

立法會
Legislative Council

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

**Minutes of the 9th meeting
held in the Chamber of Legislative Council Building
on Wednesday, 5 May 2004, at 10:45 am**

Members present:

Ir Dr Hon Raymond HO Chung-tai, JP (Chairman)
Hon Albert CHAN Wai-yip (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Dr Hon Eric LI Ka-cheung, GBS, JP
Hon Fred LI Wah-ming, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, JP
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon YEUNG Yiu-chung, BBS
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Dr Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Members absent:

Hon WONG Yung-kan
Dr Hon TANG Siu-tong, JP
Hon LAU Ping-cheung

Public officers attending:

Miss Amy TSE, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)3
Mr Y C LO, JP	Permanent Secretary for the Environment, Transport and Works (Works)
Mrs Carrie LAM, JP	Permanent Secretary for Housing, Planning and Lands (Planning and Lands)
Mr Rob LAW, JP	Director of Environmental Protection
Miss Janice TSE	Principal Assistant Secretary for Financial Services and the Treasury (Treasury) (Works)
Ms Ernestina WONG	Principal Assistant Secretary for the Environment, Transport and Works (Transport)5
Mr MAK Chai-kwong, JP	Director of Highways
Mr David ENGLISH, JP	Deputy Project Manager/Major Works (1)
Mr LEE Yan-ming	Highways Department
Mr William KO, JP	Chief Traffic Engineer/New Territories West
Mr LEUNG Mang-chiu, JP	Transport Department
Mr C H YUE, JP	Director of Water Supplies
Mrs Cherry TSE, JP	Assistant Director/New Works
Mr David WONG	Water Supplies Department
Mr Vincent LIU	Director of Architectural Services
Mr Donald TONG	Deputy Secretary for Education and Manpower (2)
Mr YEUNG Shun-kui	Principal Assistant Secretary for Education and Manpower (Infrastructure & Research Support)
Mr HUNG Chi-pai	Principal Assistant Secretary for the Health, Welfare and Food (Food and Environmental Hygiene)2
	Deputy Director (Administration and Development)
	Food and Environmental Hygiene Department
	Assistant Director (Operations)2
	Food and Environmental Hygiene Department
	Assistant Director (Operations)1
	Food and Environmental Hygiene Department

Clerk in attendance:

Ms Anita SIT

Chief Council Secretary (1)6

Staff in attendance:

Ms Pauline NG

Assistant Secretary General 1

Mr Matthew LOO

Senior Council Secretary (1)3

Ms Caris CHAN

Senior Legislative Assistant 1

Mr Frankie WOO

Legislative Assistant 2

HEAD 706 - HIGHWAYS

PWSC(2004-05)10

718TH

**Improvement to Tung Chung Road
between Lung Tseng Tau and Cheung
Sha**

1. Members noted that the proposal was to increase the approved project estimate for the Tung Chung Road (TCR) improvement project from \$629.8 million to \$688.5 million to cover the cost of the works under the project.

2. Mr Albert CHAN supported the project but stated that the higher-than-expected tender price was not within his expectation. Referring to his suggestion made in the previous discussion on the project that part of the works which was not within the vicinity of residential developments be proceeded round the clock with a view to expediting the construction process, Mr CHAN said that in view of the Government's tight fiscal position, he was willing to withdraw the suggestion if the higher project cost was mainly due to overnight works. The Director of Highways (DH_y) said that the Administration had completed the tender evaluation process. Apart from overnight works, the higher-than-expected tender price was also attributable to a number of factors including the difficult site conditions and the environmental and traffic mitigation measures to be implemented. The Administration had consulted the Country Parks Committee on the possibility and extent of the overnight works and would comply with all the statutory requirements for the overnight works. DH_y also noted Mr CHAN's suggestion that there should be a theme in the landscaping of the road and the species of trees to be planted.

3. Noting that implementation of environmental measures was one of the major causes of the higher-than-expected tender price, Mr Kenneth TING requested the Administration to provide more details on the environmental measures to be adopted for the project. Ms Miriam LAU also enquired whether the environmental measures adopted were necessary or otherwise excessive, and thus affected the tender prices. In response, DH_y said that the existing TCR was a substandard single-lane

carriageway for two-way traffic with steep gradient of up to 20% at certain locations. The proposed works which involved the reduction of the gradient of some sections to 15% or below were extremely difficult as the works, including the transportation of construction materials, should comply with various statutory environmental protection requirements, and it was necessary to keep the road open to traffic during the construction period. Furthermore, around two kilometres (km) of the road section concerned were within country park areas and this would increase the complexity of the improvement works. The higher-than-expected tender outturn price was therefore attributable to the tenderers being more cautious about the said conditions of the works. DHy also assured members that all the environmental measures to be adopted were those recommended in the approved Environmental Impact Assessment (EIA) report for the project. At the request of Mr Kenneth TING, DHy undertook to provide a breakdown of the costs attributable to the implementation of environmental measures.

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4. While expressing his support to the project, Mr IP Kwok-him requested the Administration to clarify the main reason(s) for the increase of around 10% in project cost. He said that based on the Administration's explanation so far, there seemed to be no unforeseen circumstances that had caused the increase. In response, DHy said that there was no major change in the project scope except that some additional road safety enhancement works were included in the light of the recommendations in the Report on Enhancement of Highway Safety issued by the Independent Expert Panel of Tuen Mun Road Incident. The contractor would be required to undertake these works at an estimated cost of \$8 million. As to whether the project cost had been under-estimated, DHy advised that in respect of the level of complexity of the improvement works, tenderers might have adopted a more conservative approach in estimating the required resources and hence the costs were higher than the Government's estimate. The difficulty in carrying out the works appeared to be an important consideration for tenderers in this case. DHy added that the tendered prices also to a certain extent reflected the increase in oil and iron prices by 4% to 5% for the period from October 2003 to January 2004.

5. In this connection, the Permanent Secretary for the Environment, Transport and Works (Works) (PSW) also pointed out the difficulties in deriving an accurate project cost estimate given the fluctuations in market situations. Among the 11 tenders awarded in 2004, the tender prices of three projects were higher than the estimated project costs. He said that internal guidelines had been drawn up requiring bureaux and departments concerned to update the cost estimates of each project in the light of the latest trend construction prices before a project was put out to tender. The Chairman suggested that factors such as changes in trend construction prices and other new developments in the market which had affected the project estimates should be included in similar submissions in future.

6. On Mr Henry WU's concern about the decrease in the estimate for landscaping works from \$7.6 million to \$4.5 million, DHy said that for cashflow considerations, it was a common strategy for contractors to ascribe a greater

proportion of the project cost to advance engineering and structural works such as slope stabilization and construction of elevated highway structures in their tenders. He confirmed that the overall works arrangements in the recommended tender was reasonable. The Administration would work closely with the contractor to make sure that all works would meet the standards and requirements specified in the contract.

7. In response to Mr Kenneth TING's enquiry about the estimated construction cost per km of the improved TCR, DHy advised that apart from widening and realignment of TCR, the project also involved other engineering and structural works. The Administration had compared the costing of these works with those of similar works in other projects and considered the outturn tender price for this project reasonable.

8. The item was voted on and endorsed.

HEAD 709 - WATERWORKS

PWSC(2004-05)7 329WF West Col Dam of High Island Reservoir — remedial works

9. Noting that water leakage at the West Col Dam was reported soon after the completion of the dam construction in 1977 and subsequent grouting works were required in 1980, Mr Henry WU was concerned about the durability and effectiveness of the initial construction works and enquired about the nature/cause of present problem. He was also concerned about the situation of water leakage at other dams of the High Island Reservoir (HIR). In response, the Director of Water Supplies (DWS) advised that the remedial works carried out in 1980 were anticipated as no water leakage testing could be conducted at the time the West Col Dam was completed in 1977, because HIR mainly collected water from rains and the reservoir storage could only reach the testing level at 53 metres above principle datum in 1980. The situation had remained stable after the grouting works in 1980 until recently. DWS also pointed out that inspection of the dams of HIR by reservoir engineering expert was conducted every two years. Staff of Water Supplies Department (WSD) would also carry out dam inspection twice a year, and the minor repair and maintenance costs were covered in the departmental expenses of WSD.

10. The Assistant Director/New Works of WSD supplemented that HIR included two main dams founded directly on the seabed and two subsidiary dams. The two main dams had all along been in good condition. One of the subsidiary dams, the East Col Dam, had undergone minor repair works in 1990. Dam inspection and leakage flow analyses conducted by an expert in late 2002 indicated that the two main dams and the East Col Dam were in good condition but an increase in water leakage was identified at the West Col Dam. In particular, the natural rock foundation of the West Col Dam had deteriorated and remedial works to prevent further erosion of the foundation was required. The proposed remedial works by grouting were similar to

those undertaken in 1980 in terms of methodology.

11. The item was voted on and endorsed.

HEAD 703 - BUILDINGS

PWSC(2004-05)8 260ES A direct subsidy scheme secondary school in Area 50, Tseung Kwan O

12. Members noted that the Administration had consulted the LegCo Panel on Education (Education Panel) on the planning and provision of public sector school places at the Panel meeting held on 30 January 2004.

13. Mr WONG Sing-chi pointed out that there were 1 239 vacant secondary school places as at December 2003 and a projected surplus of 26 secondary school classes by 2007 in the Sai Kung District taking into account the supply of school places in DSS schools in the district. He also referred to the information provided in the Administration's paper (*Annex A to LC Paper No. CB(2)1058/03-04(01)*) that two secondary schools would be completed in 2004/05, and one secondary school (the school under the present proposal) and one primary-cum-secondary school would be completed in 2006/07 subject to approval of the required funding. He expressed grave concern that these new school projects might result in serious oversupply of secondary school places in Sai Kung. While District Council members and school principals in Sai Kung did not have strong objection to the project, Mr WONG urged the Administration to critically review its School Building Programme so that the oversupply of secondary school places in Sai Kung would not be exacerbated as in other districts such as Sha Tin.

14. In response, the Deputy Secretary for Education and Manpower (2) (DS(2), EMB) advised that around 20 000 secondary school places were provided in Sai Kung and the current vacancies were only 1 090. Most vacant classrooms were in new schools which operated only Secondary One and Four classes in the initial years of school operation. Some other schools had one to two vacant classrooms but these classrooms would not be used to operate additional classes under normal circumstances as uneven and fluctuating class structure would not be good from school development point of view. DS(2), EMB also advised that, from a macro planning perspective, there was a need to build in a small number of vacancies to provide flexibility in school planning and genuine choices for parents. The projected supply of 687 secondary school classes with a surplus of 32 by 2008 in Sai Kung was based on the assumption that all the planned school projects would be approved by the Finance Committee (FC). DS(2), EMB also drew members' attention that all the schools under planning and construction in Sai Kung were direct subsidiary scheme (DSS) schools which could recruit students on a territory-wide basis. Excluding the supply of DSS school places, a shortfall of 127 secondary school classes was projected for the Sai Kung District in 2008.

15. Mr WONG Sing-chi opined that it would be misleading to exclude DSS school places from the forecast supply of school places.

16. Ms Emily LAU supported the Government's policy to promote diversity and choice for students and parents by developing DSS schools, but the Administration should take into account the concern of some under-enrolled schools that DSS schools would inevitably pose competition to them. Miss CHAN Yuen-han expressed similar views and stressed that the Administration should ensure fair competition between DSS schools and public sector schools in the same district. Mr YEUNG Yiu-chung also expressed support for the development of DSS schools, and pointed out that a reasonable number of school place vacancies was required to provide choices for parents.

17. Ms Emily LAU and Mr Andrew WONG noted that the school project received support from the Sai Kung District Council (SKDC) and the local community, but the owners of the adjacent Oscar By The Sea had raised concern on whether the responsibility for the repair and maintenance of Pung Loi Road and Pung Loi Avenue should continue to be borne by them upon commissioning of the proposed new school. As Pung Loi Road and Pung Loi Avenue were not private roads, Mr WONG considered it unreasonable for the owners of Oscar By The Sea to bear the repair and maintenance responsibility as they had no right to restrict public access to these roads, and he would not support the project if the owners were required to continue to shoulder this responsibility. DS(2), EMB and the Principal Assistant Secretary for Education and Manpower (Infrastructure & Research Support) (PAS(I&RS), EMB) responded that the Administration was fully aware of the owners' concern. EMB and the relevant departments were looking into the matter which involved land lease conditions. They undertook to expedite the process and, as far as possible, report the outcome before the relevant FC meeting.

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18. Ms Emily LAU conveyed the concern of the owners of Oscar By The Sea about the adequacy transport facilities to cope with the increase in traffic upon commissioning of the school. PAS(I&RS), EMB said that the project had been the subject of a traffic impact assessment following which various traffic management measures would be taken. These included the provision of a lay-by at the north end of the school site. A subway could be found at the south end of the site and parking facilities for school buses would also be provided. Furthermore, as students would travel in the opposite direction to that of most residents during rush hours, and the school site was close to the Mass Transit Railway Hang Hau Station, the Administration did not anticipate serious traffic problems and congestion upon school commissioning.

19. On residents' concern about the noise generated from the school, DS(2), EMB advised that the school sponsoring body (SSB) had already undertaken to use low volume musical ringing in place of normal school bell ringing and other appropriate measures with a view to minimizing the noise impact on nearby residents.

In this connection, Ms Emily LAU also enquired whether it was in anticipation of excessive traffic noise along Pung Loi Road that insulated windows were to be provided for the western and eastern façades of the school. The Director of Architectural Services (D Arch S) advised that these were mitigation measures to reduce the impact of traffic noise on the school from adjacent roads, including Wan Po Road and Pung Loi Road, as recommended in the Preliminary Environmental Review.

20. Referring to the illustrations on the school premises (artist's impression) at Enclosure 2 of the Administration's paper, Miss CHAN Yuen-han enquired whether the SSB had been consulted on the school design as she noted that no windows were provided at the northern façade of the assembly hall block. In response, D ArchS said that the elongated shape of the site had posed many design limitations and hence a non-standard design was adopted. The classroom block was designed in an atrium style for better penetration of natural light. It was due to the need to accommodate backstage facilities of the assembly hall that no windows were provided at the northern façade of the assembly hall block. PSW and D ArchS agreed that the illustrations at Enclosure 2 did not adequately bring out the design features of the school, in particular the eastern and western façades of the assembly hall block where many windows would be provided. DS(2), EMB confirmed that the school design had been endorsed by the SSB. Miss CHAN commented that the allocation of substandard sites for schools should be avoided. DS(2), EMB advised that the Administration would try its best to identify suitable sites for schools. As regards this project, another site had been considered but proven unsatisfactory. As a result, the present site was identified and confirmed in consultation with the SSB.

21. Mr Albert CHAN expressed strong dissatisfaction with the current design and said that he would not support the project unless improvement was made. He opined that at least some decorations to bedeck the northern façade of the assembly hall block should be made to enliven the design of the school. D ArchS accepted Mr CHAN's view and agreed to review, in consultation with the SSB, the design of the school premises with regard to the outlook, in particular the façade of the assembly hall block and to provide, before the relevant FC meeting as far as possible, the relevant drawing showing the improvement made.

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22. Mr Henry WU referred to the consultants' fees for contract administration and said that he was not aware of the need of such consultancy services in other school projects. He enquired whether these services could be undertaken by in-house staff of ArchSD. In reply, D Arch S advised that the consultants' fees were mainly for the provision of quantity surveying services. Under normal circumstances, ArchSD would undertake the work in-house, particularly for urgent projects. For this project, the necessary quantity surveying services were contracted out because ArchSD did not have adequate manpower resources to take up the job.

23. On Mr Henry WU's enquiry about the proposed amenity facilities to the north of the school site, D ArchS advised that owing to the narrow and sloping

configuration of the site, only passive recreational facilities would be provided at this location.

Clerk 24. As the request of Ms Emily LAU, a copy of the minutes of meeting on this item would be sent to SKDC for their reference.

Admin Clerk 25. The item was voted on and endorsed. Mr Albert CHAN requested that this item be voted on separately at the relevant FC meeting.

**PWSC(2004-05)9 102ET A direct subsidy scheme school
(secondary-cum-primary) in Area 11,
Sha Tin**

26. Members noted that, similar to PWSC(2004-05)8, the Administration had consulted the Education Panel on the planning and provision of public sector school places at the Panel meeting held on 30 January 2004. Members also noted that a joint submission from Sha Tin District Secondary School Heads Association and Hong Kong Sha Tin District Primary School Heads Association (*LC Paper No. PWSC69/03-04(01)*) and a submission from 沙田區議會民主派議員 were tabled at the meeting (*LC Paper No. PWSC69/03-04(02)*).

27. Mr WONG Sing-chi said that Members of the Democratic Party did not support this proposal. He pointed out that currently, there were 1 918 vacant secondary school places in Sha Tin, and the vacancy situation would worsen with the implementation of the Administration's plan to provide two secondary schools in 2004/05, one primary-cum-secondary school in 2005/06 and two primary-cum-secondary schools in 2006/07. Moreover, there would be drastic decrease in the school age population in the Sha Tin District from 2002 to 2010. Mr WONG suggested that the proposed school should not be built in Sha Tin. In response, DS(2), EMB said that around 43 000 secondary school places were currently provided in Sha Tin and the vacancies were only around 2 000. This vacancy situation was not on the high side. Furthermore, there were eight bi-sessional primary schools operating 376 classes in the Sha Tin District and more school places would be required when these schools were converted to whole-day operation in the near future. Mr WONG was not convinced of the Administration's response and reiterated that it was unreasonable to build new secondary schools in Sha Tin in view of the serious oversupply of secondary school places in New Territories East.

28. Mr LAU Kong-wah sought elaboration on the pledge made by Hong Kong Baptist University (HKBU) and the Administration's role to monitor the pledge. DS(2), EMB advised that HKBU, SSB of the proposed school, had volunteered to cap the proportion of students recruited from Sha Tin at 15% and this proposal had been accepted by the Sha Tin District Council (STDC). With this undertaking of HKBU, the project was supported by STDC with 21 members voted for and 15 members voted against the project. DS(2), EMB acknowledged that the

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percentage cap was not derived from any scientific formula. Earlier proposals floated included 10% and 20% but 15% was eventually agreed having regard to local sentiments of schools and parents. As regards the concern raised by the School Heads Associations about the monitoring of the pledge made by HKBU, DS(2), EMB said that EMB would monitor the recruitment situation of the school and would request HKBU to put its pledge in writing. EMB would follow up the detailed arrangement with HKBU and STDC.

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29. Ms Emily LAU said that while she supported the development of DSS schools, she did not consider it justified to build a new DSS school in Sha Tin having regard to the oversupply of school places in this district. In relation to the queries made by the School Heads Associations in their joint submission, Ms LAU enquired about the percentage of students recruited from outside the Sha Tin District by existing DDS Schools in Sha Tin. In response, DS(2), EMB advised that the Administration had not collected this information because DSS schools had full autonomy in student recruitment, but she undertook to enquire with DSS schools concerned and, if available, provide the information after the meeting. As a reference, DS(2), EMB advised that around 15% of the students of the public sector and DSS schools in Sha Tin were currently recruited from outside the district. Among the 43 000 secondary school places in Sha Tin, only 2 000 school places were provided by DSS schools.

30. Taking note of the above information, Ms Emily LAU expressed concern it might be very difficult for HKBU to live up to its pledge. She also enquired about the consequence if HKBU recruited more than 15% students from Sha Tin. In response, DS(2), EMB said that EMB would require HKBU to file annual return on the number and percentage of students recruited from within Sha Tin. EMB would require HKBU to give explanation if the school recruited more than 15% of its students from Sha Tin. She would envisage that flexibility should be allowed for some special cases. For example, a student would be rightly not counted as recruited within Sha Tin if the student's family moved to Sha Tin only after the student had enrolled with the school. As the pledge was basically a contractual agreement between HKBU and STDC, EMB would bring the matter to STDC if over-recruitment of students from the Sha Tin district by the school was detected.

31. Miss CHAN Yuen-han considered that EMB should shoulder the responsibility for maintaining fair competition between DSS schools and public sector schools, and should make the best efforts to avoid possible disputes arising from the Administration's school building programme. She requested EMB to clearly specify in writing how the recruitment of students by the school could be properly monitored. DS(2), EMB explained that strictly in line with the established DSS policy, there should be no cap on recruitment. Nevertheless, having regard to the concern of the School Heads Associations, EMB considered the cap understandable and hence accepted the arrangement and agreed to shoulder the monitoring responsibility. This, however, would not detract from the fact that the pledge was by nature a bilateral contractual agreement between HKBU and STDC.

Since what made a contract binding was the consideration and contractual intention implicit in such an agreement, it was only appropriate for EMB to bring any departures to the attention of the parties concerned, so that discussion on the way forward could be conducted in the light of the then prevailing circumstances and intention of both parties.

32. Mr Andrew WONG said that he would not support the project as he had reservation on whether it was appropriate and fair to other SSBs for a tertiary institution to operate an affiliated through-train secondary-cum-primary school. DS(2), EMB responded that the proposed school would be first of its kind in Hong Kong. HKBU was one of the few universities with an education faculty. It would provide a unique opportunity for fostering a close partnership between primary and secondary school teachers and university scholars to put educational theories into practice. Mr WONG considered this rationale not tenable and cautioned that allowing the tertiary institutes to exert undue influence on primary and secondary schooling would upset the balance of the education system.

Clerk 33. At the request of Ms Emily LAU, a copy of the minutes of meeting on this item would be sent to the School Heads Associations and STDC for their reference.

34. The Chairman pointed out that members had raised some policy issues in their deliberations on PWSC (2004-05)8 and PWSC(2004-05)9, and he considered that such issues should be best discussed at the Education Panel if necessary.

35. The Chairman also declared interest that he was the appointed member of the Management Committee of Ng Yuk Secondary School in Sha Tin.

36. The Chairman put PWSC (2004-05)9 to vote. Eight members voted for the item, eight members voted against and one member abstained. The individual results were as follows:

For:

Dr Eric LI Ka-cheung
Mr CHAN Kam-lam
Mr YEUNG Yiu-chung
Mr LAU Kong-wah
(8 members)

Ms Miriam LAU Kin-yee
Miss CHOY So-yuk
Mr Henry WU King-cheong
Mr IP Kwok-him

Against:

Mr Fred LI Wah-ming
Mr James TO Kun-sun
Mr SIN Chung-kai
Mr Andrew WONG Wang-fat
(8 members)

Ms Emily LAU Wai-hing
Mr Andrew CHENG Kar-foo
Dr LAW Chi-kwong
Mr WONG Sing-chi

Abstention:

Miss CHAN Yuen han
(1 member)

As the votes of members were equally divided, the Chairman exercised the casting vote in accordance with Rule 39 of the Public Works Subcommittee Procedure against the item.

37. The item was negatived by the Subcommittee.

38. Owing to insufficient time, the consideration of the remaining items on the agenda, i.e. PWSC(2004-05)11 and 12 was deferred to the next meeting on 19 May 2004.

39. The meeting ended at 12:50 pm.

Council Business Division 1
Legislative Council Secretariat
1 June 2004