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Panel on Housing
Meeting on 5 March 2007

Background brief
on creation of the post of
Assistant Director (Independent Checking Unit)

Purpose

This paper sets out the background of the creation of a supernumerary Assistant Director of Housing (AD of H) post in the Independent Checking Unit (ICU) of Housing Department (HD), and summaries the queries and concerns raised by members of the Panel on Housing (the Panel).

Background of the creation of a supernumerary Assistant Director of Housing post in the ICU

The establishment of the ICU and its major work

2. Since Housing Authority (HA)'s construction projects are exempt from the Buildings Ordinance (Cap. 123) (BO),¹ they are not subject to the statutory third party checking by Building Department (BD) and the statutory sanctions against those responsible for the design, supervision and construction of building works. In recognition of the community's expectation for an objective scrutiny of HA projects, the Government has been examining various options for bringing HA's construction works under the ambit of the BO. However, the application of the BO in HA projects could not take place in short term as it has considerable legislative, resource and programming implications. In this connection, the ICU was established under the Director of Housing (D of H) in November 2000 as an interim arrangement to strengthen the scrutiny of building proposals and the execution of the works pending a review and formulation of the arrangements for bringing HA projects and buildings formally under the purview of the BO.

¹ Section 41(1)(aa) of the BO exempts any buildings over which HA has control and management from the provisions of the Ordinance. Section 18(2)(a) of the Housing Ordinance (Cap. 283) stipulates that the BO shall not apply to buildings to be constructed or being constructed by HA.

3. The ICU is responsible for third party checking of HA projects through a formal Building Plan checking process and the issue of a consent for the commencement of the works. Its functions include –

- (a) checking of HA Projects against the BO, approval of plans, issue of consent to the commencement of works, final inspections and the issue of an occupation permit on building projects;
- (b) carrying out building control on buildings under the Home Ownership Scheme and the Tenants Purchase Scheme under the delegated authority from the Director of Buildings;
- (c) regulating the use and operation of lifts and escalators in accordance with the provisions of the Lifts and Escalators (Safety) Ordinance; and
- (d) managing and reporting the work of the internal audit units in HD.

The ICU discharges its functions through two teams, namely the Building Vetting Team, and the Structural Vetting Team. The Lift Ordinance Enforcement Unit and Building Control Unit have also been performing independent checking functions in HD. The organizational chart of the ICU is in **Appendix I**.

The creation of a supernumerary Assistant Director of Housing (D2) post

4. A supernumerary AD of H post, departmentally known as Assistant Director/Independent Checking Unit (AD/ICU), was initially created under delegated authority of HD on 15 January 2001 as a six-month supernumerary post to examine the ICU activities in detail and to develop a meaningful expansion plan before a more permanent position was proposed. At the meeting of the Panel on 7 May 2001, members noted that the Administration's proposal to extend the AD/ICU post from its expiry in July 2001 for three years up to July 2004 on the following grounds (a job description of the AD/ICU post is in **Appendix II**) –

- (a) To establish full and comprehensive, yet independent regulatory control systems which would apply to all new HA building projects as well as the stock of existing buildings, a directorate officer with a good understanding of the construction and development processes would be required to lead the multidiscipline ICU to vet submissions from various branches within HD;
- (b) The incumbent would have to carry out wide consultation with

senior representatives of government bureaux and departments, as well as internal and external stakeholders to fully develop Building Control mechanisms consistent with those of BD for the large number of HA developments and to ultimately bring those developments under the full control of the BO in the longer term;

- (c) The incumbent would also have to advise the D of H and the senior directorate of HD of the feasibility of new regulatory practices. In view of the above scope of responsibilities and anticipated level of decision-making, the Head of Unit should be ranked not lower than AD of H (D2) level;
- (d) The ICU was an independent unit and its activities were new functions which had not previously been carried out by HD. In order to maintain impartiality and independence, it was not appropriate to put building regulatory functions under directorate officers who were directly handling building projects in the existing business branches; and
- (e) With the lapse of the other two supernumerary directorate posts, viz the AD/Tenants Purchase Scheme (AD/TPS)² and Deputy Director/Works (DD/W)³ posts under the re-organization of HD, it was not possible to absorb the additional regulatory responsibilities under the ICU within the existing directorate structure and resources.

5. At the meeting of the Panel on 7 July 2003, members was briefed on the Administration's proposal to retain the supernumerary AD/ICU post for an additional three years up to July 2007. Given that it would take quite some time to sort out various complex issues for the proposition of bringing HA projects and buildings formally under the ambit of the BO, and the implementation of which would require meticulous compilation of the necessary plans and records of existing buildings to facilitate future building control, the Administration considered that the establishment of ICU should continue pending resolution of these matters.

² AD/TPS was a supernumerary post created on 20 March 1998 for two years to head the TPS for spearheading the 10-year TPS programme and also taking on the policy responsibility for the Buy or Rent Option (BRO) Scheme in June 1999. With the smooth implementation of the TPS and BRO Schemes, the Administration considered that there was no longer a need to have a dedicated Assistant Director to oversee the schemes, and did not seek the extension of the post beyond 20 March 2001.

³ DD/W was a supernumerary post created to share out the responsibilities of the then Deputy Director/Housing Management Works, specifically responsible for driving a number of major initiatives. As a number of the initiatives reached maturity in 2001, the Administration considered it unnecessary to seek the extension of the post and that residual duties could be absorbed by the Deputy Director/Management and other Business Directors with effect from 1 April 2001.

Major concerns and views expressed by Members

6. The Panel was briefed on the proposals to create and retain the supernumerary AD/ICU post at the meetings on 7 May 2001 and 7 July 2003 respectively. While the majority of members did not object the proposals, they raised queries and concerns about –

- (a) the rationale for creating the supernumerary AD of H post to enhance housing quality as it had all along been the principal duty of HD;
- (b) whether the proposed creation could eliminate the chance of recurrence of building problems in public housing;
- (c) the need to create the supernumerary post as HD had outsourced many of its services to contractors and that there should be sufficient manpower left within the department to absorb the work of AD/ICU; and
- (d) whether the administrative practices equivalent to those of the BO could apply to HD since unlike their counterparts, HD staff were exempt from any legal liability for building faults.

7. On the other hand, Members have been keeping track of issues relating to bringing the construction works and buildings of HA under the ambit of the BO through raising questions at Council meetings in previous sessions. The details are hyperlinked in **Appendix III**.

Latest developments

8. The supernumerary AD of ICU post will expire in July 2007. The Administration seeks to turn this post into a permanent one. It will brief the Panel at the meeting to be held on 5 March 2007.

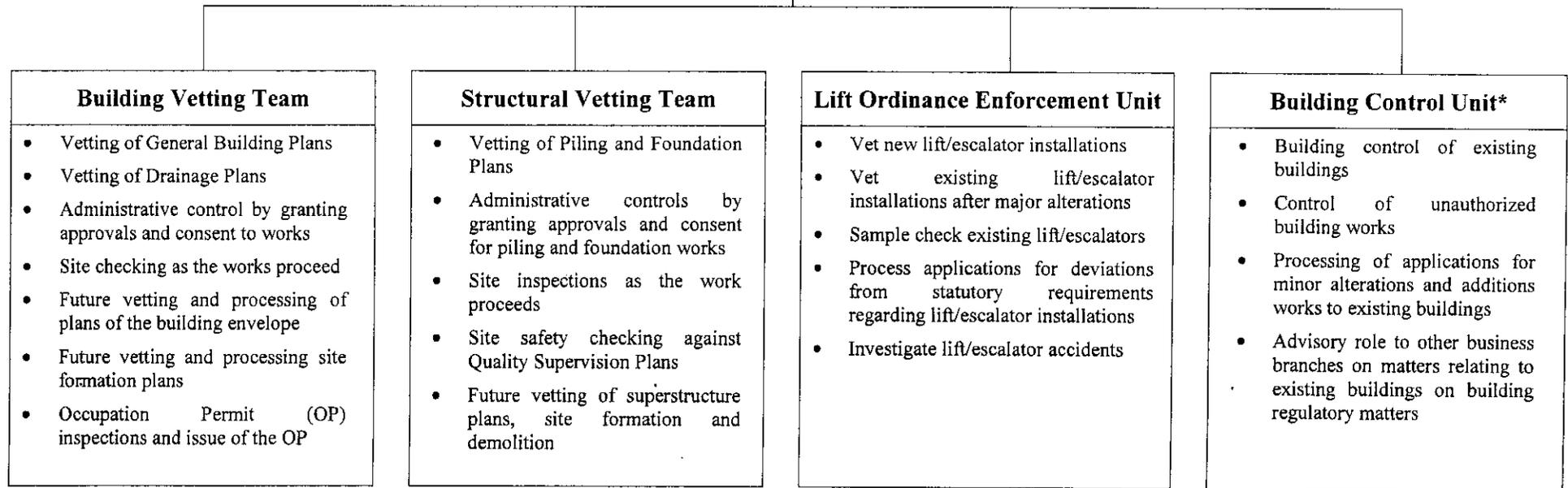
Reference

9. A list of the relevant papers with their hyperlinks is in **Appendix III**.

**Existing and Proposed Organization Chart
Independent Checking Unit, Director's Office
(as at 1.4.2001)**

Director of Housing

Assistant Director/Independent Checking Unit #



A supernumerary Assistant Director of Housing Post proposed for creation for 3 years

* To be grouped under the Independent Checking Unit in 2002/03

Appendix II

Job Description Assistant Director/Independent Checking Unit (as at May 2001)

Rank : Assistant Director of Housing (D2)

Responsible to : Director of Housing

Major Duties and Responsibilities

1. To head the Independent Checking Unit (ICU) to check if submissions from various Branches comply with statutory requirements under the provisions of the Buildings Ordinance (BO) and the Lifts & Escalators (Safety) Ordinance.
2. To study, formulate and develop policies in relation to regulatory compliance of Housing Authority (HA) projects.
3. To develop a referral system to the Buildings Department (BD) in respect of discretionary cases.
4. To review and develop independent checking systems and practices for construction and building submissions, building works applications and operation permits for lifts and escalators.
5. To liaise with the BD and determine the appropriate organisation structure and practices of the ICU at different stages in the event that the duties may be transferred to the BD.
6. To liaise with government bureaux and departments and internal and external stakeholders on regulatory compliance of BO in HA projects.
7. To report and explain progress and policies to HA committees.

(Source: Extracts from LC Paper No. CB(1)1137/00-01(06) submitted to the Panel on Housing at the meeting on 7 May 2001)

Creation of the post of Assistant Director (Independent Checking Unit)

List of relevant papers

Council/Committee	Date of meeting	Paper
Housing Panel	7 May 2001	<p>Administration's paper on re-organisation of the Housing Department and creation of one supernumerary Assistant Director of Housing post LC Paper No. CB(1)1137/00-01(06) http://www.legco.gov.hk/yr00-01/english/panels/hg/papers/a1137e06.pdf</p> <p>Minutes of the meeting LC Paper No. CB(1)2217/00-01 http://www.legco.gov.hk/yr00-01/english/panels/hg/minutes/hg010507.pdf</p> <p>Administration's written response to follow-up actions arising from the discussion at the meeting on 7 May 2001 LC Paper No. CB(1)1273/00-01 http://www.legco.gov.hk/yr00-01/english/panels/hg/papers/a1273e.pdf</p>
Housing Panel	7 July 2003	<p>Administration's paper on review of the organisation structure of Housing Department LC Paper No. CB(1)2080/02-03(03) http://www.legco.gov.hk/yr02-03/english/panels/hg/papers/hg0707cb1-2080-3-e.pdf</p> <p>Minutes of the meeting LC Paper No. CB(1)2357/02-03 http://www.legco.gov.hk/yr02-03/english/panels/hg/minutes/hg030707.pdf</p>

Council/Committee	Date of meeting	Paper
Council	15 December 2004	Hon TIEN Pei-chun raised a question on Cracking on concrete slab at HOS estate (Hansard P.52) (http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm1215ti-translate-e.pdf)
Council	3 May 2006	Hon CHEUNG Hok-ming raised a question on Plastic sheathing of water pipes (Hansard P.83) (http://www.legco.gov.hk/yr05-06/english/counmtg/hansard/cm0503ti-translate-e.pdf)

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