

For information

Legislative Council Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

**Response to follow-up actions arising from
the discussion at the meeting on 19 April 2011**

PURPOSE

This paper sets out the Administration's response to the follow-up actions arising from the meeting of the Subcommittee on Combating Fly-tipping held on 19 April 2011.

OVERLOADING OF DUMP TRUCKS

2. Overloading of dump trucks as referred to in the submission from the Hong Kong Dumper Truck Drivers Association (HKDTDA) is an issue that the Administration is concerned about. Concerted efforts by various Bureaux and Departments are in place to exercise control from a holistic approach including measures to exercise management at source. For instance, in respect of public works, the works departments have already requested site supervisors to enhance their monitoring so as to ensure that no overloaded dump trucks would be allowed to depart from their construction sites. For private works, under the proposed Guidelines on Trip Ticket System proposed by the Construction Industry Council, there would be site supervisory personnel to man each exit to ensure that every truck carrying construction and demolition (C&D) materials leaving the site would bear a duly completed CHIT or Disposal Delivery Form, and the volume of the C&D materials would be recorded. In this regard, the site staff would be able to spot overloaded trucks.

3. Separately, during their inspections, the Labour Department would remind the management of construction sites not to overload dump trucks. The Police would also continue with their efforts in combating the overloading problem from the perspective of road safety.

4. Control measures at the designated waste disposal facilities¹ form part of the Administration's holistic approach in combating the overloading of dump trucks. Through rejecting overloaded dump trucks at the disposal facilities, a clear signal can be sent to the relevant stakeholders that overloading of dump trucks is not acceptable. Hitherto, overloaded trucks would be rejected at disposal facilities operated by CEDD and EPD subject to a buffer of up to 5% of the permitted gross vehicle weight (PGVW). However, haulers considered that they only deliver construction wastes to the reception facilities as per contractor's instructions; the control measures of rejected entry would only affect them but not the contractors who should be the party responsible for the overloading problem at source. In response to the feedback from various haulers' associations received in March 2010, CEDD temporarily suspended the control measure of rejected entry in May 2010 pending further consultation with the associations on their concerns.

5. While actions as outlined in paragraphs 2 and 3 above are undertaken to avoid overloading of dump trucks at source, the Administration has also taken on board suggestions of hauler associations to enhance transparency and facilitate better control of the overloading problem by helping to identify the potential problematic sites that might be the sources of construction waste overloading. Starting from early June 2011, we will regularly upload onto the construction waste charging scheme website the PGVW of all vehicles that have disposed of construction waste at designated waste disposal facilities.

6. As these additional control measures could strengthen the deterring effect against overloading of dump trucks, CEDD has been liaising with the trade to advise its members of the developments with a view to reinstating the said control measure of rejected entry of overloaded trucks as soon as practicable. Our liaison with the trade would continue. Meanwhile, CEDD has already started issuing warning

1 At present, different designated waste disposal facilities are operated by the Civil Engineering and Development Department (CEDD) and the Environmental Protection Department (EPD) to receive the construction wastes generated from construction works –

- (a) Public Fill Reception Facilities operate by CEDD, which receives entirely inert construction wastes consisting of rock, rubble, boulder, earth, soil, sand, concrete, asphalt, brick, tile, masonry or used bentonite.
- (b) Sorting Facilities operate by CEDD, which receives construction wastes containing more than 50% by weight of inert construction waste.
- (c) Landfills operate by EPD which receives construction wastes containing less than 50% by weight of inert construction waste.

letters to account holders with serious overloading records.

7. We believe that the multi-pronged control measures could effectively address the concerns about the overloading of dump trucks. We also note the recommendations set out in the submission from the HKDTDA including the suggestion of adopting relevant GPS applications. We met the HKDTDA representatives in early April and explained our observations at the Subcommittee meeting of 19 April 2011. In gist, the GPS applications have been installed in 12 dump trucks for a trial which is now underway. Preliminary performance assessment reveals that the system was good for tracking and fleet management, but not necessarily effective in monitoring overloading or illegal dumping. The GPS service provider would also have to look at some technical issues such as prevention of tampering of device and manipulating of record. Separately, how the relevant records could complement prosecution actions as evidences admissible in court would have to be further explored. These issues have to be further examined before the suitability of such applications for addressing the overloading problem could be ascertained.

RECOVERY OF COST INCURRED FROM REINSTATEMENT WORKS

8. Under Section 18A(1)(b) of the Waste Disposal Ordinance, Cap. 354 (WDO), if a person is convicted of an offence in respect of waste deposited on Government land and the Director of Environmental Protection (DEP) had already removed the waste, the magistrate may order the convicted person to pay the DEP any expenses reasonably incurred by him in carrying out the removal. Accordingly, the WDO provides for recovery of the cost of removal of waste only.

9. The situation in landfilling cases involving Government land is often more complex in that apart from waste removal, there could be other works such as removal of temporary structures, repairs or replacement of damaged Government properties, and reinstatement of damaged Government land. In such circumstances, the magistrates would find it inappropriate to order the convicted person, as part of the criminal proceedings under the WDO, to pay the cost not related to waste removal. Yet there are also avenues for the concerned government departments to recover the cost incurred by them by way of civil actions through the Department of Justice (DoJ). For instance, in the Shing Mun Road case, DoJ successfully entered a default judgement against the

convicted person requiring him to pay the cost incurred by the DEP for removal of the waste and reinstatement of the roadside railings.

Environmental Protection Department
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