

LCQ21: Illegal land filling and fly-tipping in Lantau

Following is a question by the Hon Vincent Cheng and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (January 6):

Question:

The Government has zoned as Coastal Protection Area (CPA) a long strip of land of about 162 hectares which is located between the South Lantau coastline and South Lantau Road and stretches from Pui O to Shui Hau, so as to preserve the original natural landscape there. However, it has been reported that fly-tipping activities have frequently occurred in recent years in locations within the CPA, such as Pui O, Tong Fuk and Shui Hau, resulting in a continuous increase in both the number and area of the black spots concerned. Such situation is attributable to the fact that the relevant activities are not regulated: (i) there is no provision restricting land filling activities in the block government leases for the private lands concerned, (ii) the lands concerned are located outside the Development Permission Area, rendering the Planning Department unable to invoke provisions in the Town Planning Ordinance (Cap. 131) to take law enforcement and regulatory actions, and (iii) depositing waste on private lands with the consent of the landowners or lawful occupiers does not violate the requirements of the Waste Disposal Ordinance (Cap. 354). In this connection, will the Government inform this Council:

(1) of the number of reports of illegal land filling or fly-tipping at South Lantau received by the Government in each of the past three years, and set out, for each case, the date and time of receiving the report, the location involved, the activity reported, the follow-up action taken by the Government and the current situation of the relevant location;

(2) of the number of land filling or land excavation works, carried out within the CPA without the Town Planning Board's permission, uncovered by the Government in each of the past three years, and the follow-up actions taken by the Government; the respective numbers of persons prosecuted and convicted, as well as the penalties imposed on those convicted; and

(3) as the Chief Executive stated in the 2018 Policy Agenda that the Government would review the relevant legislation and formulate more effective measures to control the carrying out of land filling, dumping of wastes and development activities that would damage the environment in areas of high ecological values at Lantau, of the progress of the relevant work, including the proposed legislative amendments (if any) and legislative timetable, as well as the content of and implementation timetable for the new measures?

Reply:

President,

Since the establishment of the Sustainable Lantau Office (SLO) under the Civil Engineering and Development Department (CEDD) in end 2017, the SLO has been dedicated to the overarching principle of "Development in the North, Conservation for the South", gradually taking forward various short-, medium- and long-term development and conservation proposals for Lantau. With a view to strengthening the protection for ecologically valuable areas at Lantau such as the areas in 'Coastal Protection Area" (CPA) zoning, etc., the SLO has been working with relevant government departments in an endeavour to take practical and feasible measures to control land filling and fly-tipping activities at Lantau.

In response to the three parts of the question raised by the Hon Cheng, having consulted the Environmental Protection Department (EPD), CEDD, Planning Department, Lands Department and Buildings Department, we hereby provide the consolidated reply as follows:

(1) and (2) The number of cases involving land filling and fly-tipping in South Lantau reported to the Government through different channels in the past three years are tabulated below. Details of individual cases are set out in Annex.

Year	Number of cases in South Lantau (Note)	Number of cases within the CPA zone in South Lantau (Note)
2018	11	11
2019	7	5
2020	6	2

Note: The number of cases is counted based on the date of first receipt and location of the reported case.

(3) The Chief Executive set out in the 2018 Policy Address that the Government would review the legislation concerned and map out more effective means to control land filling, fly-tipping and associated development activities causing environmental damage to areas of high ecological values at Lantau, with a view to enhancing protection of these natural environments.

The progress of the legislative review is as follows:

(i) The Development Bureau (DEVB) will come up with a practicable proposal to better protect areas of high ecological values in the rural areas that are subject to development pressure through the Town Planning Ordinance (Cap. 131), and plans to consult the Panel on Development of the Legislative Council within this year.

(ii) The EPD has reviewed the statutory requirements on land filling

activities on private lots under relevant environmental and nature conservation legislation. From waste management perspective, construction waste can be put into good use; what is important is to prevent its unlawful depositing. The Waste Disposal Ordinance (Cap. 354) (WDO) stipulates that the depositing of construction waste on a private lot requires consent from the relevant owner/lawful occupier and valid permission. The EPD will take enforcement actions against any unlawful depositing activities. In 2018, in a judicial review of the EPD's acknowledgement of landowners' permission to deposit construction waste on his/her private lots in Pui O pursuant to the WDO, the High Court ruled that the EPD's current practice was in line with the WDO. Having reviewed the matter, the EPD considers that there is no need to amend the WDO in this regard.

Other than the WDO, land filling activities shall also comply with the requirements of other environmental legislation. For instance, if the activities concerned cause dust emission, noise, or wastewater discharge, the EPD will take enforcement actions against any breaches in accordance with the Air Pollution Control Ordinance (Cap. 311), the Water Pollution Control Ordinance (Cap. 358) and the Noise Control Ordinance (Cap. 400).

As regards nature conservation, the relevant legislation (including the Country Parks and Special Areas Regulations (Cap. 208A), the Wild Animals Protection Ordinance (Cap. 170) and the Forests and Countryside Ordinance (Cap. 96)) has provided for the regulation and protection for country park areas (including the private land therein), protected wild animals and plants as well as the ecology on government lands. The EPD considers that amending them cannot solve the problems concerned, as they were not designed for regulating land filling, fly-tipping and damages to the environment associated with development activities on private land.

In addition, the SLO has been collaborating with relevant government departments to implement measures to tackle land filling and fly-tipping at source, which include:

(i) The EPD has installed surveillance camera systems at six locations, or their main access roads, in South Lantau that fly-tipping was previously found. Moreover, unmanned aircraft systems have been deployed to collect information/intelligence from different locations to facilitate enforcement.

(ii) The DEVB has promulgated a circular memorandum to restrict contractors of new public works contracts from occupying or renting private lands of ecological value.

(iii) The SLO has prohibited all dump trucks engaged in the works contracts of Tung Chung New Town Extension from using Tung Chung Road, which will lead to South Lantau, in the delivery of construction and demolition (C&D) waste. The dump trucks should also be equipped with global positioning system or equivalent for effective monitoring of their movements.

(iv) The SLO has been studying using technology devices to track vehicles entering South Lantau that are without valid closed road permit. The SLO has

also requested relevant stakeholders, through conducting briefings and correspondence, to enhance monitoring and control over fly-tipping of C&D waste.

At present, many conservation resources on Lantau are privately owned. The Government has set up the Lantau Conservation Fund (LCF) of which \$500 million will be used to subsidise non-governmental organisations, landowners, etc., to carry out conservation projects involving private land. These projects can cover nature conservation, cultural conservation, village revitalisation, environmental education, community engagement, etc. The LCF will help raise public awareness of conservation and provide financial incentives to encourage landowners to participate in conservation projects. The SLO is responsible for the daily administration of the LCF and has invited applications for the first round of the conservation projects in December 2020.