

LCQ7: Flooding problem in New Territories North

Following is a question by the Hon Steven Ho and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (September 8):

Question:

In recent months, serious flooding has occurred at a number of places in the New Territories North (NTN) during a series of rainstorms. Some residents in the district have pointed out that the district's flood discharge capacity has been undermined by a number of development projects and infrastructure works projects carried out in the district in recent years. This situation, coupled with drainage channels being blocked by unauthorised works carried out by some people on government lands on which they had encroached, has caused serious flooding even at locations where flooding had rarely occurred in the past. As a result, the residents, farmers and pig farm operators in the district have suffered substantial property losses. In this connection, will the Government inform this Council:

- (1) of the number of reports received in the past five years by the Government about unauthorised works being carried out on illegally occupied government lands in the NTN; concerning such cases, (i) the procedure for taking law enforcement and regulatory actions and (ii) the number of prosecutions instituted by the Government, as well as the general and maximum penalties imposed on the convicted persons; what new measures are in place to curb such acts;
- (2) of the monthly numbers of requests for assistance and complaints related to flooding received by the Government from NTN residents in the past five years; among such cases, the total value of property losses as reported by the residents, and the assistance provided to them by the Government;
- (3) of the government departments responsible for scrutinising whether the development projects and infrastructure works projects under planning will affect the flood discharge capacity of the surrounding areas when they are carried out, as well as the procedure for such scrutiny work;
- (4) whether the Government will (i) conduct a comprehensive study on the development planning and flood discharge capacity of the NTN, (ii) formulate measures to comprehensively improve the flood discharge capacity in the district, and (iii) set up a dedicated department or inter-departmental working group for implementing such measures, so as to resolve the flooding problem in the NTN; if so, of the details; if not, the reasons for that; and
- (5) given that a number of pig farms in the NTN experienced several occasions of serious flooding in just one month, which caused heavy losses to the operators, whether the Agriculture, Fisheries and Conservation Department has

provided immediate assistance to such operators, and assisted the affected pig farms in expeditious restoration and enhancement in flood prevention facilities?

Reply:

President,

Hong Kong was affected by a series of heavy rainstorms in recent months and the rainfall largely concentrated in the North District of the New Territories, leading to flooding occurring in a number of areas in the North District. According to the Hong Kong Observatory's records, by end-August, nine Special Announcements on Flooding in the northern New Territories had been issued this year, higher than the annual average of about five. The rainfall intensity in certain districts even reached Black Rainstorm levels.

The drainage facilities in the rural areas of the New Territories, including natural rivers, artificial channels and pipes, are maintained by the relevant government departments or private owners separately. Government departments will regularly inspect and clean up the drainage channels under their respective jurisdiction, and step up inspections and clearance frequencies prior to the onset of the rainy season in order to ensure that the drainage facilities are clear of obstructions, thus reducing the risk of flooding. The Government will also make use of the media and pamphlet distribution to convey to the public the message that keeping river channels and drains clear of obstructions is of utmost importance to the reduction in flooding risks, as well as reminding private owners to properly inspect and maintain their drainage facilities before the arrival of the rainy season.

Having consulted the Drainage Services Department (DSD), the Planning Department (PlanD), the Lands Department (LandsD), the Buildings Department (BD), the Home Affairs Department (HAD) and the Agriculture, Fisheries and Conservation Department (AFCD), the reply to the five parts of the Hon Ho's question is as follows:

(1) Upon receipt of a report or complaint against unlawful occupation of government lands or breach of land leases, the LandsD will deploy staff to conduct site inspections. If unlawful occupation of government lands is found, land control action will be taken under section 6(1) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28), including posting of statutory notices on site; and requiring the occupier to cease unlawful occupation before the date specified in the notice. If the unlawful occupation persists after the specified deadline, further land control action will be taken by the LandsD including instituting criminal prosecution against the occupier if there is sufficient evidence. An offender is liable upon conviction to a maximum fine of \$500,000 and imprisonment for six months on the first occasion, and to a further daily fine of \$50,000 for non-compliance with the statutory notice. The offender, on each subsequent conviction of the offence, is liable to a maximum fine of \$1 million and imprisonment for six months, and to a further daily fine of \$100,000 for non-compliance with the statutory notice. In the past five years, the LandsD has taken prosecution action against total six cases of unlawful occupation of

government lands in the North District of the New Territories and five of them were convicted. All of the convicted persons were fined and the maximum fine was about \$95,000.

If a breach of lease conditions on private lands is detected, such as erection of an unauthorised structure on private agricultural land without permission, the LandsD will issue a warning letter to the owner concerned requiring rectification of the breach within a specified time. If the owner does not rectify the breach by the deadline, the LandsD will register the warning letter at the Land Registry (commonly known as "imposing an encumbrance"). If the breach of lease conditions is serious, the LandsD may proceed with re-entry of the lot. In the past five years, the LandsD registered 381 warning letters at the Land Registry and re-entered 14 private lots in the North District of the New Territories.

To enable more effective handling the cases of unlawful occupation of government lands and unauthorised structures on private agricultural lands, the LandsD established a Special Duties Task Force in mid-2019, focusing on tackling serious cases. The Government will review the effectiveness of the enforcement actions from time to time and will strengthen the community publicity in order to deter such breaches.

In addition, in case an unauthorised development is found, the PlanD will serve a notice to the person concerned in accordance with the Town Planning Ordinance (Cap. 131), requiring discontinuance of the unauthorised development. It is an offence if anyone fails to comply with the requirements specified in the notice. The PlanD will take further enforcement and prosecution action in this regard. The maximum fine for the first conviction is \$500,000 plus a daily fine of \$50,000 for the non-compliance period after the time limit specified by the notice. In the case of any subsequent conviction, the maximum fine is \$1 million plus a daily fine of \$100,000. In the past five years, a total of 143 Enforcement Notices and Stop Notices and 133 Reinstatement Notices were issued, and 42 prosecutions were initiated by the PlanD against unauthorised landfilling in the North District of the New Territories, among which 41 were convicted. All of the convicted persons were fined. The fine of each case ranged from about \$9,000 to \$1 million.

(2) Numbers of flooding cases in the North District of the New Territories received by the DSD in the past five years are as follows:

Month/Year	2017	2018	2019	2020	2021 (Up till August)
January to April	—				
May	—	—	—	1	—
June	2	—	—	3	1
July	3	—	—	—	1
August	4	7	—	2	14

September	–	2	–	–	
October to December	–				–
Total	9	9	0	6	16

Upon receipt of flooding reports, whether private or government lands are involved, the DSD will deploy staff to the scenes to render emergency assistance in clearing blocked channels and draining excessive water.

If the channels concerned are under the purview of the relevant District Office (DO) of the HAD, the DO will also arrange clearance of channels or maintenance work in a timely manner, as well as carrying out drainage improvement works if feasible. Where necessary, the cases will be referred to the relevant departments (such as the DSD, the LandsD and the Highways Department) for follow-up actions. Furthermore, the affected members of the public can apply for the General Chinese Charities Fund through the relevant DOs. The amount of relief grant released may range from \$3,000 to \$5,000. However, the North District Office (NDO) does not have information on property losses reported by the residents.

(3) In planning infrastructure and development projects, government departments will assess different aspects including reviewing the drainage facilities, and ensuring that they comply with the relevant design standards or regulations so as to minimise flooding risks.

On the planning front, if a development project requires approval of the Town Planning Board, the project proponent must also submit a drainage impact assessment to the DSD. If the works proposal will affect the drainage conditions, the project proponent must adopt mitigation measures to ensure that the flooding risks in the relevant areas will not be increased.

Regarding private development projects, pursuant to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) (the Regulations), private development projects must have the necessary drainage pipes and channels installed to discharge the surface water within their boundaries. The authorised persons responsible for the private development projects should design the drainage systems of the relevant projects in such manner as required under the Regulations, as well as preparing and submitting plans of the drainage systems concerned for assessment by the BD in accordance with the Buildings Ordinance. The BD will consult the DSD about the connection of such drains to the public drainage system during the assessment.

Regarding small house or village house development in the New Territories, applicants must comply with the LandsD's grant conditions including the requirements for drainage system facilities. When making assessment, the LandsD will seek technical advice from the DSD on the relevant drainage system facilities.

(4) The Government has been paying attention and is dedicated to improving the flooding situation. To cope with the flooding threat brought by heavy

rains, the Government established the DSD in 1989, with flood prevention as one of its core responsibilities. To systematically examine the adequacy and effectiveness of stormwater drainage facilities in the northern New Territories, the DSD completed the Drainage Master Plan Study in the northern New Territories in 1999. The proposed drainage improvement measures were progressively implemented and completed, such as the major river training projects of Shenzhen River, Ng Tung River, and Sheung Yue River, and the village flood protection schemes implemented for low-lying villages.

To cater for the circumstances such as new developments, updated land use planning or climate change, that came after the completion of the Drainage Master Plan Study, the DSD completed the Drainage Master Plan Review Study in Yuen Long and North District in 2011. The Study covered villages with flooding records and assessment of the conditions of their stormwater drainage systems. After the Review Study, the DSD formulated new stormwater drainage improvement measures to meet the required flood prevention standards and support future development. The DSD also consolidated the proposed improvement measures appropriately in accordance with conditions such as the nature, locations, consequences and severity of the flooding as well as land requirements.

At present, the DSD is carrying out the project 118CD "Drainage Improvement in Northern New Territories – Package B (Remaining Works)" in the northern New Territories, which is anticipated to be completed in 2022. In addition, the DSD is also planning and designing the project 165CD "Drainage Improvement Works at North District" and the project 173CD "Drainage Improvement Works in Ta Kwu Ling" to further enhance the drainage capacity of the relevant district.

Besides, the NDO will construct and assist in maintaining drainage pipes and channels in villages as well as carrying out maintenance and improvement works for drainage pipes and natural watercourses within the villages through minor works programmes. The NDO has been taking forward minor improvement and maintenance works for drainage systems in villages according to the actual conditions and subject to factors such as funding, resources and land status.

(5) In response to flooding occurred at the pig farms in Ta Kwu Ling after the rainstorms, the AFCD has deployed staff to the scenes to render appropriate assistance at the request of the farm operator earlier. Applications from the pig farmer for low-interest agricultural loans and Emergency Relief Fund are being processed in order to facilitate early resumption of production of the farms. The DSD is also carrying out drainage rehabilitation works at the affected areas.