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政府總部



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19<sup>th</sup> February 2009

Secretariat of the Legislative Council Panel on Development  
3rd floor, Citibank Tower,  
3 Garden Road  
Central  
(Attn: Ms Anita Sit)

Dear Ms Sit,

**Follow-up to the Development Panel  
Special Meeting on 3 February 2009**

At the special meeting of the Development Panel held on 3 February 2009, the Administration undertook to provide further information regarding HKSAR's reconstruction support work in Sichuan. Our response is set out below.

**Configuration of the 303 Provincial Road**

2. The section of 303 Provincial Road from Yingxiu to Wolong is a life-line access to the Wolong Nature Reserve. It starts from the Yingsiu Town of Wenchuan County, Aba Prefecture, passes through the Gengda village and ends at the Wolong Nature Reserve. The whole section is designed as a single two-way national class II carriageway, with capacity to resist seismic intensity up to VII – VIII levels.

3. The road section has a length of about 45 kilometers. Different parts of the road section will adopt different construction methods and designs as appropriate (such as reconstruction / new construction, strengthening /

restoration, bridges, tunnels and roads), having regard to the geological condition, extent of damage to the existing structure and other environmental factors. Please refer to **Annex 1** for further details.

#### Estimated costs of similar projects supported by other provinces

4. We are seeking relevant information from the Sichuan Government and will revert to the Panel after receiving the requested information from Sichuan.

#### Monitoring of HKSAR's reconstruction support projects

5. We have prepared a supplementary information note setting out further details on the management and monitoring arrangements regarding HKSAR's reconstruction support work, including the certification and acceptance procedures at the completion stage. The note is attached as an enclosure to the FCai Paper for the meeting of the Finance Committee on 20 February 2009. The note is reproduced at **Annex 2** for Members' reference.

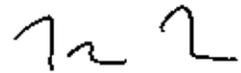
#### Number of site visits organised to Sichuan and the number of Hong Kong Professions and overseas experts participating in those site visits

6. Our preliminary data show that between July 2008 and January 2009, representatives of relevant Government Bureaux/Departments, together with professionals of the relevant sectors have conducted 13 working meetings with the Sichuan counterparts to discuss matters relating to HKSAR's reconstruction support work. The number of participating personnel from Government Bureaux/Departments and the Hong Kong Hospital Authority is about 99, and that for Hong Kong professionals is about 55.

7. In addition, the above representatives also participated in 9 rounds of site visits in Sichuan with a view to enhancing our understanding of the local situation on-site. The number of participating personnel from Government Bureaux/Departments and the Hong Kong Hospital Authority is about 64, and that for Hong Kong professionals is about 30.

8. Should the Panel require further information, please feel free to contact the undersigned.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Ivan K B Lee'.

(Ivan K B Lee)

for Secretary for Constitutional and Mainland Affairs

c.c. SDEV (Attn: Mr David Tong)

**Information about 303 Provincial Road's configuration**

| <b>Construction Type</b>                        | <b>Length (km)</b>                 |  |              |
|---|------------------------------------|--|--------------|
|   | <b>Strengthening / Restoration</b> | <b>Reconstruction / New Construction</b> | <b>Total</b> |
| <b>Bridges</b>                                  | 0.8 (15 nos.)                      | 1.0 (8 nos.)                             | <b>1.8</b>   |
| <b>Tunnels</b>                                  | 1.3 (2 nos.)                       | 3.4 (2 nos.)                             | <b>4.7</b>   |
| <b>Others</b><br><i>(Mainly road structure)</i> | 24.8                               | 13.4                                     | <b>38.2</b>  |
| <b>Total:</b>                                   | <b>26.9</b>                        | <b>17.8</b>                              | <b>44.7</b>  |

## Enclosure to FCR(2008-09)66

**Management and Monitoring Arrangement for  
Reconstruction Works in the Sichuan Earthquake Stricken Areas Supported by  
HKSAR**

Both the HKSAR and Sichuan Provincial Governments fully understand the importance of works quality in reconstruction for Sichuan earthquake stricken areas, and will make arrangements and take initiatives to ensure that the reconstruction works supported by HKSAR will meet the latest quality requirements of the Mainland and fulfill public aspirations. Details of the initiatives are given in the following paragraphs.

**Well-defined Commitments and Applicable Laws and Regulations**

2. The “Cooperation Arrangement on the Support of Restoration and Reconstruction in the Sichuan Earthquake Stricken Areas” (the Arrangement) signed by the Hong Kong and Sichuan Provincial Governments in October 2008 clearly defines the basic responsibilities of the two governments, technical standards for the HKSAR’s post-quake reconstruction support work and project management arrangement, etc. It is stated in paragraph 5 of the Arrangement that the technical standards for the works projects funded by the HKSAR should comply with the laws and regulation in the Mainland, with suitable monitoring mechanism. The HKSAR Government is the fund provider of the relevant projects. The Sichuan Provincial Government should be responsible for the arranging actual implementation, as well as the daily management and supervision of the projects. Tender invitation and assessment for these projects should be conducted in accordance with the relevant laws and regulatory systems in the Mainland. In fact, after the earthquake, the Central Government and the Sichuan Provincial Government enacted a series of ordinances and requirements<sup>1</sup> to regulate the reconstruction support work, including the seismic resistance requirement and construction standards, seismic design, works quality supervision responsibilities, inspection on completion of seismic resistance construction, management and monitoring, tendering arrangement and legal liabilities, etc.

3. The Arrangement has laid down a framework for management and monitoring of the reconstruction works supported by HKSAR, which forms a well defined basis for execution of the related work.

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<sup>1</sup> The related legislation and regulations include the “Tendering Ordinance”, the “Construction Works Quality Management Ordinance” and the series of ordinances and regulations enacted after the earthquake, examples of which are the “Wenchuan Post-quake Restoration and Reconstruction Ordinance”, the “General Planning by the State for Restoration and Reconstruction after Wenchuan Earthquake” and the “Seismic Design Standards (2008)”, etc.

## **Project Management**

4. The reconstruction works supported by the HKSAR will be executed on project by project basis. The Sichuan side will carry out necessary project feasibility study and prepare a feasibility study report (hereinafter referred to as “feasibility report”). A “feasibility report” will normally include the scope and scale of the project, planning standard of the facility, seismic resistance design standards, cost estimates, preliminary plans on timing of project milestones and tendering methods. Based on the “feasibility report” approved by the relevant departments of Sichuan Provincial Government, and following the principles of the Arrangement, the HKSAR Government will sign project cooperation arrangement for each project. The signed project cooperation arrangement will clearly specify matters such as the project nature, scale, scope, people to be served, seismic resistance design standard, estimated project progress and ceiling of HKSAR’s financial commitment. This project cooperation arrangement is conducive to monitoring of project progress during implementation jointly by HKSAR and Sichuan Provincial Governments, in a systematic manner. It would also help ensure that works at every important stage are carried out in strict compliance with the Mainland laws and regulations, and with suitable level of monitoring and audit.

## **Project Monitoring**

5. Under the “Construction Works Quality Management Ordinance” promulgated by the State Council in 2000, it is stipulated that the project agent, investigation agent, design agent, supervision agent and construction agent shall be held responsible for the quality of construction projects, and relevant government departments must manage the monitoring of works quality. The “Restoration and Reconstruction after Wenchuan Earthquake Ordinance”, clearly specifies that relevant government departments should step up monitoring of the quality and safety of the post-quake restoration and reconstruction works, product quality as well as the appropriation and usage of fund. The Ordinance also stipulates that the supervisory organs should step up supervision on the personnel of State Organs and related organisations involved in the post-quake restoration and reconstruction work.

6. On the engagement of investigation, design, supervision and construction corporations to take part in the reconstruction projects supported by HKSAR, the “Arrangement” stipulates that tendering exercise would be handled in accordance with related laws and regulations. The requirements for credential of the corporations to be contracted could be raised as appropriate so as to further enhance the assurance of the quality of the projects. According to the “Sichuan Provincial Government’s Notice of Tendering for the Reconstruction of Post Earthquake State Investment Construction Projects”, the tendering of post-earthquake reconstruction projects must comply with the

principles of fairness, just and honesty. It also stipulates that the laws, regulations and rules on tendering must be strictly enforced. Furthermore, public finance departments and auditing organs will also monitor the tendering exercise. The Hong Kong side may require the Sichuan side to provide tender documents and other information of each project in due course, so that the Hong Kong side may provide views on the scope, forms, procedures, cost estimates, pre-qualifying requirements and tender assessment criteria.

7. On project monitoring, the “Construction Works Quality Management Ordinance” stipulates that strategic constructions, major and medium-sized public utilities projects, projects with foreign aid fund etc. must have a qualified supervision engineer resident on-site, to supervise the construction project in accordance with the standards of project supervision. Without the signature of the supervision engineer, construction materials, parts and equipment should not be used and installed in the project; work should not proceed to the next stage; project payment should not be effected and completion inspection should not be carried out. Should there be a relationship of subordination or interests between a project supervision agent and a construction agent or a supplies agent of construction material, construction parts and equipment under his supervision, the project supervision agent shall not undertake the supervision duty of the project.

8. The “Construction Works Quality Management Ordinance” also stipulates that the construction agent should establish a quality responsibility system and be responsible for the quality of all the construction works, including the sub-contracted works. The construction agent must examine the construction materials, construction parts and equipment in accordance with the construction design requirements, construction technical standards and contract terms; and nothing unexamined or found sub-standard should be used. The construction agent must establish a sound construction quality inspection system and must strictly manage work processes. Concealed works must be inspected by the project agent and construction works quality inspection authority before concealment, with filing records. Sampling of materials for structural safety testing must be conducted in the presence of the project agent and supervision agent and be inspected and tested by a quality inspection and testing agent with suitable level of credential.

9. Regarding the completion inspection, when the project agent has received the completion report, he should arrange the design, construction and supervision agents and other related parties to carry out inspections, and report to the construction office or other relevant departments of the Peoples’ Government at provincial level or above for record purposes, so as to enhance the level of supervision and management by the Government. The government departments would base on the supervision report prepared by the quality monitoring and inspection agent to check whether there has been any non-compliance with the requirements on construction works quality control in the process of the completion inspection. If necessary, an order to suspend the usage will be given and a new round of completion inspection should be arranged. The facility can only be used upon satisfactory inspection.

10. To further ensure the quality of the works, the Hong Kong side would suitably take part in the monitoring of the reconstruction works, with reference to the works quality management mechanism established by the Sichuan side. The Arrangement states that the Hong Kong side, while abiding by the State's relevant regulations and polices, may assign professional organisations/personnels to provide professional advice where necessary on the planning, design, construction, consultation, management, supervision, accounting and audit work of the reconstruction projects funded by the HKSAR. The Hong Kong side may also organize inspections, at regular or irregular intervals, on the related data and information of the projects, and may conduct on-site inspections to check on the progress, quality of the materials used as well as the use of the allocated funds, to ensure that the projects are implemented according to standards. The Sichuan side should provide relevant documents, such as report by an independent certification body, report by supervision agent, works report (the contents of which include construction progress, quality of works, financial status, works safety, environmental impact, etc.) as well as drawings showing completion of works at various stages and site photos, notes of meetings and records of test, as proof and reference.

### **Project Supervision Framework**

11. The overall implementation and monitoring of the reconstruction projects supported by HKSAR falls on relevant bureaux. For the implementation of works, the Development Bureau will provide technical support to other bureaux. As the monitoring of works quality is of utmost importance and that there are many reconstruction projects supported by HKSAR, the workload of on-site inspection is very heavy. On top of additional civil service staff, the Development Bureau will commission “**independent professional consultants**” with extensive experience in monitoring and checking Mainland works projects to assist in carrying out site inspections. The consultants will conduct on-site checking of the progress of works, quality and use of funds at important stages, such as construction of foundation and structures as well as the completion of project milestones. The service also includes vetting of documents on quality management provided by the Sichuan side. To apply the “Government-led, full community involvement” principle, the “Hong Kong Construction Sector 5.12 Reconstruction Joint Conference” and other volunteer professionals from the construction industry, as well as other professional bodies/volunteers may also participate in monitoring of the reconstruction projects supported by HKSAR.