

立法會
Legislative Council

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Finance Committee of the Legislative Council

**Minutes of the 47th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 22 May 2015, at 3:00 pm**

Members present:

Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)

Hon CHAN Kin-por, BBS, JP (Deputy Chairman)

Hon Albert HO Chun-yan

Hon LEE Cheuk-yan

Hon James TO Kun-sun

Hon CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP

Hon Abraham SHEK Lai-him, GBS, JP

Hon Vincent FANG Kang, SBS, JP

Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN

Hon Andrew LEUNG Kwan-yuen, GBS, JP

Hon WONG Ting-kwong, SBS, JP

Hon Ronny TONG Ka-wah, SC

Hon Cyd HO Sau-lan, JP

Hon Starry LEE Wai-king, JP

Hon CHAN Hak-kan, JP

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP

Hon CHEUNG Kwok-che

Hon WONG Kwok-kin, SBS

Hon IP Kwok-him, GBS, JP

Hon Mrs Regina IP LAU Suk-yee, GBS, JP

Hon Paul TSE Wai-chun, JP

Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SIN Chung-kai, SBS, JP
Dr Hon Elizabeth QUAT, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon NG Leung-sing, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP

Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP

Public officers attending:

Professor K C CHAN, GBS, JP	Secretary for Financial Services and the Treasury
Ms Elizabeth TSE Man-yee, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)1
Mr Alfred ZHI Jian-hong	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr HON Chi-keung, JP	Permanent Secretary for Development (Works)
Mr CHAN Chi-ming, JP	Deputy Secretary for Development (Works) 2
Mr CHENG Ting-ning, JP	Project Manager (New Territories East), Civil Engineering and Development Department
Mr WONG Kin-por	Chief Engineer (Boundary Control Point), Civil Engineering and Development Department
Mr Stephen TANG, JP	Deputy Director of Architectural Services
Mrs Sylvia LAM	Project Director (2), Architectural Services Department
Mr Michael LI	Chief Project Manager 202, Architectural Services Department

Clerk in attendance:

Ms Anita SIT	Assistant Secretary General 1
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Staff in attendance:

Mr Jimmy Y T MA, JP	Legal Adviser
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Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Stephen LAM	Senior Assistant Legal Adviser 2
Mr Derek LO	Chief Council Secretary (1)5
Mr Daniel SIN	Senior Council Secretary (1)7
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Michelle NIEN	Legislative Assistant (1)5
Miss Yannes HO	Legislative Assistant (1)6

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**Item No. 1 – FCR(2015-16)10
RECOMMENDATIONS OF THE
PUBLIC WORKS SUBCOMMITTEE MADE
ON 8 APRIL 2015**

The Chairman advised that the item sought the Committee's approval of the recommendations of the Public Works Subcommittee ("PWSC") made at the meeting on 8 April 2015 as stated in PWSC(2015-16)1 and PWSC(2015-16)2. No members had requested for the items to be considered and voted on separately at the Finance Committee ("FC") meeting.

2. The Chairman put the item FCR(2015-16)10 to vote. The Chairman declared that the Committee approved the item.

**Item No. 2 – FCR(2015-16)11
CAPITAL WORKS RESERVE FUND
HEAD 705 – CIVIL ENGINEERING
Support – Boundary facilities (other than road works)
19GB – Liantang/Heung Yuen Wai Boundary Control Point and associated works – site formation and infrastructure works**

**Item No. 3 – FCR(2015-16)12
CAPITAL WORKS RESERVE FUND
HEAD 703 – BUILDINGS
Support – Boundary facilities (other than road works)
13GB – Liantang/Heung Yuen Wai Boundary Control Point and associated works – construction of boundary control point buildings and associated facilities**

3. The Chairman advised that the item FCR(2015-16)11 sought the Committee's approval of an increase in the approved estimate of the project 19GB, Liantang/Heung Yuen Wai ("LT/HYW") Boundary Control Point ("BCP") and associated works – site formation and infrastructure works, by

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\$8,719.9 million in money-of-the-day ("MOD") prices. The item FCR(2015-16)12 sought the Committee's approval of upgrading the project 13GB, LT/HYW BCP and associated works – construction of BCP buildings and associated facilities to Category A at an estimated cost of \$8,811.9 million in MOD prices.

4. The Chairman said that as the two items were related to the LT/HYW BCP project, discussion of the two items would be combined and the items would be put to vote separately after the joint discussion.

5. The Chairman said that members who wished to submit proposed motions to be moved under paragraph 37A of the Finance Committee Procedure ("FC Procedure") should clearly state in the proposed motions the item, FCR(2015-16)11 or FCR(2015-16)12, on which the view was to be expressed. The Chairman said that such motions, if any, would be processed following the completion of combined discussion on the items. He would first put the proposed motions that he had ruled to be directly related to FCR(2015-16)11 to the Committee to decide whether they should be proceeded forthwith. After the Committee had dealt with those motions, he would then put the item FCR(2015-16)11 to vote. He would then deal with the proposed motions with respect to FCR(2014-15)12 and then put the item to vote in the same manner.

Submitting proposal rejected by the Public Works Subcommittee for the consideration by the Finance Committee

6. Dr KWOK Ka-ki criticized the Administration for further damaging the relationship between the Government and the legislature by submitting the two funding proposals related to the LT/HYW BCP project directly to FC despite their having been rejected by PWSC. He commented that the Administration should have carefully addressed PWSC's concerns and modified the funding proposals before resubmitting them for members' consideration. However, the Administration had not done so. Dr KWOK criticized the Administration for treating FC as a "rubber stamp" for its schemes which, he considered, the Administration pursued to suit Mainland's interests without giving due regard to the damages the developments might cause to the local environment and the impacts on Hong Kong people.

7. Mr CHAN Chi-chuen asked if there had been precedents where the Administration sought funding approval of FC items for which had been rejected by its subcommittees. Mr CHAN noted that the Administration had withdrawn the funding proposal for carrying a consultancy study on the Kai Tak Multi-purpose Sports Complex ("MPSC") in order to clear the way for FC to

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deliberate on the items related to LT/HYW BCP. He queried whether the decision was made by the Secretary for Financial Services and the Treasury ("SFST") alone, or at the request of the Secretary for Development and with the consent of the Secretary for Home Affairs.

8. SFST replied that there was great urgency for FC to approve the two funding proposals relating to LT/HYW BCP and associated works. The Administration decided to withdraw the item PWSC(2015-16)3 on MPSC from the agenda so as to allow more time for the Committee to deliberate the two items. SFST further explained that funding approval was needed urgently as tender validity periods for the two major contracts under the project were about to expire in July and August 2015, respectively. He added that on the average, for each month of delay in the commencement of the two projects, an extra \$70 million would have to be incurred for the projects.

9. SFST said that, according to paragraph 3 of the FC Procedure, items endorsed by a subcommittee of FC were not normally discussed again in the Committee, though the Committee was free to accept or overturn any recommendation. He quoted two precedent cases, i.e. EC(96-97)52 on proposed retention of four directorate supernumerary posts to work on the development of the Mandatory Provident Fund Scheme, and PWSC(2000-01)8 on North and South Kowloon Sewerage, Stage I, phase II, which were approved by FC after having been rejected by the respective subcommittees. SFST said that it was a collective decision within the Administration to withdraw the funding proposal related to MPSC in Kai Tak Development Area from the FC agenda.

10. Mr LEUNG Kwok-hung said that the two precedent cases quoted by SFST was not comparable in financial terms with the LT/HYW BCP projects. The large cost over-runs of some of the major infrastructure projects were the result of clustering of works items within the same period of time, which push up construction costs. Mr LEUNG queried the need for two BCPs to be constructed under the LT/HYW and Hong Kong-Zhuhai-Macao Bridge projects.

[*Post-meeting note:* Information on the above-mentioned two precedents was issued to members on 26 May 2015 vide LC Paper No. FC173/14-15.]

11. Dr LO Wai-kwok supported the funding proposals. He commented that it was misleading to suggest that the Administration was circumventing PWSC by submitting the two items direct to FC in spite of the PWSC's objection. He said that by PWSC Procedure, the Subcommittee's decision was

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not binding on FC. In fact, the two funding proposals under deliberation at FC had been discussed at length at PWSC and the relevant Panel. The questions related to cost over-runs had also been thoroughly discussed. The project should not be abandoned at this stage due to cost over-run as the infrastructure works to be carried out in connection with LT/HYW BCP would benefit local residents as well as the construction sector.

12. Mr Alan LEONG criticized the Administration for abusing procedure and departing from established practice by submitting the two items on LT/HYW BCP and associated works to FC for approval despite PWSC's disapproval, and without having first having addressed PWSC members' concerns. Mr LEONG said that so far, the item PWSC(2000-01)8 was the only instance where the Administration submitted a funding proposal to FC after its having been rejected by PWSC. The precedent case was different from the LT/HYW BCP-related proposals in that it involved an arbitration decision where the Administration was required to compensate the contractor by an imminent date. Secondly, the amount of compensation that required FC's approval was fixed and was certain. By contrast, as the Administration had indicated, there was no guarantee that the current funding application in respect of LT/HYW BCP and associated works would be final.

13. Mr Alan LEONG further said that PWSC members had queried whether the LT/HYW BCP project was implemented to facilitate further integration of Hong Kong and the Mainland rather than to benefit the people of Hong Kong. The proposed BCP was located in a remote area not readily accessible by the rest of the population. The Administration had concluded in the Hong Kong 2030 Planning Vision and Strategy ("HK2030") released in 2007 that implementation of LT/HYW BCP was not recommended as it would cause considerable damage to the environment amongst other transport reasons. Notwithstanding the conclusion of HK2030, the Administration still revived the plan for no apparent justifications.

Project cost over-run

14. Mr James TIEN said that the Liberal Party was largely in support of the funding proposals. However, he queried the reasons for a sharp increase in project cost within just 18 months. Permanent Secretary for Development (Works) ("PS(W)") said that the project site was remotely located and was not readily accessible by heavy vehicles. Extra cost had to be incurred to provide basic facilities during construction. Project Manager (New Territories East) ("PM(NTE)") supplemented that during the past 12 months, the cost of skilled construction workers (especially those who had specialized training and were experienced in operating heavy machines) had inflated by 18% to 46%, rental

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cost of heavy machines had increased by around 39%. He also explained that due to unforeseen complication in the ground conditions of the Lung Shan Tunnel site, an extra amount of \$700 million was necessary on reinforcement works. Taking into account the extra construction risks, the obligation to compensate contractors for cost variation during the contract period and the extra amount in contingency, the amount of additional cost added up to about \$8.7 billion.

15. Ms Claudia MO commented that the Administration was repeating the same blunder as in the Guangzhou-Shenzhen-Hong Kong Express Rail Project which resulted in serious cost over-run. She asked for how long the current estimate of 19GB being put to the Committee was good, and whether the Administration would again be seeking approval from FC to increase the cost estimate in future should cost over-run continued. Similarly, Mrs Regina IP and Mr Kenneth LEUNG asked if the Administration could undertake not to seek further increase in the approved project estimates ("APE") for LT/HYW BCP. Mr LEUNG Kwok-hung raised a similar query.

16. PS(W) replied that every public works project was unique in some way. It was not appropriate to draw direct comparison between the project 19GB and the Express Rail project. The cost over-run for 19GB was attributed to under-estimation of various cost components. In 2010-2011, when the estimates of 19GB were being worked out, the construction price movement as reflected by the tender prices of earlier works contracts did not reveal a sharp upward trend as evident from those in recent periods.

17. PS(W) supplemented that, as most of the tenders including the major ones for the works related to LT/HYW BCP had returned, the Administration now had a better grasp of the construction market situation, and was now more confident that the updated cost estimates would be fairly accurate unless other unforeseen circumstances emerged in the later stages of the project.

18. Mr LEE Cheuk-yan noted that the proposed increase in APE due to surge in construction cost was about \$3.9 billion whereas the cost escalation due to increase in provision for price adjustment amounted to almost \$3.3 billion. He queried the difference between these two factors. PM(NTE) explained that "surge in construction prices" represented the difference between the original cost estimates and the actual prices as indicated in the returned tenders. "Increase in provision for price adjustment" arose when certain cost components (such as the rental cost of machinery and equipment) had increased during the construction period, and the Administration had to compensate the contractor under a risk-sharing formula as specified in the respective works contracts.

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19. Mrs Regina IP said that the construction sector had reflected to her that cost escalation was attributed to the sharp increase in demand as a result of the Administration's bunching of many public works projects at the same time. She asked the Administration whether this was indeed the situation. Ms Cyd HO asked how much would the levels of construction cost increase with every major infrastructure project to be rolled-out at the same time. She commented that the Administration should spread out public works projects evenly to facilitate the construction sector to plan its resources.

20. PS(W) said that at present, the total amount of construction works currently being handled was worth about \$200 billion, and represented about 90% of the construction peak when the airport core projects were underway in 1990s. Comparing to that period, there should still be residual capacity in the construction sector to undertake more works projects.

21. In response to Mrs Regina IP, PS(W) said that there was a shortfall of skilled workers by 10 000 to 15 000, which had contributed towards the delay in works progress and increase in project cost. The Administration was exploring with the sector various measures such as stepping up construction worker training and importation of labour through the established mechanism. PS(W) added that the Administration had also commissioned further site investigation to reduce uncertainty in construction. Mr Kenneth LEUNG commented that importation of construction workers would have other impacts on the local employment market and other social effects.

22. Mr Kenneth LEUNG commented that almost every major infrastructure project had cost over-run by some 30% to 40%. He said that bunching of a large number of works together would inevitably push up construction costs as the projects competed with each other for labour and machinery. Mr LEUNG queried whether the Administration had coordinated an overall works schedule when it rolled out the 10 major infrastructure projects.

23. Regarding how frequent project cost over-runs occurred, PS(W) clarified that among the 620 public works projects during the 10 financial years from 2004-2005 to 2013-2014 which involved a total APE of some \$620 billion, FC's approval was subsequently sought for increasing APE in respect of 60 projects, or about 10% of projects, involving a total of \$29 billion, or 5% of the total project estimates.

24. Mr Gary FAN asked what monitoring measures the Administration would introduce to avoid large cost over-run in the LT/HYW BCP project. Mr FAN asked whether the Administration would engage independent quantity

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surveyors to monitor construction costs for public infrastructure projects as it did for public building works. PS(W) said that the Administration had reviewed the cost control mechanism in public infrastructure vis-à-vis public building projects and found that the effect, in terms of cost over-run situation, was quite similar.

25. The Chairman asked the Administration to provide information on the proportion of public engineering projects that had cost over-run as compared with public building projects for members' reference.

[*Post meeting note:* The requested information provided by the Administration was issued to members vide FC177/14-15 on 29 May 2015.]

26. Mr Gary FAN noted that one of the reasons leading to cost over-run in the LT/HYW BCP project was the time taken for conducting further site investigations and consultation with local villagers in connection with the construction of the Lung Shan Tunnel. He asked what the villagers' discontents were.

27. Riding on this issue, Ms Cyd HO commented that the Administration should have anticipated the problem during the project planning stage and should have allowed adequate time for public consultation. As regards the uncertainties in the ground conditions that might affect the construction of the Lung Shan Tunnel, Ms HO queried whether the Administration should have explored an alternative route and constructed a road at ground level rather than a tunnel.

28. PM(NTE) advised that the machinery and equipment for carrying out site investigations might need to be carried through private lands, and the contractors might need to collect soil and rock samples in private lands. Consultation with local villagers were held to explain to them what activities were to be carried out in or through their private land and to seek their consent. He supplemented that extra time had already been allowed in the project implementation schedule for consultation with local villagers as well as for the construction of the Lung Shan Tunnel in the light of the difficult ground condition. He assured members that the choice of building the Lung Shan Tunnel had already reflected the selection of the optimal route and which involved the least resumption of private land.

29. Mr Albert HO queried whether the engineering personnel who were responsible for carrying out site investigations should be held accountable for the cost over-run. PM(NTE) explained that the Administration was aware of

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the difficult terrain in which Lung Shan Tunnel was located and had already spent 1.5% of the original project estimates on site investigation works during the project design stage, which already exceeded the standard normally required for most public works projects. The Administration had taken an even more cautious step by conducting further site investigations when it found that the ground conditions appeared to be much more complicated than was originally estimated. As a result, the total cost of site investigation increased to some 2.6% of APE.

30. Mr WU Chi-wai asked whether the proposed LT/HYW BCP project would further increase the demand in the construction sector, and thereby push up construction cost inflation. PS(W) said that the Administration did not anticipate the implementation of LT/HYW BCP and the associated works would push up inflation in the construction sector. Besides, most of the works under LT/HYW BCP had been tendered, and the construction market had taken into account the resources and material needs in their planning.

31. Mr WONG Yuk-man criticized the Administration for not having taken sufficient precaution and contingency to avoid huge cost over-run.

32. Mr Michael TIEN commented that the root cause of project over-run was related to the public works funding procedure. He said that the Administration estimated project costs without giving due consideration to the prevailing and volatile market situation, and, as a result, there was wide difference between the cost estimates and the actual costs reflected by the returned tenders. Mr TIEN asked if the Administration would consider inviting tenders for public works before seeking funding approval from FC.

33. PS(W) said that for some urgent public works items, the Administration had already put in place the practice of inviting tenders before seeking funding approval from FC. Permanent Secretary for Financial Services and the Treasury (Treasury) ("PS(Tsy)") supplemented that there had previously been some discussions on this subject and members had queried whether the practice of inviting tenders on a public works project before funding approval had been received from FC would pre-empt the Committee's decision and sidelined its role in monitoring the use of public funds.

34. PS(Tsy) added that at present bureaux could assess whether a public works project was controversial and decide whether tenders should be invited before submitting it to FC for formal funding approval. In fact, this approach had increasingly been adopted in recent public works items.

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35. Mr IP Kwok-him echoed Dr LO Wai-kwok's comments and said that the LT/HYW BCP project had been thoroughly discussed at the relevant Panel and PWSC before the proposals were submitted to FC for approval. However, Mr IP said that the Administration should step up monitoring of project cost to avoid cost over-run and explain clearly to the community the cost over-run issue.

36. PS(W) responded that the cost over-run in project 19GB was due to the difference in tender prices with the original estimates. He added that an independent team had been deployed to monitor closely the project cost and would rectify problems that arose.

Implications of further delay in funding approval

37. Mr TAM Yiu-chung said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong supported the funding proposals. He asked the Administration to explain the urgency for funding to be approved and the implications of further delay. Mr YIU Si-wing expressed a similar concern.

38. PS(W) said that contracts valued \$12.3 billion had so far been awarded for project 19GB, "LT/HYW BCP and associated works – site formation and infrastructure works", LT/HYW BCP-related works. As the overall prices of the returned tenders were much higher than the original estimates, it was necessary to increase the APE of the project 19GB. PS(W) added that many of the works items were in progress. These contracts and the investment spent would achieve no purpose if the current funding proposals were not approved.

39. PS(W) further explained that the project 13GB also required additional funding to proceed. The tender periods of 19GB and 13GB would expire in, respectively, July and August 2015. It was estimated that an additional cost of \$70 million would be needed for every month of delay in the funding process.

40. Mr YIU Si-wing commented that notwithstanding cost over-run, members should consider the potential benefits from the increased connectivity with the fastest growing region of Guangdong East that the LT/HYW BCP project could bring to Hong Kong and called on members not to delay the funding process. He also asked what loss would be sustained if the funding was not approved.

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41. PS(W) advised that LT/HYW BCP would help connect Hong Kong to Guangdong East areas, linking Huizhou, Shantou and Fujian. He said that between 2009 and 2013, GDP growth in the Guangdong East region was around 12%, surpassing the whole Pearl River Delta area.

42. Mr Albert HO noted that another reason for the surge in construction cost was due to the increase in the average daily wages of construction workers in the range from 18% to 46% within the 12 months' period from August 2012 (as indicated in paragraph 10 of the paper for PWSC(2014-15)33). He sought clarification on the magnitude of wage increase over the twelve-month period.

43. PM(NTE) explained that wages for construction workers were usually calculated on a daily basis. The increase of 18% to 46% represented the difference in average daily wages at the beginning and end of the 12 months' period from August 2012.

44. The Chairman directed that members' speaking time, including the Administration's response, for the second round of questions should not exceed four minutes each.

45. Dr KWOK Ka-ki criticized the Administration for grossly under-estimating the project cost of the LT/HYW BCP works and failing to give assurance that there would be no further cost over-run. He also criticized the Administration for having to take into account the potential loss that might be sustained by Shenzhen for the delay in the BCP project and asked the Administration to quantify such loss.

46. PS(W) said that it was common objective of both HKSAR and Shenzhen governments that LT/HYW BCP should be commissioned in 2018, and it was a fact that Shenzhen would sustain losses if the project was delayed. However, PS(W) said that the Administration did not have information on the amount of loss that Shenzhen might incur as a result of project delay.

Target completion date

47. Ms Emily LAU asked if the LT/HYW BCP project could be completed at its target completion date at the end of 2018, and if not, whether the Administration would need to pay compensation to the Shenzhen authorities for their loss as a result of construction delay. PS(W) admitted that there was a risk that LT/HYW BCP might not be commissioned by end-2018 as scheduled. He confirmed that there was no mechanism to compensate the Shenzhen authorities in case of slippage of construction schedule.

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48. As the Administration had doubts in meeting the target completion date of LT/HYW BCP, Mr WU Chi-wai queried whether the Administration would introduce measures, such as adding suitable terms in the works contracts to require contractors to speed up the project. PS(W) explained that, while the Administration had set a target to commission LT/HYW BCP in end-2018, and would work towards this goal, it would not unreasonably compress construction timetable or introduce unreasonable terms in the contracts just to meet the schedule.

49. The Chairman declared that the meeting be adjourned, and deliberation on the current two items would continue at the next meeting after a break of 10 minutes.

50. The meeting was adjourned at 5:00 pm.

Legislative Council Secretariat

6 October 2015