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**Public Works Subcommittee of the Finance Committee
of the Legislative Council**

**Minutes of the 16th meeting
held in the Chamber of Legislative Council Building
on Wednesday, 16 May 2001, at 10:45 am**

Members present :

Ir Dr Hon Raymond HO Chung-tai, JP (Chairman)

Hon Albert CHAN Wai-yip (Deputy Chairman)

Hon Kenneth TING Woo-shou, JP

Hon Eric LI Ka-cheung, JP

Hon Fred LI Wah-ming, JP

Hon CHAN Yuen-han

Hon CHAN Kam-lam

Hon SIN Chung-kai

Hon Andrew WONG Wang-fat, JP

Hon WONG Yung-kan

Hon LAU Kong-wah

Hon Emily LAU Wai-hing, JP

Hon Andrew CHENG Kar-foo

Hon LAW Chi-kwong, JP

Dr Hon TANG Siu-tong, JP

Hon Abraham SHEK Lai-him, JP

Hon Henry WU King-cheong, BBS

Hon WONG Sing-chi

Hon IP Kwok-him, JP

Hon LAU Ping-cheung

Members absent:

Hon Cyd HO Sau-lan

Prof Hon NG Ching-fai

Hon James TO Kun-sun
Hon Mrs Miriam LAU Kin-ye, JP
Hon TAM Yiu-chung, GBS, JP
Hon Michael MAK Kwok-fung

Public officers attending:

Miss Elizabeth TSE	Deputy Secretary for the Treasury
Mr S S LEE, JP	Secretary for Works
Mr Gordon SIU, JP	Secretary for Planning and Lands
Mr Rob LAW, JP	Director of Environmental Protection
Mr James HERD	Principal Assistant Secretary of the Treasury (Works)
Mr M L WAN	Principal Assistant Secretary for Housing (Project Management)
Mr Hugh PHILLIPSON, JP	Director of Water Supplies
Mr LEUNG Mang-chiu	Assistant Director of Water Supplies/New Works
Mr Patrick LI	Principal Assistant Secretary for Education and Manpower
Mr P L KWAN	Deputy Director of Architectural Services
Mr Peter P Y LEUNG	Assistant Director of Education (Special Duties), Project Manager, Housing Department
Mr N M CHAN	Deputy Director of Administration
Ms CHANG King-yiu, JP	Deputy Government Property Administrator
Mr MOK Kam-kwan	Chief Property Services Manager, Architectural Services Department
Mr HUI Chiu-kin	Principal Executive Officer, Office of The Ombudsman
Mrs Isabella WONG Fung Pui-han	Principal Assistant Secretary for Transport
Ms Shirley LAM	Director of Highways (Acting)
Mr R H LLOYD, JP	Deputy Project Manager/Major Works, Highways Department
Mr K K NG	Chief Traffic Engineer/New Territories West, Transport Department
Mr Y M LEE	Director of Civil Engineering
Dr LAU Ching-kwong, JP	Chief Engineer/Development (Acting), Civil Engineering Department
Mr W Y TANG	

Clerk in attendance:

Mr Andy LAU Chief Assistant Secretary (1)2

Staff in attendance:

Ms Pauline NG
Ms Anita SIT

Assistant Secretary General 1
Senior Assistant Secretary (1)8

HEAD 711 - HOUSING

PWSC(2001-02)23 126WC Water supply to housing developments at Anderson Road, near Choi Wan Road and Jordan Valley

Mr Fred LI recalled that a conveyor belt system would be constructed for transporting excavated materials from the subject site under a related project (PWSC(2000-01)99 - 564CL "Development near Choi Wan Road and Jordan Valley") and enquired whether the conveyor belt system would also be used for transporting the excavated materials generated from the proposed waterworks. In reply, the Director of Water Supplies (DWS) advised that of the 7 400 cubic metres (m³) of excavated materials generated from the proposed waterworks, 6 470 m³ (87.7%) would be reused as filling materials on site. As such, the amount of materials needed to be disposed of would be quite minimal. The Principal Assistant Secretary for Housing (Project Management) confirmed that by the time the proposed waterworks commenced (in October 2002), the conveyor belt system under project 564CL would have been constructed and therefore could also be used for transporting the excavated materials generated from the proposed waterworks.

2. The item was voted on and endorsed.

HEAD 703 - BUILDINGS

PWSC(2001-02)27 290EP Primary school in Shek Pai Wan Redevelopment Phase 2

3. Mr Albert CHAN observed that the tender prices of the successful bids for school construction contracts were generally lower than the corresponding approved project estimates by 10% to 20%, and queried whether the relevant project estimates should be updated accordingly to reflect the latest tender prices and construction costs for similar projects.

4. The Deputy Director of Architectural Services (DDArchS) advised that the reference cost of a standard primary school project was derived by averaging the outturn tender prices for school projects per annum and subject to regular review in September

each year. The diminishing tender prices for school projects had already been reflected in the current reference cost.

5. Mr Albert CHAN reiterated his concern about the noise impact of school activities on residents nearby. He asked whether the Administration would conduct an overall review of the location and design of schools to address the problem. The Assistant Director of Education (Special Duties), Education Department AD/E(SD) advised that having regard to Mr CHAN's concern expressed on previous occasions, the Administration had improved the design of the public address system and the alarm-bell system for all new schools completed after 2001 with a view to minimizing the noise nuisance caused to nearby residents. These improvements would also be incorporated into the school improvement projects being/to be undertaken at existing schools where practicable.

6. AD/E(SD) further advised that the problem of school activities causing noise nuisance to nearby residents mainly involved schools constructed years ago, as many of these schools were not provided with an assembly hall and thus school assemblies had to take place at the open playground. While it was often not feasible to locate schools far away from residential premises, new schools would be located at the periphery rather than at the centre of residential developments as far as practicable.

7. Referring to the estimated cost of \$14.7 million for the drainage and external works for the proposed school, Mr IP Kwok-him enquired whether it was a standard practice for the Housing Authority and the Administration to share out the costs for new schools constructed within public housing developments, and if so, how the costs were apportioned.

8. DDArchS advised that the costs for the drainage and external works (including the construction cost of an access road to the school) under the present proposal were estimated on the basis of the gross floor area of the school building as a proportion of the total gross floor area of the Shek Pai Wan Phase 2 Redevelopment. This apportionment arrangement had all along been used for new schools constructed within public housing developments. The Project Manager, Housing Department (PM/HD) supplemented that the Administration had provided a supplementary information note (PWSCI(1999-2000)24) on the apportionment arrangement for this Subcommittee earlier on. Basically, if the underground drainage system of the school concerned was connected directly to the public drainage system and the entrance(s)/exit(s) of the school led directly to roads outside the relevant housing development, it would not be necessary for the Administration to share out the costs for the drainage and external works for the housing development. Otherwise, the costs would be apportioned according to the agreed arrangement. He further explained that the site for the whole Shek Pai Wan Redevelopment Phase 2 was a slope. Additional site formation and external works were thus required for the proposed school.

9. Miss Emily LAU expressed support for the policy target of providing whole-day primary schooling for all students in public sector schools by the school year

2007/08. Noting that pursuant to this target, the Administration planned to construct another 46 new schools between the 2003/04 and 2007/08 school years, Miss LAU enquired whether sufficient sites had been reserved for these new schools. In reply, the Principal Assistant Secretary for Education and Manpower (PAS(EM)) advised that by and large, sufficient sites had been reserved for the purpose. The Administration would submit relevant proposals to this Subcommittee and the Finance Committee in due course with a view to completing all the required new schools before the 2007/08 school year. Miss Emily LAU urged the Administration to make their best endeavor to achieve the target.

10. Mr Henry WU was pleased to note that a green corner would be provided for the proposed school. He however considered that locating the green corner next to the parking area of the school was not desirable and enquired whether alternative location was feasible. DDArchS advised that the location of the green corner shown on the layout plan at Enclosure 1 to the discussion paper was for indicative purpose; the final location and design of the green corner would be decided with reference to the views of the relevant school sponsoring body.

11. In reply to Mr Henry WU's enquiry about the need for providing \$3.4 million in this particular project as consultancy fees for contract administration and site supervision, PM/HD advised that the Housing Authority had engaged a consultant for the delivery of the Shek Pai Wan Redevelopment project. As the proposed school formed part of the redevelopment project, the contract administration and site supervision for the school project would be entrusted to the same consultant. The consultant would be responsible for supervising all the works items (items (a) to (e) in Enclosure 2 of the discussion paper) under the school project. He further advised that for schools projects delivered by the Housing Authority in conjunction with housing development projects, HA would charge the Administration an on-cost for recovery of relevant in-house staff costs incurred by the Housing Department. At Mr Henry WU's request, the Administration agreed to provide explanation for the consultants' fees included in future school project proposals with reference to the relevant on-cost charged by HA or other relevant staff costs incurred by the Architectural Services Department.

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12. The item was voted on and endorsed.

HEAD 703 - BUILDINGS

PWSC(2001-02)24 70KA Purchase and fitting-out of office accommodation for the Office of The Ombudsman

13. Members noted that the present proposal had been discussed at the Panel on Administration of Justice and Legal Services on 26 April 2001.

14. Mr Albert CHAN said that while in principle, he did not object to purchasing permanent office accommodation for the Office of the Ombudsman (the Office), he had strong reservation on the need to purchase Grade A office for the purpose. He considered that as the Office's primary function was to service the general public by receiving and handling their complaints, there was no need to purchase first-class offices in Central and Tsim Sha Tsui. Instead, offices in the vicinity of any Mass Transit Railway (MTR) station in the urban areas should suffice.

15. Miss CHAN Yuen-han and Mr IP Kwok-him shared the view of Mr Albert CHAN and sought explanation on the criteria for determining the office premises to be purchased. Mr IP also referred to the explanation in the proposal that as there were frequent international visitors to the Office, the location and standard of the accommodation to be acquired should be commensurate with Hong Kong's status in the international scene. He commented that the need to receive international visitors should not be an important consideration for determining the type of accommodation to be purchased.

16. Regarding the financial provision for the purchase, the Deputy Director of Administration (DD of Admin) advised that based on transaction records, the current market prices for Grade A offices in convenient urban areas ranged from \$60,000 to \$100,000 per square metre (m²), the provision sought, which would also be the upper financial limit, for the purchase under the present proposal was based on the median price of \$75,000 per m². She also remarked that the unit rate was calculated on the basis of net usable floor area instead of gross floor area.

17. The Deputy Government Property Administrator clarified that according to the classification of offices premises adopted by the Rating and Valuation Department, Grade A offices mainly referred to those office premises with considerable net usable area on each floor and provision of central air-conditioning. The location of Grade A offices was not merely restricted to Central and Tsim Sha Tsui.

18. Regarding the requirements of the new office, DD of Admin advised that the premises should be conveniently located with good access to public transport to facilitate service for the public. The facilities available at the new accommodation should be of reasonable standard and the neighbourhood should be compatible with the Office's operation. To facilitate smooth operation, it would be preferable to accommodate the

entire Office in one floor or two consecutive floors. DD of Admin also clarified that the need to receive international visitors was not a major consideration. She assured members that the Office was not merely targeting at Grade A offices in Central or Tsim Sha Tsui but would also search other suitable premises along the MTR corridor such as Mong Kok or North Point for the purpose. She further said that the Office would also explore the availability of Grade B office premises if they met the said requirements of the new office.

19. Mr CHAN Kam-lam enquired whether the Administration had ever identified any potentially suitable office accommodation and if so, the price range of these premises. DD of Admin advised that the Office would shortlist suitable premises along the MTR line and would consider peripheral areas such as Mong Kok and Sheung Wan.

20. Regarding the standard of the fitting-out for the new office accommodation, DD of Admin confirmed that the fitting-out would be strictly in compliance with relevant Government standards, and akin to the existing provision for the existing leased office premises for the Office. The fitting-out would not be extravagant. The Chief Property Services Manager, Architectural Services Department supplemented that according to the existing practice, the design and fitting-out of Government offices were drawn up based on the specific requirements of respective bureaux and departments. While there were standard price ranges for the fitting-out for offices of different grades, the overall price range was \$4,000 to \$6,900 per m². The provision for the fitting-out under the present proposal was higher (\$8,000 per m²) because it included a contingency provision to cater for uncertainties such as the potential requirement of the relevant developer to engage a specific contractor for certain fitting-out works.

21. Mr IP Kwok-him commented that the provision of \$8,000 per m² for the fitting-out works was exceptionally high and might not be justified. Miss Emily LAU shared the concern of Mr IP Kwok-him and opined that the design and fitting-out of the Office should not be lavish. DD of Admin further explained that as the ranking of the Ombudsman was pitched at the same level as a bureau secretary, the fitting-out of the Office should be of the same standard as that for a bureau.

22. Mr IP Kwok-him also questioned the cost-effectiveness of purchasing two parking spaces for the Office at an estimated cost of \$1.3 million each. DD of Admin advised that one parking space would be provided for the Ombudsman and the other for office use. The estimate represented the average market price of parking spaces for office premises within the range of \$60,000 to \$75,000 per m². If suitable office accommodation of a lower price was identified, the price of the parking spaces would probably be lower than the estimate.

23. In reply to Mr CHAN Kam-lam's enquiry, DD of Admin advised that five to seven years were considered an appropriate time horizon for estimating the space requirements of the Office. It would be very difficult to forecast such requirements beyond this time horizon.

24. Miss Emily LAU sought justification for increasing the space provision for the Office from 1 741 m² at present to 2 200 m². DD of Admin advised that apart from the standard provision of 5% reserve space for future expansion according to relevant Government guidelines, the planned delinking of the Office from the Administration would also give rise to the need for additional office space. In this connection, it would be necessary to provide a mediation room and additional office accommodation for the consultants to be engaged by the Ombudsman. Additional space would also be required for the storage of the Office's records and for in-house staff training.

25. Regarding the space requirement for staff's office accommodation, the Principal Executive Officer, Office of the Ombudsman (PEO/Omb) advised that at the time this proposal was drawn up, the Office had an establishment of 90 posts, of which some 70 posts were filled by civil servants on secondment basis. The Office would appoint its own staff to replace the civil servants in future. It was estimated that a total of 18 new posts would be created in the next five to seven years and an additional office accommodation of 175 m² was thus required. As at present, six of the 18 new posts had been created and filled by new appointees.

26. As regards the Office's workload, PEO/Omb advised that for the working year ending 16 May 2001, there were some 1 300 outstanding cases as at present, while the number of outstanding cases was about 500 on average for the past years since 1997-98. This revealed that the existing staffing establishment was not adequate to meet the existing workload of the Office.

27. Miss Emily LAU requested the Administration to provide information on the projected workload of the Office for the next five to seven years to substantiate the proposed increase in space requirements. In response, PEO/Omb remarked that it might not be feasible to provide a precise estimate of the future workload as the number of complaints lodged with the Office was beyond the Office's control. DD of Admin supplemented that as there had been an average increase of some 10% in the caseload of the Office over the past four years, it was considered appropriate to provide additional space to cater for the future operational requirements of the Office. She agreed to provide a forecast of the Office's workload in the medium term based on the past trend.

28. Mr Eric LI shared some other members' view that the new office accommodation for the Office should not be extravagant but should be practical and commensurate with its image. He commented that the provision sought for the office purchase was so generous that it was comparable to the price of the office accommodation for reputable multi-national corporations. He also questioned the cost-effectiveness of purchasing two parking spaces at \$1.3 million each, and the need for a fitting-out standard at a cost of \$8,000 per m². He expressed strong reservation on the proposed arrangement of accommodating the entire Office in one to two floors, which he considered would impose a serious constraint on the choice of office premises. Moreover, he considered that some storage areas could be located separately from the Office's main offices to save costs.

29. DD of Admin reiterated that the Administration did not intend to acquire first-class offices at a prime location for the Office. Besides, the Administration would accept the arrangement of accommodating the Office in two or more floors within a suitable office building.

30. Miss CHAN Yuen-han expressed concern about the employment of temporary staff by the Office. She stressed that staff handling public complaints should have undergone adequate training and possess appropriate experience.

31. DD of Admin and PEO/Omb advised that the Office attached great importance to employing experienced staff for handling public complaints. It was however considered necessary to provide the Ombudsman with the flexibility to employ temporary staff to cater for fluctuation in caseload. Relevant training would be provided for the temporary staff and the Office would deploy the same pool of temporary staff on each occasion as far as possible.

32. The Deputy Secretary for the Treasury said that in view of members' concerns and queries, the Administration would withdraw the proposal for further consideration.

33. The item was withdrawn by the Administration.

HEAD 706 - HIGHWAYS

PWSC(2001-02)26 746TH Reconstruction and improvement of Tuen Mun Road

34. Members noted that the present proposal had been discussed at the Transport Panel on 7 May 2001.

35. Mr Albert CHAN said that Members of the Democratic Party in principle agreed to the need to improve and widen Tuen Mun Road (TMR). He suggested that the scope of the proposed consultancy for the investigation and preliminary design for the project should include the following -

- (a) the feasibility of widening the full length or some sections (if widening the full length was not feasible) of TMR from dual 3-lane to dual 4-lane; and
- (b) the need to provide noise barriers along the improved TMR according to the policy for provision of noise mitigation measures at new roads.

36. In response, the Principal Assistant Secretary for Transport (PAS(T)) and the Director of Highways (DHy) pointed out that the proposed widening of the full length of TMR to dual 4-lane might involve enormous technical difficulties as there were very

Admin. high slopes at both sides of TMR. In fact, it would already be very difficult to upgrade some sections of the road to dual 3-lane standard with hard shoulder. They however agreed that the feasibility of widening TMR to dual 4-lane would be further examined in the proposed consultancy.

Admin. 37. As regards the provision of noise barriers along TMR, PAS(T) advised that a few sections of TMR had already been included in the 29 priority sections of existing roads for retrofitting of noise barriers under the new policy on mitigation of the noise impact of existing roads. The Administration would also examine the need for providing noise mitigation measures along the improved TMR as suggested by Mr CHAN.

38. Pointing out that road improvement works would also be carried out at Castle Peak Road under a separate project, Miss Emily LAU expressed grave concern about the traffic impacts during the construction stages. In response, PAS(T) advised that the improvement works at Castle Peak Road between Tsuen Wan and Ka Loon Tsuen were scheduled for completion by 2005. To avoid causing undue disruption to traffic, the proposed works at TMR would only commence upon the completion of the works at Castle Peak Road in 2005.

39. Noting that the construction works were scheduled to commence in 2005 for completion in 2010, Mr Albert CHAN urged the Administration to explore ways to shorten the construction period. In response, PAS(T) explained that as TMR was a heavily trafficked road, it might be necessary to divide the work into stages and implement the construction works section-by-section so as to avoid causing undue traffic disruption. Mr Albert CHAN considered it more desirable to carry out the works at different sections concurrently, instead of sequentially, as the extent of disruption would be similar under both scenarios but implementing the works at different sections concurrently could expedite the works and thus shorten the period of disruption.

40. Miss Emily LAU shared Mr Albert CHAN's view that the construction works should be expedited as far as possible. Noting that the Administration planned to maintain three traffic lanes for both directions at peak periods during the construction period, she expressed concern that the arrangement might unduly prolong the construction period. She suggested that the Administration should consider alternative traffic arrangements to speed up the works, such as diverting some traffic from TMR to Tai Lam Tunnel by reducing the tunnel toll of the latter.

Admin. 41. In response, PAS(T) advised that as part of the preliminary design of the proposed works, the consultant would be tasked to devise appropriate traffic arrangements during the construction period with a view to minimizing traffic disruption and completing the construction works within the shortest time frame. She assured members that members' views and suggestions would be fully taken into account in the consultancy study.

42. In reply to Mr Andrew WONG's enquiry, DHy advised that the design life

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for flexible pavement, which included the road base, was 20 years. As the Kowloon-bound and the Tuen Mun-bound carriageways of TMR were flexible pavements and were completed in 1978 and 1983 respectively, the carriageways were due for reconstruction. Mr Andrew WONG suggested and the Administration agreed to examine various modern pavement materials such as emulsified asphalt with a view to identifying durable, noise-absorbing and economical materials for the proposed road works.

43. The item was voted on and endorsed.

HEAD 705 - CIVIL ENGINEERING

PWSC(2001-02)21 304CL Formation, roads and drains for package 6 remainder, Sai Kung

44. Members noted that an information paper on the present proposal had been circulated to the Planning, Lands and Works Panel on 28 February 2001.

45. In reply to Mr Albert CHAN's query, the Director of Civil Engineering confirmed that upon completion of constructions, road openings would not normally be allowed within a period of five years for carriageways.

46. Dr TANG Siu-tong enquired about the relevant arrangement if during the rescue excavation under this project, archaeological materials of great historical value were discovered. Miss Emily LAU shared the concern of Dr TANG and sought further information on the Sha Ha archaeological site. She also asked whether the Administration would consider preserving the site, which she considered would be conducive to promoting tourism in Sai Kung.

Admin.

47. In response, the Director of Civil Engineering (DCE) agreed to convey Miss LAU's request to Home Affairs Bureau (HAB) for additional information about the archaeological site. He added that according to the Antiquities and Monuments Office (AMO) of HAB, based on the findings from the excavations already conducted at some spots of the site, it was not envisaged that there were large-scale relics buried in the site.

48. The Secretary for Planning and Lands (SPL) advised that the Administration would strike a balance between development needs and preservation of archaeological materials. While on-site preservation might be not feasible nor necessary, the Administration would identify alternative sites in Sai Kung to exhibit salvaged archaeological materials. He assured members that the Planning and Lands Bureau would work closely with AMO and the Civil Engineering Department for the rescue excavation.

49. Mr Henry WU referred to a visit paid to the Sha Ha archaeological site and recalled that the accompanying archaeological experts were very excited by the sight of

relics during the visit. He opined that the community should cherish the site which might provide invaluable insight into the ancients of Hong Kong. He therefore suggested that preservation of the site should be actively considered and the relevant authorities and advisory bodies concerned with heritage and tourism should be consulted in this regard. He was also concerned whether sufficient time would be allowed for thorough salvage actions before the proposed infrastructure works commenced at the site.

50. Mr Albert CHAN referred to the archaeological rescue operation on Ma Wan Island which he considered had not been satisfactorily completed due to insufficient time allowed for the operation. He opined that on this occasion, the Administration should accord priority to the salvage of archaeological materials, and the archaeological site should only be handed over for the infrastructure works after satisfactory completion of the rescue excavation.

51. The Chairman considered that in view of the potential presence of valuable archaeological materials in the site, it might be appropriate to include special provisions in the works contract requiring the contractor to take necessary precautionary measures during the construction stage with a view to preserving the potential archaeological materials. The contractor should also be required to notify and liaise closely with the relevant departments once potential archaeological materials were identified.

52. SPL concurred with members that the rescue excavation should be conducted with great care and not in haste. He assured members that proper arrangements would be made to ensure that the contractors concerned would immediately suspend their works and notify AMO for necessary actions if archaeological materials were uncovered in the course of work.

53. DCE supplemented that according to the existing practice, contractors for public works projects were required to notify AMO immediately of any suspected archaeological materials found and AMO had the authority to order suspension of the relevant construction works for salvage actions. In view of members' concern, DCE agreed to further liaise with AMO to examine if the existing contract provisions could be further improved in this regard.

Admin.

54. Regarding the works schedule, DCE advised that it had been agreed with AMO that the archaeological rescue excavation would be carried out by parties engaged by AMO for about eight months commencing in October 2001. He assured members that CED would closely liaise with AMO on the progress of the excavation and would commence the infrastructure works only after the rescue excavation at the respective spots had been completed. To further assure members, he said that the infrastructure works could be programmed in such a way so as to avoid digging out the archaeological site in the first place, pending the completion of the work by AMO.

55. Miss Emily LAU concurred with Mr Henry WU that the authorities and advisory bodies concerned with heritage and tourism should be consulted on the

Admin. appropriateness of the proposed arrangements to carry out archaeological rescue excavation to salvage the affected archaeological materials rather than preserving the archaeological site in its present form. At Miss LAU's request, DCE agreed to liaise with HAB for provision of information in this regard before the relevant Finance Committee meeting.

56. In reply to Mr Andrew WONG's enquiry, DCE advised that the residential development located within the Sha Ha archaeological site as shown on the layout plan at Enclosure 1 were temporary housing structures, i.e. the Sha Kok Mei Temporary Housing Area, pending clearance.

57. Noting that the rescue excavation to be carried out under this project only covered a minor portion of the Sha Ha archaeological site, Mr Andrew WONG enquired about the arrangements for the remaining areas within the site earmarked for developments. Mr Albert CHAN also opined that for the purpose of preserving archaeological materials at the archaeological site in Sha Ha, it would be more desirable to seek for supplementary provision to carry out the related work in one go. In reply, SPL re-affirmed that the Administration would handle the whole archaeological site very carefully. He advised that if and when the areas within the site were disposed of for development, the Administration would include relevant land sale conditions to require the developer(s) concerned to notify AMO and suspend relevant construction works immediately when suspected relics were found. He added that upon completion of the rescue excavation under this project, AMO would have more information on the archaeological site and thus would be in a better position to advise on the approach for handling the remaining parts of the site. AMO's views in this regard would be taken into account by the Lands Department in determining the relevant land sale conditions.

58. Referring to the objections lodged by some local residents about the height of the housing developments in Sai Kung Area 4, Mr Andrew WONG remarked that there was a need to review the Sai Kung Town North Planning Area 4 Layout Plan before consideration could be given to supporting the present proposal which was intended to provide basic infrastructure to serve the developments in the subject area. DCE advised that according to the approved Sai Kung Town North Planning Area 4 Layout Plan, the height of the buildings in this area should not exceed eight storeys. Upon full development in 2007, Sai Kung Area 4 would accommodate about 8 000 persons. To cope with the planned developments in the area, there was a need to carry out the proposed works. Mr WONG stated his view that the height restriction of eight storeys was too lenient and was incompatible with the aspiration of the local community about the future development of Sai Kung. Given that he had reservation about the proposed housing developments, he could not support the present proposal, which aimed at providing infrastructure to support the planned developments in the area.

Admin. 59. In view of the concerns raised by Mr WONG, Miss Emily LAU considered it worthwhile for members to consider the issue further. She requested further information on the future developments in the subject area. SPL agreed to provide relevant information before the relevant FC meeting.

60. In reply to Dr TANG Siu-tong, DCE confirmed that the Administration had consulted the local representatives of the affected villages on the proposed works.

61. The item was voted on and endorsed. Mr Andrew WONG expressed objection to the proposal, and Miss Emily LAU and Mr Henry WU expressed reservation on the proposal.

Clerk 62. Miss Emily LAU requested that this item be voted on separately from other PWSC items at the relevant FC meeting.

HEAD 709 - WATERWORKS

PWSC(2001-02)22 61BL Inspection of buried water mains affecting slopes - second five-year cycle inspection

63. Referring to the landslide at Kwun Lung Lau occurred in July 1994, Mr Albert CHAN stated his concern about the potential consequences of leakage of water mains buried under slopes. He enquired about the liability provisions in the consultancy agreement for the proposed water main inspection and detection works. He was particularly concerned whether the consultant would be held liable for future problems attributable to the faults or negligence on the part of the consultant.

64. DWS and the Assistant Director/New Works, Water Supplies Department advised that the consultant to be engaged for this project would be responsible mainly for the inspection of water mains while the leakage detection works would be undertaken by a contractor. They assured members that both the consultant and the contractor for the project would be selected very carefully, and the inspection and detection works would be carried out very systematically with the use of advance detection devices. They in particular stressed that there would be detailed documentation of the findings of the leakage detection works as the contractor would be required to submit a report in respect of each water main section covered by the project to the consultant. The Administration therefore did not envisage that the consultant or the contractor would commit any mistake which would lead to serious consequences.

65. DWS further advised that the relationship between the consultant and the contractor under this project would be the same as that under other public works projects. The consultancy agreement and the works contract would contain normal liability clauses applicable to public works projects in general. The attribution of liability to any party during and after the project works would rest on the relevant evidence to be considered under prescribed proceedings.

66. Mr Albert CHAN pointed out that although the contractor was required to provide detailed reports on the leakage detection works, fake records or other fraudulent acts committed by the contractor might be overlooked by the consultant and

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the Administration during the project period. He therefore considered it important to include proper liability provisions in the consultancy and works contracts to adequately safeguard public interest. In this connection, he requested and DWS agreed to provide information on the relevant liability clauses to be included in the consultancy agreement and works contract for the proposed works.

67. In reply to Mr Kenneth TING's enquiries, DWS advised that the cost for repairing the leaks identified during the first cycle of inspection and detection works covering about 43 000 slopes was some \$10 million. The repair works were carried out under the term maintenance contracts of the Water Supplies Department. He further advised that the percentage (13%) of inspected water mains found with leaks at the first cycle of inspection was consistent with the overall minor leakage situation of the water distribution system in the territory.

68. The item was voted on and endorsed

69. The meeting ended at 1:00 pm.

Legislative Council Secretariat
6 June 2001