

For discussion
On 20 April 2009

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

Progress of Measures to Combat Land Filling and Fly-tipping Activities

INTRODUCTION

This paper aims to update Members on the progress of our enhanced control measures to combat land filling and fly-tipping.

ENHANCED CONTROL MEASURES AGAINST THE DEPOSITING OF CONSTRUCTION AND DEMOLITION (C&D) MATERIALS

2. Government departments have been taking actions against activities related to illegal depositing of C&D materials on land within their respective jurisdictions. As issues arising from such depositing activities often cut across different policy areas, co-ordinated efforts from different departments are sometimes necessary.

Enhanced complaint handling procedures and inter-departmental co-ordination

3. The Environmental Protection Department (EPD) and other departments concerned have jointly drawn up enhanced complaint handling procedures to deal with cases involving active and on-going C&D materials depositing activities, especially those that would pose risks to environmentally sensitive areas. The enhanced procedures ensure that urgent attention would be given to such cases and speed up the response of departments in taking actions against such activities. The procedures have been incorporated into a new Government circular issued and promulgated by the Environment Bureau for all the departments concerned to follow. Furthermore, the EPD will also coordinate joint site visits and actions with other relevant departments where necessary.

4. To further enhance the co-ordination amongst departments in combating land filling and fly-tipping problems, the EPD and the relevant departments meet on a regular and as-needed basis to monitor the overall situation and review individual cases that are of public or environmental concern, at both territorial and district levels.

5. To facilitate information sharing and co-ordinated actions, the EPD, in collaboration with other departments, has developed a database containing information of those land filling cases that are under constant monitoring and actions by various departments. In addition, a list of fly-tipping black-spots has been compiled and the departments concerned are expected to carry out regular patrol to deter fly-tipping activities in these areas. Basic information on the land filling database and fly-tipping black-spots can be found on the EPD website at <http://www.epd.gov.hk/epd/english/landfilling/introduction/blackspots.html>. Apart from stepping up enforcement and patrol, and enhancing inter-departmental co-ordination, the departments concerned have also pursued other preventive measures including the erection of warning signs and setting up road barriers in potential problem areas.

Comprehensive guides

6. To ensure that the relevant parties, including the rural landowners, construction waste transporters, property developers/contractors/managers are aware of the statutory requirement, the EPD and the other departments concerned have jointly developed three sets of comprehensive guides for them respectively. The guides, in the form of leaflets for easy promulgation, provide 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. They also encourage the public and all the relevant parties to report to the Government on any suspected illegal dumping activities so that the Government can follow up on these cases promptly. These leaflets have been widely distributed to the various stakeholders through the relevant trade associations, Government departments and their public outlets, and are also available on the EPD website.

OTHER MEASURES TO ENHANCE CONTROL AGAINST DEPOSITING OF C&D MATERIALS

7. In addition to the above enhanced control measures, the Administration is also exploring the feasibility of strengthening the statutory control over depositing of inert C&D materials on private land under the Waste Disposal Ordinance (Cap 354) (WDO). At present, it is an offence under section 16A of the WDO for any person to deposit waste without lawful authority or the permission of the landowner/occupier concerned. To enhance enforcement effectiveness, we are considering amending the section such that any person who intends to deposit waste on any land has to, when requested by the authority, produce the written permission from the landowner/occupier concerned, non-compliance of which will itself constitute an offence.

8. On the other hand, there are cases where the depositing of inert C&D materials on private land is conducted in compliance with the existing legislation, and yet remain a cause for concern over their potential impact to the surrounding environment. In view of the increasing public concern over such activities, we are examining the feasibility of amending the WDO to introduce an authorisation requirement to control depositing activities on private land. Details of the proposal and its impact on stakeholders are being further developed and assessed in consultation with the relevant bureaux and departments. Subject to their comments, our target is to start consulting stakeholders such as District Councils and Heung Yee Kuk in mid 2009.

9. Furthermore, the Administration has followed up on the request of Members at the meeting on 30 June 2008 that the construction industry should adopt the trip-ticket system (TTS) in private projects voluntarily. We presented the proposal to the Committee on Environment and Technology of the Construction Industry Council on 26 March 2009. The Committee's response is generally supportive and will prepare guidelines on the TTS aiming for voluntary adoption by the industry. The Committee would further deliberate on the strategies to promulgate the guidelines.

CONTROL ON TREE-FELLING

10. Under the Forests and Countryside Ordinance (Cap 96), any person who fells, cuts, burns or otherwise destroy any trees on government

land without lawful authority may be guilty of an offence. The Agriculture, Fisheries and Conservation Department (AFCD) is empowered under the Ordinance to take enforcement action against unauthorized felling of trees on government land. For protection of trees inside country parks, it is enforced under the Country Parks Ordinance (Cap 208). AFCD will investigate cases of unauthorized tree felling and take prosecution actions if there is sufficient evidence. To deter unauthorized tree felling incidents, AFCD would step up patrol in black spot areas and erect warning posts at appropriate locations.

11. Where unauthorized felling or damage of trees occurs on private land, the Lands Department (LandsD) is responsible for investigating and following up cases that took place on lands which are subject to a “Tree Preservation” clause under lease. Most modern land leases contain such a clause which stipulates that felling of trees on the lot or in its vicinities shall require the prior approval of LandsD.

12. When processing a planning application under section 16 of the Town Planning Ordinance (Cap 131), the Planning Department would assess the site condition and its surroundings and incorporate, where applicable, the relevant departments’ comments concerning tree-felling at the subject site and the surrounding area, for reference of the Town Planning Board (TPB) in considering the application.

13. Members of the public may report cases of illegal tree-felling to the Police or through the 1823 Call Centre Service. The relevant departments would take follow-up actions accordingly. Alternatively, complaints may be made to AFCD or LandsD for follow-up actions depending on the land status.

ADVICE SOUGHT

14. Members are invited to note the progress of enhanced control measures to combat land filling and fly-tipping activities.

Environmental Protection Department
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