

**For Information
On 17 May 2010**

Legislative Council Panel on Environmental Affairs

Subcommittee on Combating Fly-tipping

**Adoption of the trip-ticket system and
global positioning system in private construction projects and
increasing the penalty for fly-tipping and illegal land filling activities**

PURPOSE

This paper updates Members on the consideration of the adoption of trip-ticket system (“TTS”) and global positioning system (“GPS”) in private construction projects, as well as responding to the suggestion of increasing the penalty for fly-tipping and illegal land filling activities.

**FOLLOW-UP WITH THE CONSTRUCTION INDUSTRY
COUNCIL**

2. Pursuant to the suggestion of the Subcommittee on Combating Fly-tipping (“Subcommittee”) that TTS and related waste management practices for public works projects should be extended to major private works projects to keep track of the movement and disposal of construction and demolition (“C&D”) materials, the Administration had relayed the views to the Construction Industry Council (“CIC”) in 2009. During the meeting of the Subcommittee on 13 April 2010, the Subcommittee further requested that the feasibility of mandatory application of TTS and GPS to private construction projects to monitor the flow of C&D materials should be re-considered.

3. In general, we understand the related trade supports the application of TTS to major private works projects and shared the view that more efforts should be made to promulgate it. The matter has been

followed up by CIC's Committee on Environment and Technology ("the Committee").

4. The CIC, through the Committee, has deliberated on mechanisms for monitoring the disposal of C&D materials and is now finalising the Guidelines on the TTS with a view to encouraging wider adoption of such system in private construction projects. After incorporating the comments from major industry stakeholders, the Guidelines will be published and promulgated to the private sector on a voluntary adoption basis. Through time the Committee will review the usage and outcome of such voluntary adoption, and if needed, they may consider whether a mandatory system needs to be adopted within the private construction projects. As for the use of GPS, the Committee is currently looking into the issue, in particular its applicability within the local environment.

5. As the proposal would require detailed deliberations and consideration by key stakeholders of the construction trade, CIC serves as the appropriate platform for a holistic discussion of the proposal. We will continue to liaise with CIC and keep Members abreast of developments.

INCREASING THE PENALTY FOR FLY-TIPPING AND ILLEGAL LAND FILLING ACTIVITIES

6. The Administration recognises that the penalties to the offenders should carry sufficient deterrence. Currently, under sections 20, 21 and 23 of the Town Planning Ordinance, any person undertaking or continuing unauthorised development or any person not acting in accordance with the statutory notices issued by the Planning Authority in connection to an unauthorised development, commits an offence. He is liable to a fine of \$500,000 in the case of a first conviction and of \$1,000,000 in the case of a second or subsequent conviction. Besides, according to the Waste Disposal Ordinance, any person commits an offence under section 16A (i.e. illegal depositing of waste) will be liable to a maximum fine of \$200,000 and to imprisonment for six months for the first offence, and a maximum fine of \$500,000 and to imprisonment

for six months for a second or subsequent offence.

7. Where the penalty imposed by the court is considered too lenient or insufficient with reference to the severity of the offence as indicated from the available evidence and circumstances of the case, the Administration will apply via the Department of Justice for a court review of the sentence. In the past, we had applied for court review of the sentence though the case was not successful.

ADVICE SOUGHT

8. Members are invited to note the content of this paper.

Environmental Protection Department
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