

LCQ2: Hung Hom Station Extension works under Shatin to Central Link project

Following is a question by Hon Tanya Chan and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (January 30):

Question:

On the 10th of last month, the MTR Corporation Limited (MTRCL) commenced the work to open up the concrete according to the holistic assessment strategy regarding the platform slabs and diaphragm walls of the Hung Hom Station Extension under the Shatin to Central Link Project (the assessment strategy), so as to verify the works quality of the coupler connections. In this connection, will the Government inform this Council:

(1) whether the contractor concerned was required under the law to obtain prior approval from the authorities for deviating, during construction, from the requirements for proper installation of couplers specified by the coupler supplier; if so, of the relevant procedure and stipulations, and whether the authorities have received such applications; if there were deviations but no application has been received, of the authorities' follow-up actions;

(2) given that Table 6.3 of the assessment strategy merely sets out the maximum percentages of the coupler population with improper connections corresponding to the scenarios in which the 0 to 5 failures are found in the 84 samples (estimated under a 95 per cent confidence level), whether the Government can set out one by one the relevant percentages corresponding to the scenarios in which 0 to 84 failures are found in the samples; of the respective test results under which the Government will require the MTRCL to carry out reinforcement works, demolish and rebuild the relevant structures, and reduce the project management fee charged; and

(3) given that Remark 2 in the coupler test results as at the 7th of this month, published on a Highways Department webpage, read as follows: "On the testing location at the bottom of Area C3 of the East West Line slab near the western diaphragm wall, one re-bar and a coupler were found to be unconnected on January 4, 2019 and could not be tested. Details are being investigated", but the sentence "Details are being investigated" was no longer included in Remark 2 published on the webpage updated two days later, whether the relevant investigation had been completed during the interim; if so, of the details; if not, the reasons why that sentence was no longer included?

Reply:

President,

My reply to the three parts of the Hon Tanya Chan's question is as follows:

(1) The Government has always attached great importance to the safety and quality of construction works. As the Hung Hom Station (HUH) Extension of the Shatin to Central Link (SCL) project falls within leased land owned by the Kowloon-Canton Railway Corporation and is governed by the Buildings Ordinance, the construction and quality of the HUH Extension works shall comply with the requirements specified by the Buildings Department (BD).

The BD has specified the relevant requirements about the proposed use of threaded reinforcement bars (rebars) and couplers in the HUH Extension project, including compliance with the structural material standards, technical specification and quality assurance plan of coupler manufacturer, as well as material tests via on-site sampling.

According to the manufacturer's technical specification, a conforming splicing assembly of threaded rebar and coupler of the type used in the HUH Extension Project should satisfy the following criteria:

- (i) there shall be a maximum of two full threads exposed; and
- (ii) the embedded length of the threaded rebar screwed into the coupler shall be at least 40 millimetres.

Apart from the above criteria set by the manufacturer, the assemblies shall comply with the various strength and ductility test requirements specified by the BD. If the contractor has complied with the manufacturer's technical specification, the BD's requirements for on-site material sampling and testing, and supervision and recording of the splicing assembly works etc., the safety and quality standards of the connections between the threaded rebars and couplers can be assured.

In anticipation of the need of amending the technical specification during the course of the works, the contractor should consult the BD and obtain its prior acceptance. In case where the contractor deviates from the technical specification during the course of the works, the concerned competent person shall submit to the BD an investigation report and, when necessary, a remedial proposal on the deviations concerned. So far, the Government has not received any application made by the MTR Corporation Limited (MTRCL) or contractor on the necessary amendments to or deviations from the technical specification for coupler used in the HUH Extension Project.

(2) Being the Project Manager of the SCL project, the MTRCL is responsible for proposing and carrying out all sorts of feasible options to clarify and resolve the problems of the HUH Extension works. After several rounds of discussion with the Government, the MTRCL proposed a three-stage approach for the holistic assessment. The first stage is for the MTRCL to check relevant construction records and to review the latest amended design drawings. In the second stage, it is required for the MTRCL to open up part of the platform slabs at the East West Corridor (EWC) and the North South Corridor (NSC) for confirming the as-constructed connection details of the rebars, and whether the couplers and rebars were properly connected. There are two purposes for the opening up exercise in the second stage: (i) opening up the

areas without complete construction documentations to verify the as-constructed conditions of the connection between the platform slabs and diaphragm walls of the HUH Extension. This involves 24 locations at the platform slabs of the EWC; and (ii) in view of the allegation of bar-cutting, the MTRCL has to open up part of connections between platform slabs and diaphragm walls for detailed inspection and make use of non-destructive tests for verification of the workmanship of the coupler connections. This involves opening up 28 random locations each in the platform slabs of the EWC and the NSC, i.e. 56 locations in total, to expose at least 168 rebars/couplers for inspection. In the third stage, the MTRCL will consolidate the test results of the first two stages, including the verified construction details, works quality information, and the technical data provided by the manufacturers; and conduct a detailed structural analysis of the HUH Extension to ascertain whether the overall structural integrity of the works is acceptable, and determine if it is necessary to conduct remedial or strengthening works. Relevant government departments have been strictly monitoring the process.

Table 6.3 of the holistic assessment strategy mainly illustrates the relationship between the number of failures in the samples and the maximum failure rate in the population based on statistical inference. The "failure" here means that individual coupler and rebars are not installed according to the technical specification. Whether it is required to strengthen or even rebuild the platform slabs due to a certain number of coupler and rebars are not connected in accordance with the technical specification has to be determined after conducting a detailed structural analysis in the third stage.

(3) The Government has been highly concerned about the second stage opening up works under the holistic assessment strategy. To enhance transparency, upon receipt of the new test results, the Government will publish them on the SCL project webpage of the Highways Department (HyD) for reference of the public.

On January 4, 2019, the HyD found that a coupler and a steel bar at the test point in Area C3 of the bottom of the EWC slab near the western diaphragm wall were not connected and could not be tested. As it takes time to complete a detailed investigation, but in order to announce the latest test results on the same day, the HyD added Note 2 to the webpage on the same day giving a brief account of the findings and indicating that the details would be subject to further investigation. The BD, the HyD and the MTRCL conducted on-site investigations in the following few days; and confirmed the situation on January 9. The phrase "details are being investigated" in Note 2 was thus deleted on the same day. Meanwhile, given that the number of notes has increased as the opening up works proceed and in order to improve the format of the Notes, the HyD has presented by table form the information verified and other findings during the opening up process (including the abovementioned information and findings verified on January 9). The new format has been effective from January 19 for perusal by the public.

LCQ7: Combatting speeding

Following is a question by the Hon Michael Tien and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (January 30):

Question:

It is learnt that some road sections are unsuitable for installing speed enforcement cameras (SECs). Even at those road sections installed with SECs, speeding drivers can get away without punishment by driving in such a way that makes their vehicles slow down before, and accelerate after, passing an SEC. As a result, SECs have lost deterrent effects on speeding and are virtually useless. Speeding vehicles not only pose danger to other road users, but also generate noise (which is particularly serious when a vehicle is driven at the aforesaid uneven speeds as a vehicle generates greater noise when accelerating), thereby causing great nuisance to nearby residents. In this connection, will the Government inform this Council whether it will conduct a study on adopting the approach of detecting the average vehicular speed (i.e. calculating the average speed of a vehicle when it passes through a road section) to combat speeding, so as to provide greater flexibility in the locations for installing SECs and to eliminate drivers' circumvention of speed limits by driving in the aforesaid manner; if so, of the details and the implementation timetable; if not, the reasons for that?

Reply:

President,

My reply to the Hon Michael Tien's question is as follows:

The Government attaches great importance to road safety. To this end, the Hong Kong Police Force (the Police) have been combatting speeding offences. Apart from using fixed speed enforcement cameras for regular traffic enforcement, the Police also deploy mobile instruments such as laser guns, mobile radar and in-car video recording systems for ad hoc enforcement operations. These allow greater flexibility in anti-speeding operations and make motorists remain alert at all times, thereby reducing the risk of traffic accidents and enhancing road safety.

As regards the average speed camera system, the Government previously consulted the Legislative Council Panel on Transport in May 2013 on a trial scheme of such system. Some Panel members were of the view that, at that juncture, such a system had not proven to be cost effective or perform better than the existing speed enforcement cameras at that time. Hence, they had reservations on the trial scheme. Given that the trial scheme was not supported by the majority of the Panel members, the Government did not pursue it then.

In view of technological advancements, the Transport Department is currently discussing with the Police about testing cameras featuring different speed enforcement technologies so as to ascertain the technical feasibility of such camera systems and their suitability for use in Hong Kong. The Government will keep close track of technological developments, make reference to overseas experience in and examples of speed detection, and conduct timely reviews of the features of the technologies concerned and their suitability for use in Hong Kong.

HKETO Sydney participates in Chatswood Year of the Pig Festival (with photos)

The Hong Kong Economic and Trade Office, Sydney (HKETO) is participating in the three-week-long Chatswood Year of the Pig Festival 2019 in the Chatswood district of Sydney, Australia, to share the joy of the Lunar New Year with the public in Sydney.

Two giant photo walls featuring magnificent day and night views of Hong Kong's Victoria Harbour with new year greeting messages have been set up at the Golden Market in the Chatswood Mall for visitors to take photos to promote Asia's world city.

The Festival, hosted by the Willoughby City Council of Sydney from January 29 to February 19, includes a variety of cultural events and performances that will connect visitors to celebrations across China and other Asian destinations. The event brings Sydney into the Chinese New Year in true Chinese style, and its programme includes performers and musicians from the Hong Kong Academy for Performing Arts performing the Chinese opera "Piggy's Wedding", to be presented by Australasian Art and Stageworks at the Theatre at the Concourse in Chatswood on February 9.

Speaking at a lunch yesterday (January 29) to launch the Festival, the Director of the HKETO, Mr Raymond Fan, said that every year Hong Kong has lots of arts and cultural activities to celebrate the Lunar New Year.

"We are therefore excited that Chatswood is hosting the cultural festival so that we can continue our close connection with this community," Mr Fan said.

"Following the commissioning of mega transportation infrastructure, ie Hong Kong-Zhuhai-Macao Bridge and Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail, I am pleased to report that various cultural projects in Hong Kong will be completed one after another over the next few years.

"The West Kowloon Cultural District is one of the largest cultural projects in the world. Its first landmark venue, the Xiqu Centre, was officially opened 10 days ago. This world-class venue is designed for the conservation, promotion and development of Chinese opera.

"So please visit Hong Kong in the Year of the Pig. Apart from enjoying the incredible cuisine, exciting shopping, fantastic arts and culture, and photogenic skyline, please do take a ride to explore the surrounding Greater Bay Area through our well-connected new infrastructure and unlock unlimited opportunities in this year of fortune," Mr Fan added.



LCQ19: Subsidy scheme to extend fibre-based networks to villages in remote areas

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (January 30):

Question:

The Government put forward in the 2017 Policy Address a Subsidy Scheme to Extend Fibre-based Networks to Villages in Remote Areas (Subsidy Scheme). In this connection, will the Government inform this Council:

(1) of the latest progress of the tendering exercise conducted for selecting fixed network operators (FNOs) to participate in the Subsidy Scheme, and the respective expected dates for commencement and completion of the works on laying fibre-based networks;

(2) of the villages which are now covered by the Subsidy Scheme at present and their respective populations (set out by District Council (DC) district);

(3) as some DC members have relayed that some villages (e.g. Hilltop Garden, Sha Po Tsai and Chung Tsai Yuen Garden in Tai Po, and Ki Lun Tsuen in the North District) are not covered by the Subsidy Scheme, whether the Government has completed consulting the relevant DCs and rural committees; whether it will let the Subsidy Scheme cover more villages; if so, of the details; if not, the reasons for that;

(4) as some DC members have pointed out that based on a conservative estimation, about 200 000 households are currently living in surveyed squatter structures across the territory, and that the broadband services in some squatter areas have rather low Internet access speeds, whether the Government will let the Subsidy Scheme cover squatter areas; if not, how the Government assists the residents of squatter structures in accessing high-speed broadband services;

(5) given that if villagers currently have access to broadband services with an Internet access speed of 25 megabits per second (Mbps) or above, the villages concerned will not be covered by the Subsidy Scheme, of the Government's justifications for setting the threshold at that Internet access speed; in view of the Government's ongoing initiatives of promoting the development of Hong Kong into a smart city as well as cost-effectiveness considerations, whether the Government will raise the threshold to 50 Mbps or higher so as to obviate the need to re-launch the Subsidy Scheme several years later in order to meet the actual needs of the villagers; if so, of the details; if not, the reasons for that;

(6) whether it will formulate performance indicators for the Subsidy Scheme, such as (i) in respect of the villages for which the works under the Subsidy Scheme have been completed, the percentage of villagers who subscribe to the high-speed broadband services provided by the relevant FNOs, and (ii) the Internet access speed and the stability of the broadband services provided by FNOs under the Subsidy Scheme; if so, of the details; if not, the reasons for that;

(7) as some villagers have indicated that they do not have a clear idea about the implementation of the Subsidy Scheme, of the existing means through which the Government disseminates the relevant information; whether it will consider strengthening its liaison with the villagers so as to answer their queries on the Subsidy Scheme; if so, of the details; if not, the reasons for

that; and

(8) as some members of the public have pointed out that in tandem with technological advancement, broadband services have become a daily necessity, whether the Government will amend the relevant licensing conditions to stipulate that FNOs must provide their customers with broadband services with an Internet access speed not lower than 50 Mbps; if so, of the details; if not, the reasons for that?

Reply:

President,

To take forward the subsidy scheme of extending fibre-based networks to remote villages proposed by the Chief Executive in the 2017 Policy Address (Subsidy Scheme), the Commerce and Economic Development Bureau and the Office of the Communications Authority (OFCA) consulted the nine relevant District Councils (DCs) (North, Sai Kung, Tai Po, Sha Tin, Yuen Long, Tuen Mun, Tsuen Wan, Kwai Tsing and Islands), 27 Rural Committees (RCs) and the Panel on Information Technology and Broadcasting of the Legislative Council (LegCo) in the first half of 2018. On July 13, 2018, the Finance Committee of the LegCo approved a funding of \$774.4 million for the implementation of the Subsidy Scheme.

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

(1) OFCA is actively preparing for the tender exercise. It is expected that tender documents will be issued in the first half of this year such that selected fixed network operators (FNOs) can apply for relevant permits of all departments concerned in a timely manner in order to perform different works including excavation and the laying of fibre-based networks and submarine fibre-based cables. Depending on the works progress and views of the villagers, it is expected that the subsidised lead-in connections can be extended to the villages concerned in phases from 2021 onwards.

(2) and (3) The Subsidy Scheme targets remote villages located far away from the existing fibre-based backbone networks of FNOs where villagers can only choose broadband services delivered over copper-based networks at a speed of 10 megabits per second (Mbps) or below. Having regard to the consideration above and based on the villages specified in the Rural Representative Election Ordinance and the List of Recognised Villages under the New Territories Small House Policy promulgated by the Lands Department, OFCA prepared the list of villages proposed to be covered under the Subsidy Scheme.

Taking into account the comments received during the consultation with the LegCo, the relevant DCs and RCs and after verification of the latest network coverage information with FNOs, OFCA notes that fibre-based networks of FNOs have already reached the vicinity of the entrances of some villages that were initially proposed to be covered under the Subsidy Scheme, and some other initially proposed villages are no longer inhibited. In view of this,

OFCA has refined the total number of villages proposed to be covered under the Subsidy Scheme to about 235 villages which are located in nine districts in the New Territories and outlying islands. It is estimated that the Subsidy Scheme can benefit about 120 000 villagers.

OFCA has consulted the relevant RCs again in November 2018 regarding the refined list of villages and has been receiving comments from individual RCs. After receiving comments from all RCs, OFCA will finalise the list of villages to be covered by the Subsidy Scheme. According to the latest information, the number of villages to be covered and the estimated number of benefited villagers (by district) are as follows:

District	Number of villages proposed to be covered	Estimated number of villagers benefited
North	59	About 27 000
Islands	67	About 51 000
Sai Kung	44	About 13 000
Tai Po	26	About 10 000
Sha Tin	13	About 5 000
Yuen Long	12	About 5 000
Tuen Mun	7	About 5 000
Tsuen Wan	6	About 3 000
Kwai Tsing	1	Less than 1 000
Total	235	About 120 000

Given that Tai Po Hilltop Garden, Sha Po Tsai, Tsung Tsai Yuen and Ki Lun Tsuen as mentioned in part (c) of the question are not recognised villages specified in the Rural Representative Election Ordinance nor the List of Recognised Villages under the New Territories Small House Policy, they are not included in the list of villages proposed to be covered under the Subsidy Scheme. Nevertheless, as these four villages are all located close to those recognised villages to be covered by the Subsidy Scheme or those recognised villages with fibre-based network coverage, it will facilitate the improvement of fixed broadband services in these four villages.

(4) As squatter areas are in general located close to recognised villages, following the completion of relevant works of extension of lead-in connections to villages covered under the Subsidy Scheme by the selected FNOs, the new lead-in connections will not only benefit the recognised villages concerned, but will also help improve the fixed broadband services of the squatter areas nearby.

In addition, if the residents of squatter areas consider that their available fixed broadband services cannot fulfill the needs of the region,

OFCA can convey their comments to FNOs and encourage them to improve their network coverage at the areas concerned.

(5) The current status of broadband services in remote villages can be generally classified into two categories: (a) villages with insufficient broadband speed, i.e. lower than 10 Mbps; and (b) villages with a broadband speed of at least 25 Mbps.

The Subsidy Scheme targets villages with a broadband speed of 10 Mbps or below. These villages are generally located far away from the existing fibre-based backbone networks of FNOs, with a small number of subscribers and scattered houses. FNOs do not have sufficient commercial incentives to extend their fibre-based networks to these villages due to the high costs of network roll-out. Without Government subsidy, the villagers concerned may not be able to obtain fibre coverage even in the long-term future.

In view of this, the Government hopes to provide FNOs with financial incentives through the Subsidy Scheme to encourage the extension of fibre-based networks to the vicinity of the entrances of remote villages of this category. Upon the extension of fibre-based networks to the village entrances, FNOs can provide broadband services to villagers by connecting the fibre-based networks to the existing copper-based networks within the villages. Broadband speed can then be raised from the current 10 Mbps or below to at least 25 Mbps, and stability of service will also improve. If the villagers allow FNOs to roll-out fibre-based networks within the village, the broadband speed can further increase substantially to a level comparable to that in the urban areas (e.g. 500 Mbps or 1 000 Mbps). In addition, our tender assessment criteria will include evaluation of whether the bidding FNOs will commit to providing broadband services at higher speeds within the villages. If a FNO hopes to increase the chance of winning the bid, it will need to consider committing the roll-out of fibre-based networks within the villages for the provision of high-speed broadband services.

(6) The villages covered under the Subsidy Scheme will be grouped into six tender projects. The selected FNOs will be required to complete the relevant works of network roll-out in accordance with the requirements stipulated in the tender documents, including the roll-out of fibre-based networks to the villages specified in the individual projects. In addition, the commitments made by the selected FNOs in their proposals (e.g. the commitment to provide higher speed broadband services to villagers) will be incorporated as terms and conditions of the agreement for the Subsidy Scheme to be entered into with the Government.

Selected FNOs are also required to open up at least half of the capacity of the fibre-based networks and submarine fibre-based cables subsidised under the Subsidy Scheme for use by other FNOs for free. Such a requirement can allow other FNOs to also provide broadband services to the villages concerned by sharing the use of the subsidised facilities, thereby offering more choices to the villagers and keeping the service charges at a competitive level under the market mechanism.

(7) OFCA has all along been maintaining close communications with the relevant DCs and RCs for the Subsidy Scheme to ensure that the comments of the relevant stakeholders and villagers would be fully considered and the broadband networks could be extended to the relevant villages in a timely manner.

(8) The current universal service obligation aims to provide the public with basic telephone services, mainly covering basic fixed voice telephony services and public payphones. Its net cost is shared among telecommunications service providers. If the universal service obligation is extended to cover fixed broadband services, not only will financial burden on the telecommunications industry be substantially increased, there will also be a fundamental impact to the understanding of basic telecommunications services, and thus the matter must be considered carefully and holistically. We do not have such a plan at the moment.

LCQ21: Combating acts of racial vilification

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (January 30):

Question:

Section 45 of the Race Discrimination Ordinance (Cap. 602) (the Ordinance), which came into operation in 2008, provides that any act that incites, by any activity in public, hatred towards, serious contempt for, or severe ridicule of a person on the ground of the race of that person, is an unlawful act of racial vilification. Section 46 provides that any act of racist incitement that involves threats of physical harm towards persons of a targeted race or their property constitutes an offence of serious vilification. In this connection, will the Government inform this Council:

(1) of the respective numbers of prosecutions and convictions involving the offence referred to in section 46 since the Ordinance came into operation; whether it has assessed if such figures are on the low side and (if this is the case) the reasons for that;

(2) whether it will compile statistics on the number of claims in tort, since the Ordinance came into operation, which were lodged under civil proceedings in respect of the unlawful acts referred to in section 45; and

(3) whether it will step up law enforcement efforts to combat acts of racial vilification; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government does not tolerate and strongly condemns racist views of any person or organisation. In fact, the laws of the HKSAR prohibit racist acts.

After consulting the relevant responsible bureau/department, the consolidated reply to the questions raised by Hon Holden Chow is as follows:

The Race Discrimination Ordinance (Cap. 602) (RDO) came into full operation in 2009. Section 46 of the RDO makes it a criminal offence for a person, by any activity in public, to intentionally incite hatred towards, serious contempt for, or severe ridicule of, another person or members of a class of persons on the ground of race, and which involves threatening physical harm or inciting others to threaten physical harm towards another person, or the property or premises of that other person. A person convicted of this offence is punishable by a fine of \$100,000 and imprisonment for two years. The Police have not received any report relating to section 46 of the RDO since the implementation of the RDO in 2009. As at the end of September 2018, no one has been prosecuted under section 46 of the RDO.

Section 45 of the RDO makes it unlawful for a person, by any activity in public, to incite hatred towards, serious contempt for, or severe ridicule of, another person or members of a class of persons on the ground of race. A victim may bring a civil claim in respect of such unlawful conduct (known as vilification) pursuant to section 70. As a victim may make a civil claim in the Court directly against the wrongdoer, the Government does not normally know about the case unless it is reported by the media or the Government is named as a respondent. The Government also does not hold records on the total number of such claims. We will carefully examine how best to compile the number of such claims in an effective manner. According to the Equal Opportunities Commission (EOC), they are not aware of any cases where a person has made a successful claim for racial vilification. In 2011, the EOC received an application for legal assistance in relation to a complaint of racial vilification, but the application was not accepted due to insufficient evidence.

In addition to RDO, Section 17B(2) of the Public Order Ordinance (Cap. 245) makes it an offence for any person who in any public place behaves in a noisy or disorderly manner, or uses, or distributes or displays any writing containing threatening, abusive or insulting words, with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be caused. In some situations, such behaviour may also constitute the common law offence of outraging public decency or the offences of obstruction of public places and public nuisance under sections 4(28) and 4A of the Summary Offences Ordinance (Cap. 228).

Relevant government bureau/department and the EOC will closely monitor the situation of racial vilification/serious vilification, and review areas

for improvement in a timely manner.