

## Illegal land filling or waste dumping damages the environment. Don't risk heavy fines and imprisonment!



### Offences and Penalties

- Under the **Town Planning Ordinance**, a person commits an offence if he undertakes an unauthorized development in the rural New Territories within the Development Permission Area. Any filling of land/pond within the conservation and Agriculture zones (even for undertaking a development which is a permitted use) without the planning permission from the TPB would constitute an unauthorized development. Any land owner whose land is involved in the unauthorized filling of land/pond; or any person responsible for such operation may be subject to prosecution. An offender is liable to a fine of \$500,000 for the first conviction; and a fine of \$1,000,000 for subsequent convictions.
- Under the **Waste Disposal Ordinance**, a person commits an offence if he deposits or causes or permits to be deposited waste in any place except with lawful authority or excuse, or except with the permission of any owner or lawful occupier of the place. Moreover, if the total deposition area of construction waste within a private lot exceeds 20 m<sup>2</sup>, it would be an offence to deposit construction waste on the lot without EPD's acknowledgement on a prior notification on the deposition together with written permission from all owners of the lot. An offender is liable to a fine of \$200,000 and imprisonment for 6 months. In addition, the depositor is liable to a fine of \$100,000 if he does not display a copy of the EPD's acknowledged form in a conspicuous place on the lot at all time during the deposition.
- Other governing laws include the relevant pollution control ordinances, the **Public Health and Municipal Services Ordinance** and the **Buildings Ordinance**.



## If you suspect someone is handling waste illegally, please contact the EPD or relevant Government departments.



### Environmental Protection Department

Hotline: 2838 3111

Website: <http://www.epd.gov.hk>

Fax: 2838 3111



### Planning Department

Hotline: 2158 6070

Website: <http://www.pland.gov.hk>

Fax: 2484 9997



### Lands Department

Hotline: 2231 3294

Website: <http://www.landsd.gov.hk>

Fax: 2868 4707

### Food and Environmental Hygiene Department

Hotline: 2868 0000

Website: <http://www.fehd.gov.hk>

Fax: 2869 0169

### Drainage Services Department

Hotline: 2300 1110

Website: <http://www.dsd.gov.hk>

Fax: 2827 8605

### Buildings Department

Hotline: 2626 1616

Website: <http://www.bd.gov.hk>

Fax: 2537 4992

## Avoid your land becoming a dumping ground!



### A Guide for Land Owners

#### Prevent illegal waste dumping activities, don't:

- undertake unauthorized development or violate lease conditions
- damage the environment or cause environmental nuisances
- cause flooding or form unstable slopes affecting the safety of adjacent buildings or land
- risk heavy fines and imprisonment

## This leaflet contains important information for land owners to protect their land from illegal waste dumping activities

In recent years, cases involving illegal construction (including demolition) waste dumping and land filling activities that violate environmental laws or contravene town planning legislation are often found. Not only that these activities would cause environmental nuisances and damage, they also cause flooding or affect the safety of surrounding slopes. As a responsible land owner, you should prevent these illegal activities from happening.



## Think and act carefully before taking fill onto your land:



### Check if land filling is permitted

- Land filling activities are regulated by different Government departments. You must comply with all relevant Ordinances.
- Under the **Town Planning Ordinance**, any person who wishes to undertake a development (even if it is a permitted use) involving filling of land/pond should check the Notes of the relevant statutory plan to see if planning permission is required. For example, in conservation zones (such as "Site of Special Scientific Interest", "Coastal Protection Area", "Conservation Area" and "Green Belt" zones), any filling of land/pond requires planning permission from the Town Planning Board (TPB). Any filling of land/pond in Agriculture zone would also require planning permission from the TPB, except that the filling of land is for the purposes of laying of soil not exceeding 1.2 m in thickness for cultivation; or construction of any agricultural structure with prior written approval issued by the Lands Department; or that specifically required under prior written instructions of Government departments.

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- The Planning Department will take enforcement and prosecution actions against unauthorized filling of land/pond within the Development Permission Area. Visit the [website of the Planning Department](http://www.pland.gov.hk) for further details on enforcement of unauthorized developments in the rural New Territories.

[www.pland.gov.hk](http://www.pland.gov.hk)

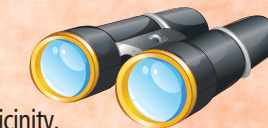
- Private land use is also governed by the terms of the relevant land leases. Most modern land leases contain clauses specifying the permitted use of the land concerned and general and special conditions that the lessees need to comply with. Failure to comply with these conditions will lead to lease enforcement actions by the Lands Department.
- Depositing any waste on Government or private land without the land owner or lawful occupier's consent is in breach of the **Waste Disposal Ordinance**. Moreover, if the total deposition area of construction waste within a private lot exceeds 20 m<sup>2</sup>, it would be an offence to deposit without Environmental Protection Department (EPD)'s acknowledgement on a prior notification on the deposition together with written permission from all owners of the lot.
- Even if the land filling activities are carried out with the consent of all land owners, when such activities cause adverse environmental impacts, flooding, hygiene problems or result in unstable slopes affecting safety of adjacent buildings or land, the relevant Government departments including the EPD, the Buildings Department, etc. will take appropriate enforcement actions. Visit the [website of the EPD](http://www.epd.gov.hk) for further details.

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### Ensure the depositing of construction waste complies with the Waste Disposal Ordinance

- Understand clearly the impact of land filling activities to the surrounding environment. In general, avoid using construction waste for land filling on your lot. If construction waste is to be deposited on your lot and the total deposition area of construction waste within the lot exceeds 20 m<sup>2</sup>, you shall ensure that:
  - ◇ you and all other land owners have given written permission on the depositing activity through the form EPD-238;
  - ◇ a duly completed and signed notification form EPD-238 has been submitted to the EPD at least 21 calendar days before the commencement of the depositing activity;
  - ◇ the acknowledgement from EPD on the notification form EPD-238 has been obtained;
  - ◇ a copy of Parts C and D of the acknowledged form has been securely displayed in a conspicuous place on the lot at all time during the depositing activity.
- Request the fill supplier to confirm the quality and source of the fill. Only uncontaminated inert fill materials can be considered for use.
- Never accept fill from unknown or suspicious source. Otherwise, you may contaminate your land, violate the laws and have to face high clean-up costs.

## Supervise land filling activities



- Do not encroach upon others' private land or Government land in the vicinity.
- Ensure land filling activities will not violate legislative requirements and cause environmental nuisances, flooding, or affect the safety of surrounding buildings/slopes.
- If construction waste is to be deposited on your lot and the total deposition area of construction waste within the lot exceeds 20 m<sup>2</sup>, ensure a copy of the acknowledged EPD-238 has been displayed in a conspicuous place on your lot as required by the **Waste Disposal Ordinance** to keep the public informed.
- Ensure necessary measures (e.g. use fencing and traffic cones to delineate the deposition area) have been adopted for easy identification of the specified deposition area to prevent depositors from carrying out land filling activities outside the specified area.



### Keep your land secured

- Erect warning signs to deter illegal land filling and waste dumping.
- Install CCTV at suitable locations as appropriate.
- Carry out regular inspections and report suspected illegal land filling and waste dumping activities.
- As a land owner, you should manage your land properly.

