

**Subcommittee on
Waste Disposal (Charges for Disposal of Construction Waste) Regulation
(Amendment of Schedules) Notice 2016**

**Follow-up actions to be taken by the Administration in response to
the requests raised by members at the meeting on 24 May 2016**

The Administration was requested to provide information on and responses to the following issues and questions:

Information on cases of fly-tipping and illegal land filling and their number

- (a) the number of cases in which prosecutions were instituted based on the images captured by surveillance cameras installed at black spots of fly-tipping and the number of such cases in which the prosecutions were successful;
- (b) information on cases of illegal dumping of construction waste near Kingswood Villas in Tin Shui Wai, Chuen Lung Village in Tsuen Wan and Tsing Chuen Wai in Tuen Mun and the respective investigation reports;

Measures to prevent fly-tipping and illegal land filling

- (c) the measures to be taken by the Administration to prevent fly-tipping and illegal land filling activities before and after the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedules) Notice 2016 ("the Amendment Notice") came into operation on 7 April 2017, given that more fly-tipping and illegal land filling activities might arise upon the implementation of the proposed new charges under the Amendment Notice;
- (d) whether the Administration would consider increasing the penalties for fly-tipping of construction waste and illegal land filling so as to enhance the deterrent effect;

Land filling activities on private land

- (e) whether construction waste producers were allowed under the current legislation to deliver waste to places other than fill banks or landfills for dumping; whether in the market, there were construction waste producers who had entered into service agreements with construction

waste collection and delivery contractors for dumping construction waste on specified private land instead of delivering such waste to fill banks or landfills for disposal;

- (f) given that land filling activities on private land were not unlawful as long as the prior consent of the land owner had been obtained, the Environmental Protection Department ("EPD") had been notified and stabilization works to the fill slope had been carried out, whether the Administration would consider plugging the loopholes by amending the legislation to replace the above mechanism of notifying EPD with the requirement of registering with EPD and obtaining approval from relevant departments;
- (g) whether the Administration would consider amending the legislation to extend the application of restrictions on the height and size of fill slopes on Crown land to private land; and

Criminal liability for fly-tipping of construction waste and illegal land filling

- (h) whether the liability would be borne by the driver of the waste collection vehicle concerned, the transport company engaged or the construction waste producer in case the company engaged to collect and deliver construction waste failed to deliver the waste to a fill bank or a landfill in accordance with the terms of engagement and disposed of the waste at other places instead.

2. Besides, Hon Frankie YICK Chi-ming had pointed out that the Food and Environmental Hygiene Department ("FEHD") had engaged respective contractors to clear refuse from streets and litter bins and the construction waste indiscriminately disposed of. As such construction waste was generally of a small amount and packed into a number of bags, FEHD usually required the contractors responsible for clearing refuse from streets and litter bins to clear such construction waste as well in order to cut expenses. As a result, such contractors had been prosecuted for dumping construction waste while dumping waste at refuse transfer stations. Mr YICK requested that a joint meeting be held by EPD and FEHD to meet with relevant trade representatives and himself to discuss the issue.