

LCQ8: Monitoring the water quality of fountains

Following is a question by Dr the Hon Pierre Chan and a written reply by the Secretary for Home Affairs, Mr Lau Kong-wah, in the Legislative Council today (February 20):

Question:

Last year saw over 100 reported cases of Legionnaires' disease in Hong Kong, and that number was higher than the annual average of some 70 cases for the past five years. Legionella bacteria grow well in warm water between 20 and 45 degrees Celsius and may be found in water bodies in cooling towers, fountains, etc. It has been reported that in December last year, two residents of a private housing estate developed, after having been infected with Legionnaires' disease, the complications of pneumonia and were in a critical condition, and there is a fountain at the entrance of the housing estate. Regarding the monitoring of the water quality of fountains, will the Government inform this Council:

(1) given that there were 77 fountains managed by the Leisure and Cultural Services Department (LCSD) as at November last year, of the following details of each of the fountains: (i) address, (ii) year of completion, (iii) whether the construction contract provided that the contractor had to comply with the Code of Practice for Prevention of Legionnaires' Disease when designing and constructing the fountain, and (iv) the government department responsible for monitoring the design and construction of the fountain (set out one by one in the table below);

| | (i) | (ii) | (iii) | (iv) |
|-----|-----|------|-------|------|
| 1. | | | | |
| 2. | | | | |
| ... | | | | |
| 77. | | | | |

(2) of the following details of the repair, maintenance and cleaning work in respect of the fountains mentioned in (1): (i) the number of times for which the fountains were completely drained and cleaned in 2016-2017, (ii) the number of reports and follow-up requests concerning the problems found in the fountains made by the management departments to the works departments in 2016-2017, and (iii) whether the fountains are now in operation (set out one by one by address of the fountains in the table below);

| | Address of fountain | (i) | (ii) | (iii) |
|--|---------------------|-----|------|-------|
|--|---------------------|-----|------|-------|

| | | | | |
|-----|--|--|--|--|
| 1. | | | | |
| 2. | | | | |
| ... | | | | |
| 77. | | | | |

(3) given that upon completion of the construction works for the music fountains at Kwun Tong Promenade, the Architectural Services Department (ArchSD) will conduct water tests for the fountains in accordance with the standards stipulated in the Swimming Pools Regulation (Cap 132CA), whether such tests are one-off in nature, and whether ArchSD will conduct similar water tests for newly built fountains in future;

(4) given that LCSD regularly takes water samples at its public swimming pools for water quality examination, why LCSD does not do the same for the fountains under its management;

(5) given that the Food and Environmental Hygiene Department licenses and monitors private swimming pools in accordance with the Swimming Pools Regulation, whether the Government will establish a similar licensing and regulatory regime for private fountains; if not, of the reasons for that; and

(6) whether it knows the current number and addresses of the private fountains in Hong Kong, and of the government department responsible for monitoring the water quality of such fountains?

Reply:

President,

The Government is very concerned about the cases of community-acquired Legionnaires' disease (LD). Regarding a cluster of LD cases that involved three patients in December last year, the Centre for Health Protection of the Department of Health commenced epidemiological investigation and the laboratory testing results revealed that all water samples and environmental samples were tested negative for *Legionella pneumophila* serogroup one. As legionellae may be found in various environmental settings and aqueous environments, the sources of infection of the cases are yet to be ascertained.

After consultation with relevant departments, my reply to Dr the Hon Pierre Chan's question is as follows:

There are 80 water fountains in the leisure and cultural venues of the Leisure and Cultural Services Department (LCSD). Water emitted from water fountains is normally reused after collection, filtration and disinfection. Works department is responsible for the design and construction of the fountains. The fountains are normally installed with recirculatory filtration and disinfection facilities to remove sediments, dirt and debris in water so as to control the microbial growth and to disinfect the fountain water. LCSD and the works departments will comply with the guidelines in the Code of Practice for Prevention of Legionnaires' Disease (the Code of

Practice) compiled by the Prevention of Legionnaires' Disease Committee to properly design, operate, repair, maintain and manage the fountains so as to prevent the transmission of legionella. Upon completion of new projects, the contractors are required to conduct fountain water tests to ensure that the water quality meets the relevant standards and contractual requirements.

On day-to-day management, LCSD will make reference to the recommendations in the Code of Practice and carry out day-to-day cleansing and maintenance of water fountains taking into account the size of the water fountains, their designs, the manufacturers' guidelines, etc. The measures include draining fountain water for regular cleansing so as to effectively eliminate the risks of bacteria growth and transmission. Generally speaking, draining of water for cleansing is carried out at least once a month for about 80 per cent of LCSD's fountains. For the remaining water fountains, draining of water for cleansing is carried out at least once every six months taking into account the manufacturers' guidelines and operational needs. In case the venue management identifies any defects in the water fountains, they will report to the works departments responsible for maintenance (e.g. the Electrical and Mechanical Services Department (EMSD)) for follow-up. The relevant works departments will also conduct regular inspections of the facilities concerned to ensure that they function properly.

According to the Code of Practice, while the cooling tower management is required to arrange for regular collection of water samples from cooling towers for testing (including testing for legionella), regular collection of water samples from venue facilities (including fountains) in the community environment for testing is not required.

Information regarding the water fountains in LCSD's venues is set out at Annex.

The Music Fountains at Kwun Tong Promenade will be provided with recirculatory filtration and disinfection facilities. To prevent the transmission of LD through fountain water, the precautionary measures stipulated in the Code of Practice, including those on design, operation, repair and maintenance, will be adopted in the construction works. Upon completion of the construction works of the Music Fountains, the Architectural Services Department (ArchSD) will conduct water tests by making reference to the hygiene standards for swimming pool water quality so as to ensure that the fountain water quality meets the hygiene requirements. As for other new water fountains works designed and constructed by ArchSD, the contractors are required to conduct fountain water tests upon completion of the construction works to ensure that the water quality meets the relevant standards and contractual requirements. Upon commissioning of the fountains, regular cleansing of fountain water will be carried out by LCSD and inspections of the facilities concerned by the maintenance department will be arranged as per current arrangement.

As LCSD is not responsible for licensing and regulation of private swimming pools and water fountains, no relevant information is available.

Proper design, operation and maintenance of water systems are important to prevent proliferation of legionella. The Code of Practice and associated pamphlets provide practical guidelines for the building owners and associated practitioners on the proper design, operation and maintenance of building facilities (including water fountains) for prevention of LD. Besides, EMSD often disseminates good practices to practitioners in the industry through briefings, seminars and correspondences for minimisation of the risk of LD.

LCQ9: Legal basis for non-Hong Kong residents to reside or stay in Hong Kong

Following is a question by the Hon Alvin Yeung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (February 20):

Question:

Regarding the legal basis for non-Hong Kong residents to settle/stay in Hong Kong, will the Government inform this Council:

(1) of the provisions in the Basic Law and/or the laws of Hong Kong by virtue of which holders of Permits for Proceeding to Hong Kong and Macao may come to Hong Kong for settlement; and

(2) of the respective provisions in the Basic Law and/or the laws of Hong Kong under which the Director of Immigration gives permission for the following categories of non-Hong Kong residents to stay in Hong Kong:

- (i) dependants of Hong Kong permanent residents,
- (ii) dependants of persons other than Hong Kong permanent residents,
- (iii) persons who are granted entry into Hong Kong under the Admission Scheme for Mainland Talents and Professionals,
- (iv) Mainland residents who are granted entry into Hong Kong under the Quality Migrant Admission Scheme,
- (v) non-Mainland residents who are granted entry into Hong Kong under the Quality Migrant Admission Scheme,
- (vi) persons of Chinese nationality who have obtained permanent resident status in a foreign country and are granted entry into Hong Kong under the Capital Investment Entrant Scheme,
- (vii) foreign nationals who are granted entry into Hong Kong under the Capital Investment Entrant Scheme, and
- (viii) persons who are granted entry into Hong Kong under the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents?

Reply:

President,

Pursuant to section 7(1) of the Immigration Ordinance (Cap 115), a person may not land in Hong Kong without the permission of an immigration officer or immigration assistant unless he enjoys the right of abode in Hong Kong, he has the right to land in Hong Kong, or he may land in Hong Kong without such permission by virtue of the Immigration Ordinance (such as members of crew of aircraft). Regarding the legal basis for non-Hong Kong residents to reside/stay in Hong Kong, my reply is as follows:

(1) It is stipulated in Article 22(4) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China that "[f]or entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People's Government after consulting the government of the Region." According to the Interpretation by the Standing Committee of the National People's Congress Regarding Paragraph 4 in Article 22 and Category (3) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the 10th Meeting of the Standing Committee of the Ninth National People's Congress on June 26, 1999), "[t]he provisions of Paragraph 4 in Article 22 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China 'for entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval', mean that persons from provinces, autonomous regions and municipalities directly under the Central Government, including the children of permanent residents of the Hong Kong Special Administrative Region born in the mainland with Chinese nationality, who request to enter the Hong Kong Special Administrative Region with whatever reason shall, in accordance with the provisions of relevant laws and administrative regulations of the State, apply for approval from the relevant government department in the place of their residence and may only enter the Hong Kong Special Administrative Region with valid certificates issued by relevant authorities. It is illegal for any persons or children mentioned above to enter the Hong Kong Special Administrative Region without going through due approval procedures in accordance with the provisions of relevant laws and administrative regulations of the State."

It is also stipulated in Article 154(2) of the Basic Law that "[t]he Government of the Hong Kong Special Administrative Region may apply immigration controls on entry into, stay in and departure from the Region by persons from foreign states and regions."

Upon arrival in Hong Kong, Mainland residents who hold valid One-way Permits (i.e. Permits for Proceeding to Hong Kong and Macao) will be given permission to land in Hong Kong by an immigration officer or immigration assistant under section 11 of the Immigration Ordinance.

(2) Part (2) of the question mentions various immigration policies/schemes,

including the immigration policy on entry of dependants, the Admission Scheme for Mainland Talents and Professionals (ASMP), the Quality Migrant Admission Scheme (QMAS), the Capital Investment Entrant Scheme (CIES) and the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents (ASSG).

The immigration policy on entry of dependants allows those who are able to provide care and financial support to their dependants to sponsor their non-local dependants to come to reside in Hong Kong. The immigration policy on entry of dependants also ensures that Hong Kong will continue to attract and retain people with the right talent and skills to come to and remain in Hong Kong by giving them the choice of bringing in their non-local dependants to live with them in Hong Kong.

The ASMP aims at attracting talents with special skills, knowledge or experience of value to and not readily available in Hong Kong to work here in meeting the needs of the Hong Kong economy.

The QMAS aims at attracting highly skilled or talented persons to settle in Hong Kong in order to enhance Hong Kong's human capital and maintain Hong Kong's competitiveness.

The objective of the CIES is to facilitate the entry for residence by capital investment entrants (the entrant), i.e. persons who make capital investment in Hong Kong but would not be engaged in the running of any business here. The entrant is allowed to make his choice of investments amongst permissible assets without the need to establish or join in a business.

The ASSG aims at attracting the second generation of Chinese Hong Kong permanent residents from overseas to return to Hong Kong for development.

Pursuant to the stipulations in Article 22(4) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Interpretation by the Standing Committee of the National People's Congress Regarding Paragraph 4 in Article 22 and Category (3) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the 10th Meeting of the Standing Committee of the Ninth National People's Congress on June 26, 1999) and the stipulations in Article 154(2) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China mentioned above, for those who have been admitted for employment or residence under various immigration policies/schemes, including dependants of Hong Kong permanent residents, dependants of persons other than Hong Kong permanent residents, persons admitted under the ASMP, Mainland residents admitted under the QMAS, non-Mainland residents admitted under the QMAS, Chinese nationals who have obtained permanent resident status in a foreign country and are admitted under the CIES, foreign nationals admitted under the CIES and persons admitted under the ASSG mentioned in the question, they will be given permission to land in Hong Kong upon arrival by an immigration officer or immigration assistant under section 11 of the Immigration Ordinance.

Persons from foreign states and regions who enter and stay in Hong Kong under various immigration policies/schemes must meet normal immigration requirements as well as the relevant specific eligibility criteria set out by the Immigration Department in accordance with the laws of Hong Kong and immigration policies.

LCQ1: Marine incident

Following is a question by the Hon Steven Ho and a reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (February 20):

Question:

A few marine incidents have occurred in recent years, polluting the ecosystem of Hong Kong waters and causing far-reaching impacts on the fisheries resources. For instances, a large quantity of polypropylene plastic pellets were spilled into the sea from a container vessel during the onslaught of a typhoon in Hong Kong in 2012, 9 000-tonne palm oil was leaked following the collision of cargo vessels in 2017, and an explosion and a fire occurred in a cargo vessel in the waters off the Lamma Island in January this year. In this connection, will the Government inform this Council:

(1) given that subsequent to the aforesaid incident of plastic pellets spilling into the sea, the party concerned reached a settlement agreement with the Marine Department (MD) and agreed to pay a sum to the Government to compensate for the expenditure it incurred on the clean-up operations, how MD determined if the amount of compensation was reasonable; as public interest was involved in the incident, why MD agreed to keep the compensation amount confidential and did not pursue the responsibilities of the party concerned for polluting the marine ecosystem;

(2) whether it will set up an ad hoc committee in the wake of each marine incident to investigate the impact of the incident on the fisheries resources as well as the marine ecosystem and to prepare a report, which may form the basis for the affected persons to make compensation claims; and

(3) given that mariculturists affected by marine incidents often give up compensation claims as they cannot afford the high legal costs or are ineligible for legal aid, of the mechanism put in place by the Government to provide them assistance?

Reply:

President,

The Government is very concerned about the impact of marine incidents on the environment. Various Government departments will endeavor to take all necessary emergency response actions with a view to mitigating the impacts on the marine environment and ecosystem caused by the incidents.

In consultation with the relevant bureaux and departments, the consolidated reply to the question raised by the Hon Steven Ho is as follows:

(1) During the passage of typhoon Vicente in July 2012, seven containers fell off from a cargo vessel, leading to massive spillage of polypropylene plastic pellets into the sea. A number of government departments worked closely together to conduct clean-up operations at sea and along shorelines, monitor the effects on local marine environment and announce the monitoring results through press releases. After detailed negotiations, the party concerned agreed to pay a sum to the Government to compensate for the costs incurred by the Government in cleaning up the plastic pellets. In light of the complex legal issues involved, the Government, having taken full consideration of the evidence and sought independent legal advice, considered the compensation amount agreed to be paid by the party concerned reasonable, realistic and acceptable. Furthermore, reaching settlement on the issue through negotiation could avoid spending tremendous amount of public money on litigation action. A settlement agreement was eventually reached between the Government and the party concerned, with an announcement made to the public through press release on April 8, 2014. As the settlement agreement adopted a usual confidentiality clause, the Government could not further disclose the content of the agreement.

(2) & (3) To enable more effective marine environmental management, the Government revamped the Inter-departmental Working Group on Clean Shorelines that was only responsible for coordinating efforts on handling marine refuse in the past and renamed it as Inter-departmental Working Group on Marine Environmental Management (the Working Group) in January last year, with its terms of reference expanded to tackle all marine environmental incidents under the coordination of the Environment Bureau. The Task Force on Emergency Response to Marine Environmental Incidents (the Task Force) is set up under the Working Group, with members comprising various departments including the Agriculture, Fisheries and Conservation Department (AFCD), the Marine Department (MD), the Environmental Protection Department, the Department of Health, the Fire Services Department, the Food and Environmental Hygiene Department, the Government Flying Service, the Government Laboratory, the Hong Kong Police Force and the Leisure and Cultural Services Department. The Task Force assumes a coordination role, and will conduct investigation and assess impact on the environment and ecosystem according to the nature of the incident and initiate appropriate mitigation and preventive measures.

As regards support to mariculturists, in normal circumstances, once the MD officers are aware of the occurrence of a marine environmental incident, they will immediately notify the concerned departments, implement contingency measures and monitor the situation of the waters nearby. The departments concerned will maintain close communication with the relevant stakeholders regarding the incident and provide support to them. For example, upon receiving reports of marine incidents, AFCD will take the initiative to alert

mariculturists in the nearby fish culture zones (FCZs) that may be affected, and inspect the FCZs concerned to assess the potential impacts on the cultured fish. Having regard to the actual situation of an incident, AFCD will endeavour to provide assistance to affected mariculturists and closely monitor the water quality of the FCZs, with a view to minimising the impacts.

In the circumstance of a person claiming compensation in respect of a marine incident through civil litigation procedure, it is an individual decision and action. The Government is not a party in the litigation procedure. At present, Legal Aid Schemes are put in place by the Legal Aid Department to provide legal representation for the legal proceedings to eligible applicants with lack of means. Moreover, AFCD will provide affected mariculturists or other individuals with environmental monitoring data and/or fish test results as they may need. Similarly, depending on the situations, MD can furnish details such as the timing, location and vessels involved in marine incidents. Marine accident investigation reports of serious and very serious accidents together with lessons learnt are also made available on the website of MD for public viewing with the aim of avoiding or reducing similar accidents in future. Mariculturists or other individuals could make reference of the information from these sources.

In addition to the above measures, to keep the public abreast of the latest situation, we will provide the public with the updates of an incident through press releases and other channels in a timely manner. Such information includes the latest development of the incident, affected waters, monitoring results, whether the environment and ecosystem are affected and the follow-up actions taken by various departments.

Finally, I would like to clarify one point – the first paragraph of the question mentioned an oil tanker spilling 9 000 tonnes of palm stearin after a collision incident in August 2017. Based on investigation results, the amount of palm stearin spilled in the incident was about 1 000 tonnes.

Thank you, President.

Effective Exchange Rate Index

The effective exchange rate index for the Hong Kong dollar on Wednesday, February 20, 2019 is 103.3 (down 0.6 against yesterday's index).

LCQ3: Alleviating the pressure on the services of public hospitals

Following is a question by the Hon Chan Hoi-yan and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (February 20):

Question:

It is learnt that in recent years whenever there was an influenza surge, the Accident and Emergency Departments (AEDs) and in-patient services of public hospitals were invariably severely overloaded and faced with immense challenges. There are views that apart from deploying additional resources, the Government should make efforts to prevent an outbreak of influenza and divert patients to the private healthcare system, so as to alleviate the pressure on the services of public hospitals. In this connection, will the Government inform this Council:

(1) of the respective seasonal influenza vaccination uptake rates of kindergarten, primary school and secondary school students in each of the past three years; whether it will set targets on the uptake rates of students and the entire population of Hong Kong; if so, of the details; if not, the reasons for that;

(2) whether it will regularise the existing School Outreach Vaccination Pilot Programme and extend the scope of the Programme to cover all kindergartens, primary schools and secondary schools across the territory; if so, of the details and implementation timetable; if not, the reasons for that; and

(3) whether it will set up outpatient clinics staffed by private medical practitioners next to the AEDs of public hospitals during influenza surges, so that AED patients categorised as semi-urgent and non-urgent may choose to seek medical consultation at those clinics, thereby alleviating the pressure on the services of AEDs; if so, of the details and implementation timetable; if not, the reasons for that?

Reply:

President,

To cope with the winter influenza season and the expected winter surge each year, the Department of Health (DH) and the Hospital Authority (HA) have been implementing a series of measures to minimise the impact of a seasonal influenza outbreak on the community and the resultant pressure on the public healthcare system, including strengthening disease prevention and surveillance, stepping up publicity and education, increasing bed capacity, recruiting part-time and temporary healthcare staff, and enhancing collaboration with external parties, etc. Having consulted the DH and HA, the

reply to the three parts of the question is as follows:

(1) Vaccination is one of the effective means to prevent seasonal influenza and its complications. It also reduces the risks of flu-associated in-patient admission and mortality. Therefore, the Government has all along been encouraging the public to receive vaccination as early as possible. Under the Government Vaccination Programme and the Vaccination Subsidy Scheme, the Government provides free and subsidised seasonal influenza vaccination (SIV) respectively for eligible high-risk groups (details at the Annex).

To further encourage students to receive vaccination, the DH rolled out the School Outreach Vaccination Pilot Programme in 2018/19 to reach out to primary schools and provide SIV for students through a government outreach team or a Public-Private-Partnership team, and increased the amount of subsidy for vaccination. The new measures have proved to be effective. As at February 17, 2019, the number of primary schools that had arranged for outreach vaccination increased from 65 in 2017/18 to 402 in 2018/19, with the coverage rate for primary school students reaching 55.3 per cent. Overall speaking, around 371 000 doses of SIV have been administered in 2018/19 under the above programmes for children aged 6 months to under 12 years, representing an increase of about 118.4 per cent over the corresponding period in the previous year.

In 2016/17, 2017/18 and 2018/19 (as at February 17, 2019), the number of children aged 6 months to under 12 years receiving SIV accounted for 17.4 per cent, 23.0 per cent and 45.4 per cent of the children in the age group respectively. These figures do not include those children receiving SIV outside the above vaccination programmes. The DH does not have relevant figures for secondary students as they are not eligible under the above vaccination programmes.

The DH will continue to review from time to time the scope of eligible groups and take proactive measures to raise the SIV coverage rate of the eligible groups as well as that of the total population in Hong Kong.

(2) Given the effectiveness of the 2018/19 School Outreach Vaccination Pilot Programme, the DH will regularise the programme from next year onwards, covering more primary schools and extending its coverage to kindergartens (KGs) and child care centres (CCCs) on a pilot basis. The DH is currently evaluating the arrangements for the pilot programme. The DH will assess various options in implementing the enhancement measures in consultation with relevant stakeholders, so as to come up with the best mode in providing outreach vaccination service at KGs and CCCs. The DH will announce the details in due course so that interested private doctors, private medical institutions, primary schools, KGs and CCCs can make early preparation.

(3) To ensure that patients with more serious conditions are accorded higher priority in receiving medical treatment, the HA adopts a triage system which classifies patients attending the Accident and Emergency Departments (AEDs) into the following five categories according to their clinical conditions: critical, emergency, urgent, semi-urgent and non-urgent. The HA has set

performance pledges on the waiting time for treatment so as to ensure that patients who need urgent medical attention are treated within a reasonable time.

To alleviate the pressure on the services of AEDs, the HA has introduced measures to increase manpower and provide the public with relevant medical service information. For instance, the A&E Support Session Programme and the Special Honorarium Scheme have been implemented to recruit additional healthcare staff to handle semi-urgent and non-urgent cases, so that healthcare staff in AEDs may focus on the treatment of patients who are in critical, emergency or urgent conditions. Also, the Locum Recruitment Website was launched in November 2018 to recruit more part-time healthcare staff in a more flexible and efficient manner. The HA would also increase 25 000 consultation quotas of General Out-patient Clinics during the winter service surge 2018/19 in order to address the service demand.

Besides, the HA's webpage and its mobile application HA Touch provide relevant information including the waiting time in AEDs of public hospitals, web links to private healthcare services and private doctors directories for public reference. During the recent Chinese New Year holidays, the HA set up the "One-stop medical services information portal during Chinese New Year Holidays" on its webpage to provide the public with information on private and charity group healthcare services (including Chinese medicine services) available during the period, with a view to alleviating the pressure on the services of AEDs.