

立法會
Legislative Council

LC Paper No. CB(1)1335/18-19

(These minutes have been seen
by the Administration)

Ref : CB1/PL/DEV

Panel on Development

Minutes of meeting
held on Tuesday, 26 February 2019, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon LEUNG Che-cheung, SBS, MH, JP (Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, BBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon Wilson OR Chong-shing, MH
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP

Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members attending : Hon SHIU Ka-fai
Hon LUK Chung-hung

Members absent : Hon Kenneth LAU Ip-keung, BBS, MH, JP
(Deputy Chairman)
Hon MA Fung-kwok, SBS, JP

Public officers attending : **Agenda item III**

Mr Victor CHAN Fuk-yiu
Principal Assistant Secretary for Development (Works)2

Mr Wallace TANG Wing-keung
Assistant Secretary for Development (WP2)4

Mr Paul WONG Yan-yin
Principal Assistant Secretary for the Environment (Energy)

Mr Michael LEUNG Chung-lap, JP
Project Manager (East)
Civil Engineering and Development Department

Mr Louie LAU Chun-tat
Chief Engineer/E4
Civil Engineering and Development Department

Mr Raymond POON Kwok-ying
Assistant Director/Electricity & Energy Efficiency
Electrical and Mechanical Services Department

Mr LO Kam-cheung
Chief Engineer/Energy Efficiency B
Electrical and Mechanical Services Department

Agenda item IV

Mr Maurice LOO Kam-wah, JP
Deputy Secretary for Development (Planning and Lands)²

Ms Jasmine CHOI Suet-yung
Principal Assistant Secretary for Development (Planning
and Lands)³

Mr Humphrey HO Hon-kit
Assistant Director/New Buildings 2
Buildings Department

Ms Clarice YU Po-mei
Assistant Director/Corporate Services
Buildings Department

Ms Mary CHAN Yuen-ming
Chief Building Surveyor/New Territories East (1) &
Licensing
Buildings Department

Mr Wilson WAN Che-wing
Chief Structural Engineer/New Territories
Buildings Department

Mr Michael PANG Yuk-lung
Chief Officer/Minor Works & Signboard Control
Buildings Department

Mr Clement LEE Kai-hong
Senior Building Surveyor/Legislation
Buildings Department

Agenda item V

Mr Jacky WU Kwok-yuen
Principal Assistant Secretary for Development (Works)⁵

Mr Thomas HUI Hoi-hon
Chief Assistant Secretary for Development (Works)⁵

Mr WONG Sui-kan
Assistant Director/Projects & Development
Drainage Services Department

Mr Edwin LAU Shing-cheong
Chief Engineer/Land Drainage
Drainage Services Department

Mr Thomas WONG Hip-lik
Chief Engineer/Drainage Projects
Drainage Services Department

Mr Jimmy POON Sui-shun
Chief Engineer/Project Management (Acting)
Drainage Services Department

Agenda item VI

Ms Brenda AU Kit-ying, JP
Head of Energizing Kowloon East Office
Development Bureau

Mr Jacky WU Kwok-yuen
Principal Assistant Secretary for Development (Works)⁵

Mr WONG Sui-kan
Assistant Director/Projects & Development
Drainage Services Department

Mr Thomas WONG Hip-lik
Chief Engineer/Drainage Projects
Drainage Services Department

Mr Edwin LAU Shing-cheong
Chief Engineer/Land Drainage
Drainage Services Department

Clerk in attendance : Ms Doris LO
Chief Council Secretary (1)²

Staff in attendance : Miss Rita YUNG
Senior Council Secretary (1)2

Mr Raymond CHOW
Senior Council Secretary (1)10

Mr Keith WONG
Council Secretary (1)2

Ms Christina SHIU
Legislative Assistant (1)2

Action

- I Information paper(s) issued since the last meeting**
(LC Paper No. CB(1)546/18-19(01) — Letter dated 28 January 2019 from Hon Andrew WAN on issues relating to the chlorine generation plants of the Water Supplies Department
- LC Paper No. CB(1)610/18-19(01) — Administration's response to the letter dated 28 January 2019 from Hon Andrew WAN on issues relating to the chlorine generation plants of the Water Supplies Department [LC Paper No. CB(1)546/18-19(01)]

Members noted that the above information papers had been issued since the last meeting.

2. Mr CHU Hoi-dick referred to Mr Andrew WAN's letter and the Water Supplies Department ("WSD")'s response as listed above, and suggested that WSD be requested to give an account of the supply and installation of chlorine generation plants while consulting the Panel on a waterworks project at a future meeting. The Chairman noted the suggestion and said that he would convey the same to WSD for arrangement.

II Items for discussion at the next meeting

(LC Paper No. CB(1)593/18-19(01) — List of outstanding items for discussion

LC Paper No. CB(1)593/18-19(02) — List of follow-up actions)

Regular meeting on 26 March 2019

3. Members agreed that the next regular meeting scheduled for Tuesday, 26 March 2019, at 2:30 pm would be extended to end at 6:00 pm to discuss the following items proposed by the Administration:

- (a) Proposed creation of two permanent posts of Chief Electrical and Mechanical Engineer in the Electrical and Mechanical Services Department ("EMSD");
- (b) Improvement of water supply in Shatin, Sheung Wong Yi Au, Sheung Shui and Fanling, and implementation of Water Intelligent Network; and
- (c) PWP Item No. 5768CL — Studies related to Artificial Islands in the Central Waters.

(Post-meeting notes:

- At the request of the Administration and with the concurrence of the Chairman, item (c) above has been retitled as "Studies related to artificial islands in the central waters, Lantau Conservation Fund and work progress of the Sustainable Lantau Office"; and the order of the above three items were changed; and
- in response to Mr CHU's suggestion in paragraph 2 above, the Administration would take questions from members on issues relating to the supply and installation of chlorine generation plants of WSD under item (b) above at the March meeting.

Members were informed of the above changes and arrangement on 13 March 2019 vide LC Paper No. CB(1)704/18-19.)

Rescheduling of the regular meeting in April 2019

4. The Chairman informed the Panel that the regular meeting of April 2019 would be rescheduled to 30 April 2019, to avoid clashing with the scheduled Joint-Panel duty visit to the major cities in the Yangtze River Delta Region from 21 to 24 April 2019. Mr LAM Cheuk-ting said that he

and Mr Andrew WAN would not be able to attend the rescheduled meeting in April due to their court appearance that day.

(Post-meeting note: Members were informed on 27 February 2019 vide LC Paper No. CB(1)647/18-19 of the rescheduling of the regular meeting from 23 to 30 April 2019.)

Special meeting on 1 March 2019

5. Mrs Regina IP suggested that as the Administration had given its response to the Report of the Task Force on Land Supply ("the Report of TFLS"), the Development Bureau ("DEVB") should brief the Panel on the subject, including among others the details of tapping into private agricultural land reserve in the New Territories under the public-private partnership approach. The Chairman said that members were informed that the Panel would hold a special meeting on 1 March 2019 to discuss the Report of TFLS and the Administration's response.

III Kai Tak development ("KTD") — infrastructure at former north apron area of Kai Tak Airport, additional district cooling system and progress report on KTD

(LC Paper No. CB(1)593/18-19(03) — Administration's paper on Kai Tak development — infrastructure at north apron area of Kai Tak Airport, provision of an additional district cooling system at the Kai Tak development and progress report on Kai Tak development)

6. At the invitation of the Chairman, Principal Assistant Secretary (Works)2, DEVB ("PAS(W)2/DEVB") briefed the Panel on the scope of the funding applications in relation to the Kai Tak development ("KTD"), concerning (a) upgrading part of 469CL to Category A for the construction of stage 5B infrastructure works essential for the continued developments at the former north apron area of KTD, and (b) upgrading 50CG to Category A for the construction of an additional district cooling system ("DCS") to meet the increase in the projected cooling demand as a result of further increase of the development density of KTD. PAS(W)2/DEVB advised the Administration's plans that, subject to the funding approval of the Finance Committee ("FC"), the proposed works for (a) were to

commence in the third quarter of 2019 for substantial completion in phases from 2023 to 2025; and those for (b) were to commence in the fourth quarter of 2019 in phases for completion by end 2028

7. With the aid of a powerpoint presentation, Chief Engineer/E4, Civil Engineering and Development Department and Chief Engineer/Energy Efficiency B, EMSD respectively briefed members on the details of the proposed works.

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)642/18-19(01) by email on 27 February 2019.)

8. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure of the Legislative Council ("LegCo"), they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

469CL — Kai Tak development — Infrastructure at north apron area of Kai Tak Airport

9. Noting the high estimated cost (\$1,720.1 million in money-of-the-day ("MOD") prices) of the proposed works, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr Gary FAN were concerned that the Administration was squandering public money on lavish public works projects many of which cost over hundreds of millions dollars.

10. PAS(W)2/DEVB said that the Administration was responsible for providing the essential infrastructures including roads, drainage system and sewerage for KTD covering an expanse of about 300 hectares. The Administration had been adopting a target-oriented and no-frills approach in implementing the relevant public works projects by benchmarking similar public works projects. Also, the Project Cost Management Office had provided advice on cost management issues for the projects with a view to strengthening cost management.

11. Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr Gary FAN and Mr Holden CHOW requested the Administration to provide a detailed breakdown of the estimated cost of the proposed works, including the respective costs for the items of works (a) to (h) as listed out in Enclosure 1 to LC Paper No. CB(1)593/18-19(03) when submitting the funding proposal to the Public Works Subcommittee ("PWSC"). Dr KWOK and

Mr Wilson OR asked the Administration to provide a comparison of the construction unit costs of footbridges, pedestrian subways and elevated walkways built by the Government over the past decade. The Administration undertook to provide the supplementary information.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)856/18-19(01) on 8 April 2019.)

12. Mr Holden CHOW said that as the proposed pedestrian subway SB-01 across Prince Edward Road East ("PERE") would link Kowloon City with the future Underground Shopping Street ("USS") to be developed by a private developer, the Administration should consider requiring the future private developer to bear part of the construction cost of the proposed pedestrian subway.

13. PAS(W)2/DEVB replied that the proposed pedestrian subway would link up Kowloon City, PERE and KTD. In planning for the alignment, the Administration put emphasis on providing the most convenient route for the public to reach KTD. While its construction cost would be borne by the Government, the land sale premium of the USS site would reflect the convenience and benefits to be brought by the proposed pedestrian subway connecting thereto.

14. Ir Dr LO Wai-kwok enquired about the greening works along the proposed footpaths under this works project. Project Manager (East), CEDD ("PM(E)/CEDD") advised that Autumn Maple and Golden Penda trees would be planted along the proposed footpaths.

15. Pointing out that PERE was a busy dual carriageway, Mr Wilson OR was concerned about the impact of the proposed infrastructure works on the traffic flow of PERE and the mitigating measures the Administration would adopt to lessen the impact. PM(E)/CEDD replied that during the construction stage, the Administration would maintain the existing number of lanes for traffic at PERE.

16. Mr Jeremy TAM called on the Administration to consider how to coordinate the implementation of Environmentally Friendly Linkage System and Cycle Track Network in KTD.

50CG – Provision of an additional District Cooling System at the Kai Tak development

Energy saving efficiency of District Cooling System

17. Ir Dr LO Wai-kwok pointed out that during a recent site visit to DCS at KTD by PWSC, some schools at KTD adopting DCS as air-conditioning system had commented positively on its benefits including energy saving efficiency. He enquired about the energy saving efficiency of the existing DCS in service.

18. Assistant Director/Electricity & Energy Efficiency, EMSD ("AD(E)/EMSD") advised that the existing DCS was running at about 10% of its designed maximum cooling capacity in meeting the current demand for cooling services. Given that the projected energy saving efficiency could only be attained when the existing DCS was operating at its full capacity, it was premature for the Administration to give an exact figure about its energy saving efficiency at this stage. He supplemented that apart from schools, Kai Tak Cruise Terminal and the Trade and Industry Tower at KTD were also using the cooling services of DCS. Principal Assistant Secretary (Energy), Environmental Bureau ("PAS(E)/ENB") added that the schools at KTD using DCS had benefited from a lower electricity bill as well as a more quiet classroom teaching and learning environment.

Capital cost of and need for constructing the proposed additional District Cooling System

19. Mr Gary FAN pointed out that the Administration adopted the "Design, Build and Operate" ("DBO") approach to implement the Kai Tak Sports Park ("KTSP") project and bore the construction cost of its various facilities at about \$31.8 billion. Given that the additional DCS would serve KTSP, Mr FAN, Dr KWOK Ka-ki and Dr Fernando CHEUNG queried why the cost of constructing the additional DCS had not been accounted for in the Administration's funding application for the KTSP project, and whether constructing the additional DCS to serve KTSP was tantamount to using public money to subsidize the consortium being awarded the DBO contract for KTSP, namely Kai Tak Sports Park Ltd, which was a subsidiary of New World Development Company Limited and NWS Holdings Limited. Mr FAN further asked if there were any design changes of KTSP that gave rise to the need for more cooling demand and hence the additional DCS, and if so, whether the design changes were specified under the DBO contract for KTSP.

20. Dr KWOK Ka-ki was concerned about any possible transfer of benefits to the business counterpart in the implementation of KTSP under DBO. He enquired about the proportion of the estimated cooling capacity of the proposed additional DCS required by KTSP. Dr Fernando CHEUNG asked how the Administration could guarantee full recovery of the capital and operating costs for the additional DCS through charges collected from the operator of KTSP and other private commercial site users over its project life of 30 years.

21. PAS(E)/ENB stressed that the proposed additional DCS was necessary for meeting the increase in the projected cooling demand which was related not only to KTSP, but also to (a) about 400 000 square metres of commercial floor area arising from an increase in the development density of KTD; and (b) the New Acute Hospital ("NAH") e.g. height limit changed from 60 metres to 100 metres. He and AD(E)/EMSD indicated that NAH and KTSP would respectively take up about 44% and one-fourth of the projected additional cooling capacity of the additional DCS. PAS(E)/ENB stressed that the construction of the additional DCS by the Administration was not intended to benefit any particular private developers. All users including KTSP were required to pay for using DCS based on the actual cooling energy consumption of the building concerned. The Administration expected that the payments received from all users would be able to bring about a full cost recovery of DCS over its project life of 30 years.

22. At the request of Dr Fernando CHEUNG, the Administration agreed to provide supplementary information about the estimated DCS charges to be paid by the operator of the KTSP to the Government.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)834/18-19(01) on 8 April 2019.)

23. Expressed concern about the high capital costs of the existing and additional DCSs, Mr Alvin YEUNG asked whether the construction costs could be capped and whether more DCS(s) would be required in future following the further development at KTD. Noting that the Administration would procure the works for the connection facilities at the commercial sites separately after the building owners had finalized their building designs, Mr YEUNG was concerned about the additional cost implications of such an arrangement.

24. AD(EE)/EMSD advised that the cost estimate had already taken into account the cost for procuring the works for the connection facilities to the commercial buildings within the service area of the additional DCS. PAS(E)/ENB said that the planning and design of the additional DCS had taken into account the on-going and planned developments at KTD and already included an extra 10% spare capacity.

25. Mrs Regina IP asked for a comparison of the construction unit cost of the proposed additional DCS and that of the existing DCS in terms of the serviceable area and the cooling capacity in megawatt ("MW"). Dr KWOK Ka-ki enquired about the construction unit cost, in terms of the cooling capacity, of similar DCS in other countries/cities.

26. PAS(E)/ENB said that the construction unit costs, at 2018 price level, of the existing and proposed additional DCS were \$19.7 million/MW and \$19.1 million/MW respectively. Given the different building uses, it might not be practicable comparing the unit costs of the two DCS by serviceable area. As regards the unit costs of DCS projects in other places, the Administration might not have readily available information, but undertook to provide reference information as far as it was relevant.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)834/18-19(01) on 8 April 2019.)

Level of tariff

27. Mr Jeremy TAM enquired about the tariff level of DCS and its competitiveness against the electricity costs of using other types of air-conditioning systems. Given the already high capital cost of the additional DCS (\$4,269.3 million in MOD prices), Mr TAM pointed out that the capacity charge and consumption charge were \$112.11 per kilowatt ("kW") per month and \$0.19 per kW-hour respectively at 2014-2015 level. He worried that to achieve full cost recovery in the case of cost overrun or more DCS(s) required, the DCS charges would be increased to a level too high that it would become unattractive for users to choose DCS services.

28. PAS(E)/ENB explained that the projection of the 30-year recovery period was made based on the total capital cost of \$4,945.5 million of the existing DCS approved by LegCo. As of January 2019, there was no cost overrun for the existing DCS project. He advised that DCS consumed 20% less electricity as compared with individual water-cooled air-conditioning system and developers of private commercial developments at KTD were keen on exploring the adoption of DCS.

Tender arrangement for the proposed additional District Cooling System

29. Mrs Regina IP enquired about the tender arrangement for the proposed additional DCS. She wondered whether there were only be a handful of qualified potential operators for DCS globally, and asked about the effectiveness of the existing DCS operator. Mrs IP also enquired about any foreseeable difficulties in implementing the additional DCS and the possibility of cost overrun.

30. PAS(E)/ENB indicated that the Administration would invite tenders for the DBO contract for the additional DCS in parallel, but it would award the contract only after the funding was approved by LegCo. He advised that as DCS had been well-developed, there were a number of DCSs operating in other countries with similar capacity as or even larger capacity than the existing and the proposed DCS. AD(E)/EMSD advised that the construction of the existing DCS was complicated as it involved the construction of underground seawater pipes straddling Kai Tak Approach Channel. With the experience gained in the implementation of the existing DCS, the Administration did not foresee much difficulty implementing the proposed additional DCS.

31. Mr Alvin YEUNG enquired about the remedial actions taken by the Administration following the incident of burst of pipes and the consequent flooding inside a chiller plant building at the servicing DCS in July 2018. Mr YEUNG expressed concerns about the susceptibility of the proposed additional DCS to the same problem.

32. PAS(E)/ENB advised that the DCS had a highly reliable system performance of 99.99% reliability and the incident of pipe joint leakage at the chiller plant did not affect the normal district cooling service of the DCS; however, the Administration had reminded the operator to enhance its monitoring of the system.

Costs of disposal of construction waste

33. Mr Wilson OR enquired whether the costs required for disposal of construction waste at public fill reception facilities and landfill sites estimated to be about \$6.4 million for each of the two projects were already covered under their cost estimates or not. PM(E)/CEDD and PAS(E)/ENB replied in the affirmative.

Submission of the funding proposals to the Public Works Subcommittee

34. Mr Jeremy TAM suggested that the funding proposals for 496CL and 50CG be submitted under separate agenda items to PWSC for consideration. He said that he would not support the submission of the items to PWSC, and Mr Alvin YEUNG said that the stance of members belonging to the Civic Party was consistent.

35. Ir Dr LO Wai-kwok, Mr Holden CHOW, Mr Wilson OR, Mrs Regina IP expressed their support for the two funding proposals. Dr Fernando CHEUNG said that he had yet to decide his stance.

IV Technical amendments to two pieces of subsidiary legislation made under the Buildings Ordinance (Cap. 123)

(LC Paper No. CB(1)593/18-19(04) — Administration's paper on proposed amendments to the Building (Construction) Regulations, and the Building (Minor Works) Regulation)

36. At the invitation of the Chairman, Deputy Secretary (Planning and Lands)2, Development Bureau ("DS(P&L)2/DEVB") and Assistant Director/Corporate Services, Buildings Department ("AD(CS)/BD"), the latter with the aid of a powerpoint presentation, respectively briefed members on the Administration's proposals to (a) revamp the extant Building (Construction) Regulations (Cap. 123 sub. leg. B) ("B(C)R") for implementing a performance-based building control system and enhancing standards on the design and construction of buildings, streets, building works and street works under the Buildings Ordinance (Cap. 123) ("BO"); and (b) amend the extant Building (Minor Works) Regulation (Cap. 123 sub. leg. N) ("B(MW)R") for inclusion of more minor building works items into the Minor Works Control System ("MWCS") to facilitate the public to carry out such minor works ("MW") lawfully. Members noted the Administration's intention to introduce the relevant legislative amendment proposals into LegCo in the first half of 2019.

(Post-meeting notes:

- A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)642/18-19(02) by email on 27 February 2019; and

- a submission on the subject (Chinese version only) from the Association for the Rights of Industrial Accident Victims was tabled at the meeting and circulated to members vide LC Paper No. CB(1)643/18-19(01) by email on 27 February 2019.)

Proposed amendments to the Building (Construction) Regulations (Cap. 123 sub. leg. B)

Implications of adopting performance-based provisions

37. Given that there were many construction blunders in recent years, Mr Gary FAN worried that the proposed replacement of the extant prescriptive provisions in B(C)R with performance-based ones would loosen up the regulatory standards, making it even more difficult for the Administration to monitor the quality of building works. In this connection, Mr FAN asked about the measures to be put in place to safeguard against construction blunders and substandard building works.

38. DS(P&L)2/DEVB responded that the extant B(C)R comprised both prescriptive and performance-based provisions, and the proposed revamp sought to replace the prescriptive provisions with performance-based ones as far as practicable with a view to allowing flexibility in building design and facilitating the adoption of innovative building technologies. Nonetheless, the proposed revamp would not alter the objectives of BO or reduce the control of the Building Authority ("BA"), whose powers to disapprove submissions under BO would not be varied. As in accordance with the current practices, BA might exercise his discretion to accept alternative yet agreeable approaches proposed by the registered building professionals ("RBPs"). He and Assistant Director/New Buildings 2, Buildings Department, further advised that RBPs were required to submit prescribed plans to the Buildings Department ("BD") for approval, and BD would strictly monitor the works quality throughout the construction period by, among others, requiring RBPs to supervise the carrying out of building works and submit the required documents upon completion of works to certify that the building works had been carried out in accordance with the provisions of BO and its subsidiary regulations as well as the plans approved by BA in respect of the building works.

39. Dr Helena WONG sought clarifications regarding whether the revamped B(C)R would prescribe a set of updated standards for building materials. Given the broad scope and substantial details to be covered in the proposed revamp, Dr WONG asked whether the relevant legislative amendments could be dealt with through the positive vetting procedure

instead of the negative vetting procedure, such that Members would have sufficient time to study the proposed amendments in details.

40. DS(P&L)2/DEVB advised that the revamped B(C)R would adopt performance-based requirements with regard to building materials and the standards of building materials would not be prescribed in detail. He added that detailed technical specifications and standards had all along been specified in the relevant codes of practice and practice notes. A regular updating exercise on the relevant codes of practice and practice notes was underway and stakeholders in the industry would be consulted during the process.

41. Dr Helena WONG suggested that the Administration should provide the relevant codes of practice for members' information when introducing the legislative amendment proposals into LegCo. DS(P&L)2/DEVB undertook to consider Dr WONG's suggestion.

Proposal of mandating the provision of adequate means of access for maintenance to the exterior of buildings

42. Given that the provision of ancillary facilities for safe access for repair and maintenance of exterior components of buildings was one of the pre-requisites for granting exemption of such exterior components from gross floor area ("GFA") and site coverage calculations by BD, Dr Helena WONG asked whether BD would consider not regarding truss-out scaffolds or suspended working platforms as ancillary facilities acceptable for such purpose so as to discourage their use; or otherwise disallowing the use of truss-out scaffolds or suspended working platforms in the codes of practice.

43. Dr Fernando CHEUNG pointed out that there were many serious accidents in the past relating to the use of truss-out scaffolds or suspended working platforms involving quite a number of casualties, and he enquired whether the revamped B(C)R would mandate the provision of permanently fixed platforms as passageways for workers to carry out installation and maintenance works safely to the main part of air-conditioners installed on the external walls of buildings. Mr CHU Hoi-dick made a similar enquiry.

44. DS(P&L)2/DEVB replied that at present, it was not a statutory requirement to provide means of access for maintenance to the exposed sides of external walls, cladding and curtain walls ("external features"). To encourage building design to cater for such need, the provision of safe access and ancillary facilities including suspended working platforms for

repair and maintenance of exterior components of buildings had been included as one of the pre-requisites for exemption of such exterior components from GFA and site coverage calculations. As a further step to protect workers' safety, the Administration now proposed amending B(C)R to include performance-based provisions to mandate the provision of adequate means of access for maintenance to external features. BA would issue a new code of practice on design for safety for external maintenance promulgating the deemed-to-satisfy requirements for compliance with the said new provisions, for example, by providing an air-conditioner platform as a passageway to air-conditioners. However, given the common use of suspended working platforms for carrying out routine maintenance works to external features and the physical constraints of some sites (e.g. small sites resulting in limited building frontage), it would be impracticable to disallow the use of suspended working platforms or mandate the provision of air-conditioner platforms.

45. Dr Fernando CHEUNG doubted the effectiveness of relying merely on a code of practice that had no legal effect to mandate the provision of adequate means of access for maintenance to external features. DS(P&L)2/DEVB explained that the provision of adequate means of access for maintenance to external features would be mandated under the revamped B(C)R. After the revamped B(C)R came into operation, BA would exercise control when approving building plans in accordance with the new code of practice. Any building proposal shown on building plans that did not meet the deemed-to-satisfy requirements as promulgated in the new code of practice for compliance with the new provisions might be disapproved.

46. Mr HO Kai-ming hoped that the Administration would introduce the proposed amendments to B(C)R and B(MW)R as soon as possible. Mr HO sought clarification as to whether the use of suspended working platforms for installation and maintenance of air-conditioners at the exterior of buildings would be allowed under the revamped B(C)R. He suggested specifying clearly in the new code of practice the conditions under which permanent working platforms should be provided for workers to carry out maintenance works to external features, unless suspended working platforms were the only safe access available. Mr HO urged the Administration to address his concerns over the use of suspended working platforms when introducing the legislative proposal into LegCo.

47. Mr LUK Chung-hung opined that the use of suspended working platforms or truss-out scaffolds was not only costly, but would also pose a serious risk to workers carrying out maintenance works to external features. He called on the Administration to consider making it mandatory for all

new buildings to provide air-conditioner platforms for installation and maintenance of air-conditioners on the external walls; otherwise allowing only window-type air-conditioners to be installed at these buildings. He also queried why the Administration had not updated the Code of Practice for Safe Use and Operation of Suspended Working Platforms since its issuance in 1999. He pointed out that this Code of Practice was outdated, and did not specify that an anchorage should be installed on each floor to ensure the stability of a suspended working platform. He further urged the Administration to review BO and building design requirements to minimize the need of workers working at height.

48. DS(P&L)2/DEVB replied that the revamped B(C)R would explicitly require the provision of adequate means of access for maintenance to external features. RBPs would be required to demonstrate to the satisfaction of BD that such means of access to be provided would be able to meet the statutory requirements, including relevant statutory requirements for occupational safety. Although it was not practical for BD to set out the construction requirements for all possible designs for such means of access, it was exploring the inclusion in the new code of practice a feasible deemed-to-comply design option of connecting air-conditioner platforms with utility platforms or balconies at the exterior of new buildings. Regarding the Code of Practice for Safe Use and Operation of Suspended Working Platforms issued by the Labour Department ("LD"), DS(P&L)2/DEVB undertook to relay Mr LUK's views to LD for consideration.

49. Mr LUK Chung-hung remained of the view that it was necessary to legislate for the mandatory provision of air-conditioner platforms at new buildings, whilst the Administration's proposal could not address the safety issue. Mr LUK indicated that he would request to form a subcommittee to examine the legislative proposal relating to the revamp of B(C)R and extend the scrutiny period when the proposal was introduced into LegCo for negative vetting. The Chairman suggested that the Administration should take heed of members' views on the legislative proposal, and consider discussing with members including Mr LUK on the matter in detail. The Administration undertook to do so.

50. Mr SHIU Ka-fai expressed concern on the high costs required for using truss-out scaffolds or suspended working platforms to repair the air-conditioners installed on external walls. He suggested that the Administration should explore possible improvement measures (such as requiring the adoption of a more space-saving design for installation of air-conditioners and their connecting pipes at the exterior of buildings to make available space for workers to carry out maintenance works, or

enlarging windows for workers to reach the air-conditioner platforms), and consult the industry (in particular the trade associations of electrical appliances) on the improvement measures to be included in the new code of practice.

51. Mr Tony TSE expressed support for the proposed amendments to B(C)R and B(MW)R. He took the view that compulsory provision of an air-conditioner platform might not be the best way to deal with the safety issue. The Administration, while playing its regulatory role, should leave flexibility for building professionals to draw up building designs that could meet the maintenance need of air-conditioners.

52. DS(P&L)2/DEVB responded that BD was in the course of preparing the new code of practice and the views of the industry (including those from the trade associations of electrical appliances) were being sought. Taking heed of the concerns of the industry, the new code of practice would specify that the connecting pipes on the air-conditioner platforms should be properly positioned to avoid obstructing the access for maintenance.

Proposed amendments to the Building (Minor Works) Regulation (Cap. 123 sub. leg. N)

Enhancements to Minor Works Control System

53. Dr Junius HO welcomed the proposed amendments to B(MW)R to enhance MWCS by including more MW items that could be carried out by building owners under simplified requirements without the need to obtain prior approval and consent of BA before commencing such works. Dr HO pointed out that currently only 19 types of specified green and amenity facilities could be installed in New Territories Exempted Houses ("NTEHs") exempted under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) ("BO(ANT)O") without seeking permission from the Lands Department ("LandsD") or BD, and asked whether the Administration would similarly increase the types of these specified green and amenity facilities to include, for example, glass curtain walls and windows.

54. DS(P&L)2/DEVB replied that the regulatory regime for NTEHs was different from that for buildings in urban areas since NTEHs were, by virtue of BO(ANT)O, exempted from certain provisions of BO and its subsidiary regulations, including the need for obtaining prior approval and consent to the commencement of works from BD. Therefore, the Administration considered it not appropriate to expand the types of

specified green and amenity facilities that could be installed in NTEHs without seeking permission from LandsD or BD by aligning with the proposed amendments to B(MW)R.

55. Dr Helena WONG was concerned that it would be difficult to regulate MW and pursue responsibilities in case of any works problems if no prescribed building professionals ("PBPs") were required to be engaged for Classes II and III MW under the existing MWCS.

56. DS(P&L)2/DEVB advised that MW items covered in MWCS were smaller in scale and posed a lower level of risk. They were further classified into three classes (i.e. Classes I, II and III) according to their nature, scale and complexity and risk that they might pose. In view of their lower risk level, Class II and Class III MW could be carried out without engaging PBPs to design and supervise the carrying out of the works. Yet, BD would conduct audit checks and the number of non-compliant cases had been decreasing.

57. Mr CHAN Chi-chuen asked for further details of the inspections/enforcement actions undertaken by BD regarding MW, including the percentage of audit checks conducted out of the some 800 000 MW submissions received since the implementation of MWCS on 31 December 2010 up to December 2018, the circumstances where BD would conduct site inspections and the number of such site inspections conducted, the manpower and time required for conducting a site inspection, and the adequacy of enforcement manpower. Dr Fernando CHEUNG also asked about the regulatory mechanism put in place by BD to ensure that MW under MWCS were carried out in compliance with B(MW)R, and he and Mr CHAN both asked about the numbers of cases of irregularities identified and prosecutions instigated. Mr Tony TSE enquired about the number of registered minor works contractors ("RMWCs"), and whether BD had sufficient manpower to carry out the audit checks/site inspections after the inclusion of more MW items under MWCS.

58. DS(P&L)2/DEVB and AD(CS)/BD advised that a team comprising professional and technical staff had been set up under BD to carry out the audit checks/site inspections. BD would review the workload of its staff and improve the work efficiency from time to time. Additional manpower would be sought in accordance with established mechanism if necessary. Every year, some 7 000 submissions were audited of which about 12% were inspected on site. PBPs and prescribed registered contractors ("PRCs") were required to rectify any irregularities identified during the audit checks/site inspections. Depending on the seriousness of the

irregularities, PBPs and PRCs might be sanctioned under BO. As PBPs and PRCs were getting familiar with MWCS, the percentage of non-compliant cases had decreased from about 16% in 2014 to about 2% in 2018. Since the implementation of MWCS, BD had instigated prosecutions against 17 cases involving two PBPs and 18 PRCs/Authorized Signatories of PRCs. BD would continue to strengthen its publicity work to facilitate the public, PBPs and PRCs to understand the MWCS regime. As regards the number of RMWCs, there were about 8 000 RMWCs (Individual) who could only be engaged in Class III MW and over 10 000 RMWCs (Company).

59. Regarding the proposed addition of nine types of unauthorized minor and genuine amenity features as Prescribed Buildings or Buildings Works under the validation scheme provided in MWCS for the continued use of such features after safety inspection, necessary strengthening and certification, Mr CHU Hoi-dick asked whether the Administration sought to deal with the unauthorized building works ("UBWs") in "sub-divided units" with the extended validation scheme. DS(P&L)2/DEVB clarified that the nine additional types of unauthorized features proposed to be included in the validation scheme were minor and genuine amenity features and did not involve works normally associated with "sub-divided units".

Items included/to be included as minor works or designated exempted works

60. Dr Helena WONG enquired if an Authorized Person ("AP") had to be appointed for the installation of green features on rooftop. AD(CS)/BD explained that depending on the size and height of the green features, they would be classified as Class I (need to appoint an AP) or Class II (no need to appoint an AP) MW items. Generally speaking, green features on rooftop would mostly be classified as Class I item and those installed on-grade would mostly be classified as Class II item.

61. Noting that the Administration's proposal included the metal supporting frames for antennas and transceivers of small cells on external walls of buildings as MW items under MWCS, Dr Helena WONG requested the Administration to provide information to clarify whether the level of non-ionising electromagnetic radiation from each antenna/transceiver or collectively all antennas and transceivers of a small cell/a location would be based upon to measure against the relevant radiation exposure limits.

(*Post-meeting note*: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)833/18-19(01) on 2 April 2019.)

A motion proposed by a member

62. The Chairman said that he had received a motion proposed by Dr Fernando CHEUNG. He considered that the proposed motion was directly related to the agenda item under discussion. Members agreed that the motion be proceeded with at the meeting.

63. Dr Fernando CHEUNG read out his proposed motion:

(Translation)

"Given that there were serious accidents in the past involving quite a number of workers who were installing, using and dismantling truss-out scaffolds (commonly known as 'suspended scaffolds') or suspended working platforms required for related maintenance works to be carried out on external walls, this Panel requests the Government to amend the Building (Construction) Regulations, so as to require the provision of platforms as passageways at newly-completed buildings with air-conditioners installed on the external walls (except for window-type air-conditioners) for workers to carry out installation and maintenance works safely."

64. The Chairman put the motion to vote. The Chairman ordered a division and the voting bell was rung for five minutes. Twelve members voted for, and seven members voted against the motion. No member abstained. The votes of individual members were as follows:

For:

Mr CHAN Chi-chuen
Dr Fernando CHEUNG
Mr Alvin YEUNG
Mr CHU Hoi-dick
Mr LAM Cheuk-ting
Dr CHENG Chung-tai
(12 members)

Miss Alice MAK
Dr Helena WONG
Mr Andrew WAN
Mr HO Kai-ming
Ms Tanya CHAN
Mr Gary FAN

Against:

Dr Priscilla LEUNG
Mr Frankie YICK
Dr Junius HO

Mrs Regina IP
Dr Elizabeth QUAT
Mr Holden CHOW

Mr Tony TSE
(7 members)

Abstain:
(0 member)

65. The Chairman declared that the motion was carried.

(Post-meeting note: The wording of the motion passed was circulated to members vide LC Paper No. CB(1)648/18-19(01) by email on 27 February 2019. The Administration's response to the motion was circulated to members vide LC Paper No. CB(1)1308/18-19(01) on 12 August 2019.)

[At 5:13 pm, the Chairman announced that the meeting be suspended for five minutes. The meeting resumed at 5:18 pm.]

V Drainage Improvement Works at Tsung Yuen (Kwu Tung North), Pok Fu Lam, Ngong Ping and Yuen Long, and measures to handle flooding issues in rural areas

(LC Paper No. CB(1)593/18-19(05) — Administration's paper on Drainage Improvement Works at Tsung Yuen (Kwu Tung North), Pok Fu Lam, Ngong Ping and Yuen Long, and measures to handle flooding issues in rural areas)

66. At the invitation of the Chairman and with the aid of a powerpoint presentation, Principal Assistant Secretary for Development (Works)5 ("PAS(W)5/DEVB") briefed members on the Administration's proposals to upgrade the following four works items to Category A for taking forward the drainage improvement works at Tsung Yuen (Kwu Tung North), Pok Fu Lam, Ngong Ping and Yuen Long:

- (a) 118CD – "Drainage Improvement in Northern New Territories - Package B" (remaining works) at an estimated cost of \$65.5 million in money-of-the-day ("MOD") prices. The Administration planned to commence the proposed works in the fourth quarter of 2019 for completion in the first quarter of 2022;

- (b) 144CD (part) – "Drainage Improvement in Southern Hong Kong Island - Package 2A" at an estimated cost of \$134.7 million in MOD prices. The Administration planned to commence the proposed works in the fourth quarter of 2019 for completion in the fourth quarter of 2023;
- (c) 163CD – "Drainage Improvement Works at Ngong Ping" at an estimated cost of \$216.0 million in MOD prices. The Administration planned to commence the proposed works in the fourth quarter of 2019 for completion in the first quarter of 2022; and
- (d) 166CD (part) – "Drainage Improvement Works at Yuen Long - Stage 1" at an estimated cost of \$256.2 million in MOD prices. The Administration planned to commence the proposed stage 1 works in the first quarter of 2020 for completion in the third quarter of 2022.

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)642/18-19(03) by email on 27 February 2019.)

67. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure of LegCo, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

Discussion

68. Mr Andrew WAN said that members belonging to the Democratic Party supported the proposed drainage improvement works. He expressed concern about the flooding problem of some natural streams in the rural areas caused by illegally dumped refuse and construction waste, and asked about the enforcement actions taken by the Drainage Services Department ("DSD") in cooperation with other relevant government departments.

69. PAS(W)5/DEVB advised that DSD was empowered under the Land Drainage Ordinance (Cap. 446) to gain access into private lands to remove obstructions such as construction waste which caused blockage of streams. In recent years, DSD had received only a limited number of complaints about blockage of streams on private lands, and was able to contact the land owners concerned to remove obstructions for most cases. As for illegal waste dumping, DSD would refer such cases to the Environmental Protection Department for law enforcement actions where appropriate.

70. Mr Andrew WAN asked about the extent of works to be conducted using trenchless construction method with a view to reducing generation of construction waste as far as possible. PAS(W)5/DEVB said that the Administration would use trenchless construction method as far as practicable. Taking into account the higher cost involved, it would be more practical using this method for the works carried out at urban areas so as to minimize the impact on traffic and the nuisance to the public.

71. Dr Helena WONG expressed support for the proposals. She asked whether rainwater harvesting facilities would be provided in the proposed works projects with a view to making better use of the precious water resources. For example, she asked whether it was feasible transferring water collected by the new drainage facilities at Ngong Ping to the Ngong Ping Sewage Treatment Works for production of reclaimed water.

72. Assistant Director/Projects & Development, Drainage Services Department ("AD(P&D)/DSD") said that the Administration had all along been committed to providing rainwater harvesting facilities in appropriate drainage improvement projects. Nevertheless, it was necessary to consider the overall technical practicability and cost-effectiveness, and not all projects were suitable for installing the relevant facilities. In general, as for drainage improvement works of smaller scale, such as the proposed drainage improvement project in Southern Hong Kong Island, collection of water intercepted by drainage facilities of smaller scale for other uses might not be a cost-effective option. Regarding the drainage improvement works at Ngong Ping, given that the location was within the water gathering grounds of Shek Pik Reservoir, the stormwater collected could be discharged into Shek Pik Reservoir directly through the existing catchwaters downstream to fill the reservoir.

73. At the request of Dr Helena WONG, AD(P&D)/DSD undertook to provide a written explanation on whether rainwater harvesting facilities could be provided in the proposed works projects, and the respective reasons why.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)901/18-19(01) on 16 April 2019.)

74. Mr Holden CHOW expressed support for the proposals. Noting that the drainage improvement works at Ngong Ping had already been upgraded to Category B in September 2010, he enquired about the reasons

for the subsequent delay in commencing the works. He also urged the Administration to take appropriate measures to minimize the impact on traffic and the nuisance caused to visitors when conducting the works there.

75. PAS(W)5/DEVB advised that DSD had been launching drainage improvement projects as soon as they were ready to tackle flooding problems. Regarding the drainage improvement works at Ngong Ping, time was spent on drawing up a works plan that could minimize the nuisance caused to the residents nearby and visitors.

76. Mr Gary FAN noted that stormwater drains would be built along the horse trail and walking trail located uphill of Pok Fu Lam Village, and expressed concern that the works would cause adverse impact on the environment of the surrounding Pok Fu Lam Country Park. He asked whether any environmental mitigation measures would be implemented.

77. PAS(W)5/DEVB responded that the proposed project at Pok Fu Lam was not a designated project under the Environmental Impact Assessment Ordinance (Cap. 499). However, AD(P&D)/DSD pointed out that a preliminary environmental review on the proposed project was conducted in December 2018. Based on the review results, the Director of Environmental Protection agreed that the proposed works would not have any long-term adverse environmental impacts. He supplemented that since the construction site was located in uphill area where large equipment would not be used, the digging and pipe installation works would be conducted manually with hand-held equipment, thus minimizing the impact on the surrounding environment.

78. The Chairman expressed support for the proposal. He asked whether the drainage improvement works at Yuen Long would be taken forward progressively in phases to expedite completion of at least some parts of the relevant works before 2022. He was also concerned whether the proposed works would experience delay and cost overruns due to any works constraints or technical complications.

79. PAS(W)5/DEVB advised that the Administration would endeavor to complete the proposed project in Yuen Long in the earliest. On project management to avoid project delays and cost overruns, AD(P&D)/DSD advised that the "New Engineering Contract" form currently adopted in public works projects contained contract provisions which promoted collaborative partnership between the contracting parties, and through collaborative risk management, whenever there were any risks that might increase project costs or cause delays, both the works departments and contractors would work out

solutions together at an early stage to reduce the chance of cost overruns or delays.

Concluding remarks

80. The Chairman concluded that members in general supported the Administration's submission of the funding proposal to the Public Works Subcommittee for consideration.

[At 5:48 pm, the Chairman suggested that the meeting be extended for 15 minutes to allow sufficient time for discussion of the remaining agenda items. Members agreed.]

VI PWP Item No. 4171CD — Revitalization of Tsui Ping River

(LC Paper No. CB(1)593/18-19(06) — Administration's paper on
PWP Item No.
4171CD — Revitalization of Tsui Ping River)

81. At the invitation of the Chairman, Assistant Director/Projects & Development, Drainage Services Department ("AD/P&D, DSD") briefed members on the funding proposal to upgrade PWP Item No. 4171CD – "Revitalization of Tsui Ping River" to Category A, at an estimated cost of about \$1,762.7 million in MOD prices, for taking forward the construction works for the revitalization of the existing King Yip Street Nullah ("the Nullah") into Tsui Ping River. With the aid of a powerpoint presentation, he briefed members on the details of the proposed works.

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)642/18-19(04) by email on 27 February 2019.)

82. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure of LegCo, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

[At 5:55 pm, the Chairman suggested that the meeting be further extended to finish discussion of the remaining agenda items. Members agreed.]

Project cost

83. Mr Gary FAN and Dr Fernando CHEUNG expressed concern about the high total cost of the proposed project, and sought explanations on the reasons for that. Head of Energizing Kowloon East Office, Development Bureau ("Head/EKEO/DEVB") explained that the scope of the proposed project was broader than most of the other river revitalization projects, covering not only enhancement of flood conveyance capability of the Nullah, but also modification of underground stormwater storage tanks and provision of walkways and public spaces, etc., and hence the higher total cost. The cost breakdown of individual works items was considered reasonable when compared with the costs of similar works in other projects.

Features and facilities of the proposed project

84. While noting that the proposed project accorded with the initiative of revitalizing suitable existing nullahs promulgated in the 2017 Policy Agenda, aiming at, among others, enhancing their ecological value and promoting water-friendliness, Mr Gary FAN queried about the lack of water-friendly features to be provided under the proposed project. He pointed out that the floating pontoon appeared to be the only area where the public could have access or get close to the channel area of the Nullah. As a reference, Mr Gary FAN requested the Administration to provide information on the results of the revitalization of the Kai Tak River in beautifying the environment and enhancing the diversity of river ecology.

85. Head/EKEO/DEVB said that the Nullah was a major flood relief drainage channel in the Kwun Tong area. During heavy rainfall, the water level of the Nullah would rise rapidly, posing hazards to people coming too close to its channel. In balancing safety and promotion of water-friendly culture, the Administration considered it appropriate to provide a public leisure space centred on the river with seating and viewing platforms on cross-river walkways. To ensure safety, a smart warning system would be put in place to alert the public to stay away from the Nullah when there was heavy rainfall, during which the floating pontoon would be closed temporarily.

86. On the revitalization of the Kai Tak River project, Head/EKEO/DEVB advised that various greening and ecological enhancement measures had been introduced for Kai Tak Nullah to revitalize it into an urban green river corridor. According to the result of an interim survey conducted in 2018, there was an increase in the number

of bird species from 21 to 28 and the abundance of birds had risen from 84 to 233, when compared with the conditions in 2010 before revitalization works commenced. The Drainage Services Department ("DSD") was now conducting a post-completion ecological survey to evaluate the ecological related enhancements. The Administration would provide relevant supplementary information in writing after the meeting.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)1091/18-19(01) on 21 May 2019.)

87. Mr HO Kai-ming said members belonging to the Hong Kong Federation of Trade Unions supported the proposed project which was welcomed by the local community long looking forward to improvements in the community environment and connectivity with the surrounding areas. He enquired about the details of the proposed streetscape enhancement works to be carried out under the project. Head/EKEO/DEVB said such enhancement works mainly included resurfacing of pedestrian pavements and localized greening works at building setback areas.

88. Mr Jeremy TAM pointed out that balance bike riding had become a popular sport for kids in Hong Kong. In view of lack of dedicated venues for balance bike riding, he requested the Administration to explore under the proposed project the provision of a suitable area, such as the unused spaces adjacent to Laguna Park beneath Kwun Tong Bypass (i.e. the central median of Wai Fat Road), with necessary facilities for kids to ride balance bikes.

89. Head/EKEO/DEVB said that the Administration noted the popularity of balance bikes, and in fact, the "Fly the Flyover" venues beneath Kwun Tong Bypass had often been booked for organizing balance bike activities in recent years. As regards the site at the central median of Wai Fat Road, Head/EKEO/DEVB advised that the site was narrow and subject to noise and exhaust fumes from the busy traffic on both sides, and therefore not suitable for providing balance bike riding facilities for kids. The Energizing Kowloon East Office would explore if there were suitable public spaces in Kowloon East that could be used by balance bike riders. At the request of Mr Jeremy TAM, the Administration had undertaken to provide a written response to his above request.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)1091/18-19(01) on 21 May 2019.)

90. Dr Fernando CHEUNG considered that the Tsui Ping River would provide a suitable environment for the rehabilitation of patients of the Hong Kong Children's Hospital and the New Acute Hospital at Kai Tak Development Area. He enquired whether the Tsui Ping River would adopt a barrier-free design, and whether a designated drop-off point for wheelchair users would be provided.

91. Head/EKEO/DEVB said that the proposed project would adopt barrier-free design. While the provision of drop-off points would not be provided under the project, wheelchair users could make use of the drop-off point and the public carpark in the commercial building to be built at the nearby Shing Yip Street commercial site.

92. The Chairman said he and Mr Wilson OR supported the proposed project. They suggested the Administration to expand the leisure area of the Tsui Ping River.

93. Head/EKEO/DEVB said that the size of the proposed leisure area was limited due to the lack of space in the built-up area. Nevertheless, widened pedestrian walkways and cross-river walkways would be provided to integrate with Tsui Ping River Garden, which was a large leisure space with a covered multi-purpose area.

94. Dr Junius HO expressed objection to the proposed project. Instead of revitalizing the Nullah, he suggested the Administration to consider decking the Nullah, which would lower the construction cost significantly and at the same time maintain the drainage function of the Nullah.

95. Head/EKEO/DEVB responded that for decking over the Nullah, a large volume of supporting structures would have to be constructed to support the top slab and its loading. These supporting structures would reduce the cross-section area of the Nullah and adversely affect the flood conveyance capacity. Furthermore, it would also impose considerable constraints on the routine inspection and maintenance of the Nullah. AD/P&D, DSD supplemented that suitable greening and ecological enhancement works within the Nullah would be provided in their revitalization proposal, such as installation of smart water gate to maintain the water flow within the Nullah, would bring about biodiversity and ecological benefits, such as mitigation of heat island effect.

96. At the request of Dr Junius HO, the Administration had undertaken to provide a comparison of the feasibility and merits of the proposed revitalization of Tsui Ping River and the decking of the Nullah.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)1091/18-19(01) on 21 May 2019.)

Water quality of the King Yip Street Nullah

97. Dr Helena WONG pointed out that, while revitalizing the Nullah into a green and vibrant Tsui Ping River through landscaping upgrading, the Administration had to improve its water quality by strengthening the enforcement actions against expedient connections of sewers to stormwater drains linking to the Nullah. She requested the Administration to provide further information on the enforcement actions against illegal connections of sewers taken by DSD and the Environmental Protection Department ("EPD").

98. AD/P&D, DSD responded that DSD was determined to improve the water quality of the Nullah. Since the planning stage of the project, DSD had been closely collaborating with EPD to tackle expedient connections of sewers in the catchment of the Nullah. During the expedient connections survey carried out jointly by DSD and EPD between 2014 and 2015, 30 cases of expedient connections mainly involving residential buildings, restaurants and shops were identified, including 13 cases in the Nullah catchment. All cases had been rectified in 2016. Head/EKEO/DEVB supplemented that for new expedient connections identified in the catchment area, the relevant government departments would carry out appropriate enforcement actions. The Administration would supplement the information requested by Dr Helena WONG after the meeting.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)1091/18-19(01) on 21 May 2019.)

99. The Chairman asked whether filtration facilities would be installed to improve the water quality of the Nullah under the proposed project.

100. Head/EKEO/DEVB responded that one of the main sources of polluted water entering the Nullah was from the markets at the Yuet Wah Street area. Under the proposed project, a dry weather flow interceptor would be installed near Hip Wo Street to prevent polluted water from entering the Nullah. In addition, regular cleansing of the course of the

Nullah for removal of sediments would be possible after the completion of a water supplement system including modifications to the upstream underground stormwater storage tanks and a seawater circulation system.

Motion proposed by member

101. At 6:29 pm, the Chairman said that he had received a motion proposed by Mr Jeremy TAM during the period of extension of the meeting. The Chairman advised that, according to House Rule 24A(f), no new motion should be proposed during the period of extension of the meeting. As Mr Jeremy TAM's motion was proposed during the period of extension of the meeting, his motion would not be dealt with.

102. Mr Jeremy TAM objected to the Chairman's decision. He said that he had informed the Chairman his intention to submit a motion before the appointed ending time of the meeting, and the Chairman said that his motion could be dealt with. Mr Gary FAN agreed with Mr TAM.

103. The Chairman further explained that as Mr TAM's motion was actually proposed after the original appointed meeting time, so the motion did not fall under House Rule 24A(e), i.e. a motion that had been proposed and agreed to be dealt with during the original appointed meeting time might be dealt with during the period of extension. As such and according to House Rule 24A(f), his motion would not be dealt with. He suggested Mr TAM to submit his views in the proposed motion to the Administration for their written response instead.

Concluding remarks

104. The Chairman, Mr HO Kai-ming, Mr Jeremy TAM, Dr Fernando CHEUNG and Dr Helena WONG expressed support for the submission of the funding proposal to the Public Works Subcommittee ("PWSC") for consideration. Dr Junius HO said he objected to the submission of the funding proposal to PWSC. Mr Gary FAN said he would decide whether to support the proposal after the Administration had provided its responses to his request for further information on the project.

105. The Chairman concluded that members in general supported the Administration's submission of the funding proposal to PWSC.

VII Any other business

106. There being no other business, the meeting ended at 6:34 pm.

Council Business Division 1
Legislative Council Secretariat
29 August 2019