

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 82 – BUILDINGS DEPARTMENT Subhead 000 Operational expenses

Members are invited to recommend to Finance Committee the creation of the following supernumerary bi-disciplinary post in the Buildings Department from the date of approval to 31 March 2022 –

1 Chief Building Surveyor/
Chief Structural Engineer
(D1) (\$106,600 - \$116,500)

PROBLEM

The Buildings Department (BD) needs dedicated directorate support to head a new Village Houses (VH) Section in implementing the enhanced enforcement strategy against unauthorised building works (UBWs) in New Territories Exempted Houses, generally referred to as “NT village houses”.

PROPOSAL

2. The Director of Buildings, with the support of the Secretary for Development, proposes to create a supernumerary bi-disciplinary post in the rank of Chief Building Surveyor (CBS)/Chief Structural Engineer (CSE) (D1) in BD for a period of about ten years from the date of approval to 31 March 2022 for co-ordinating the implementation of the Administration’s enhanced enforcement strategy against UBWs in NT village houses.

/JUSTIFICATION

JUSTIFICATION

Categorisation of UBWs and Prioritisation for Progressive Enforcement

3. In a paper submitted to the Legislative Council (LegCo) Panel on Development for discussion on 28 June 2011 (LC Paper No. CB(1)2530/10-11(05)), we described in detail the existing regulatory regime for the control of NT village houses and previous enforcement taken. To ensure building and public safety and compliance with the legislation, we also set out a strategy to strengthen the control of UBWs in NT village houses through categorisation for control and management as well as prioritisation for progressive enforcement. Panel Members were generally in support of the enhanced enforcement strategy, and offered views and suggestions on the implementation details. The Administration advised at the meeting that it would consider the views and suggestions made by Members and would work out the implementation details and the resource requirement for the enhanced enforcement strategy and hoped to implement the new strategy within the current-term Government. Broadly speaking, the enforcement policy against UBWs in NT village houses hitherto was that immediate enforcement action would only be taken against those UBWs constituting obvious hazard or imminent danger to life or property and those found under construction or newly built. Therefore, most, if not all, of the existing UBWs were not covered under the extant enforcement policy. Our enhanced enforcement strategy as set out in the above-mentioned Panel paper is to categorise all newly built and existing UBWs by reference to the severity of their breach of law and the risks to building and public safety, and adopt corresponding measures for progressive enforcement in line with the order of priority.

4. In accordance with this enhanced enforcement strategy of “categorisation of UBWs and prioritisation for progressive enforcement”, BD will –

- (a) continue, in pursuance of the existing enforcement policy, to take enforcement action against existing UBWs in NT village houses that constitute imminent danger and UBWs which are found under construction or newly built; and
- (b) for all the other existing UBWs, BD will first target enforcement against those which, although not posing imminent danger, constitute serious contravention of the law and impose higher potential risks to building and public safety. This category of UBWs will be classified as “first round targets”.

Reporting Scheme for UBWs in NT Village Houses

5. We will introduce a reporting and regular certification scheme for existing UBWs in NT village houses which constitute relatively less serious contravention of the law and pose lower potential risks and which are outside the scope of first round targets. The main purpose of this scheme is to curb the emergence of new UBWs and to safeguard the structural safety of NT village houses. Information collected under this scheme will facilitate BD's categorisation and objective risk assessment of these UBWs for formulation of further follow-up plans.

6. The reporting scheme will commence on 1 April 2012 and the reporting period will be open for six months until 30 September 2012. Under the scheme, owners are required to appoint a qualified person to conduct inspections of the structures concerned and submit safety certification to BD at five-yearly intervals.

Need for a New VH Section

7. BD has a major and important role to play in taking forward the enhanced enforcement strategy against UBWs in NT village houses, including identifying and assessing various types of UBWs, prioritising for progressive enforcement, implementing the reporting scheme and the associated safety certification system, as well as co-ordinating public education and publicity programmes on curbing the proliferation of UBWs.

8. Currently, BD does not have a dedicated section for dealing with UBWs in NT village houses. Related complaints and reports received from members of the public are handled by the respective district sections under the Existing Buildings Division 1 (EBD1) and Existing Buildings Division 2 (EBD2) by carrying out investigation and taking enforcement actions against UBWs constituting imminent danger, and UBWs in progress or newly built in accordance with the prevailing enforcement policy. As mentioned in paragraph 3 above, most, if not all, of the existing UBWs are not covered under the extant enforcement policy.

9. There are six district sections (i.e. Sections A to F) in the two EBDs, each of which comprises three sections. The distribution of NT village houses is uneven among districts, with the majority in districts looked after by Section C, the remaining falls under the purview of Sections A, D and E. As all UBWs in NT village houses, whether existing or newly built, will be covered under the enhanced

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enforcement strategy, we envisage significant increase in workload which will lead to imbalance in workload and ineffective staff deployment among the district sections. We have also explored the option of redeploying the existing resources of the six district sections for the enhanced enforcement strategy, but considered it not feasible as the current resources are already very tight for coping with the substantial increase in workload arising from the implementation of the new package of measures to enhance building safety since April 2011. To ensure smooth, effective and efficient implementation of the new enforcement strategy on NT village houses and to meet the challenges that arise from the new tasks for operation and management, we consider it necessary to have a dedicated new VH Section to co-ordinate the work. After the establishment of the VH Section for taking over enforcement actions against UBWs in NT village houses, the six district sections will still be fully occupied with their original work portfolio and the new building safety initiatives introduced since April 2011. In fact, handling of UBWs in NT village houses under the extant enforcement policy (i.e. enforcement action will only be taken on those constituting imminent danger and those which are under construction or newly built) constitutes only a small portion of the workload of the relevant sections before the implementation of the enhanced enforcement strategy.

10. The new dedicated VH Section is proposed to be established under EBD1. Upon establishment of the VH Section, the Slope Safety Section, currently under EBD1, will be transferred to EBD2 in order to balance the workload between EBD1 and EBD2 and to enhance operational efficiency. The existing and proposed organisation chart of BD is at Enclosure 1.

Encl. 1

11. The proposed VH section will first conduct large-scale operations in different districts in NT against the first round targets, i.e. existing UBWs constituting serious contravention of the law and imposing higher potential risks to building and public safety. This includes investigation and identification of target UBWs, serving removal orders on the owners concerned, registration of the removal orders at the Land Registry (commonly known as “imposing an encumbrance”) and instituting prosecution against the non-compliant owners. For UBWs which constitute imminent danger to building or public safety, the dedicated section will also arrange for the government contractor to carry out demolition works in default of the owners and will recover the full costs of the works, including supervision charges, from the owners. Given the large number and variety of UBWs in NT village houses, we are at this moment unable to accurately assess the time required for dealing with the first round targets. We will keep monitoring the progress and propose improvements as appropriate in the light of operational experience to enhance work efficiency and effectiveness.

12. As regards the reporting scheme mentioned in paragraphs 5 and 6 above, the VH Section will process the UBWs reporting submissions; conduct audit checks on about 10% of the safety certification of UBWs submitted by qualified persons to ensure compliance with the relevant requirements; and build up a comprehensive database of UBWs in NT village houses to facilitate enforcement actions. In addition, it will also analyse information collected from the reporting scheme, conduct objective risk assessment and then formulate follow-up plans.

Need for a Dedicated CBS/CSE Post

13. Given the large-scale, complicated and difficult enforcement work involved due to the anticipated substantial number of UBWs in NT village houses, the lack of drawings and construction records of the original NT village houses for distinguishing the UBWs, the scattered distribution of the village houses, and the possible complaints and reactions from the villagers etc., we consider that a directorate officer at the rank of CBS/CSE (D1) with extensive professional knowledge, expertise and experience is required to steer the work of the proposed VH Section. Specifically, the incumbent, designated as Chief Professional Officer/Village Houses (CPO/VH), will be required to steer the policies, set the operation strategies, formulate enforcement programmes and oversee their implementation as well as fine-tune the modus operandi in the light of operational experience where necessary. CPO/VH will also consider and approve demolition plans and remedial proposals submitted by Authorised Persons/Registered Structural Engineers for compliance with removal orders; handle objections to and/or appeals against BD's enforcement actions from owners/occupants of NT village houses; review achievements of the proposed progressive enforcement scheme; explain the policies and implementation of the new initiatives to the media and general public; and formulate progressive enforcement plans after dealing with the first round targets for enforcement. As the training and professional competencies of officers from both Building Surveyor and Structural Engineer grades fit the job requirements of this new post, we propose that it should be a bi-disciplinary CBS/CSE (D1) post open to members of both grades. The proposed job description of this post is at Enclosure 2.

Encl. 2

Duration of the Supernumerary CBS/CSE Post

14. In view of the prevalence of UBWs in NT village houses, the problem cannot be resolved in a few years' time. In this connection, we will adopt a pragmatic approach and handle the issue through categorisation of UBWs and prioritisation of enforcement. Having regard to the large number of UBWs, scattered distribution of NT village houses and the difficulties encountered in investigation and proof of UBWs in these houses, which may be due to lack of

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building records or resistance from the owners/occupants concerned, we propose to create the CPO/VH post for about ten years from the date of approval to 31 March 2022 to render directorate support and provide steer to the VH Section. As explained in paragraph 11 above, we are at this stage unable to accurately assess the time span of the entire enforcement programme. We will closely monitor progress and, in the light of the operational circumstances, review the continued need for the CPO/VH post in early 2022 or earlier as appropriate.

Non-directorate Support

15. The proposed additional CBS/CSE post will be underpinned by the dedicated VH Section comprising 40 additional non-directorate staff, including Building Surveyors, Structural Engineers, Survey Officers, Technical Officers, and some other supporting staff to implement the enhanced enforcement strategy against UBWs in NT village houses. All these time-limited posts will be created for ten years starting from 2012-13. The continued need for these posts will also be reviewed together with the proposed additional CBS/CSE post in early 2022 or earlier as appropriate.

ALTERNATIVES CONSIDERED

16. To take forward a package of new measures to enhance building safety following the announcement in the 2010-11 Policy Address, BD, including its directorate structure, was re-organised in July 2011 via EC(2011-12)5. We have critically examined whether the existing directorate posts at the rank of CBS and CSE in BD would have any spare capacity to oversee the enhanced enforcement actions against UBWs in NT village houses. With the implementation of the package of new measures to enhance building safety in Hong Kong, all the existing directorate officers concerned are already fully committed to their existing work portfolio. It is operationally not possible for them to take up the additional workload without compromising the standard of their work and the quality of the services delivered. The work schedules of the directorate officers concerned are at

Encl. 3

Enclosure 3.

FINANCIAL IMPLICATIONS

17. The proposed creation of the additional supernumerary CBS/CSE post will bring about an additional notional annual salary cost at mid-point of \$1,357,200. The additional full annual average staff cost, including salaries and staff on-cost, is \$2,124,000. As for the 40 non-directorate civil service posts mentioned in paragraph 15 above, the additional notional annual salary cost at mid-point and the full annual average staff cost, including salaries and staff on-cost, are \$18,012,150 and \$33,436,000 respectively. We have included the necessary provision in the 2012-13 draft Estimates to meet the cost of the proposal and will reflect the resources required in the Estimates of subsequent years.

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STAFF CONSULTATION

18. BD conducted consultation with the staff associations of the departmental grades in December 2011 on the proposed creation of the supernumerary CBS/CSE post. The professional grade staff generally supported the proposal while the technical grade staff objected to it, stating that more technical grade posts should be created instead. BD explained to the staff representatives the background and the need for setting up a dedicated VH Section and assured them that their views and concerns had been carefully noted. BD management would continue to maintain dialogue with the staff with a view to enhancing communication and addressing their concerns.

PUBLIC CONSULTATION

19. On 8 December 2011, we consulted the Subcommittee on Building Safety and Related Issues of the LegCo Panel on Development on the above staffing proposal. Members generally supported the proposal. Members also noted the concerns raised by the two technical staff associations regarding the proposed creation of the supernumerary post. At the request of Members, the Administration conducted further consultation with the staff concerned and reported the outcome to the LegCo Panel on Development via LC Paper No. CB(1)836/11-12(01), a copy of which is at Enclosure 4.

Encl. 4

ESTABLISHMENT CHANGES

20. The establishment changes in BD for the last two years are as follows –

Establishment (Note)	Existing (as at 1 February 2012)	As at 1 April 2011	As at 1 April 2010	As at 1 April 2009
A	30+(1)#	30	30	30
B	454	380	377	371
C	688	586	585	566
Total	1 173	996	992	967

Note:

A - ranks in the directorate pay scale or equivalent

B - non-directorate ranks, the maximum pay point of which is above MPS Point 33 or equivalent

C - non-directorate ranks, the maximum pay point of which is at or below MPS Point 33 or equivalent

() - number of supernumerary directorate posts created with the approval of the Establishment Subcommittee/Finance Committee

- as at 1 February 2012, there was no unfilled directorate post in BD

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CIVIL SERVICE BUREAU COMMENTS

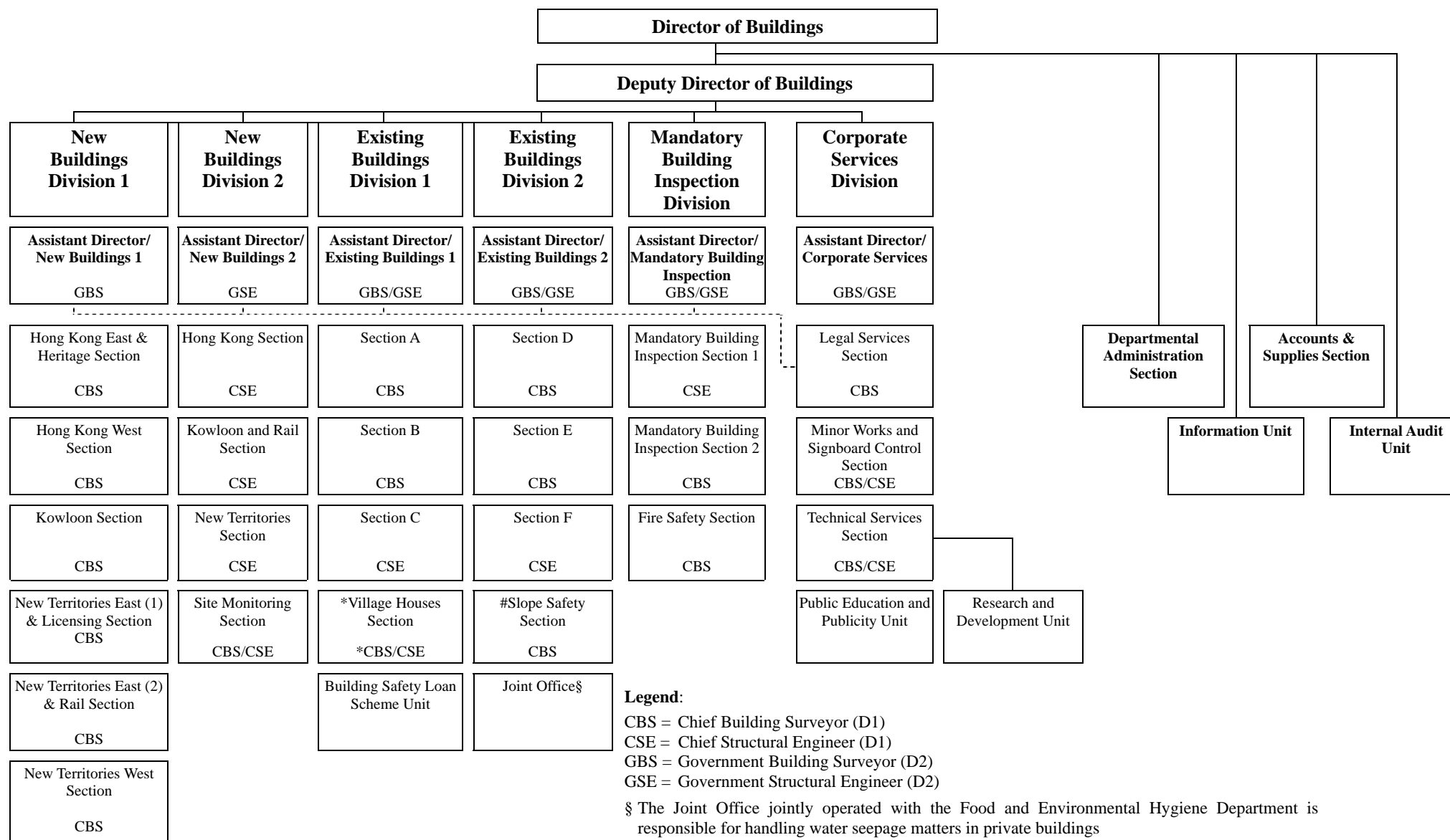
21. The Civil Service Bureau supports the proposed creation of a supernumerary bi-disciplinary post of CBS/CSE for about ten years in BD to head a new VH Section in taking forward the enhanced enforcement strategy against UBWs in NT village houses. The grading and ranking of the proposed post is considered appropriate having regard to the level and scope of the responsibilities and the professional input required.

ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

22. The creation of the supernumerary directorate post, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service in accordance with the agreed procedure.

Development Bureau
February 2012

Existing and Proposed Organisation Chart of Buildings Department



**Proposed Job Description
Chief Professional Officer/Village Houses**

Rank : Chief Building Surveyor/Chief Structural Engineer (D1)

Responsible to : Assistant Director/Existing Buildings 1

Major Duties and Responsibilities –

1. to develop the modus operandi and monitor the implementation of the new unauthorised building works (UBWs) reporting scheme, to handle complaints relating to the new section's matters, and to oversee the village by village survey, the enforcement against the first round targets, the enforcement operations after completion of the first round targets, the response to objections to and/or appeals against the enforcement actions from owners/occupants of the New Territories (NT) village houses, down-streaming enforcement works such as prosecution, default works and cost recovery;
2. to manage the professional and technical teams and to supervise the operational matters regarding the daily operation of the Village Houses Section;
3. to appraise senior professional officers' and professional officers' recommendations on enforcement matters;
4. to attend Legislative Council and District Council meetings and to give advice to the public on the department's objectives and actions relating to enforcement against UBWs in NT village houses;
5. to consider approval of demolition plans and remedial proposals submitted by Authorised Persons/Registered Structural Engineers for compliance with removal orders;
6. to exercise overall management of staff under the team and supervise, plan, monitor, control and re-deploy staff and resources to ensure the goals and performance pledges are met; and to coach, arrange training for, recognise contribution from, inspire and motivate staff to enhance their productivity; and
7. to assist Assistant Director/Existing Buildings 1 in formulating views on policy matters, management matters, personnel matters and special assignments relating to enforcement actions against UBWs in NT village houses.

Work Schedules of the Existing Chief Building Surveyor and Chief Structural Engineer posts in the Buildings Department (BD)

Existing Buildings Divisions (EBDs) 1 and 2

The EBDs are headed by two Assistant Directors (ADs) at the rank of Government Building Surveyor (GBS) (D2) or Government Structural Engineer (GSE) (D2) and supported by seven Chief Professional Officers (CPOs), at the rank of Chief Building Surveyor (CBS) (D1) or Chief Structural Engineer (CSE) (D1), in managing six district sections (i.e. Sections A to F) and the Slope Safety Section. The district sections are responsible for duties relating to the control of unauthorised building works (UBWs) and building safety issues of existing buildings on a geographical basis. The major areas of responsibilities of the seven CPOs under EBDs 1 and 2 are as follows –

- (a) CBSs/A, B, D & E and CSEs/C & F are responsible for the management of their respective sections and formulation of operation plans for implementation of the building co-ordinators approach in the enforcement of removal of UBWs, and the inspection and repair of dangerous or dilapidated buildings; inspection in response to emergency and non-emergency reports on dangerous or dilapidated buildings and UBWs; patrol in dedicated and hotel concession areas for irregularities and the necessary follow-up enforcement actions; large-scale operations (LSOs) on inspection/repair of dangerous or dilapidated buildings not included in the Mandatory Building Inspection Scheme (MBIS); LSOs on rectification of irregularities of building works associated with sub-divided flats; and the enforcement of inspection and repair of windows in non-MBIS target buildings under the Mandatory Window Inspection Scheme (MWIS). They also appraise and endorse the senior professional officers' recommendations on matters relating to closure/demolition/investigation of dangerous or dilapidated buildings, change in use, complicated UBWs cases and MWIS; supervise the issue of statutory notices/orders relating to UBWs, dangerous and dilapidated buildings, change in use and MWIS as well as the approval of inspection/ investigation reports and remedial proposals submitted by qualified persons (QPs)/authorised persons (APs)/registered structural engineers (RSEs) for compliance with statutory notices and orders. Besides, they are responsible for supervising and monitoring the enforcement actions for default notice/order cases. CBS/E and CSE/F are also responsible for supervising the operation of the Joint Office established jointly with the Food and Environmental Hygiene

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Department to deal with water seepage nuisance in existing private buildings. CSE/C also attends meetings and follows up on issues relating to illegal structures on agricultural land in the New Territories areas.

- (b) CBS/Slope Safety supervises the day-to-day operation of the Slope Safety Section, co-ordinates with the Geotechnical Engineering Office of the Civil Engineering and Development Department to formulate the policy and strategy on slope safety measures under the Buildings Ordinance (Cap. 123) (BO), and approves the service of statutory orders, plans for remedial works to make safe dangerous hillsides and ensures that the works are carried out properly. He also procures, administers and manages consultancy agreements and slope works contracts for default works; and approves works orders and authorises payments in connection with slope remedial works required in default of the owners who fail to comply with the statutory orders.

Mandatory Building Inspection Division (MBID)

2. The MBID is headed by an AD at the rank of GBS/GSE (D2) and underpinned by two MBI Sections and the Fire Safety Section to implement the MBIS and MWIS, and handle fire safety improvement works of old buildings. The major areas of responsibilities of the three CPOs at the rank of CBS or CSE (D1) under MBID are as follows –

- (a) CSE/MBI1 and CBS/MBI2 are responsible for the management of the respective MBI sections and supervision of the implementation of the MBIS/MWIS with the objective to ensure building safety. They formulate implementation strategy and details, prepare operation guidelines and procedures for the implementation of the MBIS/MWIS; set and monitor various works targets; liaise with other non-government organisations pertaining to the implementation of the MBIS/MWIS; prepare and supervise the execution of consultancy contracts for outsourcing part of the section's work; and lead their sections to co-ordinate and handle all the issues including enforcement matters relating to building and drainage defects, UBWs, LSOs and reports on UBWs under construction in the MBIS target buildings. They also supervise the issue of statutory notices/orders, assess and endorse senior professional officers' recommendations including the proposals from APs/RSEs/Registered Inspectors/QPs, monitor enforcement actions, attend various meetings, and investigate and respond to complaints, and review the existing

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departmental policies, administrative and operational procedures and work practices. CBS/MBI2 also manages and supervises Operation Check Walk for rectification of illegal alteration and misuse of the facilities for the disabled in commercial buildings and follows up on backlog cases of defective/misconnected underground drainage systems.

- (b) CBS/Fire Safety is responsible for the management of the Fire Safety Section and supervision of the implementation of the Fire Safety (Commercial Premises) Ordinance (Cap. 502) and the Fire Safety (Buildings) Ordinance (Cap. 572) (collectively known as the 'Fire Safety Ordinances') with the objective to provide better safeguards against fire in existing target premises and buildings. He also formulates implementation policies as well as guidelines in adopting the flexible and pragmatic approach for the implementation; sets and monitors various work targets including those promulgated in the Controlling Officer's Report; and liaises with the Fire Services Department pertaining to the implementation of the Fire Safety Ordinances. He also approves plans and supervises the issuance of relevant orders under the BO for works in relation to the implementation of the Fire Safety Ordinances, and reviews the existing departmental policies, administrative and operational procedures and work practices. He also supervises the campaigns on publicity, the preparation and execution of consultancy contracts for outsourcing the section's work aiming at educating the public on the importance of improving fire safety measures as well as exploration of alternative measures available for compliance.

Corporate Services Division (CSD)

3. The CSD is headed by an AD at the rank of GBS/GSE (D2) and comprises the Minor Works and Signboard Control Section, the Technical Services Section and the Legal Services Section, each of which is headed by a CPO or Chief Officer at the rank of CBS or CSE (D1) whose major responsibilities are as follows –

- (a) CPO/Minor Works and Signboard Control is responsible for the management of the Minor Works and Signboard Control Section and supervision of the operations of the MWCS, the Signboard Control System (SCS) and LSOs on removal of unauthorised signboards not eligible for joining or not joining the validation scheme. He appraises and advises on the senior professional officers' recommendations on matters relating to MWCS and SCS; supervises the processing and co-ordination of audit checks of minor works submissions; and the

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processing of validation submissions for existing unauthorised household minor works and existing unauthorised signboards submitted by prescribed building professionals or registered contractors. Besides, he supervises and monitors enforcement actions for default notice/order cases including referrals for prosecution, government contractor actions, paylisting of accounts and cost recovery actions. He also investigates and responds to complaints from the public, the media, the Ombudsman, the Legislative Council and other agencies and conducts reviews as necessary on the issues revealed from these complaints and formulates appropriate improvement measures.

- (b) Chief Officer/Technical Services oversees the provision of general and technical services including the compilation and analysis of management statistics; formulation and overseeing the implementation of departmental staff training and development plans; monitoring and review of service standards; monitoring of cases referred by the 1823 Call Centre and the Ombudsman; monitoring of responses to general enquiries and complaints from the public; updating of practice notes and handbooks; ensuring the conformity of technical standards under the BO; arrangements for exchanges with mainland/foreign counterparts; and other public relation matters. He also draws up and oversees the implementation of computerisation strategies and co-ordinates the development and use of information technology; formulates an overall plan on the services concerning various public and in-house building information systems and oversees their implementation. Besides, he supervises the Research and Development Unit to carry out technical and technological research and development to support the operation divisions; and oversees the administration of registration of APs, Structural Engineers, Geotechnical Engineers, Inspectors and Contractors. He also oversees the overall administration of pre- and post-contract activities of works contracts and consultancy agreements and emergency services provided by BD; and researches, co-ordinates and makes recommendations on specific or management issues as and when required.
- (c) CBS/Legal Services supervises the Legal Services Section to provide legal services to all operation divisions, including the processing and administration of requests for legal advice on interpretation and application of the BO and its subsidiary legislation and consultation with the Department of Justice. He supervises prosecutions under the BO and the two Fire Safety Ordinances. He also supervises disciplinary actions, appeals, judicial reviews and litigations relating to building control under the BO and other related enactments.

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Besides, he supervises legislative reviews and legislative process of new legislation or legislative amendments proposed by the operation divisions and to comment on legislative proposals by other bureaux and departments for conformity with the building control policies and legislations administered by BD. He also carries out research on legal issues relating to building control as and when required.

New Buildings Divisions (NBDs) 1 and 2

4. The NBD1 is headed by an AD at the rank of GBS (D2) and comprises six sections, each of which is headed by a CPO at the rank of CBS (D1). The division is mainly responsible for, through scrutinising building proposals, ensuring that new private building developments as well as alteration and addition (A&A) works to existing buildings are carried out in accordance with the requirements of the BO and the regulations thereunder and that the general building planning, design and construction comply with the required safety and health standards. The NBD2 is headed by an AD at the rank of GSE (D2) and comprises four sections, three of which are each headed by a CPO at the rank of CSE (D1) and one by a CPO at the rank of CBS/CSE (D1). The division is responsible for processing all structural engineering aspects of new building proposals and A&A works to existing buildings as well as monitoring site safety. The major responsibilities of the CPOs under NBDs 1 and 2 are as follows –

- (a) The six CBSs under the NBD1 are responsible for the day-to-day administration and management of their respective sections with a view to controlling all private building developments as well as A&A works in existing buildings within their geographical areas. They supervise the work of the building surveyor grade staff under their charge in the performance of their duties and ensure the proper application of the BO. They carry out fundamental checks of new building proposals, scrutinise and endorse recommendations from their subordinates in respect of approval of plans, issue of occupation permits for completed buildings, issue of temporary building permits and other matters. Besides, they review the recommendations on applications under section 16 of the Town Planning Ordinance (Cap. 131); and assess appeals against the decisions of the Building Authority and offences under the BO and recommend appropriate course of actions. They also assist in the continuous review of planning and design of buildings under the BO and its Regulations, administrative procedures and work practices, and follow up with drafting or revising practice notes, codes of practice, guidelines, circular letters, etc.

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- (b) The three CSEs under the NBD2 are responsible for exercising the overall control on the structural engineering aspects of new building development activities within their respective geographical areas for compliance with the BO. They consider the approval of structural submissions for new building developments and A&A works under the BO; assist in the continual review of structural engineering aspects of the BO and its Regulations, administrative procedures and work practices, and follow up with drafting or revising practice notes, codes of practice, guidelines, circular letters, engineering manuals and discussion papers. They also exercise overall management of staff including supervision, training, planning, monitoring and control of staff; and provide situation reports, advice and comments on any new building developments or assignments under their purview.
- (c) Chief Officer/Site Monitoring formulates policies and procedures for the Site Monitoring Section; considers problematic sites and decides on the course of actions including the issue of cease works orders and remedial works orders under section 23 and 24A of BO respectively and/or prosecution and disciplinary actions; advises AD/NB2 on matters pertaining to active construction sites and demolition sites, and assists AD/NB2 to formulate policies for the combating of safety and quality problems of construction sites; and exercises overall management of staff including supervision, training, planning, monitoring and control of staff.

5. In the light of their major duties, and commitments and workload of their divisions as mentioned above, the existing CPOs or Chief Officers in BD are already fully engaged and will not have any spare capacity to take up the additional work of the proposed post of CPO/Village Houses without adversely affecting their own schedules of work.

For information

CB(1)836/11-12(01)

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

**Enforcement against unauthorised building works
in New Territories Exempted Houses:
Staff consultation on the proposed creation of a supernumerary
Chief Building Surveyor/Chief Structural Engineer post (D1)**

BACKGROUND

At the meeting of the Subcommittee on Building Safety and Related Issues held on 8 December 2011, Members considered LC Paper No. CB(1)524/11-12(01) and supported in principle the proposed creation of a supernumerary Chief Building Surveyor (CBS)/Chief Structural Engineer (CSE) post (D1) in the Buildings Department (BD) to coordinate the implementation of the enhanced enforcement strategy against unauthorised building works (UBWs) in New Territories exempted houses, generally referred to as "NT village houses". In that connection, Members also noted the concerns raised by the Buildings Department Survey Officer Working Group (BDSOWG) and the Buildings Department Technical Officer Working Group (BDTOWG) regarding the proposed creation of post. They therefore requested the Administration to conduct further consultation with the staff concerned and to report the outcome in a paper to the Panel on Development before submitting the proposal to the Establishment Subcommittee.

2. This paper provides the information requested.

STAFF CONSULTATION

3. The relevant staff associations in BD, namely the Buildings Department Local Building Surveyors' Association (BDLBSA), the Buildings Department Structural Engineers' Association (BDSEA), BDSOWG, BDTOWG and the Buildings Department Non-Civil Service Contract Staff Association (BDNCSCA), were first consulted on the proposed creation of the supernumerary CBS/CSE post on 1 December 2011.

In light of the concerns raised by some staff, the Deputy Director of Buildings met with representatives of the five staff associations again on 16 December 2011 to further explain the proposal and to address their concerns.

4. Of the five staff associations, the BDLBSA and BDSEA were in general supportive of the proposal. Both associations considered that their members should be fully capable of discharging the duties of the proposed CBS/CSE post. They were also of the view that, given the scale and large volume of work involved, the proposed CBS/CSE post should be created on a permanent basis.

5. On the other hand, the BDNCSA emphasized the time-limited nature of the exercise and considered that the work should be discharged by temporary staff such as those employed on non-civil service contract terms, rather than by civil servants on permanent establishment.

6. The BDSOWG and BDTOWG held more divergent views. They did not see benefits from the creation of a CBS/CSE post, provided that there were sufficient technical supporting staff and effective management of the outsourced consultants. They considered that rather than engaging consultants, the work involved should be carried out by BD staff, with the creation of more technical staff posts, including those at senior ranks, for investigation of UBWs, checking the work of the consultants and operating the reporting scheme for UBWs in NT village houses, etc. They also criticised the quality of the outsourced consultants, which allegedly led to unnecessary detailed checking, correction and inspection by BD technical staff. Details of their concerns are stated in their submissions which had been circulated to Members by the Legislative Council Secretariat.

7. At the meeting on 16 December 2011, BD management explained at length to the staff representatives the background and the need for setting up a dedicated Village Houses (VH) Section which would be headed by a supernumerary CBS/CSE post and supported by some 40 non-directorate staff for implementation of the enhanced enforcement strategy against UBWs in NT village houses.

8. The BD management assured the staff representatives that their views and concerns had been carefully noted. Staff members were informed that the new VH Section would comprise all the four departmental grades

(viz Building Surveyor, Structural Engineer, Survey Officer and Technical Officer) and that the ratio between the two professional grades and the two technical grades in the new section would broadly be 1:1. Detailed arrangements of the new section would be worked out by an internal working group and all the stakeholders, including the staff associations, would be involved in the process. BD management would continue to maintain dialogue with the staff with a view to enhancing communication and addressing the concerns of the staff. It may be noted, in regard to the number of technical posts on permanent establishment in the BD, that this has already been increased from 308 in April 2011 to 370 at the end of November 2011, an increase of 62 posts, or 20% of the original establishment.

9. The issue of consultancy management was also discussed at the meeting. BD management explained that the outsourced consultancies were needed partly for project based tasks which were time-limited in nature. Another category of outsourced consultancies was to provide a rapid response to reports on UBWs under construction (works-in-progress cases). The Administration has to ensure the best use of resources when deciding on the right mix of civil servants and outsourced consultants in discharging the tasks. Nevertheless, BD management fully recognised the need to ensure effective management of the consultants and would listen to the views of all staff including those from the two Working Groups on ways to improve the performance of the outsourced consultants.

WAY FORWARD

10. Having regard to operational needs and after taking into account the views of staff on consultation, we are satisfied that the proposal to create a supernumerary CBS/CSE post, which had the support of Members at the meeting on 8 December 2011, should go forward. We therefore will submit the proposal to the Establishment Subcommittee for recommendation in February 2012 and, afterwards, to the Finance Committee for approval in April 2012.

Development Bureau
January 2012