

立法會 *Legislative Council*

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Panel on Environmental Affairs

Meeting on 25 April 2016

Background brief on management of roadside cargo compartments prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on the management of roadside cargo compartments (commonly known as "skips") of Hong Kong. It also gives a brief account of the major views and concerns expressed by Members when related issues were discussed by the relevant committees of the Legislative Council ("LegCo") in the 2011-2012 to 2015-2016 legislative sessions.

Background

Roadside skips

2. A skip is an open-top container of rectangular shape mostly made of iron. Very often, it is placed at roadside near a construction site or a building under renovation for temporary storage of construction and renovation waste removed from the site or building. Using skips for disposal of construction and renovation waste is a means to facilitate the construction and fitting-out trades in disposing of such waste in a tidy and orderly manner.

Enforcement against roadside skips

3. Under the current streamlined enforcement procedures, the Hong Kong Police Force ("HKPF") takes enforcement action against roadside skips which cause serious obstruction and imminent danger to the public according to

section 4A of the Summary Offences Ordinance (Cap. 228). If the roadside skips under complaint do not cause obstruction, inconvenience or danger to the public or traffic but illegally occupy government land,¹ the Lands Department ("LandsD") will conduct site inspections within two working days after receiving complaints or referrals from HKPF. LandsD will post notices according to section 6 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) to require the concerned skip owners to remove the skips within one day after a notice is posted, or else the skips will be removed by the LandsD's contractor. In addition, the Environmental Protection Department ("EPD") and the Transport Department ("TD") had issued guidelines for voluntary compliance by skip operators.²

Director of Audit's Report No. 61

4. In recent years, there has been a significant increase in the number of public complaints over the problems caused by roadside skips. In October 2013, the Director of Audit conducted a review of the Government's effort in managing roadside skips and a relevant report was published in the Director of Audit's Report No. 61 ("the Audit Report"). The Audit Report made the following observations, among others, that the existing enforcement actions on roadside skips were not effective:

- (a) although LandsD could remove a skip under Cap. 28, LandsD needed to provide a 24-hour notice before removal action could be taken on a skip. A skip user could easily get around LandsD's enforcement actions by moving a skip away from its original location before the expiry of the said notice and moving the skip back to the same place again later;
- (b) HKPF would only remove skips under the common law and take prosecution actions on skips under Cap. 228 if the skips were causing serious obstruction or imminent danger to the public on roads and pavements; and

¹ Under section 5 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28), a skip owner may apply for a licence from the Lands Department for temporary occupation of government land.

² The EPD guidelines were issued in December 2007 focusing on measures to reduce environmental problems arising from skip operations while the TD guidelines were issued in January 2008 covering measures to reduce public safety risks and obstruction to pedestrian and vehicular traffic posed by roadside skips.

- (c) there was a lack of a regulatory system for regulating skip operations.

Joint Working Group on Management of Roadside Skips

5. Following the Audit Report, a Joint Working Group on Management of Roadside Skips ("JWG") led by the Environment Bureau and EPD with participation of eight relevant bureaux and departments was set up in February 2014 to review the problems caused by skip operations and the effectiveness of the existing regulatory regime.³ As short-term measures, JWG would:

- (a) identify suitable sites to be made available to skip operators through tendering on short-term tenancies ("STT") for storage of idling skips and/or to facilitate skips to be placed in suitable commercially managed sites of other uses, for reducing the number of such skips placed on roads or in public places; and
- (b) enhance enforcement efficiency by engaging term contract service providers to speed up the removal of roadside skips by relevant government departments.

Major views and concerns expressed by Members

6. The Public Accounts Committee ("PAC") of LegCo held one public hearing on management of roadside skips on 2 December 2013. Related issues were raised by Members during examination of the Estimates of Expenditures 2014-2015 and 2015-2016. At the Council meetings on 14 November 2012 and 27 January 2016, Mr Andrew LEUNG and Ms Starry LEE raised questions respectively on the subject. The major views and concerns expressed by Members are summarized in the ensuing paragraphs.

Regulation of roadside skips

7. Members expressed concerns about the long time sometimes taken by LandsD in taking enforcement actions under Cap. 28, or conducting site inspections in response to public complaints. It was also noted that although a skip owner might apply for a licence under Cap. 28 for temporary occupation of

³ Other participating bureaux/departments are the Transport and Housing Bureau, the Development Bureau, the Food and Environmental Hygiene Department, the Home Affairs Department (to attend on a need basis), HKPF, the Highways Department, LandsD and TD.

government land, LandsD had not received any such application in the past 10 years. On the other hand, the guidelines issued by EPD and TD on skip operations were generally not complied with by skip operators as the guidelines were not formulated under any legislation, and skip operators were only requested to comply with the guidelines on a voluntary basis. Members requested the Administration to expeditiously regulate the operations of skips and consider introducing a permit system for the purpose.

8. Members noted that relevant trade associations and government departments were generally in support of introducing a permit system to regulate skip operations. In the light of the Audit Report's recommendation that a government department should be assigned to take up this responsibility, PAC suggested that the Transport and Housing Bureau ("THB") should direct TD to take the lead in introducing the permit system for regulating and facilitating skip operations, having regard to the facts that skips were most often placed at roadside and roadside skips caused obstruction and posed safety risks to road users, and it was the policy purview of THB and TD to ensure smooth vehicular traffic and road safety.

9. The Administration responded that the issues involved in the management of roadside skips were multi-faceted, including road traffic and safety risks to road users, environmental and hygiene nuisance, occupation of roads and government land as well as law enforcement. The Administration would review the effectiveness of the existing regulatory and management regime on roadside skips and explore measures, including the suggestion of introducing a permit system, to better regulate and facilitate the operations of roadside skips, having regard to the effectiveness of the short-term measures implemented by JWG.

Sites for storing skips

10. On Members' enquiries about the progress of identifying suitable sites for storing skips, the Administration advised that it had already identified two pieces of land for STT purpose, and was working on the terms and conditions for leasing STTs. The Government would consult the relevant District Councils ("DCs") of the two identified sites. Depending on the outcome of the consultation, the Government planned to tender out STTs in the second quarter of 2016 so that the trade would have suitable locations for placement of skips within 2016.

Recent developments

11. In October 2015, the Panel on Environmental Affairs ("the Panel") received a letter from the Chairman of the Tsuen Wan DC (Chinese version only) expressing concerns on indiscriminate placement of skips on roadsides and requesting the Panel to follow up on a motion passed by the Tsuen Wan DC regarding the feasibility of setting up a licensing system and a regulatory mechanism for skips. The relevant letter and the Administration's response are hyperlinked in the **Appendix**.

12. At the meeting on 25 April 2016, the Administration will report the progress in implementing measures on enhancing management of roadside skips.

Relevant papers

13. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
19 April 2016

Management of roadside cargo compartments

List of relevant papers

Date of meeting	Event	Papers
1 April 2014	Special meeting of Finance Committee for examination of Estimates of Expenditure 2014-2015	Written question raised by Member and Administration's reply (Reply serial number: ENB258)
30 March 2015	Special meeting of Finance Committee for examination of Estimates of Expenditure 2015-2016	Written question raised by Member and Administration's reply (Reply serial number: ENB361)
22 February 2016	Meeting of the Panel on Environmental Affairs	Written reply from the Administration in response to members' request to discuss early issues related to the management of roadside cargo compartments (LC Paper No. CB(1)754/15-16(01))

Letter from District Council and the Administration's response on the subject

Date of letter	Letter/Administration's response
30 September 2015	Letter from the Chairman of the Tsuen Wan District Council (Chinese version only) (Restricted to Members) (LC Paper No. CB(1)69/15-16(01))
27 October 2015	The Administration's written response (LC Paper No. CB(1)69/15-16(02))

Hyperlinks to Director of Audit's Report No. 61 and Public Accounts Committee reports:

Date	Reports
30 October 2013	Director of Audit's Report No. 61 Chapter 2 on "Management of roadside skips"
February 2014	Public Accounts Committee Report No. 61 Chapter 2 of Part 7 on "Management of roadside skips"
February 2015	Public Accounts Committee Report No. 63 Part 5 Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2013 and the Results of Value for Money Audits (Report No. 61) <i>[P.A.C. Report No. 61]</i>
February 2016	Public Accounts Committee Report No. 65 Part 4 Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2014 and the Results of Value for Money Audits (Report No. 63) <i>[P.A.C. Report No. 63]</i>

Hyperlinks to relevant Council Questions:

Date	Council Questions
14 November 2012	Press release on Council question (written) raised by Mr Andrew LEUNG
27 January 2016	Press release on Council question (written) raised by Ms Starry LEE