

**立法會**  
**Legislative Council**

LC Paper No. FC155/18-19  
(These minutes have been  
seen by the Administration)

Ref : FC/1/1(6)

**Finance Committee of the Legislative Council**

**Minutes of the 6<sup>th</sup> meeting**  
**held at Conference Room 1 of the Legislative Council Complex**  
**on Friday, 23 November 2018, at 3:24 pm**

**Members present:**

Hon CHAN Kin-por, GBS, JP (Chairman)  
Hon CHAN Chun-ying, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen

Hon CHAN Han-pan, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung, JP  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-ki, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Dr Hon Pierre CHAN  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon LUK Chung-hung, JP  
Hon LAU Kwok-fan, MH  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH  
Hon Tony TSE Wai-chuen, BBS

**Members absent:**

Hon HUI Chi-fung  
Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Public officers attending:**

Ms Alice LAU Yim, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Carol YUEN, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Mike CHENG Wai-man	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr LAU Kong-wah, JP	Secretary for Home Affairs
Miss Charmaine WONG Hoi-wan, JP	Deputy Director of Home Affairs (1)
Mr Martin KWAN Wai-cheong	Chief Engineer (Works), Home Affairs Department
Mr Edward TSE Cheong-wo	Project Director 3, Architectural Services Department
Mrs Alice CHING WOO Wai-ling	Chief Project Manager 303, Architectural Services Department
Mr Chris LIU Chi-ho	Chief Project Manager 302, Architectural Services Department
Mr Steve TSE Ling-chun, JP	District Officer (Kwun Tong), Home Affairs Department
Ms LAI Mei-ling	Chief Leisure Manager (Kowloon), Leisure and Cultural Services Department
Mr Rick CHAN Tin-chu, JP	District Officer (Wan Chai), Home Affairs Department
Mr LUK Chi-kwong	Chief Leisure Manager (Hong Kong East), Leisure and Cultural Services Department

**Other persons attending:**

Dr Bunny CHAN Chung-bun, GBS, JP	Chairman, Kwun Tong District Council
Mr Stephen NG Kam-chun, BBS, MH, JP	Chairman, Wan Chai District Council

**Clerk in attendance:**

Ms Anita SIT

Assistant Secretary General 1

**Staff in attendance:**

Ms Angel SHEK

Chief Council Secretary (1)1

Ms Ada LAU

Senior Council Secretary (1)7

Miss Judy YEE

Council Secretary (1)1

Miss Queenie LAM

Senior Legislative Assistant (1)2

Mr Frankie WOO

Senior Legislative Assistant (1)3

Miss Yannes HO

Legislative Assistant (1)6

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Action

The Chairman reminded members of the requirements under Rules 83A and 84 of the Rules of Procedure.

**Item 1 — FCR(2018-19)59**

**RECOMMENDATION OF THE PUBLIC WORKS  
SUBCOMMITTEE MADE ON 11 JULY 2018**

**PWSC(2018-19)28**

**HEAD 707 — NEW TOWNS AND URBAN AREA DEVELOPMENT**

**Recreation, Culture and Amenities—Open spaces**

**458RO — Signature Project Scheme (Kwun Tong  
District)—Construction of Music Fountains at Kwun  
Tong Promenade**

**Recreation, Culture and Amenities—Cultural facilities**

**68RE — Signature Project Scheme (Wan Chai  
District)—Construction of Moreton Terrace Activities  
Centre**

2. The Chairman advised that this item sought the approval of the Finance Committee ("FC") for the recommendation made by the Public Works Subcommittee ("PWSC") at its meeting on 11 July 2018 regarding PWSC(2018-19)28, i.e. the upgrading of 458RO, namely Signature Project Scheme (Kwun Tong District) – Construction of Music Fountains at Kwun Tong Promenade, and 68RE, namely Signature Project Scheme (Wan Chai District) – Construction of Moreton Terrace Activities Centre, to Category A at estimated costs of \$49.7 million and \$133.1 million in money-of-the-day prices respectively. PWSC had spent a total of 7 hours

and 11 minutes on scrutinizing the above proposal (including the original and the revised proposals), and the Administration had also provided a number of information papers.

3. The Chairman declared that he was an independent non-executive director of The Bank of East Asia.

4. Mr WU Chi-wai spoke on item FCR(2018-19)59. Mr WU pointed out that the Administration cited the results of an opinion survey conducted by the Democratic Alliance for the Betterment and Progress of Hong Kong on tourism development in Kwun Tong as the justifications for taking forward the project of constructing music fountains at Kwun Tong Promenade. While the opinion survey revealed that over 85% of interviewees supported the construction of music fountains at Kwun Tong Promenade, the focus of the survey was not to collect the views of Kwun Tong residents on how Kwun Tong District Council ("KTDC") should use the funds earmarked for implementing the Signature Project Scheme ("SPS"). He considered that the Administration should not merely focus on the opinion survey conducted by a particular organization. Making reference to other successful examples of providing community services by using SPS funds, Mr WU was of the view that the Administration should consider utilizing the resources to implement livelihood improvement initiatives. Mr WU said that as the Office of The Ombudsman had launched an inquiry into the complaint lodged by the Democratic Party about a number of issues, including the public consultation process for the construction of music fountains at Kwun Tong Promenade, he opined that the Administration should not continue to pursue the project before the completion of the inquiry.

Motion to adjourn the discussion on item FCR(2018-19)59

5. At 3:30 pm, Mr WU Chi-wai moved without notice under paragraph 39 of the Finance Committee Procedure ("FCP") that discussion on item FCR(2018-19)59 be then adjourned.

6. Before proceeding with Mr WU Chi-wai's motion to adjourn the discussion on this item, the Chairman sought the Administration's confirmation as to whether it would still continue to seek FC's approval for the funding proposal under this item, despite the inquiry launched by the Office of The Ombudsman into the construction of music fountains at Kwun Tong Promenade.

7. Secretary for Home Affairs ("SHA") said that the Office of The Ombudsman was launching an inquiry into the construction of music

fountains at Kwun Tong Promenade. While the Government would fully cooperate with and provide information to the Office of The Ombudsman, it would continue to seek FC's approval for the funding proposal under this item. He said that the relevant District Councils ("DCs") submitted proposals for these two projects, namely the Construction of Music Fountains at Kwun Tong Promenade and the Construction of Moreton Terrace Activities Centre, to the Government several years ago. The Government hoped that FC would approve the funding proposal to facilitate the early commencement of the projects.

8. The Chairman said that as the Administration continued to seek the funding approval of FC for the two SPS projects under item FCR(2018-19)59, it was incumbent upon FC to scrutinize the item pursuant to the Public Finance Ordinance (Cap. 2). FC would, first of all, proceed with the above motion moved by Mr WU Chi-wai on adjournment of discussion on this item.

9. Mr WU Chi-wai briefed members on his motion. Mr WU reiterated that he was concerned about the inquiry launched by the Office of The Ombudsman into the construction of music fountains at Kwun Tong Promenade, and was of the view that there was no imminent need to proceed with the item. Moreover, the site selected for the project was a lawn frequently visited by members of the public. Constructing music fountains at the site would cause inconvenience to local residents and bring about environmental impacts. Based on the above reasons, Mr WU considered that the Administration should shelve the proposal of seeking FC's funding approval for constructing music fountains at Kwun Tong Promenade.

10. The Chairman reminded members that according to FCP 39, a member might move without notice that discussion on an item be then adjourned. As the Administration sought the funding approval of FC for the construction of music fountains at Kwun Tong Promenade and Moreton Terrace Activities Centre as a package under this item, if the motion moved by Mr WU was carried, FC should adjourn discussion on the entire item. If the motion was negatived, members could not move a motion to adjourn discussion on this item again. The Chairman also advised members that according to section 19 of The Ombudsman Ordinance (Cap. 397), an investigation conducted by the Office of The Ombudsman shall not affect any action taken by the head of the organization affected, or his power or duty to take further action with respect to any decision which was subject to the investigation. Regarding the organizations covered by the provision, under Schedule 1 to The Ombudsman Ordinance, the Home Affairs Department ("HAD"), which was responsible for taking forward the

construction of music fountains at Kwun Tong Promenade and seeking funding approval from FC, was included as one of the organizations to which the Ordinance applied. In other words, given that the head of HAD (i.e. the Director of Home Affairs ("D of HA")) had already initiated the procedures for seeking funding approval for the project from the Legislative Council ("LegCo"), under section 19 of The Ombudsman Ordinance, despite the launching of an investigation by the Office of The Ombudsman into the project, the investigation would not affect the procedure initiated by D of HA for seeking funding approval.

11. Mr Jeremy TAM, Mr James TO, Ms Claudia MO, Mr Andrew WAN, Mr AU Nok-hin, Dr Helena WONG, Mr CHAN Chi-chuen, Dr Fernando CHEUNG, Mr CHU Hoi-dick, Mr Gary FAN, Dr KWOK Ka-ki, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr LEUNG Yiu-chung, Mr Alvin YEUNG, Mr KWONG Chun-yu, Dr CHENG Chung-tai, Mr Dennis KWOK and Mr LAM Cheuk-ting spoke in support of the motion to adjourn the discussion on item FCR(2018-19)59. Their views were mainly about the public consultation process in relation to the construction of music fountains at Kwun Tong Promenade, the inquiry launched by the Office of The Ombudsman, the cost effectiveness of the two SPS projects, as well as the roles of DCs and FC in taking forward SPS projects.

12. Mr Jeremy TAM, Mr James TO, Ms Claudia MO, Mr Andrew WAN, Dr Helena WONG, Mr CHAN Chi-chuen and Dr Fernando CHEUNG opined that against the background that the Office of The Ombudsman had launched an inquiry into the construction of music fountains at Kwun Tong Promenade, the Administration should take the initiative to suspend the procedure for seeking FC's funding proposal for the project. Mr WAN, Mr TO and Mr TAM were concerned whether the Administration would shelve the project if the inquiry revealed that there was maladministration on the part of the Administration. Referring to section 16 of The Ombudsman Ordinance, Mr CHU Hoi-dick said that the Ombudsman might submit an investigation report to the head of the organization affected or the Chief Executive. Under this circumstance, HAD and KTDC could not ignore the report. Therefore, the Administration should not ask FC to grant funding approval in such a hasty manner.

13. Mr Gary FAN, Mr Alvin YEUNG, Mr KWONG Chun-yu and Mr Andrew WAN pointed out that the original funding proposal on the construction of music fountains at Kwun Tong Promenade and Moreton Terrace Activities Centre was rejected by PWSC in June 2018. Shortly afterwards in July 2018, the Administration put forward to PWSC again a

funding proposal on the two SPS projects, but with a revised design. PWSC subsequently agreed to recommend to FC the granting of approval for the two projects. They held the view that the Administration should consult local residents afresh on the revised design of the projects, or it would go against the spirit of procedural justice.

14. Dr KWOK Ka-ki pointed out that among the SPS projects already implemented, some projects aimed to provide medical and community services. The Administration and KTDC should follow the example set by these SPS projects. Mr Gary FAN and Dr KWOK expressed concern about the possible traffic impacts that would be brought by the pedestrian flow if music fountains were constructed at Kwun Tong Promenade. Mr Charles Peter MOK said that the construction of the proposed music fountains would reduce the size of the lawn area available to local residents, and it seemed that the project was not welcomed by some of the neighbouring shop operators.

15. Mr Kenneth LEUNG expressed dissatisfaction that the Administration and Wan Chai District Council ("WCDC") had not thoroughly consulted local residents, including himself, on the construction of Moreton Terrace Activities Centre and the relocation of the two volleyball courts currently located at the proposed site for the Activities Centre ("Moreton Terrace Volleyball Courts"). Mr AU Nok-hin considered that the proposed arrangement of providing a volleyball court near Ka Ning Path Garden was not satisfactory because the site was remote and not conveniently accessible. Mr AU suggested that the Administration should identify a larger site at Caroline Hill Road to build the proposed Activities Centre. Mr Gary FAN considered that while the capital cost of the Moreton Terrace Activities Centre project (including the foundation cost) was higher than those of other similar projects, its cost-effectiveness was low.

16. Mr AU Nok-hin criticized that the approach of conducting public consultation exercise on the construction of music fountains at Kwun Tong Promenade was inconsistent with that conducted on the construction of Moreton Terrace Activities Centre, and that the Administration did not publicize the results of the public opinion survey conducted by Kwun Tong District Office between May and June 2015 on the construction of music fountains at Kwun Tong Promenade.

17. Mr LEUNG Yiu-chung and Mr LAM Cheuk-ting considered that as seeking FC's funding approval was part of the process of taking forward the projects, FC members had the authority to scrutinize the relevant proposals and decide whether funding approval should be granted in order to ensure



that public funds were used properly. Mr Dennis KWOK opined that according to Article 97 of the Basic Law, DCs were consultative bodies which were not organs of political power, while FC was the set-up empowered to approve public expenditure under Article 73 of the Basic Law. FC's scrutiny of financial proposals was an exercise of the powers and functions under the Basic Law.

18. Mr HO Kai-ming and Mr Wilson OR declared that they were KTDC members. They opposed the motion to adjourn the discussion on item FCR(2018-19)59, and pointed out that the issue was discussed in 2013 when KTDC solicited the views of DC members returned by different DC constituencies on proposed SPS projects. Mr HO said that at that time, the KTDC members who belonged to the Democratic Party also supported the construction of music fountains at Kwun Tong Promenade.

19. Dr Priscilla LEUNG, Mr Christopher CHEUNG, Mr LAU Kwok-fan, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr KWOK Wai-keung, Mr CHEUNG Kwok-kwan, Mrs Regina IP and Mr Paul TSE opposed the motion that discussion on this item be adjourned. They generally agreed that a "bottom-up" consultative approach was adopted to collect views on the SPS project to be implemented in Kwun Tong. Under this approach, KTDC members solicited proposals from residents and relevant organizations for selection by KTDC after thorough consideration of the proposed projects. Moreton Terrace Activities Centre was selected by the last-term WCDC. In the current DC term, only one out of 13 WCDC members opposed the project, showing that WCDC, overall speaking, supported the project. Members should respect and support the decisions made by the two DCs in accordance with established procedures.

20. Mr Paul TSE declared that he was a WCDC member. He said that DCs, which were organizations established under Article 97 of the Basic Law, were consulted by the Hong Kong Special Administrative Region Government on district administration and other affairs. Therefore, the consultation exercises conducted and decisions made by DCs should outweigh those conducted and made by other organizations which were not recognized under the Basic Law. Mr TSE also referred to section 16 of The Ombudsman Ordinance, pointing out the actions which could be taken by the Office of The Ombudsman after completion of inquiries or investigations.

21. Mr Martin LIAO declared that he was one of the trustees of the Hong Kong Jockey Club Charities Trust. The Trust had approved a

donation of up to \$40 million for the SPS project to be implemented in Wan Chai.

22. The Chairman enquired whether the Administration intended to respond to the adjournment motion. SHA reiterated that the Government did not intend to, on the ground that an inquiry was being launched by the Office of The Ombudsman, adjourn or shelve the item that sought FC's funding approval for the construction of music fountains at Kwun Tong Promenade and the Moreton Terrace Activities Centre. He said that the Government had all along been providing the information requested by FC. The Administration would also fully cooperate with the Office of The Ombudsman in the inquiry and would provide the information as per its request.

23. Mr WU Chi-wai spoke in reply. The Chairman put to vote the motion that discussion on the item be then adjourned. At the request of members, the Chairman ordered a division. The motion was negatived. FC continued with the deliberation on item FCR(2018-19)59.

24. Mr Kenneth LEUNG requested that the funding proposals for the music fountains at Kwun Tong Promenade and for the Moreton Terrace Activities Centre be voted on by FC separately. The Chairman agreed that the funding proposals for the two projects would be put to vote separately after FC had finished its discussion on item FCR(2018-19)59.

#### Music fountains at Kwun Tong Promenade

##### *Inquiry launched by the Office of The Ombudsman*

25. Ms Claudia MO, Mr Andrew WAN and Mr Jeremy TAM reiterated that they were concerned about the inquiry launched by the Office of The Ombudsman. Mr WAN pointed out that the functions of the Office of The Ombudsman were to monitor the Government's performance and investigate into possible maladministration on the part of the Government. He considered that there seemed to be maladministration in the process of handling the project on the construction of music fountains at Kwun Tong Promenade. Mr WAN enquired about the actions or remedies that would be taken by the Administration if the complaint was substantiated.

26. SHA reiterated that the inquiry launched by the Office of The Ombudsman would not hinder the Government's continuous efforts in seeking FC's funding approval for the projects under item FCR(2018-19)59. He stressed that these two SPS projects were selected subsequent to consultations and discussions conducted by KTDC and

WCDC. At the request of the two DCs, the Government consulted the LegCo Panel on Home Affairs in accordance with established procedures, followed by submission of funding proposals to PWSC and FC. Given that the two DCs still intended to implement these two SPS projects, he urged FC members to support the funding proposal.

*Consultation process for and usage of the proposed funds*

27. Mr WU Chi-wai queried whether music fountains were the kind of public facilities that Hong Kong people would welcome, in particular consideration that the proposed music fountains would replace the lawn which could originally provide space for holding various different recreational activities. Mr Jeremy TAM said that in the opinion survey conducted by the Civic Party in Kwun Tong, over 90% of interviewees opposed the construction of music fountains at Kwun Tong Promenade, and almost 70% of them were concerned that the heavy pedestrian flow that would be brought to the proposed music fountains might worsen the traffic congestion problem in the district. Most of the interviewees considered that the funds should be used to provide community services. Mr Jeremy TAM criticized that the Administration only made minor changes to the proposal after the original one was rejected by PWSC in June 2018. The slightly revised proposal was subsequently submitted to PWSC again and then to FC for funding approval without consulting KTDC afresh. This showed that the Government turned a deaf ear to public opinions. Mr AU Nok-hin considered that the funds earmarked for SPS projects should be used in the interest of the public.

28. Mr HO Kai-ming said that when SPS was introduced at the very beginning, Mr WONG Kai-ming, the then KTDC member who belonged to the Democratic Party, gave positive feedback on the construction of music fountains at Kwun Tong Promenade. However, when the item was submitted to FC for scrutiny, those LegCo Members who also belonged to the Democratic Party held the opposite view. Mr HO pointed out that the Administration had other plans to improve the medical facilities in Kwun Tong, and provide a new lawn for public use.

29. In consideration of the changes over the past few years in terms of the public's and the community's demands for government services, Mr WU Chi-wai said that a change in the views of the Democratic Party towards individual projects was understandable.

30. SHA said that KTDC supported the construction of music fountains at Kwun Tong Promenade in 2013. The current-term KTDC elected in 2015 gave the same support. He did not intend to comment on the

phenomenon that members of the same political party held different views on the same issue. After taking forward all SPS projects, the Administration would review the effectiveness of SPS.

*Public health hazards caused by fountains*

31. Dr Pierre CHAN pointed out that aqueous environments (including fountains) were one of the sources of Legionella bacteria transmission, and such bacteria could not be removed by the disinfection systems installed at fountains. He enquired whether the Administration had assessed the risk of music fountains at Kwun Tong Promenade in the transmission of Legionella bacteria; how the assessment was conducted; the government department(s) which would be responsible for the management of the fountains; and the procedures, frequency and results of water sampling tests conducted by the Administration for the fountains under its management in the past, as well as the actions (if any) taken by the Administration. Mr WU Chi-wai also expressed similar concerns.

32. In reply, Project Director 3, Architectural Services Department ("PD(3)/ArchSD") and Chief Leisure Manager (Kowloon), Leisure and Cultural Services Department ("LCSD") said that:

- (a) in the process of design, the Government had taken into account how the water quality issue of the music fountains at Kwun Tong Promenade should be handled. In the future, the water in the fountains would be collected, cleansed and disinfected, with the aim of achieving the hygiene standards for swimming pool water quality; and
- (b) the proposed music fountains would be managed by LCSD. The fountains managed by LCSD would be installed with disinfection systems, but water sampling tests had not been conducted in the past.

33. Dr Pierre CHAN requested the Administration to provide the following information in writing:

- (a) in Hong Kong, the current number of fountains constructed and managed by the Government;
- (b) how the Administration monitored the water quality of these fountains (including conducting tests for the presence or otherwise of Legionella bacteria); and

- (c) whether the Administration had, in the past three years, taken water samples regularly from these fountains for conducting various tests (including tests for Legionella bacteria); if so, the information on the laboratories concerned and the test results.

[*Post-meeting note:* The supplementary information provided by the Administration was circulated to members vide LC Paper Nos. FC61/18-19(01) and FC76/18-19 on 29 November 2018 and 18 December 2018.]

*Estimated project cost and cost breakdown*

34. Mr CHAN Chi-chuen noted that Forecast of Invitations to Tender was issued by the Administration in 2015 for SPS (Kwun Tong District), namely Construction of Music fountains at Kwun Tong Promenade and Construction of Lift Tower at Shung Yan Street in Kwun Tong. The Forecast document listed the estimated construction costs for the projects concerned and specified that the nature of contract was "domestic sub-contracting" ("DSC"). Mr CHAN enquired about the number of music fountains constructed in Hong Kong over the past five years, as well as details of preparatory work undertaken by the Administration for the tendering exercise since the Forecast of Invitations to Tender for the Construction of Music Fountains at Kwun Tong Promenade was issued in 2015, including (but not limited to):

- (a) regarding the music fountain construction projects from which the Administration had drawn reference in preparing the Forecast of Invitations to Tender, the types of such music fountains and the districts/regions where the fountains were located;
- (b) the number of contractors or sub-contractors which the Administration had consulted in preparing the Forecast of Invitations to Tender, and whether those contractors or sub-contractors had experience in constructing music fountains with similar scale and technical requirements in Hong Kong (including the works projects conducted for the Government);
- (c) the justifications for adopting the proposed contracting approach, i.e. DSC, as mentioned in the Forecast of Invitations to Tender, together with information on the principles for adopting DSC or "nominated sub-contracting" ("NSC") under general circumstances; and

- (d) how the Administration estimated the construction costs of this works project, including whether it had requested the contractors of comparable projects to provide reference costs; whether it had compared such reference costs with the Tender Price Index for similar projects; as well as details of the advices provided by the project consultant and fountain specialist engaged by the Administration.

35. Mr CHAN Chi-chuen was concerned that the project consultant and fountain specialist engaged by the Administration for the music fountains at Kwun Tong Promenade might also submit tenders for the project. He also enquired about the breakdown of the estimated cost of \$1.8 million per year for the operation and maintenance of the proposed music fountains.

36. In response, PD(3)/ArchSD recalled that the Government had not constructed any music fountains over the past five years. Regarding the Forecast of Invitations to Tender and the benchmark adopted by the Government for estimating the project costs as referred to by Mr CHAN Chi-chuen, the Government would provide supplementary information after the meeting. He further explained that the Government would, under general circumstances, consider the adoption of the DSC or NSC approach in the light of the complexity and uniqueness of individual public works projects, including whether a great deal of coordination work among all sub-contractors had to be undertaken by the main contractors. As for the breakdown of the estimated cost for the operation and maintenance of the proposed music fountains per year, \$1.1 million would be allocated for maintenance and repair, and the remaining \$0.7 million would be used for staff emoluments and electricity charges.

[*Post-meeting note:* The supplementary information provided by the Administration was circulated to members vide LC Paper Nos. FC61/18-19(01) and FC76/18-19 on 29 November 2018 and 18 December 2018.]

*Construction waste generated by the proposed works projects*

37. Mr Jeremy TAM enquired about the location and area of the public fill reception facilities ("PFRF") for receiving the inert construction waste generated by the construction of music fountains at Kwun Tong Promenade, and the respective quantities and/or proportion of inert construction waste received by that PFRF and the waste reused by other works projects per year.

38. PD(3), Arch SD replied that among the inert construction waste generated by the construction of music fountains at Kwun Tong Promenade, over 90% (about 1 997 tonnes) would be delivered to PFRF in Tseung Kwan O for reuse by other public works projects. Other data sought by Mr Jeremy TAM would be provided after the meeting.

*[Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper Nos. FC61/18-19(01) and FC76/18-19 on 29 November 2018 and 18 December 2018.]*

### Construction of Moreton Terrace Activities Centre

#### *Project cost and cost effectiveness of the project*

39. Mr Gary FAN said that compared with Shek Kip Mei Community Services Centre which was an SPS project implemented in Sham Shui Po, the type of services provided by the proposed Moreton Terrace Activities Centre was limited, but the project cost was several times higher. Pointing out that the construction cost of the proposed Moreton Terrace Activities Centre, albeit with limited usable space, reached \$60,000 per square foot, Mr AU Nok-hin considered the project not value for money. Mr FAN was worried that the Activities Centre might degenerate into a small "white elephant" project in the district.

40. PD(3)/ArchSD said that as there were various site constraints for the construction of the proposed Moreton Terrace Activities Centre, the Administration had to make corresponding design and construction adjustments, thus affecting the estimated cost for the project. For example:

- (a) according to the Planning Permission approved by the Town Planning Board, the building height restriction for the site of the proposed Moreton Terrace Activities Centre was 25 metres above the Principal Datum; in order to comply with this requirement, some engineering facilities of the Activities Centre would be installed in the basement; and
- (b) special arrangement would be made during construction to tie in with the operation of the Hong Kong Central Library which was adjacent to the site, thus increasing the project cost.

41. In reply, Mr Stephen NG Kam-chun, WCDC Chairman said that:
- (a) the proposed Moreton Terrace Activities Centre would be a three-storey building, with a multi-purpose room on the G/F for organizing various activities, including sports activities, small exhibitions and meetings;
  - (b) the hall and auxiliary facilities on the 1/F and 2/F would provide venues suitable for organizing small/medium scale performances, ceremonies, lectures and workshops;
  - (c) the community garden on the rooftop was one of the long-awaited community facilities as more than 900 local residents were on the waiting list of the existing Community Garden in Wan Chai; and
  - (d) the proposed Activities Centre would be built in close proximity to the Hong Kong Central Library and a number of leisure, cultural and recreational facilities in Wan Chai. The facilities to be built inside the Activities Centre were not only in harmony with the local environment, but had been keenly expected by local residents, non-governmental organizations ("NGOs") and performing groups.

*Views of WCDC and public consultation exercises*

42. Mr AU Nok-hin said that the proposed Moreton Terrace Activities Centre would be located at Tai Hang constituency in Wan Chai. Miss Clarisse YEUNG Suet-ying, who was an incumbent WCDC member returned by Tai Hang Constituency, strongly objected to this project. However, WCDC neither respected her opposing views nor considered other suggestions (such as establishing the Activities Centre at Caroline Hill Road).

43. Mr KWONG Chun-yu enquired whether the current-term WCDC had ever discussed whether it should continue to pursue the Moreton Terrace Activities Centre project.

44. In reply, Mr Stephen NG Kam-chun, Chairman, WCDC said that:

- (a) the construction of Moreton Terrace Activities Centre was supported by all members of the last-term WCDC (2011-2015);



- (b) after the proposed Moreton Terrace Activities Centre project was rejected by PWSC at its meeting on 11 June 2018, he consulted WCDC members on the revised project design. Ten of 13 WCDC members sent a joint letter to the PWSC Chairman, expressing their support for the revised design, and requesting LegCo to expeditiously approve the funding proposal of the project; and
- (c) among the three WCDC members who did not sign the letter, Miss Clarisse YEUNG, who was returned by the Tai Hang Constituency, opposed the project. The other two DC members did not sign the letter due to other reasons (such as being out of town at that time).

45. Ms Claudia MO enquired about the details of the opinion survey conducted by the Administration on the proposed Activities Centre, and whether the Administration had publicized the results of the opinion survey. Mr AU Nok-hin was concerned about the scale and interviewees of the public consultation exercise. He said that the Administration seemingly tended to consult the views of well-established local community service organizations and real estate developers.

46. District Officer (Wan Chai), HAD replied that as far as the proposed Moreton Terrace Activities Centre was concerned, the Wan Chai District Office provided assistance to WCDC in conducting two rounds of public consultations in February 2013 and July 2014.

47. Mr Stephen NG Kam-chun, WCDC Chairman, replied that WCDC had consulted the owners' corporations of buildings located within 100 metres of the site of the proposed Activities Centre, local NGOs, users of local community halls, relevant sports groups, etc.

48. Dr Priscilla LEUNG supported the two SPS projects, and urged members to approve the funding proposals in order to enable local residents to enjoy the facilities provided by the projects as early as possible.

#### *Reprovisioning of Moreton Terrace Volleyball Courts*

49. Mr AU Nok-hin, Mr Gary FAN and Mr Kenneth LEUNG queried that the Government did not consult local residents, schools, volleyball courts users and the Volleyball Association of Hong Kong on proposed relocation of Moreton Terrace Volleyball Courts. Mr LEUNG said that he was dissatisfied that upon reprovisioning of the volleyball courts from

Moreton Terrace to Victoria Park, the new ball courts would be a shared venue for volleyball and handball, and members of the public had to make advance booking for the venues. He was also dissatisfied that it took time to convert court facilities between two different sports. He considered that these arrangements would cause much inconvenience to venue users. Mr LEUNG requested the Administration to identify a suitable site near Moreton Terrace to relocate the existing volleyball courts, or even consider providing a volleyball court in the proposed Moreton Terrace Activities Centre. Ms Claudia MO considered that the proposal put forward by the Administration to re-provision the volleyball courts showed no respect for the volleyball sports.

50. Mr Gary FAN and Mr AU Nok-hin expressed their views on the proposed construction of a new volleyball court near Ka Ning Path Garden. They considered that Ka Ning Path Garden was remotely located with low accessibility. Mr FAN said that some schools near Ka Ning Path had suggested that the site should be used for providing playground facilities for children. Mr Kenneth LEUNG pointed out that Ka Ning Path Garden was located near residential properties. If the site was used to build a volleyball court, volleyball activities at the court might cause noise nuisance to neighbouring residents.

51. SHA said that as Hong Kong was so densely populated, it was a common practice to adopt a "single site, multiple use" approach in providing leisure, cultural and recreational facilities. He supplemented that if new facilities were to be added to the proposed Moreton Terrace Activities Centre project, the project cost would certainly exceed the project budget. It was therefore not a feasible option.

52. Regarding the re-provisioning of Moreton Terrace Volleyball Courts, Mr Stephen NG Kam-chun, WCDC Chairman, replied that:

- (a) although Moreton Terrace Volleyball Courts, upon re-provisioning, would be a shared venue with handball courts, they were larger in size and better equipped, including the provision of spectator stands and changing rooms. Moreover, the re-provisioned volleyball courts, located near an MTR station, were more accessible;
- (b) the use of the re-provisioned volleyball courts would still be free of charge. If no advance booking was made, members of the public could make on-the-spot bookings. According to the information of LCSD, the preparation time required for

conversion from a handball court to a volleyball court was only 10 minutes;

- (c) WCDC had consulted Volleyball Association of Hong Kong on the reprovisioning of volleyball courts;
- (d) WCDC was committed to identifying suitable sites in Wan Chai for providing leisure, cultural and recreational facilities, and the establishment of a volleyball court at Ka Ning Path Garden was one of the options under consideration. The size of the site was about the same size as a volleyball court. Its usage would have to be determined after public consultation; and
- (e) a number of matchbox-style schools were located near Ka Ning Path Garden. Some of them had suggested to WCDC recently that the above sites should be used properly, such as for establishing sports facilities (including a volleyball court). WCDC did not receive similar requests in the past.

53. At 5:19 pm, the Chairman directed that the meeting be suspended. The meeting resumed at 5:29 pm.

54. The meeting ended at 7:00 pm.