

**立法會**  
**Legislative Council**

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**Panel on Public Service  
and Panel on Planning, Lands and Works**

**Minutes of joint meeting  
held on Monday, 17 July 2006 at 4:30 pm  
in the Chamber of the Legislative Council Building**

**Members present** : Members of the Panel on Public Service

Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon LI Fung-ying, BBS, JP (Deputy Chairman)  
Hon LEE Cheuk-yan  
Hon Bernard CHAN, GBS, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon Howard YOUNG, SBS, JP  
Hon WONG Kwok-hing, MH  
Hon KWONG Chi-kin

Members of the Panel on Planning, Lands and Works

Hon James TIEN Pei-chun, GBS, JP  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon WONG Yung-kan, JP  
Hon CHOY So-yuk, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Albert CHAN Wai-yip  
Hon LEE Wing-tat  
Hon LI Kwok-ying, MH, JP  
Hon Alan LEONG Kah-kit, SC  
Dr Hon KWOK Ka-ki

**Members absent** : Members of the Panel on Public Service

\* Hon James TO Kun-sun  
Hon CHEUNG Man-kwong

Members of the Panel on Planning, Lands and Works

Hon LAU Wong-fat, GBM, GBS, JP (Chairman)  
Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)  
Hon Abraham SHEK Lai-him, JP  
Hon Daniel LAM Wai-keung, SBS, JP  
Hon CHEUNG Hok-ming, SBS, JP

(\* Also members of the LegCo Panel on Planning, Lands and Works)

**Public officers attending** : Housing, Planning and Lands Bureau

Mr Edward TO  
Principal Assistant Secretary for Housing, Planning and Lands (Planning and Lands)<sup>3</sup>

Civil Service Bureau

Mrs Margaret CHAN  
Acting Director of General Grades

Buildings Department

Mr K M MO  
Assistant Director/New Buildings 1

**Attendance by invitation** : Provisional Construction Industry Co-ordination Board (PCICB)

Mr Francis BONG  
PCICB Member  
Chairman, PCICB Task Force to Review the Construction Stage of the Development Process

Mr James CHIU  
PCICB Member  
Member, PCICB Task Force to Review the Construction Stage of the Development Process

Mr LAU Chi-keung  
PCICB Member  
Member, PCICB Task Force to Review the Construction  
Stage of the Development Process

PCICB Secretariat

Mr C S WAI  
Deputy Secretary for the Environment, Transport and  
Works (Works)2

Mr K H TAO  
Assistant Secretary for the Environment, Transport and  
Works (Works) Works Policy 3

Civil service staff associations

Dr POON Wai-ming  
Chairman  
Hong Kong Senior Government Officers Association

Mr KWOK Pang-hung  
Chairman  
Buildings Department Structural Engineers' Association

Mr LEUNG Fuk-pui  
Secretary  
Hong Kong Marine Department Local Professional  
Officers' Association

Mr Chris LIU Chi-ho  
Senior Architect  
Architectural Services Department Architects' Association

Mr WONG Chun-fai  
Vice-Chairman  
Hong Kong Housing Department Structural Engineers  
Association

Mr CHANG Chung-hung  
Chairman  
Civil Engineering and Development Department  
Geotechnical Engineers' Association

Mr LAU Siu-key  
Chairman  
Government Waterworks Professionals Association

Mr AU-YEUNG Wai-kei  
Chairman  
Hong Kong Housing Department Geotechnical Engineers  
Association

Mr LIU Tso-wing  
Council Member  
HKSAR Government Civil Engineers Association

Other associations

Ir WONG Chi-ming  
Senior Member  
Association of Engineering Professionals in Society

Mr Bernard HUI, JP  
Chairman, Buildings Committee  
The Hong Kong Institute of Architects

Mr Raymond CHAN  
Senior Vice President  
The Hong Kong Institute of Surveyors

**Clerk in attendance :** Miss Salumi CHAN  
Chief Council Secretary (1)5

**Staff in attendance :** Ms Rosalind MA  
Senior Council Secretary (1)8

Mr Justin TAM  
Council Secretary (1)3

Ms May LEUNG  
Legislative Assistant (1)8

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**I. Election of Chairman**

Mr TAM Yiu-chung was elected Chairman of the joint meeting.

**II. Consultancy Study on private certification of building submissions**

(LC Paper No. CB(1)1960/05-06(01) — Paper provided by the Task Force and the Administration

LC Paper No. CB(1)1960/05-06(02) — Submission from Hong Kong Senior Government Officers Association

LC Paper No. CB(1)1960/05-06(03) — Submission from Association of Engineering Professionals in Society

LC Paper No. CB(1)1960/05-06(04) — Submission from Buildings Department Structural Engineers' Association

LC Paper No. CB(1)1960/05-06(05) — Submission from Hong Kong Marine Department Local Professional Officers' Association

LC Paper No. CB(1)1960/05-06(06) — Submission from Architectural Services Department Architects' Association

LC Paper No. CB(1)1960/05-06(07) — Submission from Hong Kong Housing Department Structural Engineers Association

LC Paper No. CB(1)1960/05-06(08) — Submission from Civil Engineering & Development Department Geotechnical Engineers' Association

LC Paper No. CB(1)1960/05-06(09) — Submission from Government Waterworks Professionals Association

LC Paper No. CB(1)1960/05-06(10) — Submission from Hong Kong Housing Department Geotechnical Engineers

- Association
- LC Paper No. CB(1)1960/05-06(11) — Submission from HKSAR Government Civil Engineers Association
- LC Paper No. CB(1)1995/05-06(01) — Submission from The Hong Kong Institute of Architects
- LC Paper No. CB(1)1960/05-06(12) — Submission from Architectural Services Department Structural Engineers' Association
- LC Paper No. CB(1)1960/05-06(13) — Submission from Association of Professional Engineers of Electrical & Mechanical Services Department
- LC Paper No. CB(1)1960/05-06(14) — Submission from Hong Kong Housing Department Civil Engineers Association
- LC Paper No. CB(1)1960/05-06(15) — Submission from Hong Kong Housing Department Architects Association
- LC Paper No. CB(1)1995/05-06(02) — Submission from The Hong Kong Institution of Engineers
- LC Paper No. CB(1)1960/05-06(16) — Background brief prepared by the Legislative Council Secretariat)

2. The Chairman advised that the proposal of PCICB's Task Force to Review the Construction Stage of the Development Process (Task Force) to conduct a consultancy study on private certification of building submissions (consultancy study) had been discussed by the Panel on Planning, Lands and Works (PLW Panel) at its two meetings held in July and December 2005. Given the concern expressed by civil service staff associations on the impact of private certification of building submissions, this joint meeting was convened for the PLW Panel and the Panel on Public Service to discuss the subject with the Administration, the Task Force, relevant staff associations and other associations.

3. The Chairman welcomed representatives of the Administration, Task Force, civil service staff associations, and other associations to the meeting. He reminded the representatives of the Task Force, civil service staff associations, and other associations that when addressing the two Panels, they would not be covered by the

protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), and their paper or written submissions were also not covered by the Ordinance.

Briefing by the Task Force

4. The Deputy Secretary for the Environment, Transport and Works (Works)2 (DS/ETW(W)2) briefed members that PCICB was established in 2001 to consider and take forward the Construction Industry Review Committee's recommendations for introducing reforms in the construction industry. PCICB comprised members drawn from major industry stakeholders and its secretariat support was provided by the Environment, Transport and Works Bureau. In this connection, DS/ETW(W)2 pointed out that he and Mr K H TAO attended the joint meeting in the capacity of members of the PCICB Secretariat. On the other hand, representatives of the relevant policy bureau (i.e. Housing, Planning and Lands Bureau (HPLB)) and relevant department (i.e. Buildings Department (BD)) also attended the meeting. As civil service staff associations had expressed their concerns about the private certification proposal, a representative of the Civil Service Bureau was present. DS/ETW(W)2 stressed that as the feasibility of the private certification proposal was being studied by the consultant, the Task Force or PCICB had not yet made any recommendations to the Government. As such, the concerned policy bureau had not proceeded to policy formulation on the subject.

5. Mr Francis BONG, Chairman of the Task Force, briefed members on the progress of the consultancy study. He highlighted that the Task Force was formed under PCICB in December 2004 in response to the request made by the Subgroup on Business Facilitation of the then Economic and Employment Council (i.e. the current Business Facilitation Advisory Committee (BFAC)) to recommend measures to speed up the construction cycle and reduce the cost of compliance with existing statutory requirements. Private certification of building submissions was one of the measures being considered by the Task Force for streamlining the building plan approval process. As consultation with various industry stakeholders had revealed several fundamental issues requiring in-depth examination, the Task Force commissioned a consultancy study in February 2006 to examine the subject holistically, including ascertaining the benefits, drawbacks, risks of private certification as well as issues which might affect its implementation. The main objective of the consultancy study was to explore the feasibility of improving the building approval process through undertaking appropriate checking of building design and certification by private professionals. However, the primary purpose of private certification was not the complete replacement of the existing system through outsourcing of statutory power. Instead, the consultancy study aimed to identify the specific tasks of the checking process which were appropriate for entrusting to private professionals and the parts which should continue to be undertaken by government departments. The study would also explore options for implementing private certification while retaining the existing checks and balances for assuring the health and safety of building users and the general public and minimizing changes to the statutory framework.

6. Mr Francis BONG, Chairman of the Task Force, also briefed members on the major views expressed by the relevant civil service staff associations. In their interviews with the consultant for the study, five civil service staff associations had expressed grave concerns on the impact of private certification on the health and safety of buildings. They were concerned that if approvals were based on recommendations of private professionals, the Building Authority (BA) would become a rubber stamp and effectively renounce its responsibilities in safeguarding building safety. They had also highlighted that given the unique building, topographical and market characteristics, the current control exercised by the Government was crucial for ensuring building safety, and that overseas systems might not be suitable for local conditions. Mr BONG assured members that the consultant would consider the views of the staff associations carefully and thoroughly. He however stressed that health and safety of buildings were also the primary concerns of the Task Force and were core issues being investigated under the consultancy study. Health and safety would be pivotal in determining whether private certification would be recommended for further consideration.

7. Mr Francis BONG, Chairman of the Task Force, further advised that private certification had the potential of opening up new strategic directions for streamlining the regulatory regime. Such changes could improve the business environment, promote investment in property development and create employment opportunities for the construction industry thus benefiting the whole community. The attention given to the report of the World Bank on Doing Business in 2006 published at the end of 2005 was a clear reminder that continuous enhancements of the regulatory regime were crucial for maintaining the competitiveness of the local economy. However, the Task Force stressed that private certification would not necessarily imply sacrificing existing safeguards. As explained earlier, the Task Force aimed to consider the feasibility of undertaking appropriate checking of building design and certification by private professionals while retaining the existing checks and balances for assuring the health and safety of building users and the general public and minimizing changes to the statutory framework. The Task Force wished to clarify that it was not recommending the implementation of private certification, but it was conducting a consultancy study with a view to making recommendations to BFAC in due course. The consultancy study would not turn private certification into a fait accompli.

8. On the way forward, Mr Francis BONG, Chairman of the Task Force, advised that the draft final report for the consultancy study would be issued in August 2006 to industry stakeholders (including the civil service staff associations concerned) for comments.

Presentation of views by civil service staff associations and other associations

*Hong Kong Senior Government Officers Association (HKSGOA)*  
(LC Paper No. CB(1)1960/05-06(02))

9. Dr POON Wai-ming, Chairman of HKSGOA, drew members' attention to HKSGOA's submission for the far-reaching implications of private certification of building submissions. He supplemented the following points:

- (a) It was a misconception that the existing system for approving plans of building works had resulted in backlog of plans and caused delay in building projects. Under the existing system, BA was required to observe the statutory time limit for approving plans of building works. In brief, BA was deemed to have given his approval for a plan submitted to him unless within the prescribed period (60 days for a plan submitted for the first time and 30 days for a revised plan) he had notified his refusal to give his approval. In fact, the existing system had been operating smoothly and efficiently, and had not resulted in backlog of plans;
- (b) Any safety problem of a building could lead to serious consequences and undermine public confidence in the property market which in turn might adversely affect the development of Hong Kong's economy. To ensure building safety in Hong Kong, it was essential for the Government to ensure that structural plans were properly vetted. Hence, the Government should maintain its statutory duty to safeguard building safety and should not outsource the certification of structural plans to the private sector;
- (c) As PCICB mainly comprised members who were representatives of property developers or construction companies, conflict of interests were involved for PCICB to study and make recommendations on private certification of building plans; and
- (d) Given that private certification of building plans involved public safety, full consultation with the public and relevant civil service staff associations should be conducted on the subject. Meanwhile, the consultancy study should be held in abeyance.

*Association of Engineering Professionals in Society (AEPS)*  
(LC Paper No. CB(1)1960/05-06(03))

10. Ir WONG Chi-ming, Senior Member of AEPS, said that AEPS objected to the private certification of building submissions. He highlighted four reasons as follows:

- (a) It seemed that the private certification proposal under consideration would apply to structural and geotechnical submissions only. The existing system for approving such submissions had been functioning well and private certification of such submissions would not help speeding up the process;
- (b) All along, the public had full confidence in the existing system operated by BD under the Buildings Ordinance (Cap. 123). The effectiveness of the existing system operated by BD could be demonstrated by the fact that the Housing Department and the Architectural Services Department had followed BD's model and set up independent checking units in recent years. Private certification of building submissions would undermine public confidence in the approval system;
- (c) In vetting and certifying building submissions, BD maintained its independence and was free from commercial interests. It was questionable whether such independence and impartiality could be maintained under a private certification system; and
- (d) Building plans might involve special designs which required large quantity of engineering data for vetting the plans. BD and the Civil Engineering and Development Department (CEDD) possessed these data which were not readily available in the private sector.

*Buildings Department Structural Engineers' Association (BDSEA)  
(LC Paper CB(1)1960/05-06(04))*

11. Mr KWOK Pang-hung, Chairman of BDSEA, echoed the view presented by the Chairman of HKSGOA that the existing system for approving plans of building works had not resulted in backlog of plans, as BA was required to observe the statutory time limit for approving such plans. Mr KWOK also presented the following views:

- (a) After meeting with the consultant, BDSEA had the observation that the consultant aimed to identify the problems arising from the existing system for approving building submissions and study how the problems could be tackled through private certification. It seemed that so far, the consultant had only identified one problem, i.e. the need to speed up the existing process, but this was in fact not a problem. Moreover, the consultant had only concentrated its study on private certification and not considered other alternatives;
- (b) It was important to maintain the independence of the certification body. As revealed from a recent case in Japan, an engineer, who under the pressure of his boss, fabricated documents on building design, thus resulting in substandard buildings;

- (c) According to a study conducted by BD, private certification of building submissions was not suitable for Hong Kong. It was therefore a waste of public moneys for the Government to commit \$1.3 million to finance the consultancy study; and
- (d) A delegate of the Building and Construction Authority in Singapore visited BD in 2004 to study the building control system in Hong Kong with a view to tightening the building control in Singapore. The departmental management of BD should explain the merits of the existing system to the public and maintain close dialogue with the industry to address any concerns it might have on the existing system. The private certification proposal should not be pursued.

*Civil Engineering and Development Department Geotechnical Engineers' Association (CEDDGEA)*  
(LC Paper No. CB(1)1960/05-06(08))

12. Mr CHANG Chung-hung, Chairman of CEDDGEA, drew members' attention to CEDDGEA's submission for the far-reaching implications of private certification of building submissions. He supplemented the following two points:

- (a) The landscape of Hong Kong was different from those of other countries. A number of buildings in Hong Kong were built on slopes and the designs of such buildings needed to be carefully checked before approval. Both BD and CEDD possessed a large amount of data and relevant experience in vetting building plans, and such data and expertise were not available in the private sector; and
- (b) If private certification of building submissions was implemented, different standards might be adopted by different companies, thus resulting in inconsistency. If the control standards were compromised, it might lead to disastrous consequences. At present, both BD and CEDD adopted a three-tier system for vetting building submissions (i.e. Engineer, Senior Engineer and Chief Engineer). With the required data and experience accumulated throughout the years, the two departments were able to provide an independent and impartial service to the construction industry, which could not be found in a private certification system.

*Hong Kong Institute of Architects (HKIA)*

13. Mr Bernard HUI, Chairman of the Buildings Committee of HKIA, said that HKIA welcomed any proposals that could expedite the process of certifying building submissions, and was of the view that private certification could be considered as one

of the possible options. However, HKIA stressed that building quality and public safety should not be compromised in any case. He highlighted the following points:

- (a) The subject about private certification of building plans could be considered in three aspects, namely, certification of general building plans, structural plans, and technical and other related plans:
  - (i) Certification of general building plans, which involved interpretation of statutory provisions and the exercise of discretionary power, should not be outsourced to the private sector;
  - (ii) Structural plans could be divided into conceptual plans and detailed plans which should be submitted separately. After a conceptual plan was approved, certification of the detailed plan, which was a technical submission, could be done by a private body; and
  - (iii) As regards technical and other related plans, private certification could be considered.
- (b) In sum, HKIA was of the view that private certification should only be considered for technical submissions. If private certification was to be implemented, the Government should put in place a mechanism to monitor its implementation.

*Hong Kong Institute of Surveyors (HKIS)*

14. Mr Raymond CHAN, Senior Vice President of HKIS, said that the views of HKIS were similar to those of HKIA. He also highlighted the following points:

- (a) As many buildings in Hong Kong were built on slopes, certification of building submissions was complex and it might be difficult for private companies to handle the work;
- (b) In vetting building submissions, BD also played a co-ordination role among the relevant government departments such as the Environmental Protection Department and CEDD. In considering the option of private certification, the co-ordination work required should also be taken into account;
- (c) For those building submissions the certification of which involved interpretation of statutory provisions and the exercise of discretionary power, private certification might result in different interpretation and inconsistency in exercising the discretion; and
- (d) Nevertheless, HKIS supported the outsourcing of certification work for minor works projects, such as renovation of small units.

Discussion

*Justifications for conducting the consultancy study*

15. Ir Dr Raymond HO noted that most of the submissions received by the two Panels raised objection to the consultancy study. While representatives of the Hong Kong Institution of Engineers were not available to attend the joint meeting, the Institution had indicated in its submission that it in principle objected to private certification. Ir Dr HO pointed out that he had raised his concerns about the private certification proposal in the Chief Executive's Legislative Council (LegCo) Question and Answer Session on 10 July 2006. Given the statutory time limit of 60 days for BA to approve building submissions, there should not be any backlog of cases. In this connection, Mr KWOK Pang-hung, Chairman of BDSEA, pointed out that despite the statutory time limit, BD had on its own initiative shortened the time limit to 45 days. Mr WONG Kwok-hing considered that this was already an improvement made to the existing system.

16. Noting the objection and/or views expressed by civil service staff associations and other associations on private certification of building submissions, Mr WONG Kwok-hing and Mr LEE Cheuk-yan queried the justifications for the Task Force to pursue the consultancy study and whether it was a waste of public moneys. Mr LEE asked whether the Task Force, in conducting the consultancy study, had the presumptions that the Government's statutory certification power could be outsourced and that outsourcing could expedite the certification process. He was also concerned that the further shortening of the processing time might lead to reduced control on building safety.

17. Mr Francis BONG, Chairman of the Task Force, advised that given the tight schedule of most building projects, it was common for design to be undertaken while construction was in progress. Moreover, approved building plans might have to be revised to suit market conditions. Some industry stakeholders were of the view that difficulties were encountered in some cases in seeking timely approval of these changes because of the existing rigid approval timeframes. The consultancy study therefore aimed to examine whether the approval process could be expedited through entrusting suitable parts of the checking to the private sector.

18. Mr LEE Cheuk-yan pointed out that Mr Francis BONG's reply had revealed the fact that the Task Force had the presumption that outsourcing could expedite the certification process. Mr LEE considered it not justified to expedite the certification process for the purpose of enabling property developers to meet the tight schedule of their building projects. He stressed that it was of paramount importance to ensure building safety. Mr LEE Wing-tat held similar views. He considered it more important for the Government to maintain proper control over the certification process than expediting the process. He also asked whether there was any evidence showing that the existing certification system operated by BD was inefficient and had caused delay in building projects.

19. Mr Francis BONG, Chairman of the Task Force, clarified that the Task Force did not have any presumptions. Apart from private certification of building submissions, the Task Force had also considered other improvement measures, such as overall review of regulatory regime for the construction stage to identify strategic directions for achieving alignment with the developments of the construction industry.

20. Ms LI Fung-ying noted that it was stated in paragraph 24 of the paper that “[t]he Administration maintained an open mind on the subject of private certification of building plans submission. .... Nevertheless, in line with the Government’s policy to facilitate business, it would be worthwhile to explore proposals which might help streamline the building plan approval process”. Whilst appreciating the need for the Government to facilitate business, Ms LI considered it equally important to maintain a harmonious society. She requested the Administration and/or the Task Force to clarify whether any problems were identified in the existing system and if there were, whether the relevant staff associations had been consulted on how the problems could be addressed, before the Task Force embarked on the consultancy study.

21. DS/ETW(W)2 reiterated that he attended the meeting in the capacity as a member of the PCICB Secretariat. The consultancy study was commissioned because some industry stakeholders suggested that consideration should be given to improving the building approval process through private certification so as to enhance the competitiveness of the local construction industry.

22. Responding to the questions raised by the Chairman and Mr KWONG Chi-kin on the study conducted by BD, the Assistant Director/New Buildings 1 of BD said that the study was in fact an internal “desk study” conducted in January 2005, mainly based on information from the Internet, on the private certification systems in the United Kingdom (UK), Australia and Singapore. The “desk study” identified a number of problems that needed to be addressed if private certification was to be implemented in Hong Kong, including the independence of the third party checkers, availability of insurance to third party checkers, public confidence in third party checking, and legislative amendments required. BD had then submitted a paper to PCICB setting out the findings of the study but the paper did not spell out any conclusive recommendations.

23. Given the problems identified by the internal study conducted by BD, Mr LEE Cheuk-yan queried why the Task Force still pursued the consultancy study. Mr Francis BONG, Chairman of the Task Force, explained that while BD had identified some implementation problems, it had not drawn any conclusions as to whether private certification would be suitable for the local construction industry. The Task Force therefore commissioned the consultancy study to further examine the proposal.

24. Mr LEE Cheuk-yan, Mr WONG Kwok-hing and Ms LI Fung-ying asked for the Administration's stance on the subject. The Principal Assistant Secretary for Housing, Planning and Lands (Planning and Lands)3 (PAS(HPL)PL3) stressed that as the consultancy study was still in progress, HPLB maintained an open mind and did not have a pre-determined stance on the subject. However, if a proposal was put forward to the Government at a later stage, HPLB would consider the way forward having regard to a number of factors, including the feasibility of the proposal; its impact on building safety and public safety; the legislative amendments required for implementing the proposal; the qualifications, independence and impartiality of private certifiers; and the public's confidence and expectations in the new system. In considering whether, and if so, how private certification should be implemented, HPLB would take into consideration the views of the parties concerned, including comments of the staff associations and the views of LegCo Members.

25. Mr Albert CHAN was pleased to note that HPLB did not have a pre-determined stance on the subject. However, as there were no concrete problems identified in the existing certification system, he considered it strange for PCICB to commission the consultancy study and for the Government to finance the consultancy study. Mr CHAN considered it not justified to conduct the consultancy study just because some members of the construction industry saw the need to expedite the certification process. Given that private certification of building submissions would involve outsourcing of statutory certification power of the Government and have significant impact on public safety, he indicated his strong objection to the consultancy study.

#### *Independency of the consultancy study*

26. Noting that the Task Force comprised mostly property developers and construction professionals, Mr WONG Kwok-hing queried the independency of the consultancy study. Mr Francis BONG, Chairman of the Task Force, pointed out that the Task Force comprised representatives from key sectors of the construction industry, including professionals, contractors, client organizations and government departments. The wide membership composition of the Task Force ensured that it would act in the overall interest of the public and would not be biased towards individual sectors.

#### *Problems involved in private certification of building submissions*

27. Mr Howard YOUNG said that he adopted an open mind on the idea of exploring measures to enhance the efficiency and effectiveness of the existing certification system, such as studying the feasibility of private certification and how the concerns about conflict of interests could be addressed. However, given that public safety was involved, a prudent approach should be adopted in considering any proposed measures. The Government should retain the final approval authority for those building submissions involving public safety and private certification might be considered for technical submissions only. In this connection, Mr YOUNG noted the

view expressed by some civil service staff associations that only the Government possessed the relevant data for vetting building submissions. He considered that if that was the case, it would be risky to implement private certification. Responding to Mr YOUNG's enquiry, Ir WONG Chi-ming, Senior Member of AEPS, advised that BD possessed more comprehensive data than private companies.

28. Noting the view of Mr Howard YOUNG and HKIA that private certification might be considered for technical submissions, Ir Dr Raymond HO sought the views of other associations on the issue. Mr KWOK Pang-hung, Chairman of BDSEA, pointed out that BD was the most experienced in vetting building submissions in Hong Kong, including technical submissions. Referring to HKIA's view that the structural plans could be divided into two parts and the second part (i.e. the detailed plans mentioned in paragraph 13(a)(ii) above) could be certified by a private body, Ir WONG Chi-ming, Senior Member of AEPS, considered it not feasible for the detailed plans to be certified by private bodies. He also considered not advisable to do so as public safety was involved.

29. Given the close relations between construction consultants and property developers, Mr WONG Kwok-hing, Mr LEE Cheuk-yan and Mr LEE Wing-tat were concerned whether the independency and impartiality of certification of building submissions could be maintained and public interest could be safeguarded if private certification was implemented. Given the small size of the construction field in Hong Kong, they were concerned whether and how conflict of interests could be avoided in private certification. Mr KWONG Chi-kin considered that if independency and impartiality could not be maintained under a private certification system, the subject should not be pursued.

30. Mr Francis BONG, Chairman of the Task Force, pointed out that several measures were adopted by five other economies (UK, Australia, Japan, Singapore and China) to ensure the independence of private certifiers. For example, private checkers were required to comply with strict codes of conduct and declare their independence and would be subject to penalties for misconducts. The consultant would examine whether these measures would be suitable for Hong Kong. While the private certification systems in UK and Australia had been introduced for a number of years and appeared to be functioning satisfactorily, the consultant would consider whether any lessons could be learned from the experience in other economies. Mr BONG added that since no system could prevent deliberate breach of rules, it would be imperative to put in place suitable checks and balances to deter and penalize abuses.

31. Mr James TIEN declared interest that his company dealt with real estate business. He considered that members' concerns needed to be addressed but the problems raised were not insurmountable. For those building submissions the certification of which involved the exercise of discretionary power, private certification should be avoided. However, for those building submissions the certification of which involved only technical calculations, they could be vetted by private checkers so as to expedite the certification process and reduce the workload of

the government departments concerned. Mr TIEN suggested that consideration could be given to put in place a declaration of interests system, like that of the Town Planning Board. Under the system, private checkers would be required to declare interests in cases where they had business connections with the companies concerned and would not be allowed to participate in the handling of the building submissions from those companies. Moreover, to enhance the impartiality of private certification, any appeal against the private checkers' decisions should be dealt with by the Government.

32. Ir Dr Raymond HO pointed out that apart from the concern about the independency and impartiality of private certification, there was also the problem of maintaining consistency in private checkers' vetting of building submissions, having regard to the large number of slopes and variety of soil composition in different areas of Hong Kong. Mr LEE Wing-tat was also concerned how the discretionary power would be exercised under a private certification system.

*Impact on the civil service*

33. Ms LI Fung-ying and Mr KWONG Chi-kin requested the Administration to respond to the concerns of the relevant staff associations about the impact of private certification of building submissions on the civil service. The Acting Director of General Grades (ADGG) advised that in the absence of a concrete proposal for private certification, it was not feasible, at this stage, to assess its impact on the civil service. However, the Government had established procedures for dealing with surplus staff, e.g. through internal re-deployment and natural wastage. Mr KWONG however considered that the Government should have conducted an overall assessment of the impact on the civil service before conducting the consultancy study.

*Way forward*

34. Responding to Ms LI Fung-ying, DS/ETW(W)2 advised that the consultancy report, when available, would be discussed by PCICB. If PCICB considered that the subject should be further pursued, it might present its recommendations to BFAC. If BFAC considered that private certification should be implemented in Hong Kong, a proposal would be submitted to the relevant policy bureau. It was expected that the policy bureau would carry out further study and consultation.

35. Responding to Mr James TIEN and Ir Dr Raymond HO, DS/ETW(W)2 said that the consultant would take into account the views and concerns raised by the relevant staff associations and LegCo Members in drawing up the report for the study. The report would be submitted to the relevant LegCo Panels in early 2007.

**III. Any other business**

36. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 1  
Legislative Council Secretariat  
29 September 2006