

立法會
Legislative Council

LC Paper No. CB(1)1102/15-16
(These minutes have been seen
by the Administration)

Ref : CB1/SS/7/15/1

**Subcommittee on Waste Disposal (Designated Waste Disposal Facility)
Regulation (Amendment of Schedule 1) Notice 2016 and
Waste Disposal (Charges for Disposal of Construction Waste)
Regulation (Amendment of Schedule 4) Notice 2016**

**Minutes of first meeting
held on Wednesday, 18 May 2016, at 8:45 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Dr Hon Kenneth CHAN Ka-lok (Chairman)
Hon Cyd HO Sau-lan, JP
Hon CHAN Hak-kan, JP
Hon Alan LEONG Kah-kit, SC
Hon Frankie YICK Chi-ming, JP
Dr Hon Elizabeth QUAT, JP

Member absent : Ir Dr Hon LO Wai-kwok, SBS, MH, JP

**Public Officers
attending** : **For item II**

Mr David WONG, JP
Assistant Director (Environmental Compliance)
Environmental Protection Department

Mr Joe FONG
Principal Environmental Protection Officer (Regional
South)
Environmental Protection Department

Mr Peter MOK
Chief Engineer/Fill Management
Civil Engineering and Development Department

Mr Gary LI
Government Counsel
Department of Justice

Clerk in Attendance : Ms Doris LO
Senior Council Secretary (1)1

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Ms Mandy LI
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

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I. Election of Chairman

Mr CHAN Hak-kan, the member who had the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr CHAN Hak-kan was nominated by Mr Frankie YICK. Mr CHAN Hak-kan declined the nomination. Dr Kenneth CHAN was nominated by Mr Alan LEONG and the nomination was seconded by Mr Frankie YICK. Dr Kenneth CHAN accepted the nomination. There being no other nominations, Dr Kenneth CHAN was declared Chairman of the Subcommittee. Dr Kenneth CHAN took the chair.

3. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

(L.N. 49 of 2016 and L.N. 50 of 2016 — Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedule 1) Notice 2016 and Waste Disposal (Charges for

Action

	Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2016
File Ref: EP1014/P3/11	— Legislative Council Brief
LC Paper No. LS51/15-16	— Legal Service Division Report
LC Paper No. CB(1)927/15-16(01)	— Marked-up copy of relevant provisions as amended by the subsidiary legislation prepared by the Legal Service Division (Restricted to members)
LC Paper No. CB(1)927/15-16(02)	— Background brief prepared by the Legislative Council Secretariat)

Discussion

4. The Subcommittee deliberated (index of proceedings attached at the **Annex**).

5. Members agreed that there was no need to invite views from the public on the Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedule 1) Notice 2016 and the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2016 ("the two Notices").

6. The Chairman concluded that the Subcommittee had completed scrutiny of the two Notices.

III. Any other business

Legislative timetable

7. Members noted that the scrutiny period of the two Notices would expire at the Council meeting of 1 June 2016, and that the deadline for giving notice of amendment to the two Notices would be 25 May 2016 if the scrutiny period was not extended. To allow more time for the Subcommittee to prepare a report on

Action

its deliberations for submission to the House Committee ("HC"), the Chairman would move a motion at the Council meeting of 25 May 2016 to extend the scrutiny period to the Council meeting of 22 June 2016.

(Post-meeting notes:

- (a) the motion moved by the Chairman to extend the scrutiny period of the two Notices was not reached at the Council meeting of 25 May 2016. It was carried over to the Council meeting of 1 June 2016, but was still not dealt with upon adjournment of that Council meeting. The scrutiny period for the two Notices had lapsed; and
- (b) the Chairman reported the Subcommittee's deliberations to HC on 3 June 2016.)

8. There being no other business, the meeting ended at 9:56 am.

Council Business Division 1
Legislative Council Secretariat
6 July 2016

**Subcommittee on Waste Disposal (Designated Waste Disposal Facility)
Regulation (Amendment of Schedule 1) Notice 2016 and
Waste Disposal (Charges for Disposal of Construction Waste)
Regulation (Amendment of Schedule 4) Notice 2016**

**Proceedings of the first meeting
on Wednesday, 18 May 2016, at 8:45 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I — Election of Chairman			
000551 - 000747	Mr CHAN Hak-kan Mr Frankie YICK Mr Alan LEONG Dr Kenneth CHAN	Election of Chairman	
Agenda Item II — Meeting with the Administration			
000748 - 000854	Chairman	Opening remarks	
000855 - 001342	Administration	<p>Briefing by the Administration on the Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedule 1) Notice 2016 and the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2016 ("the two Notices") which sought to update the number of the plan delineating the boundaries of the Tseung Kwan O Area 137 Fill Bank ("the TKO Fill Bank")</p> <p>Members noted that the provision of sites for leasing as short-term tenancy sites to the skip operator trade for storing idling skips was among the short-term measures proposed by the Joint Working Group on Management of Roadside Skips ("JWG") to enhance the management of skips. JWG had initially identified two skip storage sites which were at the TKO Fill Bank and Siu Lang Shui ("SLS") in west Tuen Mun respectively. In this connection, a lot of land from the boundaries of the TKO Fill Bank had been taken out for storage of skips, and hence the number of the plan delineating the boundaries of the TKO Fill Bank had to be updated. Members also noted the Administration's plan to make available the two skip storage sites as soon as possible within 2016.</p>	

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001343 - 001914	Chairman Mr Frankie YICK Administration	<p>Mr Frankie YICK expressed the views that:</p> <ul style="list-style-type: none"> (a) the Administration should identify more skip storage sites. He suggested making use of a site at Tseung Kwan O ("TKO") that was pending for leasing out as a fee-paying public carpark, as the supply of car parking spaces in TKO was currently more than adequate; (b) members of the skip operator trade had reflected that the closing time of the skip storage site at the TKO Fill Bank at 10:00 pm daily was too early to meet the trade's operational needs, and they urged the Administration to extend the operation hours to 12:00 midnight; and (c) members of the skip operator trade considered that some form of regulation could facilitate their operations. They reflected that they were often denied third party legal liability insurance coverage by insurers, and as such their business was not protected against any loss or damages in case of accidents. As the Administration would meet with the skip operator trade in late May 2016, Mr YICK hoped that the Administration could address the trade's concerns at the meeting. <p>The Administration advised that the Environmental Protection Department ("EPD") would explore with the Civil Engineering and Development Department ("CEDD"), which was in charge of the management of the TKO Fill Bank and a Temporary Construction Waste Sorting Facility ("TCWSF") in the area, regarding the possibility of extending the operation hours of the concerned skip storage site beyond 10:00 pm, subject to availability of manpower and resources.</p>	
001915 - 003349	Chairman Mr Alan LEONG Administration	<p>Mr Alan LEONG enquired about:</p> <ul style="list-style-type: none"> (a) the scope and progress of JWG's work, and whether the Environment Bureau ("ENB") and EPD had played a leading role in coordinating efforts of all relevant bureaux/departments ("B/Ds") under JWG in taking forward JWG's initiatives. Given that the issues of roadside skips involved various B/Ds, he expressed concerns that no B/Ds taking up the overall responsibility for relevant issues would 	

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		<p>undermine the effectiveness of the management of skip operations by the Government; and</p> <p>(b) how effective the measures of provision of skip storage sites and engaging a service provider to speedily remove skips could be in tackling the problem of mobile/idling skips being indiscriminately placed at the roadside, and in particular along bus routes, nearby taxi stands and roundabouts, etc. thus posing imminent safety risks to the public.</p> <p>The Administration responded that ENB and EPD had been taking the lead to coordinate efforts of various B/Ds joining JWG, and advised that:</p> <p>(a) most of the skips under complaint were those mobile/idling skips being placed at the roadside for a prolonged duration by skip operators for convenience. JWG had proposed to adopt a two-pronged approach to tackle the problem, i.e. providing skip storage sites, and in parallel enhancing enforcement efficiency;</p> <p>(b) the skip storage site at the TKO Fill Bank could facilitate skip operators to properly store idling skips in the area, instead of placing the skips indiscriminately at the roadside of the TKO Industrial Estate. JWG would review the usage of the proposed two skip storage sites, feedbacks from the skip operator trade, as well as whether there were any other suitable sites available, and consider in due course whether additional skip storage sites should be provided;</p> <p>(c) for roadside skips that were causing obstruction or imminent danger to the public, the Hong Kong Police Force ("HKPF") would send a police officer to the scene to make assessment. In a warranted case, the police officer might issue advice and/or warnings to the concerned skip operator and require him to remove the skips immediately. About 80% of the skips concerned were removed by the skip operators within a few hours after issuance of the advice/warnings; and</p> <p>(d) to enhance enforcement efficiency, a service provider would be engaged under a dedicated service contract to support the enforcement departments in speedy removal of skips at any</p>	

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		<p>time upon request. The service contract would be commissioned when the proposed skip storage sites at the TKO Fill Bank and SLS were available for storage of idling skips.</p> <p>Noting that there were about 2 000 mobile/idling skips but the proposed two skip storage sites could only provide about 200 storage spaces in total, which were obviously far from adequate, Mr Alan LEONG urged the Administration to identify more skip storage sites to meet the demand as soon as possible.</p>	
003350 - 005455	Chairman Ms Cyd HO Mr Frankie YICK Administration	<p>Ms Cyd HO expressed the views that:</p> <p>(a) in determining the closing time of the skip storage site at the TKO Fill Bank, it was necessary to understand the operational needs of the trade during late-night hours and how far such needs could be met by government resources, while at the same time the Administration should consider the impact, such as noise nuisance, accelerated wear and tear of road surface, etc. on the local communities. She suggested providing some form of incentives, such as storage fee discount, to encourage skip operators to place their skips at the site at an earlier time of the day to minimize the noise impact at night time; and</p> <p>(b) it appeared that there was an absence of a yardstick for determining how long a skip could be allowed to be placed on the roadside. She asked how long it would take for private contractors hired by the enforcement departments to remove roadside skips.</p> <p>Mr Frankie YICK advised that while some skips were used for collecting construction waste from construction sites after the end of construction operations by around 7:00 pm each day, some other skips were used for collecting construction waste from residential estates, shopping malls or commercial buildings late at night, such as at around 9:00 pm to 10:00 pm, so as to avoid affecting the normal daytime activities at such places. As such, it was likely that some skips would be placed at the skip storage site at TKO Fill Bank as late as around 12:00 midnight after disposing the construction waste collected. He expressed the views that:</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(a) the root of the problems caused by roadside skips was the lack of effective regulation over skip operations; and</p> <p>(b) skip operators were only requested to comply with the guidelines issued by the Transport Department and EPD on a voluntary basis. Many skip operations were not in compliance with the guidelines, For example, many roadside skips were painted in dark colours instead of in bright yellow, most were not affixed with reflective strips, no yellow warning lanterns were attached at upper corners of skips during the hours of darkness, and some were even placed at improper locations like at cul-de-sacs, or near roundabouts and road junctions that had posed safety risks to road users and pedestrians. Mr YICK urged the Administration to consider introducing a permit system for regulating and facilitating skip operations, conducting annual examination on the skips and assigning serial number to each skip to facilitate tracking.</p> <p>The Administration responded that:</p> <p>(a) on-site staff from CEDD were deployed to oversee site operations during the operation hours of the TKO Fill Bank and TCWSF, which normally closed at 8:00 pm and 10:00 pm respectively. As the proposed skip storage site was within the area of the TKO Fill Bank, setting the closing time of the site beyond 10:00 pm had additional manpower and resource implications, and might involve adjustments of the physical settings of the facilities. It was envisaged that only a small number of skips would need to be placed at the skip storage site beyond 10:00 pm;</p> <p>(b) in comparison with placing construction waste in public places such as roadside and pavement awaiting collection for disposal in the past, the use of skips was an effective means to reduce environmental nuisance and facilitate the construction and fitting-out trades to dispose of such wastes in a tidy and orderly manner;</p> <p>(c) currently HKPF took enforcement actions against roadside skips which caused serious obstruction or imminent danger to the public.</p>	

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		<p>For non-emergency cases handled by the Lands Department ("LandsD"), about 99% of such cases were removed by the skip operators usually within two days after posting of notices by LandsD; and</p> <p>(d) HKPF and LandsD might hire a contractor on an ad hoc basis to remove skips. However, it might took four to six hours before the skips concerned were removed by the contractor. As such, JWG had proposed to engage a contract service provider which would be required under the service contract to remove roadside skips at any time of the day upon request.</p> <p>The Chairman urged the Administration to actively engage members of the trade and the local communities concerned in respect of its initiatives of enhancing management and enforcement of roadside skips, with a view to better address their concerns and garner their support.</p>	
005456 - 010824	Chairman Dr Elizabeth QUAT Administration	<p>Dr Elizabeth QUAT indicated that some TKO residents affected by the noise nuisance generated from waste collection vehicles passing through Wan Po Road had expressed concern about the operation of the skip storage site at the TKO Fill Bank, which was immediately adjacent to the South East New Territories ("SENT") Landfill. She noted that the adjoining communities had previously requested closing the waste disposal facilities earlier in the night to reduce nuisance, and the operation hours of the TKO Fill Bank had been reduced in response. The residents had strongly requested the Administration to undertake that the operation hours of SENT Landfill and waste disposal facilities in the area would not be extended due to the operation of the skip storage site. Dr QUAT called on the Administration to:</p> <p>(a) address the concerns of the local communities, in particular regarding the potential noise nuisance arising from late night operations; and</p> <p>(b) identify another site which was far away from residence and could match the operation time of the skip operator trade.</p> <p>The Administration explained that as the proposed skip storage site was within the TKO Fill Bank, skip operators could directly place the skips at the storage</p>	

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		<p>site after delivering wastes to the Fill Bank, without having to make additional trips up Wan Po Road. It was envisaged that the use of the site for storage of skips would not cause additional nuisance to the local communities and road traffic.</p> <p>Further elaborations by Mr Frankie YICK on skip operations at late-night hours.</p> <p>The Administration advised that:</p> <p>(a) the current closing time of the TKO Fill Bank and TCWSF was 8:00 pm and 10:00 pm respectively, and that of the SENT Landfill was 10:00 pm. It would assess the potential nuisance to residents living in the vicinity of Wan Po Road before deciding whether and how far the operation hours of the skip storage site could be extended beyond 10:00 pm; and</p> <p>(b) it confirmed that any extension of the operation hours of the skip storage site would not affect the current operation hours of the SENT Landfill and waste disposal facilities in the area.</p> <p>The Chairman enquired about the timetable of consulting local communities on the operational arrangements of the skip storage site at the TKO Fill Bank. In response, the Administration advised that:</p> <p>(a) the Administration had maintained regular communications with the local communities through district liaison groups, subcommittees of the district council, and representatives of the owners of housing estates (e.g. LOHAS Park) in the district; and</p> <p>(b) it undertook to continue liaising with the skip operator trade and local communities in TKO regarding the operational arrangements of the skip storage site at the TKO Fill Bank, with a view to addressing their concerns.</p>	
<p>Examination of provisions of the two Notices [The two Notices (L.N. 49 of 2016 and L.N. 50 of 2016)] [Marked-up copy of relevant provisions as amended by the two Notices prepared by the Legal Service Division (LC Paper No. CB(1)927/15-16(01))]</p>			
010825 - 011070	Chairman Administration	<u>Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedule 1) Notice 2016 (L.N. 49 of 2016)</u>	

Time marker	Speaker	Subject(s)	Action required
		<p>1. Commencement</p> <p>2. Waste Disposal (Designated Waste Disposal Facility) Regulation amended</p> <p>3. Schedule 1 amended (designated waste disposal facilities)</p> <p>Members raised no query.</p> <p><u>Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2016 (L.N. 50 of 2016)</u></p> <p>1. Commencement</p> <p>2. Waste Disposal (Charges for Disposal of Construction Waste) Regulation amended</p> <p>3. Schedule 4 amended (charges for disposal of construction waste at public fill reception facilities)</p> <p>Members raised no query.</p>	
Agenda Item III — Any other business			
011071 - 011307	Chairman	Legislative timetable	