

立法會
Legislative Council

LC Paper No. CB(1)677/13-14
(These minutes have been seen
by the Administration)

Ref: CB1/BC/11/12

Bills Committee on Waste Disposal (Amendment) Bill 2013

**Minutes of the third meeting held on
Tuesday, 29 October 2013, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Cyd HO Sau-lan (Chairman)
Hon LEE Cheuk-yan
Hon CHAN Hak-kan, JP
Hon WU Chi-wai, MH
Hon Charles Peter MOK
Dr Hon Kenneth CHAN Ka-lok
Hon KWOK Wai-keung
Hon CHUNG Kwok-pan

Member absent : Hon CHAN Han-pan

**Public officers
attending** : **Agenda item I**

Mr Samson LAI Yiu-kei
Assistant Director of Environmental Protection
(Waste Management Policy)
Environmental Protection Department

Mr Simon HUI Yat-ming
Principal Environmental Protection Officer
(Regional North)
Environmental Protection Department

Action

Mr Peter SZE Chun-fai
Senior Government Counsel
Department of Justice

Attendance by Invitation : **Agenda item I**

南昌北居民聯會

Mr MIU Hoi-ming
Representative

Motor Transport Workers General Union

Mr YUEN Cheung-fung
Officer

Individual

Mr LI Ka-leung
Sai Kung District Councillor

Hong Kong Waste Disposal Industry Association

Ms Christine YIM Wai-ping
Representative

Heung Yee Kuk New Territories

Dr YAU Wing-kwong
Co-opted Councillor

Hong Kong Dumper Truck Drivers Association

Mr LEE Chi-fai
Officer

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (1)2

Action

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Miss Katherine CHAN
Council Secretary (1)2

Action

I Meeting with deputations and the Administration

- (LC Paper No. CB(1)148/13-14(01) - List of follow-up actions arising from the meeting on 15 October 2013
- LC Paper No. CB(3)706/12-13 - The Bill
File Ref: EP CR 9/150/37 Pt.10 - The Legislative Council Brief issued by the Environment Bureau and Environmental Protection Department
- LC Paper No. CB(1)1505/12-13(02) - Marked-up copy of the Bill prepared by the Legal Service Division)

The Bills Committee received views from the representatives of 6 deputations who attended the meeting and deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

- Admin 2. To facilitate further discussion on the Waste Disposal (Amendment) Bill 2013, the Administration was required to provide the following information –
- (a) circumstances under which the Department of Justice would apply for a review of the sentence handed down by the court;
 - (b) the number of prosecution cases against persons who caused or permitted to be deposited construction waste without lawful authority on a piece of land in the past; and
 - (c) the maximum penalties imposed by the court for unauthorized dumping vis-à-vis the maximum penalties specified in the Waste Disposal Ordinance (Cap. 354) in the past.

Action

Date of next meeting

The Clerk 3. Members noted that the next meeting would be held either on 8 November 2013 at 8:30 am or 12 November 2013 at 10:45 am and the Secretariat would consult members' availability.

(Post-meeting Note: The next meeting was scheduled for 12 November 2013 at 10:45 am.)

II Any other business

4. There being no other business, the meeting ended at 11:36 am.

Council Business Division 1
Legislative Council Secretariat
6 January 2014

**Proceedings of the third meeting of
the Bills Committee on Waste Disposal (Amendment) Bill 2013
on Tuesday, 29 October 2013, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with deputations and the Administration			
000220 – 000652	Chairman Administration	- Opening remarks.	
000653 – 001031	南昌北居民聯會 Chairman	<ul style="list-style-type: none"> - Supported the introduction of the Waste Disposal (Amendment) Bill 2013 ("the Bill") in general and pointed out that fly-tipping of construction waste in urban areas, such as Sham Shui Po, Kowloon City and Yau Tsim Mong, was also serious; - the Administration should review the proposed benchmark of 20 square metres ("m²") under the proposed exemption provision for depositing construction waste because unauthorized dumping in urban areas often involved a smaller area; and - the Administration should conduct more targeted inspections and ambush operations at fly-tipping black spots. 	
001032 – 001344	Motor Transport Workers General Union Chairman	- Expressed support for the introduction of the Bill and suggested that the Administration should regulate fly-tipping of construction waste on private land under a licensing scheme, impose heavier penalties against illegal dumping and stipulate minimum penalties in the Bill.	
001345 – 001408	Hong Kong Waste Disposal Industry Association Chairman	- Supported the introduction of the Bill.	
001409 – 001545	Heung Yee Kuk New Territories Chairman	<ul style="list-style-type: none"> - Supported the introduction of the Bill. - Considered that the Administration should raise the penalties and specify minimum penalties for offences prescribed in the Bill to strengthen the deterrent effect. 	

Time marker	Speaker	Subject(s)	Action required
001546 – 002248	Hong Kong Dumper – Truck Drivers Association Chairman	<p>Presentation of views:</p> <ul style="list-style-type: none"> (a) supported the introduction of the Bill; (b) the Administration should also prosecute people who caused to be deposited construction waste on a private lot; (c) the Administration should make use of the global positioning system ("GPS") to track dump trucks to prevent fly-tipping; (d) the Administration should provide an enquiry hotline for the public to enquire whether certain spots were authorized dumping areas; and (e) the proposed area for depositing construction waste to be exempted under the proposed new section 16B should be increased from 20 m² to 50 m². <p>Please refer to LC Paper No. CB(1)189/13-14(01).</p>	
002249 – 002942	Administration	<p>The Administration made the following response:</p> <ul style="list-style-type: none"> (a) the object of the Bill was to enhance the regulation of the depositing of construction waste on private land under the Waste Disposal Ordinance (Cap. 354) ("WDO"). For circumstances that were not covered by the Bill, there was other existing legislation regulating fly-tipping activities; (b) as regards deputations' suggestions on imposing minimum penalties for offences against fly-tipping, the Administration advised that it was for the court to determine the penalties at its discretion, taking into account the severity of the conduct in question; (c) taking into account cases of temporary and small-scale deposition of construction waste on private land and other factors, the Administration considered that the proposed benchmark of 20 m² under the proposed exemption provision for depositing construction waste was 	

Time marker	Speaker	Subject(s)	Action required
		<p>appropriate; and</p> <p>(d) whether to adopt GPS to regulate fly-tipping activities was being studied by the Construction Industry Council which would make recommendations on the appropriateness of the technology and related concerns, such as protection of privacy.</p>	
002943 – 003146	Mr LI Ka-leung, Sai Kung District Councillor Chairman	<p>Presentation of views:</p> <p>(a) private land might be heavily polluted due to the provision of exemption of 20 m² for depositing construction waste;</p> <p>(b) the Bill could only protect the interests of the registered landowners but not the interests of others whose land was subject to litigation (e.g. those acquired the land by way of adverse possession). Even if their interests in the land were subsequently confirmed by the court, the land as damaged could not easily be restored; and</p> <p>(c) the Bill could not solve problems arising from roadside dumping activities, such as parking of cargo compartments for temporary storage of construction waste.</p> <p>Please refer to LC Paper No. CB(1)189/13-14(02).</p>	
003147 – 003321	Administration	<p>The Administration made the following response:</p> <p>(a) the Bill was meant to deter people from polluting the environment. It might not be appropriate for the Bill to tackle all the circumstances as suggested by the deputations while there was other existing legislation regulating fly-tipping activities; and</p> <p>(b) landowners should resolve land ownership problems before submitting the specified form to the Director of Environmental Protection for affixing an acknowledgement.</p>	

Time marker	Speaker	Subject(s)	Action required
003322 – 004329	Chairman Mr LEE Cheuk-yan Administration	<ul style="list-style-type: none"> - Discussion on how to strengthen the deterrent effect of the Bill and necessary measures. - The Chairman requested the Administration to provide supplementary information on circumstances under which the Department of Justice would apply for a review of the sentence handed down by the court. - Mr LEE Cheuk-yan requested and the Administration agreed to provide the following information: <ul style="list-style-type: none"> (a) the number of prosecution cases against persons who caused or permitted to be deposited construction waste without lawful authority on a piece of land in the past; and (b) the maximum penalties imposed by the court for unauthorized dumping vis-à-vis the maximum penalties specified in WDO in the past. 	<p>Administration to provide information (paragraph 2 of minutes)</p> <p>Administration to provide information (paragraph 2 of minutes)</p>
004330 - 005002	Chairman Dr Kenneth CHAN Hong Kong Dumper Truck Drivers Association Administration	<ul style="list-style-type: none"> - Dr Kenneth CHAN urged the Administration to further study measures to enhance regulatory regime against people who caused to be deposited construction waste on a private lot under the Bill. - In response to Dr Kenneth CHAN's request, the Administration confirmed that they did not intend to propose any restriction on height or depth of the waste deposited on the exempted area of 20 m² as it would make the enforcement of the Bill more difficult. 	
005003 – 005151	Chairman Dr Kenneth CHAN	<ul style="list-style-type: none"> - Date of next meeting. 	