

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 838/01-02  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/PLW/1

**Legislative Council**  
**Panel on Planning, Lands and Works**

**Minutes of meeting**  
**held on Monday, 4 June 2001 at 8:30 am**  
**in Conference Room A of the Legislative Council Building**

**Members present** : Dr Hon TANG Siu-tong, JP (Chairman)  
Hon LAU Ping-cheung (Deputy Chairman)  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon WONG Yung-kan  
Hon TAM Yiu-chung, GBS, JP  
Hon Albert CHAN Wai-yip  
Hon IP Kwok-him, JP

**Members absent** : Hon James TO Kun-sun  
Hon LAU Wong-fat, GBS, JP  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon Abraham SHEK Lai-him, JP

**Public officers attending** : **Agenda Item IV**  
  
Mr Keith KWOK  
Deputy Secretary for Works  
  
Miss Winnie HO  
Assistant Commissioner for Tourism  
Tourism Commission

Mr C C CHAN  
Director of Civil Engineering (Atg)  
Civil Engineering Department

Mr TAM Wing-kwong  
Deputy Director (Special Duties)  
Civil Engineering Department

Mr S C YIP  
Assistant Director (Civil)/Project Management  
Civil Engineering Department

**Agenda Item V**

Mr Geoffrey WOODHEAD  
Principal Assistant Secretary (Buildings)  
Planning and Lands Bureau

Mr LEUNG Chin-man  
Director of Buildings

Mr W S LO  
Departmental Secretary  
Buildings Department

**Clerk in attendance :** Miss Salumi CHAN  
Chief Assistant Secretary (1)5

**Staff in attendance :** Mrs Queenie YU  
Senior Assistant Secretary (1)6

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Action

**I. Confirmation of minutes of meeting**  
(LC Paper Nos. CB(1)1300/00-01 and CB(1)1396/00-01)

Confirmation of minutes of meetings

The minutes of the following meetings were confirmed -

- (a) Regular Panel meeting on 5 March 2001; and

- (b) Joint meeting with the Panel on Housing on 27 February 2001.

## II. Information papers issued since last meeting

2. Members noted the following information papers issued since the last meeting -

- (a) Administration's response to the subject of "Exemption of payment of rates" raised by Councillors of Heung Yee Kuk at their meeting with LegCo Members on 13 February 2001 (LC Paper No. CB(1) 1256/00-01);
- (b) Information notes on issues raised by Tsuen Wan District Council members at their meeting with LegCo Members on 14 December 2000 (LC Paper No. CB (1) 1340/00-01); and
- (c) Information paper on "Proposals to rationalize the starting pay for Assistant Landscape Architect and to revise the rates of honoraria for graduate trainees in the landscape architectural stream under the Works Bureau Graduate Training Scheme" (LC Paper No. CB (1)1350/00-01).

3. The Chairman drew members' attention that the Administration would submit the proposals mentioned in paragraph 2(c) above to the Establishment Subcommittee and the Finance Committee for consideration at their meetings on 13 June 2001 and 6 July 2001 respectively.

## III. Date of next meeting and items for discussion

(LC Paper No. CB(1)1384/00-01(01) — List of outstanding items for discussion

LC Paper No. CB(1)1384/00-01(02) — List of follow-up actions)

### Special meeting on 11 June 2001

4. Members noted that the following items would be discussed at the special meeting scheduled for 11 June 2001 at 10:45 am -

- (a) Draft Report of the Panel on Planning, Lands and Works for submission to the Legislative Council in July 2001;
- (b) Creation of supernumerary directorate posts in Works Bureau; and

- (c) Proposed construction of a cement plant and a concrete batching plant in Tsing Yi.

Regular meeting on 9 July 2001

5. Members noted that the following items would be discussed at the regular meeting scheduled for 9 July 2001 at 10:45 am -

- (a) Work plan, estimated expenditure and pay review of Urban Renewal Authority (Proposed by Mr Albert CHAN Wai-yip); and
- (b) Proposed Charging and Penalty System for road opening works (Proposed by the Administration).

Joint Panel meeting on 6 July 2001

6. Members agreed that a joint meeting with the Panel on Environmental Affairs be held on 6 July 2001 at 9:00 am for the Administration to brief members on the work progress of the Sustainable Development Unit (SDU). The proposal to set up the SDU had been discussed by the joint meeting of the two Panels on 9 February 2001.

7. Responding to the Chairman, members considered that there was no need for the Secretariat to prepare background information notes for the items to be discussed by the Panel in July 2001.

*(Post-meeting note: The revised agenda for the meeting on 9 July 2001 was circulated to members vide LC Paper No. CB(1) 1438/00-01 on 6 June 2001. The joint meeting with the Panel on Environmental Affairs subsequently rescheduled for 9 July 2001 was cancelled.)*

**IV. Further discussion on Infrastructure for Penny's Bay Development, Package 2**

(LC Paper Nos. CB(1)1123/00-01(03), — Papers provided by the  
CB(1)1229/00-01 and CB(1)1243/00-01 Administration)

8. The Chairman said that in response to the issues raised by members at the Panel meeting on 7 May 2001, the Administration had provided supplementary information papers which were circulated to members vide LC Paper Nos. CB(1)1229/00-01 and CB(1) 1243/00-01 on 15 May and 16 May 2001 respectively.

Fish kill incidents at Ma Wan and Cheung Sha Wan FCZs

*Briefing by the Administration*

9. The Deputy Secretary for Works (DSW) reported that pursuant to the discussion at the Panel meeting on 7 May 2001, the Administration had explained to the concerned mariculturists the objective, scope and methodology of the independent investigation to be conducted to review the causes of the fish kill incidents at Ma Wan Fish Culture Zone (FCZ) and Cheung Sha Wan FCZ. If it was substantiated that the incidents were caused by the Penny's Bay dredging and Yam O mud disposal, the Administration would evaluate the quantity of fish loss and issue compensation to the affected mariculturists.

*Scope of the independent investigation*

10. Mr WONG Yung kan considered that the independent investigation should also cover the fish kill incidents at Cheung Sha Wan FCZ caused by the construction works of the Hei Ling Chau Typhoon Shelter (HLCTS) in 1996. Mr TAM Yiu-chung supported his view. DSW advised that the Chinese University of Hong Kong (CUHK) had been commissioned by the Administration in 1998 to conduct a study on the incident. Mr WONG pointed out that three sediment tests had originally been scheduled for the CUHK's "Study on the Effect of Marine Sediment on Various Cultured Fish" but the final test was not carried out due to red tides. In his opinion, the conclusion of the second test was vague and further study should be conducted. DSW responded that to his knowledge the study had been completed. A direct relationship between the fish kill incident and the construction works of the HLCTS had not been established. Mr WONG and Mr TAM said it was clearly not the understanding of the affected mariculturists who had been seeking assistance from Members to pursue their claims. Mr IP Kwok-him also considered that the Administration should further look into the matter. DSW undertook to review the CUHK's independent study and report to the Panel on whether there were any outstanding issues requiring follow-up action by the Administration.

*Schedule of the independent investigation*

11. Responding to the Chairman, DSW said that the independent investigation for Ma Wan and Cheung Sha Wan FCZs was scheduled for commencement in August 2001 and completion by the end of 2001.

*Proposed independent working group*

12. Mr Albert CHAN considered it unlikely that the consultant commissioned by the Administration would be able to conduct an independent investigation, as it had to follow the guidelines provided by the Administration. On aircraft noise, for example, the conclusions and recommendations of the consultant commissioned by the Tsuen Wan District Council were very different from those of the consultant commissioned by the Administration. To ensure that a fair investigation would be conducted on the fish kill incidents, Mr Albert CHAN proposed that an independent working group

comprising representatives of the parties concerned be formed to give advice and monitor the work of the consultant. The independent working group would ensure the creditability of the investigation and enhance public confidence in the findings of the investigation. DSW pointed out that the appointment of a working group might also invite criticisms that the consultant was steered by the working group.

13. Referring to the arrangement for the persons affected by land resumption exercises of the Government to employ independent consultants, Mr LAU Ping-cheung proposed that similar arrangement be adopted for the affected mariculturists to be reimbursed by the Government for the cost of employing their own consultants to carry out independent studies over claims arising from fish kill incidents. DSW pointed out that the two types of cases were different in nature and that the proposed arrangement was not in line with the established policy. He assured members that the consultant to be commissioned by the Administration would be required to collect and analyze data provided by mariculturists and listen to the views of the parties concerned with a view to conducting a fair and open investigation. The work to be undertaken by the consultant as specified in the contract would be made known to the public. The Chairman stressed the importance of allowing the affected mariculturists to participate in the investigation.

Admin

14. At the suggestion of Mr TAM Yiu-chung, DSW undertook to take into account the views of mariculturists in the appointment of expert, and to request the expert to submit an interim report on the findings in due course so as to keep the mariculturists concerned informed of the progress of the investigation.

#### *Preventive measures*

15. Mr Albert CHAN considered it unfair to the mariculturists in Ma Wan FCZ if new works were to commence before the settlement of their previous claims on fish kill incidents. He asked for the measures taken by the Administration to ensure that similar fish kill incidents would not occur again. DSW advised that the Administration would implement a comprehensive environmental monitoring and audit programme to monitor the water quality in Ma Wan FCZ. The mariculturists concerned would be consulted on the programme and methodology before commencement of the construction works.

16. Referring to paragraph 4 of the supplementary information paper, Ir Dr Raymond HO Chung-tai supported the Administration's proposal to adopt a non-dredge reclamation method to minimize the dredging volume as far as practicable. He pointed out that close and proper site supervision also played an important part in achieving the desired results.

#### Division of works contract

#### *Briefing by the Administration*

17. The Deputy Director (Special Duties) of Civil Engineering Department (DD/CED) reported that having carefully considered members' suggestion of dividing the main contract into smaller contracts to create more employment opportunities for local contractors and consultants, the Administration had decided to take out two items from the main contract, i.e. the piers at the Penny's Bay and the public transport interchange at Yam O and its associated works. These two items would be implemented under two separate contracts as the works involved had less interface and programme constraints.

18. With visual aid equipment, DD/CED further illustrated the area of works which had been entrusted to the Hong Kong International Theme Parks Limited (HKITP). He also highlighted the practical difficulties in dividing further the works items if timely opening of the Hong Kong Disneyland (HKD) was to be ensured.

#### *Discussion*

19. Mr Albert CHAN and Mr LAU Ping-cheung were not convinced that apart from the piers at the Penny's Bay and the public transport interchange at Yam O and its associated works, the proposed project estimated at \$3,917 million could not be divided further into smaller contracts. Mr LAU pointed out that after excluding the sum of the two contracts, the cost of the project was still substantial, involving many works items as detailed in paragraph 11 of the draft paper for the Public Work Subcommittee (PWSC) (Annex to LC Paper No. CB(1) 1123/00-01(03)). He questioned whether a single contractor could undertake all the works items on schedule. He pointed out that further division of the project into smaller contracts would have the advantage of reducing the risk of project delay. DSW however considered that any delay in a works item could have implications on the timely completion of the whole project. He assured members that the Administration would monitor the work of the contractor to ensure that the project would be completed on schedule. In fact, for the 23 large-scale projects in the past decade, the Administration had not been required to take over the projects from the contractors.

20. At the request of members, DD/CED went through paragraph 3 of the draft paper for PWSC, giving an account of the reasons for not entrusting different companies to carry out the works items. His views were summarized as follows -

<u>Item number</u>	<u>Reasons</u>
a	— The formation of land at Yam O involved inter-related works requiring removal of fill materials from the lake.
b, c & d	— The three items involved inter-related road and drainage works.
e & g	— The works involved had already been entrusted to HKITP.

Action

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f & h

— The Administration had already agreed to take out these two items from the main contract.

i

— Road side planting and landscape berms were related to road works.



- j — A computerized irrigation system involving inter-related road works was required.
- k, l & m — The sewerage network, stormwater drainage system and water supply systems involved were all related to road works.
- n — The construction of the refuse collection point was related to road and landscape works.
- o — The removal of asbestos involved not much cost and would be conducted after the outcome of the environmental impact assessment was available.
- p, q & r — Consultants would be commissioned to carry out the works.
- s — Non-civil service contract staff would be employed for the tasks involved.

21. Mr LAU Ping-cheung did not accept that road and drainage works could not be carried out by different contractors. As there was an electricity power supply station in the Penny's Bay for providing emergency electricity supply to the airport, DD/CED considered it important to have all the drainage works undertaken by a single contractor to avoid flooding which might be easily caused by interface problems.

22. Mr LAU Ping-cheung also queried whether a single contractor could undertake the proposed large-scale landscape works involving about 100 hectares of lands and \$517 million. DD/CED advised that there were practical difficulties in dividing this works item as it involved a computerized irrigation system connecting water from a lake to the rest of the HKD development. DSW assured members that the Administration would consider dividing works items of large-scale projects into smaller contracts as far as practicable provided that the cost and schedule of the project would not be affected.

#### Cost control

23. Mr LAU Ping-cheung queried why an independent consultant was not employed to conduct audit check on the project to enhance cost control. DD/CED replied that the Administration did not see the need to do so, as a dedicated quantity surveying team in the resident site staff team would be employed for rate valuation and claim assessments.

#### Participation of local companies

24. Referring to paragraph 11 of the supplementary information paper, Mr LAU Ping-cheung asked whether the list of approved consultant companies in the

Architectural field would also be invited to participate in the works items entrusted to HKITP. DD/CED advised that the entrustment to HKITP did not involve architectural works.

Compensation arising from ground settlement dispute

25. Mr LAU Ping-cheung was concerned whether the reclamation works of the project would give rise to unusual ground settlement. DD/CED assured members that the ground settlement process would be closely monitored by the Administration and that the rate of ground settlement recorded at the site would be forwarded to HKITP for reference. Responding to Ir Dr Raymond HO, the Assistant Director (Civil/Project Management) of Civil Engineering Department advised that the Administration had been monitoring the settlement in reclamation areas of other projects, and the method and practices were proved to be reliable. DSW and DD/CED advised that the occurrence of unusual underground settlement was highly unlikely in normal circumstances. The unusual incident in Tseung Kwan O was mainly caused by the Strategic Sewage Disposal Scheme Stage I works.

26. Responding to Mr LAU Ping-cheung, DSW said that to his knowledge there was in general no specific provision in Government's contract for exemption of liability against unusual ground settlement. Mr LAU considered that the Administration should review the contract document to ensure that the reclamation works in the Penny's Bay would not subject the Government to contractual claims in future.

Land acquisition

27. Responding to Mr LAU Ping-cheung, DD/CED said that the estimated cost of \$1,520 million reserved for land acquisition and clearance for the project was calculated according to the area of the site of Cheoy Lee Shipyard. Mr LAU expressed concern about the cost as compared with other projects. At the request of Mr LAU, DD/CED agreed to provide information on the ex-gratia compensation for Cheoy Lee Shipyard site for the proposed project and a comparison with other land resumption cases.

*(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper No. CB(1)1676/00-01 on 3 July 2001).*

**V. Creation of directorate posts in Buildings Department**

(LC Paper No. CB(1)1384/00-01(03) — Paper provided by the Administration)

28. The Chairman briefed members that the Buildings Department (BD) proposed to create 13 supernumerary directorate posts from 1 October 2001 for five years to

implement the comprehensive strategy for building safety and timely maintenance and the reorganization of the Department. The Administration planned to submit the proposal to the Establishment Subcommittee for consideration at its meeting on 13 June 2001.

29. The Director of Buildings (D of B) briefly introduced the paper and highlighted that the Task Force on Building Safety and Preventive Maintenance (the Task Force) had consulted the Panel on the Comprehensive Strategy for Building Safety and Timely Maintenance and the implementation plan on four occasions from November 2000 to April 2001. BD would have the primary responsibility for taking forward many of the proposals in the implementation plan. It had been allocated additional resources of \$191.8 million in 2001-02 to implement the Strategy. To cope with the increases in responsibilities and workload, additional staff (400 to 520 in the professional grades, 250 to over 400 in the technical grades and 1 000 to 1 400 in the departmental grades) and the reorganization of BD would be required. D of B then briefed members on the Administration's proposal to create 13 supernumerary directorate posts in BD as detailed in the paper.

#### General views

30. Members generally supported early implementation of the Comprehensive Strategy for Building Safety and Timely Maintenance. Mr IP Kwok-him appreciated the need for creating additional posts to cope with the workload arising from the implementation of the Strategy. However, Mr Albert CHAN was of the view that the proposed posts would not be required if Government departments had effectively and efficiently tackled building management issues in the past decades.

#### Justifications

##### *13 supernumerary directorate posts*

31. Responding to Mr IP Kwok-him, D of B advised that the provision of \$191.8 million in 2001-02 had been included in the 2001-02 Estimates on the understanding that most of the targets set by the Task Force were to be achieved within five to seven years. The creation of 13 directorate posts in BD was therefore proposed on a supernumerary basis for five years from 1 October 2001. BD would keep an open mind and review, in the light of progress achieved, whether any of the directorate posts would be required for longer than five years upon expiry of the posts. Mr IP supported that the situation be reviewed after five years. However, he envisaged that problems associated with building safety and maintenance would increase with building age. It would therefore be unlikely that the additional posts would not be required after five years.

32. Mr Albert CHAN pointed out that it was an ironical situation. On the one hand, the additional posts were required to tackle unsolved problems left by BD over

the past decades. On the other hand, it was difficult for members not to support the staffing proposal as the problems had serious implications on public safety. Nevertheless, he was of the view that retention of the proposed supernumerary posts would not be necessary if the Strategy could be successfully implemented over the coming five years. In his opinion, the Administration should also take the opportunity to review the established policy and legal framework with a view to achieving more cost-effective results for building management.

*Chief Structural Engineer (Disney Project) post*

33. Referring to Enclosure 3 of the paper, Mr LAU Ping-cheung enquired about the duration of the supernumerary post of Chief Structural Engineer (Disney Project) (CSE/DP) in the existing establishment of BD and whether the post was justified given that the Disney project was at the initial planning and work stage. D of B said that the supernumerary post was created for one year. In view of the scale and the requirements for the infrastructure and related works of the Disney project, it was considered necessary to create the CSE/DP post to undertake duties in respect of the commissioning of the project. D of B assured members that BD had examined critically the functional justifications for each new post. Internal re-deployment of the existing post of Chief Structural Engineering (PADS & Rail Projects) (1) to absorb the duties of CSE/DP had been examined and considered not feasible. The need to retain the post after one year would be reviewed upon expiry of the post.

Staff consultation

34. Referring to paragraph 5 of the paper, Ir Dr Raymond HO was concerned about the imbalance of staffing support in the Structural Engineer (SE) and the Building Surveyor grades in BD. According to the staff association of the SE grade, the departmental management had failed to honour its promise of providing an additional post in the SE grade for building safety inspections. D of B advised that the Administration had taken into account the views of staff before finalizing the staffing proposals. The government made a decision not to create an additional Chief Structural Engineer post after detailed consideration of the requirements. The departmental management had explained the decision to the relevant staff association.

35. Given the targets of removing 150 000 to 300 000 unauthorized building works and all illegal rooftop structures from 4 200 single-staircase buildings as well as maintaining control over 200 000 advertisement signboards over the next five years, Ir Dr Raymond HO stressed the importance of ensuring public safety during clearance operations. In this connection, he considered that a SE should be assigned for each clearance operation. D of B advised that public safety was also the major concern of the Administration. To implement the clearance operations, provision had been included for the creation of one additional Chief Structural Engineer Post in the 2001-02 Estimates. He assured members that BD would review from time to time the need for additional posts.



**VI. Any other business**

36. Referring to a press report on 3 June 2001, Mr IP Kwok-him expressed concern that the bearing units of Tsing Ma Bridge were found to have deformed last year and needed replacement. Ir Dr Raymond HO shared his concern. He said that with proper maintenance and regular repairs, the bearings should be able to give an adequate support to the bridge throughout the bridge's design life of 120 years. It was uncommon that failure of bearings occurred in such a short period of time. To better understand the matter, the Chairman directed the Clerk to obtain the relevant information from the Administration.

37. Mr LAU Ping-cheung and Ir Dr Raymond HO expressed concern about the updated position of the expenditure and claims relating to the ten Airport Core Programme (ACP) projects. The Chairman directed that the Administration be requested to provide an information paper on the issue.

*(Post-meeting note: The information on the deformed bearing units of Tsing Ma Bridge and the ten ACP projects provided by the Administration were circulated to members vide LC Paper Nos. CB(1) 1607/00-01 on 21 June 2001 and CB(1) 1692/00-01 on 4 July 2001 respectively.)*

38. There being no other business, the meeting ended at 10:55 am.

Legislative Council Secretariat

17 January 2002