

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

**Minutes of the 2nd meeting
held in the Chamber of Legislative Council Building
on Wednesday, 27 October 2004, at 10:45 am**

Members present:

Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP (Chairman)
Hon Alan LEONG Kah-kit, SC (Deputy Chairman)
Hon Fred LI Wah-ming, JP
Hon Margaret NG
Hon James TO Kun-sun
Hon CHAN Kam-lam, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man

Members absent:

Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP

Public officers attending:

Miss Amy TSE, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) ³
Mr Clement CHEUNG, JP	Permanent Secretary for the Environment, Transport and Works (Works)
Mrs Rita LAU, JP	Permanent Secretary for Housing, Planning and Lands (Planning and Lands)
Mr Rob LAW, JP	Director of Environmental Protection
Miss Janice TSE	Principal Assistant Secretary for Financial Services and the Treasury (Treasury) (Works)
Mr TSAO Tak-kiang, JP	Director of Civil Engineering and Development
Mr MA Ming-yiu	Chief Engineer/Tin Shui Wai and Pak Shek Kok (Acting)
Mr Eddie POON	Principal Assistant Secretary for Home Affairs (Recreation and Sport)
Mr C H YUE, JP	Director of Architectural Services
Mr Eddy YAU, JP	Assistant Director of Leisure and Cultural Services (Leisure Services) ³

Clerk in attendance:

Ms Anita SIT	Senior Council Secretary (1) ⁹
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Staff in attendance:

Ms Pauline NG	Assistant Secretary General 1
Ms Alice AU	Senior Assistant Secretary (1) ⁵
Ms Caris CHAN	Senior Legislative Assistant (1) ¹
Mr Frankie WOO	Legislative Assistant (1) ²

Action

The Chairman recapped that at the last Subcommittee meeting held on 12 October 2004, members had agreed to the arrangement that individual members would be allowed to ask two questions initially and to ask follow-up questions once during the first round of questions. Members however would be at

liberty to ask a second round or further rounds of questions. The purposes of the arrangement were to enable better management of the meeting time and to allow a fair and adequate opportunity for each member to ask questions and hence thorough deliberation on funding proposals. As in the past session, he would strive to end the meetings by the normal ending time of 12:45 pm. He further said that in case any member wished to extend the meeting to finish some urgent items, they should raise their request early and allow time for the Subcommittee to consider such a request.

2. In reply to the Chairman's enquiry, the Deputy Secretary for Financial Services and the Treasury (Treasury)³ (DS(Tsy)³) advised that as in the previous sessions, the Administration was preparing a list of potential items for submission to the Public Works Subcommittee (PWSC) in the 2004-05 legislative session for members' information. The list was expected to be ready soon. In this connection, the Chairman said that it had been a standing practice for the Administration to consult the relevant Panel(s) on major public works proposals before the proposals were submitted to PWSC. Members should take the opportunity and raise any policy matters in relation to the PWSC items that they were concerned about at the relevant Panel(s).

3. The Chairman also reminded the Administration of the need to pace out PWSC submissions within the session. He said that it would be undesirable if the Subcommittee had to schedule excessive additional meetings towards the end of the session to consider funding proposals which could have been submitted earlier. DS(Tsy)³ took note of the Chairman's view.

Head 707 – New Towns and Urban Area Development

PWSC(2004-05)38	227CL	Tin Shui Wai development – village flood protection works for Sheung Cheung Wai, phase 2 – construction of interceptor drains
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4. The item was voted on and endorsed.

Head 703 – Buildings

PWSC(2004-05)39	394RO	District open space in Area 39, Fanling/Sheung Shui
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5. Mr LEE Wing-tat questioned whether the provision of a small activity area for cyclists in the proposed district open space could adequately meet the demand in the Fanling and Sheung Shui areas. Expressing support for the provision of more facilities for cyclists, Miss CHOY So-yuk asked whether a cycling path could be provided along the perimeter of the proposed district open space.

6. The Assistant Director of Leisure and Cultural Services (Leisure Services)³ (AD(LS)³, LCSD) replied that due to space constraints, it was not possible to construct a full-course cycling path as suggested by Miss CHOY. Notwithstanding the relatively small size of the proposed activity area for cyclists, the facilities therein would allow users to practice their cycling skills. The provision of similar facilities in other areas had proved to be popular among cyclists. Cyclists could also make use of the cycling path at Pak Wo Road nearby which was connected to the proposed activity area via a subway link. He added that the proposed football pitch could also be used for cycling activities on special occasions.

7. The item was voted on and endorsed.

PWSC(2004-05)40 396RO District open space in Area 2, Tung Chung

8. Members noted the letter dated 27 October 2004 from the Chairman of the Islands District Council stating that the District Council was in support of the proposed project.

(Post-meeting note: The letter was tabled at the meeting and subsequently issued to members vide PWSC13/04-05.)

9. Mr TAM Yiu-chung stated support for the project and called on the Administration to expedite the delivery process so as to provide much-needed recreational space in Tung Chung. He remarked that proportionately there should be more female toilets to cater for the needs of female users. He asked whether consideration had been given to assessing the adequacy of female toilets in the proposed district open space. AD(LS)³, LCSD replied that the Administration would ensure that adequate toilet facilities would be provided taking into account the projected number of male and female users. He also took note of Miss CHOY So-yuk's view that western-style toilets should be provided to facilitate the use of the elderly.

10. Highlighting the needs of elderly users, Mr TAM Yiu-chung asked whether there would be adequate provision of seating and sheltering facilities. Miss CHOY So-yuk suggested that a pebble foot massage path should be provided as an elderly fitness facility.

11. In response, AD(LS)³, LCSD confirmed that a landscaped area with sitting-out facilities and rain shelters would be provided in the proposed district open space. This would provide a pleasant park environment for the enjoyment of the elderly. There was also a Tai Chi area for the elderly to exercise. Moreover, the Tung Chung Cable Car Terminal located next to the proposed district open space would also provide shelter for the users in case of rains. He agreed that the Administration would consider Miss CHOY's suggestion about the provision of a pebble foot massage path.

12. Referring to the site plan at Enclosure 1 of the paper, Mr LAU Sau-shing stressed that various facilities to be provided in the district open space should be conveniently located for different users. Acknowledging Mr LAU's concern, the Director of Architectural Services (D Arch S) said that the locations of the various proposed facilities might not follow the illustrations on the site plan as the project would be tendered out under a design-and-build contract. Based on the conceptual plan provided in the tender document, the contractor would develop a detailed design for the proposed district open space and its facilities. Consideration would also be given to complement the architectural design of the Cable Car Terminal.

13. Noting the planned provision of a swimming pool and a civic centre in the vicinity, Mr LAU Sau-shing said that from an architectural point of view, it would be better if all these community facilities could be planned in one integral design to ensure good co-ordination and connectivity. He suggested that instead of tendering the proposed project out under a design-and-build contract, the Administration could consider organizing an open competition to invite designs to develop the whole area into an integrated complex.

14. The Principal Assistant Secretary for Home Affairs (Recreation and Sport) (PAS(R&S), HAB) advised that while the said swimming pool and civic centre were under preliminary planning, a definite timetable for their implementation had yet to be drawn up. Hence, the Administration considered it more appropriate to proceed with the district open space project first. In this respect, the Chairman suggested that Mr LAU Sau-shing could pursue the policy implications of his suggestion at the relevant Panel.

15. Mr LEE Wing-tat considered that the Administration should encourage lively and innovative architectural design for the proposed district open space and the designer should be allowed more creativity and flexibility in the design process. D Arch S stated that under the proposed design-and-build approach, the Administration would only lay down the main theme of the district open space and the basic user requirements for the contractor to follow. Other than that, the contractor would be given free hand in the architectural design aspects.

16. Ms TAM Heung-man was concerned about the impact of noise and dust nuisances on local residents living in the immediate vicinity of the project site, and asked whether the local community would be consulted again before construction works commenced.

17. D Arch S replied that mitigation of environmental impacts was an important part in the implementation of all public works projects, and there were established procedures and guidelines for the Administration to follow. During construction of the proposed project, the Administration would control noise and dust nuisances to within established standards and guidelines through the implementation of mitigation measures in the relevant contracts. These included the use of silencers, mufflers, acoustic lining or shields for noisy construction activities, frequent cleaning and watering of the site, and the provision of

wheel-washing facilities. In addition to the stringent control exercised by the Architectural Services Department (ArchSD), he said that the Environmental Protection Department would also monitor the situation of compliance. As regards consultation with the local community, D Arch S said that the Islands District Council had been consulted on the scope of the project on 4 September 2002.

18. The item was voted on and endorsed.

PWSC(2004-05)41 399RO District open space in Area 35, Tsuen Wan – phase 2

Admin 19. Ms Margaret NG noted that the provision of public open space at the district level was planned by reference to the Hong Kong Planning Standards and Guidelines. At her request, the Administration agreed to provide the said Guidelines for members' reference after the meeting.

20. In reply to Mr LAU Sau-shing, D Arch S explained that the \$200,000 consultant's fee for contract administration services was for quantity surveying services only. As the project would be tendered out on a design-and-build basis, it would be the contractor instead of the Government which would engage consultants for architectural design services.

Admin 21. Mr Albert CHAN enquired about the disproportionately high provision of \$31 million for drainage and external works under the project. D Arch S explained that external works accounted for most part of this cost item as the project site was quite large (about 25 000 square metres (m²)) and required a substantial amount of external works. On average, the estimated cost of drainage works was about \$164 per m² while that of external works was \$1,080 per m². He assured members that while this was a substantial amount in the total project cost, the unit costs of drainage and external works were comparable with those for other similar projects. To avoid confusion, the Chairman requested and the Administration agreed that cost estimates for drainage and external works would be separately presented in future submissions.

22. Mr TAM Yiu-chung asked why toilet facilities were not planned under the proposed project. AD(LS)3, LCSD explained that there was already adequate provision of toilet facilities in the vicinity, including those within the adjacent Tsuen Wan Park (phase 1) and a public toilet managed by the Food and Environmental Hygiene Department near the West Rail Tsuen Wan West Station. These toilets were within a short walking distance of the project site.

23. Mr LEE Wing-tat was concerned about the connectivity between the proposed district open space and other parks and open spaces in the area. AD(LS)3, LCSD responded that upon completion of the project, the proposed district open space which was phase 2 development of the Tsuen Wan Park would link up with the existing Tsuen Wan Park (phase 1) and Riveria Park to serve as a

major seafront open space in the Tsuen Wan District. The Administration had plans to connect the proposed district open space with the adjacent seafront area in the north in future. The Chairman said that such information should have been clearly illustrated in the site plan provided by the Administration. To facilitate members' understanding of the relationship between the proposed projects and the local environment, he requested the Administration to provide more detailed site plans in future submissions.

24. Mr Albert CHAN stated that to facilitate access by local residents, the Administration should consider providing covered walkway connections between the proposed district open space and the nearby residential estates including Riveria Gardens and Belvedere Garden.

25. Mr Albert CHAN also expressed doubt on the adequacy of facilities to segregate cyclists from pedestrians as many cyclists were expected to ride in the proposed district open space. In reply, AD(LS)3, LCSD said that as currently planned, the Administration would consider the provision of a cycling path at a later stage in the northern part of the district park. After the project was completed, the Administration would ensure proper park management to minimize the risk of accidents. Mr Albert CHAN however pointed out that it was not cost-effective to provide the said cycling path at a later stage separately.

26. Mr Albert CHAN considered that the Administration should plan the planting of trees along a dedicated theme that would complement the local environment and overall design. AD(LS)3, LCSD said that as the proposed project would be tendered out as a design-and-build contract, the contractor should be allowed certain flexibility to decide on the matter taking into account all relevant factors. He agreed to convey Mr CHAN's concern on the need to adopt a cohesive design to the contractor for consideration. Mr Albert CHAN however considered that such an undertaking could not adequately address his concern, and requested the Administration to come up with a tree theme before the relevant FC meeting.

27. Mr Albert CHAN pointed out that the estimated cost for external works and hence, total project cost could be significantly reduced if a passive open space with minimal structures was adopted. He considered that while it had been the long-standing request of local residents for the completion of this remaining phase of Tsuen Wan Park to meet their need for public open space and leisure facilities, the provision of facilities under the project was ill-conceived with the inclusion of the children adventure area and climbing wall which were at odds with the passive nature of the proposed district open space. Moreover, he was concerned that the mixture of passive and active recreational facilities would create conflict among the users. Citing the provision of active recreational facilities in the adjacent Tsuen Wan Riveria Park and Tsuen Wan Park (phase 1), Mr CHAN was strongly of the view that this valuable and scenic stretch of seafront land should be developed into a passive open space to serve as a quiet and calm respite for local residents.

28. Mr LAU Sau-shing considered that the design of the proposed district open space should reflect the unique characteristics of the local environment. In this respect, he asked whether the Administration had solicited the views of local residents to gauge their expectation and requirements on the proposed district open space.

29. Mr LEUNG Kwok-hung also stressed the importance of consultation with the local community in the planning and design stages of public works projects to ensure the provision of facilities that could best meet their requirements. He commented that after the abolition of the two municipal councils, there were inadequate channels to solicit public views on community facilities. To facilitate members' understanding, he requested the Administration to provide more details on the extent and scope of its public consultation for the proposed project, including the number of consultation meetings held with local bodies and the names of professional bodies and Government advisory bodies consulted for the proposed project before the relevant Finance Committee (FC) meeting.

30. AD(LS)3, LCS D responded that it was an established procedure to consult the local District Council on the relevant public works projects. The Tsuen Wan District Council (TWDC) was consulted on the scope and schematic design of the project on 29 July 2003. TWDC Members had given their support for the project as well as the proposed facilities, and strongly urged for its early implementation.

31. Regarding the provision of facilities under the project, AD(LS)3, LCS D explained that when planning for the provision of recreational facilities in the Tsuen Wan Park, the Administration was mindful of the need to serve the different needs of the residents. As a number of active recreational facilities had already been provided in the existing Tsuen Wan Park (phase 1), the intention was that the proposed district open space should mainly be provided with passive recreational facilities. Notwithstanding, the Administration had also included the said adventure area and climbing wall under the project as special facilities for children. He called on members' understanding that given the scarcity of land in Hong Kong, the Administration must maximize the use of land space to meet the needs of different user groups.

32. Mr Albert CHAN remained unconvinced by the Administration's explanation, and said that he would not support the funding request if the Administration did not agree to delete the children adventure area and climbing wall from the project.

33. AD(LS)3, LCS D reiterated that when consulted, TWDC Members had given their support for the project as well as the proposed facilities, and strongly urged for its early implementation. If there were changes to the proposed facilities, the Administration would have to consult TWDC again. PAS(R&S), HAB added that given the local nature of the project, TWDC was considered a legitimate and appropriate forum for consultation to ensure that the proposed design and facilities generally met the needs and expectations of the future users.

34. Ms Margaret NG was dissatisfied that the Administration had asked members to endorse such an important project based on a conceptual design plan only. Noting that a lot of concerns had been raised on the fundamental design concept of the proposed district open space, she queried whether it was typical to tender out public works projects of this kind under a design-and-build contract. Ms NG was also concerned that if the project was allowed to proceed using the design-and-build approach, there would be no way to solicit and incorporate public views during the detailed design stage.

35. D Arch S explained that the design-and-build approach had been widely adopted in other public works projects such as the construction of government quarters and offices with satisfactory results. The approach was currently being tried out in other types of projects such as the construction of swimming pools and the renovation of libraries. In line with the "Small Government, Big Business" principle, the Administration considered that the scope of employing the design-and-build approach in public works projects should be extended to allow more participation by the private sector. As a trial, the Administration had decided to adopt the same approach for the development of district open spaces under the present item and the two preceding items under one design-and-build contract. This could allow the contractor more freedom to employ its own knowledge and expertise to deliver the best facilities for public use. He assured members that the Administration would consult the relevant District Councils again when the contractor's design proposals were available so that local views would be duly considered. With experience, the Administration would review the use of design-and-build approach for this type of public works projects to ensure that the best results were achieved.

Admin 36. Mr LEUNG Kwok-hung however questioned the efficacy of the "design-and-build" approach, and requested the Administration to provide members with examples of public works projects for which the approach was adopted.

37. Ms TAM Heung-man was concerned about the control exercised by the Administration in the design-and-build process to ensure design quality and cost-effectiveness. D Arch S responded that under the design-and-build approach, the Administration would set out the basic requirements which must be met by the contractor in terms of the provision of user required facilities, quality and cost. Other than that, the contractor was at will to employ its best techniques and expertise to deliver the project. Throughout the process, ArchSD would exercise stringent monitoring over the contractor's compliance with the basic requirements, and the relevant District Councils would be consulted on the design proposals submitted by the contractor. There was also an established procedure to assess the performance of the contractor and monitor its progress. Appropriate regulating actions would be taken against poorly performing contractors including mandatory suspension from tendering public works projects. For more serious cases, the Administration could re-enter the relevant contracts.

38. Mr LAU Sau-shing shared Ms Margaret NG's concern about the appropriateness of adopting the design-and-build approach for the present project. He suggested that the Administration should withdraw the item and come with up a definite design and theme for the proposed district open space that was widely accepted by the local community before re-submission. His view was shared by Mr Albert CHAN, Mr LEUNG Kwok-hung and Ms Margaret NG. Mr LEUNG Kwok-hung also opined that in future, the Administration should ensure that officials who were responsible for the land use planning for and design of the proposed public works projects were present at the relevant PWSC meetings to answers questions from members.

39. While noting the members' views, PAS(R&S), HAB said that in order to induce greater interest among potential tenderers, the Administration had decided that the present item and the two preceding items would be put together as one design-and-build contract at a total estimated cost of about \$100 million. If there was any delay in the present project, it might impact on the implementation of the other two projects which were also supported by the local District Councils. He invited members to consider giving funding approval for the proposed project first so that the relevant tendering procedures could proceed. When a detailed design of the proposed district open space was available, the Administration would consult TWDC again to see how the overall design and the facilities could be improved.

40. Mr LAU Sau-shing however considered that as the three projects in question were unrelated, the Administration could tender out the other two projects first.

41. Mr TAM Yiu-chung said that as TWDC had expressed the strong wish for the early completion of the project, the project should not be delayed unduly. He called on the Administration to carefully consider the views and suggestions raised by members at the meeting and ensure that they would be suitably taken into account by the contractor.

42. Mr CHAN Kam-lam opined that the Administration should, having regard to the views and suggestions expressed by members at the meeting, formulate its own requirements on the concrete design of the proposed district open space for incorporation into the tender document. It would not be an efficient arrangement for PWSC to scrutinize the detailed design of individual projects.

43. Ms Miriam LAU considered that a judgment on whether a design was acceptable was invariably subjective. Deliberation in the Subcommittee should concentrate on the merits and demerits of the funding request on hand. When a definite design for the proposed district open space was available, members could then pursue the matter at the relevant Panel. Mr Abraham SHEK however said that the design could affect the amount of funding to be sought and thus would require consideration not only at the Panel level. The Chairman stated that while members could discuss the design of individual public works projects at PWSC, matters in relation to the design process having policy implications should be raised at the relevant Panel(s).

44. Ms Margaret NG said that it would not be beneficial to the local community if a poorly designed district park was built. Apart from the construction cost of the district park, a valuable stretch of land along the seafront was also involved for the delivery of the present project. She also pointed out that the consultation with TWDC had been conducted merely on the basis of a conceptual plan, and the Subcommittee had no way to gauge how satisfied TWDC Members were with the proposed facilities. Highlighting the importance of ensuring effective use of public resources, Ms NG did not agree that funding approval for the proposed project should be given lightly before a more concrete design was available.

45. Noting the dissenting views of some members, Mr CHEUNG Hok-ming sought information from the Administration as to how long it would take to re-submit the item after further local consultation. D Arch S responded that the time taken would depend on the extent of changes contemplated. Assuming that the design-and-build approach would not be adopted for this project and taking into account the need to allow time for further consultation with TWDC, the whole process would take no less than three to four months as a very rough guess. He added that the interest of potential contractors was also an important factor to consider if the three projects were not tendered out together.

46. The Chairman asked whether the Administration would withdraw the present proposal for re-consideration. DS(Tsy)3 replied that the Administration would not withdraw the present proposal and requested the Subcommittee to proceed to vote on the item.

47. The item was voted on and negatived.

48. The meeting ended at 12:45 pm.