

LCQ14: Illegal activities in country parks

Following is a question by Hon Kenneth Lau and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (February 3):

Question:

It has been reported that recently quite a number of motocross bike enthusiasts have been practising biking on the hillside of Kai Kung Leng in Lam Tsuen Country Park, turning the hillside completely into a piece of bare ground with soil erosion intensified, as well as knocking down and damaging some ancestral graves of indigenous villagers. Moreover, quite a number of countryside visitors fly unmanned aircraft systems (UASs) within country parks, and accidents caused by improper operation of UASs have occurred in such places from time to time. In this connection, will the Government inform this Council:

(1) of the respective numbers of (a) accidents and resultant casualties, (b) complaints and (c) prosecutions, in the past five years in respect of the illegal activities of (i) riding motocross bikes and (ii) flying UASs in country parks, with a breakdown by name of country park;

(2) whether it has plans to step up law enforcement actions in country parks to combat these two types of illegal activities; if so, of the details; if not, the reasons for that; and

(3) whether it has plans to tighten the relevant legislation and administrative measures in order to effectively combat these two types of illegal activities?

Reply:

President,

The Agriculture, Fisheries and Conservation Department (AFCD) has been endeavouring to combat illegal activities in country parks in order to protect the natural environment and ensure safety of visitors. When patrolling in country parks and special areas, the AFCD staff will take appropriate enforcement action under the Country Parks and Special Areas Regulations (Cap. 208A) (the Regulations) against illegal activities (such as unauthorised driving of motorcycle in those areas) if detected. Depending on the actual situation and receipt of reports from the public, the department will also strengthen patrol and arrange special operations to combat the irregularities.

In general, operation of unmanned aircraft systems (UASs) in country parks does not contravene the regulation. On the other hand, according to Article 48 of the Air Navigation (Hong Kong) Order 1995 (Cap. 448C) (the Air

Navigation Order), a person shall not recklessly or negligently cause or permit an aircraft (including UAS) to endanger any person or property. If suspected irregularities within country parks are detected or reported, the AFCD will refer them to relevant departments for follow-up investigation.

Our reply to the question raised by the Hon Lau, after consulting the Transport and Housing Bureau and the Civil Aviation Department (CAD), is as follows:

(1) Over the past five years, the AFCD has received 17 and 11 complaints on motorcycle and UAS activities in country parks respectively. The breakdown by individual country parks is tabulated in Table 1 of the Annex.

As regards prosecutions conducted, it is an offence, according to the Regulations, to bring into country parks or special areas any vehicle (including motorbike), or drive, use or be in possession of any vehicle within country parks or special areas without permission. Offender may be subject to prosecution. Over the past five years, the number of prosecutions related to illegal motorcycle activities in country parks is 76 and another 15 relevant suspected cases are still under investigation. The breakdown by individual country parks is tabulated in Table 2 of the Annex.

The relevant government departments do not maintain statistics for the number of accidents and casualties caused by motorcycle activities and operation of UASs in country parks. Over the past five years, there is no convicted case under the Air Navigation Order in relation to operation of UASs in country park areas.

(2) The AFCD is highly concerned about illegal entry of motocross bikes into country parks. The AFCD staff conducts patrol in country parks from time to time and will take appropriate enforcement action against activities in contravention of the Regulations if detected. Regarding the illegal entry of motocross bike into Lam Tsuen Country Park, the AFCD has recently arranged inspections to look at the situation and strengthened patrol in the area. As the motocross biking activities involved may also violate other legislations, the AFCD has liaised with relevant enforcement department to arrange joint operation with a view to combating such irregularities.

In addition, the AFCD staff will also pay particular attention to visitors operating UASs when patrolling in country parks. If necessary, these visitors will be advised to be mindful of their own and other's safety, and to avoid causing danger or nuisance to other visitors or causing damage to the natural environment or country park facilities. If suspected illegal cases are detected or reported, the AFCD will refer them to the relevant departments for follow-up investigation.

(3) According to the Regulations, unauthorised motorcycle activities in country parks is liable to a maximum fine of \$2,000 and imprisonment for three months. The AFCD will continue to monitor the situation of illegal motorcycle activities in country parks, and review the relevant regulations and the penalties when necessary.

With a view to safeguarding public safety while accommodating the technological development and diversified uses of UASs, the CAD is reviewing the regulatory regime for UASs in Hong Kong. The CAD conducted a consultancy study and public consultation in 2017 and 2018 respectively to explore ways to refine the prevailing regulatory regime. After assessing the views collected, the CAD has consulted the Legislative Council Panel on Economic Development (the Panel) in June 2019. The CAD is now following up on the comments raised by the Panel and working on the draft legislation of the enhanced regulatory regime for UASs with a view to tabling the legislation to the Legislative Council as soon as possible.