

(Translation)

LEGCO QUESTION NO. 30

(Written Reply)

Asked by: the Hon Choy So-yuk

Date of meeting: 26 January 2005

Replied by: Secretary for Housing,
Planning and Lands

Question

It has been reported that a piece of Government land located on the side of Kwu Tung Road in San Tin, Yuen Long, was illegally opened up, involving the felling of a large number of trees. After receiving relevant reports from the local residents, the Government has already commenced an investigation into this case. In this connection, will the Government inform this Council:

- (a) of the total area of the land that has been opened up;
- (b) of the number, age and species of the trees felled, and whether they include trees of a particularly old age and exceptionally rare species;
- (c) of the progress of the investigation, and whether it will take prosecution actions;
- (d) whether it has any plan to recover the land concerned; if it has, of the estimated expenditure and other details of the plan, and whether it will claim compensation from the people involved; if it has not, the reasons for that; and
- (e) how it prevents the recurrence of similar incidents?

Reply

President,

My reply to the 5-part question is as follows:

- (a) The excavated area involved is about 2,390 square meters.
- (b) According to aerial photos taken in October 2002, the estimated number of trees affected is about 40. However, the exact quantity, age and species of the trees affected cannot be ascertained as the trees have already been felled and removed before the excavation was discovered. Also, Agriculture, Fisheries and Conservation Department holds no statistics and records of trees in that area.
- (c) Under Section 10(2) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28), it is an offence for any unauthorized person to make or maintain an excavation in unleased land. The Yuen Long District Lands Office is studying the evidence collected to determine whether there is sufficient ground to prosecute the parties concerned.
- (d) The Yuen Long District Lands Office has required the parties concerned to carry out waterproofing and slope stabilization works, including greening to the site, and will monitor the works to ensure completion of the slope rehabilitation works as required. The concerned parties should bear the cost of the works. If the above is to no avail and, as a last resort, Lands Department has to undertake the works on their behalf, Lands Department would seek reimbursement from the concerned parties for the cost involved. The estimated amount could be about HK\$200,000.

- (e) Staff are deployed by District Lands Offices to conduct regular inspections of Government land. Advice against illegal cultivation on Government land is frequently broadcast on TV and radio and appeals are made for reports on such activities. Lands Department may also prosecute the illegal cultivators. Illegal cultivators shall be liable on conviction to a fine at HK\$50,000 and to imprisonment for 6 months. There were 6 convicted cases in 2004.

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