

### **LEGCO QUESTION NO. 9 (Written Reply)**

Asked by: Hon CHOY So-yuk

Date of meeting: 20 October 2004

Replied by: Secretary for Housing,  
Planning and Lands

#### **Question:**

It has been reported that trees were cut down and debris was dumped illegally on the government land at Nam Shan Lane, Po Lo Che in Sai Kung for the construction of roads. In this connection, will the Government inform this Council whether:

- (a) any government department has followed up and investigated the incident; if so, of the details and progress of the incident; if not, the reasons for that; and
- (b) it will report to the Legislative Council upon the completion of the investigation; if it will, how the report will be made; if not, the reasons for that?

#### **Reply :**

President,

My reply to the two parts of the question is as follows:

- (a) Under the Land (Miscellaneous Provisions) Ordinance (Chapter 28) (LMPO), any person who excavates in or occupies Government land without authority is liable to prosecution.

As regards the case in question, upon receipt of complaints from members of the public, the District Lands Office/Sai Kung (DLO/SK) deployed staff to inspect the site. Staff of DLO/SK found that a temporary vehicular access had been constructed on the government land without approval. Whilst no suspect responsible for the excavation works could be found on the spot, a

warning sign was immediately posted on the site. The sign states that any person who unlawfully occupies, excavates or dumps on government land would be liable to prosecution under the LMPO. Moreover, to prevent deterioration of the site condition, four concrete boulders have been placed at the entrance of the temporary vehicular access to prevent vehicles from entering it.

During a follow-up inspection, staff of DLO/SK found that construction materials had been piled on the government land by a contractor. A notice ordering the removal of the construction materials within a specified period was posted up under the LMPO. As the construction materials had not been removed upon the expiry date of the notice, a statement was taken from the contractor. DLO/SK is examining the evidence available and will prosecute the contractor in due course. DLO/SK will continue to monitor the site closely and will take land control action as appropriate if further offences are found.

As regards tree felling, the Agriculture, Fisheries & Conservation Department (AFCD) is empowered under the Forests and Countryside Ordinance (Chapter 96) to take enforcement action against illegal felling of trees on government land. In response to the complaint about tree felling at Nam Shan Lane, AFCD conducted an investigation in late September. However, neither clear evidence nor witness could be identified. As such, no prosecution can be instigated at this stage.

- (b) Management of government land to guard against illegal excavation or occupation is one of the normal duties of the Lands Department. Prevention of illegal felling of trees on government land is part of the day-to-day responsibilities of AFCD. Under normal circumstances, the Administration will not submit reports to the Legislative Council on the cases handled by individual departments in the course of their day-to-day work. However, if any Member of this Council wishes to receive a report on any particular case, the departments concerned can furnish the requested information to the Member concerned for reference.