

**Problems related to Land Filling Activity :
the She Shan Tsuen Case and Actions of Relevant Departments**

The Problem

The land filling activity at She Shan Tsuen, Tai Po, takes place on private agricultural land. It has aroused public concern because the land filling activity involves dumping of waste on agricultural land causing environmental nuisances, and will increase the risk of flooding. The Administration has been requested to take action against the land filling activity so as to prevent the situation from deteriorating and to deter similar cases in future.

Action of relevant departments

2. The problem straddles the purview of a number of departments as set out in the paragraphs below.

(a) Aspects relating to land control, building and planning

These involve the work of the Lands Department, Buildings Department and the Planning Department.

(i) Land lease conditions

- The land filling activity at She Shan Tsuen involves private agricultural lots held under a Block Government Lease (BGL). The lessees (i.e. the “land owners” in respect of leased land) are required to comply with the lease conditions.
- The BGLs were granted in respect of land in the New Territories in the early 20th century. They do not contain conditions prohibiting land filling on agricultural land. As such, lease enforcement action cannot be taken by Lands Department against land filling activity on lots covered by the BGL.
- Notwithstanding the above, the District Lands Office/Tai Po of

the Lands Department has requested the concerned land owner to improve the site situation and to keep the area in a hygienic condition.

(ii) Buildings Ordinance

- Since a slope has been formed on the site which may pose danger, the Buildings Department (BD) has advised the land owner to trim the slope to the safety level in accordance with the advice given by the Civil Engineering Department. The contractor has commenced the slope trimming works.
- Should the slope trimming works fail to be carried out to the satisfaction of BD, an order under section 27A (Dangerous Hillside) of the Buildings Ordinance will be issued by BD with a view to eliminating the potential danger of the man made slope.

(iii) Town plan conditions

- The concerned site is zoned “Agriculture” on the approved Lam Tsuen Outline Zoning Plan. According to the Notes of this plan, any works or development incidental to agricultural use should be permitted and require no permission from the Town Planning Board.
- The Planning Department (Plan D) has conducted a number of inspections to the subject site and has sought legal advice. At this stage, the land filling activity does not provide sufficient evidence of a breach of the town plan conditions. Hence, prosecution action cannot be taken now. Nevertheless, Plan D will continue to monitor the activity on site and take appropriate action if there is sufficient evidence to show that there is a breach of the statutory provisions.

(b) Aspects relating to environmental control and related issues

As regards the associated environmental problems and risk of flooding, these matters fall within the purview of departments under the Environment, Transport and Works Bureau (ETWB). The attention of the relevant departments under ETWB have been drawn. They have been asked to consider appropriate follow up actions as follows:

(i) Environmental Protection Department (EPD)

- Construction waste has been used in the land filling at the site. EPD is to consider whether action can be taken against the dumping of waste.

(ii) Drainage Services Department (DSD)

- DSD is to assess the impact of the land filling activities on the drainage system in the area and the risk of flooding.

(iii) Water Supplies Department (WSD)

- WSD is to assess the water quality of the affected water channels in the area, etc.

Way Forward

3. Resolution of the problem requires the concerted efforts of relevant departments. In this respect, the relevant parties are monitoring the situation closely. If sufficient evidence of a breach of the relevant statutory provisions is available, the Administration will consider prosecution action in consultation with the Department of Justice.

Housing, Planning and Lands Bureau
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