

電話 Tel: 2231 3130
圖文傳真 Fax: 2868 4707
電郵地址 Email: adem@landsd.gov.hk
本署檔號 Our Ref: (71) in LDC 3/1010/13
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LANDS DEPARTMENT

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香港北角渣華道三三三號北角政府合署二十樓
20/F, NORTH POINT GOVERNMENT OFFICES
333 JAVA ROAD, NORTH POINT, HONG KONG

網址 Website : www.landsd.gov.hk

13 December 2013

(Urgent by Fax: 2840 0716)

Public Account Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn.: Ms Mary SO)

Dear Ms So,

**Public Accounts Committee
Consideration of Chapter 2 of the Director of Audit's Report No. 61
Management of roadside skips**

I refer to your letter of 4.12.2013 and provide our response to the series of questions as follows (in the same serial order):

- (a) As set out in para. 3.3 of the Audit report, there had been a series of ad-hoc inter-departmental discussions (some by correspondence) on the handling of roadside skips between November 2003 and January 2004. The discussions preceded the establishment of the Steering Committee on District Administration in early 2007. Those ad-hoc discussions involved mainly LandsD, the Police, Transport Department and Highways Department.

In the course of those discussions, it was agreed that Police would take immediate action if the skip concerned was posing imminent

danger to members of the public or causing serious obstruction on the road, while LandsD would arrange posting of notice under Cap. 28 and subsequent removal of the skip if required for non emergency case. The rationale behind this agreement has not been documented in our file records. We believe the arrangement has taken into account limitations cited by other departments and what could possibly be done under existing laws.

- (b) The District Lands Office/Hong Kong East (DLO/HKE) acted on the 166 complaints for unauthorized placement of skips at Performing Arts Avenue during the period from 8/2012 to 7/2013 and posted the Cap. 28 notices. All the subject skips were found self-removed before the date of expiry of the Cap. 28 notices. Obviously during that period the area was re-occupied by the same or different skip operators after DLO/HKE had completed each round of land control action. As mentioned in the Audit Report, Cap. 28 Ordinance is not an effective tool for enforcing against skip operations which are mobile by nature and easily movable.
- (c) Although no black-spot list pinpointing the unauthorized placing of skips has been drawn up by DLO/HKE, DLO/HKE has been joining other departments in conducting regular patrol of a list of environmental hygiene black-spots (which may cover roadside skips) drawn up under the ambit of the Food and Environmental Hygiene Committee of Wan Chai District Council. The list currently covers two black-spots of unauthorized placement of skips, namely Sharp Street East and Jaffe Road/Pervical Street (near Sino Plaza). With hind sight, having regard to the frequency of complaints received, the Performing Arts Avenue could have been included.

DLO/HKE is now drawing up a list of black spots pinpointing unauthorized placement of roadside skips in the geographical area of Wan Chai District Council and will soon refer the list to Wan Chai District Council and District Office (Wan Chai) to enlist their assistance in monitoring the black-spots and reporting cases. The list will cover, inter alia, the areas at/near Performance Arts Avenue, Sharp Street East and Jaffe Road/Pervical Street (near Sino Plaza). DLO/HKE will also review the case for drawing up a similar list in respect of geographical areas covered by the Eastern District Council.

- (d) Apart from DLO/SK which has already drawn up a list of black spots for roadside skips, all DLOs will be reminded to review on a periodic basis the need for drawing up and updating such a list having regard to empirical evidence. The black spots should be included in the routine land control patrol programme. Moreover, DLOs should also refer the list to relevant District Councils and District Offices to enlist their assistance in monitoring the black spots and reporting cases.
- (e) Under the “Hybrid System” proposed by HAD in 2009, TD would be responsible for receiving and processing applications for skip permits and considering if the application was objectionable from the angle of road safety and road traffic regulation, while LandsD would grant a licence under s. 5 of Cap. 28 on the recommendation of TD. When the idea was discussed in 2009, LandsD was of the view that :
 - (i) such a system, if pursued, should be for the purpose of controlling interference with highways and streets, as in the case of the relevant permit system in the United Kingdom, instead of premised on the basis of unauthorized use of government land;
 - (ii) the system should also be supported by an effective enforcement regime, and in this regard the taking of land control action under Cap.28 against breaches of the permit system would not be effective. This was because land control action under Cap. 28, by its nature, was meant to target occupation by structures, rather than skips which were readily movable but were causing obstruction or inconvenience;
 - (iii) for the proposed permit system to be effective, new legislation or amendments to appropriate legislation would be required.
- (f) In May 2009, LandsD issued new guidelines for handling roadside skips. In particular, the guidelines tighten the timeframe for enforcement action. Specifically, land control staff should inspect the site under complaint/referral as soon as possible and in any case no more than two working days from the date of receipt of the complaint/referral, bringing along copies of notice under s.6(1) of

Cap. 28 for immediate posting once the breach is confirmed. After that, the district term contractor should be alerted about the potential clearance operation to be commenced and completed on the expiry date of the s.6(1) notice. The land control staff should re-inspect the site in the morning of the expiry date. If the skip is still there, they should instruct the district term contractor to remove the skip within the same day.

- (g) Taking into account the Audit report, THB, ENB and DEVB have already undertaken to set up a joint working group to look into the various issues concerning roadside skips. In this regard, it may not be necessary or appropriate for the same issues to be brought up for discussion at the Steering Committee on District Administration convened by Home Affairs Bureau (HAB). That said, we believe HAB and other relevant bureaux/departments now participating in the Steering Committee will be invited to provide their input to the working group.

Yours sincerely,



(Ms Olga LAM)

For Director of Lands

c.c. Secretary for Development	Fax No.: 2151 5303
Secretary for the Environment	Fax No.: 2537 7278
Secretary for Transport and Housing	Fax No.: 2537 6519
Director of Environmental Protection	Fax No.: 2891 2512
Commissioner for Transport	Fax No.: 2598 5575
Commissioner of Police	Fax No.: 2520 1210
Secretary for Financial Services and the Treasury	Fax No.: 2147 5239
Director of Audit	Fax No.: 2583 9063