

NOTE FOR FINANCE COMMITTEE

Capital Works Reserve Fund

PURPOSE

This note outlines the background on the establishment of the Capital Works Reserve Fund (CWRF) and the block allocations mechanism under the CWRF, as well as the administration of the CWRF in accordance with the Resolution passed by the Legislative Council (LegCo) under section 29(1) of the Public Finance Ordinance (PFO) (Cap. 2). This note also provides responses to the Hon Chu Hoi-dick's letter of 30 October 2017 concerning proposals on the CWRF block allocations mechanism.

BACKGROUND

Establishment of the CWRF

2. The CWRF was established with effect from 1 April 1982 by Resolution of the LegCo on 20 January 1982 which was deemed to be a fund established under section 29(1) of the PFO (Cap. 2) for the purpose of financing the public works programme and the acquisition of land.

3. Before setting up of the CWRF, funds for the public works programme and acquisition of land were allocated in the General Revenue Account Estimates under five Public Works Non-Recurrent Heads of Expenditure, namely Land Acquisition, Buildings, Engineering, New Towns and Public Housing, and Waterworks. The non-recurrent nature of these Heads of Expenditure rendered it difficult to estimate with accuracy the expenditure to be incurred under these Heads during a year, which in turn would affect the total surplus or deficit of the Annual Estimates arising from the over or under-spending of these non-recurrent Heads of Expenditure for a given year. Hence the Financial Secretary (FS) moved a motion at the LegCo meeting on 20 January 1982 to propose establishing a fund so as to remove the expenditure on public works from the Annual Estimates and finance public works through a CWRF. As a result, LegCo passed a resolution to establish the CWRF from 1 April 1982.

4. The administration of the CWRP, its purposes, the moneys to be credited to the Fund and from which moneys may be expended are set out in the above-mentioned LegCo Resolution passed on 20 January 1982, which was subsequently amended six times between 1983 and 1997 in light of evolving requirements. The details are set out at Enclosure 1.

Encl. 1

5. On 9 March 1983, the Finance Committee (FC) approved, inter alia, delegation of powers to FS for him to approve the inclusion of new Category D items in public works programme with a project estimate not exceeding \$1.5 million. To preserve the value in real terms of the delegated powers, the Government has on six occasions between 1987 and 2012 sought FC's approval to revise the financial limit. The details are set out at Enclosure 2.

Encl. 2

Capital Works Programme

6. The CWRP was established to enable the financing and implementation of projects under the Capital Works Programme. Project items under the Capital Works Programme are categorised into Categories A, B, C and D.

7. When a project proponent and works department(s) have defined the scope of a capital works project and established its technical feasibility, the item will be given a Category C status. Having regard to relative policy priority, affordability and other relevant considerations, some Category C items will be selected for upgrading to Category B, thereby receiving internal endorsement for proceeding with site investigations, preliminary/detailed design, environmental impact assessment, traffic impact studies, statutory gazettal procedures and tender preparation etc., collectively referred to as "pre-construction activities". They will also be allowed to proceed with statutory gazetting and other procedures and proceedings under the relevant ordinances in tandem as required. If the necessary pre-construction activities affirm the feasibility of a Category B item, the project proponent will then seek funding approval from the FC and upgrade the item to Category A.

8. A pre-construction activity with an estimated cost not exceeding the prevailing financial ceiling of \$30 million can be implemented as a Category D item. Where the estimated cost of such an activity exceeds the financial ceiling, the project proponent will regard it as part of the underlying major works of the Category B item and seek FC's approval for upgrading that part of it to Category A as appropriate.

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9. In addition to pre-construction activities, Category D items also include minor works items each costing not more than the applicable financial ceilings.

Block allocations under the CWRF

10. Under the block allocations arrangement, FC approves the creation of block allocation subheads (or block vote subheads) under the CWRF, and delegates to FS (who in turn delegates to relevant Controlling Officers) the power to approve the inclusion of new Category D projects in the public works programme under such subheads with a project estimate not exceeding the applicable financial ceilings¹. The block allocations arrangement also provides funding for costs related to land acquisition and clearance of land, particularly in respect of projects in the public works programme.

11. Under the block allocations arrangement, there is an implied division of responsibility between FC and the Government. FC is responsible for approving the creation of block vote subheads, the scope of delegation (including the applicable **financial ceilings** and **ambits** of the subheads), and the replenishment of the block vote subheads on a lump sum basis through a total annual allocation to all block vote subheads as recommended by the Government annually. The Government is responsible for approving and implementing individual projects under the block vote subheads based on the delegated authority. We are also accountable to FC through regular reporting of the spending position of the subheads and the progress of the programme. As a standing practice, when seeking FC's approval of the total annual allocation to all block vote subheads on a lump sum basis, the Government deposits a list of the on-going and proposed new items planned to be funded by the block vote subheads for Members' reference. A year-end report is also provided to LegCo to account for the differences between the above-mentioned list and the actual programme delivered in the year.

12. As more than a thousand Category D items are created every year, seeking approval from FC annually on the total sum to be expended under defined block allocation subheads is a pragmatic and effective approach that strikes the right balance. It enables FC to focus its time and resources on vetting more important and higher valued projects, and allows reasonable flexibility for the Government to take forward numerous items in the course of a year.

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¹ Before the establishment of the CWRF, such delegation already existed whereby LegCo approved the delegation of financial powers to the FS in approving the creation of new Category D items in the public works programme, subject to a financial ceiling. The main difference then was that the items were financed by the General Revenue Account.

13. The block allocations arrangement also enables the Government to respond more promptly to the need of the community at the district level for provision of standalone minor improvement items within the applicable financial limit e.g. provision and fitting out of welfare and other community facilities, improvements to public roads, highway structures, pedestrian crossing facilities and slopes, minor drainage works to address flooding problems etc.

14. The alternative of submitting each item hitherto funded by block allocation subheads to FC for approval individually will overload the agenda of FC, slow down the pace at which the Government can plan for the submission of new capital works projects ready for upgrading to Category A, and restrict the flexibility of works departments in carrying out smaller scale projects which may arise in the course of a year.

15. In relation to land acquisition and clearance of land, compensation payment and disbursement of ex-gratia allowances (EGA) often involve a lengthy and complex settlement process and are subject to changes in circumstances which cannot be predicted with precision, such as availability or otherwise of evidence supporting the eligibility of individual claimants for or the quantum of compensation/EGAs, title problems of the claimants, etc.. Besides, if no agreement is reached on the compensation amounts, it will require resolution by the Lands Tribunal or through the Courts. Flexibility is needed as there is practical difficulty in forecasting accurately the time-frame and the actual expenditure required. Moreover, the Government is not at liberty in determining who should be eligible and the quantum involved, as the criteria for statutory compensation and those for EGAs are set out respectively in the relevant laws and FC submissions approving the framework for various EGAs.

16. Although the Government has delegated authority to approve block allocation projects, bureaux and departments follow a stringent approval process similar to that applicable to major capital works projects requiring funding approval from FC. The bureau or department proposing a project must prepare a submission similar in content to that of a Public Works Subcommittee (PWSC) paper, with a clear statement of the scope, cost and timing of, and justification for the project. The officer exercising delegated authority must then consider the submission and grant approval only if satisfied that it is justifiable use of public funds from the specific block vote subhead in question.

/Heads

Heads and Subheads of Expenditure under the CWRP

17. There are currently 11 Heads of Expenditure under the CWRP to meet the respective purpose of expenditure in accordance with the terms of the Resolution passed by LegCo on the establishment of the CWRP. Heads of Expenditure were created under the CWRP over the years to cater for changing needs. For instance, Head 702 – Port and Airport Development was created in 1990 in light of the construction of new airport and port facilities, and the new head (by grouping all related expenditure) could give a clear picture of the projects and the total government commitment involved. Head 710 – Computerisation was created in 1990 by replacing the previous fragmentation in the provision of funding on a project-by-project basis with a single head for all administrative computer systems for a clear picture of the overall expenditure on computers and better monitoring purpose.

18. Under the Heads of Expenditure, there are generally two types of subheads, namely a normal subhead dedicated to a specific project or item; and a block vote subhead for funding multiple Category D projects.

19. A normal subhead is created when FC approves a funding submission for upgrading a project to Category A. The project will be subject to a cost estimate approved by FC (i.e. the approved project estimate (APE)). The annual allocation to a normal subhead will be assessed having regard to the projected cashflow requirement of the project. The allocation will be shown in the CWRP Estimates of a financial year. Expenditure of the project under the subhead in any financial year is limited to the allocation of that subhead as shown in the Estimates (unless with the prior approval of the FS under delegated authority), and the cumulative expenditure of the project should not exceed the APE without prior approval of FC or FS acting under delegated power. In brief, expenditure under a normal subhead is governed by the APE approved by FC. A normal subhead is one-off in nature as it will be closed when the project in question is completed and all the related payments are settled.

20. Unlike a normal subhead which will be closed upon completion of the project in question and settlement of all the relevant payments, a block vote subhead is not closed upon completion of individual items because it serves multiple projects. Its annual funding requirement is determined by the aggregate projected cashflow requirements of all projects therein. In order to replenish these subheads with the necessary funds, it is the standing practice for the Government to make an annual submission to FC to seek the total annual allocation to all these subheads on a lump sum basis. When doing so, the Government also provides a list of projects or items planned or expected to be implemented in the coming year

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under individual block vote subheads. These are in fact the basis on which the Government arrives at the amount of allocation sought. However, the list only represents a snapshot of the Government's forecast at that juncture. In reality, some of the projects in the list may not be implemented as expected for various reasons, while new projects not in the list may be created to cater for needs that emerge subsequently. As mentioned in paragraph 11, a year-end report will be provided to LegCo to account for the differences between the list submitted at the time of seeking FC's approval and the actual programme delivered in the year.

21. As and when necessary, we will also seek FC's approval to consolidate or replace existing block vote subheads. A relatively large-scale consolidation was undertaken in February 1996 which covered the block vote subheads under nine out of the 11 Heads of Expenditure of the CWRP. In that, to facilitate the consideration of the proposals, the papers to the PWSC which also covered the annual allocation sought for the CWRP block allocations, were submitted individually based on the CWRP Heads of Expenditure. A chronology of the creation of block allocation subheads, and consolidation and replacement of existing block allocation subheads under the CWRP since its inception is set out at

Encl. 3

RESPONSES TO THE HON CHU HOI-DICK'S PROPOSALS SET OUT IN HIS LETTER OF 30 OCTOBER 2017 (A COPY AT ENCLOSURE 4)

Encl. 4

Proposal to confirm or revise the details of delegation of authority by FC periodically

22. The Resolution passed by LegCo on the establishment of the CWRP specified that FS should administer the Fund and FS may expend moneys from the Fund in accordance with the conditions, exceptions and limitations as may be specified by FC.

23. Since the inception of the CWRP, the Government has made recommendations to the FC on the delegation of financial powers to the FS to administer and expend moneys from the Fund. Specifically, with respect to the block allocation subheads, the Government has sought FC's approval to delegate the following authorities to the FS in expending moneys under such subheads –

- (a) approve individual projects under a block vote subhead subject to the financial ceiling and ambit applicable to the subhead as approved by FC. At present, there are 23 block allocation subheads with financial ceilings; and

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- (b) approve additional allocation of fund (up to a cumulative value of \$15 million) by FS to increase the allocation of each block vote subhead as shown in the Estimates of the CWRF in a financial year if needed. This applies to all block allocation subheads of the CWRF except those under Head 701 and Head 710.

24. The current nature of the delegation of authority has provided stability, certainty, clarity and practicability to enable FS in administering and expending moneys from the Fund in an enforceable manner to meet the purpose of the Fund in financing the implementation of capital works programme. The delegation of authority to FS dates back to the inception of CWRF in 1982. Public officers who administer and expend moneys from the CWRF act strictly in accordance with the authority delegated to them and in compliance with the conditions imposed by FC.

25. Regarding the Hon Chu's proposal for FC to confirm or revise the delegated authority to FS periodically, in particular at the change of a new LegCo term, we wish to point out paragraph (a) of Cap. 2A which specifies that "*the Fund be administered by the Financial Secretary, who may delegate his power of administration to other public officers.*" Hon Chu's proposal implies that the delegated authority may be subject to change every few years. The uncertainty over the delegation, and the extent to which it may be changed, may hamper the Government's ability to effectively administer the block vote items under the CWRF. The uncertainty is amplified as it will affect the planning and implementation of thousands of projects and items each year. Such uncertainty may also affect the sustainable growth of the construction industry, in particular the small and medium sized enterprises which mainly carry out items funded by the block allocations. Contractors will have to bear greater risks in business planning, and this may trickle down to affect the livelihood of workers employed by these contractors. The implications of the proposal will need to be carefully assessed as there may be far-reaching implications arising from any change to a long established mechanism.

Proposal to examine and vet 'controversial' items

26. As explained in paragraphs 8 and 9 above, the block allocations arrangement underpins the delivery of capital works projects. Every year, in order to meet the demand of the community and facilitate the preparation of major capital works projects, there is a need to create and implement a large number of projects in the order of thousands under the block allocation subheads. The existing block allocations mechanism provides for the annual replenishment of the block allocation subheads to enable the Government to create and implement block vote items throughout the year to meet the changing needs of the community promptly in strict accordance with the delegated authority.

27. The Hon Chu's proposals to subject individual block allocation items considered "controversial" to further examination undermines the very purpose of introducing the existing block allocations mechanism and upsets the implied division of responsibility between FC and the Government. As explained in paragraph 20 above, while the Government endeavours to provide a snapshot of items planned or expected to be implemented in the coming year to explain the basis for arriving at the amount of allocation sought, projects in the list (including those considered "controversial") may not be implemented eventually for various reasons, while new projects may be created to cater for legitimate needs of the community that arise in the course of the year.

28. Besides, the Hon Chu's proposal will result in uncertainty for the planning of minor works projects and pre-construction studies. For instance, pre-construction studies funded under the block allocation subheads are generally for the purpose of facilitating works departments to carry out design studies and background researches at an early stage. Their findings will provide input to the subsequent main studies and preparation of funding application to FC for the capital works projects. Hence, the nature of these studies is facilitative rather than pre-emptive of FC's funding approval of capital works projects. The Hon Chu's proposal will slow down the pace at which we can plan for the submission of new capital works projects ready for upgrading to Category A. This will in turn delay the delivery of capital works projects to meet the various needs and demands of the community.

29. As regards the payment for statutory compensation and EGAs under the two subheads of Head 701, land acquisition is an enabling item to dovetail with the implementation of public works projects. All public projects would need to be properly authorised and approved in accordance with the relevant Ordinances and the established mechanism prior to their implementation. The Government is obliged to pay the statutory compensation and EGAs once the land acquisition and clearance have been initiated. This is particularly so when the statutory compensation is assessed in accordance with criteria set out in statute or ruled by the Court, or when the EGAs are paid in accordance with eligibility criteria and payment framework approved by the FC. Therefore, any proposal to examine and vet the individual items under the two subheads of Head 701 may delay the release of compensation and EGAs, constraining the Government from the timely payment of compensation to honour agreements reached or in accordance with court rulings as well as create uncertainties for potential claimants. In light of all these reasons, we consider the Hon Chu's proposal inappropriate.

/Proposal

Proposal to revise the financial ceiling of the delegated authority for Head 701 Subhead 1004CA and Subhead 1100CA

30. As explained above, land acquisition is an enabling item to dovetail with the implementation programme of the public works projects. Subhead 1004CA and Subhead 1100CA under Head 701 of the CWRF are created to pay, essentially, compensation for land acquisition and clearance-related allowances for the implementation of the public projects. FC has approved the scope of each of the subheads without imposing a financial ceiling for payments under the relevant subhead, because the assessment of statutory compensation is based on the provisions under the relevant Ordinances whilst the EGAs are calculated in accordance with eligibility criteria and payment framework endorsed by the FC. For so long as those affected by the relevant land acquisition and clearances are assessed to be eligible for specific amounts of compensation/EGAs under the approved system, the Government cannot reasonably set an arbitrary limit beyond which disbursements would be subject to vetting by the FC. To do so may be criticised as discriminatory towards claimants affected by particular projects or to different claimants under the same project affected by that arbitrary financial ceiling. We therefore consider it inappropriate to impose financial ceiling for Head 701 Subhead 1004CA and Subhead 1100CA.

Proposal to impose condition to deal with alleged splitting of a project into smaller projects

31. The Government attaches great importance to exercising the delegated authority in a proper manner. Bureaux and departments are mindful that a project should not be split into smaller projects so as to circumvent the applicable financial ceiling(s). Regarding the example quoted in the Hon Chu's letter about the proposed creation of two items relating to the Kwu Tung North New Development Area project respectively under block allocation Subhead 7100CX for "*site formation and associated infrastructure works for purpose-built complex of residential care homes for the elderly in Area 29 of Kwu Tung North New Development Area*" and Subhead 3100GX for "*purpose-built complex of residential care homes for the elderly in Area 29 of Kwu Tung North New Development Area*", the former item was mainly related to **engineering** works for the site planned for residential care homes for the elderly (RCHE), while the latter item was intended to cover **consultant's fees** for quantity surveying and other site investigation works of the RCHE. Hence, the two items should be separately funded under different subheads in accordance with the ambits of the respective subheads².

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² Of the two proposed items, only the one under Subhead 7100CX was created eventually with project estimate of \$24 million. The other item estimated to cost \$4.7million was not taken forward under Subhead 3100GX as upon review, the total project cost for welfare facilities such as RCHE should be more appropriately funded under the Lotteries Fund.

32. For the other example in the Hon Chu's letter concerning Siu Ho Wan development, the two items under Subhead 5101CX for "*engineering feasibility studies for proposed near shore reclamation at Siu Ho Wan*" and for "*technical study on landside development at Siu Ho Wan*" were created to meet different and distinct purposes which were planned and designed at different times, with the former covering the feasibility of reclamation and the latter covering the technical study on landside development.

33. As the implementation of capital works projects, especially large-scale ones, straddles a long period and involves different aspects of pre-construction activities, different items may need to be created under the same or different block allocation subheads having regard to the ambits of the respective subheads to meet practical needs. Hence, we consider it not appropriate to impose conditions that may hamper the proper undertaking of essential pre-construction activities, given that bureaux and departments have all along been following a stringent approval process described in paragraph 16 above to ensure the funding proposal is justifiable use of public funds from the specific block allocation subhead.

Financial Services and the Treasury Bureau
November 2017

**Amendments to the Legislative Council (LegCo) Resolution to establish the
Capital Works Reserve Fund (CWRF)**

| Date of LegCo endorsement | Content |
|---|---|
| 27 July 1983 | To enable the Financial Secretary to administer the CWRF (amongst others) in accordance with his duty under the Public Finance Ordinance enacted in January 1983 |
| 15 May 1985 | To give effect to arrangements for implementing paragraph 6 of Annex III to the Joint Declaration of the Government of the United Kingdom and the Government of the People's Republic of China signed in Beijing in December 1984 |
| 13 January 1988 | To transfer the financing of capital subventions and major systems and equipment from the General Revenue Account to the CWRF |
| 6 November 1991 | To include provisions for government borrowings to be credited to the CWRF and for repayments, and payment of interest and expenses relating to such borrowings, to be made from the CWRF |
| 12 December 1996 (enactment) (as consequential amendments under the New Territories Land Exchange Entitlements (Redemption) Bill) | To include provisions for the payment of redemption money payable in respect of land exchange entitlements and of interest payable thereon under the New Territories Land Exchange Entitlements (Redemption) Ordinance |
| 17 December 1997 | To remove provisions concerning the sharing of land premium under paragraph 6 of Annex III to the Joint Declaration as these provisions had become obsolete following the handover in July 1997 |

**Adjustments to the financial ceiling of
delegated authority under CWRP block allocations**

Table 1A – Adjustments to the financial ceiling of delegated authority for creation of new Category D items under the existing Capital Works Programme (i.e. Heads 702 to 707, 708 (Capital Subventions only), 709 and 711) block allocation subheads^{Note}

| Date of approval by the Finance Committee | Financial ceiling of delegated authority | |
|--|---|----------------|
| | Original | Revised |
| March 1983 | \$500,000 | \$1.5 million |
| December 1987 | \$1.5 million | \$2 million |
| April 1989 | \$2 million | \$5 million |
| August 1991 | \$5 million | \$10 million |
| January 1995 | \$10 million | \$15 million |
| November 2007 | \$15 million | \$21 million |
| July 2012 | \$21 million | \$30 million |

Table 1B – Adjustments to the financial ceiling of delegated authority for creation of new Category D items under Head 710 Subhead A007GX

| Date of approval by the Finance Committee | Financial ceiling of delegated authority | |
|--|---|----------------|
| | Original | Revised |
| December 1990 | - | \$5 million |
| July 1993 | \$5 million | \$8 million |
| October 1996 | \$8 million | \$10 million |

Table 2 – Adjustments to the financial limit of delegated authority for approving additional allocation to a subhead in the CWRP Estimates in any one financial year in respect of the existing Capital Works Programme (i.e. Heads 702 to 707, 708 (Capital Subventions only), 709 and 711) block allocation subheads

| Date of approval by the Finance Committee | Financial limit of delegated authority | |
|--|---|----------------|
| | Original | Revised |
| March 1983 | - | \$1.5 million |
| December 1987 | \$1.5 million | \$2 million |
| April 1989 | \$2 million | \$5 million |
| August 1991 | \$5 million | \$10 million |
| January 1995 | \$10 million | \$15 million |

^{Note} Excluding Subhead 5001BX which was created without a ceiling being imposed and Subhead 6101TX which was created with the ceiling imposed being \$75 million.

Chronology of the creation of the 26 existing block allocation subheads under the Capital Works Reserve Fund (CWRF)

Encl. 3a

(Please see Enclosure 3a for detailed descriptions of each of the 26 subheads)

| Subhead(s) | Date of approval by the Finance Committee | Remarks |
|----------------------------|---|---|
| 1004CA | Already existed as Subhead 303 at the time of establishment of the CWRF in 1982 | |
| 5001BX | December 1983 | <ul style="list-style-type: none"> • New subhead for landslip preventive measures |
| 3004GX | December 1984 | <ul style="list-style-type: none"> • New subhead for refurbishment of government buildings |
| 2001AX 2002AX 2003AX | January 1990 | <ul style="list-style-type: none"> • New subheads for consultants' fees for feasibility investigations and design and major in-house investigations for Port and Airport Development Strategy (PADS) related projects |
| A007GX | December 1990 | <ul style="list-style-type: none"> • New subhead for new administrative computer systems |
| 8001SX | March 1995 | <ul style="list-style-type: none"> • New subhead for (re)provisioning of welfare facilities in Housing Authority's public housing development |
| 1100CA | March 1996 | <ul style="list-style-type: none"> • Consolidation of Subheads 1010CA to 1018CA and 1020CA with compensation and ex-gratia allowances in respect of projects in the Public Works Programme previously to be grouped separately for different development areas or PADS |
| 3100GX | March 1996 | <ul style="list-style-type: none"> • Consolidation of Subheads 3001GX, 3002GX, 3008GX and 3009GX that were for project feasibility studies, minor investigations and consultants' fees for building projects and minor outstanding building items |
| 3101GX | March 1996 | <ul style="list-style-type: none"> • Consolidation of Subheads 3003GX, 3005GX and 3006GX that were for minor building works, fitting out works and alterations, additions and improvements to government-owned or leased accommodation |

| Subhead(s) | Date of approval by the Finance Committee | Remarks |
|------------|---|---|
| 4100DX | March 1996 | <ul style="list-style-type: none"> Consolidation of Subheads 4009CX, 4010CX and 4001DX to 4006DX that were for drainage works, studies, investigations and consultants' fees and minor outstanding drainage projects |
| 5101CX | March 1996 | <ul style="list-style-type: none"> Consolidation of Subheads 5001CX to 5003CX and 5011CX that were for civil engineering works, studies and investigations and minor outstanding civil engineering items |
| 6100TX | March 1996 | <ul style="list-style-type: none"> Consolidation of Subheads 6001TX to 6010TX that were for highways works, studies, investigations and consultants' fees; traffic engineering works; road maintenance and roadside slope works and minor outstanding highway projects |
| 7100CX | March 1996 | <ul style="list-style-type: none"> Consolidation of Subheads 7004CX to 7008CX, 7012CX and 7009WX that were for new towns and urban area development works including landscaping works and waterworks, studies, investigations and consultants' fees and minor outstanding new towns and urban area development items |
| 8100MX | March 1996 | <ul style="list-style-type: none"> Consolidation of Subheads 8001MX and 8012GX that were for improvements, studies and investigations for Hospital Authority and medical subvention building projects |
| 8100QX | March 1996 | <ul style="list-style-type: none"> Consolidation of Subheads 8001QX and 8010GX that were for alterations, additions and improvements to Vocational Training Council buildings and project feasibility studies and minor investigations for education subvention building projects |

| Subhead(s) | Date of approval by the Finance Committee | Remarks |
|-------------------|--|--|
| 8100EX | March 1996 | <ul style="list-style-type: none"> • New subhead for alterations, additions, repairs and improvements to the campuses of the University Grants Committee-funded institutions (the original Subhead 8011GX for project feasibility studies and minor investigations for building projects of University Grants Committee-funded institutions was subsumed under the new subhead) |
| 9100WX | March 1996 | <ul style="list-style-type: none"> • Consolidation of Subheads 9001WX to 9004WX, and 7009WX that were for waterworks, studies and investigations and minor outstanding waterworks items |
| B100HX | March 1996 | <ul style="list-style-type: none"> • Consolidation of Subheads B001HX to B004HX that were for works, studies, investigations and consultants' fees for public works projects related to housing development |
| 5101DX | December 1997 | <ul style="list-style-type: none"> • New subhead for environmental works, studies and investigations |
| 8100BX | December 1997 | <ul style="list-style-type: none"> • New subhead for slope-related capital works for subvented organisations other than education and medical subventions |
| 7014CX | January 1999 | <ul style="list-style-type: none"> • New subhead for Rural Public Works Programme |
| 7016CX | January 2007 | <ul style="list-style-type: none"> • New subhead for District Minor Works Programme (the original Subhead 7015CX for Urban Minor Works Programme was subsumed under the new subhead) |
| 6101TX | January 2013 | <ul style="list-style-type: none"> • New subhead for Universal Accessibility Programme |
| 7017CX | May 2013 | <ul style="list-style-type: none"> • New subhead for Signature Project Scheme |

**List of the 26 existing block allocation subheads under the
Capital Works Reserve Fund**

Head 701 – Land Acquisition

- Subhead 1004CA Compensation for surrenders and resumptions: miscellaneous
- Subhead 1100CA Compensation and ex-gratia allowances in respect of projects in the Public Works Programme

Head 702 – Port and Airport Development

- Subhead 2001AX Consultants' fees for feasibility investigations and design and major in-house investigations for Port and Airport Development Strategy (PADS) related civil engineering projects
- Subhead 2002AX Consultants' fees for feasibility investigations and design and major in-house investigations for PADS related transport projects
- Subhead 2003AX Consultants' fees for feasibility investigations and design and major in-house investigations for PADS related territorial development projects

Head 703 – Buildings

- Subhead 3004GX Refurbishment of government buildings for items in Category D of the Public Works Programme
- Subhead 3100GX Project feasibility studies, minor investigations and consultants' fees for items in Category D of the Public Works Programme
- Subhead 3101GX Minor building works for items in Category D of the Public Works Programme

Head 704 – Drainage

- Subhead 4100DX Drainage works, studies and investigations for items in Category D of the Public Works Programme

Head 705 – Civil Engineering

- Subhead 5001BX Landslip preventive measures
- Subhead 5101CX Civil engineering works, studies and investigations for items in Category D of the Public Works Programme
- Subhead 5101DX Environmental works, studies and investigations for items in Category D of the Public Works Programme

Head 706 – Highways

- Subhead 6100TX Highway works, studies and investigations for items in Category D of the Public Works Programme
- Subhead 6101TX Universal Accessibility Programme

Head 707 – New Towns and Urban Area Development

- Subhead 7014CX Rural Public Works Programme
- Subhead 7016CX District Minor Works Programme
- Subhead 7017CX Signature Project Scheme
- Subhead 7100CX New towns and urban area works, studies and investigations for items in Category D of the Public Works Programme

Head 708 (part) – Capital Subventions

- Subhead 8100BX Slope-related capital works for subvented organisations other than education and medical subventions
- Subhead 8100EX Alterations, additions, repairs and improvements to the campuses of the UGC-funded institutions
- Subhead 8100MX Hospital Authority—improvement works, feasibility studies, investigations and pre-contract consultancy services for building projects
- Subhead 8100QX Alterations, additions, repairs and improvements to education subvented buildings
- Subhead 8001SX Provisioning of welfare facilities

Head 709 – Waterworks

- Subhead 9100WX Waterworks, studies and investigations for items in Category D of the Public Works Programme

Head 710 – Computerisation

- Subhead A007GX New administrative computer systems

Head 711 – Housing

- Subhead B100HX Minor housing development related works, studies and investigations for items in Category D of the Public Works Programme



敬啟者

關於：基本工程儲備基金特別財委會（議案審議）

承 10 月 26 日及 10 月 27 日信件，本人續闡釋本人對基本工程儲備基金整體撥款審議安排之特別財委會的具體想法。

本人建議，財委會應討論：

（一）每屆立法會應確認授權機制

（1）背景及分析

（i）政府利用（exploit）資料零散的情況

自 1982 年基本工程儲備基金成立開始，至今已 35 年。基本不斷擴充其規模，增設新分目，又一再提高不同分目的轉授金額上限水平。政府絕少主動整理基金的全貌，更遑論於撥款建議文件中說明《公共財政條例》賦予財委會指明「條件、限制及例外」的權力。對政府而言，財委會委員最好就甚麼都不關心，每年就在已淪為儀式（formality）的基本工程儲備基金整體撥款的表決中跟大隊投贊成票便可。

（ii）基金年代久遠，授權輾轉轉轉

值得注意的是，由 1982 年至 1997 年的英殖時代，立法局已不斷增加直接的民選代表，不再是由港督全權委任的諮詢角色。1997 年主權交接後，立法會的角色更清楚訂明於《基本法》中；大部分香港市民都期待普選最終能夠實現，立法會最終能成為像歐美普通法國家一樣，在三權分立的制度中透過審議法案及撥款實質監察政府施政。在 1997 的過渡中，基本工程儲備基金整體撥款的授權亦按《回歸條例》的賦權悄悄延續，然而無論臨立會及立法會皆相對被動。簡言之，今天的香港社會距 35 年前已大變。

（iii）政府透過授權而就項目支用款項的性質

就基本工程儲備基金整體撥款而決議的授權，一直以來皆不斷修訂。政府透過此一授權而支用款項的權力，為臨時性質的權力，而絕非永久性質的權力。因此，立法會必須設立定期檢討機制。嚴格而言，因政府於每個會期都會向立法會財委會提交整體撥款建議，每個會期檢討方為合理。

（2）建議

每屆立法會於每個會期、第一個會期或最後一個會期的第二次財委會，確認授權內容。

（3）議案擬稿（有待修訂）



議案一

自 2018/19 年立法會開始，每屆立法會會期，財務委員會須於緊接在選舉正副主席後的第二次財委會，確認或修訂基本工程儲備基金整體撥款每個分目的轉授權力內容。

議案二

自第七屆立法會開始，每屆立法會的財務委員會須於第一個會期緊接在選舉正副主席後的第二次財委會，確認或修訂基本工程儲備基金整體撥款每個分目的轉授權力內容。

議案三

自第七屆立法會開始，每屆立法會的財務委員會須於最後一個會期緊接在選舉正副主席後的第二次財委會，確認或修訂基本工程儲備基金整體撥款每個分目的轉授權力內容。

(二) 爭議項目獨立審議機制

(1) 背景及分析

(i) 基金規模不斷膨脹

由上世紀八十年代基金成立時年度整體撥款只有十多億，到十年前左右的七十多億，到今天近一百三十億，基金規模正不斷膨脹，工程類別亦隨增設分目增加。像 2017/18 年度的整體撥款，項目總數已逾九千個——項目增加後，應設爭議項目機制，梳解爭議，並推進審議進度。

(ii) 民意積極

過去幾年間不但出現規模前所未見的社會運動，同時兩次選舉的投票率及投票人數皆創新高。可見更多市民對政府有意見。財委會有責任確保其審議撥款的方式，能容讓委員在合理情況下反映該等反對政府施政的市民意見。

(iii) 爭議工程的前期項目

基建項目近年不斷增加，部分效率遠低於政府承諾而代價甚高，「大白象」一詞已深入人心；而基本工程儲備基金整體撥款中，往往有不少爭議性高的基建工程或規劃發展的前期項目，不論市民或委員皆相當質疑——即使該等前期項目可能金額較小，財委會仍然有責任確保其審議撥款的方式，能容讓委員在合理情況下就該等爭議項目提出反對。

(iv) 新委員其實只是延續授權，從無機會確認或反對授權

大部分分目的授權皆早已決定，個別分目的授權更是早於 20 年前已決定，不但可能過時，而且不見得是新加入議會的委員的決定，他們往往從無機會確認或反對相關授權內容。在整



體撥款的表決形式下，新委員無法對個別爭議項目表達反對，也等如無法實踐《基本法》賦予立法會的批准公共開支的職能，極不恰當。

(v) 提高門檻可避免濫用

部分建制派議員表示，每位議員關注不同，一旦有此機制，便可能被濫用，拖慢議事效率。事實上，數年前幾個堆填區項目自整體撥款中抽出的事例，其實正正由建制派推動（田北俊議員），可見每位議員不論派別陣營，也可行駛相關權利。同時，門檻若較高，提出的委員便要爭取大部分委員的共識，機制亦不可能被濫用。

(2) 建議

以 20 位委員（目前專責委員會成立門檻）、簡單多數或絕對多數為門檻，制定爭議機制。

由於爭議機制限制了政府提交議程文件的權力，故此若通過此一機制，亦（至少）須修訂《財務委員會會議程序》第 21 條。

(3) 議案擬稿（有待修訂）

議案四

自 2018/19 財政年度基本工程儲備基金開始，在政府將基本工程儲備基金整體撥款項目放於議程文件後，及該項目付諸表決前，該財政年度的基本工程儲備基金整體撥款的參考清單中的項目中，若有 20 位委員提出書面要求，該項目相關的原來的轉授權力便不適用；已簽訂承辦合約的項目除外。

若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

或

財務委員會就基本工程儲備基金下，開支總目 701 分目 1004CA、總目 701 分目 1100CA、總目 705 分目 5001BX，維持財政司司長現有授權上限，即不設撥款限額；就開支總目 706 分目 6101TX，亦維持財政司司長現有授權上限，即 7,500 萬元；就開支總目 710 分目 A007GX，亦維持財政司司長現有授權上限，即 1,000 萬元；就基本工程儲備基金整體撥款所包括的其餘 21 個開支分目，亦維持財政司司長現有授權上限，即 3,000 萬元；以便財政司司長可批准把各類丁級工程項目納入工務計劃。自 2018/19 財政年度基本工程儲備基金開始，在政府將基本工程儲備基金整體撥款項目放於議程文件後，及該項目付諸表決前，若不少於 20 名財務委員會委員提出書面要求，可將該個別項目之授權上限，由原來之上限改為港幣 100 元；已簽訂承辦合約的項目除外。

若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。



或

財務委員會就基本工程儲備基金下，開支總目 701 分目 1004CA、總目 701 分目 1100CA、總目 705 分目 5001BX，維持財政司司長現有授權上限，即不設撥款限額；就開支總目 706 分目 6101TX，亦維持財政司司長現有授權上限，即 7,500 萬元；就開支總目 710 分目 A007GX，亦維持財政司司長現有授權上限，即 1,000 萬元；就基本工程儲備基金整體撥款所包括的其餘 21 個開支分目，亦維持財政司司長現有授權上限，即 3,000 萬元；以便財政司司長可批准把各類丁級工程項目納入工務計劃；有 20 位委員提出書面表達反對的項目除外，已簽訂承辦合約的項目不在此限。

若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

議案五

自 2018/19 財政年度基本工程儲備基金開始，在政府將基本工程儲備基金整體撥款項目放於議程文件後，及該項目付諸表決前，該財政年度的基本工程儲備基金整體撥款的參考清單中的項目中，若二分之一全體委員提出書面要求，該項目相關的原來的轉授權力便不適用；已簽訂承辦合約的項目除外。

若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

或

財務委員會就基本工程儲備基金下，開支總目 701 分目 1004CA、總目 701 分目 1100CA、總目 705 分目 5001BX，維持財政司司長現有授權上限，即不設撥款限額；就開支總目 706 分目 6101TX，亦維持財政司司長現有授權上限，即 7,500 萬元；就開支總目 710 分目 A007GX，亦維持財政司司長現有授權上限，即 1,000 萬元；就基本工程儲備基金整體撥款所包括的其餘 21 個開支分目，亦維持財政司司長現有授權上限，即 3,000 萬元；以便財政司司長可批准把各類丁級工程項目納入工務計劃。自 2018/19 財政年度基本工程儲備基金開始，在政府將基本工程儲備基金整體撥款項目放於議程文件後，及該項目付諸表決前，若二分之一全體委員提出書面要求，可將該個別項目之授權上限，由原來之上限改為港幣 100 元；已簽訂承辦合約的項目除外。

若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

或

財務委員會就基本工程儲備基金下，開支總目 701 分目 1004CA、總目 701 分目 1100CA、總目 705 分目 5001BX，維持財政司司長現有授權上限，即不設撥款限額；就開支總目 706



分目 6101TX，亦維持財政司司長現有授權上限，即 7,500 萬元；就開支總目 710 分目 A007GX，亦維持財政司司長現有授權上限，即 1,000 萬元；就基本工程儲備基金整體撥款所包括的其餘 21 個開支分目，亦維持財政司司長現有授權上限，即 3,000 萬元；以便財政司司長可批准把各類丁級工程項目納入工務計劃；有二分之一全體委員提出書面表達反對的項目除外，已簽訂承辦合約的項目不在此限。

若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

議案六

自 2018/19 財政年度基本工程儲備基金開始，在政府將基本工程儲備基金整體撥款項目放於議程文件後，及該項目付諸表決前，該財政年度的基本工程儲備基金整體撥款的參考清單中的項目中，若三分之二全體委員提出書面要求，該項目相關的原來的轉授權力便不適用；已簽訂承辦合約的項目除外。

若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

或

財務委員會就基本工程儲備基金下，開支總目 701 分目 1004CA、總目 701 分目 1100CA、總目 705 分目 5001BX，維持財政司司長現有授權上限，即不設撥款限額；就開支總目 706 分目 6101TX，亦維持財政司司長現有授權上限，即 7,500 萬元；就開支總目 710 分目 A007GX，亦維持財政司司長現有授權上限，即 1,000 萬元；就基本工程儲備基金整體撥款所包括的其餘 21 個開支分目，亦維持財政司司長現有授權上限，即 3,000 萬元；以便財政司司長可批准把各類丁級工程項目納入工務計劃。自 2018/19 財政年度基本工程儲備基金開始，在政府將基本工程儲備基金整體撥款項目放於議程文件後，及該項目付諸表決前，若三分之二全體委員提出書面要求，可將該個別項目之授權上限，由原來之上限改為港幣 100 元；已簽訂承辦合約的項目除外。

若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

或

財務委員會就基本工程儲備基金下，開支總目 701 分目 1004CA、總目 701 分目 1100CA、總目 705 分目 5001BX，維持財政司司長現有授權上限，即不設撥款限額；就開支總目 706 分目 6101TX，亦維持財政司司長現有授權上限，即 7,500 萬元；就開支總目 710 分目 A007GX，亦維持財政司司長現有授權上限，即 1,000 萬元；就基本工程儲備基金整體撥款所包括的其餘 21 個開支分目，亦維持財政司司長現有授權上限，即 3,000 萬元；以便財政司司長可批准把各類丁級工程項目納入工務計劃；有三分之二全體委員提出書面表達反對的項目除外，已簽訂承辦合約的項目不在此限。



若本議案獲得財務委員會表決通過，本委員會須提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

(三) 總目 701 分目 1100CA 及分目 1004CA 轉授權力內容

(1) 背景及分析

(i) 邏輯錯誤

在整個基本工程儲備基金之中，只有三個分目不設撥款上限，當中總目 705 分目 5100BX「防止山泥傾瀉計劃」爭議頗低。但兩個土地徵用開支的分目則不然。

事實上，本人理解，政府認為這兩個分目適合「不設撥款上限」的理由，乃補償有其沿用的計算機制，不必重新審議。然而，眾所週知，土地徵用項目之中，地區選擇及整體規劃布局才往往是爭議關鍵（補償機制亦有漏洞，但與分目上限無直接關係）；受影響居民經常會提出替代建議，反問政府，為甚麼發展的不是另一塊土地。故此，政府完全不顧及居民意見，「補償機制已訂定」作為不設上限的理由，實在牽強。

在政府的詮釋之中，收地撥款的程序正當性，等如「沿用既有補償機制」及「按《土地收回條例》刊憲」就夠了。那麼，我們必須思考的是：立法機關只須確認每宗收地「沿用既有補償機制」，然後加上基本工程儲備基金整體撥款的表決「儀式」（formality），就等如踐行了《基本法》第 73 條「批准公共開支」的職能嗎？本人認為，答案顯然是否定的。

(ii) 架空日後撥款建議中財委會之反對權，行政介入立法機關權力

上文已兩次提出，基本工程儲備基金整體撥款的表決，目前已是「儀式」（formality）。原因理至易明，因為這宗逾 120 億的撥款裡，相關項目已擴充至九千項以上，大量都是毫無爭議的民生項目，例如街燈照明、學校裝修、興建運動場、道路翻新、渠務工程等等。「反對」整個撥款，只能是一種政治表態；中止整個撥款，對市民日常生活牽連極大，在正常情況下，無論陣營誰屬，議員是不會傾向中止此項撥款的。

於是我們便要理解，當土地徵用項目，被綑綁在這項撥款中，究竟有何意義。

在一項政府推動的發展項目中，程序通常是：

- （透過基本工程儲備基金整體撥款）向立法會申請研究及設計撥款
- 視乎項目規模，發展部門諮詢公眾三輪
- 視乎項目規模及性質，向環諮會提交環境影響評估報告
- 區議會諮詢（持續）
- 城規會公眾諮詢及審議
- （透過基本工程儲備基金整體撥款）向立法會申請土地徵用撥款



- 刊憲啟動徵地
- 地政署收地、補償、安置等等
- 向立法會申請土地平整及基建設施撥款
- 房委會取得土地後興建公屋，或政府就私人發展土地進行投標

從上面的例子，我們可以見到，一個項目，當立法會第一次有機會審議時，往往已是土地平整及基建設施撥款申請階段，它往往已完成收地程序，差不多就是「水到渠成」。

換句話說：到了那一刻，本來的居民已不再居住於該區；政府亦已付出了大量公帑去補償地主及業主；即便財委會委員對項目質疑極大，屆時的反對意義亦已不大。

即，法律上而言，把土地徵用項目放在基本工程儲備基金整體撥款中而不設上限，其實是以一個儀式表決，架空了立法會往後就相關項目的其他部分審議撥款的權力。在以「三權分立」作為普通法內在原則的香港社會，行政機關這種安排是涉嫌褫奪了立法機關批准公共開支的權力。

在合法合憲與程序公義的前提下，本委員會必須修訂目前此一轉授權力的內容。

（iii）金額極大的項目不用審議極不合理

本人對財委會撥款嘗試作出整理（見附錄），過去五年，財委會通過 163 項工務工程，工程撥款的中位數為 4.78 億，第三四分位數為 15.3 億。

然而，從基本工程儲備基金整體撥款的資料顯示，超過中位數的 1100CA 項目每年至少 5 項，超過第三四分位數的 1100CA 項目每年至少 2 項。

即，在目前安排下，出現了很多數千萬項目須交財委會獨立審議，但二十億三十億的項目，卻不用財委會獨立審議的情況。此情況長期發生，顯然並不合理。

當然本人亦注意到，撥款款額與爭議性不一定有直接關係，所以本委員會還需要「爭議項目機制」。

（iv）將來有金額更大的徵地項目，更不合理

本人透過秘書處同事的協助，取得了基金整體撥款自 2003/04 年度以來的清單。現時，基金整體撥款大概每年 120 億以上，1100CA 及 1004CA 兩個收地分目的比例，則介乎 15% 至 27% 之間。若籠統論，則約兩成左右。

雖然本人的研究集中於最近 5 個年度，然而，本人亦確認了，自主權交接後立法會成立以來，土地徵用分目基本上未有包括新發展區的項目，即未來的新市鎮。唯一例外是古洞北新老人院的土地徵用，申請撥款約 6 億。



即，當未來數個大型的新發展區的收地工作一旦開始，收地分目佔基金整體撥款的比例便會大幅增加，變得更不合理。2013年7月，時任發展局局長陳茂波曾公開表示，新界東北發展項目的收地開支約為300億，此說可參見多個媒體報導。

300億的公共開支，財委會難道竟然沒有責任獨立審議？

就算此項收地開支分作三年，或裝模作樣分作多個項目，每年100億加在目前的基金整體撥款之中，都會變得極不合理。

何況，新界東北不是孤例，洪水橋、元朗南、新界北，還有發展局局長黃偉綸提到的200塊打算改劃的土地（綠化帶與政府機構及社區用地），未來香港會出現的收地項目將會極多。收地分目必將大幅膨脹。目前不設上限的轉授權力內容，是極不負責。

（v）不一定會增加財委會議會時間

近年建制派議員一直想加快會議進程，配合政府。如果再在收地分目加入撥款限制，部分委員必然更多顧慮及強烈反彈。

本人希望指出的是：若有委員有此擔心，基本工程基金乃一整全體系，其餘爭議性較小的分目，亦可稍稍放鬆授權上限，以作平衡。不過我們還是必須參照資料，作為行事基礎。在這個方向上，本人期待有意見的委員可整理不同分目項目在財委會及小組委員會的討論時間，供大家進一步考慮。

（2）建議

本人提出以財委會工務工程撥款的第一四分位數、中位數及第三四分位數為基準，提出了2億、5億、20億，三個門檻，希望委員會能認真考慮。

（3）議案擬稿（有待修訂）

議案七

財務委員會就基本工程儲備基金下，開支總目701分目1004CA及總目701分目1100CA的項目，將財政司司長現有授權上限修訂為2億。

議案八

財務委員會就基本工程儲備基金下，開支總目701分目1004CA及總目701分目1100CA的項目，將財政司司長現有授權上限修訂為5億。

議案九

財務委員會就基本工程儲備基金下，開支總目701分目1004CA及總目701分目1100CA的項目，將財政司司長現有授權上限修訂為20億。



(四) 工程定義

(1) 背景及分析：

目前政府傾向把工程切開為多個項目，例如蓮塘口岸，單是土地徵用，已達 11 項目——按立法會 FC58/16-17(02)號文件，包括 N000002916、N000002791、N000002724、N000002780、N000002824、N000003099、N000003107、N000002734、N000002914、N000003098 及 N000003106。

又如小蠔灣發展項目，在 2017/18 年度的基金整體撥款中，既有預算達 2,767 萬的「Engineering feasibility studies for proposed near shore reclamation at Siu Ho Wan」，又有 1,384 萬的「Technical study on landside development at Siu Ho Wan」，兩者同屬分目 5101CX。

又如新界東北發展，7100CX 的新項目，Site formation and associated infrastructure works for purpose-built complex of residential care homes for the elderly in Area 29 of Kwu Tung North New Development Area，預算達 2,400 萬；但又另有 470 萬的項目「Purpose-built complex of Residential Care Homes for the Elderly in Area 29 of Kwu Tung North New Development Area」在分目 3101CX 之中。

上述反映政府有極大空間自行調節項目的「大小」，若要規避審議，十分容易，這種情況極不理想。當項目爭議性增加時，類似情況一定更嚴重。

(2) 建議：

本委員會清楚訂明，每大型項目，在同一分目下，只可有一項工程。

由於此機制可能限制了政府提交議程文件的權力，故此若通過此一機制，亦（至少）須考慮修訂《財務委員會會議程序》第 21 條。

(3) 議案擬稿（有待修訂）

議案十

財務委員會就基本工程儲備基金下，若有工程在同一開支分目中項目多於 1 個，則該等項目相關的轉授權力便不適用；已簽訂承辦合約的項目除外。

若本議案獲得財務委員會表決通過，本委員會應提案修訂《財務委員會會議程序》第 21 段及／或其他委員會認為有所衝突的條文；待修訂程序完成後，本議案方為生效。

上述四個面向，為本人建議於特別財委會討論之內容。



因內容複雜，本人認為必須召開一次或一輪預備會議，以確保討論暢順進行。請主席理解，並作相關安排。

無論如何，感謝。有勞跟進。

此致
財委會主席陳健波

2017年10月30日

立法會議員朱凱迪



附錄 相關統計

- 【註】1. 金額數值表達方式，為保留至百萬港元，餘額捨去；百分比表達方式，為保留至小數點後兩位，四捨五入。
2. 分目的年度預算，與分目內項目總預算，並不相同，後者計算整個項目。
3. 若有錯漏，歡迎指正。

財委會工務工程撥款統計

表一

| 會期 | 通過撥款總數 | 撥款總額 | 項目款額中位數 | 項目款額 Q ₁ | 項目款額 Q ₃ | 項目平均金額 |
|---------|--------|-----------|---------|---------------------|---------------------|---------|
| 2016/17 | 12 項 | 591.17 億 | 9.97 億 | 2.85 億 | 42.66 億 | 49.26 億 |
| 2015/16 | 45 項 | 872.46 億 | 4.46 億 | 1.11 億 | 15.64 億 | 19.38 億 |
| 2014/15 | 62 項 | 1025.21 億 | 5.55 億 | 1.37 億 | 12.50 億 | 16.53 億 |
| 2013/14 | 16 項 | 369.88 億 | 2.03 億 | 0.61 億 | 11.15 億 | 23.11 億 |
| 2012/13 | 44 項 | 1048.07 億 | 3.64 億 | 1.77 億 | 11.13 億 | 23.81 億 |
| 總計 | 163 項 | 3536.92 億 | 4.78 億 | 1.52 億 | 15.30 億 | 21.69 億 |

基本工程儲備基金整體撥款統計

表二

| 財政年度 | 整體撥款 年度預算 | 1100CA 年度預算 | 1100CA 佔 整體撥款比例 | 1004CA 年度預算 | 1004CA 佔 整體撥款比例 | 兩分目 年度預算 | 兩分目佔 整體撥款比例 |
|---------|--------------|----------------|--------------------|----------------|--------------------|-------------|----------------|
| 2017/18 | 124.20 億 | 18.61 億 | 14.99% | 0.16 億 | 0.89% | 18.78 億 | 15.12% |
| 2016/17 | 128.26 億 | 26.90 億 | 20.98% | 0.16 億 | 0.62% | 27.07 億 | 21.11% |
| 2015/16 | 122.04 億 | 23.13 億 | 18.96% | 0.21 億 | 0.93% | 23.35 億 | 19.13% |
| 2014/15 | 122.05 億 | 28.20 億 | 23.10% | 0.10 億 | 0.38% | 28.30 億 | 23.19% |
| 2013/14 | 123.91 億 | 33.40 億 | 27.03% | 0.17 億 | 0.52% | 33.66 億 | 27.16% |
| 2012/13 | 115.12 億 | 26.00 億 | 22.59% | 0.31 億 | 1.21% | 26.32 億 | 22.87% |
| 2011/12 | 114.26 億 | 22.15 億 | 19.38% | 0.72 億 | 3.25% | 22.87 億 | 20.01% |
| 2010/11 | 118.24 億 | 24.89 億 | 21.05% | 0.88 億 | 3.54% | 25.77 億 | 21.79% |
| 2009/10 | 99.30 億 | 17.28 億 | 17.41% | 0.27 億 | 1.57% | 17.56 億 | 17.68% |
| 2008/09 | 91.73 億 | 17.70 億 | 19.30% | 0.16 億 | 0.91% | 17.87 億 | 19.48% |
| 2007/08 | 85.19 億 | 18.67 億 | 21.92% | 0.21 億 | 1.15% | 18.88 億 | 22.17% |
| 2006/07 | 79.32 億 | 17.94 億 | 22.62% | 0.22 億 | 1.24% | 18.16 億 | 22.90% |
| 2005/06 | 75.92 億 | 17.76 億 | 23.40% | 0.25 億 | 1.40% | 18.01 億 | 23.72% |
| 2004/05 | 74.68 億 | 20.00 億 | 26.78% | 0.76 億 | 3.80% | 20.76 億 | 27.80% |
| 2003/04 | 97.00 億 | 20.00 億 | 20.62% | 0.57 億 | 2.85% | 20.57 億 | 21.20% |

表三

| 財政年度 | 1100CA 項目總數 | 1100CA 項目總預算 | 1004CA 項目總數 | 1004CA 項目總預算 |
|---------|-------------|--------------|-------------|--------------|
| 2017/18 | 164 項 | 134.12 億 | 6 項 | 0.11 億 |
| 2016/17 | 168 項 | 166.98 億 | 5 項 | 0.11 億 |
| 2015/16 | 169 項 | 141.61 億 | 5 項 | 0.11 億 |
| 2014/15 | 173 項 | 153.05 億 | 5 項 | 0.21 億 |
| 2013/14 | 155 項 | 141.61 億 | 4 項 | 0.19 億 |
| 2012/13 | 195 項 | 173.86 億 | 2 項 | 0.13 億 |
| 2011/12 | 229 項 | 185.08 億 | 7 項 | 0.21 億 |
| 2010/11 | 233 項 | 146.70 億 | 7 項 | 0.21 億 |
| 2009/10 | 204 項 | 116.71 億 | 7 項 | 0.19 億 |
| 2008/09 | 226 項 | 121.10 億 | 6 項 | 0.18 億 |
| 2007/08 | 257 項 | 151.02 億 | 11 項 | 0.24 億 |
| 2006/07 | 256 項 | 151.75 億 | 10 項 | 0.24 億 |
| 2005/06 | 306 項 | 166.99 億 | 12 項 | 0.15 億 |
| 2004/05 | 321 項 | 172.30 億 | 15 項 | 0.15 億 |
| 2003/04 | 309 項 | 154.47 億 | 17 項 | 0.15 億 |



總目 701 分目 1100CA 統計

表四

| 財政年度 | 項目總數 | 項目預算總額 | 項目預算中位數 | 項目預算 Q1 | 項目預算 Q3 | 項目平均預算 |
|---------|-------|----------|---------|---------|---------|--------|
| 2017/18 | 164 項 | 134.12 億 | 0.10 億 | 0.01 億 | 0.42 億 | 0.81 億 |
| 2016/17 | 168 項 | 166.98 億 | 0.06 億 | 0.01 億 | 0.37 億 | 0.99 億 |
| 2015/16 | 169 項 | 141.61 億 | 0.12 億 | 0.02 億 | 0.36 億 | 0.83 億 |
| 2014/15 | 173 項 | 153.05 億 | 0.20 億 | 0.03 億 | 0.54 億 | 0.88 億 |
| 2013/14 | 155 項 | 141.61 億 | 0.16 億 | 0.02 億 | 0.60 億 | 0.91 億 |
| 總計 | 不適合 | 不適合 | 不適合 | 不適合 | 不適合 | 不適合 |

表五

| 財政年度 | 預算超過財委會 工務工程中位數項目 | 預算超過財委會 工務工程 Q ₃ 項目 | 預算超過 2 億項目 | 預算超過 5 億項目 | 預算超過 20 億項目 |
|---------|----------------------|-----------------------------------|---------------|---------------|----------------|
| 2017/18 | 5 項 | 2 項 | 13 項 | 5 項 | 1 項 |
| 2016/17 | 7 項 | 3 項 | 11 項 | 7 項 | 2 項 |
| 2015/16 | 5 項 | 2 項 | 14 項 | 5 項 | 1 項 |
| 2014/15 | 6 項 | 2 項 | 11 項 | 6 項 | 1 項 |
| 2013/14 | 6 項 | 3 項 | 11 項 | 6 項 | 1 項 |

總目 701 分目 1004CA 統計

表六

| 財政年度 | 項目總數 | 項目預算總額 | 項目預算中位數 | 項目預算 Q1 | 項目預算 Q3 | 項目平均預算 |
|---------|------|---------|---------|---------|---------|--------|
| 2017/18 | 6 項 | 11.91 億 | 0.46 億 | 0.07 億 | 0.91 億 | 1.98 億 |
| 2016/17 | 5 項 | 11.86 億 | 0.74 億 | 0.18 億 | 0.91 億 | 2.37 億 |
| 2015/16 | 5 項 | 11.95 億 | 0.74 億 | 0.24 億 | 0.91 億 | 2.39 億 |
| 2014/15 | 5 項 | 21.35 億 | 3.78 億 | 1.01 億 | 5.73 億 | 4.27 億 |
| 2013/14 | 4 項 | 19.55 億 | 4.75 億 | 1.96 億 | 7.81 億 | 4.88 億 |
| 總計 | 不適合 | 不適合 | 不適合 | 不適合 | 不適合 | 不適合 |

表七

| 財政年度 | 預算超過財委會 工務工程中位數項目 | 預算超過財委會 工務工程 Q ₃ 項目 | 預算超過 2 億項目 | 預算超過 5 億項目 | 預算超過 20 億項目 |
|---------|----------------------|-----------------------------------|---------------|---------------|----------------|
| 2017/18 | 1 項 | 0 項 | 1 項 | 1 項 | 0 項 |
| 2016/17 | 1 項 | 0 項 | 1 項 | 1 項 | 0 項 |
| 2015/16 | 1 項 | 0 項 | 1 項 | 1 項 | 0 項 |
| 2014/15 | 2 項 | 0 項 | 3 項 | 2 項 | 0 項 |
| 2013/14 | 2 項 | 0 項 | 3 項 | 2 項 | 0 項 |