

LC: Speech by CS for proposed resolutions under Criminal Procedure Ordinance and Coroners Ordinance

Following is the speech (translated from Chinese) by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, for the proposed resolutions under the Criminal Procedure Ordinance and the Coroners Ordinance in the Legislative Council today (March 20):

Acting Madam President,

I move that the first Resolution standing in my name on the Agenda be passed to seek the approval of the Legislative Council for the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2019 made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance. I will also shortly be moving the second Resolution standing in my name be passed to seek the approval of the Legislative Council for the Coroners (Witnesses' Allowances) (Amendment) Rules 2019 made by the Chief Justice under section 54 of the Coroners Ordinance.

At present, the maximum allowance payable to ordinary witnesses in criminal proceedings and coroners' inquests is \$515 for each day of attendance or \$255 for not exceeding four hours of attendance. The maximum allowance for professional and expert witnesses is higher, at \$2,770 for each day of attendance or \$1,385 for not exceeding four hours of attendance.

Under the adjustment mechanism approved by the Finance Committee of the Legislative Council, changes to the rate of allowance for ordinary witnesses would be made in accordance with the movements in the overall Median Monthly Employment Earnings of Employees (MMEE) in Hong Kong while those for professional and expert witnesses would be made in accordance with the changes in the mid-point salary of a Government Medical and Health Officer. The Finance Committee has also delegated the authority to approve the relevant adjustments to the Secretary for Financial Services and the Treasury (SFST).

The existing rates of allowances were set in 2017 based on the biennial review conducted in 2016. The Judiciary Administration (JA) reviewed the rates of allowances in 2018. Taking into account the movements in the overall MMEE and the mid-point salary of a Government Medical and Health Officer from the third quarter of 2016 to the third quarter of 2018, the JA proposed and the SFST approved to increase the maximum rate of allowance for ordinary witnesses from \$515 to \$575 for each day of attendance and from \$255 to \$285 for not exceeding four hours of attendance. For professional and expert witnesses, the maximum rate of allowance would be increased from \$2,770 to \$3,065 for each day of attendance and from \$1,385 to \$1,530 for not exceeding four hours of attendance. These adjustments aim to maintain the real value of the rates of allowances to minimise any financial loss suffered by members of

the public testifying as witnesses in courts.

The Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2019 and the Coroners (Witnesses' Allowances) (Amendment) Rules 2019 seek to implement the new rates of allowances. I invite Members to approve the two Resolutions. Thank you.

[LCQ13: Traffic signs damaged during super typhoon Mangkhut](#)

Following is a question by the Hon Chan Chi-chuen and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (March 20):

Question:

Some members of the public have relayed that quite a number of large traffic signs for giving route directions to motorists have not been repaired since they were damaged during the onslaught of super typhoon Mangkhut in Hong Kong in September last year, which causes inconvenience to motorists. In this connection, will the Government inform this Council:

(1) of the number of traffic signs damaged during the onslaught of Mangkhut in Hong Kong and, among them, the number of those for which the repair works were not yet completed as at February 16 this year and the reasons for that; and

(2) whether it has measures in place to shorten the time needed for repairing traffic signs?

Reply:

President,

My consolidated reply to the two parts of the Hon Chan Chi-chuen's question is as follows:

The Highways Department (HyD) is responsible for the maintenance of public roads and associated facilities (including traffic signs) under its jurisdiction. Regular inspections are conducted and in case of defects in road surfaces or associated facilities, the HyD will arrange repair works as soon as possible to maintain the smooth operation of road systems and ensure the safety of road users.

The super typhoon Mangkhut struck Hong Kong and its adjacent areas with extremely ferocious winds. With the Hurricane Signal No. 10 in force for ten

hours, Mangkhut brought Hong Kong record-breaking storm surge, causing widespread damage and a far-reaching impact. After the typhoon, HyD staff have immediately inspected the conditions of public roads and associated facilities under the department's purview with a view to commencing repair works promptly. According to information provided by the HyD, a total of 370 traffic signs maintained by the department were damaged.

As a considerable number of traffic signs were damaged at the same time, those signs that are more commonly used ran out of stock, and fresh orders had to be placed for new replacements. For certain damaged traffic signs, their repair works would require temporary closure of some roads to ensure the safety of road users and maintenance workers. For example, if a traffic sign was located at the central median of a road, the HyD had to formulate arrangements for temporary traffic diversion to ensure minimal impact on traffic flow before carrying out the repair works. As at December 16, 2018, within three months after the passage of Mangkhut, the HyD had already repaired over 70 per cent of the damaged traffic signs. In the remaining cases where the damaged traffic signs are being handled, the HyD has arranged to place temporary traffic signs at appropriate locations to alert motorists to the direction of traffic. As at March 16, 2019, the HyD has already completed the repair works for a total of 363 (about 98 per cent) damaged traffic signs. As for the remaining seven damaged traffic signs, their repair works are still being pursued because of the lead time required for ordering new replacement signs, formulating arrangements for traffic diversion, holding discussions on the works arrangement with the public utility companies affected, and diverting underground utilities for the conduct of works. The HyD will complete the repair works for all the seven traffic signs mentioned above within the first half of 2019.

The HyD has been sparing no effort to promptly carry out recovery work after the typhoon. However, the damage caused by Mangkhut was so extensive that the recovery efforts required more time and resources than those for previous typhoons. The HyD will continue to strive for more effective preparation for and response to natural disasters so as to enhance the department's capability in post-disaster recovery and repair works.

LCQ21: Enforcement of smoking ban

Following is a question by the Hon Tony Tse and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (March 20):

Question:

Although the legislation banning smoking in the indoor areas of restaurants has come into operation for over one decade, some members of the

public currently still find, from time to time at present, patrons blatantly smoking in the indoor areas of restaurants. This, coupled with the fact that there are often patrons and staff members of restaurants smoking in the open-air areas of restaurants and in the areas outside restaurant entrances, has caused nuisances to other patrons. Regarding the enforcement of the smoking ban, will the Government inform this Council:

(1) of the number of staff members in the Tobacco and Alcohol Control Office (TACO) under the Department of Health who are currently responsible for the enforcement of the smoking ban; whether there are plans to increase such manpower;

(2) of the respective numbers of (i) complaints received in the past five years and (ii) prosecutions instituted last year, by the authorities in respect of smoking offences, with a breakdown by type of no smoking areas;

(3) whether TACO has proactively deployed staff to conduct inspections at restaurants; if so, set out by year the respective numbers of routine and surprise inspections conducted during daytime and night-time in the past five years;

(4) whether the authorities received complaints in the past five years about law enforcement officers in TACO suspected of being absent from duty without authorisation; if so, of the number of such complaints and, among them, the number of those found to be substantiated, as well as the penalties imposed on the officers concerned;

(5) whether it has uncovered cases of restaurant operators condoning or giving tacit consent to patrons smoking in the indoor areas of restaurants; if so, of the measures to deal with the situation; and

(6) whether it will consider designating the following areas as statutory no smoking areas: (i) areas within a reasonable distance outside the entrances of restaurants and (ii) open-air areas of restaurants which are within a reasonable distance from the indoor areas of the restaurants; whether, in the long run, it will, by drawing reference from the anti-smoking policies adopted in certain overseas countries, switch from the current practice of designating statutory no smoking areas to imposing a total ban on smoking in open-air public areas (except designated smoking areas)?

Reply:

President,

Since the amendment of the Smoking (Public Health) Ordinance (Cap. 371) in 2006, the statutory smoking ban has been gradually extended and now covers all indoor working places and public places as well as many outdoor public places. Around 240 public transport facilities have been designated as no smoking areas (NSAs) progressively. Since 2016, the Government has also extended the smoking ban to 11 bus interchanges leading to expressways or tunnels by phases.

My reply to the various parts of the question raised by the Hon Tony Tse is as follows:

(1) The Tobacco Control Office of the Department of Health has been renamed as Tobacco and Alcohol Control Office (TACO) in November 2018. Apart from Cap. 371, TACO is also responsible for the enforcement of the new Part 5 of the Dutiable Commodities (Liquor) Regulations (Cap. 109B), which prohibits the sale and supply of intoxicating liquor to minors in the course of business. The current approved establishment of TACO's frontline enforcement staff is 119. The Department of Health will review its staffing position regularly to meet actual needs, and will seek additional resources, if required, in accordance with the established mechanism.

(2) The numbers of complaints received and fixed penalty notices/summonses issued in relation to smoking offences processed by TACO in the past five years are as follows:

Year		2014	2015	2016	2017	2018
Complaints received	Food premises	2 220	2 336	2 761	2 370	2 214
	Non- food premises (Note 1)	15 134	15 539	20 178	15 984	15 886
	Total	17 354	17 875	22 939	18 354	18 100
Fixed penalty notices or summonses issued	Food premises	598	519	598	672	542
	Non- food premises (Note 1)	7 429	7 337	8 259	9 188	8 282
	Total	8 027	7 856	8 857	9 860	8 824

Note 1: TACO does not maintain breakdown of enforcement figures according to the different types of NSAs.

(3) TACO follows up on every complaint by arranging daytime and night-time surprise inspections. In addition, TACO also conducts proactive inspections at locations with more serious smoking problems. To ensure effective enforcement, all inspections conducted by TACO are surprise inspections. TACO has strengthened night-time enforcement actions since 2017. The number of daytime and night-time operations conducted in 2017 and 2018 are as follows:

Year	2017	2018
Daytime Operation (Note 2)	1 455	1 373
Night-time Operation (Note 3)	542	1 002

Total Operation	1 997	2 375
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Note 2: "Daytime operation" covers the "morning and afternoon shift" for the period from 6.30am to 6.30pm.

Note 3: "Night-time operation" in 2017 covers the "afternoon and evening shift", "evening shift" and "overnight shift" for the periods noon to 11pm, 6pm to 11pm, and 8pm to 6am respectively. "Night-time operation" in 2018 covers the "afternoon and evening shift" and "evening shift" for the period 10am to 11pm and the "overnight shift" for the period 8pm to 6am.

TACO does not maintain the breakdown of the daytime and night-time inspection figures at food premises.

(4) TACO has not found any cases of unauthorised absence involving law enforcement officers that would result in disciplinary action in the past five years. TACO also does not maintain the relevant complaint figures.

(5) Under Cap. 371, venue managers of NSAs are empowered to request smokers to cease smoking or leave the NSAs, and may call for police assistance if necessary. Venue managers have been reminded of their authority empowered by Cap. 371 during inspections and through talks on smoking ban regulations conducted by TACO. In addition, guidelines are in place to assist venue managers to implement the smoking ban. When members of the public are found smoking in NSAs, Tobacco and Alcohol Control Inspectors will prosecute offenders without prior warning. In general, venue managers are co-operative in facilitating operations conducted by the law enforcement officers of TACO.

(6) The main purpose of designating NSAs or introducing tobacco control measures is to minimise the effect of secondhand smoke on the public. There is also a need to balance the interests of all parties, including both smokers and non-smokers. Before putting any smoking ban or other tobacco control measures in place, it is imperative to ensure that they can be effectively enforced and can be easily complied with by the public, such as whether there are clear and conspicuous demarcations between NSAs and non-NSAs. The Government has received both supporting and opposing views when extending the smoking ban in the past. The Government must therefore carefully consider and take into account different views when further extending the smoking ban.

[LCQ16: Vetting and approval of applications for construction or redevelopment of small houses](#)

Following is a question by the Hon Kenneth Lau and a written reply by

the Secretary for Development, Mr Michael Wong, in the Legislative Council today (March 20):

Question:

Quite a number of villagers have relayed to me that the time taken for vetting and approval of their applications for construction or redevelopment of small houses, which they submitted to the Government in accordance with the New Territories Small House Policy, is rather long, taking seven to 10 years in general and in some cases even 20-odd years. As the construction costs have risen incessantly during the period when the applications are awaiting vetting and approval, the financial burden on those villagers has become increasingly heavy. In this connection, will the Government inform this Council:

(1) of the respective numbers of applications for (i) construction and (ii) redevelopment of small houses which were (a) received, (b) approved, (c) being processed and (d) rejected by various District Lands Offices of the Lands Department in each of the past five years (set out in tables of the same format as the table below);

District Lands Office: _____

Year	(a)		(b)		(c)		(d)	
	(i)	(ii)	(i)	(ii)	(i)	(ii)	(i)	(ii)
2014								
2015								
2016								
2017								
2018								

(2) of the respective average, shortest and longest time taken to vet and approve those applications which were approved in each of the past five years; if such figures are not available, of the reasons for that, and whether it will consider compiling such statistics; and

(3) whether the Government conducted in the past five years any study on streamlining the relevant vetting and approval procedure with a view to shortening the vetting and approval time needed; if so, of the outcome; if not, the reasons for that?

Reply:

President,

The Small House Policy (the Policy) has been implemented since 1972. Under the Policy, in general, a male indigenous villager aged 18 years old or above who is descended through the male line from a resident of a recognised village in the New Territories in 1898 may apply to the authority once during

his lifetime for permission to build for himself a small house on a suitable site within his own village.

My reply to various parts of the question is as follows:

(1) A breakdown in the number of applications for building and for rebuilding small houses received, approved, rejected and being processed respectively by the New Territories District Lands Offices and the Rebuilding Team of the Lands Department (LandsD) in the past five years is set out at the Annex.

(2) The LandsD does not keep statistics of the time taken to process each application for building and rebuilding small houses.

As the complexity of each application varies, the processing time will depend on the nature and complexity of issues involved. For example, some cases may be met with local objections, land title or boundary problems, or there may be requirements imposed under other regulatory frameworks which will need to be satisfied first.

(3) There are established communication channels between the LandsD and Heung Yee Kuk to discuss matters concerning land administration in rural areas regularly, which includes examination of streamlining the procedures for vetting and approval of small house applications. For example, LandsD has earlier agreed to the arrangement that, starting from January 2019, applicants may be exempted from submission of survey reports if their rebuilding applications have no land boundary problems. This arrangement can speed up processing.

The LandsD will continue to engage in dialogue with Heung Yee Kuk through the existing communication channels.

LCQ17: Management of water resources

Following is a question by the Hon Dennis Kwok and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (March 20):

Question:

At present, around 70 to 80 per cent of Hong Kong's fresh water supply comes from Dongjiang while the remainder comes from local catchments. In reply to a question raised by a Member of this Council on June 27 last year, the Government said that the first stage of Tseung Kwan O (TKO) Desalination Plant under construction was expected to be completed by 2022. The fresh water production capacity of the desalination plant will be 135 000 cubic metres per day (equivalent to around 5 per cent of the fresh water

consumption of Hong Kong) and can ultimately be increased to 270 000 cubic metres per day. However, the Government indicated that it had no plan to set a target percentage of the fresh water production capacity of desalination plants at 30 per cent of Hong Kong's water consumption. Regarding the management of water resources, will the Government inform this Council:

(1) as there are views that pollution of water sources that may be caused and the additional demand for fresh water generated by the rapid development of the Mainland economy and climate change may lead to an unstable Dongjiang water supply, but seawater desalination as a sustainable source of water supply will not be affected by such problems, of the reasons why the Government has no plan to set a target percentage of the fresh water production capacity of desalination plants at 30% of Hong Kong's water consumption;

(2) apart from TKO Desalination Plant, whether the Government has studied the implementation of other seawater desalination projects; if so, of the outcome (including fresh water production capacity); if not, the reasons for that;

(3) as the Government indicated last year that it would supply in phases reclaimed water for toilet flushing in the northeast New Territories, and that it planned to launch a public consultation and commence the legislative amendment work on the supply of reclaimed water, of the progress of such work; whether it has studied the supply of reclaimed water to other districts; if so, of the outcome (including the timetable); if not, the reasons for that;

(4) as the Government is taking forward the Inter-reservoirs Transfer Scheme, under which a tunnel connecting the Kowloon Byewash Reservoir and the Lower Shing Mun Reservoir is to be built to reduce overflow from the Kowloon Group of Reservoirs and increase water resources, of the progress of the Scheme; and

(5) of the number of government buildings currently installed with a grey water reuse system or rainwater harvesting system, and set out by building name the volume of grey water used and rainwater harvested last year; if such statistics are unavailable, of the reasons for that; whether it has plans to install such systems in all government buildings; if so, of the details (including the timetable); if not, the reasons for that?

Reply:

President,

To cope with the impact of climate change, increase of water demand brought about by population and economic growth, and keen demand for water resources due to development of the Pearl River Delta region, etc., the Water Supplies Department (WSD) promulgated the Total Water Management Strategy (the Strategy) in 2008 to ensure a sustainable and reliable water supply in Hong Kong. The Strategy puts an emphasis on containing the growth of water demand through promoting water conservation and exploiting new water resources. On water conservation, we have installed flow controllers and

water saving devices for public housing, government buildings and schools; promulgated "Water Efficiency Labelling Scheme"; implemented education programmes such as "Cherish Water Campus" and "Cherish Water Ambassador"; launched measures to reduce water leakage, which include establishing the "Water Intelligent Network" (WIN) in government water mains, as well as promoting and assisting leakage detection and maintenance of private water mains; extended the use of seawater for flushing, etc. On exploiting new water resources, apart from rainwater from local catchments, imported water from Dongjiang and seawater for toilet flushing, the WSD is striving to explore water sources which are not susceptible to climate change, including desalinated seawater and recycled water (including reclaimed water, recycled grey water and harvested rainwater) for non-potable use.

The reply to the Hon Kwok's question is as follows:

(1) In the future, water sources in Hong Kong would be more diversified. Apart from the three existing water sources, namely rainwater from local catchments, imported water from Dongjiang and seawater for toilet flushing, desalinated seawater and recycled water would be introduced to allow more flexibility, as well as to ensure security in Hong Kong's water supply. At present, the energy consumption and cost of drinking water produced by desalination are still relatively high. It is mainly used to cope with the impact of climate change on water resources. In the future, the proportion of water sources would vary according to a host of factors, including water demand (subject to effectiveness of various water conservation measures, and population and economic growth), local rainfall (can be affected by annual rainfall fluctuations and climate change), cost-effectiveness, as well as technological development of the various water sources, their reliability, impacts to the environment, etc. We will review proportions of the different water sources from time to time according to the latest circumstances.

(2) We do not have any study to implement other desalination projects at this stage. When planning for water supply in individual development areas, we will investigate whether desalination would be more suitable than other water sources. The water supply arrangements in individual development areas would be affected by various factors, including the distance between the development areas and the coast, as well as the existing water supply network and facilities. The arrangements would also be affected by the capacities of the corresponding water supply networks and facilities, etc.

(3) As the Shek Wu Hui Sewage Treatment Works will be upgraded into an Effluent Polishing Plant by adopting tertiary treatment, we plan to further process the tertiary treated effluent to become reclaimed water. We plan to supply, in phases from 2022 onwards, reclaimed water for non-potable use, such as flushing, to users in the northeast New Territories who are currently being supplied with temporary mains water for flushing. We will first supply reclaimed water to Sheung Shui and Fanling and extend the supply to Kwu Tung North and Fanling North New Development Areas in accordance with their development programmes.

We are currently implementing the associated infrastructure works for the supply of reclaimed water in Sheung Shui and Fanling, including the

construction of a service reservoir and the laying of trunk water mains and local distribution mains. In addition, we are designing the remaining works, including the water reclamation facilities, a pumping system and the remaining local distribution mains in Sheung Shui and Fanling.

Following the completion of the public consultation on the proposals for the supply of recycled water (including reclaimed water) in December 2018, we are now preparing works for the relevant legislative amendments. While we are still analysing in detail the public opinions collected during the consultation, the preliminary results indicate that the public are generally supportive of the proposal to supply recycled water by the WSD. With a view to further reducing the use of fresh water, we will continue to review the extension of supply of reclaimed water to other new development areas and areas still being supplied with temporary mains water for flushing, wherever it is technically feasible and cost-effective to do so.

(4) The Drainage Services Department has commenced the works contract for the "Inter-reservoirs Transfer Scheme" in February 2019, with the anticipated completion in the fourth quarter of 2022.

(5) In line with the Government's policy on green buildings, works departments would as far as practicable, install on-site rainwater harvesting or grey water recycling systems in government buildings in public works projects. By the end of 2018, new buildings of about 90 government projects have been installed with rainwater harvesting or grey water recycling systems. However, as the water collected for reuse by these systems is rather limited, we have not measured or collected statistics on the relevant water volumes. On the other hand, we are actively pursuing the implementation of a centralised grey water recycling system at the Development of Anderson Road Quarry Site. The system comprises of a grey water treatment plant with a daily capacity of 3 300 cubic metres. It will treat grey water collected within the development, and then distribute the treated grey water back to the development for non-potable use such as flushing.