

立法會
Legislative Council

LC Paper No. CB(1)1005/15-16
(These minutes have been
by the Administration)

Ref : CB1/PL/EA

Panel on Environmental Affairs

Minutes of meeting
held on Monday, 25 April 2016, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon CHAN Hak-kan, JP (Chairman)
Dr Hon Kenneth CHAN Ka-lok (Deputy Chairman)
Hon James TO Kun-sun
Hon Vincent FANG Kang, SBS, JP
Hon Cyd HO Sau-lan, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Albert CHAN Wai-yip
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon Charles Peter MOK, JP
Hon Kenneth LEUNG
Hon KWOK Wai-keung
Hon Dennis KWOK
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen, BBS

Members attending : Hon LEE Cheuk-yan
Dr Hon KWOK Ka-ki

Members absent : Hon TAM Yiu-chung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon CHAN Han-pan, JP
Dr Hon Elizabeth QUAT, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Public Officers attending : **For item IV**

Ms Christine LOH, JP
Under Secretary for the Environment

Mr TSE Chin-wan, JP
Deputy Director of Environmental Protection (1)
Environmental Protection Department

Mr David WONG, JP
Assistant Director (Environmental Compliance)
Environmental Protection Department

Mr Joe FONG
Principal Environmental Protection Officer
(Regional South)
Environmental Protection Department

Ms Doris CHOW
Assistant Director (Estate Management)
Lands Department

Mr TANG Moon-yiu
Chief Highway Engineer/Hong Kong
Highways Department

Mr SIU Kang-chuen
Chief Traffic Engineer/New Territories East
Transport Department

Mr Matthew D LINDSAY
Chief Superintendent (Traffic)
Hong Kong Police Force

For item V

Mr WONG Kam-sing, JP
Secretary for the Environment

Mr TSE Chin-wan, JP
Deputy Director of Environmental Protection (1)
Environmental Protection Department

Mr David WONG, JP
Assistant Director (Environmental Compliance)
Environmental Protection Department

Mr Paul CHAN, MH, JP
Secretary for Development

Miss Cheryl CHOW
Deputy Secretary for Development (Planning and
Lands)1 (Acting)
Development Bureau

Mr LING Kar-kan, JP
Director of Planning

Miss Elsa CHEUK
Chief Town Planner/Central Enforcement & Prosecution
Planning Department

Mr YU Tak-cheung
Assistant Director/Existing Buildings 2
Buildings Department

Mr CHOI Kwong-yin
Chief Geotechnical Engineer/Mainland West
Civil Engineering and Development Department

Ms Lily CHIU
District Lands Officer/YL (District Lands Office,
Yuen Long, Lands Department)

Mr Simon CHAN
Assistant Director (Conservation)(Acting)
Agriculture, Fisheries and Conservation Department

Mr CHEUNG KWOK-wai
Senior Nature Conservation Officer (N)
Conservation Branch
Nature Conservation (North) Division
Agriculture, Fisheries and Conservation Department

Clerk in attendance : Ms Angel SHEK
Chief Council Secretary (1)1

Staff in attendance : Ms Doris LO
Senior Council Secretary (1)1

Ms Mandy LI
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

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I. Confirmation of minutes

(LC Paper No. CB(1)739/15-16 — Minutes of the policy briefing cum meeting held on 25 January 2016)

The minutes of the policy briefing cum meeting held on 25 January 2016 were confirmed.

II. Information papers issued since last meeting

2. Members noted that the following papers had been issued since the last meeting:

(LC Paper No. CB(1)805/15-16(01) — Administration's response to Hon Steven HO Chun-yin's letter regarding the environmental impacts on Hong Kong waters arising from disposal of chemicals

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into Dasha River of Shenzhen Bay by the Shenzhen Municipal Water Affairs Bureau for sediment treatment

LC Paper Nos. CB(1)810/15-16(01)— Letters dated 15 April 2016 and (02) from Dr Hon Kenneth CHAN Ka-lok and Hon Cyd HO Sau-lan respectively on the alleged malpractices involving the Pillar Point Valley Restored Landfill (Chinese version only))

III. Items for discussion at the next meeting

(LC Paper No. CB(1)817/15-16(01) — List of follow-up actions

LC Paper No. CB(1)817/15-16(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 23 May 2016, at 2:30 pm:

- (a) Latest development on the work on combating climate change; and
- (b) Updating of the "Pollutants in the Atmosphere and their Transport over Hong Kong" modelling system.

4. Further to the letters from the Deputy Chairman and herself respectively regarding the alleged malpractices involving the Pillar Point Valley Restored Landfill (LC Paper Nos. CB(1)810/15-16(01) and (02)), Ms Cyd HO requested the Panel to discuss the matter before the end of the current term of the Legislative Council ("LegCo"). The Chairman indicated that the Administration had been requested to provide a written response to the matter, and after receiving the response, the Panel would decide whether and how to follow up the matter. If there was a need to discuss the matter before the end of the current LegCo term, he would discuss with the Deputy Chairman regarding its priority among other outstanding items.

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IV. Enhancing management of roadside cargo compartments

(LC Paper No. CB(1)817/15-16(03) — Administration's paper on "Enhancing Management of Roadside Cargo Compartments"

LC Paper No. CB(1)817/15-16(04) — Background brief on "Management of roadside cargo compartments" prepared by the Legislative Council Secretariat)

Relevant papers

(LC Paper Nos. CB(1)69/15-16(01) and (02) — Letter dated 30 September 2015 from the Chairman of the Tsuen Wan District Council (Chinese version only) together with the Administration's written response regarding the indiscriminate placement of cargo compartments on roadsides

LC Paper No. CB(1)754/15-16(01) — Administration's response on issues relating to management of roadside cargo compartments)

Briefing by the Administration

5. The Under Secretary for the Environment ("USEN") briefed members on the work progress of the Joint Working Group on Management of Roadside Skips ("JWG"), and highlighted its recommendation of adopting a two-pronged approach in the short term to tackle the problems caused by roadside cargo compartments (commonly known as "skips"), as follows:

- (a) to identify suitable sites for leasing as short-term tenancy sites to skip operators for storing idling skips; and

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- (b) enhancing enforcement efficiency to expedite removal of roadside skips that caused obstruction, inconvenience or danger.

Discussion

Proposed sites for storing skips

6. Reflecting the views of the skip operator trade, Mr Frankie YICK said that the provision of the two proposed sites, i.e. (a) at the Tseung Kwan O Area 137 Fill Bank ("the TKOFB site") in Sai Kung, and (b) at Siu Lang Shui ("the SLS site") in west Tuen Mun, could not adequately address the problem of a lack of sites for storage of idling skips. He pointed out that the provision of about 200 skip storage spaces in total at the two proposed sites could only compensate the loss of skip storage spaces currently available at Pak Shing Kok in Tseung Kwan O, which would be developed into quarters for the Fire Services Department. Further, the closing time of the TKOFB site at 10:00 pm each day was too early and would not meet the operational needs of the trade. He urged the Administration to identify more sites, including some restored landfill sites, for storage of idling skips.

7. The Deputy Director of Environmental Protection (1), Environmental Protection Department ("DDEP(1)/EPD") indicated that the Administration would review the situation after the TKOFB and SLS sites had been in use for storage of skips, and consider if more sites should be made available for such purpose. He added that Environmental Protection Department ("EPD") would liaise with the Development Bureau regarding when the Pak Shing Kok site would be resumed for development.

8. Given that there were about 2 000 idling skips, the Chairman opined that the provision of about 200 storage spaces for idling skips at the proposed sites was far from adequate. He was also worried that the District Councils concerned might have reservations about the plans to use the two sites for storage of idling skips, given the already heavy traffic load of the main roads in the respective areas. He asked if the Administration had assessed the traffic impact arising from the plans on the local areas concerned; and whether storage of idling skips at the SLS site would affect the habitats of butterflies at the SLS Site of Special Scientific Interest ("SSSI").

9. The Assistant Director (Environmental Compliance), EPD ("AD(EC)/EPD") responded that JWG had conducted site visits and liaised with the Transport Department ("TD") to assess the potential traffic impact on the local areas before selecting the TKOFB and SLS sites. The TKOPB site could facilitate skip operators to properly store idling skips, instead of placing the skips indiscriminately at the roadside of the Tseung Kwan O

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Industrial Estate, which had caused obstruction to traffic. Regarding the SLS site, AD(EC)/EPD envisaged that the use of the site for storage of idling skips would neither impact adversely on the local traffic, as it was located along a low traffic bypass leading to Tuen Mun West, nor have direct impact on the habitats of SLS SSSI which was located uphill away from the SLS site.

Stepping up enforcement and expediting removal of skips

10. While members generally did not object to the plan to provide the TKOFB and SLS sites for storage of skips as a short-term measure, they considered it necessary for the Administration to step up enforcement against idling roadside skips. Mr WU Chi-wai opined that the enforcement actions taken by the Lands Department ("LandsD") under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) did not have strong deterrent effect. As LandsD needed to provide a 24-hour notice before removing a skip, the skip operator could easily get around by moving the skip away from its original location before the expiry of the notice and putting it back to the same place later. Mr WU suggested the Administration consider introducing a fixed penalty system to enable the enforcement authorities, including the Hong Kong Police Force ("HKPF"), to issue fixed penalty notices to the skip operators concerned for illegally occupying public places. Mr Albert CHAN criticized the Administration for adopting double standards in the handling of roadside skips and street sleepers.

11. DDEP(1)/EPD responded that for non-emergency cases, LandsD would post notices under Cap. 28 on the skips concerned to require the skip operators to cease the land occupation before a date as specified in the notices, and arrange subsequent removal of the skip in case of non-compliance. HKPF would take immediate actions on any roadside skips posing imminent danger to the public or causing serious obstruction on the road, including issuance of advices and/or warnings under section 4A of the Summary Offences Ordinance (Cap. 228) to require immediate removal of the skips.

12. The Chairman noted from the Director of Audit's Report No. 61 that from January 2008 to June 2013, HKPF had taken actions under Cap. 228 to remove only 32 roadside skips, and taken prosecution actions in 25 cases, and LandsD had, under Cap. 28, posted 4 125 notices requesting removal of roadside skips but removed only 29 skips. He criticized the two departments for being ineffective in taking enforcement actions. Mr WU Chi-wai opined that the number of summons for prosecutions (i.e. 13 in 2014 and 10 in 2015) issued by HKPF in respect of roadside skips was too low.

13. DDEP(1)/EPD advised that among the complaints about roadside skips received by HKPF in 2014 and 2015, about 80% of those identified by

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the police officers at the scene were removed by skip operators usually within hours after issuance of the advice/warnings. For those cases handled by LandsD in 2014 and 2015, about 99% of the skips concerned were removed by the skips operators, usually within two days after posting of removal notices by LandsD. He said that to further enhance the enforcement through speedy removal of roadside skips that caused obstruction to traffic, JWG proposed to engage a service provider to support the enforcement departments in this regard.

Long-term regulatory measures on skip operations

14. Given that among the 3 500 skips in Hong Kong, about 1 500 were actively in use and placed in works sites and storage areas, and roughly about 2 000 idling skips were placed on roadsides and in public places, Ms Cyd HO took the view that there was an excessive supply of skips which had resulted in prolonged illegal occupation of roads and public places by idling skips. She urged the Administration to work out a timetable of introducing a licensing or registration system for skips, with a view to controlling the number of skips by matching the supply with demand of skips. The Deputy Chairman agreed that a licensing or registration system could be a longer-term solution to the problems caused by roadside skips. Quoting the licensing control over on-street hawker activities as an example, he opined that similar regulation over illegal occupation of public places by skips should be exercised.

15. DDEP(1)/EPD explained that using skips for disposal of construction and demolition ("C&D") waste, instead of directly dumping the waste on roadsides, was an effective means to facilitate the construction and fitting-out trades in disposing of such waste in a tidy and orderly manner and reduce environmental nuisance. He said that as the use of skips would depend on demand, the Administration did not intend to control the number of skips at this stage. Given that the nature of skip operations required quick responses and frequent change of locations, it might also be not practicable to implement a licensing system that would require prior vetting of applications and granting of licenses.

16. Mr Kenneth LEUNG considered it necessary for the Administration to maintain a database on the number of skips and assign serial number to each skip to facilitate tracking. He further suggested the Administration explore the use of technology like global positioning system ("GPS") to track and plan the movement and utilization of skips at different locations, and hence reducing the number of idling skips on roadsides. Mr Tony TSE acknowledged the operational needs of using skips in construction and fitting-out works, but considered it necessary to exercise proper control

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including by means of technology or certain form of registration. He agreed that using GPS could help coordinate and maximize the utilization of skips, as well as facilitate quick removal of idling skips placed on roadsides. The Deputy Chairman suggested the Administration consider conducting a trial in collaboration with the skip operator trade in this regard.

17. Taking note of members' views and suggestions, USEN stated that the Administration would review the effectiveness of the short-term measures proposed by JWG before considering whether any longer-term control measures would be required.

18. Mr Frankie YICK conveyed the views of the skip operator trade that they preferred some kind of a permit system for regulating roadside skips to stepping up enforcement actions by the Government. He also criticized TD and EPD for not having conducted any review on the effectiveness of the guidelines they respectively issued regarding good practices of skip operations for the skip operators' voluntary compliance. He said that he was willing to coordinate JWG's meeting with the skip operator trade to discuss relevant issues, including long-term measures on enhancing regulation of roadside skips and facilitating skip operations. USEN agreed to arrange a meeting with the skip operator trade.

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19. At the request of some members, the Administration agreed to, by the end of the current term of LegCo, provide a brief written report to the Panel and the Public Accounts Committee about any updated work progress of JWG on measures for enhancing the management of roadside skips.

V. Issues relating to the soil fill near Kingswood Villas in Tin Shui Wai

(LC Paper No. CB(1)817/15-16(05) — Administration's paper on "Issues relating to the soil fill near Kingswood Villas in Tin Shui Wai"

LC Paper No. CB(1)817/15-16(06) — Background brief on "Soil fill and suspected illegal land filling near Kingswood Villas in Tin Shui Wai" prepared by the Legislative Council Secretariat

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LC Paper No. CB(1)817/15-16(07) — Submission from Mr LEE Yuet-man, Yuen Long District Council member (Chinese version only)

Relevant papers

(LC Paper No. CB(1)670/15-16(01) — Letter dated 8 March 2016 from Hon LEE Cheuk-yan on suspected fly-tipping of construction waste and illegal land filling in Tin Shui Wai (Chinese version only)

LC Paper No. CB(1)723/15-16(01) — Administration's response to Hon LEE Cheuk-yan's letter regarding suspected fly-tipping of construction waste and illegal land filling in Tin Shui Wai)

Briefing by the Administration

20. At the invitation of the Chairman, the Secretary for the Environment ("SEN"), the Secretary for Development ("SDEV"), Assistant Director/Existing Buildings 2, Buildings Department ("AD(EB2)/BD"), Director of Planning ("D of Plan") and AD(EC)/EPD briefed members on the progress of the enforcement actions and follow-up work taken by the respective bureaux/departments in relation to the soil fill near Kingswood Villas in Tin Shui Wai ("the concerned site"). With the aid of a powerpoint presentation, the Administration showed members the aerial photos on the past and present conditions of the concerned site.

(Post-meeting notes:

- (a) the Administration's powerpoint presentation material was circulated to members vide LC Paper No. CB(1)843/15-16(01) on 25 April 2016, and copies of the speaking notes of SEN, SDEV, AD(EB2)/BD, D of Plan and AD(EC)/EPD were circulated to members vide LC Paper Nos. CB(1)847/15-16(02) to (06) respectively on 27 April 2016;

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- (b) a further submission from Mr LEE Yuet-man, Yuen Long District Council member, and a joint submission from some environmental groups were tabled at the meeting and circulated to members vide LC Paper Nos. CB(1)844/15-16(01) and (02) on 25 April 2016; and
- (c) a letter from Hon LEUNG Che-cheung expressing concern on related issues was tabled at the meeting and circulated to members vide LC Paper No. CB(1)847/15-16(01) on 27 April 2016.)

Discussion

Enforcement actions and follow-up work in relation to the concerned site

Remedial works relating to the dangerous hill side orders

21. Referring to the submissions from a Yuen Long District Council member to the Panel, and to SEN and SDEV via the Panel, the Chairman relayed the requests of the residents of Kingswood Villa for reinstating the concerned site to its original agricultural land use, their strong objection against shotcreting over the site, and suggestion of restoring vegetation there.

22. SDEV explained that the requirement of urgent shotcreting work, which was made under the dangerous hillside orders ("DHO") and served to the landowners concerned on 8 March 2016, aimed at providing a temporary protective cover over the potentially unstable side slopes of the soil fill to safeguard public safety. AD(EB2)/BD supplemented that the landowners were also requested under DHO to appoint registered building professionals to carry out investigation and propose long-term remedial works. BD and the Civil Engineering and Development Department had kept monitoring the progress of the flattening of the fill body being carried out, and the site inspection on 25 April 2016 revealed that the gradient of the majority of the side slopes of the soil fill had been reduced substantially. Based on the latest progress, it was likely that no shotcreting works would be required.

Enforcement against unauthorized developments

23. Ms Cyd HO enquired about the original land use of the concerned site, when it was turned into a soil fill, and whether the change of the original land use was in breach of the land lease conditions, or contravened any prevailing legislation. She stated that the Labour Party objected to any unlawful changes of land use for profits. The Chairman queried why statutory

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planning control, which was extended to rural areas upon enactment of the Town Planning (Amendment) Ordinance 1991, was unable to regulate against the use of the concerned site for open storage of sand when the draft Ping Shan Development Permission Area ("DPA") Plan was gazetted on 18 June 1993.

24. D of Plan replied that past aerial photos revealed that the concerned site was originally used as fish ponds. According to the Planning Department ("PlanD")'s records, the use of open storage of sand was already in existence immediately before the first gazettal of the draft Ping Shan DPA Plan. As such, open storage of sand at the concerned site was regarded as an "existing use" under the Town Planning Ordinance (Cap. 131) and did not constitute an unauthorized development, hence no enforcement action could be taken by PlanD.

25. Notwithstanding the "existing use" of the concerned site for open storage of sand, Ms Cyd HO and Mr WU Chi-wai asked whether there were any statutory limits on the area, height or amount of sand deposited, exceeding which the land use should be deemed to have materially changed, and hence the use for open storage of sand should be discontinued without planning permission.

26. D of Plan explained that, unlike the case of a container storage where evidence on substantial increase in the number of containers could help prove an intensification of the land use for such purpose, it was rather difficult in the present case to gather sufficient evidence to prove an intensification of the storage of sand that would amount to a material change in the use of land. He added that soil depositing activities at the concerned site were discontinued in 2008 and thereafter it was gradually covered with vegetation until early this year. The reactivated storage use at the concerned site was still considered as "existing use" under Cap. 131. That said, PlanD had conducted investigations on the use of the concerned site to ascertain if there were unauthorized developments. On 21 March 2016, a Notice to Require Provision of Information under section 22(7) of Cap. 131 was issued to the landowners and the responsible persons to collect more information on the use of the concerned site. Prosecution action had been taken against those parties who failed to comply with the notice. Besides, PlanD had taken appropriate enforcement actions against any unauthorized development in the area where there was sufficient evidence. It had served two Enforcement Notices on 21 March and 6 April 2016 to the relevant landowners requiring discontinuance of the unauthorized land filling in the areas to the east, west and south of the concerned site, which were outside the boundary of the "existing use". It was found that the unauthorized land filling in the east was discontinued upon expiry of the Enforcement Notice served on

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21 March 2016. A Reinstatement Notice then followed and was served on the responsible persons on 19 April 2016.

27. The Deputy Chairman and Mr WU Chi-wai asked about the criteria for determining what reinstatement works should be carried out, and assessing whether the reinstatement works were duly completed. The Chairman asked whether the landowners would be requested to reinstate the concerned site to its original condition of an agricultural land use. D of Plan replied that under Cap. 131, a person being served the Reinstatement Notice was required to reinstate the land to the condition it was in immediately before the relevant DPA Plan had become effective or to such other condition, more favourable to the person, as D of Plan considered satisfactory. PlanD would also take into account various factors, including planning intention of the land use zoning concerned, public safety/environmental impact caused and landscaping, in determining the reinstatement works to be carried out. As regards the concerned site, removal of the fill materials and grassing of the land concerned were required under the Reinstatement Notice served.

28. The Deputy Chairman and Ms Cyd HO expressed concern that the fill materials requested to be removed from the concerned site would only be dumped on other private lands by the landowners concerned to evade the payment of waste disposal fees. In reply, DDEP(1)/EPD advised that no large-scale movements into and out of the concerned site had been detected recently. It was understood that the landowners concerned had indicated an intention to remove the vegetation and reform the site for developing the concerned site into a driving range. He added that under the Air Pollution Control (Construction Dust) Regulation (Cap. 331R), the landowners or the occupier concerned should properly treat the exposed earth within six months after the last construction activity on the site to prevent dispersal of dust. The landowners concerned might plant vegetation over the site which was a common remedial measure under Cap. 331R.

29. Mr Kenneth LEUNG enquired about the legal consequences and penalties, and any follow-up actions by the Administration in case of non-compliance with the Enforcement/Reinstatement Notices. D of Plan replied that any person who failed to comply with such Notices under Cap. 131 committed an offence. The fine for a first conviction was up to \$500,000 plus a daily fine of \$50,000 after the expiry of the respective notice. In the case of a second or subsequent conviction, the fine was up to \$1,000,000 plus a daily fine of \$100,000. Besides, the Administration was empowered under Cap. 131 to enter the land and take necessary steps to ensure discontinuance of the unauthorized development or to reinstate the land. Any expenses incurred might be recovered as a civil debt from the person served with the Notices.

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30. On Dr KWOK Ka-ki's enquiry, D of Plan advised that PlanD had taken enforcement actions against cases of illegal land/pond filling, and storage of sand in the New Territories. In 2015, prosecution was instituted against nine land/pond filling cases and penalties totalling \$630,000 were imposed. Dr KWOK opined that the average amount of fine upon conviction for each case was too low and thus lacking deterrent effect. SDEV responded that while the amount of fine was determined by the court taking into account the circumstances of individual cases, the statutory penalty levels were adequate in reflecting the gravity of the offence.

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31. At Dr KWOK Ka-ki's request, D of Plan agreed to provide information on the number of cases of unauthorized development involving illegal land/pond filling, and storage of sand in the New Territories handled by PlanD in the past 10 years, and the follow-up actions taken.

(Post-meeting note: The Administration's response was issued vide LC Paper No. CB(1)937/15-16(02) on 18 May 2016.)

Enhancing control over land filling activities

Reviewing the existing regulatory regime

32. Members expressed grave disappointment over the limitation of the existing regime in controlling land filling activities on private lands. Over the years, many parts of the New Territories had become dumping grounds, causing unacceptable impacts and degradation of the environment in the areas. Most of the cases, like the soil fill at the concerned site, were left unresolved for years despite repeated complaints from some environmental groups and members of the public. They considered it incumbent upon the Administration to step up efforts in dealing with the problem.

33. Mr Tony TSE and Mr WU Chi-wai pointed out that conflicts between conservation and development of private lands were long-standing issues. It was necessary to maintain a proper balance between the personal interests of landowners and public interests. Mr TSE suggested the Administration consider providing some forms of incentives, like tax concessions, to landowners concerned to encourage their compliance with the planned uses of private lands. He also suggested the Administration consider, subject to the amount of public resources incurred, the possibility of acquiring the private lands covered in conservation zones, such as "Conservation Area", "Green Belt" and "Agriculture" zones, for the purpose of conservation.

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34. SDEV explained that the policy on nature conservation fell under the purview of the Environment Bureau, and the provision of incentives or compensation to landowners or acquisition of private land, if any, under the relevant conservation policy would carry significant resource implications and involve complex issues that would require careful consideration. He added that most of the agricultural land in the New Territories was held under Block Government Lease, and there was no restriction on the use of agricultural land under the Lease.

Admin 35. At the request of Mr WU Chi-wai, SDEV agreed to provide a written response on whether LandsD would compile a database on the locations, lot boundaries and land titles of all land lots in the New Territories for public access.

(Post-meeting note: The Administration's response was issued vide LC Paper No. CB(1)937/15-16(02) on 18 May 2016.)

Stepping up measures against land filling activities

36. Mr Albert CHAN criticized the Administration for acting in hindsight in many cases of land filling on private lands only after the media had revealed the cases. He urged the Administration to put in place preventive measures to curb land filling activities at source, such as by specifying requirements on the deposition of C&D waste in the tender document for all public works, and requiring landowners/relevant persons to demonstrate that their deposition activities met all statutory requirements before they were authorized to do so.

37. DDEP(1)/EPD responded that a trip-ticket system was currently in place for public works to ensure that C&D waste generated would be properly disposed of. Further, a prior notification mechanism had been introduced under the Waste Disposal (Amendment) Ordinance since 2014. It required a person intending to deposit C&D waste on a private land lot to obtain prior written permission from the landowner concerned with a specified form, and submit the form to EPD for acknowledgement of the landowner's permission before the intended date of deposition. Under this mechanism, relevant government departments could be notified in advance to remind the person concerned of the relevant statutory requirements, with a view to preventing illegal dumping of C&D waste on private lands.

38. Mr LEE Cheuk-yan, however, doubted the effectiveness of the prior notification mechanism in curbing illegal dumping of C&D waste. He took the view that prior permission should instead be obtained from EPD, which

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should play a gate-keeping role to ensure that the deposition of C&D waste complied with relevant relevant statutory requirements.

39. In response, DDEP(1)/EPD advised that the Administration had considered the feasibility of a licensing mechanism under the Waste Disposal Ordinance (Cap. 354) to require prior permission for deposition of C&D waste. However, as vetting and approval of such activities involved statutory requirements under various ordinances and straddled the ambits of different government departments, it would be ultra virus for EPD to take on board the issues and requirements outside the responsibilities of the department.

40. Mr Kenneth LEUNG suggested the Administration consider using GPS for tracking and monitoring the movements of construction waste. He also asked about the existing number of dump trucks in Hong Kong. The Deputy Chairman agreed that GPS should be installed on all dump trucks to track where they deposited C&D waste.

41. DDEP(1)/EPD advised that there were about 3 000 to 4 000 dump trucks in Hong Kong at present. EPD and the dumper truck industry had been conducting trials to install GPS on dump trucks, and it was proved to be technically feasible using GPS to track the dump trucks. That said, there were a number of issues, including legal issues in relation to personal privacy, that needed to be sorted out before making any further proposals on using GPS on dump trucks for the said purpose.

42. Referring to the submissions from some environmental groups, the Deputy Chairman said that many cases of illegal land filling were unresolved for years, causing irreversible damage to the environment. He opined that any "destroy and develop" acts of developers should not be tolerated. He suggested holding a further meeting to receive views from the public on fly-tipping and illegal land filling and/or other issues arising from the soil fill on the concerned site. Mr LEE Cheuk-yan supported the suggestion.

43. The Chairman said that he would discuss with the Chairman of the Panel of Development on members' suggestion of holding a meeting to receive public views. He also urged the Administration to take heed of members' concerns and step up inter-departmental coordination to strengthen the effectiveness of handling disposal of C&D waste on private lands.

(Post-meeting note: At the instruction of the Chairman, an item on issues relating to fly-tipping and illegal land filling in Hong Kong had been included in the list of outstanding items for discussion by the Panel.)

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VI. Any other business

44. There being no other business, the meeting ended at 5:00 pm.

Council Business Division 1
Legislative Council Secretariat
1 June 2016