

香港特別行政區政府

The Government of the Hong Kong Special Administration Region

發展局

香港花園道

美利大廈九樓



Development Bureau

9/F, Murray Building

Garden Road, Hong Kong

本局檔號 Our Ref. DEVB(PL-CR) 2/15-08

來函檔號 Your Ref. CB/1/BC/4/09

電話 Tel.: 2848 6007

傳真 Fax.: 2899 2916

17 December 2010

Mr Stephen LAM
Clerk to Bills Committee
Legislative Council Building
8 Jackson Road, Central

Dear Mr LAM,

**Bills Committee on Buildings (Amendment) Bill 2010
Administration's Response to Follow-up Issues**

In response to the discussion at the meeting of the Bills Committee on the Buildings (Amendment) Bill 2010 (the Bill) on 7 December 2010, we are pleased to provide below information in relation to the matters about which Members enquired.

Proper Tendering Procedures

At the aforementioned meeting of the Bills Committee, Members requested the Administration to further elaborate on action to ensure proper tendering procedures for the engagement of registered inspectors (RIs) under the Mandatory Building Inspection Scheme (MBIS).

We have explained details of our assistance and public education measures in our previous replies. To briefly recap and as an update, we have gained valuable experience in educating the public, including both building owners and building professionals, in adopting the appropriate engagement procedures through the implementation of the Operation Building Bright (OBB)

jointly launched by the Government, Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA). In close liaison with the Independent Commission Against Corruption, we have issued guidelines and offered talks and seminars to OCs, consultants and contractors to explain the detailed roles and duties of the parties involved, recommended practices against tender-rigging as well as proper procedures for selection and management of consultants and contractors. With these measures in place, the OBB has been running smoothly. As we continue to implement OBB, we will promulgate more refined guidelines and share our experience with OCs, owners as well as building professionals and contractors. To further assist OCs and owners under the MBIS, we will expand the pool of service providers for building inspections to allow more choices for building owners, and the HKHS and URA will provide technical advice to OCs and owners in need. The Buildings Department will also publicise proper tendering procedures to the industry through its practice notes. Past experience reveals that, upon issue of new practice notes, the industry will generally follow the new practice. We consider that this is an effective means to encourage the industry to adopt proper tendering procedures.

Code of Practice

As requested by Members at the aforementioned meeting of the Bills Committee, the draft Code of Practice relating to the requirement of RIs to report to the Building Authority (BA) unauthorised building works (UBWs), in particular the section concerning the subdivision of flats, is as follows (exact wording being worked out) –

The scope of identification of UBWs shall cover those erected in the common parts and on external walls, including those on the external ground, open space, gardens, playgrounds, private streets and access roads etc.

The identification of UBWs shall include but not limited to the following:

- (a) unauthorised alterations of structural elements; and
- (b) signs of suspected subdivision of flats, e.g. presence of many flat door openings, door bells, letter boxes or drain pipe connections.

The RI shall record all UBWs in the inspection report for submission to the BA. If a building safety related emergency situation is revealed during the building inspection, the RI shall immediately notify the BA and alert the owners and occupants.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Harry Lin', written in a cursive style.

(Harry LIN)

for Secretary for Development

c.c. DD/BD
LD/DoJ