

Pebbles and Boulders from Tung Chung Stream

Information Leaflet

The removal of pebbles and boulders from Tung Chung Stream has attracted the attention of the general public. The incident, from our source of information and record, is as follows:

- The construction of the lake edge of the artificial lake for Penny's Bay Development requires about 8,000 tonnes of boulders, cobbles and pebbles. CED's contractor, China State Construction Engineering (Hong Kong) Limited (CSCE) is required to source materials for such works.
- The design concept of the lake was to achieve a natural looking setting and as such, natural boulders were used in the design. The design specifies natural pebbles, cobbles and boulders of light to dark beige colour with size ranging from 100mm to 2200mm.
- A construction company was engaged by the Tung Chung Rural Committee (TCRC) to carry out the flood protection works in Shek Lau Po Village (石榴埔村) at Tung Chung. Such works were unrelated to the Penny's Bay Development project, and had not been submitted for the approval of the Government.
- This construction company, which was not our contractor, had removed the pebbles and boulders from Tung Chung Stream and stockpiled the materials near Hau Wong Temple (侯王宮) away from the section of the Stream in question.
- Our consultants, Maunsell Consultants Asia Ltd (MCAL), approved CSCE's application of 15 September 2003 to engage Artscapes (Far East) Ltd (Artscapes) as the specialist subcontractor for the construction of the lake edge.
- In September 2003, CSCE/Artscapes approached TCRC's flood protection construction company to inspect the materials at the stockpile to see if the materials were acceptable for use in the Penny's Bay Development project.
- On 18 September 2003, MCAL visited the stockpile near the Hau Wong Temple with CSCE/Artscapes. CSCE/Artscapes claimed that the materials belonged to a construction company working on a stream protection job in the vicinity. The nearby stream was visited. The owner of the construction company claimed that he was authorized to undertake the works by TCRC. MCAL requested CSCE to provide documentary proof.

- On 26 September 2003, Artscapes produced to CSCE a letter dated 26 June 2003 which bears the name of the Chairman and the seal of TCRC authorising the construction company to clean up the stream bed, including removal and disposal of pebbles and boulders. MCAL requested CSCE to submit further evidence to support the legality of the source.
- CED, MCAL, representatives of the theme park operator and CSCE jointly visited the Stream for further inspection of the materials on 9 and 17 October 2003. MCAL continued to ask for evidence on the legal status of the source, and cited acceptable documentary proof as one of the approval criteria for the proposed source.
- The artificial lake is a Government project, not part of the theme park project. The design of the artificial lake was carried out by CED's consultants. In order that the lake can blend in harmoniously with the adjacent theme park, CED has sought comments from the theme park operator on aesthetic aspect, such as quality of pebbles and boulders.
- From 28 October to 4 November 2003, CSCE transported the materials to Penny's Bay at its own risk, bearing contractual and legal consequences, while the land status of the land from where the pebbles and boulders were taken was to be confirmed and final approval was still pending. On 29 October 2003, CED approached the District Survey Office/Lands Department (LandsD) for a land status plan to verify the land status.
- Because of the letter from the TCRC, MCAL considered it contractually difficult to stop CSCE from delivering the materials. A total of 400 tonnes of materials was delivered to Penny's Bay for the mock-ups. MCAL estimated that the mock-ups required about 320 tonnes of materials.
- On 4 November 2003, we learned from the land status plan of LandsD that the above Stream and some of the adjacent areas are mainly on Government land. On 5 November 2003, MCAL stopped CSCE from delivering materials to Penny's Bay.
- MCAL stopped further production of mock-ups using materials and instructed CSCE to return such materials to the supplier. All pebbles and boulders were sent back to the stockpile including the 3 tonnes which had been used for mock-ups.
- The TCRC restored the damaged section of the Tung Chung Stream in mid April 2004.
- On 15 April 2004, the ICAC had arrested 11 persons in relation to the suspected illegal excavation of boulders from the Tung Chung Stream, including the Chairman of the

TCRC alleged to have accepted advantages to facilitate the scam.

- Further information on the Tung Chung Stream Incident can be viewed at ETWB's website at <http://www.etwb.gov.hk>.

In the process of sourcing the materials for the Penny's Bay Development project, we followed the established procedures and effectively stopped the Stream from being further damaged in co-operation with other Government departments. In the whole event, CED has remained skeptical about the source of the stockpiled materials.

CED's Contractor is now getting the boulders, cobbles and pebbles from a river in Hai Feng in Mainland China through a Mainland supplier who is required to comply with the local statutory and environmental requirements under the supervision of the provincial authorities. Nevertheless, CED's consultants have taken the following special measures to ensure the legality of the new source of materials and avoid adverse impacts to the environment due to its extraction :

- i Confirmed the legality of all permits with the issuing authorities and local government officials, and required an authentication of the permits by a public notary; and
- ii Confirmed with the provincial Water Resources Bureau and Environmental Protection Bureau that the extraction of materials complies with their requirements.

We will continue to be vigilant about the control on site.

Civil Engineering Department

29 April 2004

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河床上的卵石及巨礫

9.10.2003

Pebbles and Boulders at stream bed



堆放在河堤的卵石及巨礫

9.10.2003

Pebbles and Boulders stockpiled at stream bank