

**立法會**  
**Legislative Council**

LC Paper No. PWSC36/02-03  
(These minutes have been  
seen by the Administration)

Ref : CB1/F/2/2

**Public Works Subcommittee of the Finance Committee**

**Minutes of the 3<sup>rd</sup> meeting**  
**held in the Chamber of Legislative Council Building**  
**on Wednesday, 13 November 2002, 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  
Dr Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Hon Eric LI Ka-cheung, JP  
Hon Fred LI Wah-ming, JP  
Hon CHAN Yuen-han, JP  
Hon CHAN Kam-lam, JP  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
Hon WONG Yung-kan  
Hon YEUNG Yiu-chung, BBS  
Hon LAU Kong-wah  
Hon Miriam LAU Kin-yee, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Dr Hon LAW Chi-kwong, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon WONG Sing-chi  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung

**Member absent:**

Hon James TO Kun-sun

**Public officers attending:**

Miss Elizabeth TSE, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) <sup>3</sup>
Mr Thomas TSO, JP	Deputy Secretary for Housing, Planning and Lands (Planning and Lands)
Mr Y C LO, JP	Permanent Secretary for Environment, Transport and Works (Transport and Works)
Mr Rob LAW	Director of Environmental Protection
Mr Andrew TSANG	Principal Assistant Secretary for Financial Services and the Treasury (Treasury) (Works)
Ms Miranda YEAP	Assistant Secretary for Home Affairs (Recreation & Sport)
Mr Eddy YAU, JP	Assistant Director (LS) 3 Leisure and Cultural Services Department
Mr C H YUE, JP	Director of Architectural Services
Mr S L MA	Principal Education Officer (Infrastructure)
Mr HO Yue-man	Principal Transport Officer/Urban Transport Department
Mrs Sharon YIP	Principal Assistant Secretary for the Environment, Transport and Works (Transport and Works) T2
Mr SIN Kwok-keung	Chief Engineer (Traffic Control) Transport Department
Mr William C G KO	Director of Water Supplies
Mr LEUNG Mang-chiu	Assistant Director of Water Supplies (New Works)

**Clerk in attendance:**

Ms Anita SIT	Chief Assistant Secretary (1) <sup>6</sup>
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**Staff in attendance:**

Ms Pauline NG	Assistant Secretary General 1
Ms Rosalind MA	Senior Assistant Secretary (1) <sup>9</sup>
Ms Caris CHAN	Senior Legislative Assistant 1
Mr Frankie WOO	Legislative Assistant 2

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**Withdrawal of item PWSC(2002-03)66 on "Tai O development, package 4, stage II engineering works"**

The Chairman said that before proceeding to consider the project proposals on the agenda, he would like to explain to members the background to the Administration's withdrawal of item PWSC(2002-03)66 on "Tai O development, package 4, stage II engineering works".

2. The Chairman said that the Administration provided an information paper on the project in question to the Panel on Planning, Lands and Works (PLW Panel) on 1 November 2002. Upon circulation of the paper, a member of the Panel requested the discussion of the project at the Panel and it was agreed at the Panel meeting on 8 November 2002 that the project be discussed at the next regular Panel meeting on 6 December 2002.

3. The Chairman continued that in line with the established practice, when the Administration put up a capital works proposal for consultation with the relevant Panel, it should allow sufficient time for such consultation to be properly conducted before submitting the proposal to the Public Works Subcommittee (PWSC) for consideration. In this case, as the process of consultation with PLW Panel had yet to be completed, he considered it not appropriate for PWSC to consider the above item at this meeting. He therefore had asked the Clerk to PWSC to write to the Administration to consider withdrawing the item, and in response, the Administration had decided to withdraw the item from the agenda for this meeting.

4. The Chairman stressed that he raised the request for withdrawal of the item purely on the consideration that both PWSC and the Administration should adhere to the principle that if consultation with the relevant Panel was required on a capital works proposal, sufficient time should be allowed for such consultation to be properly conducted before the proposal was considered by PWSC.

5. The Deputy Secretary for Financial Services and the Treasury (Treasury) (DS(Tsy)3) said that the Administration was in fact considering whether item PWSC(2002-03)66 should be deferred at the time the Chairman's request was received. She said that the Administration had hoped to expedite the implementation of the project but agreed, given the request for further discussion at the relevant Panel, to withdraw the item from the PWSC agenda for 13 November 2002. She assured members that the Administration would continue to try its best to strike a balance between the need to allow adequate time for consultation with relevant Panels and the objective of expediting the implementation of capital works projects that were found justified.

6. Mr IP Kwok-him concurred with the Chairman that the normal practice for consultation with relevant Panels on capital works proposals should be adhered to. He said that the project in question covered the construction of a sheltered boat anchorage area at Tai O, which was a facility long called for by local fishermen.

He therefore urged the Administration to submit the proposal to PWSC as soon as the consultation with PLW Panel had been completed.

7. As to the demand of local fishermen for the proposed sheltered boat anchorage area in Tai O, the Chairman said that PWSC had received relevant submissions from local organizations, and these submissions had been circulated to members for information (vide LC Paper No. PWSC 22/02-03(01) to (03) on 12 November 2002).

## **HEAD 703 – BUILDINGS**

### **PWSC(2002-03)62      241RS      Football pitch in Area 5, Tai Po**

8. Members noted that the Administration had reported the progress of the preparatory work for this project in the information papers for the meetings of the "Subcommittee to follow up the outstanding capital works projects of the former municipal councils" on 7 March and 2 May 2002. Members also noted that the Administration had provided a supplementary information paper (PWSCI(2002-03)30) to address members' concerns raised at the meeting on 16 October 2002 about the provision of parking spaces and pedestrian access facilities.

9. Mr WONG Yung-kan said that the Leisure and Cultural Services Department consulted the Tai Po District Council (TPDC) regarding the number of parking spaces to be provided in the project site and the pedestrian access to the proposed football pitch. TPDC members supported the proposed project and urged for early commencement of the construction works. TPDC members considered the number of parking spaces currently proposed by the Administration acceptable having regard to the space limitation. As regards pedestrian access, TPDC members were satisfied that the Transport Department (TD) would follow up on the provision of a pedestrian crossing near Wang Fuk Court in consultation with the Traffic and Transport Committee of TPDC.

10. Mr Andrew CHENG requested to put on record that he was fully in support of the proposed football pitch to meet local demand for sports facilities. Despite that a majority of TPDC members considered the proposed number of parking spaces (25 parking spaces for private cars and eight for coaches) acceptable, he maintained his reservation about the adequacy of parking spaces as well as pedestrian access facilities to the proposed football pitch. He urged the Administration to continue to explore feasible ways to improve the accessibility of the football pitch. Otherwise, the utilization rate of the football pitch would be low as in the case of the Tai Po Waterfront Park.

11. The item was voted on and endorsed.

**PWSC(2002-03)63      91ET      Education resource centre-cum-public  
transport interchange at Kowloon  
Tong – stage 2**

12. Members noted that this item had been discussed at the Panel on Education on 18 December 2000.

*Proposed public transport interchange*

13. Ms Miriam LAU sought information on the layout design of the proposed public transport interchange (PTI), as the information was not provided in the discussion paper. Pointing out the existing difficulties for taxis to load/unload passengers near the Kowloon Tong Mass Transit Railway and the Kowloon-Canton Railway stations, she questioned why no taxi stop was included in the proposed PTI.

14. In reply, the Principal Transport Officer/Urban, TD (PTO/U, TD) said that the layout design of the proposed PTI would be similar to other existing PTIs with four bus bays, four green minibus bays, two bays for cross boundary coaches and other ancillary facilities as set out in paragraph 5 of the paper. As regards the provision of taxi stand, he explained that consideration had been given to relocating the existing taxi stop at To Fuk Road to the proposed PTI. However, taking into account the great demand for taxis in Kowloon Tong and the large number of taxis queuing up for passengers at the existing taxi stand, the Administration considered it more appropriate to lengthen the existing on-street lay-by for the taxi stand from 70 metres to 120 metres upon widening of To Fuk Road.

15. Responding to Ms Miriam LAU's further enquiry, PTO/U, TD said that TD would consider canceling some restricted zones at Suffolk Road to allow general vehicles including private cars and taxis to drop off and pick up passengers at suitable locations after the existing bus stops were relocated to the proposed PTI. He also informed members that when road widening works were completed at To Fuk Road, one additional loading/unloading bay opposite to the taxi stand would be provided for general vehicles including private cars. At Ms LAU's request, PTO/U, TD agreed to provide information on the timetable for the widening of To Fuk Road after the meeting.

Admin

16. The Chairman opined that the Administration should provide more maps or sketch plans to facilitate members' understanding of the project details. He commented that this would be more effective than explaining the details in text. He said that as the proposed PTI would provide major facilities for public transport in the area, details on the planned road improvement works and traffic management measures to be implemented in its vicinity should have been provided in the PWSC paper.

17. Mr IP Kwok-him said that members of the Democratic Alliance for Betterment of Hong Kong supported the project proposal in principle, but were

concerned about the impact of the proposed PTI on the traffic flow in the area. He requested the Administration to provide supplementary information in this regard. Mr LAU Kong-wah enquired whether the Administration had any plans to cope with the anticipated increase in traffic flow in the area.

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18. PTO/U, TD responded that TD anticipated that there would not be a significant increase in traffic flow in the area after the completion of the PTI. He however undertook to provide supplementary information on the existing traffic flow and the planned road works and traffic management measures for the area before the proposal was submitted to the Finance Committee for approval. The Director of Architectural Services (D Arch S) undertook to provide a layout plan of the proposed PTI.

19. In response to Mr Albert CHAN's enquiry, PTO/U, TD advised that closed circuit televisions (CCTV) would be installed in the PTI for the monitoring of passenger and traffic flows. He said that the CCTV to be installed would be of low resolution and thus there would be no problem of possible infringement of privacy.

#### *Management of cross boundary coaches*

20. Ms Miriam LAU noted that the facilities in the proposed PTI included two bays for cross boundary coaches and a passenger waiting room for their passengers. She sought information on the overall planning for the operation of cross boundary coaches in Kowloon Tong. PTO/U, TD responded that TD planned to relocate all the existing on-street loading/unloading activities of cross boundary coaches in Kowloon Tong to the proposed PTI. The two double-width bays could accommodate a total of six coaches for loading/unloading at the same time. Taking into consideration the frequency and number of cross boundary coaches loading/unloading in Kowloon Tong and the average time required for each coach, the two bays to be provided in the PTI would be adequate to cater for the demand.

Admin

21. Ms Miriam LAU sought information on the management of the waiting room for cross boundary passengers. PTO/U, TD responded that TD would be responsible for the management of the waiting room though daily cleaning and repairs work might be done through outsourcing. He explained that as TD oversaw the frequency and routes of all cross boundary coaches, it would arrange the frequency of the cross boundary coaches using the proposed PTI in a way that the loading/unloading activities would be conducted in an orderly manner. He undertook to provide further information in this regard in the supplementary information paper for this item.

22. Mr Albert CHAN asked whether the Administration had done any assessment on the increase in cross boundary passenger traffic using coaches and the necessary ancillary facilities such as loading/unloading bays and waiting rooms to cope with the increase. He requested the Administration to provide relevant information after the meeting.

23. PTO/U, TD said that in 2001, the average daily cross boundary bus passengers was about 40 000, among which about 21 000 passengers made use of the Lok Ma Chau - Huanggang shuttle bus services while the remaining 19 000 took the cross boundary coaches. At present, most cross boundary coaches loaded/unloaded passengers on-street. The Administration's plan was to relocate the existing on-street loading/unloading activities to suitable PTIs or other purposely-built off-street facilities in the long run for improvement of passenger safety and comfort. Mr Albert CHAN's requested the Administration to provide further information on the projected traffic demand of cross boundary coaches and the planned ancillary facilities to meet the demand.

Admin

24. Mr LAU Kong-wah sought information on the current management of loading/unloading activities of cross boundary coaches. PTO/U, TD explained that the departure points, routes and loading/unloading points of cross boundary coaches, were subject to the approval of TD. While there was a plan to relocate on-street loading/unloading activities to off-street PTIs gradually, the policy on allowing on-street activities for some routes at their major stops would remain unchanged in the interim. Mr LAU requested the Administration to provide details on the policy on the monitoring of cross boundary coaches for members' information after the meeting.

Admin

*Estimation of consultants' fees*

25. Mr LAU Kong-wah expressed serious concern over the estimation of consultants' fee for the project. Taking into account the substantial pay cuts in the private sector in the recent years, he doubted whether the figures given in enclosure 3 of the paper involved substantial over-estimation in respect of both the salary level of consultants' staff and the level of consultants' overheads and profit. He sought information on whether this formula was subject to review and whether the consultant firm would make additional but unjustified profit due to the difference between the estimated staff cost and the actual salaries paid to the consultants' staff.

26. D Arch S responded that the estimate for consultants' fees was calculated by applying a multiplier of 2.4 to the average Master Pay Scale (MPS) point to estimate the full staff costs including the consultants' overheads and profit. He pointed out that the estimate of consultants' fees was for budgeting purpose only. The actual expenditure for engaging the consultant's services would hinge on the outturn tender price for the consultancy contract and there did not exist any problem of overpaying the consultants.

27. DS(Tsy)3 informed members that the formula for estimating the consultants' fees was reviewed from time to time and at present a review was underway. The Chairman and Mr LAU Kong-wah requested the Administration to expedite the process of the review so that the findings and recommendations could be available for consideration before the item was submitted to the Finance Committee (FC) for funding approval, which should be on 6 December 2002. They pointed out that without an updated and realistic formula for the computation

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of the estimated consultants' fees, it would be difficult for members to assess whether the requested funding was justified. DS(Tsy)3 assured members that the Administration would try its best to expedite the review. Nevertheless, it might not be feasible to complete the review before 6 December 2002 as the review was not conducted for the purpose of this particular project and it took some time to collate and analyse all relevant information.

28. The Chairman commented that it was obvious that the Administration had failed to provide adequate information in the PWSC paper to facilitate members' consideration of the proposal. He urged the Administration to provide the requested information well before the FC meeting at which the proposal would be considered so that members would have enough time to study the information before the meeting. He also requested the Permanent Secretary for Environment, Transport and Works (Transport and Works) (Permanent Secretary (ETW)) and the Deputy Secretary for Housing, Planning and Lands (Planning and Lands) to try to include all relevant details in the future proposals to PWSC.

29. The item was voted on and endorsed.

## **HEAD 708 – CAPITAL SUBVENTIONS AND MAJOR SYSTEMS AND EQUIPMENT**

**PWSC(2002-03)64          30EC          Construction works for schools in the final phase of the School Improvement Programme**

### *Improvement to public address system of schools for reduction of noise nuisance*

30. Mr Albert CHAN pointed out that in response to members' concerns raised at previous meetings, the Administration had undertaken to improve the public address system of schools so as to reduce noise nuisance to residents living in the vicinity. In this connection, Mr CHAN enquired whether the related improvement works would be completed for all schools in the territory upon the completion of the final phase of the School Improvement Programme (SIP).

31. The Principal Education Officer (Infrastructure) (PEO(I)) said that the proposed project aimed to upgrade facilities of schools in the final phase of SIP to the year 2000 school design standard as far as practicable. The Administration took every opportunity to advise schools to improve the public address system of schools, through various schemes such as SIP or minor works funded by the block allocation vote. The improvement works include reducing noise nuisance to nearby residents caused by the ringing of school bells and school announcements, replacing high volume school bells with low volume bells installed at dispersed locations and large amplifiers with smaller ones for the public address system of schools. Nevertheless, PEO(I) pointed out that noise generated from students gathering for school assembly could hardly be significantly reduced especially in cases where the residential developments were in close proximity to schools.



*Estimation of consultants' fees*

32. Noting that the proposed project incurred a total estimated consultants' fees of around \$110 million, Mr LAU Kong-wah expressed the same concern about the method for deriving the estimated consultants' fees and possible over-payment to the consultants, which he had raised during the discussion of the item PWSC(2002-03)63.

33. In reply, D Arch S advised that the estimate of consultants' fee allowed for the element of consultants' overheads and profit in addition to staff salaries and a multiplier of 2.4 was applied to estimate the full staff costs including the overheads and profit. The actual consultants' fees in each project would be determined by the fees proposed in the consultant's tender.

34. The Permanent Secretary (ETW) explained that there were set procedures for engaging consultants for public works projects. The estimation of consultants' fees was provided by the procuring department using the formula with MPS mid-point salary for staff multiplied by a factor of 2.4 where the staff would work in the consultant firm's office, and 1.7 for resident site staff. He said that the formula for estimating consultants' fees was reviewed from time to time to ensure that the assumptions were still applicable. The multiplier factor would be adjusted accordingly if substantial discrepancy was observed between the actual and the estimated consultants' fee in general for different projects. He echoed DS(Tsy)3 that a review of the formula was underway and the Administration would try to complete the review as soon as possible.

35. Mr LAU Kong-wah maintained his view that the multiplier of 2.4 was unrealistic and would result in an unreasonably high estimation of consultants' fees under the present economic climate. He urged the Administration to complete the review on the formula for estimation promptly. Otherwise, it would be difficult for PWSC/FC members to consider whether the funds sought for the engagement of consultants for public works projects were justified.

*Tendering procedures for schools under the self-delivery mode*

36. Responding to the Chairman's concern about the effectiveness of improvement works done through the self-delivery mode, PEO(I) explained that the self-delivery mode provided an alternative means to deliver the SIP and flexibility to schools in delivery of the improvement works. Whilst some schools opted for the self-delivery mode had encountered certain difficulties in the early stage, they managed to resolve the problems with the advice and assistance of ED and ArchSD. He informed members that among the 50 schools under batch four in the final phase of SIP, 24 schools had opted for the self-delivery mode.

37. Mr Albert CHAN expressed concern about the procedures adopted by schools under the self-delivery mode in the employment of consultants and contractors for the improvement works. He asked whether the procedures were

open, fair and transparent and whether the Independent Commission Against Corruption (ICAC) had been consulted on the procedures.

38. PEO(I) advised that ED had issued the "Procedures and Guidelines - School Improvement Programme Final Phase" to schools under the self-delivery mode for reference. ICAC had also conducted a study on the letting and administration of the SIP contracts. In addition, a handbook entitled "The Best Practice Module on Selection of Works Contractors and Administration of Contracts" published by ICAC had been distributed to schools. Briefings had also been arranged for ICAC officers to brief the schools on possible measures to be adopted in the selection of consultants/contractors and administration of contracts.

39. Responding to Mr Albert CHAN's further enquiry on ED's role in the monitoring of the tendering procedures, PEO(I) said that the mechanism was similar to the one for monitoring the tendering procedures for the procurement of goods and services by schools. Schools' tender recommendation should be submitted to and approved by ED. He also informed members that schools under the self-delivery mode paid their contractors in stages according to the contract. These schools had to apply to ED for the release of funds at each stage and both ED and ArchSD were involved in vetting the relevant documents before releasing funds for payment. The final account would be examined by ED in consultation with ArchSD.

40. At the request of the Chairman and Mr Albert CHAN, PEO(I) agreed to provide supplementary information on the list of consultants and contractors employed by schools under the self-delivery mode in the earlier batches of schools in the final phase of SIP.

Admin

#### *Completion of the final phase of SIP*

41. In response to Dr TANG Siu-tong's enquiry, PEO(I) informed that there were still 93 schools in the final phase of SIP under Category B and feasibility studies for the improvement works in these schools were in progress. For the majority of these 93 schools, the feasibility studies were expected to be completed by end 2002. Nevertheless, the feasibility studies for a small number (13 schools) of technically difficult cases might not be completed until mid 2003.

42. The item was voted on and endorsed.

### **HEAD 706 – HIGHWAYS**

**PWSC(2002-03)65      18TC      Renewal of Hong Kong Area Traffic Control and Closed Circuit Television Systems**

43. Members noted that an information paper on the item was circulated to the Panel on Transport on 23 October 2002.

Admin

44. In response to Mr Kenneth TING's enquiry on the cost of the CCTV cameras under paragraph 8(a)(iii) of the paper, the Chief Engineer (Traffic Control), TD (CE/TC, TD) said that the cost of these outdoor CCTV cameras for traffic control could not be compared with cameras used for ordinary recording purposes taking into account the special rotating and zooming functions of the cameras under this project and the associated remote control system. He undertook to provide a breakdown of the cost estimate for the CCTV cameras and other roadside equipment to members before the item was submitted to FC for funding approval.

45. Referring to paragraph 8(c), Mr Kenneth TING sought information on the work of the resident site staff and the division of responsibilities between the resident site staff, the consultant and the contractor. CE/TC, TD explained that resident site staff would be responsible for the on-site monitoring and supervision of the construction works undertaken by the contractor, and assisting the contractor in clarifying doubts with the consultant regarding the project design during the works period. They would also liaise with relevant parties, such as the Electrical and Mechanical Services Department, the Police and the Highways Department, for necessary arrangements to facilitate the implementation of works. The contractor would be responsible for installation and the effective commissioning of the equipment installed while the consultant would be responsible for the project design and the overall supervision of construction works.

46. Noting that the proposed works were scheduled to commence in September 2003 and completed by November 2005, Mr IP Kwok-him sought information on the Administration's assessment on the traffic impact during the works period. In reply, CE/TC, TD said that in order to minimize disturbance to traffic, the Administration had planned for the co-existence of the existing and the new Area Traffic Control (ATC) and CCTV systems during the works period. The control systems and related equipment would be installed at each road junction one by one in order to minimize traffic disruption. In response to Mr IP's further enquiry, CE/TC, TD advised that road opening would not be required for most of the junctions covered by the project except for cases where the underground cables had to be replaced due to normal wear and tear.

47. Responding to Mr IP Kwok-him's enquiry about the expected life span of the new ATC and CCTV systems, CE/TC, TD said that the new computerized systems were expected to become out-dated in about 10 years due to technological advancement. This was also the case for the existing ATC and CCTV systems, which were designed over 10 years ago. The existing systems had reached the end of their serviceable life, and their maintenance had become difficult and costly.

48. The item was voted on and endorsed.

**HEAD 709 – WATERWORKS****PWSC(2002-03)67      255WF      Replacement of mechanical and electrical equipment in Tai Po Tau raw water pumping station**

49. Mr WONG Yung-kan supported the project proposal in principle and sought information on the possible impact on traffic during the works period. In response, the Director of Water Supplies said that the proposed replacement works would be done within the area of the Tai Po Tau raw water pumping station and would not have any impact on traffic except for the transportation of construction and demolition (C&D) materials by trucks to and from the station. He said that the contractor would be requested to arrange the transportation of C&D materials during non-busy hours to prevent any adverse impact on traffic in the area.

50. The item was voted on and endorsed.

**Any other business**Attendance of public officers at Public Works Subcommittee meetings

51. The Chairman reported on the follow-up actions taken to address members' concern about the attendance of public officers at meetings of the Public Works Subcommittee (PWSC). At the PWSC meeting held on 16 October 2002, some members questioned the appropriateness of officers at Permanent Secretary and Deputy Secretary levels attending PWSC meetings in place of Directors of Bureau to respond to questions on general policy issues. PWSC members were consulted on the matter through a questionnaire after the meeting. A majority of PWSC members were of the view that as a standard arrangement, the Secretary for Environment, Transport and Works (SETW) and the Secretary for Housing, Planning and Lands (SHPL) should be in attendance of PWSC meetings to respond to questions on general policy issues. He had conveyed this majority view of members to the two Directors of Bureau in writing on 9 November 2002.

52. The Chairman continued that in their replies, the two Directors of Bureau stated their position that while Principal Officials would attend full meetings of the Legislative Council, representation at subcommittees and panels would depend on the subject to be discussed. Irrespective of the level of Government's representation, the Principal Officials would accept total responsibility for matters under their policy portfolios. The Chairman said that as the majority view of PWSC members should be taken as a decision of the Subcommittee, and since the two Directors of Bureau were not prepared to attend future PWSC meetings as a standard arrangement, he would like to seek members' views on whether and how the Subcommittee should pursue the matter.

53. Ms Cyd HO said that she was unable to respond to the Chairman's questionnaire before the latter wrote to the two Directors of Bureau. She was of

the view that as a standard arrangement, the two Directors of Bureau should attend PWSC meetings. Ms Emily LAU said that she was of the same view as Ms HO but had inadvertently chosen the other option in her return.

54. Mr Andrew WONG said that he had clearly stated at the last PWSC meeting that the attendance of the two Directors of Bureau at PWSC meetings should not be made a necessary and standing arrangement.

55. Members noted that out of the 26 members of PWSC (excluding the Chairman), 15 members had indicated their view that as a standard arrangement, SETW and SHPL should attend PWSC meetings to respond to questions on general policy issues. The remaining 11 members considered that Permanent Secretaries from the two Bureaux should attend PWSC meetings to respond to questions on general policy issues as a standard arrangement, and the respective Directors of Bureau should attend on a need basis.

56. Mr Albert CHAN commented that PWSC was the main forum for the Administration to explain to the Legislative Council (LegCo) on capital works proposals and secure LegCo's support for the funding of these proposals. All capital works proposals put to PWSC involved substantial public money and hence were related to major Government policies. The spirit of the Accountability System for Principal Officials could hardly be realized if Permanent Secretaries or Deputy Secretaries took up the responsibility of explaining major Government policies to LegCo in the place of Directors of Bureau. He suggested that if the Administration failed to make appropriate arrangement in accordance with the majority view of PWSC members, the Subcommittee should consider whether it would scrutinize the project proposals in the absence of the relevant Directors of Bureau.

57. Mr Abraham SHEK considered that the two Directors of Bureau should be accountable for the policies and practices relating to capital works projects funded by the Government. The negative response from the two Directors of Bureau to the Subcommittee's invitation for their attendance at PWSC meetings would adversely affect the future co-operation between the Administration and the Legislature.

58. Mr CHAN Kam-lam agreed that the Directors of Bureau should be accountable for the policy issues under their respective portfolios. However, he considered that their regular attendance at all PWSC meetings was not necessary, but should be arranged on a need basis, depending on the nature of the project proposals to be considered. This was in fact also the normal arrangement for Panel meetings. Mr YEUNG Yiu-chung shared the same view.

59. Mr TAM Yiu-chung considered the proposed attendance arrangement set out in the replies of SHPL and SETW acceptable. He urged other members to appreciate the practical difficulties for the two Directors of Bureau to sit through every PWSC meetings having regard to the wide range of policy areas under their respective portfolios and hence their heavy work schedules. He also commented

that as discussions at PWSC normally focused on the technical and implementation aspects rather than the policy aspects, the attendance of the two Directors of Bureau at PWSC meetings on a need basis was appropriate.

60. Miss CHOY So-yuk expressed concurrence with Mr TAM and commented that it would not be meaningful to view the matter as a manifestation of a worsening relationship between the Administration and the Legislature.

61. The Assistant Secretary General 1 (ASG1) advised that the area which had given rise to concern in the present situation was not related to the attendance of public officers at PWSC meetings for individual agenda items. For individual items, it was for the Administration to advise the PWSC on the public officers to be in attendance at the PWSC meeting to respond to questions. The current consultation exercise was concerned with the long-standing practice for the Bureau Secretaries responsible for works, environment, planning and lands to be present at all PWSC meetings to respond to questions on general policy issues. Members' earlier concerns about the estimation of consultancy fees was one example of the general policy issues which arose from time to time at PWSC meetings.

62. Noting ASG1's advice, Ms Emily LAU pointed out that the long-standing practice had been introduced and maintained for a reason, and it was not appropriate for the Administration to change this practice without prior consultation with PWSC. The attendance of other Directors of Bureau for individual agenda items should not be made a standard arrangement and should be arranged on a need basis.

63. Mr Andrew WONG said that as all PWSC members had clearly made known their respective position on the matter, it would not be meaningful to further discuss the matter at this Subcommittee. He suggested that the matter be referred to FC or the Panel on Constitutional Affairs for consideration.

64. Ms Miriam LAU suggested that the Subcommittee might write to the two Directors of Bureau again to ask them to reconsider their position in the light of the further comments of members made at this meeting. Mr IP Kwok-him and Mr SIN Chung-kai supported the suggestions of Mr Andrew WONG and Ms Miriam LAU that the Subcommittee should refer the matter to FC for its advice, while at the same time write to the two Directors of Bureau to put to them the reasons why a majority of PWSC members considered their attendance at PWSC meetings necessary.

65. Dr TANG Siu-tong and Mr Abraham SHEK agreed that the issue should be referred to FC for advice. Mr SHEK however did not consider it meaningful to write again to the two Directors of Bureau on the same matter, though he did not find this move objectionable.

66. The Chairman concluded that PWSC should refer the matter to FC for advice, while at the same time write to the two Directors of Bureau to put to them

the reasons why a majority of PWSC members considered their attendance at PWSC meetings necessary.

Financial Secretary's comments regarding the need to review the priority order among public works projects

67. The Chairman reported on the follow-up actions taken in respect of members' concern about the Financial Secretary's comments regarding the need to review the priority order among public works projects. As agreed at the PWSC meeting held on 16 October 2002, he had written on behalf of PWSC to the House Committee Chairman to convey members' request for the Financial Secretary (FS) to clarify and elaborate his comments at the House Committee meeting. The matter was discussed at the House Committee meeting on 18 October 2002. Noting that the Panel on Financial Affairs had invited FS to attend the meeting on 25 October 2002, the House Committee agreed that Members would take the opportunity to raise their concerns with FS about the funding policy on public works projects. As FS's explanation at the meeting of the Panel on Financial Affairs could not fully address members' concerns, the Chairman had written to SETW and SPHL on 29 October 2002 to seek their clarification on the yardsticks used in assessing the merits of individual public works projects under planning and whether any of these projects had been or would be deferred or shelved as a result of the consideration of economic benefits. The replies from the two Directors of Bureau were circulated to members vide LC Paper No. PWSC 24/02-03 on 12 November 2002. The FC Chairman had also written to FS on the same subject on 30 October 2002. The letter, together with the reply from FS, were circulated to FC members vide LC Paper No. FC 23/02-03 on 11 November 2002.

68. The meeting ended at 12:50 pm.