

**立法會**  
**Legislative Council**

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(These minutes have been seen  
by the Administration)

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**Panel on Environmental Affairs**

**Subcommittee on Combating Fly-tipping**

**Minutes of meeting**  
**held on Monday, 17 May 2010, at 10:45 am**  
**in Conference Room B of the Legislative Council Building**

- Members present** : Hon LEE Wing-tat (Chairman)  
Hon Audrey EU Yuet-mee, SC, JP  
Hon KAM Nai-wai, MH
- Member absent** : Hon CHEUNG Hok-ming, GBS, JP
- Public officers attending** : **For item II**
- Dr Kitty POON, JP  
Under Secretary for the Environment
- Mr TANG Kin-fai  
Assistant Director (Environmental Compliance)  
Environmental Protection Department
- Ms Margaret HSIA  
Assistant Director (Waste Management Policy)  
Environmental Protection Department
- Dr Alain LAM  
Principal Environmental Protection Officer (Waste  
Management)
- 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  
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

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

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

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- I. Confirmation of minutes**  
(LC Paper No. CB(1) 1868/09-10 — Minutes of the meeting held on  
13 April 2010)

The minutes of the meeting held on 13 April 2010 were confirmed.

- II. Meeting with the Administration**  
(LC Paper No. CB(1) 1869/09-10(01) — List of follow-up actions arising  
from the discussion at the meeting  
on 13 April 2010)

- LC Paper No. CB(1) 1869/09-10(02) — Administration's response to item (a) of CB(1) 1869/09-10(01)
- LC Paper No. CB(1) 1907/09-10(01) — Administration's response to item (b) of CB(1) 1869/09-10(01))

Relevant papers

- (LC Paper No. CB(1) 1458/09-10(01) — List of follow-up actions arising from the discussion at the meeting on 3 February 2010
- LC Paper No. CB(1) 1184/09-10(02) — Administration's response to item (a) of CB(1) 1458/09-10(01)
- LC Paper No. CB(1) 1458/09-10(02) — Administration's response to the remaining items of CB(1) 1458/09-10(01))

2. The Subcommittee deliberated (Index of proceedings attached in **Annex**).
3. The Administration was requested to -
  - (a) consider including in the Basic Conditions of the Application for a Billing Account for Disposal of Construction Waste the need for contractors to ensure that dump trucks leaving the sites were weighed and recorded in the chits for cross checking at public fills to avoid overloading and possible fly-tipping activities. To also review the propriety of the contingency allowance of 5% for overloading of dump trucks in consultation with the trades; and
  - (b) consider setting a deadline for the mandatory introduction of the trip-ticket system to private construction projects, starting with large-scale projects.

**III. Any other business**

4. There being no other business, the meeting ended at 12:10 pm.

## Panel on Environmental Affairs

## Subcommittee on Combating Fly-tipping

**Proceedings of the meeting  
on Monday, 17 May 2010, at 10:45 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>			
001032 - 001052	Chairman	The minutes of the meeting held on 13 April 2010 (LC Paper No. CB(1) 1868/09-10) were confirmed.	
<i>Agenda Item II - Meeting with the Administration</i>			
001053 - 001635	Chairman Administration	<p>Discussion on the Administration's paper (LC Paper No. CB(1) 1184/09-10(02))</p> <p>Chairman's enquiry on the feasibility of amending the definition of "waste" under the Waste Disposal Ordinance (Cap. 354) (WDO) to cover construction and demolition (C&amp;D) materials that were not abandoned.</p> <p>Administration's response that the proposed amendment was included in the consultation exercise with District Councils. The need to amend the definition of "waste" would be considered subject to the views collected from the consultation and legal advice. However, preliminary assessment was that there would be constraints in amending the definition of "waste" to cover C&amp;D materials that were not abandoned in the light of the scope of WDO.</p>	
001636 - 002140	Chairman Administration	<p>Discussion on the Administration's paper (LC Paper No. CB(1) 1458/09-10(02))</p> <p>Chairman's enquiries -</p> <p>(a) timeframe within which the preparation of statutory plans for the remaining areas (except for the Frontier Closed Area and 12 other</p>	

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		<p>locations referred to in the paper) would be completed; and</p> <p>(b) whether fences and bollards would be erected at ingress/egress point of illegal access roads on Government land to prevent vehicles from entering these roads for illegal depositing activities.</p> <p>Administration's response</p> <p>(a) preparation of statutory plans for the rest of the rural areas would be followed up progressively taking into account factors, such as areas of conservation value, development pressure (an example of which was locations pending imminent development) and relatively susceptible to unauthorized uses; and</p> <p>(b) in cases where some portion(s) of the illegal access road were constructed on Government land, the Lands Department would give consideration to block up the portion(s) of illegal access road on Government land to deter illegal activities.</p>	
002141 - 002954	Chairman Administration	<p>Chairman's enquiry on the latest development of the Ho Sheung Heung case</p> <p>Administration's response -</p> <p>(a) so far, 15 prosecutions had been instigated in relation to the Ho Sheung Heung case (eight by the Environmental Protection Department (EPD), six by the Planning Department (PlanD), and one by the Police), resulting in nine successful convictions (five EPD cases and four PlanD cases) where the offenders, mainly dump truck drivers and excavator operators, were fined \$2,000 to \$3,000. The remaining cases were still underway;</p>	

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		<p>(b) regarding the applications for review of the reinstatement notices (RN) under the Town Planning Ordinance (Cap. 131), the Secretary for Development had confirmed the decisions of the Planning Authority on the issuance of RNs of all the eight cases after considering the materials and responses submitted by the Planning Authority and the review applicants. About 25% of the land deposited with fill materials had, so far, been cleared. Subject to collection of evidence, prosecution would be pursued against the concerned parties for non-compliance of the statutory notice; and</p> <p>(c) as regards the two unauthorized building structures, the Administration was following up the case with the relevant Rural Committee.</p>	
002955 - 003733	Chairman Administration	<p>Discussion on the Administration's response to deputations' views expressed at the meeting on 13 April 2010 (LC Paper No. CB(1) 1869/09-10(02))</p> <p><u>Kadoorie Farm and Botanic Garden</u></p> <p>Chairman's enquiries -</p> <p>(a) whether the Administration had written to the Judiciary to express its concern the sentence handed down by the court in respect of fly-tipping was too lenient; and</p> <p>(b) whether dump truck drivers who had involved in illegal depositing activities would be blacklisted and barred from future participation in public construction projects</p> <p>Administration's response -</p> <p>(a) the Advisory Council on the Environment had written to the Judiciary Administrator pointing out</p>	

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		<p>that the sentencing of fly-tipping cases should effectively deter such illegal activities. In case the penalty imposed by the court was considered too lenient, the Administration could apply through Department of Justice for a review of the sentence;</p> <p>(b) the proposed blacklisting might mean double penalty for the dump truck drivers who had already been penalized for illegal depositing activities.</p>	
003734 - 005050	Ms Audrey EU Administration Chairman	<p>Ms Audrey EU's views -</p> <p>(a) Duty Roster Members had met with a group of dump truck drivers who complained that it was unfair to hold them liable for overloading as they just acted according to instructions, failing which might affect their livelihood;</p> <p>(b) to plug the loophole, consideration should be given to including in the Basic Conditions of the Application for a Billing Account for Disposal of Construction Waste the need for contractors to ensure that dump trucks leaving the sites were weighed and recorded in the chits for cross checking at public fills to avoid overloading and possible fly-tipping activities; and</p> <p>(c) there was a need to review the propriety of the contingency allowance of 5% for overloading of dump trucks in consultation with the trades.</p> <p>Administration's response -</p> <p>(a) the trip-ticket system (TTS) applicable to public works projects was effective in preventing overloading of dump trucks. The Administration had shared the experience of TTS with the Construction Industry Council (CIC) which was finalizing the Guidelines on TTS with a view to encouraging wider</p>	<p>The Administration to -</p> <p>(a) consider including in the Basic Conditions of the Application for a Billing Account for Disposal of Construction Waste the need for contractors to ensure that dump trucks leaving the sites were weighed and recorded in the chits for cross checking at public fills to avoid overloading and possible fly-tipping activities; and</p> <p>(b) review the propriety of the contingency allowance of 5% for overloading of dump trucks in consultation with the trades.</p>

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		<p>adoption of TTS in private construction projects. CIC would review the usage and outcome of voluntary adoption of TTS before deciding whether a mandatory TTS was needed; and</p> <p>(b) the problem of overloading of dump truck, including the contingency of 5%, was being examined by the relevant Government department.</p>	
005051 - 010357	<p>Chairman Administration Mr KAM Nai-wai</p>	<p><u>Hong Kong Construction Association (HKCA)</u></p> <p>Chairman's query on CIC's refusal to adopt mandatory TTS in private works projects when HKCA fully supported such adoption. Given that TTS had proved to be effective in monitoring the flow of C&amp;D materials, and that CIC had been given sufficient time to consider the adoption of TTS in private works projects, there was a need to set a deadline for the mandatory introduction of TTS to private works projects, starting with large-scale projects.</p> <p>The Administration's response that CIC was a statutory body comprising representatives from different trades of the construction industry, including HKCA. It had relayed HKCA's views on the adoption of TTS and global positioning system (GPS) to CIC for consideration. In response to Mr KAM Nai-wai's enquiry, the Administration confirmed that CIC was studying the use of GPS, particularly its applicability within the local environment.</p>	<p>To consider setting a deadline for the mandatory introduction of TTS to private construction projects, starting with large-scale projects.</p>
010358 - 010606	<p>Chairman Administration</p>	<p><u>Greeners Action</u></p> <p>Chairman's enquiry on the feasibility of identifying the masterminds behind illegal depositing activities.</p> <p>The Administration's response that under the existing legislation, dump trucks drivers could be acquitted if they were willing to disclose information on illegal depositing activities, but they usually refused to do so.</p>	

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		<p>The proposed amendment to WDO to require prior written consent of landowners before depositing activities could be carried out would enhance enforcement effectiveness.</p>	
010607 - 010840	Chairman Administration	<p><u>Hong Kong Waste Disposal Industry Association</u></p> <p>Chairman's query whether the low utilization rate of sorting facilities in Tseung Kwan O and Tuen Mun was attributed to the lack of incentive.</p> <p>Administration's response that the existing sorting facilities in Tseung Kwan O and Tuen Mun were under good utilization.</p>	
010841 - 011041	Chairman Administration	<p><u>Hong Kong Dumper Truck Drivers Association</u></p> <p>In response to Chairman's enquiry, the Administration confirmed that a trial scheme on the feasibility of combining the CHIT system and TTS was underway. It was the long-term goal to combine the two systems, subject to the outcome of the trial scheme.</p>	
011042 - 011520	Chairman Administration	<p><u>WWF Hong Kong</u></p> <p>Chairman's enquiry on the progress and effectiveness of installation of closed-circuit television (CCTV) at fly-tipping black spots to prevent such activities.</p> <p>Administration's response -</p> <p>(a) installation of CCTVs on pilot basis at Tai Po Road carpark and Siu Lang Shui had been completed in January 2010;</p> <p>(b) CCTVs were quite effective in collecting evidence for prosecution against fly-tipping, but care had to be taken to avoid invasion of privacy;</p>	

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		<p>(c) measures had been taken to protect CCTVs from vandalization, and alert the public of the presence of CCTVs; and</p> <p>(d) consideration would be given to installing CCTVs at other black spots, subject to the outcome of pilot schemes.</p>	
011521 - 011638	Chairman Administration	<p><u>Advisory Council on the Environment</u></p> <p>Chairman's enquiry on the need to refine the specified form to be used under the proposed amendment to WDO.</p> <p>Administration's confirmation that it would take into account all the views received before finalizing the specified form.</p>	
011639 - 011818	Chairman Administration	<p><u>Hong Kong Institution of Engineers</u></p> <p>In response to Chairman's enquiry, the Administration explained that the technical circular ETWB TC(W) No.31/2004 aimed to strike a balance between prevention of illegal depositing activities and reuse of inert C&amp;D materials for construction.</p>	
011819 - 012150	Chairman Administration	<p><u>Heung Yee Kuk</u></p> <p>Chairman's concern that landowners would be held liable for depositing activities carried out without their consents. To this end, whether consideration would be given to accepting an affidavit of the landowner as a disclaimer for such activities.</p> <p>The Administration agreed to look into the issue.</p>	
012151 - 012500	Chairman	Discussion on the Administration's paper (LC Paper No. CB(1) 1907/09-10(01)).	