

立法會
Legislative Council

LC Paper No. CB(1)626/14-15
(These minutes have been seen
by the Administration)

Ref : CB1/PL/DEV

Panel on Development

Minutes of meeting
held on Monday, 5 January 2015, at 9:00 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Tony TSE Wai-chuen, BBS (Chairman)
Dr Hon LAU Wong-fat, GBM, GBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yeet, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

Member attending : Hon TANG Ka-piu, JP

Members absent : Hon Cyd HO Sau-lan, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon CHAN Han-pan, JP

Public officers attending : **Agenda item IV**

Mr CHAN Chi-ming, JP
Deputy Secretary (Works)²
Development Bureau

Miss CHAN Hoi-ming
Project Director/²
Architectural Services Department

Mr Michael LI Kiu-yin
Chief Project Manager 202
Architectural Services Department

Mr WONG Kin-por
Chief Engineer/Boundary Control Point
Civil Engineering and Development Department

Agenda item V

Mr LAW Kin-wai
Principal Assistant Secretary (Planning and Lands)⁶
Development Bureau

Mr Paul NG Kwok-wai
Assistant Director/Survey and Mapping
Lands Department

Mr CHEE Yiu-kong
Senior Land Surveyor/Legislation
Lands Department

Agenda item VI

Mr Rex CHANG Wai-yuen, JP
Deputy Secretary (Planning and Lands)²
Development Bureau

Mr Arsene YIU Kai-cheuk
Principal Assistant Secretary (Planning and Lands)³
Development Bureau

Mr CHEUNG Tin-cheung
Deputy Director of Buildings
Buildings Department

Mr YU Tak-cheung
Assistant Director/New Buildings 1
Buildings Department

Clerk in attendance: Ms Sharon CHUNG
Chief Council Secretary (1)²

Staff in attendance : Mr Fred PANG
Senior Council Secretary (1)²

Mr Raymond CHOW
Council Secretary (1)²

Ms Christina SHIU
Legislative Assistant (1)²

Action

- I Confirmation of minutes**
(LC Paper No. CB(1)347/14-15 -- Minutes of meeting on
28 October 2014)

The minutes of the regular meeting on 28 October 2014 were confirmed.

II Information papers issued since the last meeting

(LC Paper No. CB(1)299/14-15(01) -- Letter from Dr Hon Kenneth CHAN dated 24 November 2014 on matters related to the Town Planning Ordinance and the Town Planning Board

LC Paper No. CB(1)367/14-15(01) -- Joint letter dated 9 December 2014 from Hon Charles Peter MOK, Hon Kenneth LEUNG and Dr Hon Kenneth CHAN Ka-lok on the conservation plans for archaeological features discovered at To Kwa Wan Station

LC Paper No. CB(1)367/14-15(02) -- Memorandum dated 15 December 2014 from the Clerk to the Panel on Home Affairs on the conservation plans for archaeological features discovered at To Kwa Wan Station

LC Paper No. CB(1)376/14-15(01) -- Administration's response to the letter dated 15 October 2014 from Dr Hon CHIANG Lai-wan, Hon CHAN Hak-kan and Hon CHAN Kam-lam on regulatory control on lift safety (LC Paper No. CB(1)129/14-15(01)

LC Paper No. CB(1)395/14-15(01) -- Joint letter dated 19 December 2014 from Dr Hon CHIANG Lai-wan and Hon CHAN Hak-kan on redevelopment of civil servants' quarters developed under the Civil Servants Co-operative Building Society Scheme)

2. Members noted that the above information papers had been issued since the last meeting.

III Items for discussion at the next meeting

(LC Paper No. CB(1)354/14-15(01) -- List of outstanding items for discussion

LC Paper No. CB(1)354/14-15(02) -- List of follow-up actions)

3. Members agreed that at the next regular meeting scheduled for Tuesday, 27 January 2015 at 2:30 pm, the Panel would receive a briefing by the Secretary for Development on the Chief Executive's 2015 Policy Address in respect of the policy initiatives on development. Two hours would be allocated to the discussion on the item.

IV PWP Item 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works -- construction of boundary control point buildings and associated facilities

(LC Paper No. CB(1)354/14-15(03) -- Administration's paper on 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works -- construction of boundary control point buildings and associated facilities

LC Paper No. CB(1)354/14-15(04) -- Paper on the Liantang/Heung Yuen Wai Boundary Control Point project prepared by the Legislative Council Secretariat (Updated background brief)

LC Paper No. CB(1)1623/13-14(07) -- Administration's paper on Liantang/Heung Yuen Wai Boundary Control Point and associated works -- Progress update for buildings and associated facilities)

4. Deputy Secretary for Development (Works)2 ("DS(W)2/DEV") advised members that the Administration had submitted to the Panel a paper (LC Paper No. CB(1)1623/13-14(07)) reporting the progress of the implementation of the Liantang/Heung Yuen Wai ("LT/HYW") boundary control point ("BCP") buildings and associated facilities in June 2014. Due to time constraints, the paper had not been discussed during the 2013-2014 legislative session. The Administration had provided a new paper (LC Paper No. CB(1)354/14-15(03)) ("the discussion paper") on 12 December 2014 for discussion at the meeting to seek members' support for a funding proposal to upgrade PWP item No. 13GB -- "Liantang/Heung Yuen Wai Boundary Control Point and associated works -- construction of boundary control point buildings and associated facilities" to Category A at an estimated cost of \$8,811.9 million in money-of-the-day prices for carrying out the construction of the BCP buildings and associated facilities on the Hong Kong side ("the proposed BCP building works"). The details of the proposal were given in the discussion paper. He said that the relevant tender for the proposed BCP building works had been invited on 1 August and closed on 10 October 2014. Subject to the approval of the Finance Committee ("FC"), the Administration planned to commence the proposed project in March 2015 and expected that the construction works under the LT/HYW BCP project ("the BCP project") would be completed in late 2018.

5. With the aid of a powerpoint presentation, Chief Project Manager 202, Architectural Services Department briefed members on the progress of the works at the LT/HYW BCP site, the main facilities to be provided at the BCP buildings, etc.

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)406/14-15(01) by email on 5 January 2015.)

6. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP") of the Legislative Council ("LegCo"), they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

The need for a new boundary control point

7. Mr Gary FAN said that he all along did not support the BCP project in view of the controversies that it had aroused. He said that the annual growth in cross-boundary vehicular traffic had reduced from 6% a decade before to 1% or less since 2005. As regards the Shenzhen Bay Bridge, the vehicular

traffic flow was currently only one-sixth of its designed handling capacity. Moreover, boundary control points at the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Hong Kong-Zhuhai-Macao Bridge would be commissioned shortly to handle cross-boundary traffic. Taking these facts into account, Mr FAN queried the need for developing the LT/HYW BCP and whether the BCP would turn out to be a "white elephant". He questioned on whether the real motive of the Administration in developing the new BCP was to tie in with the future relaxation of the Individual Visit Scheme. Dr Fernando CHEUNG shared the views of Mr Gary FAN and opined that the justifications previously provided by the Administration for developing the LT/HYW BCP might no longer be valid.

8. DS(W)2/DEV replied that of the cross-boundary vehicular traffic handling capacity between Hong Kong and the Mainland, 90% was on the western side of the New Territories ("NT"), the capacity of the two existing BCPs at Man Kam To and Sha Tau Kok on the eastern side could only handle about 10%. Due to the limited capacities of the BCPs on the eastern side, vehicles from Shantou and Huizhou in eastern Guangdong heading to the eastern part of Hong Kong commonly made a long detour to use the BCPs on the western side of Hong Kong (Lok Ma Chau or Shenzhen Bay) and then adopted the local roads to go east. On the other hand, the congestion on the roads on the western side of Hong Kong near the container terminal had made some goods vehicles from Guangdong shift to the container facilities at other places such as the Yantian Port in Shenzhen for exportation of goods. The Administration expected that after the commissioning of the LT/HYW BCP, the traffic among the boundary crossings would be re-distributed so that the vehicular traffic handling capacity on the eastern side of the NT would increase from 10% currently to 20% in future. DS(W)2/DEV further advised that the estimated travelling time from Fanling to Longgang via the Man Kam To BCP was currently about 53 minutes. Upon the commissioning of the LT/HYW BCP and the associated road infrastructure, the estimated travelling time between the two places via the LT/HYW BCP would be about 31 minutes, representing a time saving of 22 minutes.

9. Considering that the number of vehicle trips using the BCPs per year on the western side of the territory was currently 13 million, while that on the eastern side was only 2 million, Mr Michael TIEN opined that it was important for the Administration to achieve a balanced distribution of cross-boundary traffic over the territory to support the long-term development of Hong Kong. He said that he was supportive of the

development of the LT/HYW BCP as it would help divert the traffic from the existing BCPs on the western side.

10. Mr WU Chi-wai cast doubt on whether there would be adequate patronage to justify the development of a new BCP situated in the eastern part of the territory, given that the economic development in the Mainland had been shifting westwards and people from the Mainland's coastal areas might not need to travel to Hong Kong via the land-based BCPs. He enquired whether the Administration had conducted any up-to-date assessments on the economic development trend in the Mainland and the impact of such development on the future utilization of the new BCP. As regards the Administration's advice that there would be a saving of 22 minutes' travelling time between Fanling and Longgang after the commissioning of the new BCP, Mr WU commented that how far such benefit could be realized would depend on the proportion of cross-boundary vehicle trips heading to the eastern part of the territory. He asked about an up-to-date forecast on the respective numbers of cross-boundary vehicle trips from the eastern Guangdong heading to the eastern and western parts of Hong Kong and the purposes of the trips.

11. DS(W)2/DEV replied that according to the Administration's forecast in 2008, the number of cross-boundary vehicle trips using the land-based BCPs per day would grow to 70 000 in 2020. The Administration had not recently conducted the assessments referred to by Mr WU. He advised that the total number of cross-boundary vehicle trips using all the land-based BCPs in Hong Kong was currently maintained at about 40 000 per day, which was slightly less than the Administration's original projection. As such, it was anticipated that the number of such trips might reach 70 000 per day only after 2020. Although the vehicular traffic using some BCPs had recorded a slower-than-expected growth, the increase in vehicle trips using other BCPs was comparable to or slightly higher than the projected levels. It was expected that, in 2030, the number of vehicle trips using the LT/HYW BCP per day would be 17 000 to 18 000.

12. Mr YIU Si-wing opined that the economic development in west Guangdong was near saturation and that the Administration should capture the development opportunities in Shenzhen and east Guangdong for the benefit of Hong Kong in the long term. He enquired about the latest projections of the number of vehicle trips using the LT/HYW BCP upon its commissioning in 2018 and its breakdown by vehicle types including goods vehicle, private car, coach, school bus, etc. DS(W)2/DEV replied that the LT/HYW BCP was designed to handle 30 000 passenger trips and 17 850 vehicle trips daily. Of these vehicle trips, it was estimated that 15 000 were

made by goods vehicles, 2 000 by private cars and 850 by coaches/shuttle buses.

13. At the request of the Chairman, DS(W)2/DEV undertook that he would liaise with the Planning Department regarding an up-to-date forecast of numbers of passenger and vehicle trips using the existing BCPs and their utilization after the commissioning of the LT/HYW BCP, the numbers of passenger and vehicle trips using the LT/HYW BCP per day during a certain period after its commissioning, with a breakdown by vehicle types, and in light of the above information, the projected utilization of the LT/HYW BCP.

(Post-meeting note: The Administration's supplementary information was circulated to members on 28 January and 11 February 2015 vide LC Papers Nos. CB(1)493/14-15(01) and CB(1)537/14-15 respectively.)

14. Mr Albert CHAN said that although the Hong Kong-Shenzhen Western Corridor had been in use for years, the utilization rate was low and the infrastructure had become a "white elephant". He opined that the Administration should review the need for a new BCP having regard to the changing circumstances in recent years. He requested the Administration to provide information about the current average daily vehicular traffic using the Hong Kong-Shenzhen Western Corridor and a comparison of the figure with the Administration's original estimate.

(Post-meeting note: The Administration's supplementary information was circulated to members on 28 January and 11 February 2015 vide LC Papers Nos. CB(1)493/14-15(01) and CB(1)537/14-15 respectively.)

15. Mr CHAN Chi-chuen stressed the importance for the Administration to provide accurate information to facilitate members to consider the cost-effectiveness of the BCP project and to decide whether to support the proposal. He enquired when the Administration had come up with the projected number of daily vehicle trips of 17 000 to 18 000 using the LT/HYW BCP in 2030. He asked about the factors that had been taken into account when making the projection and whether the Administration had reviewed the projection recently. DS(W)2/DEV replied that the projection had been worked out in 2007 and included in a paper submitted to LegCo in 2008. Although the growth in cross-boundary vehicular traffic was currently slightly less than the projected level, the Administration proposed to develop

the LT/HYW BCP to facilitate the long-term economic development of Hong Kong.

16. Miss Alice MAK and Mr LEUNG Che-cheung were of the view that the LT/HYW BCP would help cater for the growth in cross-boundary traffic and was important to the development of the logistics industry in Hong Kong. Mr LEUNG was concerned that the LT/HYW BCP, with a designed capacity of only 30 000 passenger trips per day, might not be able to help relieve the congestion at the existing BCPs. He said that the Administration should make the most efficient use of the LT/HYW BCP to handle more patronage.

17. Dr Kenneth CHAN said that according to a paper provided by the Administration, the expenditure on projects under the Capital Works Programme had increased by 175% since the handover in 1997. He stressed the importance for the Administration to control project costs. He commented that the Administration had focused its efforts on taking forward "white elephant" projects but had not acceded to the request for committing funds to the initiatives that could address the livelihood problems of Hong Kong people. Dr CHAN emphasized that the Administration should ensure value-for-money in implementing the LT/HYW BCP project. He queried whether the economic benefits that could be generated from the BCP project could outweigh the sum of the construction cost of the BCP and the recurrent expenditure for operating and maintaining it. He opined that, to facilitate members' examination of the funding proposal, the Administration should make it clear whether the proposal to use Hong Kong taxpayers' monies to finance the development of the LT/HYW BCP was taken forward merely to realize the development plans of the Shenzhen authorities.

18. In reply, DS(W)2/DEV advised that according to a recent survey undertaken by the Planning Department, about 70% of the cross-boundary patronage was made by Hong Kong residents. The most common purposes of their trips were leisure, visiting relatives, business, working and schooling. He explained that the Administration had adopted a conservative approach in evaluating the quantifiable benefits of the BCP project. The quantifiable benefits, estimated to be around \$50 billion at 2010 prices, had yet to take on board the indirect and non-quantifiable benefits to be brought about by the new BCP. The Administration considered that the BCP project was cost-effective as its cost was estimated to be lower than the estimated quantifiable benefits. Dr Kenneth CHAN remained of the view that the BCP project would not be successful in economic terms.

19. Mr James TIEN said that Members belonging to the Liberal Party had all along stressed that economic development was important for Hong Kong. He was concerned that the BCP project would become a "white elephant" if, in the long term, goods vehicles and visitors from Shenzhen used other alternatives than the land-based BCPs to meet their cross-boundary transport needs. He enquired whether the Administration had discussed with the Shenzhen authorities the future utilization of the BCPs. DS(W)2/DEV replied that the Administration had maintained close communication with the Shenzhen authorities on the development of the LT/HYW BCP. He advised that, compared with the Administration's investment on developing the BCP, the Shenzhen authorities' investment on the road infrastructure connecting the BCP was no small amount. The Shenzhen authorities hoped that the development of the LT/HYW BCP would tie in with their planning principle of "East in East out, West in West Out".

20. The Chairman requested the Administration to provide an up-to-date analysis on the benefits of the BCP project to Hong Kong, in both quantitative and qualitative terms.

(Post-meeting note: The Administration's supplementary information was circulated to members on 28 January and 11 February 2015 vide LC Papers Nos. CB(1)493/14-15(01) and CB(1)537/14-15 respectively.)

Traffic impact on local roads

21. Mr CHAN Hak-kan was concerned whether the future cross-boundary vehicles coming to Hong Kong through the LT/HYW BCP would cause congestion on the road network in the vicinity. He enquired whether the Administration had conducted an assessment on the impact of the commissioning of the BCP on the vehicular traffic flow on local roads and had explored possible measures to divert part of the traffic to the western part of the territory. DS(W)2/DEV advised that during the planning stage of the BCP project, the Administration had undertaken a traffic impact assessment. In light of the results of the assessment, the Administration was carrying out the widening of the relevant section of the Fanling Highway.

Capacity of the Liantang/Heung Yuen Wai Boundary Control Point

22. Making reference to the currently inadequate provision of pick-up and drop-off spaces at the Lok Ma Chau BCP for cross-boundary school buses, Mr CHAN Hak-kan expressed concern that the same problem would occur at the LT/HYW BCP in future. He enquired on the measures to ensure the smooth traffic of school buses at the LT/HYW BCP and to cater for greater-than-expected demand for pick-up and drop-off spaces for these buses at the BCP in future.

23. Project Director/2, Architectural Services Department ("PD2/ASD") replied that the Administration would provide 32 pick-up and drop-off spaces for the shared use of cross-boundary coaches and school buses, including 19 for inbound and 13 for outbound, at the LT/HYW BCP. The design of the new BCP had taken into account the possible increase in demand for such spaces. She assured members that the Administration would keep in view the traffic conditions upon the commissioning of the BCP and would fine-tune the design where appropriate.

24. Mr CHAN Kam-lam said that the development of the LT/HYW BCP was important to the economic development of Hong Kong and beneficial to the socio-economic interaction between Hong Kong and the Mainland. Noting that some car parking, loading and unloading facilities at the proposed passenger terminal building ("PTB") of the BCP would be provided on the podium deck instead of at the ground floor level, he was concerned whether there was room to expand the facilities to cater for greater-than-expected demand in future. Chief Project Manager 202, Architectural Services Department said that the Administration planned to provide 32 cross-boundary coach/school bus pick-up and drop-off spaces on the podium deck of PTB, including 13 reserved for outbound coaches and 19 for inbound. He advised that, based on the available information, the planned provision of such spaces should be adequate to cater for future demand.

Commercial and residential developments

25. Mr YIU Si-wing and Mr WU Chi-wai expressed concern about the problems arising from the parallel trading activities in northeast NT. Mr YIU asked whether, to ease the over-crowdedness in tourist hotspots, the Administration would reserve land in the vicinity of the new BCP for commercial developments to help divert visitors.

26. DS(W)2/DEV said that most of the land in the vicinity of the BCP site was privately-owned. To explore the development opportunities in the area, a holistic planning study should be carried out. In this connection, the Administration had commissioned a study on developing NT North.

27. Mr WU Chi-wai opined that the Administration should ensure an effective use of the land resources at the LT/HYW BCP site. Instead of merely providing cross-boundary facilities, the Administration should provide residential sites in the area without compromising the protection of the environment. Consideration should also be given to providing additional floors at PTB for accommodating a shopping city so as to enhance the economic benefits of the BCP project. He enquired about the proportion of the BCP site that could be used for developments other than the BCP buildings and associated facilities.

28. Chief Engineer/Boundary Control Point, Civil Engineering and Development Department advised that the LT/HYW BCP site as shown in red line in Enclosure 1 of the discussion paper had an area of 23 hectares. DS(W)2/DEV said that the site had been fully utilized for providing the BCP buildings, associated facilities and road infrastructure, and there was no vacant land available at the site for developing a shopping city. Due to the small area of the site, the cross-boundary facilities would be accommodated in a multiple-storey building. To cater for visitors' needs, the Administration had reserved about 1 000 square metres of floor area at PTB for providing shopping facilities.

29. Mr CHAN Hak-kan opined that the new BCP could facilitate the development of "bridgehead economy" and the Administration should provide sites for residential and commercial uses in the vicinity. Mr LEUNG Che-cheung opined that the BCP project would be beneficial to the residents in NT North. He shared the view that to grasp the opportunities arising from the commissioning of the new BCP, the Administration should consider providing commercial sites in the vicinity.

30. Miss CHAN Yuen-han said that the Administration had taken a long time to implement the BCP project. The original design of the project might not be able to meet the prevailing public expectation. She commented that instead of merely providing cross-boundary and transport facilities at the site, the Administration should have explored more land use options to meet different needs of the society.

Cost of the Liantang/Heung Yuen Wai Boundary Control Point project

31. Ms Emily LAU and Dr Fernando CHEUNG criticized that the Administration had spent a substantial amount of public monies on the BCP project but had paid little regard to members' suggestion that priorities should be accorded to the implementation of livelihood-related projects such as medical and social welfare facilities.

32. Mr Albert CHAN expressed concern about the huge cost overrun of some public works projects in recent years. He queried whether the Administration had intentionally presented inaccurate project cost estimates at the outset. He held the view that members of the public would support the Administration to take forward livelihood-related projects, such as the introduction of an elderly dental programme, a universal retirement protection, etc., rather than the development of a new BCP which cost tens of billions of dollars. He requested the Administration to provide (a) the estimated expenditure for operating and maintaining the LT/HYW BCP, including staff cost; and (b) taking into account the information in (a) as well as the recurrent expenditure arising from the BCP project, the estimated cost per vehicle trip and per passenger trip.

(Post-meeting note: The Administration's supplementary information was circulated to members on 28 January and 11 February 2015 vide LC Papers Nos. CB(1)493/14-15(01) and CB(1)537/14-15 respectively.)

33. Dr Fernando CHEUNG enquired why the latest project estimate of the proposed BCP building works, i.e. about \$8.8 billion, was significantly different from the Administration's previous project estimates of \$1.9 billion and \$6.9 billion, as provided in a LegCo Brief submitted in September 2008 and a paper submitted to the Panel in June 2014 respectively. In response, DS(W)2/DEV explained that the cost estimates of \$1.9 billion and \$6.9 billion were at September 2007 and September 2013 price levels respectively. The estimated cost submitted to the Panel in June 2014 of about \$8.9 billion was in money-of-the-day prices, which was close to the estimated cost of \$8.8 billion under the present proposal. As regards Dr CHEUNG's question about the total cost of the BCP project, DS(W)2/DEV advised that the latest estimate was about \$35.4 billion.

34. Miss Alice MAK enquired about the Administration's measures to prevent another overrun in the cost of the BCP project. DS(W)2/DEV replied that the Administration had committed a modest design for the new BCP. He advised that the tender for the proposed BCP building works had

been closed and the tender assessment was in progress. Having regard to the returned tender prices, the Administration was confident that the estimate was sufficient to cover the cost of the proposed BCP building works.

35. In response to Miss Alice MAK's enquiry on whether the contractors would be allowed to import workers to undertake the proposed BCP building works, DS(W)2/DEV advised that there were shortfalls in manpower in some trades of the construction industry. Should the contractors undertaking the project needed to import workers, they were required to submit applications under the Supplementary Labour Scheme ("SLS"). The Administration would ensure that the applications would be handled pursuant to the established procedures under SLS.

36. Mr Gary FAN said that it was currently a requirement for contractors of public works projects to engage independent quantity surveyors in building works to assess contractors' claims. He enquired whether the Administration would adopt the same requirement in civil engineering projects to enhance cost controls and prevent cost overrun of these projects. He sought clarification on whether this cost control measure had been adopted in the New Engineering Contract ("NEC").

37. DS(W)2/DEV replied that building works involved a large number of works items in a contract. In line with the international practice, the requirement to appoint quantity surveyors was thus included in all building works contracts. Under the current practices for civil engineering projects, quantity surveying was usually undertaken by civil engineering consultants, although quantity surveyors might be engaged in some cases. Nevertheless, there was no indication that the two practices would result in different outcomes in terms of more cost-overrun in one kind of the projects over the other. DS(W)2/DEV advised that one of the objectives of the use of NEC was to separate project management from project works supervision, but this was not related to the issue of concern raised by Mr FAN.

38. Referring to the views of the Hong Kong Institute of Surveyors on enhancing cost controls over public works projects (including building works and civil engineering works), the Chairman said that the Administration should avoid engaging the same consultant to prepare the design of a project and the cost estimate, and to perform cost control.

Examination of the various funding proposals under the Liantang/Heung Yuen Wai Boundary Control Point project

39. Mr CHAN Kam-lam and Mr James TIEN expressed concern on whether the Administration could obtain funding approval from FC for the proposed BCP building works in a timely manner. Taking in view that the proposal would be subject to the examination of the Public Works Subcommittee ("PWSC") and FC but there might be filibustering at these committees, Mr CHAN enquired about the action to be taken by the Administration in the event that the tender for the proposed BCP building works project could not be awarded before the tender expiry date. He was concerned that, if re-tendering was required, a further cost increase would be incurred. Miss CHAN Yuen-han opined that the Administration should work out plans to handle the possible situation that approvals for the remaining funding applications under the BCP project could not be obtained before the tender expiry dates of the relevant contracts.

40. Ir Dr LO Wai-kwok referred to PWSC's decision made on 26 November 2014 to adjourn the discussion on the Administration's proposal to increase the approved project estimate ("APE") of a major component of the BCP project, i.e. PWP Item No. 19GB ("19GB"). He said that 19GB concerned an important tender, i.e. the tender for Contract No. 6, of which the tender validity period had already expired. He enquired how the expiry of the tender would affect the progress of provision of infrastructural facilities at a resite area for the reprovisioning of Chuk Yuen Village. The Chairman asked about the measures taken by the Administration to resolve the matters arising from the expiry of the tender for Contract No. 6.

41. In reply, DS(W)2/DEV advised that after making substantial efforts, the Administration had secured the consent of the successful bidder of Contract No. 6 under 19GB to extend the tender validity period to July 2015. He said that without FC's approval for increasing the APE of 19GB, the contract for constructing a section of the Lung Shan Tunnel between Sha Tau Kok Road and the BCP could not be awarded to the successful bidder. As such, the commencement date of the contract would have to be postponed and the works concerned would not be completed on schedule. Even if the contract could be awarded later with FC's approval, the contract completion date would be delayed, possibly resulting in an increase in the provision for price adjustment under the contract. Moreover, the delayed commencement of the contract would cause interface problems with other components of the BCP project. As regards Chuk Yuen Village, DS(W)2/DEV supplemented that all villagers had moved out voluntarily from the village. After

completing the site formation works, the original village site would be ready for the construction of the new BCP buildings under the present proposal.

42. Mr Michael TIEN remarked that whether the Administration could award the remaining contracts to the successful bidders before the respective tender expiry dates was a relevant factor to be considered by FC/PWSC/Panel members when examining the funding applications under the BCP project. If the validity period of an important tender could be extended, the Administration should inform members so. The Chairman opined that the Administration should make the status of the works contracts under the BCP project as transparent as possible.

43. Ms Emily LAU commented that the Administration had not responded in a satisfactory manner the various questions raised by members from different political parties and groups about the BCP project. She stressed that the Administration should have provided complete information about the BCP project in the discussion paper to facilitate members to consider whether to support the funding proposal. Mr CHAN Chi-chuen held a similar view. He commented that the Administration so far had not fully addressed members' various questions on the BCP project, including the direct non-quantifiable economic benefits that could be brought by the LT/HYW BCP, by what time the BCP would reach saturation and how the cross-boundary vehicular traffic using the BCP would change in a certain period, say five years, after its commissioning before it would reach the projected number of vehicle trips in 2030. He did not subscribe to the view that an increase in the number of vehicle trips using the LT/HYW BCP would necessarily bring more benefits to Hong Kong. He was concerned that other facilities in the territory might not have sufficient carrying capacity to cope with the increase in cross-boundary vehicular traffic.

44. Mr Albert CHAN requested the Administration to provide a list of development and infrastructure projects underway, to be implemented or under planning, that would be undertaken in North East NT such as Kwu Tung, Fanling, etc. and in the vicinity of the LT/HYW BCP, as well as the details of these projects, including the scope and progress, the approved funding commitment, if any, the categories of the projects (say, Category A or B) under the Capital Works Programme. He said that the information would facilitate members to consider whether disapproving the funding proposal under discussion would adversely affect other development projects underway in the nearby areas of the BCP.

(*Post-meeting note:* The Administration's supplementary information was circulated to members on 28 January and 11 February 2015 vide LC Papers Nos. CB(1)493/14-15(01) and CB(1)537/14-15 respectively.)

45. Mr Michael TIEN recalled that FC had approved a funding application of about \$16.2 billion in the 2011-2012 legislative session for a public works item under the BCP project. He queried whether, apart from the site formation and infrastructure works, the scope of the project under the aforesaid funding application already included the works to construct the BCP buildings and associated facilities. He said that if this was not the case, the Administration should have, every time when it submitted a separate funding application for carrying out the works under the BCP project, made it clear to members that certain works had not yet been included, and informed members about the estimated costs of such works. In response, DS(W)2/DEV explained that the funding application mentioned by Mr TIEN did not cover the proposed BCP building works.

46. Mr James TIEN said the Administration should have made it clear, at the time when it submitted the proposal to increase the APE for 19GB for the Panel's consideration, that separate funding would be sought for the implementation of the BCP building works. He commented that the Administration's practice of seeking funding support through submitting separate funding applications at different times might create misunderstanding on the total cost of the BCP project. Miss CHAN Yuen-han opined that as the Administration had taken a long time to implement the BCP project and had revised the cost estimates for some funding proposals under the project, members of the public might have an impression that the Administration was tempering with the cost figures and spending taxpayer's money arbitrarily.

47. Having regard to the fact that the funding proposals to finance the BCP project had been set out in different papers submitted by the Administration at different times, the Chairman asked the Administration to provide a list of all the public works items under the BCP project, their respective details (including the scope and progress of works), the original and the revised cost estimates (if any) of each item, and the reasons for the difference between the two estimates (if any), for members' reference.

(*Post-meeting note:* The Administration's supplementary information was circulated to members on 28 January and 11 February 2015 vide LC Papers Nos. CB(1)493/14-15(01) and CB(1)537/14-15 respectively.)

Submission of the proposal to the Public Works Subcommittee

48. The Chairman enquired whether members supported the proposal that PWP Item No. 13GB be submitted to PWSC for consideration. At the request of Mr CHAN Kam-lam, the Chairman ordered a division. Thirteen members voted for and 9 members voted against the proposal. The voting result was as follows:

For

Mr CHAN Kam-lam
Mr CHAN Hak-kan
Mr IP Kwok-him
Mr James TIEN
Miss CHAN Yuen-han
Miss Alice MAK
Ir Dr LO Wai-kwok
(13 members)

Mr Abraham SHEK
Mr CHAN Kin-por
Mr Michael TIEN
Mr YIU Si-wing
Mr LEUNG Che-cheung
Dr Elizabeth QUAT

Against

Mr James TO
Mr Frederick FUNG
Mr WU Chi-wai
Mr CHAN Chi-chuen
Dr Fernando CHEUNG
(9 members)

Ms Emily LAU
Mr Albert CHAN
Mr Gary FAN
Dr Kenneth CHAN

49. The Chairman concluded that the proposal was carried.

V Revision of fees and charges for services under the purview of the Lands Department under the Land Survey (Fees) Regulation (Cap. 473A)

(LC Paper No. CB(1)253/14-15(02) -- Administration's paper on revision of fees and charges for services under the purview of the Lands Department under the Land Survey (Fees) Regulation (Cap. 473A))

50. Principal Assistant Secretary (Planning and Lands)6, Development Bureau ("PAS(PL)6/DEVB"), briefed members on the Administration's proposal to revise seven Government fees and charges for services under the purview of the Lands Department ("LandsD") under the Land Survey (Fees) Regulation (Cap. 473A). The concerned services included inspection of land boundary records, supply of copies of land boundary plans and survey record plans, etc. He said that the fee revision was proposed in accordance with the principle of full cost recovery and the Administration planned to implement the proposed fees and charges adjustment, which was generally mild, within the 2014-2015 financial year. It was estimated that there would be an increase of about \$0.326 million in revenue per annum. The details of the proposal were set out in the Administration's paper (LC Paper No. CB(1)253/14-15(02)).

Delivery of relevant Government services by more effective use of electronic means

51. Mr Albert CHAN said that he was not opposed to the proposed fees and charges adjustment for the concerned services. He enquired whether any of the services covered by the proposal could be provided online to reduce service costs and facilitate the users. He also asked whether the relevant professional bodies had any views on the proposed fees and charges adjustment.

52. The Chairman said he noted that the surveying industry had no strong views on the proposed fee revision. The industry shared Mr Albert CHAN's view that the Administration should promote electronization of its services to reduce operational costs and enhance service efficiency.

53. Assistant Director/Survey and Mapping, Lands Department ("AD(SM)/LandsD"), responded that while full electronization of the services covered by the proposal would have to be implemented step by step, computer applications had been developed for some of the processes/procedures related to the provision of these services, such as the processing of land boundary plans and survey record plans submitted by authorized land surveyors, and these plans could also be submitted electronically to the Land Survey Authority. In response to Mr Albert CHAN's enquiry about the sale of aerial photographs, AD(SM)/LandsD advised that the ordering of both digital and paper aerial photographs could be made online via Hong Kong Map Service, a website maintained by LandsD. Further development of on-line services for the delivery of other land boundary survey records was in progress.

54. PAS(PL)6/DEVB said that the Administration would continue its efforts to promote electronization of its services to enhance service efficiency. He added that LandsD had been taking measures to contain the costs of its services through implementing efficiency initiatives, reprioritizing service provision and streamlining procedures. These measures had been factored into the calculation of costs for individual fee items.

VI Progress update of the proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)

- (LC Paper No. CB(1)253/14-15(01) -- Administration's paper on progress update of the proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)
- LC Paper No. CB(1)354/14-15(05) -- Paper on the proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) prepared by the Legislative Council Secretariat (Background brief)
- LC Paper No. CB(1)370/14-15(01) -- Submission on the proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) from a deputation (男廁關注組) dated 13 December 2014

- LC Paper No. CB(1)200/12-13(01) -- Administration's paper on Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, Cap. 123I
- LC Paper No. CB(1)1116/11-12(09) -- Administration's paper on proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, Cap. 123I)

55. At the invitation of the Chairman, Deputy Secretary (Planning and Lands)2, Development Bureau ("DS(P&L)2/DEVB"), briefed members on the latest progress of preparation of the proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) ("the Regulations"). Details of the proposed amendments were given in the Administration's paper (LC Paper No. CB(1)253/14-15(01)). He said that in view of members' comments expressed at the Panel meeting in February 2012 and to encourage early adoption of the proposed enhanced standards in respect of the provision of sanitary fitments in public places, the Buildings Department ("BD") had updated the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ("the Practice Note") in November 2012 for voluntary adoption by the building industry.

Increasing the provision of female sanitary fitments in public places

56. Mr WU Chi-wai enquired about the rationale for increasing the male to female ratio from the present 1:1 to the proposed 1:1.5 for assessing the numbers of male to female in public places. He sought clarification on whether the number of female watercloset fitments in a public place under the proposed amendments would be worked out based on the number of male watercloset fitments and urinals in the same place, or simply the number of male watercloset fitments.

57. DS(P&L)2/DEVB explained that under the current Regulations, the provision of male and female sanitary fitments in public places was based generally on the assessed numbers of male and female in these places. The present ratio of 1:1 had been adopted for assessing the numbers of male to female in places of public entertainment and cinemas. Taking into account

the results of the consultancy study to review the Regulations commissioned by BD, the Administration proposed that the male to female ratio be revised to 1:1.5. The numbers of male and female sanitary fitments to be provided in public places (including shopping arcades and department stores, places of public entertainment, and cinemas) under the proposed amendments to the Regulations would be worked out based on this ratio.

58. DS(P&L)2/DEVB further explained that details of the present and proposed numbers of sanitary fitments for different genders in public places were set out in LC Paper No. CB(1)200/12-13(01), which had been provided to Panel members in November 2012. As an illustration, for a cinema with a seating capacity of 250, under the present Regulations, a ratio of 1:1 was adopted for assessing the numbers of male to female in the premises (i.e. 125 male and 125 female moviegoers). Under the proposed Amendment Regulations, the ratio of 1:1.5 would be adopted (i.e. 100 male and 150 female moviegoers). This would increase the number of female sanitary fitments to be provided. DS(P&L)2/DEVB supplemented that the provision of male sanitary fitments would not be substantially affected under the proposed legislative amendments. For example, for a shopping centre of 3 500 square metres, the proposed legislative amendments would increase the number of female watercloset fitments from six to 11, while the number of male watercloset fitments would slightly decrease from five to four. Given the comparatively short queuing time for male toilets (or, in some cases, no need for queuing at all), the Administration considered the slight reduction in the number of male sanitary fitments should not pose much inconvenience to male toilet users. Deputy Director of Buildings ("DDB") advised that the number of male sanitary fitments, referred to in the comparison of provisions for both genders, included both watercloset fitments and urinals.

59. Dr Elizabeth QUAT opined that the number of female sanitary fitments in public places should be increased to shorten the long queuing time for female toilet users. However, she was concerned that male toilet users might have to wait longer if there would be reduction in the number of male sanitary fitments in public places under the proposed legislative amendments. She suggested that the Administration should increase the number of female sanitary fitments under the premise that the number of male sanitary fitments would not be reduced.

60. DS(P&L)2/DEVB replied that, as explained earlier, the results of the consultancy study commissioned by BD indicated that a mild reduction in the number of male sanitary fitments in public places should not have significant impact on male toilet users. While it would be ideal to increase

the numbers of both male and female sanitary fitments, there was a need to strike a balance between the use of floor space for sanitary and other purposes, given that under the proposed legislative amendments, the building owners would be required to allocate a larger proportion of floor space to accommodate the additional female sanitary fitments.

61. Mr Albert CHAN said that he welcomed in principle the proposed legislative amendments and the update of the Practice Note to enhance the provision of various sanitary fitments. He expressed concerns over the impact of the implementation of the amendments on owners of existing buildings.

62. DS(P&L)2/DEVB advised that the proposed legislative amendments would only be applicable to new buildings or to existing buildings which underwent major alteration or addition works.

63. Mr WU Chi-wai enquired whether the Administration would carry out improvement works in existing government buildings to make the provision of sanitary fitments in full compliance with the proposed enhanced standards. DS(P&L)2/DEVB replied that generally the design and construction of new government buildings would take into account the latest requirements of building standards as stipulated in the Buildings Ordinance or the relevant Practice Note issued by BD. However, for existing government buildings, due to physical and other constraints, it might not be possible to carry out improvement works for meeting the enhanced standards.

Impact of the proposed legislative amendments on restaurant operators

64. Mr Albert CHAN expressed concerns that it would be difficult for some restaurants to meet the enhanced standards for the provision of sanitary fitments and the operators of such restaurants would then have their applications for licences turned down. The Chairman shared Mr CHAN's concerns. He added that it would be difficult to carry out toilet enhancement works in some restaurants, due to the physical constraints of the buildings. Mr WU Chi-wai queried whether the enhanced standards would only be applicable to new restaurant licence applications and whether small restaurants would be exempted from the new requirements to a certain extent.

65. In reply, DS(P&L)2/DEVB advised that the Food and Environmental Hygiene Department and the relevant industry had been consulted on the

proposed legislative amendments. DDB confirmed that the enhanced standards for the provision of sanitary fitments would only be applicable to new restaurant licence applications, while the existing restaurants would be subject to the current standards when renewing their licences. The Administration would also rationalize the standards by relaxing the requirements for small restaurants.

Provision of unisex toilets and other tailored sanitary facilities in public places

66. Considering the delineation of male and female toilets an obsolete concept, Mr CHAN Chi-chuen urged the Administration to draw reference from the experience of overseas cities where unisex public toilets were provided instead of traditional male/female toilets. He opined that the provision of unisex public toilets would bring benefits to the public in various ways, such as facilitating a more effective use of available toilets, catering for the need of people who had to take care of children of the opposite gender, etc. He suggested that the Administration should take the initiative to provide unisex toilets in government facilities in order to promote the provision of such by the private sector.

67. DS(P&L)2/DEVB responded that while the Administration was open-minded to the suggestion of introducing unisex toilets, when examining the subject, the consultancy study commissioned by BD suggested that before this proposal was introduced as a statutory requirement, further careful and detailed studies were needed, particularly on the management and maintenance of the facilities. The consultancy considered that there were difficulties in managing and implementing the proposal, having taken into account security considerations, the difference in the demand for hygiene standards between the two genders, and cultural differences between Hong Kong and other places. Some people also queried whether the larger floor space required for a unisex toilet should more appropriately be used for the provision of more female toilets instead. He believed that a consensus had yet to be reached in the society on the mandatory provision of unisex toilets. Notwithstanding the above, BD had updated the Practice Note to encourage the building industry to provide unisex toilets on a voluntary basis.

68. Dr Elizabeth QUAT asked if the Administration would, apart from increasing the provision of female sanitary fitments, introduce other family-friendly measures in public places, such as the provision of sanitary fitments for the use of children and the elderly, as well as baby care and breast-feeding facilities separate from the toilets.

69. DS(P&L)2/DEVB said the Administration noted the public's aspirations for enhancing the provision of tailored facilities, such as children's toilets and baby care facilities, to cater for the needs of different users. While the Administration kept an open attitude to these suggestions, the purpose of the Regulations was to set statutory minimum standards for the provision of sanitary fitments in private buildings. Since the proposed tailored facilities were not directly related to the hygiene of private buildings, the Administration considered that it might not be appropriate for the Regulations to provide for the provision of such facilities. Nevertheless, the Practice Note published by BD encouraged the building industry and property owners to provide such facilities on a voluntary basis, having regard to the design need of individual premises.

70. Dr Elizabeth QUAT had reservation about the Administration's view that the provision of children's toilets, baby care and breast-feeding facilities in public places was not related to the hygiene of private buildings. She opined that the promotion of voluntary adoption of these facilities was not effective enough to enhance the provision of family-friendly facilities, as evidenced by the fact that children's toilets were only available in a few high-end shopping centres. She called on the Administration to consider introducing legislative amendments to mandate the provision of family-friendly facilities in public places as early as possible. DS(P&L)2/DEVB said that he would convey Dr QUAT's suggestion to the relevant bureaux/departments for consideration.

71. In response to Mr Albert CHAN's enquiry on whether the Administration would take measures to enhance the provision of sanitary fitments in existing public places for persons with disabilities, DDB said that the standards for provision of such sanitary fitments had been enhanced in 2008. Under the enhanced standards, where toilets were provided on a floor, at least one toilet shall be designed as a unisex sanitary facility accessible by persons with disabilities. Moreover, such a toilet must be located in an area such that access to it did not necessitate traversing an area designated for a specified gender.

72. DS(P&L)2/DEVB advised that the Administration aimed to table the proposed legislative amendments to LegCo in early 2015.

VII Any other business

73. There being no other business, the meeting ended at 12:02 pm.

Council Business Division 1
Legislative Council Secretariat
10 March 2015