

# MANAGEMENT OF ROADSIDE SKIPS

## Executive Summary

1. 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 an effective means to reduce environmental nuisance and facilitates the construction and fitting-out trades in disposing of such waste in a tidy and orderly manner. However, owing to the lack of a Government monitoring system, roadside skips very often unlawfully occupy public roads, cause obstruction to traffic, and at times pose environmental, hygiene and safety risks to road users. In recent years, there has been a significant increase in the number of public complaints over roadside skips. From November 2009 to June 2013, the Hong Kong Police Force (HKPF) recorded 10 traffic accidents involving skips, in which a total of 15 persons were injured. The Audit Commission (Audit) has recently conducted a review of the Administration's efforts in managing roadside skips (paras. 1.2, 1.5, 1.10 and 1.11).

### Problems caused by roadside skips

2. *Voluntary compliance with skip guidelines.* In December 2007 and January 2008, the Environmental Protection Department (EPD) and the Transport Department (TD) issued two guidelines (EPD Guidelines and TD Guidelines) for voluntary compliance by skip operators. With a view to reducing problems caused by skip operations, EPD Guidelines focus on measures to reduce environmental problems while TD Guidelines cover measures to reduce public safety risks and obstruction to pedestrian and vehicular traffic. However, the two departments have not conducted any evaluation of the effectiveness of the two Guidelines (paras. 2.2 to 2.4).

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3. *Lack of Government statistics on roadside skips.* The Government has not set up any system to monitor the placing of roadside skips, and no Government survey has been conducted to ascertain the magnitude of the problem. As a result, the Government does not have any statistics on the number of skip operators, the number of skips in operation and the number of skips placed at roadside every day (para. 2.5).

4. *Audit road survey and inspections identified many skips.* From August 2012 to July 2013, with a view to ascertaining the magnitude of the problem caused by roadside skips, Audit conducted a one-year road survey and, additionally, in three Districts conducted one-day inspections and 38-day inspections. Audit survey and inspections identified a total of 470 roadside skips and a number of irregularities (paras. 2.6 to 2.9, 2.12 and 2.13).

5. *Skip problems revealed in Audit road survey and inspections.* Audit road survey and inspections revealed that none of the 470 skips had fully complied with EPD and TD Guidelines. In particular, 100% of the skips did not have clear markings indicating that the disposal of domestic, flammable, hazardous and chemical waste was not permitted, 99% were not covered with clean waterproof canvas, 98% were not provided with yellow flashing lights during the hours of darkness, and 39% were placed at “no-stopping” restricted zones. Audit also noted that two locations had continuously been occupied by one to nine skips throughout the 38-day period (paras. 2.12 to 2.18).

6. The issues caused by roadside skips are multi-dimensional, including unlawful occupation of government land, nuisance and obstruction caused to neighbourhood and pedestrians, obstruction and safety risks posed to road users, damage to roads, and environmental and public hygiene problems (para. 4.14).

### **Government actions on regulating roadside skips**

7. In 2004, the Lands Department (Lands D) and the HKPF agreed to take relevant enforcement actions on roadside skips under the Land (Miscellaneous Provisions) Ordinance (Cap. 28 — the Cap. 28 Ordinance) and the Summary Offences Ordinance (Cap. 228) respectively (para. 3.3).

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8. ***The Cap. 28 Ordinance not effective in regulating skip operations.*** Between January 2008 and June 2013 (66 months), the Lands D had posted 4,125 notices under the Cap. 28 Ordinance on roadside skips, removed 29 skips (on average one skip in two months), and instituted prosecution action related to one skip. Audit notes that Lands D staff sometimes took a long time before conducting site inspections in response to public complaints on roadside skips. Audit has also found that the Cap. 28 Ordinance is not an effective tool for regulating skip operations because, under the Ordinance, the Lands D needs to provide a 24-hour notice before removal action can be taken on a skip. Therefore, the Government needs to establish a better system to regulate and facilitate skip operations (paras. 3.7, 3.8 and 3.16).

9. ***HKPF actions might not have reflected magnitude of the skip problem.*** From January 2008 to June 2013 (66 months), the HKPF had taken actions to remove 32 skips (on average one skip in two months) and taken prosecution actions in 25 cases. Audit notes that the HKPF would only take removal and prosecution actions on skips causing serious obstruction or imminent danger to the public on roads and pavements. Based on Audit's road survey and inspection results (see paras. 4 and 5 above), the removal of one skip in two months might not have reflected the magnitude of the skip problem (paras. 3.11 and 3.18).

### **Government system for facilitating skip operations**

10. ***Lack of a regulatory system for regulating skip operations.*** As revealed in discussions about roadside skips in past years, relevant trade associations and Government departments were generally in support of introducing a permit system to regulate skip operations. Audit researches also reveal that some overseas authorities have implemented a permit system for the purpose. However, such a regulatory system has not been introduced in Hong Kong. Based on Audit's findings, the Government needs to assess the magnitude of the skip problem and take necessary remedial actions (paras. 4.9, 4.12 and 4.15)

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### Audit recommendations

11. **Audit recommendations are provided in PART 5 of this Audit Report. This Summary only highlights the key recommendations. Audit has recommended that the Secretary for Development, the Secretary for the Environment and the Secretary for Transport and Housing should jointly:**

- (a) **conduct a survey to ascertain the magnitude of the skip problem (para. 5.6(a));**
- (b) **conduct a review of the effectiveness of the existing enforcement actions on roadside skips taken by the Lands D and the HKPF (para. 5.6(b));**
- (c) **formulate strategies and action plans for regulating and facilitating skip operations (para. 5.6(c)(i));**
- (d) **assign a Government department to take up the responsibility for regulating and facilitating skip operations (para. 5.6(c)(ii)); and**
- (e) **conduct a review to reassess whether the current situation justifies Government actions to introduce a regulatory system to regulate and facilitate skip operations (para. 5.6(d)).**

### Response from the Administration

12. **The Administration agrees with the audit recommendations (paras. 5.9 to 5.11).**