

Legislative Council Panel on Housing and Panel on Development

**Follow-up Actions arising from the discussion
at the Joint Meeting on 6 December 2016**

Regarding the joint meeting of Legislative Council Panel on Housing and Panel on Development on 6 December 2016 on the Wang Chau development, the Administration provides responses to the following issues -

Use of Restricted Government Data by Consultancy Firms for Private Projects

Item (a)

2. Since 2001, we have established the mechanism for management of consultants' performance which has been updated from time to time. The latest update was promulgated through Development Bureau (DEVB) Technical Circular (Works) (TC(W)) No. 3/2016¹ on 9 September 2016. The ethical commitment requirement associated with confidentiality provision was introduced to engineering consultancy agreements in 2004 and the latest version was promulgated through Environment, Transport and Works Bureau (ETWB) TC(W) No. 3/2004A² on 14 November 2005.
3. We understand Members' suggestion for review of the suspension period invoked on engineering consultants associated with poor performance and non-compliance of contract provisions. We will review the relevant issue within 2017.

¹ For details of DEVB TC(W) No. 3/2016, please refer to the link below:
<http://www.devb.gov.hk/filemanager/technicalcirculars/en/upload/343/1/C-2016-03-01.pdf>

² For details of ETWB TC(W) No. 3/2004A, please refer to the link below:
<http://www.devb.gov.hk/filemanager/technicalcirculars/en/upload/23/1/C-2004-3-A-1.pdf>

Item (b)

4. After obtaining the approval from the Engineering and Associated Consultants Selection Board (EACSB) on 7 November 2016, the Consultants Review Committee of the Civil Engineering and Development Department (CEDD) invoked a regulating action on OAP on the same day, by suspending OAP from bidding for all categories of consultancy agreements under the jurisdiction of the EACSB for three months, i.e. from 7 November 2016 to 6 February 2017, in accordance with DEVB TC(W) No. 3/2016.

Item (c)

5. The Government departments awarded six consultancy agreements under the EACSB-related categories to OAP in 2016. Another four contracts were awarded by the Hong Kong Housing Authority during the same period. For the contract value and award date of these consultancy agreements, please refer to **Attachments 1 and 2**.

Item (d)

6. We commenced seeking legal advice regarding OAP's non-compliance of "confidentiality" and "conflict of interest" provisions in the Government consultancy agreement in end September 2016.

Item (e)

7. The concerned investigation is mainly based on the provisions of the consultancy agreement between OAP and CEDD for the infrastructure project in Wang Chau and the mechanism for management of consultants' performance in DEVB TC(W) No. 3/2016. Since there is no contractual relationship between CEDD and the concerned private developer, the investigation was not extended to the private developer.

Item (f)

8. Since the media reporting on the suspected use of the Planning Department's Territorial Population Employment Data Matrix (TPEDM) data by other consultants in private development projects in end October 2016, the relevant departments have

commenced the concerned investigation. As the investigation is still in progress, we cannot disclose the information of the cases at the moment.

Lands Information on Phase 1 of Wang Chau Development

Item (g)

9. Please refer to **Attachment 3** for the development boundary, works boundary and distribution of private land within the Phase 1 area of the Wang Chau development.

Public Consultations for Development Projects in the New Territories

Item (h)

10. The Transport and Housing Bureau (THB) has indicated that public consultation will not be replaced by informal lobbying in planning public housing projects. For the Wang Chau public housing development, according to THB, the Government has in fact conducted public consultations for the Phase 1 development through various means. As recorded under public documents, the Government consulted the Ping Shan Rural Committee on the Wang Chau Phase 1 on 23 May 2014 and the Yuen Long DC on 24 June 2014 and submitted the rezoning proposal to the Rural and New Town Planning Committee of the Town Planning Board (TPB) for consideration on 17 October 2014. The rezoning of a portion of land within the “Green Belt” zone at Wang Chau for the development of public housing was gazetted on 31 October 2014, inviting representations and comments from the public. The TPB subsequently considered the received representations and comments on 10 April 2015. The public has many opportunities to express their opinions during the process.

Retention of Wang Chau items in Funding Proposal

Item (i)

11. Expenditure items under the Capital Works Reserve Fund (CWRP) must generally be approved by the Finance Committee (FC) on a project-by-project basis in accordance with the terms of the Resolution made by the Legislative Council (LegCo) in

establishing the CWRP. To enable more efficient operation of FC and Public Works Subcommittee (PWSC) so that they may concentrate on the more important and higher value projects, FC has delegated to the Financial Secretary (FS) the authority to approve expenditure on individual projects under CWRP block allocation subheads, subject to the respective financial ceiling for individual items and the projects meeting the ambit of the relevant subheads.

12. According to Rule 22(q) of the House Rules, “the relevant Panel(s) should be consulted first before a major and/or potentially controversial financial proposal is introduced into the FC”. In seeking FC’s support for the funding proposal of 2017-18 block allocations, the Government had, as in the past and as required, consulted three Panels including the Panel on Development.
13. Despite two motions raised by Members were passed at the meeting of the Panel on Development held on 22 November 2016, and such decision arising from the motions are not binding on other committees of LegCo according to paragraph 3.28 of the Handbook for Chairmen of Panels, the Government has reviewed the motions concerned in detail. After review, the Government considers it necessary to retain in the funding proposal the two land resumption items related to Wang Chau Phase 1 public housing development and that voting should be on the basis of the total allocation proposed.
14. As explained in the Government’s reply to the Panel on Development on 30 November 2016, the establishment of block allocations is to enable more efficient operation of FC and PWSC so that they may concentrate on projects of greater importance and higher value. FS has all along worked in accordance with the authority delegated by FC. The Government is of the view that it would defeat the purpose of establishing block allocations if individual items are being taken out for separate voting.

**Transport and Housing Bureau/Housing Department
Development Bureau
Financial Services and The Treasury Bureau
Lands Department
January 2017**

奧雅納顧問公司於 2016 年獲批
「工程及有關顧問公司遴選委員會」相關類別的顧問合約

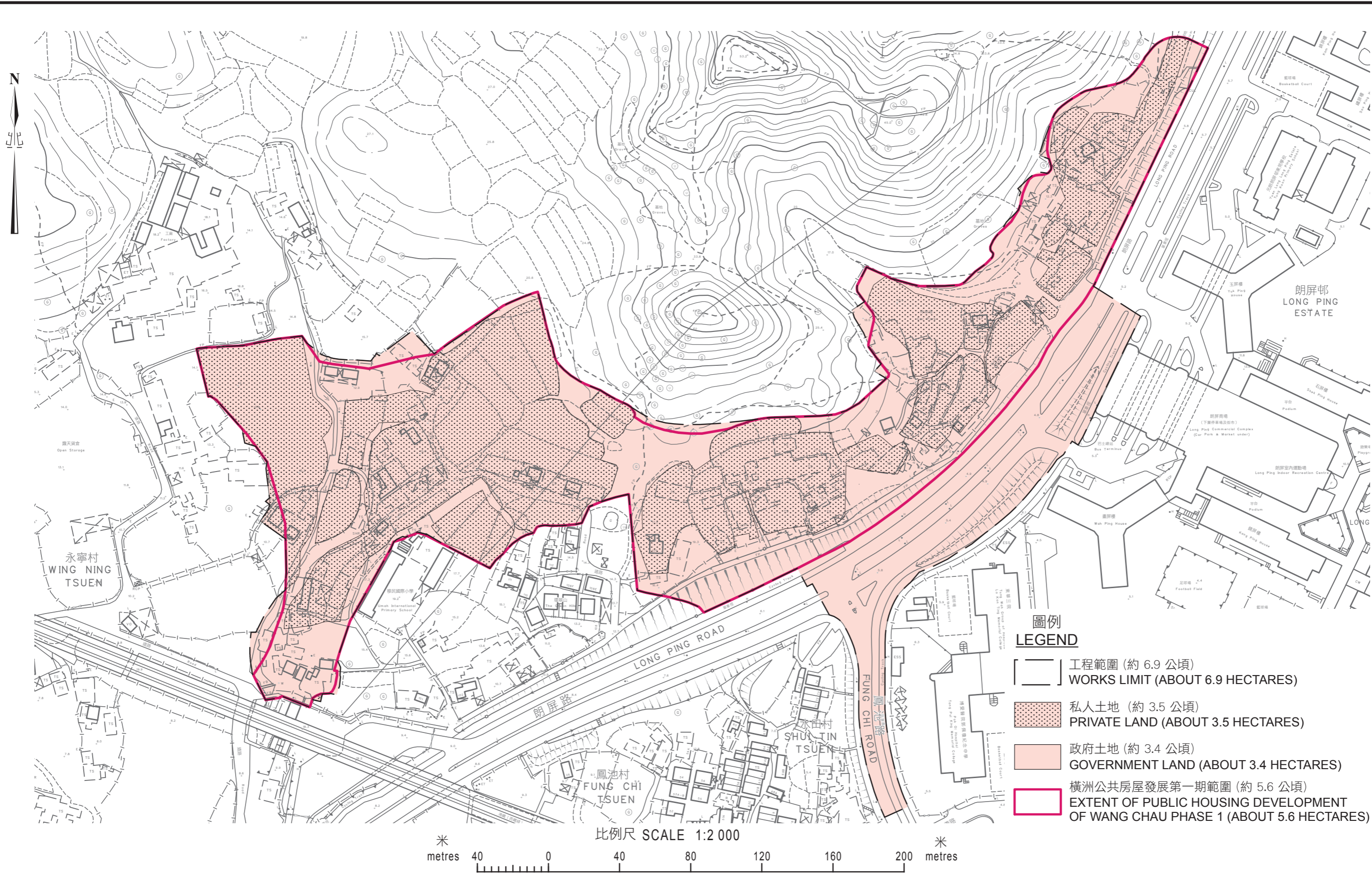
**Consultancy Agreements under
EACSB-related Categories Awarded to Ove Arup & Partners Hong Kong Ltd in 2016**

合約編號 Agreement No.	合約名稱 Agreement Title	批出日期 Award Date	顧問費用 (百萬元) Lump Sum Fee (\$million)
CE 68/2015(CE)	發展九龍東為智慧城市區－可行性研究 Developing Kowloon East into a Smart City District - Feasibility Study	2016 年第一季 2016 Q1	7.8
CE 74/2015(CE)	薄扶林南的地盤平整和基礎設施工程 — 勘查研究、設計及建造 Site Formation and Infrastructures for Development at Pok Fu Lam South - Investigation, Design and Construction	2016 年第二季 2016 Q2	27.5
CE 11/2016(WS)	本地生產氯氣以供應濾水廠使用 Local Generation of Chlorine for Use in Water Treatment Works	2016 年第二季 2016 Q2	2.1
CE 4/2016(CE)	在洪水橋新發展區為棕地作業擬建多層樓宇的研究 — 可行性研究 Study on Proposed Multi-storey Buildings in Hung Shui Kiu New Development Area for Brownfield Operations - Feasibility Study	2016 年第三季 2016 Q3	10.7
CE 6/2016 (TT)	公共交通策略研究角色定位檢視 — 可行性研究 Public Transport Strategy Study (Roles and Positioning Review) - Feasibility Study	2016 年第三季 2016 Q3	4.7
CE 70/2015(CE)	東涌新市鎮擴展(西部) — 設計與建造 Tung Chung New Town Extension (West) - Design and Construction	2016 年第三季 2016 Q3	60.4

2016 年香港房屋委員會與奧雅納工程顧問公司簽訂的顧問合約

**Consultancy Agreements between the Hong Kong Housing Authority
and Ove Arup & Partners Hong Kong Ltd in 2016**

合約編號 Agreement No.	合約名稱 Agreement Title	批出日期 Award Date	顧問費用 (百萬元) Lump Sum Fee (\$million)
CB20150688	2016 至 2018 年度新界西區定期工程顧問服務 Term Engineering Consultant for Term Engineering Consultancy Services 2016-2018 for New Territories West Region	2016 年第二季 2016 Q2	7.9
CB20160243	元朗朗邊第一期公共房屋發展項目地基系統可行性研究顧問合約 Consultancy for Viability Study on Foundation Systems for Public Housing Development at Long Bin Phase 1, Yuen Long	2016 年第二季 2016 Q2	0.18
CB20160284	公共房屋發展項目環境設計研究顧問合約 H1 Consultancy for Environmental Design Studies for Public Housing Development in Agreement H1	2016 年第三季 2016 Q3	1.9
CB20160161	2016 至 2019 年度新界西區定期交通及環境保護顧問服務 Term Traffic and Environmental Consultant for Term Traffic and Environmental Consultancy Services 2016-2019 for New Territories West Region	2016 年第三季 2016 Q3	15.9



- 圖例**
LEGEND
- 工程範圍 (約 6.9 公頃)
WORKS LIMIT (ABOUT 6.9 HECTARES)
 - 私人土地 (約 3.5 公頃)
PRIVATE LAND (ABOUT 3.5 HECTARES)
 - 政府土地 (約 3.4 公頃)
GOVERNMENT LAND (ABOUT 3.4 HECTARES)
 - 橫洲公共房屋發展第一期範圍 (約 5.6 公頃)
EXTENT OF PUBLIC HOUSING DEVELOPMENT OF WANG CHAU PHASE 1 (ABOUT 5.6 HECTARES)

米 metres 40 0 40 80 120 160 200 米 metres
比例尺 SCALE 1:2 000

只作識別用 FOR IDENTIFICATION PURPOSES ONLY
 地政總署土地徵用組
 Acquisition Section, Lands Department
 圖則由土地信息中心繪製
 Plan Prepared by Land Information Centre
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元朗橫洲公共房屋發展計劃 (第1期)
 PUBLIC HOUSING DEVELOPMENT AT WANG CHAU, YUEN LONG (PHASE 1)

檔案編號 File No. -----
 測量圖編號 Survey Sheet No. 6-NW-9A/B
 分區計劃大綱圖編號 Outline Zoning Plan No. S/YL-PS/16
 參考圖編號 Reference Plan. No. -----
 圖則編號 PLAN No. LIC-MIS-062A