

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

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Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

Minutes of meeting
held on Wednesday, 3 February 2010, at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Hon LEE Wing-tat (Chairman)
Hon Audrey EU Yuet-mee, SC, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon KAM Nai-wai, MH

Public officers attending : **For item II**

Dr Kitty POON
Under Secretary for the Environment

Mr TANG Kin-fai
Assistant Director (Environmental Compliance)
Environmental Protection Department

Ms Margaret HSIA
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 CHAN Chung-yuen
Senior Engineer (Boundary)
Transport Department

Mr CHEUNG Kwok-wai
Senior Conservation Officer (Technical Services)
Agriculture, Fisheries and Conservation
Department

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

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

Mr Fedrick KAN
Chief Engineer (Mainland North)
Drainage Services Department

Mr KONG Man-keung
Superintendent of Police (Divisional Commander
Lok Man Chau Division)
Hong Kong Police Force

Mr Kelvin IP
Chief Inspector of Police (Assistant Divisional
Commander (Operation) Lok Ma Chau Division)
Hong Kong Police Force

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

Staff in attendance : Mr Franco KWONG
Council Secretary (1)1

I. Confirmation of minutes

(LC Paper No. CB(1) 960/09-10

— Minutes of the meeting held on
4 January 2010)

The minutes of the meeting held on 4 January 2010 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1) 1026/09-10(01) — Administration's paper on progress of measures to combat land filling and fly-tipping activities

LC Paper No. CB(1) 1063/09-10(01) — Submission from Hong Kong Dumper Truck Drivers Association (Chinese version only)

2. The Subcommittee deliberated (Index of proceedings attached in **Annex**).
3. The Administration was requested to -
 - (a) advise whether the definition of "waste" under the Waste Disposal Ordinance (Cap. 354) (WDO) would be amended in parallel with the proposed amendment to section 16A of WDO against unauthorized depositing of abandoned construction and demolition (C&D) materials on private land. If not, land owners might circumvent the new notification requirement by claiming that the C&D materials deposited on their land were for storage purpose. To also advise the circumstances where owners could not be found;
 - (b) advise the time-frame within which statutory plans for areas currently not covered by these plans would be completed;
 - (c) consider erecting fences/bollards to demarcate the width of existing rural roads to prevent felling of trees and illegal road widening works for land filling. To also consider putting in place an application mechanism for construction of rural roads to take account of the need of residents on the one hand and hold the applicants responsible for any illegal use of the roads on the other; and
 - (d) advise the procedures which the Police would take upon receipt of complaints against fly-tipping and illegal land filling activities.

III. Any other business

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

Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

**Proceedings of the meeting
on Wednesday, 3 February 2010, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000001 - 000029	Chairman	The minutes of the meeting held on 4 January 2010 (LC Paper No. CB(1) 960/09-10) were confirmed.	
<i>Agenda Item II - Meeting with the Administration</i>			
000030 - 000630	Administration	Briefing on the progress of measures to combat land filling and fly-tipping activities (LC Paper No. CB(1) 1026/09-10(01)).	
000631 - 002145	Ms Audrey EU Administration Chairman	<p>Ms Audrey EU's views and enquiries on the proposed amendments to the Waste Disposal Ordinance (Cap. 354) (WDO) -</p> <p>(a) there was a need to amend the definition of "waste" under WDO in parallel with the proposed amendment to section 16A of WDO against unauthorized depositing of abandoned construction and demolition (C&D) materials on private land. If not, land owners might circumvent the new notification requirement by claiming that the C&D materials deposited on their land were for storage purpose;</p> <p>(b) scope of control and exemption under the proposed control regime;</p> <p>(c) how to deal with cases where the land owners could not be found; and</p>	<p>The Administration to advise whether the definition of "waste" under WDO would be amended in parallel with the proposed amendment to section 16A of WDO against unauthorized depositing of abandoned C&D materials on private land. If not, land owners might circumvent the new notification requirement by claiming that the C&D materials deposited on their land were for storage purpose. To also advise the circumstances where owners could not be found.</p>

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		<p>(d) whether the Heung Yee Kuk (HYK) had been consulted on the proposed amendments.</p> <p>Administration's response -</p> <p>(a) the proposed new notification mechanism would enable relevant Government departments to be notified in advance of intended depositing of abandoned C&D materials on private land, so that relevant departments could remind parties concerned of the relevant statutory requirements and thus might prevent the occurrence of illegal activities. The proposal would also enhance co-ordination in respect of enforcement actions;</p> <p>(b) preliminary consideration was to exempt some small-scale depositing activities which involved an aggregate area of less than 100 square metres on the same lot over a period of time;</p> <p>(c) Environmental Protection Department (EPD) proposed the amendments with a view to addressing the problem from the perspective of waste disposal; and</p> <p>(d) considering the scope and nature of WDO as an environmental legislation, EPD would further deliberate the amendment proposal and seek legal advice as appropriate on the need for and propriety of amending the definition of "waste" under WDO.</p> <p>Mr CHEUNG Hok-ming's views -</p> <p>(a) illegal depositing activities without the consent of land owners were considered totally unacceptable by HYK. However, there might be cases where genuine land filling</p>	

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		<p>activities were required, say to prevent flooding in low land. The proposed amendments should take into account such circumstances; and</p> <p>(b) enforcement actions could not be taken for depositing activities which took place at night.</p>	
002146 - 003256	Administration Ms Audrey EU Chairman	<p>Ms Audrey EU's enquiry on whether the Town Planning Ordinance (Cap. 131) (TPO) could be amended to enhance the control on land filling activities in rural areas</p> <p>Administration's response -</p> <p>(a) TPO was not considered as the most appropriate tool to control land filling activities;</p> <p>(b) TPO did not confer enforcement authority in respect of areas currently and previously not covered by Development Permission Area (DPA) Plans, including mainly the urban areas, new towns and rural townships where development was to be facilitated rather than prohibited;</p> <p>(c) control against land filling activities under TPO had been extended to "Agriculture" zone since 2005. Together with areas under conservation-related zonings, about 70% of the areas in rural New Territories covered by statutory plans were already subject to such control. The remaining areas were mainly zoned for development purpose, where land filling was an activity incidental to the permitted development and thus always permitted under the respective zoning;</p>	The Administration to advise the time-frame within which statutory plans for areas currently not covered by these plans would be completed

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		<p>(d) Planning Department would take action against land filling if the relevant activity contravened the statutory plan; and</p> <p>(e) actions were also being taken to prepare statutory plans for areas warranting statutory planning control.</p> <p>Ms Audrey EU's request for a time-frame for inclusion of areas currently not covered by statutory plans.</p>	
003257 - 005049	Mr CHEUNG Hok-ming Chairman Administration	<p>Mr CHEUNG Hok-ming 's views -</p> <p>(a) enforcement actions against illegal road openings could help combat fly-tipping; and</p> <p>(b) an application mechanism for construction of rural roads should be put in place to take account of the need of residents on the one hand and hold the applicants responsible for any illegal use of the roads on the other.</p> <p>Administration's response -</p> <p>(a) enforcement actions, such as erecting bollards, would be taken against newly created accesses over Government land intended for land filling activities; and</p> <p>(b) vehicular accesses which had existed for many years, such as the one in San Tin Park case, might be allowed for continued use as a practical measure. In this regard, the Home Affairs Department would be consulted to confirm whether it would take up the management and maintenance of roads.</p> <p>Chairman's concern about illegal widening of existing rural roads to</p>	<p>The Administration to consider erecting fences/bollards to demarcate the width of existing rural roads to prevent felling of trees and illegal road widening works for land filling and consider putting in place an application mechanism for construction of rural roads to take account of the need of residents on the one hand and hold the applicants responsible for any illegal use of the roads on the other</p>

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		enable entry of large dump trucks for fly-tipping. Consideration should be given to erecting fences/concrete bollards to demarcate the width of these roads.	
005050 - 011228	Chairman Administration Mr KAM Nai-wai	<p>Chairman's view that no noticeable improvement had been made to the Ho Sheung Heung case (Annex II to LC Paper No. CB(1) 1026/09-10(01))</p> <p>Administration's response -</p> <ul style="list-style-type: none"> (a) evidence was being collected to facilitate prosecution; (b) currently, there was a total of 16 prosecution cases related to the Ho Sheung Heung case, including nine cases being handled by EPD, six by PlanD and one by the Police; (c) one of the nine EPD cases was completed under which a truck driver was convicted to a fine of \$3,000 and one had been dropped, while the remaining were still underway; (d) among the six PlanD cases, two were on the persons who undertook the unauthorized development and the other four were related to the truck drivers/bulldozer operators; (e) the case handled by the Police was related to criminal damage of crops as a result of illegal land filling; (f) reinstatement notices under TPO had been issued to the concerned landowners and a person responsible for the unauthorized land filling in part of the site; and (g) further action was being taken against the two illegal structures on site. 	The Administration to advise the procedures which the Police would take upon receipt of complaints against fly-tipping and illegal land filling activities.

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		<p>Chairman's enquiry on the procedures which the Police would take upon receipt of complaints against fly-tipping and illegal land filling activities.</p> <p>Administration's response that police officers who arrived at the site would contact the relevant departments for necessary assistance, collect details of complaints and identify possible offenders.</p> <p>In reply to Mr KAM Nai-wai's further enquiry, the Administration confirmed that the Police had the power to stop any suspected activities under the Police Force Ordinance (Cap. 232).</p>	
011229 - 012540	Administration Chairman	<p>Briefing on the latest situation of nine private land filling sites as set out in Annex I to LC Paper No. CB(1) 1026/09-10(01).</p> <p><u>DD96, Chau Tau, San Tin</u></p> <p>Chairman's enquiry on whether the two containers had been removed</p> <p>Administration's response that according to the landowner, the containers were used for storing agricultural tools in association with agricultural activity in the area. The usage was not in breach of lease conditions. The Administration would keep monitoring the situation and take further action, where appropriate.</p> <p><u>DD115, Nam Sang Wai</u></p> <p>Chairman's enquiry on whether the stream had been reinstated to its original width</p> <p>Administration's response that the Drainage Services Department had inspected the site and accepted the reinstatement works of the streamcourse.</p>	

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		<p><u>Ham Tin Kau Tsuen, Pui O, Lantau</u></p> <p>Chairman's enquiry on whether the fish pond appeared in the photo taken in January 2007 had been reinstated as this was not in the photo taken in November 2009.</p> <p>Administration's response that the photos might be taken from different angles. A corresponding photo would be provided later.</p>	
012541 - 013105	Chairman Administration	<p>Chairman's concern about a press report on the lack of enforcement action against the illegal road opening at Chuk Kok, Sai Kung</p> <p>Administration's response that no sign of land filling activity was found at the said road opening at this stage, but would follow up this case.</p>	
013106 - 013140	Chairman	Next meeting would be held on 13 April 2010, at 2:30 pm to meet with deputations and the Administration.	