

# **立法會**

## ***Legislative Council***

LC Paper No. FC198/20-21

(These minutes have been  
seen by the Administration)

Ref : FC/1/1(9)

### **Finance Committee of the Legislative Council**

**Minutes of the 9<sup>th</sup> meeting**  
**held at Conference Room 1 of the Legislative Council Complex**  
**on Wednesday, 16 December 2020, from 1:38 pm to 3:52 pm**

#### **Members present:**

Hon CHAN Kin-por, GBS, JP (Chairman)  
Hon CHAN Chun-ying, JP (Deputy Chairman)  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, 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 Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, GBS, JP  
Hon CHAN Han-pan, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP

Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Jimmy NG Wing-ka, BBS, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon LUK Chung-hung, JP  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Dr Hon CHENG Chung-tai  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS, JP

**Public officers attending:**

Ms Alice LAU Yim, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Mr Raistlin LAU Chun, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Miss CHAN Cheuk Yin, Jennie	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Victor CHAN Fuk-yiu, JP	Principal Assistant Secretary for Development (Works)2
Ms Shirley LEUNG Cheuk-lam	Assistant Secretary for Development (Works Policies 2)1
Mr Michael LEUNG Chung-lap, JP	Project Manager (East), Civil Engineering and Development Department
Mr Sunny LO Sai-pak	Chief Engineer (East)1, East Development Office, Civil Engineering and Development Department
Ms Sheri LEUNG Shun-yee	Senior Engineer 4 (East), East Development Office, Civil Engineering and Development Department
Mr Thomas CHAN Tak-yeung	Principal Assistant Secretary for Development (Works) 3
Mr Kelvin LO Kwok-wah, JP	Director of Water Supplies
Mr Simon LEUNG Chi-hung	Chief Engineer (Development 1), Water Supplies Department

Mr WONG Kwok-hing	Deputy Commissioner of Correctional Services
Mr NG Chiu-kok	Assistant Commissioner of Correctional Services (Operations)
Ms Winnie HO Wing-yin, JP	Deputy Director of Architectural Services
Mr Willie SAN Wai-yin	Senior Project Manager 137, Architectural Services Department
Dr James DING Kwok-wing	Commissioner (Inclusive Dispute Avoidance and Resolution Office), Department of Justice
Miss Queenie HO Pui-yue	Acting Senior Government Counsel (Inclusive Dispute Avoidance and Resolution Office), Department of Justice
Miss Phoebe SUEN Wing-yiu	Government Counsel (Inclusive Dispute Avoidance and Resolution Office), Department of Justice

**Other persons attending:**

Mr Thomas SO	Chairman (Board of Directors), eBRAM International Online Dispute Resolution Centre Limited
Mr Nicholas CHAN	Vice Chairman (Board of Directors), eBRAM International Online Dispute Resolution Centre Limited
Mr Adrian LAI	Director, eBRAM International Online Dispute Resolution Centre Limited
Mr Daniel LAM	Chief Executive Officer, eBRAM International Online Dispute Resolution Centre Limited
Mr Clement TANG	Chief Operations Officer, eBRAM International Online Dispute Resolution Centre Limited
Mr Lawrence TAM	Chief Technology Officer, eBRAM International Online Dispute Resolution Centre Limited
Mr Dennis CAI	Deputy Chief Operations Officer, eBRAM International Online Dispute Resolution Centre Limited
Ms Erica CHAN	Assistant Chief Operations Officer, eBRAM International Online Dispute Resolution Centre Limited

**Clerk in attendance:**

Ms Anita SIT

Assistant Secretary General 1

**Staff in attendance:**

Miss Queenie LAM

Senior Legislative Assistant (1)2

Mr Frankie WOO

Senior Legislative Assistant (1)3

Miss Yannes HO

Legislative Assistant (1)7

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Action

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

**Item 1 — FCR(2020-21)75**

**RECOMMENDATION OF THE ESTABLISHMENT  
SUBCOMMITTEE MADE ON 25 NOVEMBER 2020**

**EC(2020-21)7**

**HEAD 22 — AGRICULTURE, FISHERIES AND CONSERVATION  
DEPARTMENT**

**Subhead 000 Operational expenses**

**HEAD 37 — DEPARTMENT OF HEALTH**

**Subhead 000 Operational expenses**

2. The Chairman advised that this item sought the approval of the Finance Committee ("FC") for the recommendation made by the Establishment Subcommittee at its meeting held on 25 November 2020 regarding EC(2020-21)7, i.e. the proposed changes to the grade structures and pay scales of the Veterinary Laboratory Technician grade of the Agriculture, Fisheries and Conservation Department and the Medical Laboratory Technician grade of the Department of Health, as well as the relevant arrangements, with effect from the first day of the month immediately following the month of approval by FC or 1 June 2021, whichever is later, to tackle the recruitment and retention difficulties in the two grades. No member requested that the recommendation be voted on separately at the FC meeting.

3. Mr Tony TSE declared that he was a member of the Standing Commission on Civil Service Salaries and Conditions of Service ("SCCS") as at 31 December 2019 and was involved in drafting the report submitted by SCCS on the aforesaid proposal, so he would not vote on this item.

The Deputy Chairman declared that he was an incumbent member of SCCS but was not involved in SCCS's discussion on the aforesaid proposal, so he would vote on this item.

Voting on FCR(2020-21)75

4. At 1:40 pm, the Chairman put item FCR(2020-21)75 to the vote. The Chairman declared that the majority of the members present and voting were in favour of the item. The item was approved.

**Item 2 — FCR(2020-21)73**

**RECOMMENDATION OF THE PUBLIC WORKS  
SUBCOMMITTEE MADE ON 27 NOVEMBER 2019**

**PWSC(2019-20)22**

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

**Civil Engineering — Land Development**

**716CL — Tseung Kwan O further development  
—infrastructure works for Tseung Kwan O  
Stage 1 landfill site**

5. The Chairman advised that this item sought FC's approval for the recommendation made by the Public Works Subcommittee ("PWSC") at its meeting held on 27 November 2019 regarding PWSC(2019-20)22, i.e. the upgrading of the remainder of 716CL, entitled "Tseung Kwan O further development—infrastructure works for Tseung Kwao O Stage 1 landfill site", to Category A at an estimated cost of \$301.6 million in money-of-the-day ("MOD") prices.

6. Regarding the two public works projects to be considered at today's meeting, the Chairman declared that he was a director and the Chief Executive Officer of Well Link Insurance Group Holdings Limited ("Well Link Insurance Group") and a director of Well Link General Insurance Company Limited and Well Link Life Insurance Company Limited under Well Link Insurance Group.

Justifications for the construction of the proposed Southern Bridge

7. Mr Tony TSE enquired about the land use of Tseung Kwan O ("TKO") Area 77, including facilities already in operation and those being planned, as well as the lease terms for such facilities. Mr TSE stated that given its close relevance to the pedestrian flow in the area, land use was

one of the factors in considering the necessity of constructing the proposed Southern Bridge. He sought information on the estimated utilization rate of the Southern Bridge and the current pedestrian traffic of the Northern Bridge.

8. Dr CHENG Chung-tai was concerned about the limited use of the proposed Southern Bridge and its cost-effectiveness.

9. In reply, Principal Assistant Secretary for Development (Works)2 ("PAS(W)2/DEVB") said that TKO Area 77 was the restored TKO Stage 1 landfill site, which was currently planned for recreational development. Facilities already in operation included the Jockey Club Hong Kong Football Association Football Training Centre and Wan Po Road Pet Garden. Under the Restored Landfill Revitalization Funding Scheme implemented by the Environmental Protection Department, part of the site at TKO Area 77 would be allocated to non-governmental organizations for the development of E-Co Village, which was still at the planning and design stage, and other recreational facility projects were being planned as well. PAS(W)2/DEVB said that the proposed Southern Bridge would enhance the connectivity between the promenade areas on both sides of the Eastern Channel (i.e. TKO Area 68 and TKO Area 77), thereby facilitating recreational development at TKO Area 77.

10. Project Manager (East), Civil Engineering and Development Department ("PM(E)/CEDD") responded that the proposed Southern Bridge was designed as a passive facility with a deck of 4.5 metres in clear width. It was expected that, upon full occupation of the developments to the south of TKO and in the surrounding areas thereof, especially the residential estate LOHAS Park, the pedestrian traffic of the Southern Bridge could reach a maximum of 4 000 person trips per hour. Assuming a density of six persons standing per square metre, the Southern Bridge could allow approximately 3 000 persons to stop and watch water sports events held on the Eastern Channel. PM(E)/CEDD said that the aforesaid data from the utilization assessment had taken into account the existence of a combined pedestrian and cycle bridge (i.e. the Northern Bridge) over the northern end of the Eastern Channel. The Government undertook to provide information on the pedestrian traffic of the Northern Bridge after the meeting as requested by Mr Tony TSE.

*[Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. FC120/20-21(01) on 26 February 2021.]*

11. In response to Mr Tony TSE's comment on individual officers' failure in providing direct response to his enquiry, the Chairman reminded officers to try to focus on answering members' enquiries or concerns.

12. Mr Michael TIEN enquired about the current utilization rate of the Northern Bridge, the distance between the Northern Bridge and the proposed Southern Bridge, the estimated pedestrian traffic between TKO Area 68 and TKO Area 77 after the full development of the two areas, and the base year for estimating the pedestrian traffic of the Southern Bridge. Mr TIEN also asked if building a combined pedestrian and cycle bridge over the middle of the channel would be more cost-effective than building two footbridges over the northern and southern ends of the Eastern Channel respectively (i.e. the existing Northern Bridge and the proposed Southern Bridge).

13. In reply, PM(E)/CEDD stated that both the Northern Bridge and the Southern Bridge had been included in the planning of the overall development of the areas to the south of TKO since years ago. The Northern Bridge, commissioned in 2012, was 450 metres away from the proposed Southern Bridge. Without the Southern Bridge, people would need to use the Northern Bridge to reach the other side of the Eastern Channel. Close to the exit point of the Eastern Channel, the proposed Southern Bridge would feature a viewing platform for the general public to stop by and enjoy the scenery of Junk Bay, or watch dragon boat races held on the Eastern Channel. If a single bridge was built over the middle of the Channel, then the viewing platform, together with the bridge structure, would narrow the Channel and affect the width of the dragon boat racing course.

14. PAS(W)2/DEVB supplemented that, taking into account the scale of development in TKO South and the need for phased development, the Government found that a single bridge could not serve the purpose of a more even distribution of pedestrian traffic, while two footbridges could better meet people's need to access nearby areas.

15. Mr Michael TIEN requested the Administration to provide information as to whether it had considered at the planning stage other alternatives, including constructing a single combined pedestrian and cycle bridge, apart from building the Northern and the Southern Bridges, to serve the planned population of the area, and if it had, provide a comparison of effectiveness between such alternatives and the two-bridge solution currently proposed by the Administration.

[*Post-meeting note:* The supplementary information provided by the Administration was circulated to members vide FC120/20-21(01) on 26 February 2021.]

### Design and facilities of the proposed Southern Bridge

16. Mr Holden CHOW and Ms YUNG Hoi-yan enquired why the Administration did not intend to provide cycle tracks on the Southern Bridge. Ms YUNG was of the view that as many TKO residents adopted cycling as a means of transport, the provision of cycle tracks on the Southern Bridge would further improve the connectivity of the cycle track network in the district. Ms Elizabeth QUAT also expressed similar views.

17. In response, PM(E)/CEDD said that the Northern Bridge, with a deck width of 10 m, of which 6 m for cycle tracks and 4 m for footpaths, was part of TKO's 5 km long cycle track loop. During the planning stage of the Southern Bridge, the Government consulted the Sai Kung District Council ("SKDC") in 2013, 2014 and 2018. SKDC repeatedly urged the Government to expedite the construction of the Southern Bridge and agreed that the design theme of "Serenity Footbridge" should be adopted for the Southern Bridge and it was functionally unnecessary to provide cycle tracks on the Southern Bridge. As the Government had already completed the detailed design of the Southern Bridge, if cycle tracks were to be provided on it, the Southern Bridge would have to be re-designed and the completion date of the project would be delayed by an additional three years. Furthermore, the width of the bridge deck would require an increase from the currently proposed 4.5 m to 8.5 m, and the construction cost would rise by 80%.

18. PAS(W)2/DEVB advised that from the perspectives of the planning, function and cost effectiveness of the proposed Southern Bridge, as well as local views, the Government considered it unnecessary to provide cycle tracks on the proposed Southern Bridge. He pointed out that besides the Northern Bridge, the Cross Bay Link, TKO under construction would also be provided with cycle tracks. Cyclists would only need to take a 2-minute ride to go from the Southern Bridge to the Northern Bridge to use the cycle tracks. The Government had already consulted SKDC on the design and function of the Southern Bridge and SKDC agreed that the provision of cycle tracks on the Southern Bridge would not be necessary. He emphasized that the addition of cycle tracks on the Southern Bridge would result in overlaps between the functions of the two bridges and a significant surge in the construction material and foundation costs of the Southern Bridge.

19. Considering the fact that the provision of cycle tracks on the Southern Bridge would cause a significant surge in the construction cost, Mr Michael TIEN was of the view that no cycle tracks should be provided. Dr CHENG Chung-tai enquired about the reason for no canopy over the proposed Southern Bridge and the management arrangement upon the completion of the project. Ms Elizabeth QUAT enquired what measures the Administration would take to prevent members of the public from cycling on the Southern Bridge, and she expressed concern that potential bicycle-pedestrian conflicts would emerge along the Southern Bridge in future. Ms QUAT considered that the Southern Bridge's proposed design was a little bit flimsy, and she expressed concern about whether or not the Southern Bridge and its facilities could withstand severe wind loads.

20. Chief Engineer (East)1, East Development Office, Civil Engineering and Development Department ("CE(E)1/CEDD") replied that upon completion, the Southern Bridge would be managed by the Transport Department and maintained by the Highways Department. PM(E)/CEDD pointed out that, to match the open-air design of the promenade on both sides and to mitigate the wind load on the Southern Bridge, it was decided that no canopy would be added to the Southern Bridge. The Government had used a scale model of the Southern Bridge to conduct a wind tunnel test. The result showed that the design of the Southern Bridge, including its railings, could withstand a strong wind gust of 360 km/hour, while Super Typhoon Mangkhut had a gust wind speed of 220 km/hour.

21. In response, CE(E)1/CEDD said SKDC was also concerned about future bicycle-pedestrian conflicts on the Southern Bridge. In this regard, the Government would adopt the following measures:

- (a) to erect signboards at appropriate places to remind the public that cycling was prohibited on the Southern Bridge;
- (b) to make use of the planters along the existing cycle track as a divider, which would pose difficulties for bicycle access to the Southern Bridge from the cycle track; and
- (c) to erect bollards or railings at both ends of the Southern Bridge to prevent bicycle access.

22. Dr CHENG Chung-tai enquired if the above design/measure would hinder wheelchair users' access to the Southern Bridge.

23. PAS(W)2/DEVB explained that the above design/measure sought to increase the difficulty for bicycle access to the Southern Bridge, with a

view to lowering the desire of cyclists to ride on the Southern Bridge, but it would not hinder wheelchair users' access to the Southern Bridge via its ramps.

#### Construction cost

24. Dr Junius HO enquired about the major differences between the Southern Bridge and the Northern Bridge other than the provision of cycle tracks, and whether or not the functions of the Southern Bridge could be augmented so that the construction cost could be spent in a more appropriate and effective way, especially given that the design cost was as high as \$7 million. Moreover, Dr HO considered that the resident site staff costs and contingencies were relatively high. He enquired if the extra cost arising from the provision of cycle tracks could be covered by the cost estimates for other expenditure items, including the resident site staff costs.

25. In response, PM(E)/CEDD said that the Northern Bridge was mainly a concrete structure, while the Southern Bridge was a steel structure. He added that the original design of the Southern Bridge was a linear one. By reference to the findings of the above wind tunnel test, a curvature design was found to withstand stronger wind loads and save about 7% of the cost of steel materials when compared with a linear design. For that reason, a more cost-effective design had been adopted for the Southern Bridge, and the Project Strategy and Governance Office had also examined the said design. He pointed out that the Government had to employ consultants and resident site staff to assist the Civil Engineering and Development Department ("CEDD") in monitoring the project and ensuring that the quality, safety and progress of the contractors' work could meet the Government's requirements, while the Government would strictly control the project costs. PM(E)/CEDD pointed out that the addition of cycle tracks to the Southern Bridge would require a redesign of the bridge and a restart of consultation procedures, including gazettal, and the completion date of the Southern Bridge would be delayed for three more years. Besides, the contingencies set aside for the project could not offset the extra works cost arising from the provision of cycle tracks.

26. Mr Tony TSE raised the following views/issues concerning the discussion paper on this item:

- (a) the discussion paper provided inadequate data for members' reference. It was undesirable for public officers to provide the relevant data orally at the meeting only in response to members' questions;

- (b) the construction cost and phased expenditure in the discussion paper were estimates made in June 2019, and yet the Administration had not updated the relevant data; and
- (c) whether or not the amount of funding in MOD prices being sought from FC was adequate; and whether or not the Administration had re-evaluated the amount.

27. PAS(W)2/DEVB indicated that CEDD had already initiated parallel tendering for the project, and the proposed funding amount was still valid.

#### Environmental Impact Assessment

28. Mr Steven HO expressed concerns that ever since the Administration completed the Environmental Impact Assessment ("EIA") report of the proposed works in 2005 under the then applicable Environmental Impact Assessment Ordinance ("EIA Ordinance") (Cap. 499), it had not updated EIA according to the latest requirements of the EIA Ordinance. Mr HO enquired if it was feasible to make use of part of the consultants' fees to conduct EIA.

29. PAS(W)2/DEVB and PM(E)/CEDD explained that the Government formulated the TKO Outline Zoning Plan according to an EIA report for "Further Development of Tseung Kwan O – Feasibility Study" completed in September 2005 under Schedule 3 of the EIA Ordinance, which covered the proposed works. As the proposed works would be conducted under the approved TKO Outline Zoning Plan, the relevant EIA report was still valid. Mr Steven HO suggested that the Administration should update the EIA report for any long-lasting public works project every 10 years. PAS(W)2/DEVB took note of the view. The Chairman urged the Administration to actively follow up Mr HO's suggestion.

30. Mr Steven HO enquired about the causes and handling of the 170 cubic metres of marine sediment to be generated by the proposed works. PM(E)/CEDD explained that foundation works had to be carried out in order to construct the Southern Bridge and sewage pumping station, and marine sediment would be generated in the course of the works. According to the existing requirements of the law, the contractor had to use vessels equipped with a global positioning system to transport the sediment to a designated disposal site for dumping. Any designated site in marine waters should be away from fishing grounds. The dumping site for the marine sediment generated from this project was in the waters south of Cheung Chau (that area was not a fishing zone). During the works, the

Government would gather sea water samples from time to time to monitor the water quality and ensure its compliance with the requirements of the law. According to the common practice for marine works, the Government would establish a Marine Liaison Group for the proposed works in order to constantly communicate with stakeholders, including those from the fishing industry.

Voting on FCR(2020-21)73

31. At 2:54pm, the Chairman put item FCR(2020-21)73 to the vote. At the request of members, the Chairman ordered a division. The Chairman declared that 29 members voted in favour of the item, 1 member voted against it, and 4 members abstained. The votes of individual members were as follows:

*For:*

Mr Abraham SHEK Lai-him	Mr Tommy CHEUNG Yu-yan
Mr Jeffrey LAM Kin-fung	Mr WONG Ting-kwong
Mr CHAN Hak-kan	Mr WONG Kwok-kin
Mrs Regina IP LAU Suk-yee	Mr Michael TIEN Puk-sun
Mr Steven HO Chun-yin	Mr Frankie YICK Chi-ming
Mr CHAN Han-pan	Mr LEUNG Che-cheung
Ms Alice MAK Mei-kuen	Mr KWOK Wai-keung
Mr Christopher CHEUNG Wah-fung	Ms Elizabeth QUAT
Mr Martin LIAO Cheung-kong	Mr POON Siu-ping
Dr CHIANG Lai-wan	Ir Dr LO Wai-kwok
Dr Junius HO Kwan-yiu	Mr Holden CHOW Ho-ding
Mr SHIU Ka-fai	Ms YUNG Hoi-yan
Dr Pierre CHAN	Mr LUK Chung-hung
Mr LAU Kwok-fan	Mr Kenneth LAU Ip-keung
Mr Vincent CHENG Wing-shun	
(29 members)	

*Against:*

Dr CHENG Chung-tai  
(1 member)

*Abstained:*

Mr YIU Si-wing	Mr MA Fung-kwok
Mr CHAN Chun-ying	Mr Tony TSE Wai-chuen
(4 members)	

32. The Chairman declared that the item was approved.

**Item 3 — FCR(2020-21)74**

**RECOMMENDATION OF THE PUBLIC WORKS  
SUBCOMMITTEE MADE ON 18 NOVEMBER 2020**

**PWSC(2020-21)14**

**HEAD 703 — BUILDINGS**

**Government Offices — Intra-governmental services**

**129KA — Water Supplies Department Headquarters with Hong Kong and Islands Regional Office and Correctional Services Department Headquarters Building in Chai Wan**

**133KA — Drainage Services Department Office Building at Cheung Sha Wan Sewage Pumping Station**

33. The Chairman advised that this item sought FC's approval of the recommendation made by PWSC at its meeting on 18 November 2020 regarding PWSC(2020-21)14 to upgrade 129KA "Water Supplies Department Headquarters with Hong Kong and Islands Regional Office and Correctional Services Department Headquarters Building in Chai Wan" (named as Water Supplies Department Building and Correctional Services Headquarters Building respectively)(collectively referred to as "the proposed building") to Category A at an estimated cost of \$3,252,800,000 in MOD prices.

Number of public parking spaces provided in the proposed building and traffic impact assessment

34. Mr KWOK Wai-keung stated that with the project site currently being a temporary car park, the previous-term District Council was very concerned whether the 150 parking spaces provided in the public car park of the proposed building were adequate, and whether there was room for upward adjustment. In addition, Mr KWOK said that local residents were concerned whether the vehicular traffic generated by the car park would exacerbate the problem of traffic congestion around Shing Tai Road and Heng Fa Chuen. He enquired about the location of the entrance/exit of the public car park and the Administration's estimate of the traffic flow.

35. Principal Assistant Secretary for Development (Works)3 ("PAS(W)3/DEVB") replied that considering the utilization rate of the aforementioned temporary car park, he believed the 150 parking spaces provided in the proposed building would be sufficient to cope with the demand. The Government would keep monitoring the situation and would consider increasing the proposed number of parking spaces when

necessary.

36. The Deputy Director of Architectural Services stated that the proposed car park would have four vehicular entrances/exits in total, among which the one for the public car park would be situated in Sheung Tat Street. As vehicles would enter/exit Sheung Tat Street mainly via the streets around Chai Wan, it was believed that they would not impose any burden on the streets around Heng Fa Chuen. She added that the other two vehicular entrances/exits would be for use by the Water Supplies Department ("WSD") and the Correctional Services Department ("CSD") respectively, while the remaining one would be for use by the public for entrance/exit to the building for pick-up or drop-off.

#### Meal break arrangements for staff of the Water Supplies Department

37. Dr CHEUNG Chung-tai expressed grave concern that a staff mess cum staff canteen would be provided in the Correctional Services Headquarters Building while such facilities would not be available in the Water Supplies Department Building under the project. Dr CHENG opined that the considerable distance between the proposed building and the Heng Fa Chuen shopping mall, as well as the limited number of eateries in the surrounding area, made it inconvenient for WSD staff to eat out. He suggested that the government dental clinic provided under the project should be changed to a WSD staff canteen.

38. PAS(W)3/DEVB replied that, if need be, CSD could consider providing takeaway service for staff members working in the building, subject to its future operational needs and the operation capability of the staff canteen operator. Moreover, it would also be feasible for WSD staff to order their meals via food delivery applications, or to have their meals at the eateries in and around the Heng Fa Chuen shopping mall. He remarked that, in the lead-up to the commissioning of the proposed building, the Government would also make publicity efforts, which he believed would then lead to an increase in the number of catering premises around that area. Director of Water Supplies added that WSD adopted flexible meal break arrangements, and walking from the proposed building to Paradise Mall only took around 10 minutes. He said that the meal break arrangements for WSD staff were generally the same as those of other government departments.

Voting on FCR(2020-21)74

39. At 3:12 pm, the Chairman put item FCR(2020-21)74 to the vote. At the request of members, the Chairman ordered a division. The Chairman declared that 32 members voted in favour of the item, 1 member voted against it, and no member abstained. The votes of individual members were as follows:

*For:*

Mr Abraham SHEK Lai-him	Mr Tommy CHEUNG Yu-yan
Mr WONG Ting-kwong	Ms Starry LEE Wai-king
Mr CHAN Hak-kan	Dr Priscilla LEUNG Mei-fun
Mr WONG Kwok-kin	Mrs Regina IP LAU Suk-yee
Mr Michael TIEN Puk-sun	Mr Steven HO Chun-yin
Mr Frankie YICK Chi-ming	Mr YIU Si-wing
Mr MA Fung-kwok	Mr CHAN Han-pan
Mr LEUNG Che-cheung	Mr KWOK Wai-keung
Mr Christopher CHEUNG Wah-fung	Ms Elizabeth QUAT
Mr Martin LIAO Cheung-kong	Mr POON Siu-ping
Dr CHIANG Lai-wan	Ir Dr LO Wai-kwok
Dr Junius HO Kwan-yiu	Mr Holden CHOW Ho-ding
Mr SHIU Ka-fai	Ms YUNG Hoi-yan
Dr Pierre CHAN	Mr CHAN Chun-ying
Mr CHEUNG Kwok-kwan	Mr LAU Kwok-fan
Mr Kenneth LAU Ip-keung	Mr Tony TSE Wai-chuen
(32 members)	

*Against:*

Dr CHENG Chung-tai  
(1 member)

40. The Chairman declared that the item was approved.

**Item 4 — FCR(2020-21)76****HEAD 92 — DEPARTMENT OF JUSTICE****Subhead 700 — General non-recurrent**

**New item — "One-off Funding Support for the Development and Enhancement of an Online Dispute Resolution and Deal Making Platform by a Non-governmental Organisation"**

41. The Chairman advised that this item sought FC's approval for creating a new commitment of \$100 million to provide funding support for the development, enhancement and initial operation of an online dispute resolution ("ODR") and deal making platform by a non-governmental organization, namely, eBRAM International Online Dispute Resolution Centre Limited ("eBRAM Centre"). The Department of Justice consulted the Panel on Administration of Justice and Legal Services ("the Panel") on the proposal on 23 November 2020. The Panel spent around 48 minutes deliberating on the proposal.

42. At the invitation of the Chairman, Mr CHEUNG Kwok-kwan, Chairman of the Panel on Administration of Justice and Legal Services, stated that the Panel, at its meeting on 25 March 2019, discussed the Administration's proposal to provide one-off funding of \$150 million to support the development of an Electronic Business Related Arbitration and Mediation platform ("the eBRAM Platform") by eBRAM Centre. At the meeting on 23 November 2020, the Administration updated the Panel on the latest progress of the proposal, and proposed providing one-off funding of \$100 billion to eBRAM Centre for supporting the development, enhancement and initial operation of its online platform, taking into account the one-off funding support of \$50 million already provided to eBRAM Centre under the Anti-epidemic Fund ("AEF") for the development, initial set-up and first-year operation of an ODR platform under the COVID-19 Online Dispute Resolution Scheme ("COVID-19 ODR Scheme"). Some Panel members were concerned about the justifications for the Administration's provision of funding to eBRAM Centre for the development and implementation of the eBRAM Platform, and how the Administration would monitor the development of the platform. Some members enquired what benefits the platform would bring to Hong Kong's position as the legal and arbitration centre in the Asia-Pacific region and to local micro, small and medium enterprises ("MSMEs"); whether these enterprises would be able to afford the fees charged by the platform; and how eBRAM Centre would promote the platform to MSMEs and legal professionals. In addition, some members enquired about the benefits and drawbacks brought by the eBRAM Platform to local arbitrators, mediators and legal professionals; the relationship between the eBRAM Platform and the arbitration and mediation services currently provided by other Hong Kong institutions; the measures for cyber security and protection of personal data and privacy; and whether there was any need to amend existing legislation for the development of the platform. The Administration had already responded to members' questions at the Panel's meeting. The Panel supported the Administration's submission of the proposal for FC's consideration.

Funding support for the development and enhancement of online dispute resolution and deal making platform by eBRAM Centre

*Arrangement and justifications for the funding*

43. Mr Tony TSE noted that while eBRAM had earlier been commissioned by the Government to operate the COVID-19 ODR Scheme, and had been provided with \$50 million under AEF for the development, initial set-up and first-year operation of an ODR platform under the Scheme, at present the Government applied for further funding support of \$100 million for the development, enhancement and initial operation of the eBRAM Platform by eBRAM Centre. Mr TSE enquired whether the commitment of resources at the earlier stage (i.e. the aforesaid funding of \$50 million) had left the Government no alternative but to continue to provide further funding support to eBRAM. He was concerned that the aforementioned arrangement would give rise to the public perception that it was a stealthy move of splitting a funding request.

44. Commissioner (Inclusive Dispute Avoidance and Resolution Office), Department of Justice ("the Commissioner") advised that, in response to the controversies and disputes related to commercial or other matters arising from the COVID-19 pandemic, the Government announced in April this year the establishment of the COVID-19 ODR Scheme under the second round of AEF to provide the public and businesses, in particular MSMEs, with speedy and cost-effective ODR services. The Commissioner pointed out that the COVID-19 ODR Scheme was not just part of the business plan of eBRAM Centre, but also formed the basis for the Centre's development in other areas of business. In addition to providing one-stop alternative dispute resolution services, eBRAM Centre was developing other LawTech-related businesses, including an online deal making platform. The current proposal to provide one-off funding support of \$100 million to eBRAM Centre for the development, enhancement and initial operation of the eBRAM Platform was related to the work of another phase under eBRAM Centre's business plan and aimed for a break-even after seven years of operation. The Commissioner emphasized that, based on holistic considerations, the Government's current funding application sought to provide funding support for the development and enhancement of an ODR and deal making platform by eBRAM Centre, so as to consolidate Hong Kong's position as an international legal and dispute resolution services centre and raise Hong Kong's favourable position and status in the provision of professional legal services. Chairman (Board of Directors), eBRAM Centre ("Chairman of eBRAM") and Chief Executive Officer, eBRAM Centre ("CEO of eBRAM") added

that, while already in full operation, eBRAM Centre would conduct different projects in phases. Subsequent to the development of the ODR platform under the COVID-19 ODR Scheme, eBRAM Centre would also develop a new ODR platform compatible with the requirements of the APEC ODR Framework and make use of high technology to develop other services, such as e-translation.

*Income and expenditure of eBRAM Centre*

45. In response to Mr Tony TSE's enquiry, CEO of eBRAM said that, out of the \$50 million allocation under AEF, eBRAM Centre had spent over \$30 million for the purchase of equipment (e.g. computers) and payment of licence fees, venue rental charges and staffing costs, etc. As the remaining sum would be used up in 18 months, additional funding was required for continuing with the development, enhancement and promotion of the eBRAM Platform. It was expected that eBRAM Centre would break even after seven years of operation.

46. Ms YUNG Hoi-yan declared that she was a registered mediator of eBRAM Centre. Ms YUNG asked how much of the \$50 million allocated to eBRAM Centre under AEF was used for handling cases. Referring to the 10-year projection of income and expenditure for eBRAM Centre in Enclosure 4 to the Administration's discussion paper (i.e. FCR(2020-21)76), she enquired about eBRAM Centre's sources of income and charging models, and how it was projected that the Centre would break even and have a surplus of nearly \$4 million in the eighth year of operation.

47. CEO of eBRAM explained that the major expenditure items for eBRAM Centre's operation were set out in Enclosure 5 to FCR(2020-21)76 and, among them, the recurrent items (i.e. staff salaries, marketing cost, information technology cost and office operation cost) would amount to more than \$20 million. As regards the revenue estimates of eBRAM Centre, since eBRAM Centre was commissioned by the Government to operate the COVID-19 ODR Scheme, where each party would only be required to pay a registration fee of HK\$200, there would be no actual income from the Scheme after expenses. Along with the promotion of the eBRAM Platform, necessary staff training, and growing popularity of ODR platforms, the types of cases handled by the eBRAM Platform would become more diversified in the future and would not be limited to disputes related to COVID-19 disease.

48. CEO of eBRAM further advised that the first two years of eBRAM Centre's operation would be the promotional period and its future income

would mainly be from the charges for dispute resolution at about \$38,000 per case, while arbitrators' or mediators' fees would be paid jointly by each party concerned. Other income of eBRAM Centre would include that generated from the provision of arbitration and mediation services, LawTech services, e-commerce ODR services, training, e-negotiation conference facilities, etc. to other organizations. Based on the above projection, eBRAM Centre was expected to start breaking even from the eighth year of operation. Ms YUNG Hoi-yan suggested that the Government should step up publicity, in particular through the Consumer Council's platform, and enhance the contents of eBRAM Centre's website so that more people would be aware of the eBRAM Platform. The Government and eBRAM Centre took note of the suggestion.

49. Dr Pierre CHAN noted that according to Enclosure 5 to FCR(2020-21)76, the system development and contingency cost under the category of capital cost of eBRAM Centre was as high as \$6.8 million and the information technology ("IT") cost under the category of recurrent cost was \$5.7 million, which he considered too high. Holding the view that eBRAM Centre's website was not complicated in design and did not contain much content, Dr CHENG Chung-tai queried whether it was necessary to spend nearly \$7 million on further development or enhancement of the website.

50. The Commissioner advised that a practical test on the operation of the ODR platform under the COVID-19 ODR Scheme had been conducted by the Inclusive Dispute Avoidance and Resolution Office of the Department of Justice. Elaborating on the dispute handling process of the platform, he pointed out that the operation of the platform was backed up by a technology system behind the website, and stringent requirements were imposed on system security and data storage in particular, so neither the service and technical details nor the quality of the platform should be assessed solely on the basis of the design or content of the website.

51. Chief Technology Officer, eBRAM Centre said that the eBRAM Platform was currently accessible through mobile phones and other interfaces, and would be further developed and enhanced in future, including strengthening security systems such as identity authentication and progressively introducing e-signature and e-translation to the eBRAM Platform. At the request of Dr Pierre CHAN, the Government would provide, after the meeting, supplementary information on the breakdown of expenditure items and sums covered by both the system development and contingency cost and the recurrent IT cost.

[*Post-meeting note:* The supplementary information provided by the Administration was circulated to members vide LC Paper No. FC88/20-21(01) on 7 January 2021].

### COVID-19 Online Dispute Resolution Scheme

#### *Progress of the Scheme*

52. Mr Michael TIEN and Mr Martin LIAO expressed support for the financial proposal in question. They enquired about the public's response to the COVID-19 ODR Scheme, eBRAM Centre's experience gained from the Scheme, and the progress of the Scheme as reported by eBRAM Centre to the Government, including the number and types of cases and the average processing time and amount involved.

53. Chairman of eBRAM and CEO of eBRAM said that in the initial stage after the launch of the COVID-19 ODR Scheme at the end of June 2020, the focus was on the enhancement of security and privacy protection of the ODR platform under the Scheme, Proof-of-Concept prototype enrichment, and compliance with various rules and regulations. At the same time, eBRAM Centre also trained its mediators and arbitrators to use the platform. Despite the fact that the progress of the Scheme was once affected by the temporary closure of eBRAM Centre when the epidemic was escalating, eBRAM Centre had been closely following up on the promotion of the Scheme via different media and received from outside a lot of enquiries about the Scheme. Nine cases had been received to date, of which two were successfully resolved with the intervention of eBRAM Centre, and it was expected that eBRAM Centre would receive more cases along with publicity and promotion.

54. CEO of eBRAM added that the cases received under the COVID-19 ODR Scheme included debt disputes as well as disputes over beauty parlour bills and school bus fares. As no cases of arbitration or mediation had been completed, data on the average processing time and amount involved could not be provided at the moment.

#### *Monitoring of the Scheme*

55. Mr Martin LIAO enquired how the Administration would step up monitoring of the COVID-19 ODR Scheme. The Commissioner advised that eBRAM Centre had already submitted its first report to the Government, and since the Scheme had only been in operation for six months with initial focus on enhancing system security and privacy protection, not so many cases were being dealt with under the Scheme.

Collaboration with other organizations

56. Pointing out that there might be competition between the eBRAM Platform and the ODR and deal making platforms provided by other organizations, Mr Martin LIAO asked whether those organizations would consider collaboration and whether the Administration would consider integrating those platforms in the future. The Commissioner said that eBRAM Centre had been collaborating with other international or local arbitration bodies. For example, it had signed a Memorandum of Understanding with the Hong Kong International Arbitration Centre in 2020 on enhanced cooperation between the two bodies. It was believed that eBRAM Centre and other dispute resolution bodies would complement one another in jointly developing ODR services in Hong Kong.

Meeting arrangement

57. At 3:27 pm, the Chairman announced that the meeting would be extended by 15 minutes.

58. The meeting ended at 3:52 pm.

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