

## LCQ4: Building designs adding difficulties to repair and maintenance works

Following is a question by the Hon Lam Cheuk-ting and a reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (June 20):

Question:

It has been reported that quite a number of residential buildings newly completed in recent years were constructed with bay windows, fitted with glass curtain walls, installed with decorative components on external walls, and had air-conditioners and drainage pipes installed in concealed locations on the external walls. Such design features have added difficulties to the repair and maintenance works, e.g. the work locations being inaccessible from the inside of the buildings. Since scaffolds cannot be erected on the external walls of some buildings, the more expensive gondolas are needed to be used when works are carried out on the external walls, thus increasing the financial burdens on property owners. Furthermore, due to the design constraints of some external walls, gondolas cannot get close to the work locations. As a result, workers have to stretch their bodies out of the gondolas when carrying out works. This, coupled with the gondolas swinging with the wind, has increased the risk of workers falling from height. In this connection, will the Government inform this Council:

(1) of the number of industrial accidents in the past five years in which workers fell from height while carrying out works on external walls of buildings and the resultant casualties (with a breakdown by whether the relevant works were carried out by using scaffolds or gondolas);

(2) whether it will formulate policies and guidelines to stipulate that the needs of future repair and maintenance works have to be taken into account in the building designs, so as to minimise the need to carry out works at height and to ensure that scaffolds can be erected on the external walls for carrying out the relevant works; and

(3) of the measures put in place to step up the regulation of works on the external walls of buildings which are already completed so as to protect the safety of workers working at height?

Reply:

President,

The Government is highly concerned about the safety of works carried out at external walls of buildings. According to the occupational safety and health legislation administered by the Labour Department (LD), duty-holders

(including contractors/employers) have the duty to conduct task-specific risk assessment before commencing repair and maintenance works at external walls, including taking the actual working environment and condition (such as the uniqueness of building design) into consideration, and based on the results of the risk assessment, to formulate appropriate safe working methods, procedures and necessary safety measures. LD, through promulgation of Codes of Practice (CoP)/Guidelines, publicity and promotion, as well as carrying out routine inspections, ensures the safety of workers working at external walls of buildings. The Government also understands the importance of building design to the safety of works carried out at external walls, and relevant government departments are actively following up on this issue.

In consultation with the Development Bureau and the Buildings Department (BD), the Labour and Welfare Bureau provides a consolidated reply to the three parts of the question as follows:

(1) From 2013 to 2017, there were 13 fatal industrial accidents relating to workers falling from height during renovation and repair works carried out at the external walls of existing buildings, resulting in the death of 14 workers. Among these cases, 11 involved the erection, dismantling or use of scaffolds. None of the cases involved the use of suspended working platforms (SWPs). According to the results of the accident investigations conducted by LD, there was no evidence showing that the design of the external walls of these buildings was not suitable for erection of scaffolds to carry out the works. LD does not keep the figures of non-fatal accidents relating to repair and maintenance works at external walls.

(2) With regards to the design of new buildings, in order to encourage the industry, when designing buildings, to consider the incorporation of facilities to facilitate external inspection and maintenance of buildings, BD implemented new initiatives in early 2016. In considering applications for exemption of components of the exterior of buildings, such as air conditioners (ACs) platforms and curtain walls, from gross floor area (GFA) calculation, the provision of ancillary facilities for repair and maintenance of such exterior components is one of the prerequisites. BD has issued a circular letter to the industry in December 2016 promulgating Guidelines for Designing Access and Safety Provisions for the Maintenance and Repair of External Air Conditioners (ACs) at Height. The guidelines set out the requirements regarding adequate working spaces around ACs, appropriate access, etc. Upon issue of these guidelines, development projects with general building plans first approved by BD involving exclusion of ACs platforms from the GFA calculation should comply with the guidelines and provide relevant ancillary facilities. A working group was set up by BD, LD and the building industry in 2017 to review the guidelines for designing ACs platform to facilitate workers carrying out repair works safely. The working group also reviews the requirements for installing cast-in anchor devices on external walls to complement the use of safety belt. BD will consult the building industry later on the proposed revisions to the guidelines of ACs platform per the established procedures.

BD is now looking into the legislative amendment of the Building (Construction) Regulations (Cap 123B) including introduction of requirements

to mandate provision of adequate safety facilities in building design to facilitate future repair and maintenance works on external walls. When the amended regulations commence operation, BD will require Authorized Persons to provide information on the facilities for external repair of buildings, such as working platforms that conform with legislations relating to occupational safety and health, etc. Such facilities must be specified on the building plans for consideration and approval by BD for compliance with the proposed revised provisions. To complement the proposed amended regulations, BD is formulating guidelines on the design of access for repair and will consult the building industry per the established procedures later.

(3) LD administers the Occupational Safety and Health Ordinance (Cap. 509), the Factories and Industrial Undertakings Ordinance (Cap 59) and their subsidiary regulations. LD, through inspection and enforcement including area patrols outside office hours and special enforcement operations targeting high risk works such as working at height, sends officers to carry out surprise inspection on works carried out at external walls of buildings, with a view to deterring operation contravening safety regulations and to enhancing safety of such works. The legislation stipulates the safety requirements for work at height (including works carried out at external walls) that duty-holders should comply with, including erection of safe working platforms, as well as provision of secure fences, safe access and egress and suitable fall-arrestors for working platforms to protect the occupational safety of workers working at height.

On working-at-height, LD published CoP/Guidelines, including the CoP for Bamboo Scaffolding Safety, CoP for Safe Use and Operation of SWPs, Guidance Notes on Classification and Use of Safety Belts and their Anchorage Systems, etc. They set out practical operation requirements and measures for general working environment/condition in respect of external wall works safety to help contractors/employers understand and comply with the legislative requirements and their responsibilities under other legislations. Under this principle, LD will review and update the relevant CoP/Guidelines from time to time to reflect the changes in general working environment.

However, as the design of the external walls of buildings varies, contractors/employers have the duty to conduct task-specific risk assessment before commencing repair and maintenance works at external walls, including taking the actual working environment and condition (such as the uniqueness of building design) into consideration, and based on the results of the risk assessment, to formulate appropriate safe working methods, procedures and necessary safety measures including the provision of suitable working platforms and fall arrestors for the workers and ensuring their proper use, in order to comply with statutory work-safety requirements. When necessary, contractors/ employers should also seek professional advice.

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## LCQ11: Arrangement for emergency temporary fresh water supply

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

Question:

Some residents of the Tsing Yi District have complained to me that last month, the fresh water supply to a number of public rental housing estates in the District was disrupted due to fresh water mains burst, but not until three and four hours respectively after the burst incident did the water tanks and water wagons deployed by the Water Supplies Department (WSD) to the District to provide emergency temporary fresh water supply arrive, and the quantity of water supplied by them was also inadequate. Regarding the arrangement for emergency temporary fresh water supply, will the Government inform this Council:

- (1) of the respective current numbers of water tanks and water wagons under the WSD, together with a breakdown by the operational region (i.e. Hong Kong and Islands, Kowloon, New Territories West and New Territories East) to which they belong;
- (2) whether the WSD has drawn up a performance pledge that upon learning that the normal water supply to a certain area has been disrupted, an adequate quantity of fresh water must be supplied temporarily to the area within a certain period of time; if so, of the details; if not, whether the WSD will draw up such a performance pledge;
- (3) of the average time taken by the WSD in the past three years to deploy water tanks and water wagons respectively to areas in which normal water supply was disrupted, and set out the relevant figures by operational region;
- (4) whether the WSD has reviewed if the time taken to deploy water tanks or water wagons was too long; if the WSD has reviewed and the outcome is in the affirmative, of the reasons for that, whether insufficient emergency temporary water supply facilities was one of the causes, and of the authorities' improvement measures; and
- (5) how the WSD assesses, after confirming the need to supply fresh water to a certain area temporarily, the number of water tanks or water wagons needed to be deployed?

Reply:

President,

When the Water Supplies Department (WSD) suspends fresh water supply for repair of bursting or leaking of water mains, the Department will assess the duration of suspension required. If it is expected that the supply of fresh water will be suspended for more than three hours, the Department will arrange for the provision of emergency temporary water supply, including standpipes, water wagons and/or water tanks, to the affected residents within three hours after the suspension of fresh water supply.

According to records, the WSD received report of a fresh water main burst at Chung Mei Road, Tsing Yi at 6.28pm on May 17. Staff was deployed to the site to isolate the bursting fresh water main for repair immediately. The bursting fresh water main was completely isolated at 7.45pm, and the supply of fresh water to seven buildings in Cheung Hong Estate and Cheung Ching Estate was therefore suspended. The WSD delivered the first batch of eight water tanks to the affected buildings at 8.30pm to provide emergency temporary fresh water for the residents. The remaining two water wagons and the second batch of eight water tanks were also delivered successively to the site from 9.30pm to 12.06am.

My response to the five parts of the Hon Mak's question is as follows:

(1) The WSD normally provides emergency temporary fresh water supply in the form of standpipes, water wagons and/or water tanks. The standpipes will be installed on site. The distribution of water wagons and water tanks in various regions of the WSD is tabulated below:

	Number of water wagon	Number of water tank
Hong Kong and Islands Region	2	58
Kowloon Region	2	14
New Territories East Region	2	54
New Territories West Region	4	62

Note: The water wagons and water tanks in each region can be mobilised across regions to provide support.

(2) The WSD's current performance pledge on provision of emergency temporary fresh water supply is as follows:

Performance Pledge	Target
Provision of emergency temporary fresh water supply after isolation of burst main	Attain 85% within 3 hours

Note 1: If fresh water supply interruption is expected to last for not more than three hours, the WSD will normally not provide emergency temporary fresh water supply.

Note 2: The WSD has been able to meet the target since the establishment of



the performance pledge in 2013.

(3) In the past three years, the average time required for the provision of emergency temporary fresh water supply (including standpipes, water wagons and/or water tanks) after the closure of burst water mains in various regions of the WSD is tabulated below:

	2015	2016	2017
Hong Kong and Islands Region	0.65 hours	0.62 hours	0.71 hours
Kowloon Region	0.50 hours	0.32 hours	0.30 hours
New Territories East Region	1.05 hours	1.35 hours	1.50 hours
New Territories West Region	0.31 hours	0.44 hours	0.40 hours

Standpipes, which are installed on-site, can provide emergency temporary fresh water supply more quickly. The WSD has no separate statistics on the time required to deliver water wagons and water tanks for provision of emergency temporary fresh water supply.

(4) The WSD reviews regularly the arrangement of providing emergency temporary fresh water supply. The latest enhancement measure, which will be on trial run in mid-June this year, is to arrange water wagons drivers to work outside office hours and standby till evening, instead of requiring them to be on stand-by. This will expedite the delivery of water wagons to provide emergency temporary fresh water supply.

(5) Depending on the site situation, the WSD will decide whether to provide emergency temporary water supply in the form of standpipes, water wagons and/or water tanks. Also, the WSD has internal guidelines for assessing the number of water wagons and water tanks required. The assessment will generally take into account various factors such as the number of affected residents and the duration and time of the water supply suspension.

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## LCQ2: Supply of public housing

Following is a question by the Hon Kwok Wai-keung and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 20):

Question :

The Annual Progress Report on the Long Term Housing Strategy, submitted by the Government last year, set a public/private split of 60:40 for the supply of housing units and a public housing supply target of 280 000 units for the ten-year period starting from this year. However, the sites which

have been identified by the Government so far can provide only 237 000 public housing units in the coming decade. On the other hand, the waiting time for applicants on the Waiting List for public rental housing has been increasing continuously in recent years, and the prices of subsidized housing units, which have soared in tandem with a heating up property market, are beyond the affordability of the public. Regarding the supply of public housing, will the Government inform this Council:

(1) whether it has commenced a study on the inclusion of public housing in the development project atop the MTR Siu Ho Wan Depot; if so, of the relevant considerations and the expected completion date of the study, as well as whether the scope of the study covers the pitching of the entire project to public housing development;

(2) whether it will revise the price setting mechanism for subsidized housing units so that the prices of the units are pegged no longer to market prices but to the affordability of buyers; and

(3) whether it will consider forthwith raising the proportion of public housing in the overall housing supply target from 60% to 70%, so as to address the keen housing demand of the grass roots; if not, of the reasons for that?

Reply:

President,

After consulting the Development Bureau, my consolidated reply to various parts of the question raised by the Hon Kwok Wai-keung is as follows.

Since the promulgation of the Long Term Housing Strategy (LTHS) in December 2014, the Government updates the long-term housing demand projection annually and presents a rolling ten-year housing supply target. In determining the annual housing supply targets from 2014 to 2017, the Government adopted a public/private split of 60:40 for the supply of new housing units to underline the Government's commitment in increasing public housing supply while ensuring the stable and healthy development of the private market. According to the LTHS Annual Progress Report 2017, the total housing supply target for the ten-year period from 2018-19 to 2027-28 is 460 000 units. Based on the above ratio of 60:40, the public and private housing supply targets are 280 000 units and 180 000 units respectively.

When considering the aforesaid ratio, we should take into account that given both public and private housing are in short supply, we should strike a balance between the demand for public and private housing in determining their future supply targets.

Regarding the pricing of subsidised sale flats, the current mechanism has in place an affordability test. Under normal circumstances, Home Ownership Scheme (HOS) flats are sold at 30% discount from their assessed market values. However, if the affordability criteria cannot be met, a higher

discount can be offered under the existing pricing mechanism. Nonetheless, during recent discussions on the relevant subject, some members of the Hong Kong Housing Authority have expressed views on whether the existing pricing mechanism can more effectively address the affordability of the applicants.

The Government is aware of public concerns about whether prices of HOS flats have gone beyond their affordability. At the recent Legislative Council Chief Executive's Question Time, the Chief Executive has indicated that she would personally look into this subject.

As regards the topside development at the Siu Ho Wan Depot Site, as part of the multi-pronged strategy to increase land supply, the Development Bureau has been working with the MTR Corporation Limited (MTRCL) to explore the development potential of railway-related sites.

According to the MTRCL's technical studies, the topside development at the Siu Ho Wan Depot Site can provide no less than 14 000 flats and related community facilities in the medium to long term. To make the best use of the land resources, the Government has commenced the statutory planning procedures in relation to the topside development at the Site by zoning the Site for "Other Specified Uses (Railway Depot and Public Transport Interchange with Commercial/Residential Development)". The relevant procedures are underway. The draft Siu Ho Wan Outline Zoning Plan (OZP) was gazetted for public inspection from March 29 to May 29. The Town Planning Board (TPB) will conduct public hearings later.

The Government is aware of the demand for public housing in the community and will take them into consideration in the planning work on the development project. The Siu Ho Wan Depot Site is currently granted to the MTRCL for use as a railway workshop and a maintenance depot. In taking forward the topside development, it is also necessary to ensure that the normal operation of the workshop and depot is maintained in supporting railway services. Various development details including the housing type and ratio of the topside development, and the need to provide the Siu Ho Wan Railway Station, etc., are to be further examined and discussed by the Government and the MTRCL. Among others, it is necessary to consider the interface between the depot operations and topside development, matters on lease conditions, financial and implementation arrangements, how the MTRCL as the current lessee and depot operator will participate, etc. The major principle is that the development potential of the Site should be unlocked in a timely manner to meet the public's keen demand for housing through practicable arrangements in the public interest.

The draft OZP gazetted in March 2018 specified that after the Site is zoned for "Other Specified Uses (Railway Depot and Public Transport Interchange with Commercial/Residential Development)", any future proposed commercial/residential development in the zone requires the submission of a layout plan to TPB to obtain planning permission. By then, the commercial/residential ratio and the ratio by housing type will be set out for TPB's consideration.

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## LCQ22: Manpower wastage of the Office of the Privacy Commissioner for Personal Data

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (June 20):

Question:

It has been reported that a number of staff members, including those at the rank of Division Heads, of the Office of the Privacy Commissioner for Personal Data (PCPD) departed in recent years. Some members of the public worry about the impact of manpower wastage on the daily operation of and the handling of cases by PCPD. In this connection, will the Government inform this Council:

(1) whether it knows the current staffing establishment of PCPD, with a breakdown by (i) whether the posts are at the managerial level and (ii) the mode of employment;

(2) whether it knows the respective numbers and percentages of the staff members of each of the divisions under PCPD who departed each year since 2012, broken down by the mode of employment; and

(3) whether the authorities requested, in the past five years, PCPD to review its mode of employment, remuneration packages and workflow, with a view to boosting staff morale and reducing staff wastage?

Reply:

President,

Having consulted the Office of the Privacy Commissioner for Personal Data (PCPD), our consolidated reply to the question raised by the Hon Kenneth Leung is as follows:

At present, all PCPD staff (including directorate staff) are employed on a contract basis. As at May 31, 2018, the staff structure of PCPD is set out below:

Rank	Number of Staff
Directorate	4
Non-directorate	73

Total	77
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Since 2012, the number and percentage of staff departed from PCPD are set out below:

	The number of staff departed	The total number of staff of that year (as of December 31 of that year)	The percentage of staff departed
2012	19	70	27%
2013	10	75	13%
2014	14	80	18%
2015	9	85	11%
2016	17	78	22%
2017	9	74	12%

The PCPD is an independent statutory body. Under the "Memorandum of Administrative Arrangements" between the Government and the PCPD, the PCPD is autonomous in the employment of its staff and the determination of the remuneration as well as terms and conditions of services of its staff while observing the need to ensure sound corporate governance and good internal management, and exercise prudent budgetary practices with a view to ensuring that public funds are used properly and cost effectively. In light of the keen demand for talents acquainted with protection of personal data, the PCPD has been conducting reviews on its operations and management from time to time in the past few years and making improvements with a view to retaining talents. The relevant improvement measures include, with regard to the remuneration packages, offering gratuity and cash allowance in new contracts where appropriate to staff fulfilling the requirements of contract renewal; in respect of promotion, encouraging internal promotion and avoiding external recruitment of senior officers as far as practicable; as regards the workflow, redesigning and streamlining the workflows of the Complaints and Compliance Divisions, and through revising the complaints handling procedures and the forms of providing information to reduce the number of complaints that are irrelevant to personal data privacy, frivolous in nature or in lack of evidence; devoting more resources in personnel training and increasing the opportunities of training and practical experiences, such as arranging staff from various divisions to participate in local and overseas seminars and international conferences to keep them abreast of the global development trend of personal data protection. The relevant improvement measures have helped boost staff morale. The PCPD was also acknowledged as "Manpower Developer" under the category of "Government Department, Public Body and NGO" by the Employees Retraining Board in May 2018.