

For discussion
on 23 February 2009

Legislative Council Panel on Environmental Affairs

Latest Progress of Measures to Enhance Control on the Depositing of Construction and Demolition Materials

INTRODUCTION

This paper aims to update Members on our enhanced control measures against the depositing of construction and demolition (C&D) materials, and the progress of exploring the regulatory options to further control such activities.

ENHANCED CONTROL MEASURES AGAINST THE DEPOSITING OF C&D MATERIALS

2. Various 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 Government departments are sometimes necessary. The Government has reviewed the procedures in controlling such activities and introduced enhanced measures and departmental co-ordination mechanism.

Enhanced complaint handling procedures and inter-departmental co-ordination

3. While the normal public complaint handling procedures adopted by different Government departments are effective in handling land filling and fly-tipping complaints in most circumstances, there are situations where speedy responses and joint actions from Government departments are required to address problems that are urgent and sensitive in nature. In this connection, the Environmental Protection Department (EPD) and other Government 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 for those that would pose risks to environmentally sensitive areas. Under the enhanced procedures, the Integrated Call Centre (ICC) or other departmental hotlines receiving complaints related to active cases would refer the cases to the EPD in the first instance. The EPD will deploy resources to carry out investigation within one working day or as soon as practicable upon receipt of the information to ascertain the extent of the problem, and request other Government departments to take parallel action as appropriate. The EPD will also coordinate joint site visits and actions with other relevant departments where necessary. Annex 1 is a flowchart showing the complaint handling procedures for handling public complaints on active land filling activities involving C&D materials. The procedures have been incorporated into a new Government circular issued and promulgated by the Environment Bureau for all the concerned Government departments to follow.

4. To further enhance co-ordination amongst Government 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 regional levels. To facilitate information sharing and co-ordinated actions, the EPD, in collaboration with other Government departments, has developed a database containing information of those land filling cases that are under constant monitoring and actions by various Government 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.

Comprehensive guides

5. 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 Government departments concerned have jointly developed three sets of comprehensive guides for them respectively. The guides 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. The guides 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 guides, which are produced in the form of leaflets for easy promulgation, have been widely distributed to the various stakeholders through the relevant trade associations, Government departments and their public outlets. The guides are also available on the website of the EPD.

Other preventive measures

6. Apart from stepping up enforcement and patrol, and enhanced inter-departmental co-ordination, the Government departments concerned have pursued other preventive measures including the erection of warning signs and setting up road barriers in potential problem areas. In addition, the EPD has identified two fly-tipping black-spots, one at Siu Lang Shui Road in Tuen Mun, and the other at Tai Po Road public car park, for implementation of a trial fly-tipping control scheme based on remote monitoring by the installation of closed-circuit television (CCTV). The proposal was recently presented to and supported by the relevant subcommittees of the Shatin and Tuen Mun District Councils. The EPD is now working with the Electrical and Mechanical Services Department with a view to launching the project later this year. Subject to the outcomes of the trial scheme, a review would be conducted with consideration given to the feasibility of extending the CCTV installations to other fly-tipping black-spots.

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

7. In addition to 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. As the depositor is not required to produce any documentary proof of such consent under the WDO, enforcement would be difficult if we could not obtain assistance from the landowner/lawful occupier or are unable to get in touch with them. To enhance enforcement effectiveness, we are considering amending section 16A of the WDO, 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. Under the proposal, a person who wishes to deposit inert C&D materials on private land should, in addition to securing the written consent of the landowner/occupier concerned, obtain an authorisation from the EPD for doing so, unless the depositing is incidental to activities that have been approved or permitted by a lawful authority (e.g. depositing associated with land formation for construction works approved by the Building Authority). Exemptions for small-scale depositing activities below a certain threshold, say, involving a site area of less than 100 square metres, would be provided to avoid undue hardship on landowners and occupiers. 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 the second quarter of 2009.

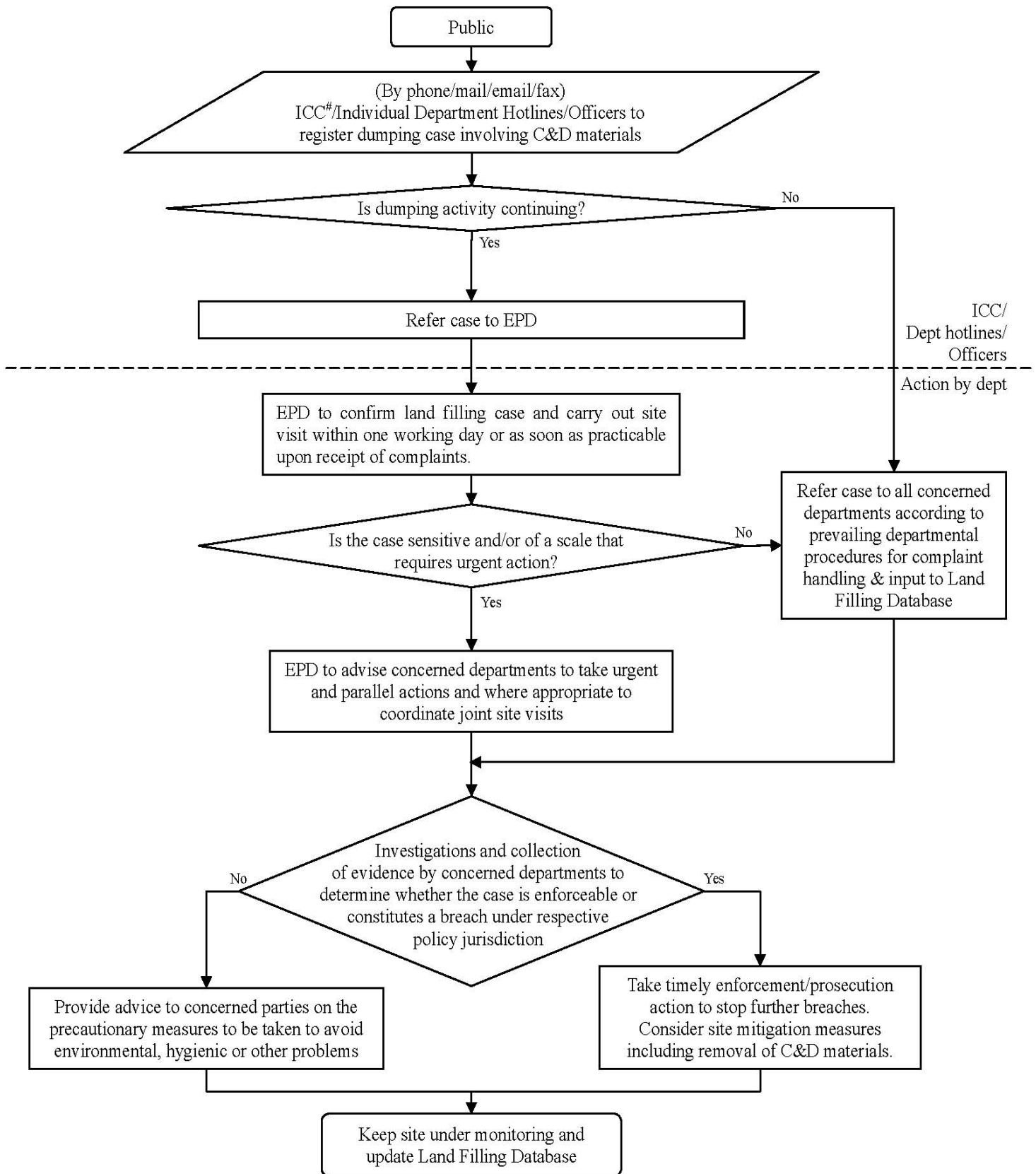
9. Meanwhile, the Administration is following up on the request of Members at the meeting on 30 June 2008 that the construction industry should be invited to take on the trip-ticket system voluntarily. We have scheduled to present the proposal to the Construction Industry Council and invite their comments on its feasibility and operational implications in March 2009.

ADVICE SOUGHT

10. Members are invited to note the enhanced control measures against the depositing of C&D materials and the progress of exploring the regulatory options to further control such activities.

**Environmental Protection Department
February 2009**

Flowchart for Handling Public Complaints on Active Land Filling Activities Involving C&D Materials



ICC to refer to their own protocol for handling fly-tipping and land filling complaints.