

Enclosure

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

**Summary of views of the Hong Kong Institution of Engineers
on enhanced measures to combat fly-tipping and illegal land filling activities**

1. The Institution is in support of the strengthening of measures to combat fly-tipping and illegal filling activities.
2. The essence of the proposals in the Administration's paper CB(1) 1094/09-10(01) is to make the landowners the starting point of control for land under his / their ownership. While certain details of the proposed filling are given on the proposed written permission form, the proposed action by EPD is simply to verify ownership or otherwise, and to initiate notification to all other stakeholder Departments. The checking by EPD officer is not required to consider the consequential environmental issues. It is suggested that the Administration should consider the inclusion of environmental issues in the permission form.
3. The proposals have the effect of making owners legally knowledgeable and hence responsible for filling activities within his / their land. It does not stop owners or his / their agents to carry on illegal filling within their land, nor does it stop third parties from illegally filling onto their land, with or without knowledge of the owner, although without any papers filed, the owners might become accountable for not filing, policing or protecting his / their land. As a consequence, owners will require to be more vigilant and knowledgeable on happenings pertaining to their land. To this end, public consultation from perspective of property and land owners will certainly be required.
4. The required written permission from person / organization in charge of the construction site (part A (iv) of the proposed form) from which the filling comes also makes him / them partially accountable for the filling. However, the exact boundary pertaining to such permission had not been discussed. In such circumstance, there may be difficulties for Government Departments or their Engineers of the construction sites to provide such written permission save certification that the materials arise from their sites.
5. A side but related issue is that, under the current requirement of government contracts, it is virtually impossible to use the fill material from any government construction sites for private construction sites use even when these sites are close. It is suggested that considerations be given to introducing flexibility so that more efficient use of fill material is possible.