



40/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong  
香港灣仔告士打道5號稅務大樓40樓

## **ACE Paper 12/2009**

*For information on 14 September 2009*

### **Progress of Measures to Enhance Control on the Depositing of Construction and Demolition Materials**

This paper aims to update Members on the progress of our enhanced control measures against the depositing of construction and demolition (C&D) materials.

#### **BACKGROUND**

2. C&D materials are a mixture of inert and non-inert materials generated as a result of construction, site clearance, excavation, refurbishment, renovation, demolition and road works. Non-inert C&D materials account for around 20% of the total and usually comprise bamboo, timber, vegetation, packaging waste and other organic materials. Some of these can be recycled while others are disposed of at landfills. In contrast, inert materials (otherwise known as public fill) mainly include construction debris, rubble, earth, bitumen and concrete, which can be put into gainful uses such as land formation.

3. The problem of fly-tipping<sup>1</sup> and land-filling<sup>2</sup>, both of which concern the depositing of C&D materials, has become increasingly a public concern. Government departments have been taking actions against activities related to illegal depositing of C&D materials on land within their respective jurisdictions. As issues arising from such depositing activities often cut across different policy areas, co-ordinated efforts from different Government departments are sometimes necessary. The Government has reviewed the procedures in controlling such activities and

---

<sup>1</sup> Fly-tipping refers to illegal depositing of C&D materials, which is often associated with haphazard and casual dumping from vehicles. Fly-tipped C&D materials are usually scattered, left in heaps, and in small quantities. Most of these illegal dumping activities take place in urban built-up areas at locations with good vehicular access, such as at kerb sides or side roads branched off from main roads.

<sup>2</sup> Land-filling refers to depositing or placement of C&D materials as fill material on land, which results in an elevation of ground level. Land-filling activities are usually carried out for purposes of filling up ponds, levelling off uneven ground surfaces, forming sites for development, stockpiling in the form of a fill bank, or depositing of C&D materials onto land as dumping ground.

introduced enhanced measures and inter-departmental co-ordination mechanism.

## **ENHANCED CONTROL AND OTHER MEASURES AGAINST THE DEPOSITING OF C&D MATERIALS**

### **Enhanced complaint handling procedures and inter-departmental co-ordination**

4. While the normal public complaint handling procedures adopted by different Government departments are effective in handling fly-tipping and land-filling complaints in most circumstances, there are situations where speedy responses and joint actions from Government departments are required to address problems that are urgent and sensitive in nature. In this connection, the Environmental Protection Department (EPD) and other Government departments concerned have jointly drawn up enhanced complaint handling procedures to deal with cases involving active and on-going C&D materials depositing activities especially for those that would pose risks to environmentally sensitive areas. Under the enhanced procedures, the Integrated Call Centre (ICC) or other departmental hotlines receiving complaints related to the above-mentioned cases would refer the cases to the EPD in the first instance. The EPD will deploy resources to carry out investigation within one working day or as soon as practicable upon receipt of the information to ascertain the extent of the problem, and request other Government departments to take parallel action as appropriate. The EPD will also coordinate joint site visits and actions with other relevant departments where necessary. A new government circular has been issued and promulgated among relevant government departments, detailing the enhanced procedures, for compliance.

5. To further enhance co-ordination amongst Government departments in combating fly-tipping and land-filling problems, the EPD and the relevant departments meet on a regular and as-needed basis to monitor the overall situation and review individual cases that are of public or environmental concern, at both territorial and regional levels. To facilitate information sharing and co-ordinated actions, the EPD, in collaboration with other Government departments, has developed a database containing information of those land-filling cases that are under constant monitoring and actions by various Government departments. In addition, a list of fly-tipping black-spots has been compiled and the departments concerned are expected to carry out regular patrol to deter fly-tipping activities in these areas. Basic information on the land-filling database and fly-tipping black-spots can be found on the EPD website.

### **Comprehensive guides**

6. The Administration operates a contractor management system which could sanction public works contractors involved in illegal dumping, including suspension

from tendering for public works contracts. Besides, to ensure that the relevant parties, including the rural landowners, construction waste transporters, property developers/contractors/managers are aware of the statutory requirements, the EPD and the other Government departments concerned have jointly developed three sets of comprehensive guides for them respectively. The guides provide useful information on the various statutory requirements governing C&D materials dumping activities and the steps that the affected parties need to take to guard against illegal land-filling and fly-tipping activities. The guides also encourage the public and all the relevant parties to report to the Government on any suspected illegal dumping activities so that the Government can follow up on these cases promptly. These guides, which are produced in the form of leaflets for easy promulgation, have been widely distributed to the various stakeholders through the relevant trade associations, Government departments and their public outlets. The guides are also available on the website of the EPD.

### **Other measures**

7. Apart from stepping up enforcement and patrol, and enhanced inter-departmental co-ordination, the Government departments concerned have pursued other preventive measures including the erection of warning signs and setting up road barriers in potential problem areas. In addition, the EPD has identified two fly-tipping black-spots, one at Siu Lang Shui Road in Tuen Mun, and the other at Tai Po Road public car park, for implementation of a trial fly-tipping control scheme based on remote monitoring by the installation of closed-circuit television (CCTV) in the last quarter of 2009. The proposal was recently presented to and supported by the relevant subcommittees of the Shatin and Tuen Mun District Councils. Subject to the outcomes of the trial scheme, a review would be conducted with consideration given to the feasibility of extending the CCTV installations to other fly-tipping black-spots.

8. Regarding reinstatement works for unauthorised land-filling activities on private land, recipients of Reinstatement Notice (RN) under the Town Planning Ordinance who are required to reinstate the land generally would take steps and deploy resources to comply with the reinstatement requirements on their own expenses, given that non-compliance with statutory notice is an offence subject to prosecution. Besides, RN will be registered at the Land Registry against the land. Under special circumstances, the Planning Authority could invoke sections 23(7) and 23(8) of the Town Planning Ordinance to enter and reinstate the land in the event of non-compliance with statutory notice, and the expenses incurred can be recovered from the concerned parties as a civil debt. This enforcement tool will be deployed prudently only where the circumstances and merits of the case justify and taking into account advice from the relevant departments. Furthermore, in the event that a land-filling activity involving blockage of any river or stream which is designated as main watercourse under the Land Drainage Ordinance, the Director of Drainage

Services (DDS) can serve a notice to order the person causing the obstruction to remove such obstruction within a specified time. If the obstruction is not removed within the specified time, DDS can authorize his contractor to enter the land to clear the obstruction.

## **OTHER ISSUES**

9. In addition to the above enhanced control measures, the Administration is also considering other measures to further enhance the control on fly-tipping and land-filling activities. Among other things, EPD is in collaboration with relevant departments examining the feasibility of tightening the control over the deposit of construction waste on private land under the Waste Disposal Ordinance (Cap. 354) (WDO).

10. The Administration also agrees that the sentence upon offenders of fly-tipping and unauthorized land-filling cases should carry sufficient deterrence. In case the penalty imposed by the court is considered too lenient or insufficient to reflect the severity of the offence, the Administration will, where the circumstances of an individual case justify, apply via the Department of Justice for a court review of the sentence.

11. Furthermore, the Administration has followed-up on the request of Legislative Council Members that the construction industry should adopt the trip-ticket system in private projects voluntarily. The response of the Committee on Environment and Technology of the Construction Industry Council was supportive. Guidelines on the trip-ticket system are being prepared aiming for voluntary adoption by the industry. The Committee would further deliberate on the strategies to promulgate the guidelines.

12. In addition, we have further relayed the suggestions of Legislative Council Members to the Committee on Environment and Technology regarding the following:

- (a) the introduction of the trip-ticket system in major private projects as a mandatory requirement;
- (b) for relatively minor works projects, ranging inexhaustively from domestic renovations to building repairs, the introduction of a compulsory declaration system, under which the relevant contractors or project owners should furnish to the Administration some information about the construction and demolition materials to be generated, including the estimated generation, the facilities for their disposal etc., before the project begins; and
- (c) the application of Global Positioning System on the dump trucks

employed by the contractors or project owners to further monitor the movement of the construction and demolition materials.

**ADVICE SOUGHT**

13. Members are invited to note the progress of our enhanced control measures against the depositing of C&D materials.

**Environmental Protection Department  
September 2009**