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

**Minutes of the 3rd meeting
held in the Chamber of Legislative Council Building
on Wednesday, 24 November 2004, at 10:45 am**

Members present:

Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP (Chairman)
Hon Alan LEONG Kah-kit, SC (Deputy Chairman)
Hon Fred LI Wah-ming, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, JP
Hon CHOY So-yuk
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Hon CHEUNG Hok-ming, SBS, JP
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man

Members absent:

Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon LEUNG Kwok-hung

Public officers attending:

Miss Amy TSE, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) ³
Mr Clement CHEUNG, JP	Permanent Secretary for the Environment, Transport and Works (Works)
Mrs Rita LAU, 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)
Mr C S WAI, JP	Deputy Secretary for the Environment, Transport and Works (Works) 2
Mr MAK Chai-kwong, JP	Director of Highways
Mr C H YUE, JP	Director of Architectural Services
Mr William KO, JP	Director of Water Supplies
Mr M C LEUNG, JP	Assistant Director of Water Supplies/New Works
Mr Raymond CHEUNG, JP	Director of Drainage Services
Mr C K HON	Assistant Director of Drainage Services/Projects & Development
Mr John CHAI, JP	Deputy Director of Civil Engineering and Development
Dr Ellen CHAN	Assistant Director of Environmental Protection (Waste Facilities)
Mr S Gary CROW	Chief Technical Advisor/Subvented Projects Architectural Services Department
Ms Irene YOUNG	Principal Assistant Secretary for Education and Manpower (Higher Education)
Miss Mary TSANG	Deputy Secretary-General (1) University Grants Committee
Mrs Cherry TSE, JP	Deputy Secretary for Education and Manpower (2)
Ms Maisie CHAN	Principal Assistant Secretary for Education and Manpower (Infrastructure & Research Support)

Clerk in attendance:

Ms Anita SIT Senior Council Secretary (1)⁹

Staff in attendance:

Ms Pauline NG	Assistant Secretary General 1
Ms Alice AU	Senior Council Secretary (1)5
Ms Caris CHAN	Senior Legislative Assistant (1)1
Mr Frankie WOO	Legislative Assistant (1)2

Action

The Chairman recapped members' earlier consensus that meetings of the Public Works Subcommittee (PWSC) should as far as possible end by the normal ending time of 12:45 pm. To achieve this, members had agreed at the meeting on 12 October 2004 that in the first round of questions, each member should be allowed to ask two questions initially and one follow-up question. Members would be at liberty to ask a second round or further rounds of questions. Nonetheless, he referred to the discussion on the last item at the last meeting on 27 October 2004 which had lasted for 1 hour and 45 minutes, and suggested that for better management of meeting time, individual members should only be allowed to ask one question initially and one follow-up question. Members could still have the chance to ask a second or further rounds of questions if necessary. He added that this was in line with the practice of other committees, and invited members' comments on his suggestion.

2. Ms Margaret NG said that she had reiterated on previous occasions that where public expenditure was involved, it would be of paramount importance that all public works proposals were thoroughly examined by PWSC before they were put to vote. Hence, it was fundamentally wrong to restrict the number of questions each member could ask, particularly when the membership size of the Subcommittee was not too large. Ms NG stated that she found it hard to continue to serve on this Subcommittee if restrictions were imposed on members unnecessarily to deprive them of their opportunity to examine the proposals carefully.

3. Mr LAU Kong-wah said that as the Chairman of the Transport Panel, he had allowed members to ask two questions initially and to ask one follow-up question once during the first round of questions. Sharing Ms Margaret NG's view that the membership size of the Subcommittee was not particularly large, he indicated preference for maintaining the status quo. Nonetheless, he agreed that good management of meeting time required the cooperation of members.

4. The Chairman stated that it was not his intention to restrain members from asking questions, but he also had the duty to ensure that meetings could end at the appointed ending time. Taking into account members' views, the Chairman said that the arrangement of allowing individual members to ask two questions initially and one follow-up question during the first round of questions would be maintained. He would however exercise his discretion in putting a stop to further questions if the item had been fully deliberated.

PWSC(2004-05)16

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**Forecast of submissions for the 2004-05
Legislative Council session**

5. The Chairman advised members that an arrangement had been agreed in 2003 between PWSC and the Administration that to improve the consultation process on proposed capital works projects, the Administration would provide a forecast of its submissions to PWSC at the beginning of each legislative session. A meeting or discussion session would be held to enable Members, including non-PWSC Members, to enquire about the proposed projects and assess whether any projects ought to be referred to the relevant Panel for detailed discussion on the policy implications. All Panels would be requested to indicate the projects which required discussion.

6. Mr CHAN Kam-lam noted that a total of 76 items were expected to be submitted to PWSC in 2004-05. However, it appeared that not too many of these items were being forwarded to the Panel for consultation. He was concerned that if consultation had started too late for the public works projects, additional PWSC meetings would have to be convened towards the end of the legislative session in order to ensure timely consideration of all the proposals. This would add unnecessary burden to PWSC members during the last few months of the session.

7. The Chairman echoed that it was quite common in previous sessions that PWSC had to extend its meetings to deal with a large number of items on the agenda in particular towards the end of the legislative session. This situation was far from satisfactory. He had repeatedly stressed the need to pace out PWSC submissions within the session. The Chairman also invited the Administration to take note of his view that the list of potential submissions ought to be provided to the Subcommittee earlier, preferably at the start of a legislative session.

8. The Deputy Secretary for Financial Services and the Treasury (Treasury)³ (DS(Tsy))³ noted members' concern and undertook to make every effort to ensure that the scheduling of submissions was carefully planned to avoid bunching of submissions towards the end of the session. Nevertheless, the schedule would be subject to adjustments to take into account unforeseeable circumstances during the project planning and consultation stages.

School projects

9. On behalf of Members of the Democratic Party (DP), Mr CHEUNG Man-kwong said that in considering funding proposals relating to school projects, DP Members would be mindful of the need to ensure the cost-effective use of public resources and the effect of the projects in aggravating the oversupply of school places in certain districts. Factors to be taken into account would include the need to upgrade the quality of education, population demand as well as supply and demand of school places within a district. Along this principle, DP would only support the following proposals:

- (a) reprovisioning/redevelopment of existing schools;
- (b) provision of whole-day primary schools;
- (c) schools for new towns and developments; and
- (d) schools for students with special learning difficulties.

For school projects in districts with serious surplus of school places, Mr CHEUNG Man-kwong stated that DP Members would take into account the merits of individual projects and consider giving support on a case-by-case basis. DP Members would maintain an impartial view when considering funding proposals for school projects regardless of whether they were aided, under the Direct Subsidy Scheme (DSS) or private independent schools (PISs).

10. Mr CHEUNG Man-kwong also referred to the present mechanism for submitting school projects for PWSC and Finance Committee (FC)'s approval, and expressed grave concern about the implications of having the school sponsoring bodies (SSBs) selected and made known to the SSBs concerned and Members at the time Members considered the justifications for school projects. Insofar as Members' role in approving public expenditure was concerned, Members should be impartial in reviewing the supply and demand for school places and the justification for incurring public expenditure for the building of new schools. However, the present arrangement was far from satisfactory as Members would be subject to unnecessary lobbying by the SSBs, which in turn might adversely affect the public's perception of Members' impartiality. It was not uncommon in the past that the Administration lobbied members' support for school projects on ground that the school premises had already been allocated to the SSBs concerned.

11. Mr LEE Wing-tat shared Mr CHEUNG Man-kwong's concern, and queried whether the present arrangement of having the SSBs selected and made known to the SSBs concerned when the relevant funding proposals were put to PWSC/FC for consideration was the best practice. In this connection, he suggested that the Administration should consider whether it was necessary to seek advice from the Independent Commission Against Corruption (ICAC).

12. DS(Tsy)3 responded that as far as she understood, the SSBs were notified of the outcome of the school allocation exercise before funding approval for the relevant projects was sought because it would give the SSBs an early opportunity to give views on the design of the school projects. Nonetheless, she said that as the matter raised by the members was under the purview of the Education and Manpower Bureau (EMB), she would relay the members' view and concern to EMB for consideration.

13. Mr CHEUNG Man-kwong however said that his concern was about members' scrutiny of the Administration's funding proposals for school projects. He reiterated that where a school project was proposed, members should not be put in a situation where they were perceived to be influenced by irrelevant factors,

such as the status of the SSB concerned, and subject to the incessant lobbying of the SSB. As a related matter, he said that the Administration should enhance the transparency in the school allocation system. It was important that the best practice was adopted to ensure fairness in the allocation method and the selection of SSBs.

14. Ms Margaret NG stressed that given the large sums of public money involved in school projects, members must be allowed to scrutinize the relevant funding proposals without being subject to any undue influence. She highlighted the potential conflict of interests that could arise out of the present arrangement, and requested EMB to provide a written response to the views and concerns expressed by members at the meeting. She also considered that the matter should be followed up by FC as it might have impact on the present working mechanism.

15. Mrs Selina CHOW queried the need for ICAC's involvement. While members were always subject to lobbying from the Government and other concerned parties, they would invariably maintain an impartial stance when considering the Administration's funding proposals. Moreover, she considered that it would in fact help enhance transparency if the name of the SSB concerned was specified in the funding proposals. But in view of some members' concern, Mrs CHOW agreed that the Administration should be asked to provide more information on the present mechanism in submitting school projects to PWSC and FC. She considered that policy issues involved in the school allocation system, such as the way SSBs were selected, should more appropriately be dealt with by the Education Panel. Mr CHAN Kam-lam echoed Mrs CHOW's views.

16. Mr LAU Sau-shing said that he had no strong views on whether the names of SSBs should be revealed, but the presentation of information in the PWSC/FC papers should be consistent. He considered that policy matters in relation to the funding proposals for school projects should be discussed by the Education Panel while PWSC/FC should focus more on the justification for the financial provision being sought.

17. The Assistant Secretary General 1 (ASG1) advised that the inclusion of the names of SSBs in PWSC papers was decided in response to requests from some members at a previous meeting on a school project. These members considered that since the SSB to which the school was allocated was in fact known to all parties, there was no particular reason to withhold the name of the SSB in the paper. ASG1 suggested that the problem was more related to the mechanism. As to which was the most appropriate committee to follow up the matter, ASG1 suggested that as the Clerk to FC, she would work with the Clerk to PWSC to follow up with the Administration on the matters raised by members, in particular the ways to ensure Members' impartiality when considering the merits of a school proposal.

Clerk

18. At the Chairman's suggestion, members agreed that the Clerk should convey members' concerns and views expressed at the meeting to the Secretary for Education and Manpower (SEM) for consideration and response. Members

Admin also agreed that the Clerk's letter as well as SEM's response should be copied to FC members for information.

7780TH – Retrofitting of noise barriers on Cheung Pei Shan Road, Tsuen Wan

19. Mr LEE Wing-tat referred to item "7780TH – Retrofitting of noise barriers on Cheung Pei Shan Road, Tsuen Wan", and relayed the concern of local residents about the non-provision of noise barriers for an affected school under the project.

20. The Deputy Director of Civil Engineering and Development (DDCE) explained that as part of an earlier programme to address the impact of traffic noise of existing roads, the Administration had already implemented various technical measures including the provision of double-glazed windows and air-conditioning for the school concerned to mitigate the noise levels within the statutory requirements. Hence, the provision of noise barriers for the school concerned under the project was considered not necessary. Nonetheless, the Administration was aware of the concern of the local community, and the matter would be discussed at the Tsuen Wan District Council later in the month. The Chairman also reminded members that the project had been scheduled for discussion at the meeting of the Environmental Affairs Panel to be held on 21 December 2004.

21. Mr LAU Sau-shing remarked that to facilitate members' consideration, the Administration should provide more detailed information as regards the specific concerns and views raised by the local community as well as the Administration's response on various aspects of the funding proposals. DS(Tsy)3 reassured members that the Administration would set out all relevant background information and justifications for the proposed projects in the papers to be submitted to PWSC/FC.

22. Mr Fred LI recalled that the proposed project belonged to Phase I of the retrofitting programme proposed by the Administration in December 2000, and enquired about the implementation timetable for the retrofitting of the other noise barriers and enclosures which were also under Phase I of the retrofitting programme.

23. DDCE responded that he did not have any information on other proposed retrofitting projects on hand. As a general rule, the Administration would set priorities for the implementation of various capital works projects and schedule them accordingly. At the Chairman's enquiry, the Director of Environmental Protection advised that the Environment, Transport and Works Bureau (ETWB) was responsible for setting the priorities of the said retrofitting projects taking into account relevant factors such as the availability of resources, the noise level of affected areas, etc. He would relay Mr Fred LI's question to ETWB for follow up.

B126WC – Water supply to housing developments at Anderson Road near Choi Wan Road and Jordan Valley

24. Mr Fred LI asked whether the Administration would review the need and implementation timeframe for item "*B126WC – Water supply to housing developments at Anderson Road near Choi Wan Road and Jordan Valley*" taking into account the Government's current moratorium on the sale of Home Ownership Scheme flats until 2006.

25. The Director of Water Supplies said that the proposed project was for the construction of water supply facilities for the development near Choi Wan Road and Jordan Valley. The scope of the project was planned according to the forecasts of housing supply provided by the Housing Authority and Housing Department. The Permanent Secretary for Housing, Planning and Lands (Planning and Lands) supplemented that subject to funding approval, the proposed project would commence in 2005 – Q2 for completion in 2008 – Q1. The proposed water supply facilities would serve the projected 4 800 units of public housing and 4 500 units of medium-sized private housing to be built in the said development by 2007-08.

6019TC – Area traffic control and closed circuit television system for Tuen Mun and Yuen Long districts

26. Ms Miriam LAU referred to item "*6019TC – Area traffic control and closed circuit television system for Tuen Mun and Yuen Long districts*" which was scheduled for completion and implementation in 2008 – Q3, and called on the Administration to consider expediting the project so as to tie in with the commissioning of Shenzhen Western Corridor and Deep Bay Link scheduled for early 2006 as the new cross boundary land crossing would create additional demand on the local traffic network. The Director of Highways said that he would relay the member's view to the Transport Department for a written reply.

Admin

Head 704 – Drainage

PWSC(2004-05)44 132CD Drainage improvement works at Tsing Lun Road, Tuen Mun

27. The item was voted on and endorsed.

Head 708 – Capital Subventions and Major Systems and Equipment

PWSC(2004-05)43 46EF Teaching complex at western campus, The Chinese University of Hong Kong

28. Mr CHEUNG Man-kwong declared that he was a Council Member of The Chinese University of Hong Kong in his capacity as a Member of the Legislative Council.

29. The item was voted on and endorsed.

**PWSC(2004-05)42 46EC A private independent school
(secondary-cum-primary) at Kong Sin
Wan Tsuen, Pok Fu Lam**

30. Mr CHAN Kam-lam was concerned about the preservation of an ancient kiln within the project site, and asked whether consideration would be given to using the ancient kiln for public educational purpose. The Chief Technical Advisor/Subvented Projects, Architectural Services Department (CTA/SP, ArchSD), advised that discussions were being held by the Antiquities Advisory Board and the SSB to achieve the best benefits out of the ancient kiln, and a decision had yet to be finalized. He further said that the ancient kiln was located underground and there would be a concrete slab overhead to protect the kiln during the construction stage. He assured members that the SSB and its contractor were contractually obliged to come up with acceptable solutions to preserve the kiln from any damage. During the construction stage, the SSB's consultants, as the Authorized Person under the Building Ordinance (Cap. 123), was obliged to meet the relevant statutory requirements for the protection of monuments.

31. Mr Albert CHAN considered that more emphasis should be placed on the provision of better designed sports facilities in the proposed school. Firstly, more flexibility should be allowed so that the four proposed basketball courts could also be used for other ball games. Secondly, instead of building a running track on the rooftop of the proposed school, consideration should be given to providing a full-length running track around the school site by making use of the green area in the perimeter.

32. CTA/SP, ArchSD said that the proposed facilities illustrated on the site plan were for indication purpose only. He would convey the member's view on the flexible use of the basketball courts to the SSB and its consultants for consideration. As regards the provision of the running track on the rooftop, he explained that it was the best design possible given the shape of the site as well as the need to provide for vehicular access and parking spaces in the ground level area.

33. Mr CHEUNG Hok-ming noted that the Southern District Council had supported the project on the condition that the school would open up some of its facilities for community use. He was concerned that this shared-use arrangement could impact adversely on the provision of dedicated community facilities in the district in future.

34. The Principal Assistant Secretary for Education and Manpower (Infrastructure & Research Support) replied that the school was willing to share the use of information technology facilities, assembly hall and music rooms with the community provided that normal school activities would not be disturbed. The

Deputy Secretary for Education and Manpower (2) (DS(2), EMB) added that as a general policy, EMB would encourage the sharing of school facilities with the community to ensure the cost-effective utilization of public resources. The planning for provision of community facilities was under the purview of another bureau.

35. Mr Albert CHAN expressed concern about the practical difficulties involved in the shared-use arrangement as according to his personal experience, the schools were quite reluctant to share their facilities with the community. He opined that there should be clear guidelines and procedures provided to the school and the public to facilitate the shared use of school facilities by the community as undertaken by the SSB. While taking note of the member's view, DS(2), EMB explained that in the present case, the SSB had taken the initiative to offer to share the use of some school facilities with the community.

36. Mr CHEUNG Man-kwong referred to the projected surplus of both primary and secondary school places in the Southern District by 2007, and reiterated DP's view that the provision of school projects should match forecast population demand. In view of the anticipated decline in student population after 2007 and considering the need to ensure the prudent use of public funds, he considered that funding support for the construction of new schools should not be given lightly as it would only aggravate the existing oversupply of school places in the territory. He opined that the construction of new schools in districts with surplus of school places could only be justified if the Government was committed to the implementation of full-scale "Small Class Teaching". Nonetheless, he said that taking into account the special characteristics of the proposed school, DP Members would abstain from voting on the proposal as it was DP's view that the provision of diversified schools should be encouraged to promote a vibrant school sector.

37. DS(2), EMB responded that the Administration was equally concerned about the need to ensure a balanced supply and demand of school places. When Government's policy in the planning and provision of public sector school places as discussed at the meeting of the Education Panel on 30 January 2004, members agreed that the Administration could proceed with seeking funding support for projects to re-provision or redevelop existing schools and to implement whole-day primary schooling.

38. DS(2), EMB further said that as regards funding proposals for the construction of new schools which had already been allocated to the SSBs, such as the present proposal under consideration, the Education Panel had asked that full background and justification, including the supply and demand balance of school places on both a territory-wide and district basis, be provided to facilitate consideration on a case-by-case basis. She explained that the proposed school was a PIS which was fee charging and recruited students from all over the territory. Hence, it would unlikely have any significant impact on the supply and demand balance of public sector school places for the district concerned. Nonetheless, the Administration had provided the said information in the PWSC paper.

39. In this connection, Ms Margaret NG suggested that in future submissions for new school projects, information regarding the supply and demand balance of public sector school places for the district concerned should be presented in the main text instead of putting the information in a footnote. There should also be clear explanation on the relationship between the relevant school construction proposal and the projected school place demand and supply situation of the district concerned.

40. Addressing members' concern about the surplus of school places, DS(2), EMB advised that the Administration was reviewing the School Building Programme critically in the light of the latest population projections released in end-June 2004. As always, the Administration's aim was to achieve an acceptable balance between matching the projected demand and other education policy considerations. Due to legal and other planning implications, the review turned out to be more complex than envisaged. Notwithstanding, the Administration had decided not to hold up selected projects whose operation would not entail any significant impact on the overall supply and demand balance of subsidized school places, e.g. the provision of premises for quality PISs as recommended by the School Allocation Committee, such as the present proposal under consideration.

41. Mr Abraham SHEK stated support for the proposal as the proposed school with its special characteristics could enhance school diversity. Nonetheless, the surplus of school places in the community would need to be addressed as a matter of priority. He suggested that the Education Panel should take up the policy issues relating to the implementation of "Small Class Teaching" with the Administration.

42. Mr Abraham SHEK opined that students should have equal opportunity to enjoy quality education provided by the proposed school. He enquired to what extent assistance would be given to students with financial difficulties. DS(2), EMB said that in each school year, the school was required to set aside a sum, which would not be less than 10% of its total school fee income, to provide scholarship and other financial assistance for deserving students.

43. While expressing support in principle for the project, Ms TAM Heung-man said that the Administration should review its policy on the planning and provision of public sector school places. Quoting the present proposal as an example, she said that instead of locating high quality schools in districts with surplus of school places such as the Southern District, consideration could be given to locating the proposed school on, for example, Kowloon side.

44. Ms Miriam LAU expressed support for the project as the proposed school which offered International Baccalaureate curriculum would help enhance parental choice. Nonetheless, while it was desirable to provide diversified schools, the surplus supply of school places in some districts would need to be addressed. She suggested that instead of building new school premises for each PIS, the Administration should consider whether schools with surplus places could be

redeveloped to accommodate the operation of PISs.

45. Mr CHEUNG Man-kwong said that while he supported the need to inject more variety in the school system, he considered that public resources should be used in an equitable way to ensure that all school children would have the same opportunity to receive better education. As such, he was strongly of the view that with the oversupply of school places, the Administration should implement "Small Class Teaching" for the benefit of school children.

46. Mr CHEUNG Man-kwong noted that the name of the SSB was specified in the present paper, and reiterated his concern about the implications of having the SSBs selected and made known to the SSBs concerned and members at the time members considered the justifications for school projects.

47. In response, DS(2), EMB explained that in the past, the SSBs had indicated their wish to be notified as soon as practicable the outcome of the school allocation exercise so that they could provide early input on various aspects of school design which would invariably impact on the financial commitment to be sought for the project. Against this background, the Administration had adopted the present arrangement of having the SSBs selected and the outcome of the school allocation exercise announced before seeking funding approval for the relevant school projects. Nonetheless, the Administration would review the present mechanism taking into account the members' views expressed at the meeting. The Administration would also seek advice from ICAC with a view to plugging loopholes susceptible to abuse, if identified.

48. The item was voted on and endorsed. Mr Fred LI, Mr CHEUNG Man-kwong and Mr Albert CHAN requested that their abstention from voting be recorded.

49. The meeting ended at 12:35 pm.