

立法會 *Legislative Council*

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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

Background brief

Purpose

This paper provides background information on the Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedule 1) Notice 2016 (L.N. 49 of 2016) and Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2016 (L.N. 50 of 2016) (collectively as "the two Notices"), and gives a brief account on the views and concerns expressed by members of the Panel on Environmental Affairs ("the Panel") concerning the two Notices made in relation to the Administration's proposal to amend the boundaries of the Tseung Kwan O Area 137 Fill Bank ("the TKO Fill Bank"), and the plan to make use of the land taken out from the boundaries for storage of idling cargo compartments (commonly known as "skips").

Background

Regulation of roadside skips

2. Skips are used by the construction and fitting out trades for disposal of construction and renovation waste. Very often, they are placed on the roadside near a construction site or a building under renovation for temporary storage of construction and renovation waste removed from the site or building.
3. Under the current streamlined enforcement procedures, the Hong Kong Police Force ("HKPF") takes enforcement action against roadside skips which cause serious obstruction and imminent danger to the public according to section 4A of the Summary Offences Ordinance (Cap. 228). If the roadside skips under complaint do not cause obstruction, inconvenience or danger to the

public or traffic but illegally occupy government land,¹ the Lands Department ("LandsD") will conduct site inspections within two working days after receiving complaints or referrals from HKPF. LandsD will post notices according to section 6 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) to require the concerned skip owners to remove the skips within one day after a notice is posted, or else the skips will be removed by the LandsD's contractor. In addition, the Environmental Protection Department ("EPD") and the Transport Department ("TD") had issued guidelines for voluntary compliance by skip operators.²

Proposed measures to enhance management of roadside skips

4. In recent years, there has been a significant increase in the number of public complaints over the problems caused by roadside skips. In October 2013, the Director of Audit conducted a review of the Government's effort in managing roadside skips and a relevant report was published in the Director of Audit's Report No. 61 ("the Audit Report"). Following the Audit Report, a Joint Working Group on Management of Roadside Skips ("JWG") led by the Environment Bureau ("ENB") and EPD with participation of eight relevant bureaux and departments was set up in February 2014 to review the problems caused by skip operations and the effectiveness of the existing regulatory regime.³

5. JWG's review found that most of the skips under complaint were being placed on roadside for a prolonged duration by skip operators for convenience. Responses from the trade indicated it was due to a lack of storage sites for idling skips. In the light of the findings, JWG decided to adopt a two-pronged approach in the short term to tackle the problems caused by placement of skips on the roadside or in public places, as follows:

- (a) to identify suitable sites to be made available to skips operators through tendering on short-term tenancies for storing idling skips, with a view to reducing the number of such skips placed on roads or in public places; and

¹ Under section 5 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28), a skip owner may apply for a licence from the Lands Department for temporary occupation of government land.

² The EPD guidelines were issued in December 2007 focusing on measures to reduce environmental problems arising from skip operations, while the TD guidelines were issued in January 2008 covering measures to reduce public safety risks and obstruction to pedestrian and vehicular traffic posed by roadside skips.

³ Other participating bureaux/departments are the Transport and Housing Bureau, the Development Bureau, the Food and Environmental Hygiene Department, the Home Affairs Department (to attend on a need basis), HKPF, the Highways Department, LandsD and TD.

- (b) to enhance enforcement efficiency by engaging term contract service providers to speed up the removal of roadside skips by relevant government departments.

6. In respect of the proposed measure in paragraph 5(a) above, JWG has selected two sites for storage of skips, i.e. a site at the TKO Fill Bank in Sai Kung and another one at Siu Lang Shui ("SLS") in west Tuen Mun.

Provision of a site at the Tseung Kwan O Area 137 Fill Bank for storing skips

7. The TKO Fill Bank is a designated waste disposal facility specified in Schedule 1 of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L) and a public fill reception facility specified in Part 1 of Schedule 4 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354N). According to the Administration, as the selected site at the TKO Fill Bank is within the boundary of a public fill reception facility, the related Plan numbered P 20332-3 has to be amended and updated to clearly define that the proposed site for storing skips is no longer within the boundaries of the TKO Fill Bank.⁴

8. Against the above background, the two Notices were gazetted on 29 April 2016 and tabled at the Council meeting of 4 May 2016. The two Notices respectively amend Schedule 1 to Cap. 354L and Part 1 of Schedule 4 to Cap. 354N to update the number of the Plan delineating the boundaries of the TKO Fill Bank.

9. The two Notices will come into operation on 23 June 2016.

Members' views and concerns

Short-term measures proposed by the Joint Working Group on Management of Roadside Skips

10. On 25 April 2016, the Panel was consulted on JWG's proposed measures⁵ to enhance management of roadside skips, including the proposed amendment to the boundaries of the TKO Fill Bank, and the plan to make use of the land taken out from the boundaries for storage of idling skips.

⁴ The updated Plan numbered P 20332-3-A is in the Annex to the Legislative Council Brief (File Ref. EP1014/P3/11) issued by ENB on 27 April 2016.

⁵ As short-term measures, JWG has proposed to (a) make available land, initially at the TKO Fill Bank and SLS, for storage of skips, and (b) engage a term service provider to support the enforcement departments in speedy removal of skips. JWG will, having regard to the effectiveness of the short-term measures, consider the need to introduce further measures in the longer term.

11. Members in general did not object to the proposed measures. Yet, there was a concern that the provision of the two selected sites respectively at the TKO Fill Bank and SLS could not adequately address the problem of the lack of sites for storage of idling skips. A member pointed out that the provision of about 200 skip storage spaces in total at the two selected sites could only compensate the loss of skip storage spaces currently available at Pak Shing Kok in Tseung Kwan O, as the latter site would be resumed for development into quarters for the Fire Services Department. The Administration responded that it would further review the need for additional sites for storage of idling skips as appropriate after the two selected sites were in use. Regarding the Pak Shing Kok site, EPD would further liaise with the Development Bureau on whether the site could be resumed for development only after the two selected sites were ready for storage of skips.

12. Members enquired about the potential traffic impact on the local areas arising from the use of the selected sites for storage of skips. For the site at the TKO Fill Bank, there was a concern that the closing time of the TKO Fill Bank at 10:00 pm each day was too early to meet the operational needs of the skip operator trade. In this regard, the Administration stated that site visits and traffic impact assessment had been conducted before selecting the two sites. It also advised that the site at the TKO Fill Bank could facilitate proper storage of idling skips in the area by skip operators, and thus could help improve the current problem of skip operators indiscriminately placing the skips at the roadside of Tseung Kwan O Industrial Estate, which had caused obstruction to traffic.

Long-term regulatory measures on skip operations

13. While not objecting to the short-term measures proposed by JWG, members considered it necessary to put in place long-term measures to enhance regulation of roadside skips and facilitate skip operations. Members urged the Administration to review the existing regulatory regime on roadside skips. A member pointed out that the skip operator trade had indicated that they preferred some kind of a permit system for regulating roadside skips to stepping up enforcement actions by the Government. Members also proposed introducing a licensing/registration mechanism, and using technology, such as global positioning system, for regulating and maximizing utilization of skips.

14. In response, the Administration indicated that it would review the effectiveness of the existing regulatory regime on roadside skips and explore long-term measures, including those suggested by members, to better regulate and facilitate the operations of roadside skips, having regard to the effectiveness of the short-term measures implemented by JWG.

Latest development

15. At the House Committee meeting on 6 May 2016, Members agreed that a Subcommittee should be formed to examine the two Notices.

Relevant papers

16. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
17 May 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**

List of relevant papers

Date of meeting	Event	Papers
25 April 2016	Meeting of the Panel on Environmental Affairs	<p>Administration's paper on "Enhancing Management of Roadside Cargo Compartments" (LC Paper No. CB(1)817/15-16(03))</p> <p>Background brief on "Management of roadside cargo compartments" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)817/15-16(04))</p>
4 May 2016	<p>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 tabled at the Council meeting</p>	<p>Legislative Council Brief</p> <p>Legal Service Division Report (LC Paper No. LS51/15-16)</p>