

## LCQ9: Hung Hom Station Extension under Shatin to Central Link project

Following is a question by Hon Tanya Chan and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 22):

Question:

According to the holistic assessment strategy regarding the platform slabs and diaphragm walls of the Hung Hom Station Extension works under the Shatin to Central Link project (the assessment strategy) proposed by the MTR Corporation Limited (MTRCL) and accepted by the Government, the assessment should be conducted in three stages. The concrete opening-up work conducted under the second stage serves two purposes: (A) to carry out physical investigations by opening up the concrete at locations without complete documentations, so as to verify the as-constructed conditions of the connections between the platform slabs and diaphragm walls of the Hung Hom Station Extension, and the relevant work involves opening-up of the concrete for investigations at 24 locations of the platform slabs of the East West Corridor (EWC); (B) in view that some reinforcement bars (rebars) are suspected to have been cut short, MTRCL needs to open up some of the connections between the platform slabs and diaphragm walls for detailed inspection and use non-destructive tests to verify the workmanship of the coupler connections. MTRCL will, based on random sampling results, open up 28 locations respectively of the platform slabs of the EWC and those of the North South Corridor (NSC), i.e. 56 locations in total, to expose at least 168 rebars or couplers for inspection. MTRCL had since December 10 of last year conducted tests on the couplers (the first-round tests) but suspended the tests due to deviations between the test results and the actual conditions. MTRCL subsequently used the enhanced test procedures to re-do the tests (the second-round tests). The Highways Department uploaded all the test results involving a total of 225 locations to the relevant website on the 29th of last month. In this connection, will the Government inform this Council:

(1) whether it knows the following details of each of the aforesaid 225 testing locations (set out by (i) and (ii)):

- (i) whether it was located at EWC or NSC;
- (ii) the purpose(s) of the opening-up investigation is/are (A), (B), or both (A) and (B);
- (iii) the specific location;
- (iv) the result of the first-round tests (if conducted); and
- (v) the result of the second-round tests;

(2) whether it knows, for purpose A of the opening-up investigation, the minimum number of rebars or couplers that MTRCL was required to test under the assessment strategy, and the actual number tested; if the latter is smaller than the former, the reasons for that and the impact of such

situation on the relevant conclusions; for purpose B of the opening-up investigation, the number of rebars or couplers tested by MTRCL; if the number is smaller than 168 as originally planned, the reasons for that;

(3) given that out of the 191 samples for which the tests on the embedded length of the threaded rebars inside the couplers had been completed, 39 were regarded as not meeting the requirements, of the maximum percentages of the coupler population with improper connections (estimated under a 95 per cent confidence level) inferred on the basis of the statistical method used in Table 6.3 of the assessment strategy;

(4) given that the tests were not successfully completed at 34 of the 225 testing locations due to various reasons, of the follow-up actions that the Government will request MTRCL to take, e.g. whether MTRCL will cut and remove the rebars with couplers connected for measuring the actual embedded length of the threaded rebars inside the couplers; and

(5) as paragraph 6.4.22 of the assessment strategy has pointed out that if defective coupler connections are found in the tests, a greater sample size, in terms of the number of testing locations, may be considered, whether the Government will request MTRCL to do so; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the five parts of the Hon Tanya Chan's question is as follow:

(1) The MTR Corporation Limited (MTRCL) completed on April 29, 2019 the Phased Array Ultrasonic Test (PAUT) and the opening-up investigation in the second stage of the holistic assessment strategy for the Hung Hom Station (HUH) Extension under the Shatin to Central Link (SCL) project (the assessment strategy). The layout plan of the platform slabs of East West Line (EWL) and North South Line (NSL) for HUH Extension, the locations of couplers tested, and all the past and latest test results are available at the Highways Department (HyD)'s website for the SCL project ([www.hyd.gov.hk/en/road\\_and\\_railway/railway\\_projects/scl/index.html](http://www.hyd.gov.hk/en/road_and_railway/railway_projects/scl/index.html)) for reference by the public. A total of 225 test locations are involved in Tables 1 to 3 on the HyD's website, which correspond to 152 test locations involving couplers with embedded length not less than 37 millimeters; 39 test locations involving couplers with embedded length less than 37mm; and 34 locations where completion of test is unsuccessful, which include seven locations with improper connection to couplers or connection of rebars by lapping that could be determined by mere visual inspection and therefore without any need to carry out measurement by device.

In response to the request by the Hon Chan, the details of the test results are attached at Annex.

(2), (3) and (5) The first purpose of the opening up in the second stage of

the assessment strategy is to carry out physical investigations by opening up the concrete at connections between the platform slabs and diaphragm walls of the HUH Extension with gaps in construction documentation, so as to verify the as-constructed conditions of these areas. This involves at least 24 locations at the platform slabs of the EWL. Eighteen out of 24 locations had been inspected on site. Due to obstruction of existing structures, the remaining six locations could not be verified by the opening-up. Upon further review of records, the MTRCL managed to retrieve the concerned site photos and verify the as-constructed conditions of these six locations.

The second purpose of the opening up in the second stage of the assessment strategy is that, in view of the allegations on the cutting-short of steel bars, the MTRCL needs to open up certain connections between the platform slabs and diaphragm walls for detailed inspection, and to conduct non-destructive tests for verification of the conditions of the coupler connections, the locations of which are randomly sampled by statistical methods. Based on the advice from the expert team from the Department of Statistics and Actuarial Science of the University of Hong Kong, the MTRCL opened up 28 random locations each at connections between the platform slabs and diaphragm walls of the EWL and the NSL, i.e. 56 locations in total with at least 168 rebars/couplers exposed; and made use of PAUT for measurement of the embedded length. There are currently 169 samples with successful test results.

Table 6.3 of the assessment strategy of the MTRCL is to illustrate the relationship between the number of failures in the samples and the maximum failure rate in the population based on statistical inference (estimated under a 95 per cent confidence level). "Failure" means that individual couplers and rebars are not installed according to the technical specification. The overall integrity of the platform slabs and diaphragm walls has to be ascertained based on the result of detailed structural analysis in the third stage of the assessment strategy.

As the number of samples obtained in the second stage of the assessment strategy has already exceeded the original target of 168, the MTRCL can proceed with the assessment in third stage and the MTRCL does not need to further increase the number of PAUT samples.

In the third stage, the MTRCL will consolidate the test results of the first two stages, including the as-constructed details of the platforms, works quality information, and the technical data provided by the coupler supplier; and conduct a detailed structural assessment of the HUH Extension to determine the overall structural integrity of the works, and whether remedial works is required. The MTRCL launched the third stage of the assessment strategy and planned to complete it by the end of June this year.

(4) The signals or readings of the PAUT could be unclear under some situations making the tests and measurement unsuccessful. These situations include uneven end face or damage of the threaded steel bars, insufficient area for the operation of the device due to site constraints, etc. In addition, the MTRCL does not need to take measurement and test if upon opening up of concrete, improper connection to couplers or connection of

rebars by lapping can be determined by mere visual inspection. Of the 225 test locations under the second stage, 34 locations are under the above situations that render completion of the tests unsuccessful. As the number of PAUT samples has already exceeded the number originally planned, MTRCL will determine the overall structural integrity of the platform slabs and diaphragm walls of the EWL and NSL in the third stage of the assessment strategy.

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## LCQ5: Community care services for the elderly

Following is a question by the Hon Leung Yiu-chung and a reply by the Secretary for Labour and Welfare, Dr Law Chi-king, in the Legislative Council today (May 22):

Question:

Community care services for the elderly include: "Integrated Home Care Services (Frail Cases)" and "Enhanced Home and Community Care Services" (EHCCS) which target at the frail elderly, as well as "Integrated Home Care Services (Ordinary Cases)" (Ordinary Case Services) which target at the elderly who have no or mild level of impairment. In December last year, the Government amended the Hong Kong Planning Standards and Guidelines (HKPSG) by reinstating population-based planning standards for elderly services and facilities, but such planning standards do not cover Ordinary Case Services. In this connection, will the Government inform this Council:

- (1) Whether the amended HKPSG is applicable to those public housing development projects the planning of which was made before December last year; in respect of those public housing development projects for which elderly services and facilities were planned in accordance with the pre-amended HKPSG, of the measures put in place by the Government to alleviate the shortfalls in such services and facilities;
- (2) As the aforesaid amendments to HKPSG do not cover Ordinary Case Services, whether the Government will set out in HKPSG a population-based planning standard for such services; if so, of the details; if not, the reasons for that; and
- (3) As the Secretary for Labour and Welfare advised last month that the Government planned to restructure the scope of Integrated Home Care Services and EHCCS, as well as to provide the additional resources needed without increasing the number of service teams, of the details of the restructuring work (including the restructuring approach, implementation timetable, and whether this will also cover the Ordinary Case Services) and the provision of additional resources (including manpower, offices and kitchens)?

Reply:

President,

I will give a consolidated reply to sub-questions 1 and 2 regarding the arrangements of the Hong Kong Planning Standards and Guidelines (HKPSG).

The HKPSG stipulates general guidelines on the scale and location of various types of land use, community facilities and basic facilities. It will facilitate the Government in reserving land for the provision of appropriate and sufficient facilities during the planning process. The Government promulgated the amended HKPSG on December 28, 2018, which stipulates the population-based planning standards in respect of subsidised residential care services (RCS), subsidised community care services (CCS), District Elderly Community Centres (DECCs) and Neighbourhood Elderly Centres (NECs). This will assist government departments in reserving appropriate land for the provision of these elderly services and facilities in the planning process of residential development projects (including public housing).

It is worth noting that the previous version of HKPSG, before the incorporation of the above amendments, had already stated that demographic characteristics, geographical environment, actual demand and supply of the services, etc. should be suitably considered during the planning of DECCs, NECs and Day Care Centres/Units for the Elderly. As regards subsidised RCS, the previous version of HKPSG also stipulated that demand and supply, resources, availability of suitable premises, etc. are factors that should be taken into account. Indeed, relevant departments have all along been reserving suitable premises in public housing development projects for elderly services and facilities.

The Government will proactively implement the various planned elderly services and facilities. With reference to the amended HKPSG and the demand and supply of various services and facilities, the Government will continue to adopt a multi-pronged approach to increase supply. Among other things, the Social Welfare Department has earmarked sites in a number of development projects for the construction of welfare facilities required, including elderly service facilities, which are in acute demand. These development projects include public housing development projects, private land development projects, development projects of the Urban Renewal Authority, redevelopment/conversion projects of vacant school premises, development projects on "Government, Institution or Community" sites, etc. The Government will also incorporate land sale conditions for suitable land sale sites, requiring private developers to construct welfare facilities specified by the Government.

The Ordinary Case Services mentioned in the Member's question should be referring to the Integrated Home Care Services (Ordinary Cases) (IHCS(OC)). This type of services provides community support services, such as household duties, escort, meal services, etc., to elderly persons with no impairment or mild impairment. According to the recommendation of the Elderly Services Programme Plan (ESPP), when stipulating population-based planning standards to meet the projected demand for long-term care (LTC) services, the planning

standard in respect of CCS places should take into account the LTC services demand for elderly persons who are assessed to be in the state of moderate or severe level of impairment by the Standardised Care Need Assessment Mechanism for Elderly Services. Since IHCS(OC) is not a type of LTC services, the planning standard in respect of CCS places does not cover IHCS(OC).

Regarding sub-question 3, as recommended in the ESPP, we should significantly strengthen community-based services in order to achieve "ageing-in-place" and reduce premature or long-term institutionalisation into residential care homes for the elderly. To support elderly persons who are living in the community but require care and support services, it is necessary for the Government to provide them with timely and comprehensive CCS. At present, the IHCS (Frail Cases) and the Enhanced Home and Community Care Services (EHCCS) specifically provide necessary home care services for elderly persons assessed to be in the state of moderate or severe level of impairment. While recommending that these CCS should be enhanced, the ESPP also suggested the Government to review these two types of services. On the premise that a degree of choice would be maintained for users, the funding modes and service arrangements for these two types of services should be reviewed in order to increase efficiency. We would follow up the recommendations of the ESPP at an appropriate juncture, with a view to strengthening the relevant community care and support.

In addition, it was announced in the 2018 Policy Address that the Government would provide 2 000 extra service quotas under EHCCS within 2019.

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## **LCQ17: First-hand residential units offered for sale by way of tender**

Following is a question by the Hon Jeremy Tam and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 22):

Question:

On June 29 last year, the Government announced amendments to the Consent Scheme for the pre-sale of uncompleted flats, requiring developers to offer for sale, at each turn of sale, no less than 20 per cent of the total number of residential units subject to the relevant pre-sale consent, regardless of the sales method (including public sale, tender and auction) used. However, it has been reported that developers can achieve offering for sale less than 20 per cent of the units and yet satisfying the aforesaid requirement, just by announcing that certain pre-sale flats, which they have no intention to sell, are offered for sale by way of tender (and they can simply announce after the completion of the sales activities that the units offered for sale by way of tender have not been sold as the bids of prospective buyers were

lower than the reserve prices). On the other hand, the Real Estate Developers Association of Hong Kong (REDA) announced on April 4 this year the introduction of three measures, including that the first sale of units in non-luxury residential developments will be conducted by way of public sale. There are views that the relevant price lists and registers of transactions can increase the transparency of the selling prices of units and provide reference for prospective buyers participating in future biddings for the units in the developments concerned. In this connection, will the Government inform this Council:

(1) whether it has studied if the developers' adoption of the aforesaid practice in coping with the requirement on the ratio of units offered for sale runs contrary to the policy intent of the requirement and indicates that there are loopholes in the requirement;

(2) as developers have reached a consensus on the three measures introduced by REDA although they are merely self-regulatory in nature, whether the Government will consider codifying such measures to ensure that developers will not contravene the requirements concerned; if so, of the details; if not, the reasons for that;

(3) while the measures introduced by REDA have increased the transparency of the prices of the units offered for sale by way of tender, prospective buyers participating in the biddings are still subject to unfavourable conditions (e.g. their bids must be higher than the developer's reserve prices as well as other bids in order for them to successfully purchase the units), whether the Government has measures in place to protect the rights and interests of such prospective buyers; if so, of the details; if not, the reasons for that; and

(4) as the Government indicated in reply to a question raised by a Member of this Council on March 27 this year that, at the current stage, it had no intention to stipulate under the Consent Scheme the number or ratio of units to be offered, or the number of times for which the units might be offered, for sale by way of tender by the developers, of the justifications for this stance?

Reply:

President,

The consolidated reply to various part of the question raised by Hon Jeremy Tam is as follows:

The Government has all along been closely monitoring the movement of the private residential property market, and will introduce appropriate measures as and when necessary to ensure the healthy development of the property market. With a view to encouraging more timely supply of first-hand private residential units and improving sales practices, the Chief Executive announced the amendment of the Consent Scheme on June 29, 2018. Developers are required to offer for sale no less than 20 per cent of the total number

of residential units subject to the relevant pre-sale consent at each turn of sale. If the remaining unsold residential units are less than 20 per cent, the developer has to offer for sale all remaining units in one go. Having considered the varying circumstances of different developments, the Consent Scheme does not specify what sales method should be adopted by the developers. Regardless of the sale methods, developers have to follow the above requirement.

The Chief Executive announced on the same day another measure, that is the proposal to amend the Rating Ordinance for the introduction of "Special Rates" on vacant first-hand private residential units. "Special Rates" will be collected by the Rating and Valuation Department annually at two times (i.e. 200 per cent) the rateable value of the units concerned. The Government has consulted the stakeholders and the Housing Panel of the Legislative Council (LegCo) on the proposed legislative amendments, and is now preparing the Rating (Amendment) Bill for introduction into LegCo as soon as practicable. The above two measures complement one another and help achieve the policy objective of encouraging more timely supply of first-hand residential units.

On regulation of the sales of first-hand residential properties, the Government has been taking a three-pronged approach by seriously enforcing the relevant Ordinance, continuously improving the trade's compliance with the Ordinance and fostering public awareness with a view to ensuring consumer protection in the purchase of first-hand residential properties.

According to section 67 of the Residential Properties (First-hand Sales) Ordinance (the Ordinance), provisions in Division 3 of Part 2 of the Ordinance on price list do not apply if a developer offers a first-hand residential property to be sold by way of tender, but other provisions of the Ordinance still apply, such as the requirements of making available sales brochure, documents containing sales arrangements and the Register of Transactions.

In respect of law enforcement, the Government has earlier pointed out that there were some individual first-hand residential properties offered to be sold by way of tender where the sales process was undesirable and not transparent enough. In this connection, the Sales of First-hand Residential Properties Authority (SRPA) has proactively monitored the sales process of developments on the market and has spotted cases with insufficient transparency in the sales process and the transaction information, which might have contravened the Ordinance. The SRPA has been investigating the cases and would strictly enforce the Ordinance based on evidence. The SRPA does not rule out the possibility of taking prosecution action. Meanwhile, the Estate Agents Authority (EAA) is looking into cases to ensure that estate agents are strictly observing the Estate Agents Ordinance and EAA's guidelines when participating in the sales of residential properties by tender.

In respect of a case of insufficient transparency in the transaction information, the SRPA has initiated prosecution action against the relevant



vendor. The case will be heard on July 9, 2019.

On enhancing the trade's compliance with the Ordinance, section 61 of the Ordinance states that the purpose of Register of Transactions of a development is to provide a member of the public with the transaction information relating to the development for understanding the market conditions. Prospective purchasers can thus get accurate market information and make an informed decision when purchasing first-hand residential properties. The SRPA has issued a Reminder to the Trade and a Frequently Asked Question and Answer requiring vendors to set out full details of the terms of payment in the Registers of Transactions of first-hand residential developments, and has reminded vendors that in the sales of first-hand residential properties, if they have offered any discount, gift, financial advantage or benefit (no matter in terms of cash or not) to the purchasers, they should set out the full details of the terms of payment as agreed between the vendor and the purchaser for the purchase of each specified residential property. Moreover, the Register of Transactions should be self-contained so that prospective purchasers do not have to refer to other documents or materials for details of the terms of payment.

Meanwhile, the EAA has also issued a Letter to Licensees to remind all licensees participating in the sales of first-hand residential properties to comply with the Estate Agents Ordinance and the relevant guidelines set out in the Practice Circular issued by the EAA, regardless of the method of sales adopted by developers for selling their properties. In particular, the EAA reminds licensees that without obtaining a vendor's written endorsement, they must not issue any materials promoting the sales of any first-hand residential properties by tender, including the materials containing information on the suggested bidding price.

On promoting public awareness of the Ordinance, the SRPA launched a new radio Announcement in the Public Interest on May 17, 2019, named "Bidding First-hand Residential Properties", to remind prospective purchasers the points to note before bidding first-hand residential properties.

The Government will continue to monitor closely the effectiveness of the above measures and the sales of first-hand residential properties by tender. It will take any possible measures when necessary to ensure the level of transparency of the sales of first-hand residential properties by tender is the same as that for open sales with price lists.

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## **Cancellation of LegCo Finance Committee meeting**

The following is issued on behalf of the Legislative Council Secretariat:

The meeting of the Legislative Council Finance Committee originally scheduled for this Friday (May 24) at 3pm has been cancelled.

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## LCQ2: Use of van-type light goods vehicles by government departments

Following is a question by the Hon Frankie Yick and a reply by the Secretary for Financial Services and the Treasury, Mr James Lau, in the Legislative Council today (May 22):

Question:

At present, certain government departments have signed contracts with cargo transportation services companies or platforms for hiring van-type light goods vehicles (vans) on a long-term basis. Although vans may, under the law, only be used for transporting goods, it has been reported that some government departments have used vans for other purposes, such as transporting staff to and from workplaces and transferring suspects. Some staff members who travel on such vehicles are worried that the third party risks insurance for such vehicles may have been rendered invalid as a result of such vehicles being used for illegal purposes, thereby depriving them of the protection. Moreover, as van drivers are not government officers, the use of vans for carrying out law enforcement operations increases the risk of leakage of confidential information. In this connection, will the Government inform this Council:

(1) of the details of the hiring of vans by the various government departments in each of the past three years, including the respective numbers of vehicle hiring companies and vehicles involved, the numbers of hires, the uses of the vehicles, and the amounts of expenditure incurred;

(2) whether the various government departments have issued their staff with directives which forbid the use of vans for purposes other than transporting goods; if so, of the details, and whether any government officer was penalised in the past three years for contravening such directives; if so, of the details; if not, whether it has studied if it was due to inadequate monitoring; and

(3) of the measures put in place to ensure that the various government departments use vans in a lawful way to avoid the third party risks insurance for such vehicles being rendered invalid and the Government's confidential information being leaked?

Reply:

President,

According to Clause 267 of the General Regulations, commercial transport may be hired for duty journeys only when no suitable government departmental vehicle or the Government Logistics Department (GLD) transport service is available. Departments must seek approval from the Director of the Government Logistics before hiring commercial transport. For hiring vehicle types that are not available at the GLD Transport Pool, approval should be sought from the Controlling Officers of the respective departments concerned.

The procedures for hiring commercial transport are set out in the relevant GLD Circular. To facilitate departments in coping with additional or non-recurrent transport service needs, including seasonal demand or short-term needs, the GLD will consolidate the forecast of usage from various departments and arrange bulk contracts for hiring light goods vehicles (LGVs) to provide services to departments in a cost-effective manner. If individual departments require a large amount of transport services to cope with their operational needs, they may arrange their own LGV hiring contracts.

It is stipulated in the Conditions of Contract or Service Specifications that contractors shall comply with the laws of Hong Kong, including the Road Traffic Ordinance (Cap. 374), and the vehicles shall only be used for transporting goods and passengers accompanying the goods. This applies to both the LGV hiring contracts arranged by the GLD and individual departments. User departments have the responsibility to ensure the lawful and proper use of hired LGVs.

After consulting various departments, a consolidated reply to the three parts of the question is as follows:

(1) As at March 31, 2019, the Hongkong Post, the Food and Environmental Hygiene Department, the Electrical and Mechanical Services Department, the Water Supplies Department, the Immigration Department, the Buildings Department, the Department of Health, the GLD and the Judiciary have entered into LGV hiring contracts with a contract period of one year or above. In general, the goods transported by LGVs arising from the operational needs of departments include documents and files, uniforms, tools, cleansing products, office furniture and equipment, etc. Information on the numbers of contractors, vehicles, hiring orders, as well as the expenditure incurred in hiring LGV service by the above departments in the past three years under contracts with a period of one year or above is set out at Annex. The information does not include LGV hiring service procured through one-off quotation or contracts with a contract period shorter than one year.

(2) and (3) The GLD has been monitoring the usage of LGV hiring services. The GLD has regularly reminded all departments that they shall comply with the laws when using LGV service, and LGVs should not be used for carrying passengers. According to the information provided by departments, they have also issued guidelines or reminded their staff that the use of LGV for purposes other than transporting goods is forbidden.

The GLD is responsible for administering the LGV hiring contracts that it has arranged, including assessing the requirements of user departments, inviting tenders and awarding contracts, issuing guidelines to user departments, requesting user departments to report on the performance of contractors regularly and monitoring the fulfilment of contracts, etc. To monitor the performance of contractors, the GLD also conducts surprise inspections, which include checking whether the vehicles and drivers comply with contractual terms and specifications. User departments should ensure the proper use of the vehicles provided by the GLD's contractors. If irregularities are spotted by the GLD or upon referral from contractors concerning departments' use of LGVs, the GLD will follow up the cases with the departments concerned.

If the LGV hiring contracts are arranged by individual departments, the departments concerned shall be responsible for the day-to-day contract administration, including supervising their staff to use the hired vehicles and monitoring the service quality, etc.

Before the said media reports, the GLD had already issued inspection guidelines to all departments, requesting them to conduct inspections from time to time and submit inspection reports, so as to monitor and ensure that the LGVs would be used by their staff in accordance with the law.

Over the past three years, the GLD and various departments had conducted over 4 000 inspections. There were no reports on the use of hired LGVs for purposes other than transporting goods. The GLD has not received any complaint or report on disciplinary actions regarding inappropriate use of LGV hiring services.

In general, the departments concerned shall take appropriate administrative measures or disciplinary actions in case of incompliance of staff's behaviour, conduct and performance of departmental staff with government regulations, rules, orders or codes (such as inappropriate use of LGV hiring services) or contravening the Civil Service Code in disclosing confidential information received in the course of their duties. If the GLD discovers that departments do not use the LGV hiring services properly, it will remind the departments concerned to take appropriate administrative measures or disciplinary actions as appropriate.

Thank you, President.