

**Legislative Council
Panel on Environmental Affairs**

**Review on the Implementation of the
Water Pollution Control (Sewerage) (Amendment) Regulation 1998**

Purpose

This paper briefs Members on the implementation of the Water Pollution Control (Sewerage) (Amendment) Regulation 1998.

Background

2. The Water Pollution Control (Sewerage) (Amendment) Regulation 1998 (the Amendment Regulation) was published in the Gazette on 17 July 1998. It enables the Director of Environmental Protection, as the Authority under the Water Pollution Control (Sewerage) Regulation, to close roads on a limited scale for carrying out sewerage works without having to go through the gazettal procedures. More specifically, the Authority could exercise his powers to:

- (i) close a road which does not serve any useful or lawful purpose;
- (ii) close a road for a period not exceeding 14 days in any period of 3 months; or
- (iii) close part of the width of a road to use but not to such an extent as will interfere unreasonably with the normal flow of traffic on that road and for no longer than is reasonably necessary to execute the works.

3. The Amendment Regulation was tabled at the Legislative Council on 17 July 1998 and a Subcommittee was formed by Members to scrutinise the provisions. The Subcommittee held three meetings to discuss the provisions of the Amendment Regulation and Members indicated at the meeting on 7 August 1998 their support of the Amendment Regulation.

Delegation of Powers

4. The power of the Authority referred to in paragraph 2 above has been delegated to other works departments including Drainage Services Department (DSD), Territory Development Department, Civil Engineering Department, Highways

Department, Architectural Services Department and Housing Department through the Instrument of Authorisation issued by the Director of Environmental Protection on 29 September 1998. Amongst these departments, DSD deals with most of the related sewerage projects and maintenance works.

Sewerage Works Requiring Limited Road Closure

5. Since the enactment of the Amendment Regulation, DSD has been the only department reported to have exercised the powers referred to in paragraph 2 above to close roads on a limited scale for carrying out sewerage works. During the reporting period (18 May 1998 to 30 September 1999), DSD exercised the powers to close roads on a limited scale for works of seven capital sewerage projects and 2160 cases of minor sewerage maintenance / connection works.

Extent of Road Closures

6. The seven capital sewerage works projects involved only partial road closure (e.g. closure of part of a road or one lane of a multi-lane road) and the duration lasted from several days to several months, depending on the nature of works as well as the complexity of underground obstructions. During the period of these road closures, normal traffic flow could be maintained without unreasonable disruption.

7. The 2160 cases of minor sewerage maintenance / connection works are mainly related to the repairing of damaged sewer pipes and manholes, conducting CCTV surveys and pipe cleansing. Many of these works were either of a very urgent nature or required only a short duration of road closure. During the reporting period, the majority of the 2160 cases of minor sewerage maintenance / connection works required only a few hours' closure of a small area of the road around the manholes. Only some 370 cases required relatively longer closure of mainly footpath and rear lanes (from a few days to a few weeks and seldom exceeded a month). Traffic and pedestrian flow were generally not affected by these works.

Public Consultation and Display of Notice on Road Closure

Capital sewerage projects

8. Public consultation in various forms was conducted during different stages of the work implementation process. During the detailed design stage of the aforementioned capital sewerage projects, work details were presented to the Traffic and Transport Committee and Environmental Improvement Committee of the relevant Provisional District Boards (PDBs). The PDB members' comments or concerns on the projects were generally taken into account in the detailed design of the projects.

9. Before the commencement of the capital sewerage works, tentative schedule of the works and details of traffic diversion were presented to the respective subcommittees of PDBs. DSD also attended PDB meetings on related traffic and environmental issues whenever necessary. For associated traffic diversion schemes which might affect loading/unloading facilities or vehicle access to premises, DSD's contractors had informed the affected shop operators, verbally or by notification leaflets, of the details of the sewerage works and the road closures before the commencement of the works. Notice boards in accordance with the DSD Standard Drawing had also been displayed on site during the execution of sewerage works to explain the reason of road closures and the proposed completion date of the concerned section of works. In addition, telephone numbers were provided to enable members of the public to make enquiries or lodge complaints.

Minor maintenance / sewerage works

10. Minor sewerage maintenance / connection works normally required only limited closure of a small section of carriageways and footpaths in areas where access by the public was limited and the normal traffic and pedestrian flow was low (e.g. at rear lanes). Many of these works were either very urgent and necessitated DSD's immediate action or minor in nature which required only a short period of closure. As such, local consultations had not been carried out by DSD. However, excavation permits issued by Highways Department had been displayed on site to inform the public about the reason of road closures and the proposed completion date of the concerned section of works. Telephone numbers were made available to enable the public to make enquiries or lodge complaints on the road closures.

Feedback from the public

11. During the period, DSD reported that 29 complaints in relation to road closure/traffic diversion were received on the capital sewerage projects while no complaint was received on minor sewerage maintenance / connection works. The complaints were in general of a minor nature and mostly related to unclear directions on traffic diversions or local shop owners' request for reducing the affected area of closure in front of their shops. Appropriate follow-up measures had been taken by DSD's contractors and all cases were resolved to the satisfaction of the complainants.

Trial Scheme for On-site Display of Advance Notice on Road Closure

12. In the process of deliberating the Amendment Regulation, the Administration accepted the suggestion of the Subcommittee to run a 12-month trial scheme of displaying advance notice on site for sewerage works requiring limited road closure. The trial scheme was conducted by DSD from October 1998 to September 1999 at 28 capital works sites and 3 maintenance works sites in Mong Kok and Yau Ma Tei districts. During the trial period, advance notices of road closure were

displayed at prominent locations on site before the commencement of the maintenance works or before site occupation for capital works.

13. DSD reported that they had received no complaints or objections from the public during the trial period apart from four verbal enquiries which were all related to requests for information. Judging from the feedback from the public, it appeared that they had not been too interested in the information set out in the notices. In addition, the works department / contractors also had experienced practical difficulties in displaying such notice before occupying the work sites. In cases where such notices were posted on the external wall of private premises, they were often removed by unknown parties. In view of the above, we intend to discontinue the practice of displaying advance notice for sewerage works requiring limited road closures. The Advisory Council on the Environment was consulted and supported the discontinuation. We will continue with the existing practice of displaying standard notice boards during the execution of sewerage works.

Conclusion

14. The present arrangements for carrying out sewerage works which require road closure on a limited scale has operated well. To ensure that the public is fully informed of and consulted on sewerage works requiring minor road closures, the following measures are in place-

- (a) Before the commencement of capital sewerage works, project proponents will consult the relevant Committees of District Councils, as well as other organisations such as Area Committees and Owners' Corporation as appropriate. In addition, the works contractors would be requested, as far as practicable, to inform affected parties such as shop operators about the works by distributing notification leaflets; and
- (b) During the execution of sewerage works, concerned works departments will display notice boards on site to explain the reasons of road closure, the proposed completion date of works and relevant contact telephone numbers to enable members of the public to make enquiries or to lodge complaints.

15. Based on our experience, these measures are adequate in enabling members of the public to make enquiries or lodge complaints about limited road closures arising from the implementation of sewerage works. The rights of individuals to be informed of or to air grievances on the sewerage works have not been compromised or deprived of as a result of the enactment of the Amendment Regulation.

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