

立法會
Legislative Council

LC Paper No. PWSC173/14-15

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by the Administration)

Ref : CB1/F/2/1(20)B

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

**Minutes of the 15th meeting
held in Conference Room 1 of the Legislative Council Complex
on Tuesday, 31 March 2015, at 10:45 am**

Members present:

Hon Alan LEONG Kah-kit, SC (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 Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Cyd HO Sau-lan, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Hon CHEUNG Kwok-che
Hon IP Kwok-him, GBS, JP
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP

Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon WU Chi-wai, MH (Deputy Chairman)
Hon Ronny TONG Ka-wah, SC
Dr Hon LEUNG Ka-lau
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Steven HO Chun-yin
Hon CHAN Yuen-han, SBS, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon Dennis KWOK
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP

Public officers attending:

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| Mr YEUNG Tak-keung, JP | Deputy Secretary for Financial Services and the Treasury (Treasury) ³ |
| Mr WAI Chi-sing, JP | Permanent Secretary for Development (Works) |
| Mr Thomas CHAN Chung-ching, JP | Deputy Secretary for Development (Planning and Lands) ¹ |
| Ms Anissa WONG, JP | Permanent Secretary for the Environment |

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| Ms Jasmine CHOI Suet-yung | Principal Assistant Secretary for Financial Services and the Treasury (Treasury) (Works) |
| Mr CHAN Chi-ming | Deputy Secretary for Development (Works)2 |
| Mr LEUNG Koon-kee | Director of Architectural Services |
| Mr Michael LI Kiu-yin | Chief Project Manager 202 Architectural Services Department |
| Mr WONG Kin-por | Chief Engineer (Boundary Control Point) Civil Engineering and Development Department |
| Professor Sophia CHAN Siu-chee | Under Secretary for Food and Health |
| Miss Diane WONG | Principal Assistant Secretary (Food)2 Food and Health Bureau |
| Mr LAM Wing-hong | Assistant Director (Operations)2 Food and Environmental Hygiene Department |
| Mr Edwin WONG Kuo-yang | Chief Architect (Central Management Division 2) Architectural Services Department |

Clerk in attendance:

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| Ms Sharon CHUNG | Chief Council Secretary (1)2 |
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Staff in attendance:

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| Ms Anita SIT | Assistant Secretary General 1 |
| Mr Fred PANG | Senior Council Secretary (1)2 |
| Mr Hugo CHIU | Senior Council Secretary (1)6 |
| Ms Christina SHIU | Legislative Assistant (1)2 |
| Ms Christy YAU | Legislative Assistant (1)7 |
| Ms Haley CHEUNG | Legislative Assistant (1)9 |

The Chairman advised that there were two funding proposals on the agenda for the meeting. The first agenda item was an item carried over from the meeting of the Subcommittee on 18 March 2015. The second agenda item was a funding proposal newly submitted to the Subcommittee. He reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP") of the Legislative Council ("LegCo"), they should disclose the nature of any direct or indirect pecuniary interests relating to the funding proposals under discussion at the meeting before they spoke on the item. He also drew members' attention to Rule 84 of RoP on voting in case of direct pecuniary interest.

Head 703 – Building

PWSC(2014-15)56 13GB Liantang/Heung Yuen Wai boundary control point and associated works—construction of boundary control point buildings and associated facilities

2. The Chairman advised that the proposal, i.e. PWSC(2014-15)56, was to upgrade 13GB to Category A at an estimated cost of \$8,811.9 million in money-of-the-day prices for the construction of the boundary control point ("BCP") buildings and associated facilities on the Hong Kong side of the proposed Liantang/Heung Yuen Wai ("LT/HYW") BCP. The Panel on Development had been consulted on the proposal on 5 January 2015. Majority of the Panel members supported the submission of the proposal to the Subcommittee for consideration. At the request of the Panel, the Administration had provided supplementary information on the proposal, which was set out in Enclosure 5 to the Administration's paper. A report on the gist of the Panel's discussion had been tabled at the meeting.

3. The Chairman continued that he had received from Dr KWOK Ka-ki a letter about the proposal on 27 February 2015. Copies of the letter had been forwarded to members vide LC Paper No. PWSC123/14-15(01).

4. At the invitation of the Chairman, Deputy Secretary for Development (Works)2 ("DS/DEV(W)2") briefed members on the proposal.

5. Mr Gary FAN queried why the Administration had submitted the item to the Subcommittee for consideration given that a funding proposal for a related works item under the LT/HYW BCP project, i.e. PWP Item No. 19GB ("19GB"), had been negated at the meeting on 9 January 2015. DS/DEV(W)2 replied that the LT/HYW BCP project comprised a series of

public works items. 19GB and 13GB were two of them. The funding proposal submitted in January 2015 for 19GB aimed to seek the Subcommittee's support for an increase in the approved project estimate for the item, the scope of which covered site formation, implementation of infrastructure works, etc. As regards 13GB, it was the last item involving a new funding proposal under the LT/HYW BCP project. The scope of works of 13GB concerned the construction of BCP buildings and associated facilities.

6. In response to Mr Gary FAN's enquiry on why the Administration sought funding support for the BCP project through submitting separate funding proposals at different times, DS/DEV(W)2 advised that the LT/HYW BCP was an infrastructure project involving different fields of work, such as civil engineering, building design, drainage works, etc. Similar to the approach adopted for other large-scale public works projects, each of the concerned works departments was responsible for seeking the funding for the component of the project under its purview.

7. There being no further questions from members on the item, the Chairman put the item to vote. At the request of Mr Albert CHAN, the Chairman ordered a division. Eleven members voted for, 14 voted against the proposal and no one abstained. The voting result was as follows:

For:

Mr CHAN Kam-lam
Mr WONG Kwok-hing
Mr CHAN Kin-por
Mr Frankie YICK
Ir Dr LO Wai-kwok
Mr Tony TSE
(11 members)

Mr TAM Yiu-chung
Mr CHAN Hak-kan
Mr IP Kwok-him
Mr Christopher CHEUNG
Mr Christopher CHUNG

Against:

Mr Albert HO
Mr James TO
Mr Frederick FUNG
Mr CHEUNG Kwok-che
Mr Albert CHAN
Mr Charles Peter MOK
Dr Fernando CHEUNG
(14 members)

Mr LEE Cheuk-yan
Ms Emily LAU
Ms Cyd HO
Mr LEUNG Kwok-hung
Mr Gary FAN
Mr CHAN Chi-chuen
Mr SIN Chung-kai

Abstain:

(0 member)

8. The Chairman declared that the item was negated by the Subcommittee.

Head 703 – Building

PWSC(2014-15)57 6NR Reprovisioning of refuse collection point at Fuk Wa Street/Fuk Wing Street/Camp Street site, Sham Shui Po, Kowloon

9. The Chairman said that the proposal, i.e. PWSC(2014-15)57, was to upgrade 6NR to Category A at an estimated cost of \$58.6 million in money-of-the-day ("MOD") prices for the permanent in-situ reprovisioning of a refuse collection point ("the RCP") at a land sale site at Fuk Wa Street/Fuk Wing Street/Camp Street for residential development ("the land sale site"). The Panel on Food Safety and Environmental Hygiene had been consulted on the proposal on 11 November 2014 and Panel members in general supported the submission of the proposal to the Subcommittee for consideration. The supplementary information requested by Panel members was at Enclosure 3 to the discussion paper. A report on the gist of the Panel's discussion had been tabled at the meeting.

10. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the proposal.

Design of the proposed permanent refuse collection point

11. Mr Albert CHAN suggested that the pedestrian entrance/exit and the vehicular ingress/egress of the RCP should be made further apart from each other to enhance pedestrian safety at the vehicular ingress/egress. He also sought details about where the RCP's exhaust vent would face. In his view, it would be more desirable for the exhaust vent to face the Sham Shui Po Centre of CLP Power Hong Kong Limited at Fuk Wa Street.

12. Assistant Director (Operations)2, Food and Environmental Hygiene Department said that the proposed pedestrian entrance/exit and the vehicular ingress/egress of the RCP would face the Sham Shui Po Centre of CLP Power Hong Kong Limited. Principal Assistant Secretary (Food)2, Food and Health Bureau ("PAS(F)2/FHB") advised that in terms of the routing of refuse collection vehicles ("RCVs") entering/leaving the RCP, the arrangement of the proposed permanent RCP was similar to that of the existing temporary RCP. She added that judging from the records of the past five years, the operation of the existing temporary RCP had not given rise to any road safety concern for pedestrians or road users in the vicinity (as

reflected by only three minor accidents that had not affected any pedestrians or third-party vehicles). The Administration did not envisage the operation of the new permanent RCP to be of concern. In addition, measures like head-in head-out arrangement, strobe lights and warning buzzers would be in place in the case of the new permanent RCP.

13. Mr Albert CHAN said that the Administration's response was not satisfactory, and stressed that the Administration should work out measures to enhance pedestrian safety at the vehicular ingress/egress at the planning stage. He requested the Administration to provide information on whether it would consider his suggestion; and if no, the reasons. USFH remarked that relevant government departments including the Architectural Services Department ("ASD") would take Mr CHAN's view into account in considering the design of the RCP.

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. PWSC167/14-15(01) on 4 May 2015.)

14. Mr Frankie YICK said that the Administration had subsidized owners of private RCVs to retrofit their vehicles with tailgate covers and waste water sump tanks to reduce the nuisances arising from their operation. However, many existing RCPs did not have the facilities for RCVs to offload waste water, which caused over-spilling of waste water in some RCVs. Mr YICK enquired whether the RCP would provide facilities for RCVs to offload waste water. Mr Tony TSE considered that the Administration should take measures to reduce the nuisances to be caused by the operation of the RCP to the residents in the area.

15. USFH responded that the design of the RCP was at a preliminary stage and the Administration took note of Mr Frankie YICK's suggestion. Chief Architect (Central Management Division 2), Architectural Services Department ("CA(CMD2)/ASD") added that the Administration would incorporate members' views as appropriate when drawing up the technical schedule detailing the specifications and requirements of the RCP, which would be annexed to the land sale conditions. Responding to the Chairman's enquiry, CA(CMD2)/ASD confirmed that the design and construction of the RCP and the future residential development would be physically independent from each other.

16. Mr WONG Kwok-hing expressed support for the proposal. He considered that the arrangement of making the entrance/exit of the RCP face the Sham Shui Po Centre of CLP Power Hong Kong Limited at Fuk Wa Street would reduce the nuisances caused by its operation to the local

residents. Dr CHIANG Lai-wan shared Mr WONG's view and said that local residents also welcomed the proposal, as the refuse at the existing temporary RCP was exposed to the open air and had caused hygienic problems. Referring to the use of negative pressure facilities at the RCP at Island Place, North Point, which, in his view, could eliminate the odour effectively, Mr WONG enquired whether the Administration would consider installing negative pressure facilities at the proposed RCP; and if no, the reasons.

17. USFH assured members that the Administration accorded great importance to odour mitigation for RCPs. PAS(F)2/FHB said that a water scrubber system would be used at the proposed RCP for effective control of the odour. The Administration took note of Mr WONG Kwok-hing's suggestion and would consult expert departments on the design of the RCP, including examining the merits and cost-effectiveness of negative pressure facilities or other suitable alternative systems at the RCP. CA(CMD2)/ASD supplemented that the Administration would have to look into the occupational safety aspect in considering the installation of negative pressure facilities. Mr WONG Kwok-hing asked the Administration to explore if the concern mentioned by CA(CMD2)/ASD could be addressed.

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. PWSC167/14-15(01) on 4 May 2015.)

18. Ms Emily LAU remarked that the Administration should implement the proposed project with due care to avoid causing nuisances to the local residents. She opined that the Administration should allocate more resources to the reduction of such nuisances. If well justified, she believed that a higher expenditure ceiling for adopting better mitigation measures for the proposed project would not be rejected by the Finance Committee ("FC"). She requested the Administration to provide information on whether it would refine the proposal to address members' views and concerns expressed at the meeting. She opined that a successful model would facilitate the Administration in securing support for future projects of this kind.

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. PWSC167/14-15(01) on 4 May 2015.)

Monitoring the work of the future developer of the residential site

19. Ir Dr LO Wai-kwok noted that under the proposal, the successful bidder of the land sale site, i.e. the future developer of the residential site ("the developer"), would be responsible for the design and construction of the RCP according to the Administration's specifications and to the Administration's satisfaction. The Administration would reimburse the developer with the actual cost of design and construction, subject to a pre-determined financial ceiling. He enquired how the Administration could ensure that the developer's design would fulfill the Administration's requirements and address members' concerns.

20. Referring to the cost overrun of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project, Mr LEUNG Kwok-hung cast doubt on whether the Administration could effectively monitor the work of the developer on the RCP and enquired whether the Administration would bear the cost overrun, if any, incurred by the developer in constructing the RCP.

21. While expressing support for the proposal, Mr LEUNG Che-cheung remarked that a project at Tung Yick Market in Yuen Long, also undertaken by a private developer, had water leakage problems after the expiry of the maintenance period. He cautioned the Administration that it should inspect the building works carefully when the RCP was handed over to it.

22. USFH responded that the developer would prepare the design of the RCP in accordance with the parameters specified by the Administration. The design and plans would be vetted by the Administration and the developer would have to follow the environmental planning principles in Chapter 9 of the Hong Kong Planning Standards and Guidelines and related environmental pollution control ordinances in designing and constructing the RCP. She assured members that the Administration would take members' views into account in examining the design of the RCP. PAS(F)2/FHB added that apart from including in the land sale conditions a technical schedule for the construction of the RCP, the Administration would monitor the developer's work through various means, including requiring the developer to: (i) obtain the agreement from the Administration on the design proposal of the RCP before commencing the construction of the RCP; (ii) satisfy the Administration on the satisfactory completion of the permanent RCP before securing deferred possession of the temporary RCP site for its development; and (iii) submit to the Administration a written statement certified by an Authorized Person in respect of the expenditures on the construction of the RCP. The Administration would vet and scrutinize the written statement and other relevant documentation. After the

Administration was satisfied that the actual cost corresponded to the actual works completed for the project, it would reimburse the developer the actual cost of design and construction, subject to the pre-determined financial ceiling. On the issue of possible cost overrun, PAS(F)2/FHB responded that the Administration's expenditure on the project would not exceed the ceiling set out in the proposal (i.e. \$58.6 million in MOD prices).

23. While expressing support for the proposal, Mr Tony TSE said that the developer would naturally work out measures to minimize the nuisances to be caused by the operation of the RCP in order to promote the sale of the residential flats to be developed at the land sale site. He opined that the Administration should refrain from imposing too many restrictions on the design, which might inadvertently limit the developer's freedom of manoeuvre.

24. The Chairman requested the Administration to provide information to explain how the relevant means it mentioned at the meeting, such as the inclusion of a technical schedule for the design and construction of the RCP in the land sale conditions, the requirement that the design proposal for the RCP would have to be agreed by the Administration, and the requirement of a written statement from an Authorized Person in respect of the expenditures on the construction of the RCP, could help the Administration ensure that its objectives in implementing the project would be achieved.

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. PWSC167/14-15(01) on 4 May 2015.)

Management of the proposed permanent refuse collection point

25. In response to Ir Dr LO Wai-kwok's enquiry on the transitional arrangements for refuse collection in the area before the completion of the permanent RCP, USFH explained that a temporary RCP would be provided during the interim period. Deputy Secretary for Development (Planning and Lands)¹ added that the temporary RCP would remain in operation during the construction of the permanent RCP and the former site would be handed over to the developer as a deferred possession area of the land sale site for development after completion of the permanent RCP.

26. Noting that the developer would have the land right in respect of the residential development while the Food and Environmental Hygiene Department ("FEHD") would be responsible for the management of the RCP, Mr LEUNG Che-cheung enquired whether the relevant Deed of Mutual Covenant ("DMC") would clearly reflect the respective management shares

of the RCP and the future residential development. PAS(F)2/FHB replied in the affirmative.

27. Referring to the case of Lai Bo Garden in Sham Shui Po, Dr CHIANG Lai-wan expressed concerns that providing an RCP within a private residential development might give rise to disputes between FEHD and the owners of the residential units on issues such as the arrangement for the sharing of management fees for the common facilities and the responsibilities for the maintenance of shared facilities (like sewage pipes). She enquired about the management arrangements for the RCP, and called on FEHD to enhance its management work. Mr Tony TSE also considered that the Administration should handle the drafting of the relevant DMC and the management of the RCP carefully, as it would be difficult to amend the land sale conditions once they were accepted by the developer.

28. USFH advised that in the relevant DMC, the respective responsibilities of the government and the developer would be clearly defined. The Administration would also handle the issues related to the management of the RCP carefully. PAS(F)2/FHB said that the entrance, driveway, passageway, sewerage system and other facilities of the proposed permanent RCP would be completely separated from the future residential development. She assured members that with the respective shares of ownership reflected clearly under the DMC, the issue of the owners of the residential units bearing the management fees for facilities that should have been borne by the Administration would not arise.

Impacts of including the proposed refuse collection point in the residential site on the development parameters

29. Mr Cyd HO requested the Administration to provide information on: (a) the respective maximum development plot ratios ("PRs") for different classes of sites as defined in the Building (Planning) Regulations (Cap. 123F); (b) whether the inclusion of the RCP would change the land sale site to a Class C site (abutting on three streets); (c) the maximum PRs of the land sale site with and without the inclusion of the RCP; (d) the Administration's decision making process in and the considerations (illustrated by quantitative information/analysis) for including the RCP in the land sale site, in particular, when the Administration decided to include the RCP in the site; and (e) the justifications for requesting the developer to take up the design and construction of the RCP instead of conducting a tender exercise, which might result in a lower project cost. She was concerned that the inclusion of the RCP had increased the maximum PR and would consequently benefit the developer. If that was the case, she considered that the developer should bear the construction cost of the RCP.

30. PAS(F)2/FHB responded by reference to the supplementary information provided for the Panel on Food Safety and Environmental Hygiene (i.e. LC Paper No. CB(2)321/14-15(01)), and explained that the maximum development parameters (including PRs) of the subject site were limited by the relevant approved Outline Zoning Plan ("OZP") and the maximum gross floor area to be stipulated in the land sale conditions was based on the maximum plot ratio permissible under the approved OZP instead of the classification of the site under the Building Ordinance (Cap. 123). USFH added that the RCP was included in the land sale site having regard to the views of the Sham Shui Po District Council ("SSPDC").

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. PWSC167/14-15(01) on 4 May 2015.)

Other issues

31. Mr LEUNG Che-cheung sought details on the views raised by members of SSPDC. USFH advised that SSPDC mainly asked the Administration to address the nuisances that might be brought by the construction and operation of the RCP. The Administration had therefore proposed the mitigation measures set out at Enclosure 3 to PWSC(2014-15)57, and SSPDC expressed no in-principle objection to the reprovisioning proposal.

32. Ms Emily LAU requested the Administration to provide information on the mechanism for local residents to express views and lodge complaints, if any, on the nuisances that might be caused by the operation of the RCP during/after its construction.

33. PAS(F)2/FHB advised that where views and complaints on its RCPs were received, FEHD had been handling them along the established procedures, and would likewise handle the views and complaints (if any) on the existing temporary RCP and the proposed permanent RCP during and after the construction period respectively in a similar manner.

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. PWSC167/14-15(01) on 4 May 2015.)

34. Responding to the Chairman's enquiry, PAS(F)2/FHB advised that the land sale exercise would only take place after FC had granted funding approval for the proposal.

35. The item was voted on and endorsed. Mr Albert CHAN requested that the item be voted on separately at the relevant FC meeting.

Any other business

36. Ms Emily LAU noted that the three discussion papers circulated to members vide LC Paper No. PWSC144/14-15 on 27 March 2015 would be discussed at a future meeting but the date was not specified. The Chairman advised that they would be discussed at the next meeting scheduled for 8 April 2015. Ms LAU opined that in issuing the discussion papers provided by the Administration, the relevant meeting dates should be specified.

(Post-meeting note: The Administration noted Ms Emily LAU's suggestion. On 2 April 2015, together with six discussion papers without specified meeting dates, the Administration provided a letter to the Clerk advising that the papers would be submitted for discussion on 15 April 2015 or at subsequent meetings, subject to the progress of the meetings of the Subcommittee. The letter and the papers have been circulated to members vide LC Paper No. PWSC150/14-15.)

37. There being no other business, the meeting ended at 12:15 pm.

Council Business Division 1
Legislative Council Secretariat
7 May 2015