



Chairperson of Panel on Environmental Affairs  
(Attn: Hon. Audrey Eu, JP, SC)  
Legislative Council  
Hong Kong  
(Email: panel\_ea@legco.gov.hk)

CB(1) 2089/07-08(01)

26 June 2008

By email only

Dear Ms Eu,

Re: Special meeting on measures to tackle fly-tipping, 30 June 2008

The fly-tipping problem in Hong Kong is a cross-department and cross-bureau issue. It involves planning, land management and waste disposal. In addition, the outsourcing characteristic of the local construction business, and the weak awareness regarding land use restrictions among the rural community, also contribute to the fly-tipping problem in Hong Kong. This problem is getting worse as the court fines are ridiculously low, and therefore have no deterrent effect regarding subsequent cases. We are concerned about this issue and provide below some of our observations and understandings regarding the fly-tipping problems in Hong Kong.

**1. Construction and demolition (C&D) material disposal - Enforcement**

The fly-tipping issues in Hong Kong could be viewed into two stages, i.e. (i) the pre-dumping stage and (ii) the post-dumping stage.

**(i) The pre-dumping stage**

1.1. In Hong Kong, the type of waste present in fly-tipping cases is mainly C&D materials, which are mostly generated from large scale construction projects and small scale domestic works. **The best approach which would see the cessation of fly-tipping would be to ensure all C&D materials are disposed of in designated sites.** The C&D materials disposal is within the jurisdiction of the Environmental Protection Department and various works departments under the Development Bureau. Only the government projects are regulated by the trip-ticket system, which has been tightened since 2005 due to the reported Lam Tsuen dumping issue. In order to reduce material sources for fly-tipping cases, **it is recommended that all public utilities and large scale private projects should be included in the trip-ticket system.**

1.2. Roadwork projects are high risk, in terms of providing material sources for fly-tipping, due to the absence of resident engineers and multi-access across the construction site. Therefore, implementation of the trip-ticket system or relevant waste management control practices is difficult. Our observations indicate that concrete slabs, bitumen slabs and

underground cable coating are often found at dump sites such as the Kam Tin Buffalo Field and Tai Mong Tsai, Sai Kung, suggesting that C&D materials from the roadwork projects often end up on the farmland. **It is recommended that a senior member of staff at roadwork sites should be assigned charge of the implementation of the trip-ticket system and relevant waste management practices.**

1.3. Attention should be paid to small scale domestic work projects, for instance renovation works. Bricks and tiles generated from these small work projects have been found in some of the previous unauthorized dump sites, for instance Ho Sheung Heung and Pak Nai. **The authority concerned should consider tightening the waste management practice of small scale private works.**

#### **(ii) The post-dumping stage**

1.4. This stage of fly-tipping involves land use and planning. The responsible government departments are the Planning Department and Lands Department. Fly-tipping on farmlands is often considered a minor issue by the rural community, and applying for permission from the Town Planning Board is neglected. In order to reduce the grey areas in the current practices, **it is recommended that a license system should be applied to site formation on all farmlands regardless on the zoning status.**

## **2. Dump truck business**

2.1. The dump truck business is an independent sector in the construction business. Generally, the main contractors outsource the waste disposal work to an agent of a group of truck drivers. Most truck drivers perform their work professionally. However, some truck drivers and agents work together with local landowners and dump the waste to nearby farmlands without approval from the main contractor or project proponent, for instance the Ho Sheung Heung case. The main purpose is to reduce time and cost, for instance fuel and tunnel toll.

2.2. In addition, the environmental performance of truck drivers, i.e. whether the waste is disposed at the designated area properly, is not of concern. In some cases, the project department and the main contractor did not have a full list of dump trucks in a project, and thus no monitoring can be undertaken. **It is suggested that a full list of dump trucks should be collected prior to the commencement of a project to undertake environmental performance monitoring.** Also, this list could be used as a reference for the proposed blacklisting scheme (see below).

2.3. We are aware that some major contractors have begun to collect the registration numbers of dump trucks and the name of agents that have been involved in fly-tipping, and no jobs will be outsourced to them. **It is suggested that this blacklisting scheme can be adopted by all major contractors.** Furthermore, the Development Bureau should keep such records in order to avoid outsourcing government projects to these blacklisted truck drivers or agents.

### 3. Education

3.1. It is well known that permission from the village heads has to be sought in order gained for site formation on farmlands to take place. However, these village heads may not fully understand the restrictions on the land use issue, for instance the laying of soil not exceeding 1.2 m for cultivation on “Agriculture” zones and no dumping of C&D materials on farmlands is allowed. **Therefore, it is recommended that regular public lectures about land use issues and restrictions should be organized for the public, in particular the rural community.** Similarly, the Heung Yee Kuk should play a more elevated role in dispatching messages related to land use issues and various restrictions to the villagers, in order to enhance their understanding in this matter.

### 4. Inadequate Penalties

4.1. Statistics from the Planning Department show that the average fine is just \$29,000 per case. This low fine is probably planned for as a minor cost of the business venture. **It is recommended that the fine should be increased to a level that poses a deterrent effect for similar cases.** Also, the public should discuss whether imprisonment should be included in the penalty under the Town Planning Ordinance during the next amendment. This may reflect better the serious level of consideration afforded to illegal “destruction first” land degradation in Hong Kong.

Thank you for your attention.

Yours faithfully,



Mr. L. C. Wong  
Conservation Officer