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電 話 TEL: 2829 5810 郵遞及傳真(2840 0716)
圖文傳真 FAX: 2824 0433

(中文譯本)

香港中區立法會道 1 號
立法會綜合大樓
立法會政府帳目委員會書記
蘇美利女士

蘇女士：

政府帳目委員會
審議《審計署署長第六十一號報告書》第 2 章
路旁環保斗的管理

我備悉政府帳目委員會於 2013 年 12 月 4 日致運輸署署長的來函，及我們在 12 月 13 日的電話談話。

現僅附上附件一份，詳述本署對委員會提出的問題的回應，以供參考。

運輸署署長

(杜錦標 代行)

連附件

2013 年 12 月 17 日

副本分送：	發展局局長	傳真號碼：2151 5303
	環境局局長	傳真號碼：2537 7278
	運輸及房屋局局長	傳真號碼：2537 6519
	環境保護署署長	傳真號碼：2891 2512
	警務處處長	傳真號碼：2520 1210
	財經事務及庫務局局長	傳真號碼：2147 5239
	審計署署長	傳真號碼：2583 9063

Public Accounts Committee (PAC)
Consideration of Chapter 2 of the Director of Audit's Report No. 61
Management of Roadside Skips

Letter ref. CB(4)/PAC/R61 dated 4 December 2013 from PAC
Responses to Comments

Questions	Responses (English)	Responses (Chinese Translation)
(a) What were the reasons for the Transport Department ("TD") to issue a set of guidelines on mounting and placing of roadside skips for skip operators' compliance on a voluntary basis in January 2008, instead of formulating a legislation to regulate roadside skips;	<p>"Obstruction by on-street skips" was one of the inter-departmental district management issues discussed by the Steering Committee on District Administration ("SCDA") under the chairmanship of the Permanent Secretary for Home Affairs ("PSHA") with relevant heads of departments as members. TD and the Environmental Protection Department ("EPD") jointly convened a meeting in April 2007 with six trade associations (which represented around 80% of skip operators), before the second SCDA meeting held in May 2007. It is unclear from available record on whether TD and EPD met the trades upon the request of the Steering Committee.</p> <p>At the meeting, TD proposed some short-term measures to improve the safety of skips, e.g.</p>	<p>"街上環保斗造成的障礙"是以民政事務局常任秘書長為主席的「地區行政督導委員會」(下稱"委員會")討論過的跨部門地區管理事宜之其中一項，委員會成員亦包括了各有關部門首長。在2007年5月的第2次委員會會議舉行前，運輸署聯同環保署與代表了大約百分之八十的環保斗經營者的6個同業聯會在2007年4月舉行了會議。但現存紀錄沒有明確顯示運輸署及環保署與業界的會面是否應委員會的要求而安排。</p> <p>運輸署在會上建議了一些短期措施，以改善環保斗的安全，例如為環保斗塗上鮮黃</p>

	<p>improving the colour and outlook of skips such as painting in bright yellow and installing yellow flash lights at night. Representatives from the trade were generally supportive of TD's suggestions. At the SCDA meeting in May 2007, it was agreed that TD should develop guidelines aimed at improving the safety of the use of skips placed on roads. The meeting also agreed that TD and EPD should consult the trade on the guidelines before promulgation. Accordingly, TD consulted the trade in mid 2007 on a set of draft guidelines which had incorporated some of the short-term measures discussed with the trade in the April 2007 meeting. The set of guidelines were finalized and distributed to the trade in January 2008.</p> <p>It should be noted that there is already existing legislation enabling the Lands Department ("LandsD") and the Police to take enforcement actions against roadside skips under the Lands (Miscellaneous Provisions) Ordinance (Cap. 28) and the Summary Offences Ordinance (Cap. 228) respectively.</p>	<p>色及在晚上裝設黃色閃燈，以改進環保斗的顏色及外觀。業界代表普遍對運輸署的建議表示支持。委員會在 2007 年 5 月的會議上同意由運輸署制定一套指引以改善在道路上擺放環保斗的安全。會議上亦同意運輸署及環保署應在公布該指引前諮詢業界。運輸署於是在 2007 年年中就指引擬稿諮詢業界，擬稿中的建議包括了 2007 年 4 月與業界商議的部分短期措施。指引在 2008 月 1 月完成及分發給業界。</p> <p>須注意的是現時地政總署及警方已分別可以根據香港法例第 28 章《土地(雜項條文)條例》及第 228 章《簡易程序治罪條例》對路旁環保斗採取執法行動。</p>
(b) What were the views held by the Transport Department ("TD") on the "hybrid" permit system for	The "hybrid" permit system was discussed in the SCDA meeting held in February 2009. Under the proposed "hybrid" permit system, LandsD would be	建議的“混合”許可證制度是在 2009 年 2 月的委員會會議上討論過的。在建議的“混合”許可證制度下，地政總署是作為

regulating skip operation previously proposed by the Home Affairs Department;	the authority for granting permits while TD would process applications having regard to road safety and traffic regulations consideration. As recorded in the SCDA Paper No. 3/2009 (the Paper), TD did not consider that it was in the position to process skip permit applications, as road safety was only one of the considerations in processing the applications. It was also mentioned in the Paper that the statistics on accidents caused by roadside skips were insignificant at the time and that the Police were already empowered under section 4A of the Summary Offences Ordinance (Cap. 228) to remove any roadside skips causing serious obstruction or imminent danger to road users.	發出許可證的主管機構，而由運輸署負責從道路安全及交通規管的考慮下處理許可證的申請。正如委員會文件編號 3/2009 中紀錄到，運輸署當時認為道路安全只是處理申請必須考慮的因素之一，因此不同意適合由該署處理許可證的申請。文件也提到當時環保斗導致的意外並不顯著，而警方已在法例第 228 章《簡易程序治罪條例》第 4A 條下獲賦予其權力可以移走造成嚴重阻塞或對道路使用者有即時危險的路旁環保斗。
(c) Whether the TD would re-open the discussion on matters relating to roadside skips at the Steering Committee on District Administration ("the Steering Committee");	As reported to the Public Accounts Committee at its meeting on 2 December 2013, the issues arising from management of roadside skips are multi-faceted, cutting across various aspects including obstruction and causing safety risks to road users, degradation of environmental and public hygiene, nuisance and obstruction to the neighbourhood and pedestrians, damage of roads as well as unlawful occupation of Government land. In view of the complex and diverse nature of the issues involved, a joint working group will be formed with key participation from the three Bureaux (i.e.	正如在 12 月 2 日的政府帳目委員會會議中所匯報，與路旁環保斗管理相關的問題有多個方面，涉及不同的範疇，包括對道路使用者構成的阻礙和危險、環境和公眾衛生的惡化、對社區和行人的滋擾和阻礙、道路的損壞及非法佔用政府土地。有見於所牽涉問題性質複雜及多樣，當局會成立一聯合工作小組，主要成員為三個決策局（即發展局、環境局及運輸及房屋局），並包括其他相關部門。工作小組會分析路旁環保斗的問題，討論可如何作有效處理，並擬定適當的策略及行動計劃以更好地規

	<p>the Development Bureau, the Environment Bureau and the Transport and Housing Bureau) as well as other relevant departments to analyze the problems relating to roadside skips and discuss how best they should be tackled. Appropriate strategies and action plans for better regulating and facilitating proper skip operations will be formulated. TD will contribute to the work of the joint working group by providing advice and assistance from traffic and road safety perspectives.</p>	<p>管及便利環保斗的妥善運作。運輸署會從交通及道路安全的角度為聯合工作小組的工作提供意見及協助。</p>
<p>(d) Whether the TD has stepped up enforcement actions on roadside skips, following the Steering Committee's decision not to pursue the setting up of a permit system in May 2010 (paragraph 3.6 of the Audit Report refers); and if so, what these actions are;</p>	<p>At present, the two pieces of legislation under which enforcement action can be taken against roadside skips are the Lands (Miscellaneous Provisions) Ordinance (Cap. 28) and the Summary Offences Ordinance (Cap. 228). TD is not the enforcement authority for these two pieces of legislation. As such, TD does not have the power to take any enforcement action against roadside skips.</p> <p>Nevertheless, TD will –</p> <ul style="list-style-type: none">(i) continue to maintain liaison with skip operators;(ii) participate constructively in the work of the joint working group set up to formulate strategies and action plans for regulating and facilitating skip operations; and	<p>現時當局能夠引用以對路旁環保斗採取執法行動的兩條法例是香港法例第 28 章《土地(雜項條文)條例》及第 228 章《簡易程序治罪條例》。運輸署並不是該兩條法例的執法當局。因此，運輸署並沒有權力對路旁環保斗採取任何執法行動。</p> <p>然而，運輸署將會：</p> <ul style="list-style-type: none">(i) 繼續與環保斗經營者保持聯繫；(ii) 以建設性的態度參與聯合工作小組，從而制定能規管及便利環保斗運作的策略及行動方案；及(iii) 安排 1823 热線把收到有關路旁環保斗的投訴也通知運輸署(現時投訴主要

	<p>(iii) arrange for complaints about skips placed at roadside received by the 1823 hotline to be copied to TD (at present majority of the complaints are sent to the Police and LandsD as they are the departments responsible for taking enforcement action). This will enable TD to have a full picture of the situation. TD will also re-examine cases sent to LandsD (i.e. cases classified as not causing serious obstructions or imminent danger to the public or vehicles). Should there be any that is found to be causing serious obstructions or imminent danger to the public or vehicles, TD will refer them to the Police for enforcement action to be taken.</p>	<p>是轉介給負責執法的警方及地政總署)，以便運輸署可掌握整體實際情況。運輸署也會覆檢轉介地政總署的個案(即情況不被分類為會造成嚴重阻塞或對公眾或車輛構成即時危險的環保斗)。如發現有造成嚴重阻塞或會對公眾或車輛構成即時危險的情況，運輸署會通知警方採取執法行動。</p>
<p>(e) What are the numbers of TD Guidelines for voluntary compliance by skip operators printed and distributed to skip operators respectively, when the Guidelines were introduced in January 2008;</p>	<p>A total of 62,000 hard copies of the Guidelines, comprising 60,000 copies in Chinese and 2,000 copies in English, were printed in January 2008.</p> <p>Our records show that we had distributed the following number of copies in 2008:</p> <p>(i) 2,860 copies (comprising 2,800 and 60 copies in Chinese and English respectively) to the trade representatives for distribution to their members;</p> <p>(ii) 18,540 copies (comprising 18,000 in Chinese and 540 in English) to the 18 districts Public</p>	<p>在 2008 年 1 月，共印備了 62,000 份指引，包括 60,000 份中文及 2,000 份英文。</p> <p>根據紀錄，在 2008 年內分發的指引如下：</p> <p>(i) 2,860 份 (包括 2,800 份中文及 60 份英文) 發給業界代表以分發其會員；</p> <p>(ii) 18,540 份 (包括 18,000 中文及 540 份英文) 經民政事務總署給 18 區的諮詢服務中心；及</p> <p>(iii) 4,000 份 (包括 3,200 份中文及 800 份英文) 給運輸署的 4 個牌照事務處，供</p>

	<p>Enquiry Service via HAD; and</p> <p>(iii) 4,000 copies (comprising 3,200 in Chinese and 800 in English) to TD's four licensing offices for public collection.</p>	公眾索閱。
(f) Whether the TD had re-printed the aforesaid Guidelines; and if so, when was this done, and what are the numbers of such Guidelines printed and distributed to skip operators respectively;	<p>TD has not arranged for further printing of the Guidelines based on the following considerations:</p> <p>(i) Sufficient copies of the Guidelines are still available in stock;</p> <p>(ii) TD understands that the trade/skip operators are well aware of the Guidelines including the recommendations therein; and</p> <p>(iii) A soft copy of which is available in TD's website.</p> <p>TD will continue to distribute the Guidelines to relevant parties as appropriate.</p>	<p>運輸署因以下考慮，沒有再印備指引：</p> <p>(i) 已有足夠存貨備用；</p> <p>(ii) 運輸署理解業界/環保斗經營者充分知悉該指引內的建議；及</p> <p>(iii) 在運輸署的網頁載有該指引的軟複本。</p> <p>運輸署會視乎情況繼續向有關人士分發指引。</p>
(g) Whether the TD had launched any exercise to educate the skip operators on the need of complying with the above Guidelines; and if so; when; and	<p>According to our records, TD explained the Guidelines to skip operators in a meeting with the關注全港廢物處理聯席會議 held in 2011. TD has also corresponded with skip operators over the Guidelines and it is clear from the exchanges that the trade is well aware of the Guidelines.</p>	根據我們的紀錄，運輸署在 2011 年舉行的關注全港廢物處理聯席會議上向環保斗營運者闡釋了運輸署的指引。運輸署與環保斗經營者就有關指引的來往信件中亦已清楚顯示業界是充分知悉該指引。
(h) Whether consideration would be given to (i) stepping up efforts to educate the skip operators on	TD will step up promotion of the Guidelines to the trade while working together with other relevant departments and bureaux in the joint working group	運輸署會加強向業界推廣指引，並會在聯合工作小組與其他部門及政策局共同工作以制定能規管及便利環保斗運作的策略及

<p>the need of complying with the above Guidelines, and (ii) setting up of a hotline to receive complaints over placing of skips on public roads that may cause or have caused obstruction to vehicular and pedestrian traffic and posed safety risks to road users and non-compliance of the TD Guidelines for skip operators.</p>	<p>to formulate strategies and action plans for regulating and facilitating skip operations.</p> <p>The public complaints hotline “1823” system under the Efficiency Unit has been handling complaints against roadside skips with subsequent follow-up work being handled by the Police and LandsD under the enforcement power conferred on them by the Summary Offences Ordinance (Cap. 228) and the Lands (Miscellaneous Provisions) Ordinance (Cap. 28) respectively. As TD is not empowered to take enforcement actions, we do not see the need for the setting up of a complaint hotline by TD. However, TD will arrange for complaints about skips placed at roadside received by the 1823 hotline to be copied to TD (at present majority of the complaints are sent to the Police and LandsD as they are the departments responsible for taking enforcement action). This will enable TD to have a full picture of the situation. TD will also re-examine cases sent to LandsD (i.e. cases classified as not causing serious obstructions or imminent danger to the public or vehicles). Should there be any that is found to be causing serious obstructions or imminent danger to the public or vehicles, TD will refer them to the Police for enforcement action to be taken.</p>	<p>行動方案。</p> <p>效率促進組底下的公眾投訴熱線“1823”系統一向已處理有關路旁環保斗的投訴，而其後的跟進工作則由警方及地政總署分別在《簡易程序治罪條例》(第228章)及《土地(雜項條文)條例》(第28章)下賦予其執法權力而執行。因運輸署並不擁有法定權力採取執法行動，我們並不認為有需要由運輸署設立投訴熱線。然而，運輸署會安排1823熱線把收到有關路旁環保斗的投訴也通知運輸署(現時投訴主要是轉介給負責執法的警方及地政總署)，以便運輸署可掌握實際情況。運輸署也會覆檢轉介地政總署的個案(即情況不被分類為會造成嚴重阻塞或對公眾或車輛構成即時危險的環保斗)。如發現有造成嚴重阻塞或會對公眾或車輛構成即時危險的情況，運輸署會通知警方採取執法行動。</p>
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