

LCQ3: Flood prevention in the New Territories

Following is a question by the Hon Kenneth Lau and a reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (June 26):

Question:

Last month, a series of severe rainstorms caused serious flooding at a number of villages in Tin Shui Wai, with floodwater reaching the waist level and quite a number of villagers being trapped. Some villagers have relayed that during the onslaught of super typhoons in Hong Kong in the past two years, they suffered huge losses and their lives were under threat. As extreme weather conditions have become increasingly frequent and this year's typhoon season is drawing near, the villagers are very worried. In this connection, will the Government inform this Council:

(1) of the number of flooding reports received by the Drainage Services Department in each of the past five years, the number of the flooding locations which were flooding black spots, as well as the causes for the flooding;

(2) of the measures taken by the Government, since the onslaught of super typhoon Mangkhut in September last year, to improve the flood discharge capacity at the flooding black spots and the villages at low-lying locations vulnerable to seawater inundation in the New Territories, as well as the details of such measures; and

(3) whether it reviewed afresh and updated, in the past six months, the list of flooding black spots and the list of low-lying locations vulnerable to seawater inundation in the New Territories, and carried out corresponding flood prevention works; if so, of the details; if not, the reasons for that?

Reply:

President,

The drainage facilities in rural areas in the New Territories (NT) comprise a mixture of natural streams, man-made channels and pipes. In general, the construction and maintenance of the required drainage facilities are undertaken by the Drainage Services Department (DSD), other relevant departments and private owners concerned according to their respective responsibility. To prevent flooding caused by drain blockage, the DSD, before every rainy season, collaborates with other relevant departments to step up cleaning of public channels and pipes, and reminds private owners to properly check and repair the drainage facilities on their lands through distribution of pamphlets.

Upon receipt of a flooding report, the DSD will provide emergency support to help the citizens tackle the flooding problem. In the morning of May 27, 2019, the Hong Kong Observatory (HKO) issued the Amber Rainstorm Warning Signal, meaning "rain has fallen generally over Hong Kong, exceeding 30 millimetres in an hour". However, at that time, rainfall in some parts of Tuen Mun and Yuen Long (including Tin Shui Wai) had already reached 70 millimetres in an hour and the DSD had received a total of five flooding reports in the two districts. The DSD staff were swiftly deployed to the affected areas to render assistance, sparing no effort in cleaning blocked channels and draining excessive water, regardless of whether the drains were on private or government land. These areas resumed to their normal state shortly after the flood.

In addition to offering emergency support, the DSD has been examining villages with past flooding records so as to formulate appropriate drainage improvement measures. It has completed a number of flood prevention works in the NT, including the river training works for Sheung Yue River, Shan Pui River and Kam Tin River. We are currently seeking funding approval from the Finance Committee for conducting drainage improvement works in the rural areas of Northern NT, Yuen Long and Ngong Ping. Moreover, the Home Affairs Department will consider the villagers' requests for implementation of minor construction or improvement works to the drainage facilities in the villages under minor works projects.

Having consulted the relevant departments, I provide a reply to the three parts of the Hon Kenneth Lau's question as follows:

(1) According to records, the DSD received about 400 flooding reports in the past five years, with an average of 80 cases per year and seven of which occurred in NT flooding blackspots. Basically, these were incidents of localised flooding lasting for a short period of time. The affected areas were quickly reinstated after emergency services had been rendered by the DSD. The findings of the DSD indicated that the flooding incidents mainly occurred in areas with blocked drains or inadequate drainage under persistent heavy rain, and low-lying locations vulnerable to seawater infusion or inundation during typhoons.

(2) and (3) The DSD reviews the flooding blackspots and locations vulnerable to seawater infusion and inundation in Hong Kong every year.

With the progressive completion of major flood prevention projects, the number of flooding blackspots has reduced substantially. As at March 2019, 125 flooding blackspots have been eliminated, and there are only six remaining. Drainage improvement works for two flooding blackspots located at Ting Kok Road in Tai Po and Wan Chai District have already been completed, with their effectiveness being closely monitored. These blackspots will be eliminated when appropriate. As regards the other four blackspots, two of them are located in the NT, namely Shek Wu Wai in San Tin and Lam Tsuen Valley Basin, while the other two are in Tsim Sha Tsui and the Southern District. The DSD is taking forward in phases the strengthening of the

drainage facilities in these areas. Funding approval is being sought from the Finance Committee to enhance the flood prevention capacity of the blackspot in the Southern District. Strategically, upstream interception and downstream upgrading works are generally effective measures to alleviate the flooding risk in the village environ.

As revealed from previous severe or super typhoons, the Government has identified some low-lying locations vulnerable to seawater infusion or inundation (including Luen On San Tsuen, Kar Wo Lei, Sham Tseng San Tsuen, Lei Yue Mu, Nam Wai in Sai Kung, Tai O and low-lying areas along the seaside of North-western Yuen Long). The DSD and other relevant departments are implementing measures such as provision of flood walls/demountable flood barriers and installation of flap valves at the drainage outlet to prevent seawater from flowing in. The construction of concrete walls and rock-armoured bunds along the seashore can also lower the risk of flooding caused by waves overtopping the seawalls. Besides, the Government has set up storm-surge alert systems at various low-lying areas that are vulnerable to seawater inundation. Upon the issuance of warning on storm surge by the HKO, the DSD will, at the relevant locations, deploy pumping facilities, install water-stop boards, or provide sandbags for the use of the residents and shop operators in need, in order to reduce the flooding risk arising from storm surge.

In April this year, the Civil Engineering and Development Department commissioned a consultant to undertake a feasibility study entitled "Coastal Hazards under Climate Change and Extreme Weather and Formulation of Improvement Measures". The study aims to conduct a comprehensive review of the low-lying coastal or windy locations, and to carry out investigations into storm surge and wave in order to assess the impacts of extreme weather on these locations. Based on the outcome of the study, the Government will formulate appropriate protection measures, including improvement works, management measures and other options, to strengthen the resilience to big waves at the coastal areas in the long run.

Fireboat Alexander Grantham Exhibition Gallery to close temporarily

The Leisure and Cultural Services Department today (June 26) announced that the Fireboat Alexander Grantham Exhibition Gallery at Quarry Bay Park will be closed temporarily from July 2 for maintenance and renovation works.

The works are expected to be completed in September this year. During the renovation period, all the facilities at the gallery will be closed, but outreach programmes will be organised.

For enquiries, please call 2367 7821.

Hong Kong and Cambodia enter into tax pact

The Secretary for Financial Services and the Treasury, Mr James Lau, on behalf of the Hong Kong Special Administrative Region Government, signed a comprehensive avoidance of double taxation agreement (CDTA) with Cambodia today (June 26), promoting further bilateral investment and trade between the two jurisdictions.

This CDTA is the 41st agreement that Hong Kong has concluded. It sets out the allocation of taxing rights between the two jurisdictions and will help investors better assess their potential tax liabilities from cross-border economic activities.

Mr Lau said, "Cambodia was Hong Kong's 38th largest trading partner in 2018. We have all along treasured our economic and trade ties with Cambodia and I have every confidence that this agreement will encourage more bilateral investments and bring our co-operation to a new level."

Under the Hong Kong-Cambodia CDTA, double taxation will be avoided in that any tax paid in Cambodia by Hong Kong companies in accordance with the CDTA will be allowed as a credit against the tax payable in Hong Kong on the same income, subject to the provisions of the tax laws of Hong Kong. Likewise, for Cambodian companies, the tax paid in Hong Kong will be allowed as a deduction from the tax payable on the same income in Cambodia.

Moreover, the Hong Kong-Cambodia CDTA also provides the following tax relief arrangements:

- (a) Cambodia's withholding tax rates for Hong Kong residents on dividends, interest, royalties and fees for technical services will be reduced from the current level of 14 per cent to 10 per cent;
- (b) Hong Kong airlines operating flights to and from Cambodia will be taxed at Hong Kong's corporation tax rate, and will not be subjected to tax on income in Cambodia; and
- (c) Hong Kong residents deriving profits from international shipping transport in Cambodia will enjoy 50 per cent reduction in tax on income in Cambodia in respect of the profits subject to tax there.

The Hong Kong-Cambodia CDTA has also incorporated an article on exchange of information, which enables Hong Kong to fulfil its international obligations on enhancing tax transparency and combating tax evasion.

This CDTA will come into force after the completion of ratification procedures by both jurisdictions. In the case of Hong Kong, it will be implemented by way of an order to be made by the Chief Executive in Council under the Inland Revenue Ordinance. The order is subject to negative vetting by the Legislative Council.

Details of the Hong Kong-Cambodia CDTA are available on the website of the Inland Revenue Department (www.ird.gov.hk/eng/pdf/Agreement_Cambodia_HongKong.pdf).

Hong Kong will continue to negotiate with trading and investment partners with a view to expanding its CDTA network.

LCQ8: Supply of water to Hong Kong

Following is a question by the Hon Lau Kwok-fan and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (June 26):

Question:

The new agreement on the supply of Dongjiang (DJ) water to Hong Kong from 2018 to 2020, signed by the Government and the Guangdong provincial authorities in December 2017, continues to adopt the "package deal lump sum" approach in calculating water prices. However, both parties have agreed to conduct a review of the future payment approach for water supply. In addition, it has been reported that the Pearl River Delta Water Resources Allocation Project (commonly known as the "West to East Water Diversion Project") commenced last month and is expected to be completed in 2024. In this connection, will the Government inform this Council:

(1) whether it has started discussing with the Mainland authorities the arrangements for making Xijiang water a backup supply for Hong Kong; if so, of the details; if not, the reasons for that;

(2) given that the quality standard of DJ water supplied to Hong Kong is in compliance with Type II waters in the Environmental Quality Standards for Surface Water (GB3838-2002), which is the highest national standard for surface water quality applicable for the abstraction for human consumption, and the quality standard of Xijiang water supplied to Macao from 2014 to 2016 was in compliance with the national standard at a grade lower (i.e. Type III waters), whether the Government has conducted studies and made preparation in this regard to ensure that the quality of Xijiang water to be supplied to Hong Kong meets the highest standard; if so, of the details; if not, the reasons for that; and

(3) of the details, specific timetable and progress in respect of the review of the payment approach for DJ water; as the Democratic Alliance for the Betterment and Progress of Hong Kong has suggested switching to the adoption of a combined payment approach for the purpose of securing stable water supply and reasonable charges, whether the Government has assessed if Xijiang water as a backup supply may provide a better assurance for water supply, so that the feasibility of adopting a combined payment approach is enhanced; if it has conducted such an assessment and the outcome is in the affirmative, whether the Government will discuss with the Guangdong provincial authorities the adoption of a combined payment approach?

Reply:

President,

In all the Dongjiang (DJ) water supply agreements signed with the Guangdong (GD) authorities since 2006, the "package deal lump sum" approach has been adopted to ensure reliable and flexible supply of DJ water to Hong Kong. As Hong Kong's fresh water resources come from local yield and DJ water, the "package deal lump sum" approach allows us to import DJ water as needed based on the actual local yield and up to an annual supply ceiling specified in the supply agreements. This not only ensures adequate water supply for Hong Kong under the drought condition with a return period of 1 in 100 years, but also avoids wastage of the DJ water resources and saves related operating costs when more local yield is available in a particular year. Nevertheless, given the "package deal lump sum" approach has been adopted for more than 10 years, it is considered an appropriate time to review the payment approach. To this end, we set up a working group with the GD authorities in August 2017 to take forward the review on the "package deal lump sum" payment approach.

Moreover, since the water resource utilisation rate of DJ has already reached a level very close to its exploitation limit, the Pearl River Delta Water Resources Allocation Project is to divert water from Xijiang to the eastern part of the Pearl River Delta (including Guangzhou Nansha, Shenzhen and Dongguan) to alleviate the pressure of demand for DJ water in those areas. At the same time, the Project will provide an opportunity for the provision of emergency backup to areas including Hong Kong, Panyu, Shunde to further safeguard the reliability of water supply in these areas.

The responses to the Hon Lau's three queries are as follows:

(1) The Pearl River Delta Water Resources Allocation Project will provide an opportunity for the provision of emergency backup to the DJ water imported to Hong Kong. As the works of the Project have just started, details of the emergency backup arrangements have not yet been worked out by the GD authorities. We will follow up with the Water Resources Department of the GD Province on the related arrangements in due course.

(2) The Pearl River Delta Water Resources Allocation Project takes water from the main branch of Xijiang at Liyuzhou in Shunde district of Foshan, which is

different from the location where Macao takes water from Xijiang. Based on our understanding, the quality of the water near the water intake point at Liyuzhou meets the Type II waters in the "Environmental Quality Standards for Surface Water (GB3838-2002)" (i.e. the highest national standard for surface water applicable for the abstraction for human consumption) which is the same as the water quality standard of DJ water specified in the DJ water supply agreements.

(3) A working group has been set up with the GD authorities for reviewing the "package deal lump sum" payment approach. Apart from reviewing the existing "package deal lump sum" payment approach, the review will explore other payment approaches. As the review is still ongoing, it is premature to disclose the details at this stage. However, no matter which payment approach is to be adopted, we will ensure that it will not affect the reliability of water supply to Hong Kong. We will strive to complete the review before the negotiation of the next supply agreement in 2020.

LCQ18: Management of streets

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 26):

Question:

In early years, the Government signed, with the owners of the land adjoining a number of streets in Causeway Bay such as Great George Street, Paterson Street, East Point Road, Kingston Street and Cleveland Street, agreements under which the land owners would replace the facilities on the streets concerned at their own cost and be responsible for the future repair and maintenance of such facilities (but excluding street management). At present, some of such streets are full-time or part-time pedestrian streets. Some members of the public have complained that there are often busking and commercial promotion stalls on those streets, and that some groups occupy the road space for holding activities, which have caused serious nuisance to the residents in the vicinity and pedestrians. In this connection, will the Government inform this Council:

(1) of the total number of complaints received by the various government departments in the past three years about the noise nuisance, road obstruction, environmental hygiene problems, etc. which were caused by hawking, busking and other activities on the aforesaid streets, and the follow-up actions taken;

(2) if it has gained an understanding about whether the aforesaid land owners have made profits from the commercial activities conducted on the pedestrian streets; if it has, of the details;

(3) whether, apart from the aforesaid streets in Causeway Bay, the Government signed in the past three years/will sign in the coming three years similar agreements with other land owners and, thereafter, designated/designate the streets concerned as pedestrian streets; if so, of the details; and

(4) of the existing channels and procedure through which individuals and groups who intend to organise commercial, political or performing activities on pedestrian streets may make applications for such activities?

Reply:

President,

The lot owners of the developments adjacent to Paterson Street, Kingston Street and Cleveland Street in Causeway Bay had earlier proposed to the Government to replace the road facilities including paving blocks, pedestrian railings and bollards on the public footpaths of the above-mentioned streets at their own cost in order to enhance street ambience. After consulting the relevant government departments and stakeholders, the lot owners signed a deed of undertaking in August 2013, pledging to the Highways Department (HyD) to carry out the replacement works of the above-mentioned road facilities, as well as the proper maintenance and repair of these replaced facilities. Replacement works were then carried out and completed in March 2016. Matters other than the replacement, maintenance and repair works of the above road facilities (such as street management of the road concerned) are taken care by relevant government departments, in the same way as other public roads.

As regards the Causeway Bay Pedestrian Zone covering the whole or parts of Lockhart Road, East Point Road, Paterson Street, Great George Street, Pak Sha Road and Lee Garden Road, etc., relevant government departments regulate the activities and conditions therein in accordance with the statutory power vested with them. For instance, the Food and Environmental Hygiene Department (FEHD) handles matters relating to environmental hygiene, street hygiene and hawking; and the Hong Kong Police Force (HKPF) is responsible for maintaining public safety and order. Upon receipt of noise complaints regarding pedestrian zones, HKPF deploys officers to handle the complaints in accordance with the Noise Control Ordinance (Cap. 400) (the Ordinance); the Environmental Protection Department (EPD) provides professional advice and suggestions to the Police with respect to the requirements of the Ordinance where necessary; the Transport Department (TD) is responsible for formulating traffic management measures having regard to the pedestrian and vehicular traffic of the relevant streets; and the District Offices coordinate among relevant government departments for cooperative efforts on district issues and reflect the views of local residents and district councils where necessary. Government departments have been working closely together to manage, regulate and monitor the pedestrian zones.

Having consulted the Home Affairs Bureau (HAB) / Home Affairs Department, Food and Health Bureau / FEHD, EPD, Security Bureau / HKPF, Development Bureau / Lands Department (LandsD), as well as HyD and TD, our reply to the Hon Paul Tse's question is as follows:

(1) With respect to the five streets mentioned in the question, the complaints received by relevant departments over the past three years regarding the noise nuisance, street obstruction, environmental hygiene problems, etc. caused by sales activities, performances, and other activities are as follows:

The Wan Chai District Office (WCDO) received a total of 4 complaints in relation to environmental hygiene and street obstruction, including 2 cases concerning street obstruction at Great George Street, 1 case concerning street obstruction at East Point Road, and 1 case concerning environmental hygiene and street obstruction at Kingston Street. WCDO already referred the complaints to FEHD, HKPF and EPD for follow-up.

FEHD received 784, 293, 15 and 404 complaints against environmental hygiene, unlicensed hawking, street obstruction by food premises, and street obstruction caused by publicity materials respectively. FEHD's enforcement actions include:

- (i) instituted 161 prosecutions for littering and 5 prosecutions for unlicensed hawking, and made 74 seizures of hawker goods;
- (ii) instituted 20 prosecutions against persons causing street obstruction by setting up promotional booths at public places;
- (iii) instituted a total of 9 prosecutions against irregularities such as street obstruction by food premises or unauthorised extension of business; and
- (iv) issued 314 fixed penalty notices to persons illegally displaying commercial publicity material, and seized a total of 672 pieces of publicity materials, including commercial easy-mount frames.

EPD received 1 complaint in respect of Paterson Street, 1 complaint relating to East Point Road and 2 complaints relating to Great George Street. Upon receipt of a public complaint, the Police will immediately deploy officers to the scene to conduct investigations. If it is confirmed that the noise concerned causes annoyance, the Police will take enforcement action against the offender. EPD will also provide professional advice to the Police to facilitate the Police's enforcement.

The Police does not have the breakdown of the number of complaints received in respect of the five streets mentioned in the question.

Apart from handling complaints and taking enforcement actions by relevant departments, the District Management Committee (DMC) of WCDO has been concerned about the noise nuisances, street obstruction and environmental hygiene problems in Causeway Bay Pedestrian Zone. These issues have been included under the agenda of DMC meetings for regular follow-up.

(2) and (4) Any organisation who wishes to set up street counters on Government land for holding non-profit making activities may submit an application to LandsD. LandsD considers and approves each application in accordance with established mechanism. Generally speaking, LandsD will not approve applications for setting up street counters on Government land for commercial activities. LandsD has not received any complaint regarding the

conduct of profit-making commercial activities by relevant lot owners on relevant streets.

According to HAB, the Government and residents are in general taking a tolerant attitude towards street performances which are not causing complaints over noise, environmental hygiene, street obstruction, or public order. As long as there is no contravention of the law, there is no regulation of the content and artistic level of the performances. Matters relating to street performances are subjected to the prevailing laws in Hong Kong such as the Summary Offences Ordinance (Cap. 228), the Crimes Ordinance (Cap. 200) and the Ordinance as mentioned in the preceding paragraph. Should any street performance breach any statutory provisions, relevant enforcement departments may give advice or take appropriate actions in accordance with the relevant ordinances, having regard to the specific circumstances of each case.

(3) The Hong Kong Jockey Club also signed an undertaking in 2018, pledging to HyD that it would be responsible for the replacement, maintenance and repair of paving blocks on the public footpath at Wong Nai Chung Road near Happy Valley Racecourse. The Government has no plans to designate the footpath at Wong Nai Chung Road near the Happy Valley Racecourse as pedestrian zone. The Government is not aware that other lot owners have any plan to undertake to replace, maintain and repair road facilities on public footpaths at their own costs.