

**Extract from the minutes of meeting of the
Public Works Subcommittee of the Finance Committee
held on 27 October 2004**

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PWSC(2004-05)41 399RO District open space in Area 35, Tsuen Wan – phase 2

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19. Ms Margaret NG noted that the provision of public open space at the district level was planned by reference to the Hong Kong Planning Standards and Guidelines. At her request, the Administration agreed to provide the said Guidelines for members' reference after the meeting.

20. In reply to Mr LAU Sau-shing, D Arch S explained that the \$200,000 consultant's fee for contract administration services was for quantity surveying services only. As the project would be tendered out on a design-and-build basis, it would be the contractor instead of the Government which would engage consultants for architectural design services.

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21. Mr Albert CHAN enquired about the disproportionately high provision of \$31 million for drainage and external works under the project. D Arch S explained that external works accounted for most part of this cost item as the project site was quite large (about 25 000 square metres (m²)) and required a substantial amount of external works. On average, the estimated cost of drainage works was about \$164 per m² while that of external works was \$1,080 per m². He assured members that while this was a substantial amount in the total project cost, the unit costs of drainage and external works were comparable with those for other similar projects. To avoid confusion, the Chairman requested and the Administration agreed that cost estimates for drainage and external works would be separately presented in future submissions.

22. Mr TAM Yiu-chung asked why toilet facilities were not planned under the proposed project. AD(LS)3, LCSD explained that there was already adequate provision of toilet facilities in the vicinity, including those within the adjacent Tsuen Wan Park (phase 1) and a public toilet managed by the Food and Environmental Hygiene Department near the West Rail Tsuen Wan West Station. These toilets were within a short walking distance of the project site.

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23. Mr LEE Wing-tat was concerned about the connectivity between the proposed district open space and other parks and open spaces in the area. AD(LS)3, LCSD responded that upon completion of the project, the proposed district open space which was phase 2 development of the Tsuen Wan Park would link up with the existing Tsuen Wan Park (phase 1) and Riveria Park to serve as a major seafront open space in the Tsuen Wan District. The Administration had plans to connect the proposed district open space with the adjacent seafront area in the north in future. The Chairman said that such information should have been clearly illustrated in the site plan provided by the Administration. To facilitate members' understanding of the relationship between the proposed projects and the local environment, he requested the Administration to provide more detailed site plans in future submissions.

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24. Mr Albert CHAN stated that to facilitate access by local residents, the Administration should consider providing covered walkway connections between the proposed district open space and the nearby residential estates including Riveria Gardens and Belvedere Garden.

25. Mr Albert CHAN also expressed doubt on the adequacy of facilities to segregate cyclists from pedestrians as many cyclists were expected to ride in the proposed district open space. In reply, AD(LS)3, LCSD said that as currently planned, the Administration would consider the provision of a cycling path at a later stage in the northern part of the district park. After the project was completed, the Administration would ensure proper park management to minimize the risk of accidents. Mr Albert CHAN however pointed out that it was not cost-effective to provide the said cycling path at a later stage separately.

26. Mr Albert CHAN considered that the Administration should plan the planting of trees along a dedicated theme that would complement the local environment and overall design. AD(LS)3, LCSD said that as the proposed project would be tendered out as a design-and-build contract, the contractor should be allowed certain flexibility to decide on the matter taking into account all relevant factors. He agreed to convey Mr CHAN's concern on the need to adopt a cohesive design to the contractor for consideration. Mr Albert CHAN however considered that such an undertaking could not adequately address his concern, and requested the Administration to come up with a tree theme before the relevant FC meeting.

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27. Mr Albert CHAN pointed out that the estimated cost for external works and hence, total project cost could be significantly reduced if a passive open space with minimal structures was adopted. He considered that while it had been the long-standing request of local residents for the completion of this remaining phase of Tsuen Wan Park to meet their need for public open space and leisure facilities, the provision of facilities under the project was ill-conceived with the inclusion of the children adventure area and climbing wall which were at odds with the passive nature of the proposed district open space. Moreover, he was concerned that the mixture of passive and active recreational facilities would create conflict among the users. Citing the provision of active recreational facilities in the adjacent Tsuen Wan Riveria Park and Tsuen Wan Park (phase 1), Mr CHAN was strongly of the view that this valuable and scenic stretch of seafront land should be developed into a passive open space to serve as a quiet and calm respite for local residents.

28. Mr LAU Sau-shing considered that the design of the proposed district open space should reflect the unique characteristics of the local environment. In this respect, he asked whether the Administration had solicited the views of local residents to gauge their expectation and requirements on the proposed district open space.

29. Mr LEUNG Kwok-hung also stressed the importance of consultation with the local community in the planning and design stages of public works projects to ensure the provision of facilities that could best meet their requirements. He commented that after the abolition of the two municipal councils, there were inadequate channels to solicit public views on community facilities. To facilitate members' understanding, he requested the Administration to provide more details on the extent and scope of its public consultation for the proposed project, including the number of consultation meetings held with local bodies and the names of professional bodies and Government advisory bodies consulted for the proposed project before the relevant Finance Committee (FC) meeting.

30. AD(LS)3, LCSD responded that it was an established procedure to consult the local District Council on the relevant public works projects. The Tsuen Wan District Council (TWDC) was consulted on the scope and schematic design of the project on 29 July 2003. TWDC Members had given their support for the project as well as the proposed facilities, and strongly urged for its early implementation.

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31. Regarding the provision of facilities under the project, AD(LS)3, LCSD explained that when planning for the provision of recreational facilities in the Tsuen Wan Park, the Administration was mindful of the need to serve the different needs of the residents. As a number of active recreational facilities had already been provided in the existing Tsuen Wan Park (phase 1), the intention was that the proposed district open space should mainly be provided with passive recreational facilities. Notwithstanding, the Administration had also included the said adventure area and climbing wall under the project as special facilities for children. He called on members' understanding that given the scarcity of land in Hong Kong, the Administration must maximize the use of land space to meet the needs of different user groups.

32. Mr Albert CHAN remained unconvinced by the Administration's explanation, and said that he would not support the funding request if the Administration did not agree to delete the children adventure area and climbing wall from the project.

33. AD(LS)3, LCSD reiterated that when consulted, TWDC Members had given their support for the project as well as the proposed facilities, and strongly urged for its early implementation. If there were changes to the proposed facilities, the Administration would have to consult TWDC again. PAS(R&S), HAB added that given the local nature of the project, TWDC was considered a legitimate and appropriate forum for consultation to ensure that the proposed design and facilities generally met the needs and expectations of the future users.

34. Ms Margaret NG was dissatisfied that the Administration had asked members to endorse such an important project based on a conceptual design plan only. Noting that a lot of concerns had been raised on the fundamental design concept of the proposed district open space, she queried whether it was typical to tender out public works projects of this kind under a design-and-build contract. Ms NG was also concerned that if the project was allowed to proceed using the design-and-build approach, there would be no way to solicit and incorporate public views during the detailed design stage.

35. D Arch S explained that the design-and-build approach had been widely adopted in other public works projects such as the construction of government quarters and offices with satisfactory results. The approach was currently being tried out in other types of projects such as the construction of swimming pools and

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the renovation of libraries. In line with the "Small Government, Big Business" principle, the Administration considered that the scope of employing the design-and-build approach in public works projects should be extended to allow more participation by the private sector. As a trial, the Administration had decided to adopt the same approach for the development of district open spaces under the present item and the two preceding items under one design-and-build contract. This could allow the contractor more freedom to employ its own knowledge and expertise to deliver the best facilities for public use. He assured members that the Administration would consult the relevant District Councils again when the contractor's design proposals were available so that local views would be duly considered. With experience, the Administration would review the use of design-and-build approach for this type of public works projects to ensure that the best results were achieved.

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36. Mr LEUNG Kwok-hung however questioned the efficacy of the "design-and-build" approach, and requested the Administration to provide members with examples of public works projects for which the approach was adopted.

37. Ms TAM Heung-man was concerned about the control exercised by the Administration in the design-and-build process to ensure design quality and cost-effectiveness. D Arch S responded that under the design-and-build approach, the Administration would set out the basic requirements which must be met by the contractor in terms of the provision of user required facilities, quality and cost. Other than that, the contractor was at will to employ its best techniques and expertise to deliver the project. Throughout the process, ArchSD would exercise stringent monitoring over the contractor's compliance with the basic requirements, and the relevant District Councils would be consulted on the design proposals submitted by the contractor. There was also an established procedure to assess the performance of the contractor and monitor its progress. Appropriate regulating actions would be taken against poorly performing contractors including mandatory suspension from tendering public works projects. For more serious cases, the Administration could re-enter the relevant contracts.

38. Mr LAU Sau-shing shared Ms Margaret NG's concern about the appropriateness of adopting the design-and-build approach for the present project. He suggested that the Administration should withdraw the item and come with up a definite design and theme for the proposed district open space that was widely

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accepted by the local community before re-submission. His view was shared by Mr Albert CHAN, Mr LEUNG Kwok-hung and Ms Margaret NG. Mr LEUNG Kwok-hung also opined that in future, the Administration should ensure that officials who were responsible for the land use planning for and design of the proposed public works projects were present at the relevant PWSC meetings to answers questions from members.

39. While noting the members' views, PAS(R&S), HAB said that in order to induce greater interest among potential tenderers, the Administration had decided that the present item and the two preceding items would be put together as one design-and-build contract at a total estimated cost of about \$100 million. If there was any delay in the present project, it might impact on the implementation of the other two projects which were also supported by the local District Councils. He invited members to consider giving funding approval for the proposed project first so that the relevant tendering procedures could proceed. When a detailed design of the proposed district open space was available, the Administration would consult TWDC again to see how the overall design and the facilities could be improved.

40. Mr LAU Sau-shing however considered that as the three projects in question were unrelated, the Administration could tender out the other two projects first.

41. Mr TAM Yiu-chung said that as TWDC had expressed the strong wish for the early completion of the project, the project should not be delayed unduly. He called on the Administration to carefully consider the views and suggestions raised by members at the meeting and ensure that they would be suitably taken into account by the contractor.

42. Mr CHAN Kam-lam opined that the Administration should, having regard to the views and suggestions expressed by members at the meeting, formulate its own requirements on the concrete design of the proposed district open space for incorporation into the tender document. It would not be an efficient arrangement for PWSC to scrutinize the detailed design of individual projects.

43. Ms Miriam LAU considered that a judgment on whether a design was acceptable was invariably subjective. Deliberation in the Subcommittee should concentrate on the merits and demerits of the funding request on hand. When a definite design for the proposed district open space was available, members could

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then pursue the matter at the relevant Panel. Mr Abraham SHEK however said that the design could affect the amount of funding to be sought and thus would require consideration not only at the Panel level. The Chairman stated that while members could discuss the design of individual public works projects at PWSC, matters in relation to the design process having policy implications should be raised at the relevant Panel(s).

44. Ms Margaret NG said that it would not be beneficial to the local community if a poorly designed district park was built. Apart from the construction cost of the district park, a valuable stretch of land along the seafront was also involved for the delivery of the present project. She also pointed out that the consultation with TWDC had been conducted merely on the basis of a conceptual plan, and the Subcommittee had no way to gauge how satisfied TWDC Members were with the proposed facilities. Highlighting the importance of ensuring effective use of public resources, Ms NG did not agree that funding approval for the proposed project should be given lightly before a more concrete design was available.

45. Noting the dissenting views of some members, Mr CHEUNG Hok-ming sought information from the Administration as to how long it would take to re-submit the item after further local consultation. D Arch S responded that the time taken would depend on the extent of changes contemplated. Assuming that the design-and-build approach would not be adopted for this project and taking into account the need to allow time for further consultation with TWDC, the whole process would take no less than three to four months as a very rough guess. He added that the interest of potential contractors was also an important factor to consider if the three projects were not tendered out together.

46. The Chairman asked whether the Administration would withdraw the present proposal for re-consideration. DS(Tsy)3 replied that the Administration would not withdraw the present proposal and requested the Subcommittee to proceed to vote on the item.

47. The item was voted on and negatived.

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