandsD would render assistance in providing available information to EPD for it to implement the recommendation of the Study Report.

2. Requirements for some STS systems not on par with EPD practice note

- (a) According to paragraph 2.36 and Table 1 in paragraph 2.37, the village-house sewerage requirements stipulated under a certificate of exemption ("CoE") issued by LandsD for pertinent drainage works in the New Territories were more lax than those stipulated under the "Drainage Plans subject to comment by EPD" issued by EPD in 1993 ("the 1993 Practice Note"), would the Administration explain the reasons for that? In connection with the above, does the

Administration agree that the CoE conditions stipulated by LandsD were less effective than those stipulated under the 1993 Practice Note in preventing STS systems from polluting the environment? Please advise why the two departments did not standardize the aforesaid guidelines at the outset. Is there or will there be room for standardizing these guidelines? If so, please advise on the relevant details and timetable. If not, what are the reasons?

Reply:

With reference to paragraphs 2.36 and 2.37 of the Audit Report, according to EPD, its 1993 Practice Note was promulgated to help Authorized Persons (APs) in the design and preparation of drainage plans for the submission of the same to the Building Authority under the Buildings Ordinance (Cap. 123). As New Territories Exempted Houses (NTEHs) are exempted from the Buildings Ordinance (Cap. 123), LandsD has set out separate technical requirements applicable for NTEHs when exercising its authority over these NTEHs under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

In late 2000, arising from complaints that LandsD's requirement for Septic Tank and Soakaway (STS) in respect of a NTEH to be located only beyond (but not within) 30 metres from streams, springs, wells or beaches appeared to be more stringent than the requirements set out in EPD's 1993 Practice Note, LandsD and EPD agreed that in the case of NTEHs, an STS system located between 15 metres and 30 metres from stream courses or wells not for drinking or domestic purposes should also be allowed, provided that the requirements under EPD's 1993 Practice Note would be adopted for processing applications for development/redevelopment of NTEH involving STS system and that the AP/Registered Structural Engineer (RSE)/Registered Professional Engineer (RPE) appointed by the applicant is required to certify that the STS system upon completion is constructed in accordance with the technical requirements contained in EPD's 1993 Practice Note. In other words, the focus then was to tackle a valid complaint by aligning the practices in respect of whether and how a STS system should or should not be permitted within 30 metres from stream courses or wells not for drinking or domestic purposes. The objective then was not about the need or otherwise for extending the scope of EPD's 1993 Practice Note to cover generally all NTEHs which are not supposed to be the subject matter for that Practice Note focusing on drainage works in respect of buildings subject to the Buildings Ordinance (Cap. 123).

In an attempt to ensure better control over the provision of sewerage disposal systems in development/redevelopment of NTEH, LandsD and EPD agreed in late 2014 that, starting from December 2014, the design and construction of STS system for development/redevelopment of NTEH within the country park enclaves in Hoi Ha, Pak Lap and So Lo Pun should be in line with EPD's 1993 Practice Note irrespective of its distance from streams/wells (i.e. even if such system is beyond 30 metres from streams, springs, wells or beaches), and the applicants should submit percolation test results certified by AP/RSE/RPE to the relevant District Lands Offices (DLOs) for scrutiny at the application stage, and the relevant DLOs will circulate the applications to EPD (with the percolation test results), AFCD, DSD and PlanD for comments. LandsD and EPD have also agreed that the requirements in EPD's 1993 Practice Note should, starting from December 2014, be applied to cases where the application sites are outside existing "V" zones which require planning approvals or where the applications sites are in new/newly enlarged "V" zone areas.

A working group has been set up jointly by EPD and LandsD in December 2016 in order to align the conditions of Certificate of Exemption in respect of Drainage Works with the EPD's 1993 Practice Note as far as practicable.

- (b) In connection with paragraph 2.38(i), can the Administration advise on the time required for completing the whole application process under normal circumstances? What were the respective numbers of successful and unsuccessful applications in the past? Had the Administration reviewed the administrative work involved in the whole application process to see if any parts of the process could be dispensed with so that the applications could be handled more promptly and efficiently?

Reply:

With reference to paragraph 2.38 of the Audit Report, as at the end of December 2016, among the 3 country park enclaves which required the submission of percolation test reports for scrutiny at the application stage, only 23 small house/NTEH rebuilding applications were received within the country park enclave in Hoi Ha. Among these applications, 6 applicants were requested to submit percolation test reports, of which 5 were accepted and 1 is still being considered

by EPD. According to the information from the DLO concerned, upon request, the applicants took an average of 3 months to prepare and submit the percolation test reports to DLO for onward transmission to EPD for consideration. The remaining 17 applicants will be requested to do the same at a later stage. In addition, the small house/NTEH rebuilding applications within the country park enclaves would separately be circulated to AFCD, DSD and PlanD for comments.

As the said procedures were formulated by EPD, LandsD will assist EPD in reviewing such procedures to enhance the effectiveness of the workflow, if required.

- End -