

立法會
Legislative Council

LC Paper No. CB(1) 1629/08-09
(These minutes have been seen
by the Administration)

Ref : CB1/PS/5/08/1

Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

Minutes of meeting
held on Monday, 20 April 2009, at 8:30 am
in Conference Room A of the Legislative Council Building

- Members present** : Hon LEE Wing-tat (Chairman)
Hon Audrey EU Yuet-mee, SC, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
- Member attending** : Dr Hon LEUNG Ka-lau
- Member absent** : Hon CHEUNG Hok-ming, SBS, JP
- Public officers attending** : **For item II**
- Dr Kitty POON
Under Secretary for the Environment
- Mr ROSS Graham Martin
Deputy Director (Specialist) (Lands Administration Office,
Headquarters)
Lands Department
- Mr TANG Kin-fai
Assistant Director (Environmental Compliance)
Environmental Protection Department
- Dr Alain LAM
Acting Assistant Director (Waste Management Policy)
Environmental Protection Department

Ms Phyllis LI
Acting Assistant Director of Planning (Special Duties)
Planning Department

Mr Kelvin CHAN
Chief Town Planner (Central Enforcement and
Prosecution)
Planning Department

Mr Patrick LAI
Senior Conservation Officer (Technical Services)
Agriculture, Fisheries and Conservation Department

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Franco KWONG
Council Secretary (1)1

I. Confirmation of minutes

(LC Paper No. CB(1) 1317/08-09) — Minutes of the meeting held on
9 April 2009)

The minutes of the meeting held on 9 April 2009 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1) 1319/08-09(01) — Administration's paper on
progress of measures to combat
land filling and fly-tipping
activities"

LC Paper No. CB(1) 1319/08-09(02) — Paper on fly-tipping and land
filling activities on private land
prepared by the Legislative
Council Secretariat (Background
brief))

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).

3. The Administration was requested to -

- (a) update the summary tables pertaining to the information paper
(LC Paper No. CB(1) 1968/07-08(01)) provided by the Administration
for the meeting of the Panel on Environmental Affairs on 30 June 2008;

- (b) consider increasing the penalty for fly-tipping or illegal land filling activities to achieve greater deterrent effect pending legislative amendments to the relevant legislation;
- (c) consider and consult the Construction Industry Council the feasibility of introducing a compulsory declaration system, particularly for small-scale demolition and renovation works, with a view to keeping track of construction and demolition (C&D) materials;
- (d) advise the time frame within which the Planning Department (Plan D) would bring some 10% of land, such as frontier closed area, which fell outside the existing Development Permission Area under control;
- (e) advise on the reinstatement actions that could be pursued by Plan D in the event of land filling activities not in compliance with the provisions of statutory plans; and
- (f) provide a flowchart on the actions to be taken by relevant Government departments upon receipt of a complaint on fly-tipping or land filling activity. To also advise the performance pledges for remedial actions taken by the departments concerned.

4. Members agreed that deputations should be invited to attend the next meeting scheduled for 7 May 2009 to express views on measures to combat fly-tipping. As the Panel on Environmental Affairs had previously invited deputations' views on the same subject, the Clerk was requested to prepare a summary of views to facilitate discussion by the Subcommittee.

III. Any other business

5. There being no other business, the meeting ended at 9:49 am.

Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

**Proceedings of the meeting
on Monday, 20 April 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000001 - 000119	Chairman	The minutes of meeting held on 9 April 2009 were confirmed	
<i>Agenda Item II - Meeting with the Administration</i>			
000120 - 000725	Ms Audrey EU Chairman Mr KAM Nai-wai Prof Patrick LAU	Members' agreement that the Subcommittee should focus on fly-tipping and land filling activities, whereas the problem of tree-felling would only be discussed if this related to fly-tipping and land filling activities	
000726 - 001359	Administration	Briefing on the paper on progress of measures to combat land filling and fly-tipping activities (LC Paper No. CB(1)1319/08-09(01))	
001400 - 001850	Ms Audrey EU Administration Chairman	<p>Ms Audrey EU's enquiry on the effectiveness of enhanced control measures in deterring land filling and fly-tipping activities</p> <p>Administration's response -</p> <p>(a) a number of measures, such as the database on land filling, were introduced early this year, and implementation of other measures, such as installation of close circuit televisions at fly-tipping black spots, were underway;</p> <p>(b) current focus was on fly-tipping given the highest number of complaints. In 2008, 28 prosecutions against illegal disposal of waste had been taken in accordance with the Waste Disposal Ordinance (Cap. 354) (WDO) and 57 fixed penalty tickets were issued. Of these, 16 prosecutions and 35 fixed</p>	

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		<p>penalty tickets were related to construction and demolition (C&D) materials;</p> <p>(c) the amount of fly-tipped materials cleared by the Administration decreased on average by 15% per year from 2006 to 2008; and</p> <p>(d) the total amount of fly-tipped materials comprised about 0.1% of the total amount of waste to be disposed of at government facilities each year</p>	
001851 - 002551	Ms Audrey EU Administration Chairman	<p>Ms Audrey EU's view that, given the low number of prosecutions, there was a need to amend the relevant legislation to achieve greater deterrent effect</p> <p>Administration's explanation -</p> <p>(a) before amending the legislation, there was a need to</p> <p>(i) adjust the definition of "waste" under WDO since C&D materials might not always be regarded as "waste" in the existing definition;</p> <p>(ii) delineate the responsibilities and interface of relevant Government departments in enforcing the amended provisions; and</p> <p>(iii) strike a balance between environmental protection and interests of stakeholders, including landowners</p> <p>(b) under the existing WDO, any person who deposited waste in any place should obtain the prior permission of the landowner or occupier concerned. To facilitate enforcement, section 16A of WDO might need to be amended to require the person to produce the landowners' written consent upon request of the authority, non-compliance of which would be an offence. Details of the proposed amendment were being worked out with the relevant departments.</p>	The Administration to consider increasing the penalty for fly-tipping or illegal land filling activities to achieve greater deterrent effect pending legislation amendments to the relevant legislation

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		<p>Public consultation with stakeholders would also be required</p> <p>Ms Audrey EU's view that consideration should be given to increasing the penalty for fly-tipping and land filling activities pending amendments to WDO</p>	
002552 - 002815	<p>Chairman Ms Audrey EU Mr KAM Nai-wai Administration</p>	<p>Members' requests -</p> <p>(a) the Administration to update the summary tables pertaining to the information paper provided for the meeting of the Panel of Environmental Affairs (the Panel) on 30 June 2008 to facilitate future discussion; and</p> <p>(b) the Clerk to provide a summary of the views of deputations expressed at the Panel meeting on 30 June 2008</p>	<p>The Administration to update the summary tables pertaining to the information paper (LC Paper No. CB(1) 1968/07-08(01)) for the Panel meeting on 30 June 2008</p> <p>The Clerk to provide a paper summarizing the views exchanged with deputations in the Panel meeting on 30 June 2008</p>
002816 - 003824	<p>Mr KAM Nai-wai Administration</p>	<p>Mr KAM Nai-wai's request for mandatory adoption of the trip-ticket system (TTS) currently applicable to public works projects to private works projects to keep track of C&D materials</p> <p>Administration's response -</p> <p>(a) the construction industry generally supported the application of TTS to private works projects on a voluntary basis, despite their understanding that this would involve additional manpower and financial resources;</p> <p>(b) the Construction Industry Council was prepared to work out a set of guidelines on the voluntary TTS for the industry to follow; and</p> <p>(c) the response to the voluntary TTS and assessment on the effectiveness of the system were still pending.</p>	<p>The Administration to consider and consult the Construction Industry Council the feasibility of introducing a compulsory declaration system, particularly for small-scale demolition and renovation works, with a view to keeping track of C&D materials</p>
003825 - 004630	<p>Chairman Administration</p>	<p>Chairman's concerns that timely actions could not be taken against depositing activities which usually took place at night time</p>	

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		<p>Administration's response -</p> <ul style="list-style-type: none"> (a) upon receipt of a complaint about fly-tipping, inspection would be carried out as soon as possible. If the complaint was received at night and no manpower could be deployed immediately, an inspection would be carried out in the following morning; (b) it would take time to ascertain land ownership of the affected site and various departments, including the Lands Department (LandD) and Planning Department (Plan D), had agreed to streamline the inspection procedures; and (c) the proposed amendments to WDO requiring the production of written consents of landowners could facilitate the enforcement process 	
004631 - 004840	Chairman Administration	<p>Chairman's enquiry on the latest position of the fly-tipping black spots</p> <p>Administration's response -</p> <ul style="list-style-type: none"> (a) there were about 60 private land filling sites involving depositing of C&D materials in the list compiled by the Administration. EPD and other relevant departments would hold regular meetings to monitor individual cases and discuss the necessary follow-up actions required; (b) most of the depositing activities in these sites had ceased and remedial actions were being taken; (c) for land filling activities within conservation-related zones, "Green Belt" and "Agriculture" zones in Development Permission Areas (DPAs), prior planning permission was required; and (d) Plan D was empowered to serve statutory notice requesting the parties concerned to discontinue the depositing activities and/or, where appropriate, to 	

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		reinstatement of the land concerned in the event of unauthorised development	
004841 - 005431	Chairman Administration	<p>Chairman's concern that not all rural areas were subject to control under DPA</p> <p>Administration's response that some 10% of land, such as Frontier Closed Area, fell outside DPA and were not subject to statutory planning control. Plan D would progressively prepare statutory plans for the rest of the area taking into account factors such as conservation value and development pressure</p>	The Administration to advise the time frame within which Plan D will bring the some 10% of land, such as Frontier Closed Area, which fall outside the existing DPA under statutory planning control
005432 - 005852	Chairman Administration Ms Audrey EU	<p>Chairman's concern about depositing activities in fish ponds, most of which formed the wetland area</p> <p>Administration's response -</p> <p>priority had been given to tackle unauthorised pond filling activities as they might affect areas with conservation value. Reinstatement action would be instigated, where appropriate</p>	The Administration to advise on the reinstatement actions that could be pursued by Plan D in the event of land filling activities not in compliance with the provisions of statutory plans
005853 - 010622	Chairman Administration	<p>Chairman's enquiry about the enforcement action against depositing activities in the proximity of country parks by the Agriculture, Fisheries and Conservation Department (AFCD)</p> <p>Administration's response -</p> <p>(a) with limited human resource, AFCD patrol teams would concentrate their efforts on areas inside country parks;</p> <p>(b) for depositing activities in the proximity of country parks, AFCD would need to ascertain whether these activities occurred on private land or government land;</p> <p>(c) AFCD would liaise with LD which would consider taking prosecution action under the Forests and Countryside Ordinance (Cap. 96) in the event of contravention; and</p>	

Time marker	Speaker	Subject(s)	Action required
		(d) AFCD and LD would step up patrol and erect warning posts in black spots	
010623 - 011553	Chairman Administration	<p>Chairman's concern about the complaint mechanism</p> <p>Administration's response -</p> <p>(a) inter-departmental coordination had been strengthened and complaints would be referred to the respective departments for follow-up under the enhanced arrangement; and</p> <p>(b) site inspection would be taken within 24 hours after receipt of the complaint, and a reply would be given to the complainant in due course</p>	<p>The Administration to provide a flowchart on the actions to be taken by relevant Government departments upon receipt of a complaint on fly-tipping or land filling activity, and to advise the performance pledges for remedial actions taken by the departments concerned</p>
011554 - 011942	Chairman	<p>Members' agreement that deputations should be invited to express views at the next meeting on 7 May 2009, and that the Administration's response to concerns raised at the current meeting should be provided for discussion at the meeting on 21 May 2009</p>	