

政府總部  
民政事務局

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**GOVERNMENT SECRETARIAT  
HOME AFFAIRS BUREAU**

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**Translation**

本函檔號 Our Ref: L/M HAB/R&S 129(17)

來函檔號 Your Ref :

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傳真號碼 Fax No.: 2519 7404

18 July 2017

Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong  
(Attn: Ms Ada Lau)

Dear Ms Lau,

**Finance Committee**

**Supplementary Information on Kai Tak Sports Park Project**

At the Finance Committee meetings on 22 and 23 June 2017, some Members requested additional information relating to the Kai Tak Sports Park project. The relevant information is attached in Annex for Members' reference.

Yours sincerely,

(Original signed)

( Ms Linda Law )

for Secretary for Home Affairs

**Supplementary Information on  
the Kai Tak Sports Park (Sports Park) Project**

- (a) **Specific features of the “Design-Build-Operate” (DBO) procurement approach currently proposed by the Government (*requested by Hon WU Chi-wai; time of the meeting: 16:51:39*)**

Under the DBO approach, tenderers will have to form a consortium and gather a team comprising a wide spectrum of expertise **to take up the design, construction and future operation of the Sports Park**. While the design and construction costs of the Sports Park will be funded by the Government, the party awarded with the contract (the Contracted Party) has to operate the entire Sports Park, including community sports facilities and open space, on a self-financing basis as well as to make minimum payment to and share a percentage of its total income with the Government. Therefore, the Government will not have to bear the operating expenditure of the Sports Park.

The DBO approach will allow the operator to participate early in the design of facilities and put forward enhancement suggestions during the design and construction period. This will help ensure that the hardware of the Sports Park can fully meet future operational needs, thus realising the full potential of the project. Moreover, in the light of local and overseas experience, participation of professionals experienced in the operation of sports and commercial facilities during the early stage of design and construction of the project is crucial to the successful operation and sustainable development of the Sports Park (in particular the Main Stadium). To allow a single consortium to design and construct the Sports Park according to its operational strategy will also help enhance construction efficiency and risk management, and ensure the timely delivery of the project within budget. For the Government, concluding a DBO contract with a single consortium will facilitate its supervision and management of the Sports Park project.

- (b) **The full text of the Environmental Impact Assessment (EIA) Report on the Sports Park and the impact of the Central Kowloon Route on Sports Park users in terms of air quality (*requested by Hon LAU Siu-lai; time of the meeting: 16:56:04*)**

The full texts of the EIA Reports on both the Sports Park and the Central Kowloon Route approved by the Environmental Protection Department (EPD) have been uploaded to the Sports Park project website ([https://www.kaitaksportspark.hk/en/press\\_releases.html#section-others](https://www.kaitaksportspark.hk/en/press_releases.html#section-others)) and the EPD website (<http://www.epd.gov.hk/eia/english/register/aeiara/all>).

html) respectively for public information.

- (c) **The full text of the consultancy report on procurement and financing arrangements for the Sports Park prepared by PricewaterhouseCoopers Advisory Services Limited (requested by Hon LAW Kwun-chung, Nathan; time of the meeting: 17:11:25)**

The full text of the consultancy report on procurement and financing arrangements for the Sports Park prepared by PricewaterhouseCoopers Advisory Services Limited has been uploaded to the Sports Park project website ([https://www.kaitaksportspark.hk/en/press\\_releases.html#section-others](https://www.kaitaksportspark.hk/en/press_releases.html#section-others)) for public information.

- (d) **Operational performance indicators set by the Government for the Contracted Party (requested by Hon YEUNG Alvin; time of the meeting: 18:04:48)**

We specified our operational requirements set for the Contacted Party of the Sports Park in the paper (CB(2)855/16-17(04)) submitted to the Panel on Home Affairs in February this year, and subsequently explained in detail the operational requirements and key performance indicators (KPIs) set for the Contracted Party in the supplementary information submitted to the Panel on Home Affairs and the Public Works Subcommittee on 4 May and 16 May respectively. The requirements and KPIs are summarised and recapitulated as follows:

<b>Venue management</b>	
<b>Venue scheduling</b>	<p>Availability of facilities for the use of the public for recreational and sports purposes:</p> <ul style="list-style-type: none"><li>● whether various facilities (including the Public Open Space, Public Sports Ground and Indoor Sports Centre) are open to the public according to the operational requirements</li><li>● whether the Main Stadium arranges at least 10 football matches per year according to the operational requirements</li><li>● whether the Indoor Sports Centre allocates no less than two-thirds of its operation time available for sports events, activities or community hiring</li><li>● whether the Public Sports Ground and outdoor courts are designated for sports</li></ul>

	<p>events, activities or community hiring</p> <ul style="list-style-type: none"> <li>● the utilisation rate of various facilities</li> </ul> <p>Utilisation/Number of visitors and event schedules:</p> <ul style="list-style-type: none"> <li>● whether competitions or events (including important competitions, international sports competitions and major events) held in the Sports Park can meet a satisfactory level (in terms of numbers as well as requirements of the athletes and competing teams)</li> <li>● whether the attendance of events held in various venues can meet an expected target</li> </ul>
<b>Community and Government access</b>	<ul style="list-style-type: none"> <li>● Whether the Sports Park is reasonably open to the public for participation in sports activities if not used for holding events</li> <li>● Whether the opening arrangements<sup>1</sup> of the Indoor Sports Centre and Public Sports Ground are not less favourable to those of similar Leisure and Cultural Services Department (LCSD) venues</li> <li>● Whether the community hiring charges for sporting facilities in the Indoor Sports Centre and Public Sports Ground are comparable to those charged by LCSD, educational institutions and other non-profit making organizations for similar facilities</li> <li>● Whether the Government may book and make use of each of the Main Stadium, Indoor Sports Centre, Public Sports Ground and Public Open Space up to 7 days per year without venue hiring charges</li> </ul>
<b>Sports facilities</b>	<ul style="list-style-type: none"> <li>● Whether a user friendly online platform is</li> </ul>

<sup>1</sup> The opening arrangements include accessibility to facilities, booking arrangements, balloting arrangements (if applicable), distribution of court hours between hiring by individuals and event use, etc.

<b>and programmes for community booking and enrolment</b>	<p>available to the community to hire sports facilities, enrol programmes and make relevant payment</p> <ul style="list-style-type: none"> <li>● Whether a range of programmes, including training, competitions and group activities is scheduled and provided for community enrolment and participation</li> </ul>
<b>Precinct activation</b>	Whether there are plan to deliver a highly patronized Sports Park when the Sports Park is not being used for events and activities
<b>Communications and marketing services</b>	Whether marketing and communications programmes are in place to promote the usage and identity of the Sports Park
<b>Catering</b>	Whether a wide variety of specialties are available for event-day and non-event day functions and activities
<b>Commercial retail services</b>	Whether the operation of vibrant and commercially-minded shopping and dining facilities is achieved
<b>Event management</b>	
<b>Event delivery</b>	Whether events are planned, organised and delivered in an effective, efficient and safe manner
<b>Customer services</b>	Whether an integrated and cohesive customer services strategy is implemented to create a quality experience for visitors and hirers
<b>Noise management</b>	Whether all conditions and criteria in relation to noise control are complied with
<b>Facilities management</b>	
<b>Asset management and maintenance</b>	Whether facilities are properly maintained, such that they can be used for various types of high-level competitions, and at the same time can be open to the public in a safe and proper manner
<b>Floor surfaces of sports venues</b>	<ul style="list-style-type: none"> <li>● Whether the quality of the turf is good enough for high-level competitions (e.g.</li> </ul>

<b>(including natural turf)</b>	<p>whether scheduled sports events will be rejected or cancelled due to the turf quality of the pitch)</p> <ul style="list-style-type: none"> <li>● Whether the floor surface of the Indoor Sports Centre can flexibly meet the needs of different sports, is available for community use and can meet the relevant standards and requirements for high-level competitions and major events</li> </ul>
<b>Horticulture maintenance</b>	Whether an aesthetically pleasing landscape that is functional and complementary to the environment is maintained
<b>Cleanliness</b>	Whether a clean and safe environment is provided
<b>Waste management</b>	Whether recycling and reuse are maximised and waste is minimised
<b>Asset security and protection</b>	Whether misbehaviour is prevented and physical assets are protected by, among others, providing 24-hour asset security services
<b>Information and communication technology (ICT) and audiovisual (AV) services</b>	Whether reliable and high quality ICT and AV services are provided (including high density wireless local area network connectivity throughout the Sports Park) to enhance the experience of visitors and venue hirers
<b>Utilities management</b>	Whether consumption of utilities is optimised to support a sustainable environment
<b>Other important items</b>	
<b>Customer satisfaction</b>	<ul style="list-style-type: none"> <li>● The level of satisfaction of the public, competing teams or event organisers towards the management of facilities and venues</li> </ul>
<b>Reporting</b>	<ul style="list-style-type: none"> <li>● Whether various performance and financial reports are submitted in a timely manner and meet the required standards</li> </ul>

- (e) **Hon CHU Hoi-dick requested the Government to provide in a list the highlights on the tendering for the contract of the project. The**

**Secretary for Home Affairs (SHA) indicated that an index of those papers submitted to the Legislative Council (LegCo) by the Government would be provided; (*requested by Hon CHU Hoi-dick; time of the meeting: 11:54:45; SHA replied at 11:57:37 in the meeting*)**

A list of papers involving main areas on the tendering for the contract of the Sports Park project submitted to LegCo is in Appendix 1.

- (f) Please provide the speaking notes of both the SHA and the Permanent Secretary for Financial Services and the Treasury respectively on Government response to the motion moved by Hon CHU Hoi-dick according to the provision in paragraph 21 of the Finance Committee Procedure (FCP) (*time of the meeting: at 16:21:32 and at 16:22:37 respectively*).**

In response to the motion moved by Hon CHU Hoi-dick according to the provision in paragraph 21 of the FCP, Government's comments have been given in the letter dated 15 June from the Secretary for Financial Services and the Treasury to the Clerk to the Finance Committee (FC) of LegCo, and the letter dated 29 June from the Chief Secretary for Administration to the LegCo FC Chairman respectively. The letters are in Appendix 2<sup>2</sup> and Appendix 3.

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<sup>2</sup> Only Chinese version is available.

**Papers involving main areas of the tendering for  
the contract of the Kai Tak Sports Park project  
submitted by the Home Affairs Bureau to the Legislative Council**

Papers involving main areas of the tendering for the contract of the Kai Tak Sports Park (Sports Park) project submitted by the Home Affairs Bureau (HAB) to the Legislative Council are listed below for reference of the Finance Committee (FC).

<b>Information relating to the tendering for the Sports Park project</b>	<b>Relevant paper</b>
Project scope and nature, procurement model, bid incentive, terms of the contract extension option, mitigation measures taken to reduce environmental impacts, and features of energy conservation, greening, etc.	Set out in the discussion paper (LC Paper No. FCR(2017-18)14) submitted to the FC on 16 June 2017
The construction period to be specified in the contract and the requirement of paying liquidated damages for any delays in the completion of works	Set out in the supplementary paper (LC Paper No. PWSC182/16-17(01)) submitted to the Public Works Subcommittee (PWSC) on 29 May 2017
Payment arrangements and safety measures for construction works	Set out in the supplementary paper (LC Paper No. PWSC168/16-17(03)) submitted to the PWSC on 19 May 2017
Operational requirements (including providing vibrant and commercially-minded shopping facilities and diversified dining outlets, putting forward a proposal on how pets can use the park and obtaining prior approval from the HAB regarding charges for community and sports facilities), key performance indicators (KPIs), as well as penalties for failure to achieve the KPIs	Set out in the supplementary papers (LC Paper No. CB(2)1330/16-17(01), PWSC153/16-17(01), PWSC162/16-17(02) and PWSC168/16-17(03)) submitted to the Panel on Home Affairs on 4 May 2017 and to the PWSC on 9, 16 and 19 May 2017 respectively



<b>Information relating to the tendering for the Sports Park project</b>	<b>Relevant paper</b>
Performance bond and financial guarantee	Set out in the supplementary paper (LC Paper No. PWSC205/16-17(01)) submitted to the PWSC on 15 June 2017
The organisational structure to monitor the operation of the Sports Park, the mid-term review system during the operation period and the terms of contract termination	Set out in the supplementary papers (LC Paper No. PWSC168/16-17(03), PWSC182/16-17(01) and PWSC205/16-17(01)) submitted to the PWSC on 19 May, 29 May and 15 June 2017 respectively

財經事務及庫務局  
(庫務科)



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電話號碼 Tel. No. : 2810 2668  
本函檔號 Our Ref. : TsyB LT 00/700-2/15 (2016-17)  
來函檔號 Your Ref. :

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薛鳳鳴女士

薛女士：

就啟德體育園項目按財委會程序第21段提出動議

多謝秘書處6月14日的電郵，就朱凱迪議員於6月13日所建議的7項議案徵詢政府的意見。我們的回覆現載於附件。

財經事務及庫務局局長

(支建宏



代行)

2017年6月15日

政府就朱凱迪議員  
於2017年6月13日所提議案的回應

議案

朱凱迪議員共建議7項議案，詳見附錄一。政府的回應如下。

議案不合規程

2. 第一、二及三項議案主要建議指明條件、例外情況及限制行事，規定政府為啟德體育園(“體育園”)的全部或部分建造工程進行招標時，須採用或優先考慮採用“設計—興建—政府營運”模式(而非政府在財委會文件建議的“設計—興建—承辦商營運”模式)。上述指明的條件、例外情況及限制行事，與財政司司長可如何就財委會文件所述的政府建議由基本工程儲備基金(“基金”)支用經財委會批准的款項無關。

3. 第四、五及六項議案主要建議在政府與中選的承辦商就體育園簽署的合約內加入若干條款及條件。該等建議合約條款及條件，與財政司司長可如何就財委會文件所述的政府建議由基金支用經財委會批准的款項無關。

4. 第七項議案建議財政司司長在2018年7月1日後，方可支用撥款。政府徵求財委會批准的建議則在2018至2019財政年度內開始支用撥款。議案提出的條件，與財政司司長可如何就財委會文件所述的政府建議由基金支用經財委會批准的款項無關。

5. 鑑於上述原因，7項議案均不在第2A章第(c)款的範圍內，屬不合乎規程的事項，因此不應納入財委會會議議程。

## 其他政策和公帑考慮

### (i) 議案一至三

6. 正如政府向財委會提交的文件FCR(2017-18)14附件第18段所述，以「設計—興建—營運」(DBO)模式推展啟德體育園項目，中標承辦商須以自負盈虧方式營運整個體育園(包括社區體育設施和公眾休憩用地)，因此政府將無需承擔體育園的營運開支。反之，若採用「設計—興建—政府營運」(DBG)模式營運整個或部分設施，政府需要以公帑支付體育園的所有或絕大部分的經常性開支。我們在2017年5月9日向工務小組委員會提交的補充文件附件已指出，以20年的營運期計算(即剔除首5年的建築期)，如採用DBG模式，估計政府需承擔的營運開支(按當日付款價格計算)約為92億元。有關的額外開支，須由政府「一般收入帳目」承擔，超越FCR(2017-18)14「基本工程儲備基金」下的撥款申請範圍，亦與立法會議事規則第31(1)條(即「議案及修正案的規限」)不符。因此，我們反對採用DBG模式或優先考慮以DBG模式營運整個或部分體育園的設施。

### (ii) 議案四

7. 政府在2017年6月15日向工務小組委員會提交的補充文件已提出民政事務局建議成立「啟德體育園諮詢委員會」，就體育園的策略、業務發展、營運和管理，以及承辦商表現等事宜提供意見和建議。委員會將涵蓋體育界代表、退役運動員、娛樂界代表、具備管理和市場推廣等方面經驗的專業人士、立法會和相關區議會議員等不同界別人士。上述建議的諮詢委員會已涵蓋不同界別的代表，並會考慮公眾的意見(如體育園承辦商須定期進行顧客滿意度調查)。此外，民政事務局亦會透過由該局及承辦商領導層代表組成的「聯合檢視委員會」，以及進行中期檢討，緊密監察體育園承辦商的表現，尤其能否達到營運要求和主要績效指標。因此，我們認為要求政府只因單一意見調查結果而考慮終止與承辦商的合約並不合理和恰當。

**(iii) 議案五**

8. 正如政府於2017年2月向民政事務委員會提交的文件CB(2)855/16-17(04)第12(d)段所述，體育園內的公眾休憩用地(包括園景花園、海濱長廊、緩跑徑、兒童遊戲場、健身站、單車徑、戶外球場等設施)將全年開放給市民使用，團體和機構亦可申請短期租用部分空間作舉行活動之用。體育園內公眾休憩用地的公眾使用原則與現時康樂及文化事務署轄下的公園大致相同。因此，在合約中加入議案所述的特定條款並無需要，也不合適。

**(iv) 議案六**

9. 政府在2017年6月15日向工務小組委員會提交的補充文件已提出將要求承辦商對項目提供合共9億元的保證金及財政擔保；此外，承辦商亦需要投入大約3億至4億元的資金以啟動體育園的營運。這些措施令承辦商對體育園的總財政承擔增加至12-13億元，相信能有效令承辦商在整個營運期內保持良好表現。另一方面，延遲支付承辦商15%的設計及興建費用，意味政府一方故意剋扣承辦商就著已完成的工程應收取的工程費，金額動輒以數十億元計，安排並不合理。

**(v) 議案七**

10. 正如我們向財委會提交的立法會文件FCR(2017-18)14附件第3段所述，若財委會在本立法年度內批准本項目的撥款，體育園計劃將盡快在2018年動工，以期2022-23年完成。政府將根據工程的進度，分階段向中標承辦商、技術服務顧問、工料服務顧問和其他顧問支付款項。因此，我們反對就撥款使用日期貿然設下規限。

## **結論**

11. 政府認為附錄一的7項議案所建議條件不屬第2A章第(c)款的範圍。部分議案建議的內容並不合理，而且涉及體育園的運作事宜和「一般收入帳目」的撥款，不屬「基本工程儲備基金」的範疇。故此，根據立法會議事規則第30(3)(c)條，應被裁定為不合乎規程；其中的議案一至三更具有由公帑負擔的效力，違反議事規則第31(1)條的規定。

**財經事務及庫務局**

**2017年6月**

### 議案一

按《財務委員會會議程序》第21段及《基本工程儲備基金》(第2章，附屬法例A) 立法局決議(C)款，就議程文件FCR(2017-18)14所載項目建議把272RS號工程計劃的餘下部分提升為甲級，稱為「啟德體育園 — 建造工程」，財政司司長可由基本工程儲備基金支用款項作為「啟德體育園 — 建造工程」的用途，但須按照財務委員會所指明的以下條件、例外情況及限制行事：

財政司司長支用是項撥款，只限用於以「設計 — 興建 — 政府營運」(DBG) 模式招標的工程開支。

### 議案二

按《財務委員會會議程序》第21段及《基本工程儲備基金》(第2章，附屬法例A) 立法局決議(C)款，就議程文件FCR(2017-18)14所載項目建議把272RS號工程計劃的餘下部分提升為甲級，稱為「啟德體育園 — 建造工程」，財政司司長可由基本工程儲備基金支用款項作為「啟德體育園 — 建造工程」的用途，但須按照財務委員會所指明的以下條件、例外情況及限制行事：

財政司司長支用是項撥款時，與室內體育館大樓及公眾運動場相關的開支，只限用於以「設計 — 興建 — 政府營運」(DBG) 模式招標的工程開支。

### 議案三

按《財務委員會會議程序》第21段及《基本工程儲備基金》(第2章，附屬法例A) 立法局決議(C)款，就議程文件FCR(2017-18)14所載項目建議把272RS號工程計劃的餘下部分提升為甲級，稱為「啟德體育園 — 建造工程」，財政司司長可由基本工程儲備基金支用款項作為「啟德體育園 — 建造工程」的用途，但須按照財務委員會所指明的以下條件、例外情況及限制行事：

在是項工務工程的招標過程中，政府須把「設計—興建—政府營運」(DBG)模式列為正式選項，與「設計—興建—承辦商營運」(DBO)的入標方案比對，並對前者予以優先考慮；即，財政司司長支用是項撥款，只限用於「政府優先考慮以「設計—興建—政府營運」(DBG)模式營運」此一前提下之工程開支。

#### 議案四

按《財務委員會會議程序》第21段及《基本工程儲備基金》(第2章，附屬法例A)立法局決議(C)款，就議程文件FCR(2017-18)14所載項目建議把272RS號工程計劃的餘下部分提升為甲級，稱為「啟德體育園—建造工程」，財政司司長可由基本工程儲備基金支用款項作為「啟德體育園—建造工程」的用途，但須按照財務委員會所指明的以下條件、例外情況及限制行事：

政府於與承辦商簽訂之合約中，須加入條款訂明，要求承辦商每五年舉辦一次公眾意見諮詢及運動員意見諮詢；若兩項調查中，任何一項意見為對該承辦商滿意程度低於一半，政府須考慮是否中止承辦合約；即，財政司司長支用是項撥款，只限用於合約中加入上述條款之工程開支。

#### 議案五

按《財務委員會會議程序》第21段及《基本工程儲備基金》(第2章，附屬法例A)立法局決議(C)款，就議程文件FCR(2017-18)14所載項目建議把272RS號工程計劃的餘下部分提升為甲級，稱為「啟德體育園—建造工程」，財政司司長可由基本工程儲備基金支用款項作為「啟德體育園—建造工程」的用途，但須按照財務委員會所指明的以下條件、例外情況及限制行事：

政府於與承辦商簽訂之合約中，須加入條款訂明，園區中三個體育設施以外的所有地方，皆須以公共空間方式管理，並明文公布；此管理方式，即包括但不限於「不設門禁」，「不設門禁時限」，「不須付費」，「不限衣著」，「可自攜飲食」等；此管理方式，亦務須尊重第383章《香港人權法案》內保障之一切人權；即，財政司司長支用是項撥款，只限用於合約中加入上述條款之工程開支。



### **議案六**

按《財務委員會會議程序》第21段及《基本工程儲備基金》(第2章，附屬法例A) 立法局決議(C)款，就議程文件FCR(2017-18)14所載項目建議把272RS號工程計劃的餘下部分提升為甲級，稱為「啟德體育園 — 建造工程」，財政司司長可由基本工程儲備基金支用款項作為啟德體育園 — 建造工程的用途，但須按照財務委員會所指明的以下條件、例外情況及限制行事：

政府於與承辦商簽訂之合約中，須加入條款訂明，於完成工務工程後，財政司司長只須將85%之設計及興建費付款予承辦商；餘下之15%設計及興建費，承辦商須於園區啟用首兩年內俱達致主要績效指標之八成（見立法會文件PWSC182/16-17(01)號第12段），方可取得；若無法達致主要績效指標八成，財政司司長只須付出餘下未付款額之一半。

### **議案七**

按《財務委員會會議程序》第21段及《基本工程儲備基金》(第2章，附屬法例A) 立法局決議(C)款，就議程文件FCR(2017-18)14所載項目建議把272RS號工程計劃的餘下部分提升為甲級，稱為「啟德體育園 — 建造工程」，財政司司長可由基本工程儲備基金支用款項作為啟德體育園 — 建造工程的用途，但須按照財務委員會所指明的以下條件、例外情況及限制行事：

財政司司長於2018年7月1日後，方可支用撥款。

中華人民共和國  
香港特別行政區政府  
政務司司長辦公室



CHIEF SECRETARY  
FOR ADMINISTRATION'S OFFICE  
Government of the Hong Kong  
Special Administrative Region  
of the People's Republic of China

Appendix 3

29 June 2017

The Hon CHAN Kin-por, BBS, JP  
Chairman, Finance Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Chairman,

**Member's Motions on Kai Tak Sports Park Project  
moved under Paragraph 21 of the Finance Committee Procedure**

I refer to your ruling of 22 June 2017 on the seven motions proposed by Hon CHU Hoi-dick under paragraph 21 of the Finance Committee (FC) Procedure of the Legislative Council of the Hong Kong Special Administrative Region. According to the ruling, Hon CHU may move his Seventh Motion proposing that the Financial Secretary may only expend the moneys after 1 July 2018. While respecting the ruling, the Government has in-principle objection to the Seventh Motion due to its restrictive nature in respect of the implementation schedule of Government works.

When seeking approval for funding a project under the Capital Works Reserve Fund ("the Fund"), the Government essentially invites FC to scrutinise the funding application, so as to upgrade the project to Category A with the project estimates approved by FC. Once the funding application is approved, the execution and implementation details (including the time to expend the moneys) are vested in the Government.

In the course of project delivery, the Government needs to exercise flexibility with regard to actual circumstances. While the approved project estimates and project scope set out in the funding proposal are not to be changed, the projected schedule and expenditure position are for reference only and will normally vary from the actual

situation. Since the establishment of the Fund, it has been the Government's understanding that a project can be delivered in accordance with the actual circumstances without being rigidly bound by the details set out in the funding proposal, providing that the approved project estimates are not exceeded and the scope approved by FC is adhered to.

The Seventh Motion restricts the Government from expending the moneys until after a specified date, while the funding proposal is to commence expending the moneys at any time during the 2018-19 financial year instead of specifying an exact date. Since the Seventh Motion is inconsistent with the Government's financial proposal, it is considered as falling outside the scope of paragraph (c) of Cap. 2A.

In the Government's view, if the conditions or restrictions (including when to expend the moneys) proposed by Members in respect of the Government's funding proposals impede the discharge of the Government's duties, or severely distort the original intent or compromise the integrity of the project, or incur additional Government's expenditure, it is unlikely that they will comply with the original intent of paragraph (c) of Cap. 2A. They are therefore considered as falling outside the scope of the provision.

The Government has in-principle objection to the Seventh Motion due to its restrictive nature in respect of the implementation schedule of Government works. If FC approves the funding proposal on one hand and restricts the Government from expending the moneys until after a specified date on the other, the Government's plans to take forward public works projects may be seriously disrupted. This goes beyond the scope of FC's approval responsibility and also usurps the Government's execution responsibility. Hence, the Government is of the view that any motion restricting the time for the Government to expend the moneys should be ruled as being out of order under the FC Procedure and the Rules of Procedure of the Legislative Council.

Yours sincerely,



( Matthew Cheung Kin-chung )  
Chief Secretary for Administration