

LC Paper No. PWSC168/16-17(03)

Translation

本函檔號 Our Ref: L/M HAB/R&S 129(17)
來函檔號 Your Ref :

電話號碼 Tel. No.: 3509 8127
傳真號碼 Fax No.: 2519 7404

19 May 2017

Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Ms Sharon Chung)

Dear Ms Chung,

Enquiries of the Kai Tak Sports Park Project (II)

As per the request of Chairman of Public Works Subcommittee under the Finance Committee, our response to the letter from Dr Hon Kwok Ka-ki dated 18 May 2017 is set out in the Annex for Members' reference.

Yours sincerely,

(Original signed)

(Ms Linda Law)
for Secretary for Home Affairs

- 1. The Government states in the Paper that the Main Contracted Party has to share a percentage of its operating income with the Government if the Design-Build-Operate (DBO) approach has been adopted. In this connection, will the Government please inform the Subcommittee whether a “capping mechanism” be introduced to limit the Contracted Party’s profit so as to ensure that no overcharging will be made by the Contracted Party?**

We have already laid down some initial operating requirements for the Kai Tak Sports Park (the Sports Park), including the one that the charges for hire of facilities in the Indoor Sports Centre and the Public Sports Ground shall make reference to the charging system for similar facilities under the Leisure and Cultural Services Department (LCSD), education institutes and other non-profit-making organisations. In addition, it will be a requirement in future contract that the Contracted Party is required to obtain prior approval from the Home Affairs Bureau (HAB) for charges of facilities for community sports purposes. During the operational stage, the Contracted Party is required to operate the entire Sports Park, including community sports facilities and open space, on a self-financing basis as well as to regularly make a fixed payment to and share a percentage of its operating income with the Government, with a view to protecting the interest of the Government and the public.

- 2. In the supplementary note, a series of performance indicators were provided. Will the Government please advise this Subcommittee of the following:**
 - 2.1 if the Main Contracted Party fails to meet the performance indicators, is there a punishment mechanism in place to deal with the matter?**
 - 2.2 What mechanism does the Government have to facilitate the implementation of the indicators?**
 - 2.3 While the Government sets its objectives to promote sports in the community, to maintain Hong Kong as a centre for major international sports events and to support elite sports, no consideration has been given to the needs of the local sports sector. Will the Government add an element relevant to the local sports sector in the indicators to ensure that the sector can make the best use of this platform?**

We have prepared a series of key performance indicators (KPIs) to ensure that the modus operandi of the Sports Park and the events organised there are mainly targeted at the promotion of sports development. These KPIs cover a number of major areas in support of sports development, including the provision of facilities open to the public for recreational and sports purposes, the schedule of

events and activities, number of visitors, quality of the turf system, the requirements of the floor surface of the Indoor Sports Centre to meet the needs of different events, and the satisfaction level of the public, competing teams or event organisers, etc. Moreover, we will request that two-third of the Indoor Sports Centre's operation time be made available to sports events and at least 10 days be reserved for football matches per year in the Main Stadium, while the Public Sports Ground should only be used for sports events and open to the public for jogging and football playing. These indicators serve to safeguard the local sports sector's chance of using the facilities in the Sports Park and maintain the fees and charges at a reasonable level. The HAB will assess the performance of the Contracted Party with reference to the KPIs and impose fines with deterrent effect under the terms and conditions of the contract if the Contracted Party fails to achieve the indicators. We are now drawing up specific arrangements for a monitoring mechanism, KPIs and fines. As mentioned in our reply to the Public Works Subcommittee (PWSC) on 16 May, in terms of monitoring, the HAB and the Contracted Party will form a joint review committee with subcommittees to regularly review the operation performance, business strategies and plans for the Sports Park, giving a focus on the effectiveness of the Sports Park's operation so as to meet the operating requirements and the KPIs as stipulated in the contract.

2.4 Under what circumstances will the Government expect to terminate the contract with the Main Contracted Party?

We are at present drafting both tender and contract documents in collaboration with our legal advisor. We will state clearly in the contract possible circumstances leading to its termination. Generally speaking, if the Contracted Party contravenes or fails to observe important operating requirements stipulated in the contract, or when substandard performance continues to appear with no improvement, the Government will consider terminating the contract in accordance with its terms and conditions.

3. There will be 50 000 seats in the Main Stadium of the Sports Park and at least 10 football matches are required to be held there:

3.1 will the Government please advise of, apart from major football matches, any other sports events requiring a seating capacity of around 50 000 in five years after its completion?

3.2 if the Main Contracted Party is required to host at least 10 football matches, will a minimum spectator attendance be set to achieve the Government's target of "making the best use of the 50 000-seat Main Stadium"? If yes, what are the details?

The Main Stadium of the Sports Park will be equipped with an acoustic retractable roof and a flexible turf system. It can also be turned into different

spectator configurations (ranging from 20 000 to 50 000 seats) by means of stage positioning, draping and other settings to cater for the needs of different activities. It can be expected to attract more major and different competitions and events like international football matches, international rugby matches (seven-a-side and 15-a-side), equestrian events, motorcycle races and extreme sports performances. As mentioned above, the Contracted Party has to achieve a number of KPIs during the operating period, including whether the audience size of events held in various venues can meet the expected target. Nevertheless, in order to attract football matches of different natures (including local and international ones) and in particular to build audience for local leagues, we do not plan to impose on the Contracted Party a minimum attendance requirement for the 10 football matches.

- 4. This project involves an amount of \$23.8 billion, including the cost of site works, piling, etc. Will the Government provide a one-off payment to the Main Contracted Party?**

As we mentioned in paragraph 16 of the discussion paper submitted to the PWSC on 6 May 2017 (Paper No. PWSC(2017-18)2), subject to the Finance Committee's approval for the funding application of the Sports Park, we will arrange to phase the expenditure. Similar to other Government public works in general, we will pay the Contracted Party by instalments according to the progress of construction works of the project.

- 5. One of the objectives of the Sports Park project is to promote the local sports sector. In this regard, what measures will the government adopt during the operational stage to ensure that the Main Contracted Party will take the views of the sports sector?**

The Task Force on Kai Tak Sports Park (the Task Force) under the Sports Commission (SC) has been providing its advice on the Sports Park project. Members of the Task Force include representatives from the Sports Federation and Olympic Committee of Hong Kong, China, local National Sports Associations, the Hong Kong Schools Sports Federation, retired athletes and the music industry. In addition to the establishment of a joint review committee by the HAB and the Contracted Party to monitor the operation and development of the KTSP, we will consider requesting the Contracted Party to make regular reports to the SC or its Task Force and listen to the comments from the Task Force in the future.

- 6. What measures will the Government take to ensure the safety of construction workers?**

The construction works of the Sports Park project will be inspected regularly and supervised and managed closely by the supervisory staff of a resident project team appointed by the Government (and independent from the Contracted Party).

Moreover, architects, engineers and consultant teams of the project will closely supervise the works to ensure that the Contracted Party will comply with the existing safety legislations and relevant guidelines (including the Construction Site Safety Manual of the Development Bureau, the safety guidelines issued by the Architectural Services Department and the “Work Safety Alert” introduced by the Labour Department) in the course of works.