

立法會
Legislative Council

LC Paper No. CB(1) 2657/08-09

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by the Administration)

Ref : CB1/PS/5/08/1

Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

**Minutes of meeting
held on Monday, 13 July 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

Members present : Hon LEE Wing-tat (Chairman)
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH

Members absent : Hon Audrey EU Yuet-mee, SC, JP
Hon CHEUNG Hok-ming, GBS, JP

**Public officers
attending** : Dr Kitty POON
Under Secretary for the Environment

Mr TANG Kin-fai
Assistant Director (Environmental Compliance)
Environmental Protection Department

Dr Lawrence WONG
Acting Assistant Director (Waste Management Policy)
Environmental Protection Department

Mr Jonathan LEUNG
Chief Assistant Secretary (Works) 5
Development Bureau

Mr ROSS Graham Martin
Deputy Director (Specialist) (Lands Administration Office,
Headquarters)
Lands Department

Mr CHEUNG Kwok-wai
Senior Conservation Officer (Technical Services)
Agriculture, Fisheries and Conservation 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 Fedrick KAN
Chief Engineer (Mainland North)
Drainage Services Department

Mr CHEUNG Ping-nang
Assistant Director (Operations)
Water Supplies Department

Mr Stephen CATLIN
Engineer (New Territories East, Headworks 1)
Water Supplies 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) 2221/08-09 — Minutes of the meeting held on
15 June 2009

The minutes of the meeting held on 15 June 2009 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1) 2086/08-09(01) — List of follow-up actions arising
(issued for the meeting on 30 June 2009) from the discussion at the
meeting on 15 June 2009

- LC Paper No. CB(1) 2223/08-09(01) — List of follow-up actions arising from the discussion at the meeting on 30 June 2009
- LC Paper No. CB(1) 2223/08-09(02) — Administration's responses to items 4 and 5 of CB(1) 2086/08-09(01) and CB(1) 2223/08-09(01))

Relevant papers

- LC Paper No. CB(1) 1503/08-09(16)
(issued for the meeting 7 May 2009) — List of follow-up actions arising from the discussion at the meeting on 20 April 2009
- LC Paper No. CB(1) 1631/08-09(01)
(issued on 19 May 2009) — List of follow-up actions arising from the discussion at the meeting on 7 May 2009
- LC Paper No. CB(1) 1631/08-09(03)
(English version issued on 19 May 2009)
(Revised Chinese version issued on 20 May 2009) — Administration's response to items 2 to 5 of CB(1) 1503/08-09(16) and CB(1) 1631/08-09(01)
- LC Paper No. CB(1) 2086/08-09(02)
(issued for the meeting on 30 June 2009) — Lands Department's response to item 1 of CB(1) 2086/08-09(01)
- LC Paper No. CB(1) 2086/08-09(03)
(issued for the meeting on 30 June 2009) — Planning Department's response to item 2 of CB(1) 2086/08-09(01)
- LC Paper No. CB(1) 2086/08-09(04)
(issued for the meeting on 30 June 2009) — Environmental Protection Department's response to item 3 of CB(1) 2086/08-09(01)
- LC Paper No. CB(1) 2086/08-09(05)
(issued for the meeting on 30 June 2009) — Drainage Services Department's response to item 6 of CB(1) 2086/08-09(01)

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. The Administration was requested to -
 - (a) include in the six-monthly report to the relevant Panel latest progress and details of the voluntary trip-ticketing system being contemplated by the Construction Industry Council;

- (b) request the Hong Kong Construction Association to encourage its member contractors to adopt the use of Global Positioning System to keep track of their dump trucks;
- (c) consider including in the course for registered contractors organized by the Buildings Department the requirements of contractors and their waste haulers on proper disposal of construction and demolition (C&D) waste under the relevant legislation to facilitate compliance; and
- (d) step up publicity on the dire consequences, including fine and possible imprisonment, to deter fly-tipping and illegal depositing of C&D waste using the Shing Mun Road case as an illustration.

III. Any other business

4. There being no other business, the meeting ended at 9:45 am.

Council Business Division 1
Legislative Council Secretariat
24 September 2009

Panel on Environmental Affairs**Subcommittee on Combating Fly-tipping**

**Proceedings of the meeting
on Monday, 13 July 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000001 - 000421	Chairman	The minutes of meeting held on 15 June 2009 were confirmed	
<i>Agenda Item II - Meeting with the Administration</i>			
000422 - 000822	Chairman Administration	<p>Discussion on the Environment Bureau's letter of 10 July 2009 (LC Paper No. CB(1) 2223/08-09(02))</p> <p>Chairman's enquiry on the feasibility of setting up a database of stream and river courses to facilitate cross-referencing for future reinstatement works</p> <p>Administration's response -</p> <ul style="list-style-type: none"> (a) reinstatement works for river and stream courses would take into account on-site assessments of the affected river and stream courses and the unaffected upstream and downstream conditions, such as widths and depths; (b) the Government currently maintained a comprehensive set of 1:1 000 survey maps and aerial photos of the whole territory which could provide references for various purposes as necessary; and (c) no complaints against reinstatement works for watercourses had been received so far 	
000823 - 001400	Chairman Administration	Chairman's enquiry on whether aerial photos were used as cross-reference to ensure compliance of the reinstatement works for the nine private land filling sites referred to in	

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		<p>LC Paper No. CB(1) 2086/08-09(04). Question was also raised on whether aerial photos could cover small river and stream courses hidden under thick woods</p> <p>Administration's response that aerial photos together with on-site assessments could provide useful reference for the reinstatement works of river and stream courses</p>	
001411 - 001716	Chairman Administration	<p>Discussion on the summary of views/measures put forward by deputations (Annex to LC Paper No. CB(1) 1631/08-09(03))</p> <p>Chairman's enquiry on the compliance of Reinstatement Notices (RNs)</p> <p>Administration's response that in most cases, concerned parties would discontinue the depositing activities upon receipt of Enforcement Notice. Compliance with RNs was satisfactory. Non-compliance with the requirements stipulated in RNs would be subject to prosecution</p>	
001717 - 002230	Chairman Administration Prof Patrick LAU	<p>Chairman's enquiry on the progress of amendment to the Waste Disposal Ordinance (Cap. 354) (WDO)</p> <p>Administration's response -</p> <ul style="list-style-type: none"> (a) further advice from the Department of Justice and the Bureaux and Departments concerned would be sought in developing the proposed amendment to section 16A of WDO to require the person who intended to deposit waste on private land to produce written consent from the landowner concerned, and for the landowner to obtain authorization from the control authority; and (b) stakeholders would be consulted on the proposed amendment to WDO in the second half of this year. 	

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		<p>Chairman's concern that inert construction and demolition (C&D) materials were not necessarily wastes and depositing of such materials might not create environmental problems that could be tackled by environmental legislation, including WDO</p> <p>Administration's response that careful consideration was being given to adjusting the definition of "waste" to take account of the possible non-environmental problems caused by the depositing of inert C&D materials. The legal implication of such adjustment had to be carefully examined</p>	
002231 - 002910	Chairman Administration Prof Patrick LAU	<p>Chairman's enquiry on the feasibility of imposing heavier penalties, such as confiscation of dump trucks and suspension of driving licenses, for fly-tipping and land filling activities</p> <p>Administration's response that the fine of \$10,000 for each offender in the Shing Mun Road case did have a significant impact on the trade. Besides, the judge had explicitly stated that imprisonment would be considered for repeated offences</p> <p>Prof Patrick LAU's enquiry on the possibility of imposing penalty on contractors</p> <p>Administration's response that subject to evidence, prosecution action would be taken against all parties concerned, including contractors</p>	
002911 - 003212	Chairman Administration	<p>Chairman's enquiry on the feasibility of introducing a blacklisting system for private works contractors</p> <p>Administration's response that, legislative amendment to WDO was being examined with a view to tightening the control on illegal land filling activities. A blacklisting system might not be necessary</p>	

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003213 - 003825	Chairman Administration	<p>Chairman's concern about the efficacy of the voluntary trip-ticket system (TTS) for private works projects</p> <p>Administration's response -</p> <p>(a) the proposal of introducing a voluntary TTS was presented to the Committee on Environment and Technology of the Construction Industry Council (CIC), which subsequently agreed to promulgate guidelines for its members to follow; and</p> <p>(b) reply from CIC on how to ensure compliance with the voluntary TTS by its members was still awaited</p> <p>Chairman's request that the Administration should include the latest progress and details of TTS being contemplated by CIC in the six-monthly report to the relevant Panel</p>	The Administration to include in the six-monthly report to the relevant Panel latest progress and details of the voluntary trip-ticketing system being contemplated by the Construction Industry Council
003826 - 003940	Chairman Administration	<p>Chairman's enquiry on the feasibility of providing additional works areas specifically for sorting and recycling of C&D materials arising from Government contracts</p> <p>Administration's response that additional works areas would be provided for sorting and recycling of C&D materials as far as practicable</p>	
003941 - 004030	Chairman Administration	<p>Chairman's enquiry on the measures to be taken in the tendering process of public works contracts to encourage contractors to reduce, segregate and reuse C&D materials</p> <p>Administration's response that under the marking scheme for assessing tenders for public works contracts, extra credits would be given to technical proposals about the use of environment-friendly products and processes that well exceeded the contract requirements</p>	

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004031 - 004210	Chairman	Chairman's suggestion that the Administration should request the Hong Kong Construction Association (HKCA) to encourage its member contractors to adopt the use of Global Positioning System (GPS) to keep track of their dump trucks	The Administration to request HKCA to encourage its member contractors to adopt the use of GPS to keep track of their dump trucks
004211 - 004950	Chairman Administration Prof Patrick LAU	<p>Chairman's enquiry on the feasibility of providing hands-on training to waste haulers</p> <p>Administration's response that the Environmental Protection Department (EPD) and the other Government departments concerned had jointly developed three sets of comprehensive guides for the relevant parties, including the rural landowners, waste haulers, property developers/contractors/managers.</p> <p>The guides provided useful information on the various statutory requirements governing C&D materials dumping activities and the steps that the affected parties need to take to guard against illegal land filling and fly-tipping activities. These guides, which were produced in the form of leaflets, had been widely distributed to various stakeholders through the relevant trade associations, Government departments and their public outlets. These guides were also available on the website of EPD</p> <p>Chairman and Prof Patrick LAU's suggestion that the Buildings Department should include in its 7-day training course for registered contractors the requirements of contractors and their waste haulers on proper disposal of C&D waste under the relevant legislation to facilitate compliance</p>	The Administration to consider including in the course for registered contractors organized by the Buildings Department the requirements of contractors and their waste haulers on proper disposal of C&D waste under the relevant legislation to facilitate compliance
004951 - 005645	Chairman Administration Prof Patrick LAU	<p>Chairman's enquiries -</p> <p>(a) whether the Administration would introduce a spotter scheme with District Councils (DC) and green groups; and</p>	

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		<p>(b) whether the Agriculture, Fisheries and Conservation Department (AFCD) would consider erecting signs on hiking trails to encourage hikers to report land filling activities</p> <p>Administration's response -</p> <p>(a) EPD had recently launched a dedicated webpage on land filling activities, whereby members of the public were invited to report fly-tipping and land filling incidents in a prescribed form to EPD for follow-up action;</p> <p>(b) AFCD would consider providing more information, such as the number of hotline 1823, on the existing sign boards along major hiking trails to facilitate hikers to report suspected land filling activities; and</p> <p>(c) warning signs had been erected at major land filling black-spots. Relevant departments would keep in view the situation and would erect more warning signs if necessary</p>	
005646 - 010004	Chairman Administration	<p>Chairman's enquiry on the role of the Home Affairs Department (HAD) in combating land filling activities</p> <p>Administration's explanation -</p> <p>(a) HAD was part of the departmental coordination mechanism; and</p> <p>(b) Inter-departmental meetings were convened to monitor the overall situations of fly-tipping and illegal land filling throughout the territory</p>	
010005 - 010057	Chairman Administration	Chairman's enquiry on the disposal figures after the implementation of construction waste disposal charging in December 2005	

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		Administration's response that the figures were better than expected	
010058 - 010715	Chairman Administration	<p>Chairman's view that it might be hard to prove that waste haulers involved in illegal dumping were only following instructions from contractors</p> <p>Administration's response that so far, no evidence indicated that contractors had given such instructions to waste haulers. The waste haulers involved in the Shing Mun Road case also claimed that they acted upon the contractor's instruction but the evidence showed otherwise.</p> <p>Chairman's suggestion that the Administration should step up publicity on the dire consequences, including fine and possible imprisonment, to deter fly-tipping and illegal depositing of C&D waste using the Shing Mun Road case as an illustration</p>	The Administration to step up publicity on the dire consequences, including fine and possible imprisonment, to deter fly-tipping and illegal depositing of C&D waste using the Shing Mun Road case as an illustration
010716 - 011005	Chairman Administration	<p>Chairman's view/concern -</p> <p>(a) landowners might try to destroy the ecological value of their land through land filling and tree felling to pave way for development; and</p> <p>(b) the Administration should step up publicity and public education on land use issues and restrictions, particularly for rural communities</p> <p>Administration's response that efforts had been made to enhance public awareness that unauthorized development would be subject to enforcement and prosecution action through distribution of pamphlets, warning posters, Announcements of Public Interests in television and radio etc</p>	
011006 - 011045	Chairman Administration	Chairman's concern about the need to strike a balance between the rights of landowners and conservation	

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		<p>Administration's response -</p> <p>(a) the rights of land owners and indigenous villagers would be preserved; and</p> <p>(b) when necessary, the Heung Yee Kuk and relevant District Councils would be consulted on major changes, such as the proposed amendment to WDO</p>	
011046 - 011630	Chairman Administration	<p>Chairman's enquiry on whether control was in place to prohibit tree felling activities in private agricultural land</p> <p>Administration's explanation that tree felling is not prohibited and therefore allowed on private agricultural land under the existing lease conditions</p>	

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24 September 2009