

立法會
Legislative Council

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Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

Minutes of meeting
held on Thursday, 7 May 2009, at 8:30 am
in Conference Room A of the Legislative Council Building

- Members present** : Hon LEE Wing-tat (Chairman)
Hon Audrey EU Yuet-mee, SC, JP
Hon CHEUNG Hok-ming, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
- Public officers attending** : Mr Albert LAM
Deputy Director of Environmental Protection (2)
- Mr TANG Kin-fai
Assistant Director (Environmental Compliance)
Environmental Protection Department
- Dr Alain LAM
Acting Assistant Director (Waste Management Policy)
Environmental Protection Department
- Mr Jonathan LEUNG
Chief Assistant Secretary (Works) 5
Development Bureau
- Mr ROSS Graham Martin
Deputy Director (Specialist) (Lands Administration Office,
Headquarters)
Lands Department
- Mr Patrick LAI
Senior Conservation Officer (Technical Services)
Agriculture, Fisheries and Conservation Department

Ms Phyllis LI
Acting Assistant Director of Planning (Special Duties)
Planning Department

Mr Kelvin CHAN
Chief Town Planner (Central Enforcement and
Prosecution)
Planning Department

**Attendance by
invitation**

: Friends of the Earth (HK)

Ms AU Wing-tsz
Senior Environmental Affairs Officer

WWF Hong Kong

Mr LEE Siu-fung
Conservation Officer, Terrestrial

Tuen Mun District Council

Ms CHAN Shu-ying
District Council Member

Green Sense

Ms HO Ka-po
Project Manager

Living Lamma

Ms Laura RUGGERI
Designated spokesperson

Kadoorie Farm & Botanic Garden Corporation

Mr L C WONG
Conservation Officer

Designing Hong Kong

Mr Paul ZIMMERMAN
Founding member

Hong Kong Construction Association

Mr Russell JONES
Chairman of Environmental Committee

The Conservancy Association

Mr Peter LI
Campaign Manager

Sai Kung District Council

Mr YAU Yuk-lun
District Council Member

Hong Kong Dumper Truck Drivers Association

Mr LEE Chi-fai
Chairman

Federation of Hong Kong Transport Worker Organizations

Mr CHAN Sam-choi
Chairman

Hong Kong Waste Disposal Industry Association

Mr Thomas TAM
Chairman

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)2

Mr Franco KWONG
Council Secretary (1)1

I. Meeting with deputations and the Administration

Meeting with deputations

The Chairman invited views from the following deputations -

1. Friends of the Earth (HK)
LC Paper No. CB(1) 1503/08-09(01) (Chinese version only)
2. WWF Hong Kong
LC Paper No. CB(1) 1503/08-09(02) (English version only)

3. Tuen Mun District Council
4. Green Sense
LC Paper No. CB(1) 1503/08-09(05) (Chinese version only)
5. Living Lamma
LC Paper No. CB(1) 1503/08-09(06) (English version only)
6. Kadoorie Farm & Botanic Garden Corporation
LC Paper No. CB(1) 1503/08-09(07) (English version only)
7. Designing Hong Kong
8. Hong Kong Construction Association
LC Paper No. CB(1) 1503/08-09(08) (English version only)
9. The Conservancy Association
10. Sai Kung District Council
11. Hong Kong Dumper Truck Drivers Association
LC Paper No. CB(1) 1503/08-09(09)
12. Federation of Hong Kong Transport Worker Organizations
13. Hong Kong Waste Disposal Industry Association

Submissions from deputations not attending the meeting

- LC Paper No. CB(1) 1503/08-09(03) — Submission from Green Council (English version only)
- LC Paper No. CB(1) 2043/07-08(02) — Submission from Advisory Council on the Environment
- LC Paper No. CB(1) 1503/08-09(10) — Submission from Green Lantau Association (English version only)
- LC Paper No. CB(1) 1503/08-09(11) — Submission from The Real Estate Developers Association of Hong Kong (English version only)
- LC Paper No. CB(1) 1503/08-09(12) — Submission from Dr YAU Wing-kwong, Tai Po District Council Member (Chinese version only)

Meeting with the Administration

- (LC Paper No. CB(1) 1503/08-09(13) — List of questions raised by Hon LEE Wing-tat (Chinese version only)
- LC Paper No. CB(1) 1503/08-09(14) — Administration's response to CB(1) 1503/08-09(13)
- LC Paper No. CB(1) 1503/08-09(15) — List of improvement measures previously proposed by Members/deputations
- LC Paper No. CB(1) 1503/08-09(16) — List of follow-up actions arising from the discussion at the meeting on 20 April 2009)

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. The Administration was requested to -
 - (a) provide written response to the summary of views and proposed measures put forward by deputations; and
 - (b) include in the above response its assessment on the feasibility of the proposed measures and the possible time frames for implementation.

The Administration's response should be ready for discussion at the next meeting scheduled for 21 May 2009.

II. Any other business

4. There being no other business, the meeting ended at 10:35 am.

Council Business Division 1
Legislative Council Secretariat
11 June 2009

Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

**Proceedings of the meeting
on Thursday, 7 May 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000001 - 000245	Chairman	Opening remarks	
<i>Agenda Item 1 - Meeting with the Administration</i>			
000246 - 000849	Ms AU Wing-tsz, Friends of the Earth (HK)	<p>Expression of views as set out in LC Paper No. CB(1) 1503/08-09(01) -</p> <p>(a) supported the proposed amendment to require any person who intended to deposit waste on any land to produce written permission from the landowner/occupier concerned. Consideration should also be given to requiring the landowner/occupier to obtain prior approval from the Environmental Protection Department (EPD);</p> <p>(b) the trip-ticket system (TTS) should be extended to cover all private works projects to keep track of construction and demolition (C&D) materials; and</p> <p>(c) supported EPD to take the lead in coordinating government efforts in tackling fly-tipping and land filling activities</p> <p>(d) the complaint hotline should be operated on a 24-hour basis</p>	
000850 - 001409	Mr LEE Siu-fung, WWF Hong Kong	<p>Expression of views as set out in LC Paper No. CB(1) 1503/08-09(02) -</p> <p>(a) the Town Planning Ordinance (Cap. 131) (TPO) should be amended to empower the Planning Authority to take enforcement action against land</p>	

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		<p>filling or excavation activities within areas covered by Outline Zoning Plans (OZPs) but previously not covered by the Development Permission Area (DPA) Plans, such as the Lamma Island. As a matter of principle, land zoned for conservation purposes, regardless whether this was covered by a DPA Plan, should be protected from land filling activities;</p> <p>(b) the relevant legislation should be amended to impose heavier penalties, ranging from increased fine to suspension of vehicle licenses and confiscation of dump trucks, for fly-tipping and land filling activities;</p> <p>(c) relevant departments should be empowered to take enforcement action against tree-felling activities on private land within Country Parks and Conservation Areas;</p> <p>(d) supported the installation of close-circuit televisions (CCTVs) and display of warning signage at black spots of fly-tipping and land filling activities; and</p> <p>(e) sufficient manpower should be deployed to handle complaints against fly-tipping and land filling activities; and</p> <p>(f) consideration should be given to introducing a “spotter scheme” with District Councils and green groups to recruit volunteers with relevant knowledge to report any fly-tipping activities</p>	
001410 - 001929	Ms CHAN Shu-ying, Tuen Mun District Council	The Home Affairs Department (HAD) should be involved in combating fly-tipping and land filling activities since many roads in the	

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		rural area, such as Yick Yuen Tsuen in Tuen Mun, were commissioned by HAD under the Minor Works Programmes. Fly-tipping and land filling activities in the proximity of these roads should come under the jurisdiction of HAD	
001930 - 002351	Ms HO Ka-po, Green Sense	<p>Expression of views as set out in LC Paper No. CB(1) 1503/08-09(05) -</p> <ul style="list-style-type: none"> (a) complaints against land filling activities on private land should be handled as soon as practicable; (b) the relevant legislation should be amended to empower EPD to take enforcement action against land filling activities on private land; (c) publicity should be stepped up to encourage the public to report illegal land filling activities; and (d) inter-departmental coordination should be enhanced to ensure prompt enforcement action against fly-tipping and land filling activities 	
002352 - 002919	Ms Laura RUGGERI, Living Lamma	<p>Expression of views as set out in LC Paper No. CB(1) 1503/08-09(06) -</p> <ul style="list-style-type: none"> (a) the Administration was not able to take prompt action against land filling activities on private land in the Lamma Island; (b) some landowners tried to destroy the ecological value of their land through land filling to pave way for development; (c) land filling activities would not only destroy the natural habitats of protected species, but also affect the livelihood of those who depended on “eco-tours”; and 	

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		(d) the relevant legislation should be amended to protect conservation areas from land filling activities, regardless whether the land was covered by Development Permission Area Plans	
002920 - 003530	Mr L C WONG, Kadoorie Farm & Botanic Garden Corporation	<p>Expression of views as set out in LC Paper No. CB(1) 1503/08-09(07) -</p> <p>(a) the relevant legislation should be amended to impose heavier penalties on fly-tipping and land filling activities;</p> <p>(b) supported the proposed legislative amendment to require persons who intended to deposit waste to produce written consent from landowners and seek approval from EPD;</p> <p>(c) supported extending TTS to cover all private works projects;</p> <p>(d) sufficient manpower should be deployed to investigate fly-tipping and land filling activities;</p> <p>(e) supported the installation of CCTVs at black spots of land filling activities; and</p> <p>(f) need to step up publicity and public education on land issue and restrictions, particularly for rural communities</p>	
003531 - 004217	Mr Paul ZIMMERMAN, Designing Hong Kong	<p>Expression of views -</p> <p>(a) a holistic approach should be adopted to review the New Nature Conservation Policy 2004 taking into account conservation and development needs;</p> <p>(b) fly-tipping and land filling activities were expected to surge if the waste disposal charges for C&D waste increased;</p>	

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		<p>(c) a dedicated team should be set up to enforce against fly-tipping and land filling activities; and</p> <p>(d) the relevant legislation should be amended to require landowners/occupiers to display the permits for land filling activities, with clear demarcation of the land concerned, for inspection by all relevant departments</p>	
004218 - 004625	Mr Russell JONES, Hong Kong Construction Association (HKCA)	<p>Expression of views as set out in LC Paper No. CB(1) 1503/08-09(08) -</p> <p>(a) additional works areas associated with government contracts should be provided specifically for sorting and recycling of C&D materials;</p> <p>(b) consideration should be given to encouraging contractors to reduce, segregate and reuse C&D materials by increasing the weight of these practices in assessing tenders for Government building and engineering contracts;</p> <p>(c) consideration should be given to including the use of Global Positioning System (GPS) to keep track of dump trucks as a condition in contracts of Government, MTR Corporation Limited and developers;</p> <p>(d) should provide hands-on training to waste haulers to foster a more proactive manner towards proper disposal of waste, as well as impress on them the dire consequences of illegal dumping</p>	
004626 - 005039	Mr Peter LI, The Conservancy Association	<p>Expression of views -</p> <p>(a) agreed with other deputations on the need to review the New Nature Conservation Policy 2004 to better protect the conservation zones in rural areas;</p>	

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		<p>(b) supported extending TTS to cover all private works projects; and</p> <p>(c) Consideration should also be given to introducing individual blacklisting systems for contractors and waster haulers who had been involved in fly-tipping and land filling activities</p>	
005040 - 005419	Mr YAU Yuk-lun, Sai Kung District Council	<p>Expression of views -</p> <p>(a) declare interest as an indigenous villager;</p> <p>(b) need to strike a balance between conservation and rights of landowners, particularly indigenous villagers;</p> <p>(c) should compensate landowners if their land was not allowed for development due to conservation need</p>	
005420 - 005924	Mr LEE Chi-fai, Hong Kong Dumper Truck Drivers Association	<p>Expression of views as set out in LC Paper No. CB(1) 1503/08-09(09) that it was not fair to hold waste haulers responsible for fly-tipping and land filling activities because most of them were just taking instructions from contractors</p>	
005925 - 010104	Mr CHAN Sam-choi, Federation of Hong Kong Transport Worker Organizations	<p>Expression of views -</p> <p>(a) waste haulers were only instructed by contractors to deposit waste on private land; and</p> <p>(b) supported extending TTS to all private works projects to control fly-tipping and land filling activities at source</p>	
010105 - 010533	Mr Thomas TAM, Hong Kong Waste Disposal Industry Association	<p>Expression of views -</p> <p>(a) extension of TTS to all private works projects could help control fly-tipping and land filling</p>	

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		<p>activities at source; and</p> <p>(b) supported the requirement for any person who intended to deposit waste on private land to obtain prior approval from EPD</p>	
010534 -012206	Chairman Administration	<p>The Administration's response -</p> <p>(a) about 80% to 90% of the complaints against deposition of C&D materials were related to fly-tipping of renovation waste on roadside;</p> <p>(b) coordination among departments had been strengthened to tackle the problem of fly-tipping and land filling activities;</p> <p>(c) EPD had identified two fly-tipping black spots for implementation of a trial fly-tipping control scheme based on remote monitoring by the installation of CCTVs. Care would be taken to avoid invasion of privacy; and</p> <p>(d) EPD was examining the feasibility of tightening the control under the Waste Disposal Ordinance (Cap. 354) (WDO), and deputations' views would be taken into account</p> <p>(e) the Planning Authority (PA) could serve statutory notices requiring the landowner/occupier to discontinue an unauthorized land filling activity under TPO. In the past year, PA had issued over 200 Enforcement/Stop Notices and over 200 Reinstatement Notices to require notice recipients to reinstate the land concerned</p>	

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		<p>(f) prior land filling activities on private land would not facilitate the application for zoning amendment/planning permission of the land concerned for development; and</p> <p>(g) Plan D would progressively prepare statutory plans for the rest of the areas which fell outside Country Parks and DPA, taking into account factors such as conservation value and development pressure;</p> <p>(h) the works departments would estimate the amount of C&D materials to be generated from each public works project, and request contractors to formulate a comprehensive waste management plan;</p> <p>(i) TTS had been applied for all public works contracts since 2005 and the results were satisfactory;</p> <p>(j) for public works contractors, the Development Bureau operated a contractor management system, which could sanction contractor involved in illegal dumping, including suspension from tendering for public works contracts; and</p> <p>(k) additional work areas for public works contracts would be provided as far as practicable to facilitate sorting and recycling of C&D materials</p>	
012207 - 013135	Mr CHEUNG Hok-ming	The Government should be responsible for conservation of natural habitat, not the landowners. Need to respect the development rights of landowners	
013136 - 014021	Ms Audrey EU Chairman Administration	<p>Ms Audrey EU's enquiries -</p> <p>(a) whether prior approval from EPD would be required for land filling</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>activities on private land; and</p> <p>(b) whether the term “waste” could be clearly defined in WDO</p> <p>Administration’s response that EPD was examining the feasibility of introducing such control under WDO. EPD was working with relevant bureaux and departments to develop the details and look into a number of legal and practical issues of the proposal</p>	
014022 - 014600	Mr KAM Nai-wai Chairman Administration	<p>Mr KAM Nai-wai’s enquiries -</p> <p>(a) whether the application of TTS could be made mandatory for private works projects, including small-scale renovation ones;</p> <p>(b) whether GPS would be adopted to keep track of dump trucks;</p> <p>(c) whether the complaint hotline could operate on a 24-hour basis;</p> <p>(d) the time taken for relevant departments to take enforcement actions upon receipt of complaints; and</p> <p>(e) whether the Administration would consider mandating the recycling of C&D materials</p> <p>Administration’s response -</p> <p>(a) the Administration had conveyed to Construction Industry Council (CIC) the suggestion on adopting a voluntary TTS in private works projects;</p> <p>(b) TTS currently adopted by public works contracts had been effective in preventing fly-tipping. Therefore, the use of GPS might not be necessary; and</p>	

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		(c) waste disposal charge would provide incentive for recycling C&D materials	
014601 - 015215	Prof Patrick LAU Administration	<p>Prof Patrick LAU's views/enquiries -</p> <p>(a) need to respect rights of landowners;</p> <p>(b) illegal dumping would increase as a result of high waste disposal charges;</p> <p>(c) need to identify additional areas for temporary storage of C&D materials for future use</p> <p>Administration's response that contractors of private works projects were encouraged to adopt TTS on a voluntary basis, but this might not be technically feasible for small-scale works projects, such as renovation works</p>	
015216 - 015830	Chairman Administration Mr Russell JONES, HKCA	<p>Chairman's views -</p> <p>(a) a notification mechanism should be set up to require contractors, particularly those who specialized in small-scale renovation projects, to inform relevant departments the locations at which they would depositing C&D materials; and</p> <p>(b) HKCA should encourage its members to adopt the best practices of public works projects</p> <p>The Administration's explanation that it was prepared to share its experience on management of C&D materials with the private sector</p> <p>Mr Russell JONES/HKCA's remark that HKCA had launched the Best Practice Guide for Environmental Protecting on Construction Sites to recommend good practice for enhancing environmental performance of construction</p>	

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		activities	
015831 - 020018	Mr Paul ZIMMERMAN, Designing Hong Kong	Expression of views - (a) in addition to TTS, the proposed permit system for disposal of C&D materials could ensure proper disposal of these materials; and (b) the permit should contain clear demarcation of the site for land filling purpose for inspection by all relevant departments	
020019 - 020148	Ms CHAN Shu-ying, Tuen Mun District Council	Supported the setting up of a permit system to regulate land filling activities, but the conditions should be clearly spelt out in the permits	
020149 - 020300	Mr KAM Nai-wai Administration	Mr KAM Nai-wai's enquiry about the complaint handling procedures The Administration's explanation that for urgent cases, EPD would carry out inspection within 24 hours or as soon as practicable upon receipt of a complaint. If necessary, EPD would refer the case to the Lands Department and Plan D to conduct more in-depth investigation	
020301 - 020353	Chairman Administration	The Administration was requested to provide written response to deputations' views before the next meeting on 21 May 2009	The Administration to provide written response to the views/proposed measures put forward by deputations, and to include in its response assessment on the feasibility of the proposed measures as well as the possible time frames for implementation