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主席:

我們開始就審計署署長第三十六號報告書進行公開聆訊。這節聆訊會再就報告書第1章有關管制公用事業機構掘路工程的跟進審查。證人包括署理路政署署長劉譽德先生、路政署副署長黃志強先生、工務局局長李承仕先生及工務局首席助理局長潘明高先生。劉慧卿議員。

劉慧卿議員:

主席。今次聆訊是上一次聆訊的延續,上一次我們主要集中在報告書的第六部分,有關實施掘路許可證收費計劃及新的處罰制度。由於這部分的問題還未完結且具爭議性,所以可能還有議員想就此提問,但我們都希望可以開始第三部分及第四部分。或許我們先作一個決定:究竟我們應先討論第六部分,還是第三部分?剛才朱議員好像想就第六部分提出問題。請主席決定吧。

主席:

我想大家都同意第六部分還有些事項需要繼續跟進,那麼,我們就繼續討論第六部分。

劉慧卿議員:

朱議員先發問吧。他想問第六部分。

主席:

朱幼麟議員。

朱幼麟議員:

主席。我想就掘路許可證的收費問題詢問政府,現時政府只根據內部工作成本來收取掘路許可證的費用,政府有沒有考慮到社會的成本?因為掘路對社會的成本是遠遠高於政府以1,000元或1,400多元發一張掘路許可證的工作成本。如果政府考慮到社會的成本,可否通過掘路許可證的收費政策或罰款來鼓勵公用事業機構盡快完成他們的工作?例如鼓勵或規定他們一定要24小時施工,不過,施工當然要在環保的原則下進行,在一些重要的道路上施工,便一定要24小時施工,以其他限制或鼓勵使他們更快完成工作?政府除了在掘路許可證收費上要求收回成本外,有否考慮過這些問題?謝謝主席。

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主席:

李局長。

工務局局長李承仕先生:

多謝主席。正如我在上一次聆訊時提及,我們現在考慮掘路許可證的收費方向,除了要收回政府內部成本外,也要考慮道路的經濟費用。在我們的整體建議完成後,便會諮詢有關的公用事業機構,並會諮詢立法會的事務委員會。我們當然希望公用事業機構能夠盡快完成掘路工程,但是否一定要規定24小時施工,便必須視乎道路的實際環境和施工所帶來的影響,這一點可能未必可以做到,但掘路許可證的費用是會加上道路的經濟費用,藉這些誘因使公用事業機構能盡快完成掘路工程。

主席:

我想朱議員的意思是在掘路許可證的發牌條件上,包括落實和執行環保及時 限等要求。

工務局局長:

主席。現時有關掘路許可證已有很多條款限制,審計署署長報告書已把這些 條款歸納為幾類,如果我們認為有需要,當然會因應每個掘路地點的需要而制訂條 款。

主席:

劉慧卿議員。

劉慧卿議員:

主席。其實上次聆訊時我也認為最重要是計算出經濟社會成本,至於由誰支付這成本,可於日後再作討論。計算出來的結果可能很具爭論性,但始終都要計算出來。我想問局長,報告書第6.16段的表六,是有關修訂後的掘路許可證費用建議,2000年1月的建議是1,000多元,11月又建議為1,500元,這是否仍未包括你所指的社會經濟成本?假如將來包括社會經濟成本,費用是否會高很多?

主席:

局長。

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工務局局長:

主席。對的。報告書第6.16段表六的建議費用基本上只是收回成本,還未計算道路的經濟成本。假如包括道路的經濟成本在內,估計將來的費用比報告書內的數目為高。

劉慧卿議員:

主席。我們並不是事務委員會,不應討論政策,但我們要做報告,事情又一直有變動,相信局長在我們寫報告前對事件還沒有定論。由於局長未有實在的建議,所以即使我們想就局長的建議作出建議也不可能。加上他表示表六的建議已過時,但局長仍未有最新的建議,究竟局長想委員會怎樣做?

主席:

局長。

工務局局長:

主席。雖然我們還未有掘路許可證的實際費用的最新建議,但我們正考慮收費的大方向,就是除了收回成本外,還會加上道路經濟成本。當然委員會可以提出贊成或反對這意見。

主席:

李局長。讓我試試反映委員會對處理這事情的看法。審計署署長報告書的做法是,如果政府已經有一個既定的政策卻遲遲不落實執行,審計署及政府帳目委員會的角色就是詢問政府為何遲遲不落實執行這政策;但如果政府還未訂定政策,或正在考慮會否制訂,那麼,委員會便要很小心地考慮如何處理,委員會不會建議政府應該或不應該做,因為這是事務委員會的工作,政府帳目委員會與事務委員會亦沒有不一致的地方。其實,劉慧卿議員及委員會都很想知道究竟政府是否已經有一個既定政策?如果有,我們會關心政府何時執行;如果還未有既定政策,委員會不會和政府討論政策應該是怎樣的,因為這是事務委員會與政府商討的事項。所以,局長剛才表示政府仍在考慮當中,這樣對委員會在處理時會構成一定程度的困難。李局長。

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工務局局長:

主席。我在多次作證時都指出政府的方向很清晰,我們會在掘路許可證的費用中加入社會經濟成本。但究竟社會經濟成本是多少?我們還在計算當中。政策的方向是清晰的,只是報告書表六所載的掘路許可證費用建議仍在修訂中。

主席:

局長的意思是政府已決定從牌費或其他方式反映社會經濟成本,至於如何計算,以及由公用事業機構承擔多少則還未有決定。

工務局局長:

料。

主席:

劉議員,相信已較清楚了。

劉慧卿議員:

我同意局長說政府已訂出了方向,政府帳目委員會以往亦訂出了方向,在這基礎上我們可以作出討論,但在過程中,局長指放在我們面前的報告書的資料已經過時,因為你想再作修訂;委員會在完成報告前又未能得到最新的資料,實在令委員會有點為難,不過,屆時仍未有決定則委員會只好再考慮其他辦法了。

主席:

我們必須完成報告,但報告如何反映今天的討論,在職責範圍內我們有一定 程度的限制。大家是否同意先討論第六部分未完成的地方?張宇人議員。

張宇人議員:

主席。我想就上次聆訊提及自72年以來,違反掘路許可證規定罰款從未執行的問題再作討論,我亦希望審計署作出回應。報告書第六部分註26道出當局增加建議最高罰款,審計署是否瞭解因這法例自72年以來一直存有灰色地帶而從未執行呢?由於掘路許可證是發給公用事業機構,但掘路的卻是承建商。因此,即使違例也難以引用這法例控告承建商,亦不能控告公用事業機構,因為並不是他們掘路。審計署已做了3份報告書,究竟署方、局方或者審計署有否發覺這項法例存有灰色地帶,必須修

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例以便作出檢控?我們討論收費和誘因,希望建築公司不會隨便掘路,亦希望他們不 會拖延掘路工程。請問李局長或審計署署長可否就這項法例提出意見?

主席:

先請局長就為何30年來都沒有引用這項法例作出檢控作出回應。局長何時知 道引用法例時有困難?如果知道,為何現在才考慮修例?

工務局局長:

主席。這是執行方面的問題,我請路政署的同事回答。

主席:

好。署長。

Mr R H Lloyd, Acting Director of Highways (Atg D of Hy):

We have not prosecuted any utility undertaker but we do have other teeth in terms of the permit itself. If a contractor on behalf of a utility undertaker is not performing we can withdraw the permit. If the utility undertaker wishes to extend that permit because he has run out of time we can refuse, if he has not performed, to issue that extension. In the future, if he applies for further permits for other works, we can refuse to issue an excavation permit for that. So those are the teeth that we have used in the past, and it has not been necessary to in fact prosecute under the legislation.

主席:

張宇人議員,我也想就回應作出跟進,但你先作出跟進吧。

張宇人議員:

主席。我覺得這回應並不適當。第一,有法例規定違法者需要罰款;第二,如果公用事業機構違例卻不以罰款處罰,卻以將來不准許公用事業機構掘路作罰則,你如何向中電表示不批准其掘路呢?

主席:

應該適用於所有公用事業機構,而不只是一間公用事業機構。

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張宇人議員:

我只是舉例,是否不讓所有公用事業機構掘路?其次,既然有這項法例,現在還想增加罰款,但卻從來未引用這項法例作出檢控。有這法例至少可以有阻嚇作用,只是警告不讓其掘路,公用事業機構是不會害怕的。署長表示無需透過提出檢控已可起阻嚇作用,那麼,不如取消法例好了。

主席:

我相信很多議員對署長的回應有意見,或者請署長解釋後才再提問。

Atg D of Hy:

The problem has been that the permit has been issued to the utility undertaker. The contractor is not complying with the conditions embodied in the permit, but because we have not issued the permit to the contractor we have been unable to prosecute him.

Chairman:

I think we understand that. If you do not mind me slightly paraphrasing Mr CHEUNG's question, is it not a bit extreme to withdraw the licence. Surely the intent of the law is to provide you with a range of options and penalties. If the Government or Administration now informs this Council that that law is not necessary I think Mr LEE will have substantial difficulty presenting a revised law or amendment law to us later. Then we will say that: "we have evidence from the Director saying that this law is not necessary. Why are you amending it?" Do you see my point?

Atg D of Hy:

Yes. I do.

Chairman:

So when you give that evidence or reply which goes on our official record I think you have to be extremely careful. Perhaps Mr Lee wants to say something about this too, because you might be the one as policy secretary to come up with the amendments.

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工務局局長:

主席。我沒有特別補充。因為剛才我也提及在執行方面,第一,這項法例是由規劃地政局負責;第二,執行是由路政署負責。最終還是由路政署衡量情況才決定是否需要引用法例去提出檢控。故此,我還是請負責執行方面的路政署的同事作答。

Chairman:

Mr WONG, would you like to give a supplementary reply? Mr WONG?

路政署副署長黃志強先生:

主席。由72至96年期間,路政署在執行這法例時沒有遇到特別困難。直至1996年,我們發現有公用事業機構違規,於是便諮詢法律意見,才明白這法律意見內的含意,於是在97年路政署便立即預留立法會會議的時段,希望能夠修改法例,以便有效地執行。其實路政署於1997、1999、2000及2001年均有預留立法會會議的時段,由此可知路政署確實有修改這項法例的意向,路政署知道只有修改法例才能填補這個灰色地帶。

主席:

其實我也有很多問題,但劉慧卿議員已等候了一段時間,請她提問吧。

劉慧卿議員:

主席。我相信路政署於96年並非刻意就這項法例諮詢法律意見,你稍後可以證實。其實就當時稱為核數署署長報告書,立法局的政府帳目委員會亦已就這問題召開聆訊及撰寫報告,大家都知道這項法例存有漏洞。那已經是第二份報告了。第一份提及這問題的核數署署長報告書在1991年提出,我當時剛剛進入立法局。現在黃先生像要告訴委員會,他在96年發現問題時已立刻處理,但事實並非這樣。第一,我想黃先生證實為何路政署在96年會諮詢法律意見?第二,91年政府帳目委員會亦已經就有關問題作出建議,事情擾攘多年,署長卻說一直都不需要,你是否想推翻以往所有審計署及政府帳目委員會所作的證供?

路政署副署長:

不是。

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劉慧卿議員:

即署長同意問題並非在96年突然被發現的,而是已經存在多年,只是路政署 在政府帳目委員會第二份報告再提這問題,被迫要處理這問題才發現這漏洞,事實是 否這樣?

路政署副署長:

是。

劉慧卿議員:

主席。我同意張議員所說,這項法例早於72年已經存在,其實你們是失職。路政署多年來都沒有執行這項法例,如果路政署在70年代已就這項法例諮詢法律意見,結果可能和96年所得的結果相同,你們便應該修例。我們明白掘路許可證並非發給承建商而是公用事業機構,所以不能檢控違例的承建商。署長,你認為是否有人失職呢?剛才李局長表示署方是負責執行的部門,所以與局方無關。你們由72年拖延至今已有二十多年仍未能決問題,掘路問題一直存在,不是在96年才出現的,是否有人知道問題而不去解決呢?署長剛才提到路政署有其他的"牙",無須運用這項法例,例如收回許可證、不予續期、再次申請許可證時不予批准等,路政署行使了多少次此等罰則呢?路政署以這些"牙"咬了多少口呢?

主席:

黄先生。

路政署副署長:

根據路政署的紀錄,拒絕發出掘路許可證在99年有181宗、2000年有228宗、2001年到目前為止有78宗,路政署是有運用這些"牙"的。

主席:

黃先生。我認為拒絕發出許可證和發出許可證後如何落實執行是兩回事。議員特別關注由72至96年的24年間,署方表示曾使用其他方式去管理,劉慧卿議員已經很客氣,因為這問題對社會的影響非常嚴重,所以大家都十分關注落實管理的問題。如果由72至96年均沒有行使這項法例,你們現在指出有其他方式去管理,我們很想瞭解72至96年間的情況。我知道現在要求取得有關資料會感到很困難,但我們一定會作出跟進,究竟路政署在72至96年間以何種方式執行發牌條例的要求。對我來說,這跟

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拒絕發出許可證是兩回事。如果路政署拒絕發出許可證予承建商,即表示根本不能掘路,但現在大家關注的是路政署發出許可證予承建商後如何落實執行法例,黃署長所提供的資料用途實在有限。

至於路政署在96年才諮詢法律意見,似乎反映了路政署沒有考慮過這項法例,剛才黃先生回答時表示"沒有問題",我相信你對"沒有問題"這句話需要認真補充,因為委員會會考慮如何反映我們對此事件的看法。路政署由72至96年從未落實執行或考慮過這項法例,這證供在將來修訂法例時委員會或立法會都一定有紀錄,甚至議員都會記得,所以黃署長要小心如何回應這問題。黃先生。

路政署副署長:

好。

主席:

大家是否需要黃署長即時給予答案,還是可以作書面補充?

張宇人議員:

書面補充吧。即使繼續詢問,每次的答覆都是不滿意的。

主席:

好的。張宇人議員,你是否想審計署署長也就這問題作答,這是審計署署長 第三份報告書,並非第二份。署長。

審計署署長陳彥達先生:

主席。我希望能協助委員會瞭解事件的進展。請議員參閱審報告書第1.6段至第1.9段,路政署突然於1996年諮詢法律意見,可能是因為要跟進政府帳目委員會的建議。1995年3月審計署署長第二十四號報告書提出其中一個項目就是罰款問題;報告書第1.9(c)段指出政府帳目委員會在1995年7月公布的第24號報告書中建議,"懲罰無充分理由而令工程延誤的公用事業機構。"其實是政府帳目委員會提出這事件,路政署在1996年跟進對違例者作出懲罰時諮詢了法律意見,意見指出不能落實執行法例,路政署是跟進政府帳目委員會的建議,所以才在1996年諮詢法律意見,經諮詢過認為不能懲罰違例者。事件的進展情況可能是這樣的。

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主席:

黃先生。審計署署長所說的與你所說的有不一致的地方。雖然你後來回答劉 慧卿議員時承認是政府帳目委員會對路政署作出建議,才去徵詢法律意見,這答案是 正確嗎?

路政署副署長:

是。

主席:

路政署不是就某一件事件,而是就法例的原則去諮詢法律意見?你是就一宗 個案要求取得法律意見,還是因政府帳目委員會的建議而諮詢法律意見呢?

路政署副署長:

96年路政署是發現一宗違規事件,藉此諮詢法律意見;但你所說的也是正確的,即報告書第1.6段,路政署也關注到審計署的提議。

主席:

張宇人議員。

張宇人議員:

主席。剛才署長提及報告書第1.9(c)段,相信議員都看過那一段,但就我而言,那一段的內容不能使我引伸到72年的那項法例原來是沒有"牙力",是不能作出檢控的。即使是報告書第二十五頁,再次提到要修訂違反掘路許可證收費的罰款建議,亦不能突顯出這項法例是不能落實執行的。請問審計署署長,是否在之前的兩份報告書中都看不到這問題,甚至這份報告書中也突顯不到這問題,現在要經過討論後才發現這項法例原來是不能落實執行呢?請問審計署署長是否在1995年及2001年的兩份書告書內都未能發現這項法例是沒有"牙力",是"無牙老虎"呢?原來這法例是從未執行過的。

審計署署長:

主席。我們不會針對某一項法例去研究,我們針對的是路政署沒有對違規者作出懲罰,至於不作出跟進的原因,應該由部門作出跟進,因為我們並非法律顧問。

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主席:

劉慧卿議員。

劉慧卿議員:

主席。剛才提及跟進以往政府帳目委員會的建議,根據1992年1月的政府帳目委員會第17號報告書,相信局長聽後應該明白的。當時的工務司在第6.10段答覆時表示:"The Secretary for Works...... fully appreciated the seriousness and the magnitude of the problem, as indicated by the fact that there were some 47,000 road openings in 1990 in the 1,484 kilometres of roads in Hong Kong."。主席,90年已經有4萬多項掘路工程,與現在差不多。

主席:

要看是否把大、小的掘路工程也計算在內呢?

劉慧卿議員:

大、小掘路工程共約7萬多項,90年已有4萬多項掘路工程。當年不知誰是工務司,在第3小段當時的工務司又說:"He was looking into ways of tightening up the excavation permit system, including the suggestion to impose penalty charges for permit extensions."。當時工務局已經考慮到這些問題,可能當年政府帳目委員會亦沒有密切跟進。部門要諮詢法律意見,92年便應該諮詢了,為何會遺漏呢?事情並非在96年發生,應該在我剛入立法局便已經開始討論了。這問題已經討論了10年,直至現在還在討論中,局長如何看你的"前身"呢?

主席:

當時的工務司與現時的工務局局長在職責和分工上可能有所不同。李局長可 以回答嗎?

工務局局長:

主席。我要坦誠地說明從前的事我沒有接觸過,因我今天出席聆訊主要是回應審計署署長第三十六號報告書。或者我再次重申,工務局有很清晰的政策,報告書第1.11段載述,"在1995年10月的政府覆文中,當局接納政府帳目委員會的建議。"即是說工務局會盡快實施掘路許可證收費計劃。從時間表看來,工務局一直希望盡快作出處理,把立例的建議提交立法會。過去,工務局預留了4個立法會會議時段,可惜

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因不同原因而沒有運用這4個時段。我在星期一聆訊時曾清晰地表示,我們會盡快完成最新的建議,然後諮詢公用事業機構及立法會的事務委員會,我希望在下一個立法年度可以提交修訂建議予立法會審議。時間表及政策都是很清晰了。

劉慧卿議員:

主席。這些是將來要處理的事項,我們要提問的都差不多了,我們會作出最後的結論,看看誰人失職,以及誰人沒有履行職責,每年有數萬個掘路工程,香港因而付出經濟和社會的代價,相信委員會會作出結論。

主席:

似乎不單是道路塞車,這項法例也一樣在"塞車"。我相信管理道路之前必須 先管理這項法例,使修訂法例能夠盡快通過。張宇人議員,請你提出其他關注的部分?

張宇人議員:

主席。我相信餘下的時間我們討論報告書第三部分,關於呈報工地巡查結果。報告書第3.10段提及"在2000年1月,研究拓展部對1999年11月和12月的違反規定統計數字作出分析。分析結果顯示,路政區人員沒有記錄到不妥善之處的巡查,佔1999年11月進行的巡查的78%,而1999年12月,則有91%。"請問署長,為何路政署的前線人員在巡查時沒有紀錄到不妥善之處的巡查所佔的百分比那麼高?

主席:

昔先生。

路政署副署長:

報告書第3.10段所指並非不妥善的紀錄,應該是"沒有記錄到不妥善之處的巡查",即是沒有違規,no defect的情況,在1999年11月進行的巡查有78%,12月則有91%。報告書第3.10段及第3.11段說明路政區人員與研究拓展部所持的觀點不同。第3.11段表明研究拓展部對違規的監管較為嚴緊,所以他們看到沒有違規的掘路工程只是28%;而路政區人員看到沒有違規的掘路工程是78%,即路政區人員執法較為寬鬆。路政署為了使所有人員都以同一標準來監察公用事業機構有否違規的情況,便進行標準化巡查。據我們研究所得,出現這種差距是因為路政區人員的經驗不足,因此,我們提供較多在職訓練,讓較熟識的人員執行區域的巡查工作。

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主席:

張宇人議員。

張宇人議員:

主席。我想作出一些跟進,但無需署長回答,因為很多同事還在輪候提問。 我實在不明白黃署長答覆所表達的意思,同一個部門的管理階層和前線工作人員在巡查時的標準可以有這麼大的分別,差距有這麼大的百分比。報告書第3.3段提及的工地 巡查清單又沒有說明不妥善之處;雖然你指他們有執行巡查工作,只是巡查的標準不同,但我們並不知道他們是否真有執行巡查工作。為何巡查結果會相差那麼大呢?進行標準化巡查行動並無記錄到不妥善之處的巡查的百分比仍相當高。或者請其他議員 跟進這問題吧。

主席:

李華明議員,或許由你跟進。

李華明議員:

主席。張宇人議員提出的一點,即兩批路政署員工巡查公用事業機構違規情況所出現的分歧,竟然討論了3年,由98年2月討論至今,仍然未劃一違規的準則。令我最詫異的是,報告書第3.7(a)和(b)段,根據研究拓展部的意見,路政區人員不願記錄所有不妥善之處的原因是,第一,員工傾向於不理會輕微不妥善之處;第二,更令我擔心的是,路政區人員可能為了與承建商保持良好工作關係,所以未必會把不妥善之處記錄,讓承建商盡快作出糾正。路政署高層有否去瞭解這情況?會否邀請廉政公署防止貪污處去研究為何屢次發現員工沒有記錄不妥善之處?3年來的數次巡查都發現有違規工地不被記錄的情況,究竟你們有否把這些個案交予廉政公署防止貪污處去研究,工作關係良好會否構成危險呢?

主席:

我們指貪污出現的機會,並非指控某一宗個案或事實。黃先生。

路政署副署長:

路政區人員與研究拓展部在同日而在不同時間巡查工地,但因工地的情況不 斷轉變而有所不同,尤其是在馬路的工地,例如記錄"雪糕筒"的位置不正確,或者工 地有垃圾等,廿四小時都會有不同情況,因此,我們不排除研究拓展部人員和路政區

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人員各自在某一時段巡查,而工地的情況因為各種關係而發生轉變,所以我們應該接受某程度百分比的分歧。我們關注的是百分比有太大差距,所以路政署高層會不斷研究,尋找箇中原因,並且製訂指引,希望員工以相同標準來巡查。研究拓展部與路政區人員巡查後得出來的違規情況不可能是一樣的,如果每張巡查清單都一樣,那便是"作數"。至於會否出現貪污的情況,根據路政署的紀錄,似乎沒有這情況發生。

李華明議員:

主席。我不是詢問是否有發現貪污情況。即使有這情況,你未必會知道;沒有這情況則更好。我是指廉政公署的防止貪污處是專門為政府部門研究一些有可能出現貪污賄賂的情況,並會向政府部門發出一些指引。你是否曾經考慮過向廉政公署尋求指引呢?研究拓展部及路政區人員的看法不同,是因為兩者的巡查時間不同,所以巡查結果出現分歧是很自然的事。請問黃署長容許兩者之間的分歧有多大差距呢?根據審計署署長報告書,直至今天仍未有指引的定稿。不記錄輕微違規的情況是否可以容忍的?請問黃署長是否認為有分歧及不記錄輕微違規的情況是正常的,是否持這種態度呢?

主席:

黄署長。

路政署副署長:

主席。我不是容忍可以不記錄輕微違規的情況。我只想強調,即使研究拓展部及路政區人員在同日巡查相同工地,但由於時間不同,工地的情況會不停變動,例如一輛汽車駛經馬路旁的工地而撞倒"雪糕筒",研究拓展部的人員剛巧看到"雪榚筒"倒下,便記錄了這事件;但路政區人員巡查時,可能這宗意外還未發生,所以他們便沒有違規的紀錄了。

至於與廉政公署商談巡查掘路工作可能出現的貪污情況,其實廉政公署一直有為路政署做assignment,但是否有就巡查掘路工作做assignment,我需要翻查資料才能知道。但是,有關其他事項例如所有contracts等,廉政公署都有為路政署做防止賄賂的assignment。

主席:

李議員。

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李華明議員:

主席。我提出最後一項問題,報告書第3.15段指出,"截至2000年12月,路政署仍未為指引擬稿作最後定稿。"直至現在,研究拓展部與路政區人員是否仍未就巡查掘路工地的違規情況達至共識或有相同標準?

路政署副署長:

有的。路政署於今年4月已經發出了指引。

李華明議員:

今年4月。

主席:

黃署長可否提供副本予委員會?委員會很關注指引的跟進工作,並且可能會 請審計署署長一起研究。劉慧卿議員。

劉慧卿議員:

主席。我想跟進"與承建商保持良好工作關係"的問題。我認同要有良好的工作關係,但這種做法很容易令人有所誤會。因為路政署負責監管承建商的工作,但為了要保持良好關係,一些應該糾正的問題可能沒有被記錄。我明白黃先生指挑剔一些細微的事項,會令承建商感到吃力,這樣便更需要在指引中清楚列明,使巡查人員可以清楚如何執行。若巡查人員要與承建商保持良好關係,你有否留意到這樣做會在執行違規情況時存有很大的彈性?當然,路政署制訂的指引需要照顧員工在執行職責時不會被誤會偏袒某些人或過份挑剔。

此外,報告書第3.9(c)段,路政署把巡查次數改為"已巡查的工組數目",期望 "監工會較樂意把觀察到的不妥善之處記錄在清單上",雖然我已參閱過註11,但仍然 不明白把巡查次數改為"巡查的工組數目"的意思。報告書第3.12(a)段指出研究拓展部 向維修工作小組建議再次提醒路政區人員,長期及/或蓄意不記錄違反規定的情況會 被"視為並未妥善執行職務",即等同失職。這只是路政署同事間的勸諭,但從委員會 的角度來看便是失職。我們去年曾處理過一份關於路政署的報告,當時署長就某些人 的失職行為進行了紀律處分,請問黃署長就這事件有否進行紀律處分?

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主席:

黄先生。

路政署副署長:

主席。根據我們的經驗,研究拓展部與路政區人員在記錄標準上存有分歧。例如路政區某巡查人員可能對清潔的定義較特別,所以巡查工地時發現少許骯髒便不記錄;但研究拓展部人員可能較注重"雪糕筒"或路牌的清潔,在巡查清單上可能有較多"不妥當之處"的紀錄。由於出現此分歧,路政署會把每張在某時段內違規的巡查清單以百分比計算,即一張清單有違規情況,記錄便會顯示是違規,因此便可能引致路政區人員不記錄輕微違規的情況,但我們現在已改為已巡查工組數目,即每一工組包括數個項目,例如註11解釋工地違返了"安全 —— 工人"工組中"並未為工人安排適當通路"的項目,路政區人員便會在這項目上作出紀錄;而舊方法記錄的清單只有"有不妥善之處"或"沒有不妥當之處",在巡查清單上便會出現百分百違規的情況。現在以新的"工組"紀錄,在"安全 —— 工人"工組內便有三個不同的項目,巡查人員只記錄了一個違規項目,我們在計算百分比時只計算該段時間內全部的巡查"工組"結果,所以出現違規的情況會較少。由於巡查人員以"工組"作紀錄會較容易處理,而這樣亦能實際反映工地的情況。

主席:

劉議員,希望你明白黃署長的解釋。

劉慧卿議員:

主席。你是否明白呢?我相信有很多同事都不明白,不過,這已是其次,如果以黃署長剛才的解釋,究竟你的同事是否明白呢?他們如何執行指令?局長是專業人士,我不知道局長聽了這解釋後是否明白?黃署長剛才的解釋實在一團糟。我唯一得到的印象是把事情弄得模糊點,便可以容易處理,巡查人員亦較樂意去做。黃先生,連我們亦不明白,更重要的是署長的同事是否明白所需要記錄的項目?部門就"沒有妥善執行職務"有不同意見,有人表示這樣做已是失職,但亦有人指不是失職。黃署長現在是否想告訴委員會沒有進行紀律處分呢?還有,請你回答"與承建商保持良好關係"的部分。

主席:

黃先生,請你再組織才回答這問題,我們實在不明白。

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路政署副署長:

主席。就報告書第10頁表二註1所指,有關"記錄到有不妥善之處的巡查次數",在整個巡查過程中,如果有1個不妥善的項目,在該段期間的巡查便會把整張巡查清單歸納為不妥善和違規,即使一個很小或輕微的違規情況,已是不及格了;但如果以註2的"工組"方式計算,由於每"工組"有不同的項目,例如巡查人員在一個包括10個項目的"工組"記錄了1個違規項目,就如註11"安全 —— 工人"工組有3個項目,其中只有1個項目不及格,當時工地可能已完成10個"工組",那麼,工地的違規情況只有10%。但如果以舊方法"有不妥善之處的巡查次數"計算,清單上有1個不妥善項目的記錄,工地已是100%違規。

劉慧卿議員:

主席。你明白嗎?

主席:

好一點,但我也不能說完全掌握了黃署長的意思。可能像考車牌般,考試會分開不同部分,所以在考試期間學生可能犯上小錯誤,但仍不會被評為不及格,這可能是一種計分方法或方式,如果有3個或5個違規項目,在衡量所犯錯誤的嚴重性,計算後該"工組"超過某數量的輕微違規項目便被評為不及格。這做法是否有助計算比例時達到一個統一的標準?這是最重要的。而且,這個統一標準的計算結果可能較現在的違規百分率低,從而反映的問題可能沒有那麼嚴重。這做法是否令問題模糊了,我也不敢肯定。這只是我的理解・

Atg D of Hy:

It may be helpful if we were to give you a copy of the checklist so you can have a better understanding of what we are trying to say.

Miss Emily LAU:

Of both, before and after.

Chairman:

Yes, and probably the guidelines.

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Atg D of Hy:

And the guidelines as well.

Chairman:

I hope the guidelines will be clear. Do you have any training material for staff at all?

Atg D of Hy:

We have introduced a number of things recently, and perhaps if I just go through a checklist to tell you what we have done. Would that be helpful?

Chairman:

If it is not going to be too long it would certainly be helpful.

Atg D of Hy:

Regional offices regularly remind their staff, their site staff, of the need to record all defects. We have already indicated that we have issued the guidance notes and that was in April 2001. All marked-up checklists and record photographs that are submitted by the regional staff after site inspections are required to be counter-checked by the inspectorate staff. When any inappropriate or dubious markings are discovered, the inspectorate staff will carry out a joint inspection with the concerned work supervisor to clarify with him any anomaly. Next one is that inspectorate staff would conduct spot checks, and we will undertake independent calibration inspections at six monthly intervals. And in addition, the final one is that training courses will be arranged and have been arranged for site supervisory staff in 2000, and we will continue to do that.

Chairman:

I think some training material may be helpful for Members to understand it fully, but it seems to me that the objective of grouping work, the work nature ...

Atg D of Hy:

under categories ...

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Chairman:

... under categories would probably avoid confrontation with the contractors, I understand. If the work category itself did not so-called "fail to reach the standards" so you do not really have to confront them. I think that is the balance you are trying for. And by using this checklist you arrive at a common standard for the inspectors, as well as the people in the front line, so that if both will comply with that strictly I think the calibration exercise should not throw up such big deviations.

Atg D of Hy:

That is right. It should be much closer together.

Chairman:

That is the objective, I think.

Miss Emily LAU:

Chairman, I think that would be useful if the Director can provide us with the checklist, but I want the Director to respond to Paragraph 3.12(a), the observation by the Research & Development Division saying "persistent and/or intentional failure to record non-compliance will be regarded as failure to properly discharge their duties."

Atg D of Hy:

I can do that. That is correct.

Miss Emily LAU:

You agree with that?

Atg D of Hy:

I have to agree with that, yes.

Miss Emily LAU:

But do you agree that there has been negligence or dereliction of duty, then, and have people been disciplined as a result?

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Atg D of Hy:

I do not know whether people have been disciplined. There is probably a combination of work supervisors filling in a checklist but also phoning a contractor and saying, "you have not performed this. Get on with it." He will probably highlight over the phone the major non-compliance and say, "get down there and sort it out". It is not all done on a piece of paper. I think too often we get into a situation where we are doing everything in writing. The work does not get done because you are putting it in writing. You pick up the phone, you get the guy down there and say, "do this, do that", not write a form. I think there are far too many people sitting in offices filling in forms and not getting the work done and that is what we are after, getting the work done. And that can be done not only by writing a rude letter or filling in a checklist.

Miss Emily LAU:

Chairman, I think I agree with the Director. We are not encouraging paperpushers and so on, but you have got to have an audit trail, otherwise how does the Director work? If you say it is all done on the phone and the thing is, we do not see the results. We see so many holes, so much time being wasted, so much congestion being caused.

Atg D of Hy:

The point I am making is that the major non-compliances will be identified on a form. There will be others that may be there which are minor, but that can be sorted out on site.

Miss Emily LAU:

It is very difficult for us to draw any conclusion here, Chairman, then if he says there is a lot of work done over the phone when it is nowhere to be found in this report. But still, the question still remains, Paragraph 3.12(a) about dereliction of duty, about people who persistently and intentionally fail to record non-compliance. So that is, it is a fact, is it not?

Atg D of Hy:

Yes, that was a recommendation by the R & D Division that in that instance that would be taken as dereliction of duty, yes.

Miss Emily LAU:

And there have been such cases. That is why they made that observation. They did not just invent it out of the blue.

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Atg D of Hy:

That is probably correct, yes.

Miss Emily LAU:

That is why we want to know whether disciplinary action has been taken.

Atg D of Hy:

Well, I will have to give you a written reply on that because I do not have that information with me.

Chairman:

I think the Committee probably understands. I am trying not to draw a conclusion before we have our deliberations, but it seems quite apparent now that there is a weakness in the control system.

Atg D of Hy:

I think we acknowledge that, Chairman, and we are trying to implement improvement measures, and we have responded to the Director of Audit's report by saying how positive it is, and we will continue to try and improve, and that is what we have done.

Chairman:

Without a clear standard and clear guidelines and a proper system of checks and balances it may be, it may be difficult for the Department to implement or enforce certain disciplinary action. We probably recognise that, but having said that there are still major issues and there is a statement here in 3.12(a) clearly saying that there could be many instances of intentional failure.

Atg D of Hy:

Obviously that is unforgivable.

Chairman:

But even if we may recognise the difficulty but we are also looking for any attempts or efforts by the Department. That is what we are trying to say.

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Atg D of Hy:

We will let you know if we can.

Chairman:

OK.

Miss Emily LAU:

So, Chairman, can I also ask the Director to comment on Paragraph 3.7 about the regional staff's refusal?

Chairman:

I will allow you to carry on but I think in the very first question there are still a number of points.

Miss Emily LAU:

Maybe let us clarify.

Chairman:

These are the original points I want to follow up properly. If you do not mind I will just pick it up. Particularly on the point on the relationship with the contractor and the possible, I think possible – I would not say there is evidence, we are not making an accusation – the possible opportunity for corruption arising from a weak control system. Although we did say you would find out whether you have any record of any help, I think Miss LAU wants reaction as to whether the Department has handled it, and whether you are going to seek help or not in future.

Atg D of Hy:

Chairman, we will consult the Independent Commission Against Corruption and invite their Corruption Prevention Branch to come in and advise us.

Chairman:

OK, that is one of the points that we want to clear up.

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Miss Emily LAU:

That was the one I was going to ask, 3.7(b) about the practice, this practice of not willing to record all defects. It might be used, "this practice may be used to maintain an amiable working relationship with the contractors and to motivate them to rectify the defects as soon as possible". So this is, I mean to us it sounds a bit dubious, I mean, to maintain this "amiable working relationship".

Atg D of Hy:

Perhaps that is an unfortunate expression. Work gets done on the basis of relationships. I have to have a working relationship with the contractors and consultants, and it is probably destroying a "working relationship" rather than an "amiable relationship". I think it is the wrong expression. It is a working relationship and you do not wish to destroy it.

Miss Emily LAU:

Chairman, I think it is unfortunate we do not have people from the R & D Division here because it is their view. You say they have chosen the wrong word but maybe that is a very apt description because they talk to all these people, they look at that and they say, "my goodness, I have this concern", so it is not a working relationship as you said. So that is why it makes us worried and say, "what sort of incentives have been offered? What happened behind the scenes?"

Atg D of Hy:

I do not know.

Miss Emily LAU:

Well, as Director of the Department we expect you to know because you run the department.

Atg D of Hy:

What is going on behind the scenes I do not know.

Miss Emily LAU:

Or at least if the R & D people have these observations then I am sure these observations must have been reflected to the upper echelons of the Department before it is written in this report.

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Atg D of Hy:

I expect so.

Miss Emily LAU:

But you do not know?

Atg D of Hy:

I have only been in the job two weeks.

Miss Emily LAU:

That is very unhelpful to us, Chairman, but it is not your fault.

Chairman:

OK, but I think certainly the Committee's feeling is quite clearly expressed. I am sure the Director would take this up.

Atg D of Hy:

I will indeed, we will indeed.

Chairman:

And perhaps probably address the right balance, maintaining a good working relationship and the need for public accountability.

Miss Emily LAU:

And to prevent corruption.

Atg D of Hy:

We will certainly invite the ICAC in to investigate or to advise, rather.

主席:

石禮謙議員。

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Mr Abraham SHEK:

Mr Chairman, I think on the point of contractors working on sites. Sites are very complicated environments because they are subject to a lot of outside factors. I think we have to take that into consideration.

The second thing is, having a good healthy working environment for a contractor is necessary to ensure that the work is being properly done on time and on budget. And then the part that I would like to bring out is on the subject of defects and the guiding notes. This is not only a matter of policing. This is a matter of practice. This involves three parties: the workers; the contractors; and the people who gauge the standard of that work. So you have your R & D and your people in the front line.

What I suggest is that your guiding notes should actually be worked out together with the contractors, the contractors' association, so that they can agree on what constitutes a defect, how the defect is being judged. Have you people consulted the construction association or the contractors' association in arriving at what constitutes a defect and if they are to be marked as defects? So there must be some standards.

Chairman:

OK. Consultation?

Atg D of Hy:

Chairman ...

Chairman:

Can I let the Director speak first?

Atg D of Hy:

I am unaware of what has happened in the past. We can certainly approach those associations and get their feedback to ensure that we do have an understanding of what constitutes the right level of completing the work.

Mr Abraham SHEK:

Because at the moment defects, the R & D see defects as one thing. The people in the front line of the Highways Department see defects as a different thing, and the people committing the defects see it differently, so I think you must have some sort of a standard agreed by all three parties: those that constitute standards; and those that should be marked and should not be marked.

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Chairman:

Mr WONG may like to supplement?

路政署副署長:

這管制機制由路政署屬下的3個委員會制訂,這3個委員會是政策統籌組、聯絡委員會及統籌委員會。3個委員會及公用事業機構一起商討這些指引,但沒有與承建商溝通,我會看看在這方面可否有一個較完善的指引。

石禮謙議員:

指引是很重要的,因為指引不是由utility company去執行,而是由承建商去執行。你們不能上有政策,下有對策,如果大家能夠協調及同意指引的內容,便不會相差太大。

Chairman:

A good working relationship.

Atg D of Hy:

A good working relationship, I agree.

主席:

張宇人議員。

Mr Tommy CHEUNG:

I just want to ask the Director again, and ask him to look at paragraph 3.12. In fact I just want him to look not at (a) but look at the first two sentences: "In fact the R & D Division considered that the non-compliance statistics, as reported by the regional staff, still fell short of accurately reflecting the true site conditions." One, I do not know whether that meant defects, and two, I do not think the Director being new to the job needs to be defensive. In fact we are complimenting his Division, R & D Division, for spotting so many problems! We are not telling him that his Department is not doing right.

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But what we are saying is why does one of his divisions tell him that "we have got a problem" and then this is not solved? So this is telling true site conditions and I do not see why that has to do with, when you have a checklist if you properly recorded it and then you can still call up the contractor and tell them "you have done this wrong". We are not asking your people to write letters, long letters instead of calling them. I mean, if in fact that can get the job done, fine. We are all for it, but accurately reflecting what they see in the checklist. I do not think that is too hard to ask and I do not think that would mean that they would have been doing a lot of job.

But my question, Mr Chairman, I would like to ask if there are defects spotted, I do not know whether the Director or Mr Wong will want to answer that, does anybody have to go back because there is a defect and check it again in 48 hours or so? I mean the point that I want to get at is people are not truly reflecting the condition simply because they do not want to go back again. "If I say everything is alright, I do not have to go back." We look at it from another angle whether they want to maintain good relationships. I want to look at it from another angle and ask whether there is a guideline within the Department that if they see defects they have to go back to inspect the same site on that particular defect again?

Chairman:

Director or Mr WONG?

Atg D of Hy:

My colleague.

路政署副署長:

研究拓展部只是確保區辦事處人員的工作是否正確,如果有不妥善之處,研 究拓展部會把整份報告送往區辦事處,由區辦事處人員跟進不妥善之處,而不是由研 究拓展部跟進的。

張宇人議員:

主席。我明白這一點。但我想問黃先生,如果巡查工地人員在工地清單中記錄了數項不妥善之處,會否在短時間內影響其他部門、自己的部門、區域部門或主管等等,需要在42小時或72小時內立即跟進巡查工地時出現的問題呢?

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Chairman:

This is a question of fact. It is really whether you have a guideline compelling people who put things on record to do certain follow-up work or procedure. It is a fact, a question of fact. It should be very easy to answer.

路政署副署長:

主席。這是區辦事處員工的責任,他們一發覺有不妥善之處......

Chairman:

That is not the answer. The question is whether the guideline exists that compels ...

張宇人議員:

主席。我覺得整個早上都是坐在花園中,並不是坐在立法會。

主席:

黄先生。張議員只是想得到一個事實,是否有這個指引呢?大家都知道有這個責任,但究竟有沒有指引存在?這只是一個簡單的事實,有或沒有指引呢?

Atg D of Hy:

Mr Chairman, can I ask that we give you a written answer to that? Let me investigate and give you a definitive answer. I think we cannot answer it now. But perhaps there is another point that I ought to make and that is the staffing level that we have in the Department with work supervisors.

In 1995 we had some 62 works supervisors available for inspecting road openings. We now have some 32 work supervisors. They are spread across many, many road openings and they can only afford to make site visits at best once in ten days. The Department is stretched. We have attempted to recruit additional staff. Before the embargo in 1999 we undertook in 1997 and 1998 fourteen recruitment boards to try and attract work supervisors to assist us in supervising slope works, road openings, etc, etc. We have taken on many more responsibilities in that respect over the last few years.

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They are under a lot of pressure. I suspect that when they do make a site inspection they are not able to spend as much time as they ought to do. We need to increase the number of staff. We need to train those staff to indicate what we expect of them. That is what we have got to do.

Chairman:

I think we certainly have a lot of sympathy with what you say but I think Mr CHEUNG's question is properly directed to see if because of your staff shortage or other pressure perhaps, whether people are short-circuiting the whole system by not filling in things properly.

Mr Tommy CHEUNG:

Properly, accurately.

Chairman:

And by passing that responsibility, I think that is not a proper way of dealing with it so we want to ascertain this, and we want to ascertain whether a proper procedure is in place and how it is being enforced. I think the society at the end of the day paid a cost. The Committee want to address the problem properly at source. We are not trying to nitpick on you so that is why he said you need not be defensive but we are trying to find out where the bottom line is.

Atg D of Hy:

I understand where you are coming from. The problem goes back a little further. The utility undertakers employ contractors to do the work. It is the utility undertaker who should be supervising the work and ensuring compliance with the environmental conditions. We undertake a technical audit of compliance with those conditions so we should not be there, standing over the contractor ensuring he does the work. The utility undertaker should be doing that.

Mr Tommy CHEUNG:

Chairman, I think precisely, precisely if the utilities are supposed to watch over their workmen, what do they rely on? They rely on you to tell them "your contractors are not doing right", because you issue the permit, and if something is wrong at least you should be telling them, "something is wrong". But if you do not accurately record these, I mean how are the utility companies going to know that their contractors are doing something wrong?

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Atg D of Hy:

But the utility undertakers should be working to the same standards that we are working to, and insisting that their contractors comply with those conditions.

Mr Tommy CHEUNG:

But do you not see, Chairman, do you not see as a director that you have that responsibility to properly record it and properly tell not just the contractor but also tell the utility companies, "your workers are not doing right"? Same standard applies in restaurants. When the FEHD comes to see and checks out something is wrong with whatever department we have got in the restaurant, they will go to the licensee and tell the department "something is wrong, you had better get to it."

Atg D of Hy:

I acknowledge that it is our responsibility to ensure that they comply with the permit conditions.

Chairman:

I think there are two sides to the issue. I know that Miss LAU is waiting. I do not want to leave the question too open, though. I think there is probably two sides to our question. This is my personal view. I am not summing up. I think the Department should do its job to enforce the licence conditions, and any communication you direct to the utility company who are the employers or the party responsible to the licence, would be helpful to ensure compliance. But the other aspect is that the utility companies probably have to do certain internal checking themselves to ensure that their sub-contractors are doing the job properly. I do not know how much of that work has been taken into account and how much that part of the inspection has contributed towards your enforcement, because you can keep on increasing your work supervisors if you are taking on the utility companies' responsibility as well. Surely there is some sort of liaison. In my profession it is audit. We rely on certain internal audit as a primary check, and then the external auditor provides the additional check. But is there any liaison, cooperation between the utility companies in respect of that to strengthen the whole system?

Atg D of Hy:

If it is not in place already it certainly needs to be in place. I think perhaps we ought to be talking to the utility undertakers to ensure, and the contractors' associations to ensure that we are all working to the same standards.

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Chairman:

Can you perhaps help us a little bit by giving us a more definitive answer, if not now in writing? Because something we will be looking at, this aspect. I mean the whole inspection system is really opening up like a Pandora's box. I think we are delving into it because we see things are very unsatisfactory.

Mr Abraham SHEK:

Chairman, may I help here?

Chairman:

Yes, please, Mr Abraham SHEK?

Mr Abraham SHEK:

It is actually very simple. You issue an EP and that EP given to the utility company with a set of conditions. That set of conditions are then back to back on the tender document or on the contract document given to the contractors. So to the Government it is only the EP conditions. Whoever does it is not important. They are there as the Honourable CHEUNG Yu-yan said, the set of conditions, they are there to police, to ensure that the conditions are met. Who does it, the utility company does it or the contractor does it, is unimportant. The whole issue is the standard, how it is being gauged. That is the issue.

I think between the utility company and the contractors it is always back-to-back. They comply to all the conditions of the EP at the agreed cost at the agreed time.

Atg D of Hy:

Yes, I accept that.

Chairman:

It looks like we are trying to devise a system here sitting here now but I am sure we are not. But we are just trying to gauge what is like now. I am not sure how we are going to deal with the report at the end but we have got to discuss it. It looks like a fairly substantial follow-up is required on our part, and probably we will want the help of the Director of Audit, but exactly how we will deal with it we will deliberate.

But a couple of things more fundamental now. We have got to get all these now. It might be helpful. I would certainly like to have an organisation chart of the department, particularly knowing where the R & D Division is placed. I agree with my colleagues

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personally that their workers should be complimented in a way for finding out all these problems. But having found out all these problems, who do they actually report to and why is that person who gets the report does not react speedily and promptly to put that into action? That I want to know. How does that chain of command work? And also, I think that is important, the relationship chart.

And I also want to have a full set of the permit conditions, terms and conditions, and I want to see how the utility companies are required to supervise the sub-contractors. And at the end any information you can give to us as to your relationship or the interdependence or inter-reliance on each other's work would be highly helpful as well.

Atg D of Hy:

We will give you a written response.

Chairman:

Miss LAU, I am sorry.

Miss Emily LAU:

Mr Chairman, actually it is a follow-up to what the Director just said earlier about the shortage of work supervisors. I think he has given us the unfortunate impression that those people would not work properly on their own if they are not supervised. At least that is my impression. He said "because we do not have enough ...". Well, of course I will ask you a question about the shortage arising from Paragraph 4.4(e), but I hope you are not giving the community the impression that these regional staff, if left to their own devices, they are going to be not working properly, so that is the first point.

But on the shortage, here it talks about you have quite a high vacancy rate level and then Note 16 said that the recruitment exercise was not very successful. So what is the current situation now? Do you have lots of posts but they are not being filled or what?

Atg D of Hy:

We have been trying to recruit and only now has the embargo been lifted, so I am assuming that we can start recruitment exercises again to try and get the work supervisors on board, and then we have to train them up in order to undertake the work.

Miss Emily LAU:

How many posts have you got and how many vacancies?

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路政署副署長:

主席。路政署的空缺大約有335個職位......

劉慧卿議員:

監工?

路政署副署長:

對,是監工。暫時有7個空缺。

劉慧卿議員:

主席。剛才署長提及95年有62個空缺,現在則有32個空缺;但剛剛又說三百多個、7個.....究竟有多少?

路政署副署長:

以往的62個監工負責巡查工地。我們這三百多個監工,並非只負責巡查公用 事業機構的工地,還要負責其他保養工作和主要工程。

劉慧卿議員:

主席。我相信要細分工作類別,我們無須討論路政署所有的監工。只集中討論這32個職位,聽黃署長的意思,似乎32個監工職位並不足夠,請問你認為多少位監工才足夠?是否有更多空缺聘請監工嗎?

Chairman:

Director, you want Mr WONG to help?

路政署副署長:

其實我們有7個空缺,潾潠委員會於本月會招聘監工。

主席:

你近數年有否請公務員事務局......

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劉慧卿議員:

他們要凍結人手編制,所以沒有聘請監工。

路政署副署長:

監工職級不幸被納入VR的程序,所以我們沒有聘請監工,如果我們認為監工不足夠,我們會聘請非公務員的監工,他們的僱用條件與公務員是相同的。

劉慧卿議員:

這7個監工是否也負責這方面的巡查工作?

路政署副署長:

我們要視乎每10天一次的巡查準則是否滿意,如果不滿意,我們會把新聘請的監工納入巡查工作。

劉慧卿議員:

主席。我相信委員會最後會作出結論,關於人手方面,現在的資料似乎並不足夠作出結論。

主席:

是。我也要與大家商量處理的方法,但我們必須先盡量取得一些重要的資料。請問路政署有沒有給予監工工作指標呢?我尤其關注監工需要做維修保養和巡查等工作,他們的工作指標是否有列出在一個月內所做工作的數量?他們如何平衡其工作?以及有否依照指標工作呢?我提出這問題的背景是,似乎掘路的次數增長並不太快,除了小工程外,十年來也一直維持四萬多個。從工作量來看,我看不到任何證據指出巡查工作大量增加,可能是出現輕微的人手短缺情況。因此,署方是否有制訂工作指標,以及他們有沒有依照這指標工作呢?究竟這十年間出現了甚麼變化令工作量大增?署長可否作出較清楚的解釋。

Atg D of Hy:

As I have been trying to allude to before, the Department has taken over more responsibilities, particularly with regard to slope works and ensuring the safety of slopes. And the 62 we had in '95, the 62 works supervisors, have been spread across more duties as well as the road opening responsibility. And the information I have is that only 32 of the 62

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that were available in 1995 are now available for concentrating on road openings, which is drastically less than what we had in '95, despite the fact that my understanding is in fact that the number of works orders has substantially increased. Whether that is reflected in road openings, I am not sure.

Chairman:

It has always been 40,000 odd.

Atg D of Hy:

OK, so we have fewer works supervisors available to supervise the same number of road openings.

Chairman:

Do they have a certain work quota or standard or allocation that they have to fulfil?

Atg D of Hy:

I am assuming they do, that they will be given by their superiors. Certain sites have to be inspected.

Chairman:

Has it always been the same? Has it been maintained? 黃先生。

路政署副署長:

95年的指標是每星期巡查兩次,後來因為人手問題,巡查次數縮減為每星期 一次,現在是每10天巡查一次,是這32人作為馬路巡查工作的指標。

劉慧卿議員:

主席。32人是否已經足夠呢?你們沒有提出要求增加人手嗎?雖然是否批准 是另一回事。你們是否需要增加人手?抑或32人已經足夠?

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路政署副署長:

我暫時覺得仍然能夠應付,因為路政署已發出指引,亦會為員工提供再培訓計劃。至於巡察次數是否足夠,維修工作小組會訂出定期檢查的巡察次數,我們每3個月會召開一次會議,討論這巡查標準是否令人滿意。

主席:

我想看看那3次會議紀錄,因為在會議後你們減低了巡察次數,我想知道你們以甚麼基準作出這決定。作為一個工作小組,我的感覺是為了遷就人手而減低巡查次數,這樣並不是以一個科學或有基準的方式,除非我的想法不正確,否則,我想看看你們的會議紀錄,瞭解當時如何作出這決定。當然,只要不斷減少巡察次數,人手一定足夠,在這段短時間內,你們已經連續3次減少巡查次數了。

主席:

張議員。

張宇人議員:

我想跟進這問題,在96年有65名監工,每兩星期巡查一次;現在減少至32名,即減少了一半人手,每星期巡查一次,但現在改為10天巡查一次,實際上已減少了三分之一,如果以這個工序計算,其實二十多人已經足夠,現在有三十多人,少了三倍工作......

主席:

就計算來說,工作量是減少了。

張宇人議員:

計算之下便知道減少了三分之一的工作。

主席:

過去,一星期巡查兩次,即三天半巡查一次,而現在改為10天巡查一次,即 三分之一......

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張宇人議員:

以前有65名監工,以現在的巡查次數廿二、三人便已經足夠,但現時編制有32人,其實你們無須為員工提供培訓,亦無須要求立法會財務委員會撥款五千多萬元購買電腦,並承諾增加巡查次數。現在部門已購置了電腦,又有以前一半的人手,但巡查次數只有以前的三分之一,你是如何計算呢?若我沒有記錯,審計署要求路政署每星期巡查兩次,如果部門人手不足,便應該聘請足夠人手,並收取巡查工地的費用,把EP計算出來,那麼,便可以聘請更多人手。現在兜兜轉轉的,不知是否在原地踏步。請問你如何解釋有一半人手,但只做三分之一的工作,又要提供培訓計劃,以及購置五千多萬元的電腦系統,但表現卻越來越差呢?

主席:

這是一個感受。黃先生。

路政署副署長:

其實巡查次數無論是每星期兩次、一次或10天一次也好,次數並不是最關鍵的地方,巡查工地最重要的是質素。這32位監工每10天巡查一次,他們會進行較詳細的巡察,我可以舉出一些事例以證明這說法是正確的,現時掘路的管制及措施已不斷改進,所以我們覺得每10天進行一次較詳細的巡查,更能夠注重質素,總比每星期巡查兩次,如過眼雲煙般巡查工地為佳。

張宇人議員:

你們沒有正確的紀錄,如何今我們相信進行的是較詳細的巡查呢?

主席:

署長的說法是不公道的,似乎指以前的巡查是無效的,現在的巡查才有效,我們亦不能叫以前的監工來證實是否這樣的。委員會較注重整件事件的制度化及質素的保證,但我們始終需要有一個客觀的指標,才能令公眾信服,但我相信很多議員都會質疑,石禮謙議員。

石禮謙議員:

請問黃先生,第一,如果工作少於10天,你們是否無需巡查?第二,黃先生表示上次的工作有28天,這是否表示每次工作最少會巡查兩次?

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主席:

我相信計算方法並不是這樣,應該是以每人出差的次數計算,而不是......

石禮謙議員:

以每人的出差次數和工地數目來計算。

主席:

其實很容易計算,可以請審計署提供協助,以32人及巡查次數除以每個job order,便可以計算出每個job是相隔多久才巡查一次,我相信委員會應該可以計算出來,只是不能立即有計算結果。

審計署署長:

主席。如果質素不同及工作不同,我覺得很難比較。以前沒有checklist,沒 有巡查清單,現在工作增加了,而且更加仔細,所以並不容易比較。這是我的意見。

主席:

OK。你是否要他們作答?

石禮謙議員:

不需要。

主席:

李華明議員。

李華明議員:

主席。每年有很多掘路工程,工程的大、小、長、短,深、濶是不一樣的,你不能規定每10天巡查一次,其實就每個工程亦不應該劃一處理。例如巡查食店,有些是經常出錯,屬於高危類別,有些食店很清潔,有些則屬於中等。高危類別的需要加強巡查,而表現良好的便可以減少巡查次數。就工地而言,有11間公用事業機構,以及其聘用的承建商,他們是否表現良好,你應該可以分別出來。有些承建商經常表現欠佳,可能有較多"黑豬",有些則較多"白兔",這樣可能會影響你的巡查次數以及逗留的時間,你們是否有一套彈性及靈活的制度?我們現在實在無法知悉實際的情況。

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主席:

可能有一些紀錄可以協助分辨的。

李華明議員:

你們有否這方面的制度?較差的承建商會增加巡查次數,表現良好的承建商 則減少巡查。你是否有整套制度去配合呢?

主席:

黄先生。

路政署副署長:

我們有這制度,這一點在審計署署長報告書中亦有反映出來,我們會特別關 注有較多"黑豬"的承建商。

李華明議員:

你會加緊巡查有較多"黑豬"的工地,但是否有紀錄呢?或者有否施加任何懲 罰性行動呢?

主席:

黄先生。

路政署副署長:

如果公用事業機構的工作表現欠佳,我們會增加巡查次數,例如發覺工地經常無人施工,又欠缺合理的解釋,在他們申請延期時,我們便不會批准。我想回應石議員的問題,如果一宗只需要4天的掘路工程,我們一定會去巡查。但這類工程不在10天巡查一次的標準之內,報告書亦有提到,公用事業機構必須在工程展開前兩天預早通知我們,有時他們可能並無通知,我不能排除有"走雞"的情況。

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主席:

就今天一小時多的聆訊,大家對發生的情況都有一個印象了。如果今天委員會仍然以這個方法繼續提問,相信要討論一段很長的時間。我建議今天到此為止,委員會要掌握的資料又多又廣泛,我希望有機會先與同事討論如何跟進。無論以公開聆訊及書面方式處理,我相信仍然有很多工作需要處理。劉慧卿議員。

劉慧卿議員:

我同意你的意見。或者我們先閱覽所有資料,但並不排除需要繼續討論。我們會盡力查閱所有資料,這事件已經由91年拖延至今,我認為今次必須徹底處理了。 謝謝主席。

主席:

如果大家沒有即時問題,我們多謝今天出席證人的幫助,因為今天的提問相當廣泛,亦有很多資料在報告書中沒有提及,所以對於他們準備的資料並不十分充足,我是理解的,但我們仍需要你們提供更多的補充資料。多謝各位證人出席。

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