

## Placing of Cargo Compartments on Streets

5. **MR AMBROSE LAU** (in Cantonese): *Madam President, it has been reported that at least one hundred cargo compartments of lorries used as garbage containers are placed on the streets in the territory each day. These cargo compartments not only block traffic flow and threaten the safety of vehicles and pedestrians, but also cause environmental nuisances. The Lands Department (LandsD) has pointed out that the placing of cargo compartments on government land requires prior approval of the LandsD. In this regard, will the Government inform this Council:*

- (a) *apart from the LandsD, whether other government departments responsible for overseeing road traffic, environmental hygiene and road construction have exercised control over the cargo compartments being placed on roadsides or pavements; if they have, of the details; if not, the reasons for that;*
- (b) *of the total number of applications for placing cargo compartments on the streets received by the authorities over the past three years, and the total number of persons prosecuted for unauthorized placing of cargo compartments on the streets; if the authorities have not instituted prosecutions, of the reasons for that; and*

- (c) *whether the authorities will consider treating the unauthorized placing of cargo compartments on the streets as illegal parking, littering or causing obstructions on passageways, so that the Hong Kong Police Force, the Food and Environmental Hygiene Department (FEHD) or the relevant departments may prosecute the owners of the cargo compartments concerned?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, skips (or cargo compartments) placed on streets or at roadsides are mostly used as temporary storage for construction waste generated from fitting-out or modification works in nearby buildings, pending transportation to landfill sites for dumping. As skips are normally not left for more than two to three days, their impact on traffic and pedestrians is brief. The fitting-out and construction trades have a practical need for these skips. Besides, their use helps reduce the dumping of construction waste on streets, which may cause environmental hygiene and traffic problems. This issue is now being addressed and resolved mainly through the street management mechanism in each district.

My replies to the three parts of the question are as follows:

- (a) At present, there is no specific legislation to deal with skips being placed on streets. In general, such cases are regarded as illegal occupation of government land and dealt with by the relevant department under the Land (Miscellaneous Provisions) Ordinance, which covers all cases of unauthorized occupation of government land, including the placing of skips on streets. The LandsD may issue a licence to a person for occupation of government land under section 4 of the Ordinance. Under section 6(1) of the same Ordinance, the LandsD may post a notice requiring the person to cease occupation of the land before a specified date. The LandsD will normally give one working day's notice to the owners, to remove their skips from the streets.

If the placing of skips on streets or at roadsides causes environmental hygiene problem, the FEHD may serve on the person concerned a nuisance notice, requiring him to abate the nuisance within a specified period under sections 12 and 127 of the Public

Health and Municipal Services Ordinance. If skips obstruct any street cleansing operation, the FEHD will serve a notice on the owners, requiring removal within a specified period under section 22 of the same Ordinance.

In addition, any article (including skips) placed on a street by any person, causing obstruction, inconvenience or danger to other members of the public or vehicles, the police will take appropriate action under sections 4A and 32 of the Summary Offences Ordinance.

- (b) Over the past three years, the LandsD has not received any application for placing skips on streets. The number of complaints received by concerned departments against the placing of skips on streets are as follows: the LandsD: 218 cases; the FEHD: 82 cases. In addition, the Hong Kong Police Force, the Transport Department and the Highways Department have not received any complaint record.

Over the past three years, a total of 218 such notices have been put up by District Lands (DL) Offices under section 6(1) of the Land (Miscellaneous Provisions) Ordinance. Most of the skips were removed before the deadline. The remaining skips were removed and confiscated by the relevant DL offices because their owners could not be traced.

- (c) Skips do not fit in with the definition of "vehicle" under section 2 of the Road Traffic Ordinance and hence those placed on streets cannot be regarded as illegally parked vehicles. As mentioned earlier, the problem may be dealt with under the street management mechanism within each district. The concerned departments held a meeting last month to discuss street management issues and how to handle more effectively the problem of skips placed on street. It was agreed that, upon receiving such complaints, the police would assess whether there is an urgency or serious impact on traffic. If so, enforcement action would be taken by the police to remove them.

Where no traffic obstruction is caused, the police would inform the concerned DL Office, which would post a notice under the Land

(Miscellaneous Provisions) Ordinance, requiring the owner to remove the skip within one working day. Should the skip remain there after the deadline, the DL Office would arrange for its removal by a contractor, with a view to rectifying the situation within three working days.

**MR AMBROSE LAU** (in Cantonese): *Madam President, the Secretary explained in part (b) of the main reply that the LandsD had not received any application for placing skips on streets over the past three years, whilst at least 300 complaints had been received by concerned departments against the placing of skips on streets, and other department had no record on that. In view of that, the placing of skips on streets has already caused nuisances and inconvenience to members of the public and affected their living conditions. May I ask whether the Government considers it acceptable? That is, whether owners of skips may place them on streets, then after complaints are received, the Government issues notices to them to remove the skips from the street. If the Government finds it unacceptable, how would it put an end to this problem? Moreover, the Secretary explained in the main reply that upon receiving such complaints, the police would assess whether there was an urgency or serious impact on traffic, if so, enforcement action would be taken by the police to remove them. If it involves none of the abovementioned circumstances, will the authorities adopt other measures to tackle the problem?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, the situation in the past was indeed undesirable. Although departments concerned may take action under the relevant Ordinances, they are separate actions taken by individual departments. Just as I explained in part (c) of the main reply, after the relevant situation was disclosed by the press, the concerned departments held a meeting last month to discuss more effective ways to deal with the problem. Just as Mr LAU said, if there is an impact on traffic, enforcement action would be taken immediately; I have explained in my main reply that where no traffic obstruction was caused, the police would inform the concerned DL Office, which would post a notice under the Land (Miscellaneous Provisions) Ordinance, requiring the owner to remove the skip within one working day, and that one working day is required by law. If the skip remains there after the deadline, we would arrange for its removal by a contractor. Our objective is to rectify the situation as soon as possible. Under whatever circumstances, it would be dealt with within three working days.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, the Secretary explained in part (c) of the main reply that if the skip had caused serious impact on traffic, it would be removed. May I ask whether the meaning of removal involves any penalty, that is, a penalty ticket being issued to the owner? If it involves no penalty, then should the Government carry out the removal at public expense? If a penalty is in place, may I ask what penalty it is?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): *Madam President, in fact, very often, skips belong to their owners, but generally they have no markings for us to identify their owners. If we search in the vicinity of the skip, every now and then we could find people carrying out demolition works. If the skip obstructs traffic flow, the police will ask the parties concerned to remove it immediately. If no traffic obstruction is caused, a notice would be posted. Thus we can deal with all such situations. With regard to the question of penalty, the police will take legal action under section 4A of the Summary Offences Ordinance. Under that Ordinance, any person, who without lawful authority or excuse, causes the nuisances shall be liable to a fine of \$5,000 or to imprisonment for three months. However, according to our records, nobody has been given an imprisonment sentence by virtue of that provision.*

**MR HENRY WU** (in Cantonese): *Madam President, I can see from time to time that skips are placed on roadsides, in particular on double yellow lines, and I have also seen some of them being placed at road junctions, which will definitely affect traffic flow. However, whether it will cause impact on traffic depends on the fact that whether or not it is rush hour. With regard to this situation, the existing practices, such as referring the case to the police upon receiving such complaints, and so on, are not at all satisfactory. The Secretary explained in the main reply that if no traffic obstruction was caused, the police would inform the concerned DL Office, which would post a notice requiring the owner to remove the skip within one working day. However, the Secretary also mentioned in the first paragraph of the main reply that skips were normally left for not more than two to three days, thus posting a notice seems to be an unnecessary move. In this connection, may I ask the Government whether it will consider encouraging the parties concerned to make applications? If the*

*parties concerned have made applications, these problems would possibly be eliminated, that is, skips would not be placed illegally, because the relevant authorities could set down certain restrictions, such as prohibiting the placement of skips at road junctions or on double yellow lines.*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese):

Madam President, just as Members said, these skips are mostly used for the dumping of demolition waste. Their owners would remove them once they are fully loaded, thus they would not stay very long as far as time is concerned. Of course, current legislation allows skip owners to make applications, but if they have to go through the application formalities and then the licensing procedure, many people would rather not to make an application because they feel that it is just a waste of time. We have to understand that there is such a need, and we also hope that the nuisance can be minimized. For that reason, if the skips cause impact on traffic or safety, the authorities would deal with them immediately. If not, we would generally stretch the rules to accommodate them, but we would make sure that they would not stay on the street for too long.

**MR HENRY WU** (in Cantonese): *Madam President, the Secretary has not answered my supplementary. I asked the Secretary whether the parties concerned would be encouraged to make applications, so he could explain what measures could be adopted as an encouragement, such as streamlining the procedure, or the penalty issue mentioned by another Member. May I ask the Secretary if he will encourage the parties concerned to make applications?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese):

Madam President, the owners may make applications to the relevant department, but as I explained in my main reply just now, over the past three years, we have not received any application. Nevertheless, I think the most important thing is to allow the public to report such cases through an effective channel should such circumstance arise. The LandsD has set up a complaint hotline and the number is 2231 3369. It is hoped that the nuisance can be minimized by means of dealing with complaints.

**DR TANG SIU-TONG** (in Cantonese): *The Secretary mentioned in part (b) of the main reply that over the past three years, the LandsD had not received any application for placing skips on streets. In the meantime, the Director of Lands may issue a licence to the parties concerned under the Land (Miscellaneous Provisions) Ordinance. May I ask whether the parties concerned do not wish to apply for the licence due to the licence fees or the daily rent payable, or simply because they do not want to take the trouble to make an application?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, the relevant application requires the parties concerned to pay a rent, but the rent is not high, it is not expensive at all. The licence is issued on district basis, so in Hong Kong Island North and urban Kowloon, for example, the rent for each square metre is just \$10/year. For that reason, the relevant cost is quite low, and the cost should not be a problem. Perhaps the problem is that demolition works only take quite a short time, and the skip would be removed soon after the demolition works are over, therefore there is no incentive for the owner to place the skip for a very long period.

**PRESIDENT** (in Cantonese): We have spent more than 16 minutes on this question. Last supplementary question.

**MR AMBROSE LAU** (in Cantonese): *Madam President, I wish to follow up my main question. The current situation is obviously that the parties concerned have put skips on the streets in the first place, that is, someone has done something unlawful, therefore I told the Government, if it was not satisfied with the situation, it should put an end to this problem. However, the way that the police deal with urgent cases is exactly the same as they deal with non-urgent cases, that is, a notice will be posted to require the owner to remove the skip before a specific date, but that cannot solve the problem at all. For that reason, may I ask the Government if, given that prevention is better than cure, the authorities will discuss with the relevant sector or to put down some simplified application requirements or even exempt the rent when necessary? Since the Government is unable to collect the fees now, it had better make it free by waiving the rent that the owners should pay, then the control in that respect could perhaps improve. Do the authorities have any preventive measure to take?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, I think Members will understand that these skips are mostly used for the keeping of construction waste generated from demolition works, therefore they are usually placed close to the demolition site, thus the flexibility will be very limited as far as placing the skips closer or further to the site is concerned. With regard to the time arrangement, I have just explained that their stay is brief. Since the relevant sector has such a need, therefore we have made this arrangement. I have also explained in my main reply that if the use of skips to keep construction waste was disallowed, then construction waste would be dumped on streets pending transport to remove them, then it would cause another problem. Under that circumstance, we should give consideration to road safety first. If it causes impact on safety, then we will definitely not allow anyone to commit such action under any circumstance; if safety is not jeopardized, then we would deal with it according to the approach I have just mentioned.