

政府總部
發展局
規劃地政科



**Planning and Lands Branch
Development Bureau
Government Secretariat**

香港添馬添美道二號
政府總部西翼十七樓

17/F, West Wing,
Central Government Offices,
2 Tim Mei Avenue, Tamar,
Hong Kong

本局檔號 Our Ref. DEVB(PL-CR)1-160/20 Pt.3
來函檔號 Your Ref. CB(4)/PAC/R61

電話 Tel.: 3509 8830
傳真 Fax: 2845 3489

16 December 2013

Miss Mary So
Clerk to Public Accounts Committee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Fax: 2840 0716)

Dear Miss So,

**Public Accounts Committee
Consideration of Chapter 2 of the Director of Audit's Report No. 61
Management of Roadside Skips**

We refer to your letter of 4 December 2013 to the Secretary for Development and have been authorised to reply on his behalf.

Our response to the questions raised in your letter is set out below. We note that questions (a) and (b) have also been addressed to the Secretary for the Environment and the Secretary for Transport and Housing. Our response to these two questions is a joint response by the three Bureaux.

(a) which policy bureau will lead the “聯合工作小組” set up to deal with the problems caused by roadside skips

As we informed the Public Accounts Committee (“PAC”) at its meeting on 2 December 2013, the issues arising from management of roadside skips are multi-faceted, cutting across various aspects including obstruction and causing safety risks to road users, degradation of environmental and public hygiene, nuisance and obstruction to the neighbourhood and pedestrians, damage of roads as well as unlawful occupation of Government land. In view of the complex and diverse

nature of the issues involved, a joint working group (“WG”) will be formed with key participation from the three Bureaux as well as other relevant departments to analyze the problems relating to roadside skips and discuss how best they should be tackled. Appropriate strategies and actions plans for better regulating and facilitating proper skip operations will be formulated. The WG will also examine the most suitable authority for the overall management of skip operations. At the initial stage, the Development Bureau will coordinate the input of the relevant bureaux and departments to the work of the WG.

- (b) whether the one-year timeframe for the “聯合工作小組” to come up with effective measures to address the problems of roadside skips, including deciding whether the problems are a land or a traffic management and road safety issue and demarcating the responsibilities between the Transport Department (“TD”) and the Lands Department (“LandsD”) in dealing with the problems, could be shortened; and if so, when**

It would be imperative for the WG to carefully examine the various issues concerning roadside skips, ascertain the relevant legal aspects and explore different options to enhance the existing mechanism or introduce new regulatory system. The WG would also need to allow sufficient time for the relevant stakeholders to provide feedback on the options to be identified. It is important to allow sufficient time for the work and our initial assessment is that about a year is required. That said, in the light of the PAC’s comments, the WG will commence the necessary work as soon as possible and endeavour to expedite actions with a view to mapping out more effective measures as appropriate. The WG will report progress in its half-yearly report to PAC.

- (c) whether consideration would be given to revisiting the feasibility of adopting a “hybrid” permit system, proposed by the Home Affairs Department, for regulating skip operations under which the LandsD would be the authority for granting permits whilst the TD would process applications having regard to road safety and traffic**

and

- (f) whether consideration would be given to requiring skip owners to purchase accident insurance for their skips placed on roadside**

As mentioned above, the WG will analyze the problems relating to roadside skips and discuss how best they should be tackled. The issues raised by PAC would be among those to be considered by the WG.

- (d) whether the Administration agrees that the nature of a short-term tenancy for use of Government land is inherently different from that of a licence applied from the LandsD under section 5 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) for temporary occupation of Government land**

A Short Term Tenancy issued by Lands Department (LandsD) is a contractual agreement between the Government as landlord and the applicant as tenant for the use of government land. It carries a landlord and tenant relationship and confers legal estate to the tenant. It is usually for a fixed term of three months to three years, and may carry provisions for extension. The landlord is free to determine the rental to be charged and to make adjustment in accordance with the provisions in the tenancy agreement.

On the other hand, a licence issued by LandsD under s. 5 of Cap. 28 is simply a permission to occupy unleased land (government land) according to the statutory provision. It neither carries a landlord and tenant relationship nor confers any legal estate to the tenant. These licences normally carry a fixed term and may carry provisions for extension. The fees chargeable are prescribed under Schedule 1-3 of the Land (Miscellaneous Provisions) Regulations.

Apart from the issue of licences under Cap. 28, LandsD may also permit temporary occupation of government land through the issue of “no objection letters” in its capacity as private landlord. For instance, LandsD issues such “no objection letters” in respect of applications for temporary occupation of specific locations in support of ad hoc activities, e.g. the setting up of fund-raising counters and flower plaques on public pavements. These are usually issued in support of special, ad hoc events and seldom involve the occupation of roads.

- (e) what information does the Buildings Department have on the number of skips in operation at building and renovation sites**

The Buildings Department (BD) is responsible for making provision for the planning, design and construction of buildings and associated works under the Buildings Ordinance (Cap. 123) (BO). Under BO, all building works in private buildings require prior approval of building plans and consent for commencement from the Building Authority (BA), except for building works exempted under Section 41 of the BO or minor works covered by the Building (Minor Works) Regulation. The approval and consent process would ensure that the proposed works are generally in compliance with the BO and the allied regulations. In

addition, except for exempted building works, submission of notices to BA prior to the actual commencement and after completion of the building works is in general required. The notices would serve the purpose of informing BA of the start and end of the relevant building works.

The use of roadside skips concerns choice of working procedures for temporary storage of construction or renovation waste by the Authorized Person or building contractors/decorators and owners/clients concerned, having regard to the site constraints, etc. Such temporary storage is not a matter covered by the approvals, consents or notices as mentioned above. Thus, BD does not have information on the usage of roadside skips in operation. The use of roadside skips is not a matter regulated under BO. It is not appropriate for BA to impose any condition in relation to this aspect in granting approval of building plans and consent to the commencement of building works. Besides, as explained above, not all the building works require prior approval of building plans and consent for commencement from BA.

Yours sincerely,



(Law Kin-wai)

for Secretary for Development

c.c.

Secretary for Transport and Housing	2523 9187
Secretary for the Environment	2537 7278
Secretary for Home Affairs	2537 6319
Director of Home Affairs	2834 5103
Director of Environmental Protection	2891 2512
Director of Lands	2152 0450
Commissioner for Transport	2598 5575
Commissioner of Police	2520 1210
Secretary for Financial Services and the Treasury	2147 5239
Director of Audit	2583 9063



立法會

LEGISLATIVE COUNCIL

來函檔號 YOUR REF : CB(4)/PAC/R61
本函檔號 OUR REF : 3919 3419
電話 TELEPHONE : 2840 0716
圖文傳真 FACSIMILE :

4 December 2013

(Urgent by fax: 2151 5303)

Mr Paul CHAN Mo-po, MH, JP
Secretary for Development
18/F, West Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

Dear Mr CHAN

Public Accounts Committee

Consideration of Chapter 2 of the Director of Audit's Report No. 61

Management of roadside skips

Thank you for attending the public hearing on 2 December 2013.

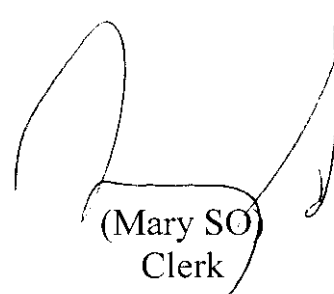
To facilitate the Committee's consideration of the captioned Chapter of the Director of Audit's Report No. 61 ("Audit Report"), I should be grateful if you could provide responses in writing to the following:

- (a) which policy bureau will lead the "聯合工作小組" set up to deal with the problems caused by roadside skips;
- (b) whether the one-year timeframe for the "聯合工作小組" to come up with effective measures to address the problems of roadside skips, including deciding whether the problems are a land or a traffic management and road safety issue and demarcating the responsibilities between the Transport Department ("TD") and the Lands Department ("Lands D") in dealing with the problems, could be shortened; and if so, when;

- (c) whether consideration would be given to re-visiting the feasibility of adopting a "hybrid" permit system, proposed by the Home Affairs Department, for regulating skip operations under which the Lands D would be the authority for granting permits whilst the TD would process applications having regard to road safety and traffic;
- (d) whether the Administration agrees that the nature of a short-term tenancy for use of Government land is inherently different from that of a licence applied from the Lands D under section 5 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) for temporary occupation of Government land;
- (e) what information does the Buildings Department have on the number of skips in operation at building and renovation sites; and
- (f) whether consideration would be given to requiring skip owners to purchase accident insurance for their skips placed on roadside.

I should be grateful if your responses in writing could reach us **on or before 11 December 2013 (Wednesday)**. In line with our usual practice, your responses may be included as Appendices in the Committee's Report which will be published in both English and Chinese. You are thus requested to provide a Chinese translation of your responses at the same date. In the meantime, please provide a soft copy of your responses (in Microsoft Word format) via e-mail to sywan@legco.gov.hk.

Yours sincerely



(Mary SO)
Clerk

Public Accounts Committee

- c.c. Secretary for the Environment (fax no. 2537 7278)
- Secretary for Transport and Housing (fax no. 2537 6519)
- Director of Environmental Protection (fax no. 2891 2512)
- Director of Lands (fax no. 2152 0450)
- Commissioner for Transport (fax no. 2598 5575)
- Commissioner of Police (fax no. 2520 1210)
- Secretary for Financial Services and the Treasury (fax no. 2147 5239)
- Director of Audit (fax no. 2583 9063)