

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 2884/10-11  
(These minutes have been seen  
by the Administration)

Ref : CB1/PS/1/09/1

**Panel on Environmental Affairs**

**Subcommittee on Combating Fly-tipping**

**Minutes of meeting**  
**held on Tuesday, 19 April 2011, at 4:30 pm**  
**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  
Hon Tanya CHAN
- Public officers attending** : **For item II**
- Environment Bureau
- Dr Kitty POON  
Acting Secretary for the Environment
- Environmental Protection Department
- Mr TANG Kin-fai  
Assistant Director (Environmental Compliance)
- Mr Samson LAI  
Assistant Director (Waste Management Policy)
- Dr Alain LAM  
Principal Environmental Protection Officer (Waste Management)

Mr Michael LUI  
Senior Environmental Protection Officer (Waste  
Facilities) 4

Development Bureau

Mr Jonathan LEUNG  
Chief Assistant Secretary (Works) 5

Lands Department

Ms Karen CHAN  
Assistant Director (Estate Management) (Lands  
Administration Office, Headquarters)

Agriculture, Fisheries and Conservation Department

Mr CHEUNG Kwok-wai  
Senior Conservation Officer (Technical Services)

Planning Department

Ms Phyllis LI  
Assistant Director of Planning (Special Duties)

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

Drainage Services Department

Mr CHENG Hung-leung  
Chief Engineer (Mainland North)

Civil Engineering and Development Department

Mr WONG Yum-tat  
Senior Engineer

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

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

Miss Jacqueline CHUNG  
Council Secretary (1)1

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**I. Confirmation of minutes**

(LC Paper No. CB(1) 1899/10-11 — Minutes of the meeting held on 24 February 2011)

The minutes of the meeting held on 24 February 2011 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1) 1914/10-11(01) — List of follow-up actions arising from the discussion at the meeting on 24 February 2011

LC Paper No. CB(1) 1914/10-11(02) — Administration's response to CB(1) 1914/10-11(01))

Relevant paper

(LC Paper No. CB(1) 1338/10-11(02) — Administration's paper on updates on the initiatives to combat land filling and fly-tipping activities)

2. The Subcommittee deliberated (Index of proceedings attached in **Annex**).
3. The Administration was requested -
  - (a) To advise the Administration's stance on the recommendations to avoid overloading of dump trucks as set out in the submission from the Hong Kong Dumper Truck Drivers Association;
  - (b) To provide a paper explaining the differences in the handling of overloading dump trucks at public fill reception facilities, sorting facilities and landfills. To also include in the paper the latest progress in resolving such differences; and
  - (c) To advise how the Administration could recover the cost incurred from reinstatement works for damaged government land as a result of illegal dumping.

**III. Any other business**

4. There being no other business, the meeting ended at 6:10 pm.

Council Business Division 1  
Legislative Council Secretariat  
10 August 2011

## Panel on Environmental Affairs

## Subcommittee on Combating Fly-tipping

**Proceedings of the meeting  
on Tuesday, 19 April 2011, at 4:30 pm  
in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I - Confirmation of minutes</i>			
000438 - 000555	Chairman	The minutes of the meeting held on 24 February 2011 (LC Paper No. CB(1) 1899/10-11) were confirmed.	
<i>Agenda Item II - Meeting with the Administration</i>			
000556 - 000628	Chairman	Opening remarks.	
000629 - 000806	Chairman Administration	Administration's briefing on its response to the follow-up actions arising from the discussion at last meeting (LC Paper No. CB(1) 1914/10/11(02)).	
000807 - 001124	Chairman Administration	<u>Discussion on the Hung Shui Kiu case</u>  Administration's explanation that the parties concerned would be subject to prosecution in the event of non-compliance with the Reinstatement Notice (RN).	
001125 - 001211	Chairman	Continuation of discussion on the latest situation of the nine land filling sites in Annex I to LC Paper No. CB(1) 1338/10-11(02).	
001212 - 001250	Chairman	<u>Shing Mun Road, Kwai Chung</u>  It was agreed that the case should be deleted from the list, given that no further dumping activity had been found for nearly three years.	

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001251 - 001509	Chairman Administration	<p><u>DD96, Chau Tau, San Tin</u></p> <p>The case involved unauthorized storage of two containers. Prosecution action against the party concerned for non-compliance with the Enforcement Notice was in progress.</p> <p>As the case did not involve dumping of construction and demolition (C&amp;D) materials, it was agreed that this should be deleted from the list.</p>	
001510- 001624	Chairman Administration	<p><u>DD99, Hop Shing Wai, San Tin</u></p> <p>It was agreed that the case should be deleted from the list since the relevant statutory notices had been complied with.</p>	
001625- 001951	Chairman Administration	<p><u>DD99, Chau Tau, San Tin</u></p> <p>Given that the reinstatement works were not satisfactory, the Administration would keep monitoring the case. Meanwhile, the Administration was considering the steps taken by the notice recipient in complying with the statutory notice.</p>	
001952- 003055	Chairman Ms Audrey EU Administration	<p><u>DD115, Nam Sang Wai</u></p> <p>Administration would keep monitoring the site closely.</p> <p>Ms Audrey EU's views/enquiries -</p> <p>(a) the fines of \$10,000 and \$3,000 for the Shing Mun Road case and Nam Sang Wai case respectively were considered too light to reflect the gravity of these cases;</p>	<p>The Administration to advise how to recover the cost incurred from reinstatement works for damaged government land as a result of illegal dumping.</p>

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		<p>(b) the identities of the offenders, whether only the dump truck drivers were convicted; and</p> <p>(c) the means through which the Administration could recover cost incurred from reinstatement works for damaged government land from the offenders.</p> <p>The Chairman's enquiry on the policy on cost recovery for reinstatement works.</p> <p>Administration's response -</p> <p>(a) prosecution was based on evidence. The amount of fine was determined by the court taking into account the merits of each case;</p> <p>(b) the offender of the Nam Sang Wai case was an owner of the pond. The fine of \$3,000 might have been determined having regard to his disabilities;</p> <p>(c) legal advice on the need for appeal would be sought from the Department of Justice if the Administration considered the penalty too light; and</p> <p>(d) in the Shing Mun Road case, the court directed that the Administration could recover the reinstatement cost from the offender by way of civil action.</p>	
003056- 003606	Chairman Administration	<p><u>Ham Tin Kau Tsuen, Pui O, Lantau</u></p> <p>As there was no major change in the</p>	

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		subject situation, the Administration would keep monitoring the site closely.	
003607- 003806	Chairman Administration	<p><u>DD125 various Lots, Ha Tsuen</u></p> <p>Compliance Notices (CN) for the statutory notices were issued. With no further dumping activity found, it was agreed that the case should be deleted from the list.</p>	
003807- 003928	Chairman Administration	<p><u>DD129 various Lots, Lau Fau Shan</u></p> <p>The Administration was monitoring the site condition for the issuance of CN. It was agreed that the case should be deleted from the list.</p>	
003929 - 004037	Chairman Administration	<p><u>DD129 various Lots, Sha Kiu Tsuen, Lau Fau Shan</u></p> <p>Since the relevant statutory notices had been complied with, it was agreed that the case should be deleted from the list.</p>	
004038 - 005032	Chairman Administration	<p><u>Discussion on the Ho Sheung Heung case</u></p> <p>Administration's briefing on the latest situation of the Ho Sheung Heung case (Annex II to LC Paper No. CB(1) 1338/10-11(02)).</p> <p>Chairman's enquiry on the status of the two unauthorized building structures.</p> <p>Administration's response that the joint enforcement action on 29 January 2010 was called off due to resistance from some villagers. The Heung Yee Kuk had subsequently requested the Administration to notify them in advance of any further action. The Administration would continue to monitor the site situation closely.</p>	



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005033 - 010750	Chairman Ms Audrey EU Administration	<p>Discussion on the submission from the Hong Kong Dumper Truck Drivers Association (the Association) to the Subcommittee.</p> <p>Ms Audrey Eu's views/enquiries -</p> <p>(a) overloading of dump trucks would pose a threat on road safety;</p> <p>(b) the existing practice to reject entry of overloaded dump trucks might lead to more fly-tipping activities as drivers might tend to reduce their loads through illegal dumping;</p> <p>(c) the Association had conducted a trial on the use of Global Positioning System (GPS) to track dump trucks to prevent illegal dumping, but this did not have the support of the Construction Industry Council (CIC); and</p> <p>(d) consideration should be given to legislating against overloading with heavy penalty.</p> <p>Administration's response -</p> <p>(a) both the Environmental Protection Department (EPD) and the Civil Engineering and Development Department (CEDD) had been reminding the dump truck trades not to overload their trucks or otherwise they would not be allowed to enter the disposal facilities. The same message had been conveyed to the management of construction sites;</p> <p>(b) the Administration met the Association and the GPS service provider on 8 April 2011 regarding a trial scheme conducted by the</p>	<p>The Administration to advise its stance on the recommendations to avoid overloading of dump trucks as set out in the submission from the Hong Kong Dumper Truck Drivers Association.</p>

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		<p>Association. It was expected to cover 100 dump trucks for a six-month trial starting March 2011. So far, 12 trucks had been installed with GPS. Preliminary assessment was that the system was good for tracking and fleet management, but not effective in monitoring overloading or illegal dumping. Besides, the GPS service provider had yet to look at some technical issues such as prevention of tampering of the device, manipulation of record, and building up chain of evidence so that the record would be accepted as evidence by the courts; and</p> <p>(c) would maintain close liaison with the Association and CIC regarding the trial.</p>	
010751 - 011230	Chairman Ms Audrey EU Administration	<p>Discussion on the proposed amendments to the Waste Disposal Ordinance (Cap. 354) (WDO) to enhance regulation against depositing abandoned C&amp;D materials on private land.</p> <p>Chairman's enquiry on the legislative timetable.</p> <p>Ms Audrey EU's enquiry on whether heavier penalty would be imposed.</p> <p>Administration's responses -</p> <p>(a) a public consultation had been conducted to solicit views on the proposal. The public and relevant stakeholders were generally positive and supportive towards the proposal;</p> <p>(b) preparation of the legislative proposal was underway, taking into</p>	

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		<p>account views and comments received during the public consultation;</p> <p>(c) once completed, the amendment proposal would be introduced to the Legislative Council as soon as possible subject to the availability of slot; and</p> <p>(d) the penalty levels would be in line with the established ones.</p>	
011231 - 013426	Chairman Ms Audrey EU Miss Tanya CHAN Administration	<p>Discussion on the differences in the handling of overloading dump trucks at disposal facilities managed by EPD and CEDD.</p> <p>Administration's response -</p> <p>(a) at present, inert C&amp;D materials could be disposed of at public fill reception facilities managed by CEDD. C&amp;D waste containing more than 50% by weight of inert materials should be delivered to the sorting facilities managed by CEDD. C&amp;D waste containing not more than 50% by weight of inert construction waste should be disposed of at landfills managed by EPD;</p> <p>(b) consistent message would be conveyed to the dump truck trades that overloaded dump trucks would be rejected at all disposal facilities;</p> <p>(c) CEDD had met with the trade associations of dump truck drivers last week. There was a general consensus that overloaded dump trucks should be rejected at CEDD's facilities, but detailed arrangement had yet to be worked out; and</p>	The Administration to provide a paper explaining the differences in the handling of overloading dump trucks at public fill reception facilities, sorting facilities and landfills. To also include in the paper the latest progress in resolving such differences.

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		(d) CEDD would meet with the trades next month to work out the details.	
<i>Agenda Item III - Any Other Business</i>			
013427 - 013810	Chairman Ms Audrey EU	Members' agreement that a report on the deliberations of the Subcommittee should be prepared. Subject to any comments members might have, the report would be submitted to the Panel for endorsement.	