

立法會

公營房屋建築問題專責委員會

第一次研訊的逐字紀錄本

日期： 2001年4月21日(星期六)

時間： 上午9時30分

地點： 立法會會議廳

出席委員

劉健儀議員, JP (主席)

何俊仁議員(副主席)

何鍾泰議員, JP

李卓人議員

呂明華議員, JP

陳婉嫻議員

陳鑑林議員

黃宜弘議員

楊孝華議員, JP

鄧兆棠議員, JP

麥國風議員

劉炳章議員

余若薇議員, SC, JP

出席的其他議員

吳靄儀議員

缺席委員

涂謹申議員

石禮謙議員, JP

證人

公開研訊

房屋署署長

苗學禮先生, JP

Legislative Council

Select Committee on Building Problems of Public Housing Units

Verbatim Transcript of the First Hearing
Held on Saturday, 21 April 2001, at 9:30 am
in the Chamber of the Legislative Council Building

Members present

Hon Miriam LAU Kin yee, JP (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, JP
Hon CHAN Yuen-han
Hon CHAN Kam-lam
Dr Hon Philip WONG Yu-hong
Hon Howard YOUNG, JP
Dr Hon TANG Siu-tong, JP
Hon Michael MAK Kwok-fung
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Other Member in attendance

Hon Margaret NG

Members absent

Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, JP

Witness

Public hearing

Mr J A MILLER, JP
Director of Housing
Housing Department

主席：

歡迎各位出席公營房屋建築問題專責委員會的第一次公開研訊。

在正式開始研訊前，我想向公眾席上人士簡單說明本專責委員會成立的背景及目的。公營房屋單位的質素一直是立法會議員所關注的事項。鑒於自1999年9月以來接二連三出現公營房屋建築問題，包括天頌苑地基不平均沉降幅度過大、沙田第14B區第二期的樁柱問題、東涌第30區第三期涉嫌採用遭拒收的不合規格鋼筋，以及石蔭邨重建計劃第二期涉嫌採用不合規格建築材料，立法會認為有需要徹底探究導致該4宗事件的原因。

立法會遂於2001年2月7日通過決議案，成立專責委員會調查在上述4宗事件中所出現的建築問題，並就有關調查所得的結果，尋求積極建議，徹底改革整體公營房屋的政策及架構，以提高公營房屋的質素。立法會並授權專責委員會在執行其職務時，根據《立法會(權力及特權)條例》(第382章)第9(2)條，行使該條例第9(1)條所賦予的權力，傳召證人出席研訊。

專責委員會擬定了工作計劃及大致的工作時間表。根據已通過的工作計劃，委員會首先研究建造公營房屋的運作機制及有關當局的架構。委員會稍後亦會瞭解須受《建築物條例》規管的房屋單位建造的機制。在完成這方面的研究工作後，委員會會就出現建築問題的4宗事件進行調查。最後，委員會會根據研究所得的結果尋求改善措施，以提高公營房屋質素。為協助委員會的研究工作，委員會已刊登廣告，邀請公眾人士及團體提交書面意見。委員會亦已去信各有關的專業團體及學術機構，邀請它們提交書面意見。

委員會在完成其工作後，會向立法會提交報告。在此之前，議員並不會以委員會或個人名義，就研訊的資料及內容作公開評論。我想藉此機會提醒出席今日研訊的公眾人士及傳媒，在研訊過程以外場合披露研訊上提供的證據，將不受《立法會(權力及特權)條例》所保障。因此，如有需要，傳媒應就他們的法律責任，徵詢法律意見。

委員會較早前已通過研訊的程序，為方便委員參考，該份程序在每一次研訊時，都會放在委員席前。

就程序方面，我想各位特別留意兩點。首先，整個研訊過程必須有足夠的法定人數，即連主席在內共5名委員。其次，委員會已決定證人須在宣誓後才接受訊問，所以我將在研訊開始時，根據《立法會(權力及特權)條例》第11條監誓。

如委員會就程序沒有其他意見，我宣布研訊開始。今日的研訊主要是就房屋署與房屋委員會及房屋局之間的關係、房屋署的架構，以及房屋署就制訂及推行公營房屋政策所擔當的角色等各方面索取證供。現在傳召證人房屋署署長苗學禮先生。

(苗學禮先生進入會議廳)

苗學禮先生，多謝你出席今天的研訊。本專責委員會今天傳召你到本委員會席前作證及出示與專責委員會研訊範圍有關的文據、簿冊、紀錄及文件。首先，本委員會決定所有證人均須宣誓作供，我將以專責委員會主席的身份負責為證人監誓。

你可選擇以手按聖經以宗教式宣誓，或以非宗教式宣誓。請依照放在你面前的誓詞宣誓。

Mr J A MILLER, Director of Housing:

I, John Anthony MILLER, swear by Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

主席：

多謝你，苗學禮先生。

專責委員會現在會處理2001年3月30日的傳票命令證人出示的文據、紀錄及文件。

專責委員會知悉，證人已提供其中所載列的文據、紀錄及文件。

房屋委員會曾於2001年3月30日、4月9日及4月19日向專責委員會秘書提供4份額外的文件。該等文件是：

- (1) 有關“工程顧問管理制度”的文件；
- (2) 有關“房屋署負責建造公營房屋的單位的組織架構”的文件；

- (3) 房屋委員會就專責委員會委員在2001年3月17日會議席上所提28項問題的其中22項作出的答覆；及
- (4) 房屋委員會就專責委員會委員在2001年3月17日會議席上所提其餘6項問題作出的答覆。

苗學禮先生，你現在是否正式向專責委員會出示上述4份文件為證據？

Mr J A MILLER:

Yes.

主席：

多謝你，我現在宣布上述4份文件獲接納為向專責委員會出示的證據。

苗學禮先生，你亦曾於2001年4月17日向專責委員會秘書提供證人陳述書，你現在是否正式向專責委員會出示有關證人陳述書為證據？

Mr J A MILLER:

Yes.

主席：

多謝你，我現在宣布上述文件獲接納為向專責委員會出示的證據。

各位委員，證人要求在回答問題前作出簡單的陳述。

苗學禮先生，現在你可以作出簡單的陳述。

Mr J A MILLER:

Madam Chair, I am grateful to you for this opportunity to speak. You have already received a written statement from me, together with a number of factual papers produced by my department in response to questions from Members. The remarks I wish to make are more by way of personal commentary, and cover three areas. They cover the performance of Housing Department staff, the question of probable cause, and the good which I believe has already come from these scandals.

Last year the Housing Department broke all records. We completed 89,000 new high-quality homes. From a production trough of fewer than 30,000 homes in the mid-nineties we have scaled a new peak. Some 89,000 families have benefited. That, taken with the production of the previous years, has enabled us to reduce the waiting list time for public housing to a twenty year low. This is an extraordinary achievement. Normally it would be a cause for congratulations and celebrations. Instead it has been overshadowed by the piling scandals discovered in 1998 and 1999.

It is difficult to reconcile the two, but allow me to start by placing on record my appreciation for the staff of my department. I know how hard they have worked to climb the peak, none harder than the professional and technical teams of the Development and Construction Branch. I know what they have been through. I understand the constraints that they have operated under. I am enormously proud to have worked with them during this difficult time. They have served the community well and deserve its thanks. They do not deserve the sort of generalised public criticism which their exposure of these piling scandals has brought in its wake.

This is not to diminish the seriousness of the scandals, only to put them in some perspective. The rash of piling problems in both the public and private sector sites detected between early '98 and end '99 caused considerable concern in the community. Much of the subsequent discussion, however, has created more heat than light. Investigation of the particular incidents has led to gross generalisations about the competence and integrity of Housing Department staff, the effectiveness of its project management and quality control systems, and the ability of the Housing Authority to manage the public housing programme. But if the staff and management of the Housing Department are such feeble project supervisors, if the systems and procedures they operate are utterly inefficient, and if the Members of the Housing Authority are totally incompetent, how does one account for the phenomenon of the more than 99 percent of this huge production volume which went right?

Do not misunderstand me. There can be no excuse for the one percent which went wrong. But in order to prevent a recurrence we need to be clear about cause, and to distinguish between primary cause and merely contributory factors. Madam Chair, the question which has nagged at me since these problems first surfaced is "why?". Why did they occur at this particular time? Why so many? Why both public and private sector? Why, when tender prices indicated no particular strain on the industry?

Some have suggested that it was simply a matter of bunching of public sector production. I do not think that that holds water as a primary cause, though it may well have contributed. Most of the private sector piling cases, and one of the two public sector piling cases you are examining, occurred a year

ahead of the bunching of public sector contracts being let. Much attention has focused on pre-cast, pre-stressed concrete piles. But one of these two public sector cases, and most of those in the private sector, involve large diameter bored piles.

Much has also been made of the Housing Authority buildings not being subject to independent control under the Buildings Ordinance. How then to explain the larger number of cases in the private sector? Others, including myself, have suggested a link to the financial crisis in the second half of 1997. Almost every sector of our economy felt its impact in the two years which followed. The construction industry was no exception. Given our traditional approach to tendering that may have contributed, but it can surely be no excuse.

These are all circumstances surrounding the incidents in Tin Chung Court and elsewhere, and deserve serious attention. If we are to prevent a recurrence, these questions need to be addressed. Answers to questions about public sector production problems which do not also help to explain the parallel and coincident problems in the private sector would be inadequate.

It is increasingly clear from our own investigations and from those of the Independent Commission against Corruption that what we are dealing with is fraudulent and criminal activity. Other than criminality – and let us be clear we are talking about people who, in pursuit of personal gain, deliberately tried to circumvent building safety standards, and very nearly succeeded – other than criminality, no other common denominator has so far suggested itself to me.

In both public sector cases the suspected criminal activities were discovered late, but they were detected and, as with the vast majority of lesser problems discovered on building sites day by day, year by year, they were detected by the efforts of Housing Department staff. I wish to place on record my appreciation for their vigilance, for their courage in uncovering these scams, and for their professionalism in sorting out the messy consequences. I say again I am proud to have worked with them. I wish also to place on record my gratitude to Members of the Housing Authority, and in particular to Members of the Authority's Building Committee for their unflinching support in exposing and dealing with these problems.

As regards the other possible contributory factors, my views are already a matter of public record. They are fully reflected in the Housing Authority's Consultative Document, "Quality Housing – Partnering for Change", and the reforms already in train, in particular those relating to public procurement practice, sharing of risk and site supervision.

Which brings me lastly, Madam Chair, to the good which I believe has already come out of these scandals. They have forced us, both Housing

Authority and Housing Department, to look hard at ourselves, at our systems and our relationship with our partners. This in turn has prompted a wider and far-reaching industry review and reform, which will, I hope, be of great benefit to the community as a whole. I am pleased to have been able to contribute to it.

Thank you.

主席：

苗學禮先生，多謝你剛才提出的個人觀點。專責委員會的主要職責是獨立調查有關事件的真相，然後作出公正、公平和客觀的判斷，並且根據立法會的決議，向立法會提交報告。在各位委員提問前，首先我想向苗學禮先生提出一個問題。

房屋署是房屋委員會的執行部門，負責協助房屋委員會履行其職責；而房屋局則是香港房屋政策的決策局。請問苗學禮先生，就制訂及推行公營房屋政策方面，房屋署是否既須向房屋委員會負責，亦須向房屋局交代？專責委員會應如何理解三者之間的關係？

Mr J A MILLER:

Thank you, Madam Chair, in my written submission I have already stated that the central government, in the form of the Housing Bureau, is responsible for setting macro housing policy, and the Housing Authority is the principle agent appointed by the Government for the implementation of that macro housing policy.

The Authority is entrusted with the discussion, the advising on and the decision and implementation of detailed operational housing policy, not macro policy. It has a role in law of offering advice to the central government about housing policy, but in operational terms it works to a policy directive from the central government. So the relationship is quite clear: an over-arching policy umbrella dictated by central government, and implementation of the detail entrusted to the Housing Authority.

The Housing Department is the implementation agency, the operating arm, the executive arm of the Housing Authority, and I answer to that Authority. My direct relationship, my formal relationship is with the Authority.

In the nature of things, since it is the Housing Authority's role to advise government on aspects of housing policy, there will be many opportunities for discussion between both the Chair, myself and my staff with other parts of the government, including the Housing Bureau, on aspects of housing policy.

If we can take a practical example: the long-term housing strategy, which was promulgated in 1996/97. There was a preparatory period during which the Chairman of the Authority and myself and my predecessor were involved in discussions with the Housing Bureau on the outlines of the draft consultative document. The document was promulgated by central government, by the Housing Bureau. And the Housing Authority was then asked to examine it and comment in detail on it, along with the rest of the community, but as the implementation agency clearly it had a very clear role in commenting on what was practical and what was not. It furnished detailed comments six months after the document was published.

That is as clear as I can state it, Madam Chair.

主席：

多謝苗學禮先生，想提問的委員請舉手示意。陳鑑林議員。

陳鑑林議員：

主席。苗學禮先生，你剛才陳述的三個關係，似乎互相之間的關係均十分密切。我想瞭解，你覺得三者之間的關係是“好”，還是“不好”？在過去磋商的過程中，曾否出現房屋署提出的意見不被房屋委員會及房屋局接納的情況？

主席：

苗學禮先生。

Mr J A MILLER:

I think in common with almost any other department to Bureau relationship, there is always a certain creative tension about discussions on particular details of new policy or refinements to old. That is in the nature of things, and it is, as I say, creative. I think it is also significant in the context of my previous answer, the Long Term Housing Strategy consultation, that at the end of the consultation period the Housing Authority reflected to Government a 99.9 percent agreement with the proposals in that document. So, yes, while there is disagreement with some of the details, in general terms the Authority has been very comfortable with the strategic policy direction.

The area where there is always a degree of anxiety, and I have referred to this in my written statement, is in the simple, practical question of land supply. Although the Housing Authority is financially autonomous it relies on central government for the supply of land in order to be able to construct new housing. If that supply is irregular or uneven or insufficient then clearly the Housing

Authority would not be able to deliver on the targets set for it by central government. Traditionally this has always been the area of most heated discussion.

主席：

陳鑑林議員。

陳鑑林議員：

主席，據署長所說，似乎三者之間雖在整體方面合作良好，但仍有少許問題存在。請問署長，有否考慮在哪方面可以改善三者之間的關係？

主席：

苗學禮先生。

Mr J A MILLER:

I would have to say the working relationship in the period I have been there, with the possible exception of the arguments over land supply where that has improved, the working relationship has generally been good. On day-to-day matters I think perhaps Members should be made aware of how the three parties operate. The Department produces documents for the Housing Authority and its committees which relate to production, which relate to rental policy, and so on and so forth. And before those documents are issued to Members of the Authority or the Committee they are traditionally discussed either in a meeting which I chair for preparatory work. But when they come to the form of draft documents for the Authority or its committee, they are discussed at a meeting chaired by the Chairman of the Housing Authority every Monday at which a representative of the Bureau is always present. Prior to that there is quite often an exchange of views on the detail, sometimes on the timing of the release of information, and so on. But in general terms the dividing line between where the Authority and the Department have freedom of action and where reference to the Bureau is required is where there is any proposal which would result in an increased call on public resources, for example a change in the levels of subsidy or the criteria for eligibility for subsidy. These are quite clearly strategic. They are quite clearly matters for central government.

On other areas, going back to land supply, we are entirely reliant on the Bureau for co-ordinating discussion with other bits of government on planning, on transport, on the provision of facilities for other departments in new estates, and so on. Quite often with an individual project there will be conflicts of timing, conflicts of requirement and so on, and we are reliant on the good offices

of the Bureau for bringing these things in on time or for unblocking situations which could lead to a slippage of a project.

That does not really answer your question, which is how can one improve it. I think from what I am saying you will understand that I think the relationship is good. The improvements, such as they are, involve closer discussion on those issues on which there are disagreements.

主席：

陳鑑林議員仍想跟進問題。

陳鑑林議員：

主席，在聽取三者之間的關係後，似乎房屋局是制訂政策，房屋委員會是推行計劃，而房屋署則負責執行。換言之，在你之上有兩位老闆，你是否覺得在整個流程上，即房屋局、房屋委員會與房屋署三者之間，由於房屋署處於整個過程的最後位置，你會否覺得在執行政策上很被動呢？

主席：

苗學禮先生。

Mr J A MILLER:

I would never describe myself as "被動".

主席：

請以單一的語言發言，不可夾雜中、英文。

Mr J A MILLER:

I am sorry. Apologies for that. I would try to remember that. I think you've put it very well in defining the three tiers. But, no, I do not have two bosses. My boss is the Chairman of the Housing Authority and I act as a messenger between the two on many occasions. But my report in simple bureaucratic terms, my staff report, is written by the Chairman of the Housing Authority.

主席：

鄧兆棠議員。

鄧兆棠議員：

主席，苗學禮先生在1972年加入公務員行列，在1996年出任房屋署署長，其間你曾擔任房屋署其他的職位。在這三層架構內，房屋署是房屋委員會的執行機構，請問你會否覺得有點奇怪，房屋局制訂的政策由你執行，而房屋委員會的成員則是兼職身份，並非受薪的，他們是依照你的指示工作，即他們沒有深入研究所所有政策，而是由你負責。因此，你是否也應該承擔房屋委員會所犯錯誤的結果呢？

主席：

苗學禮先生。

Mr J A MILLER:

First of all let me say that I take full responsibility for the good or bad which comes out of the activities of the Housing Department. The buck stops with me. But I think the question is somewhat unfair to the Members of the Authority. I think it would be impossible for a single individual to try and represent the interests of the entire community, and in particular those who benefit from the activities of the Authority, in a balanced way, and traditionally government has appointed the Authority to advise it on those far-reaching interests. None of them, none of the Members of the Authority or Members of its various committees I would regard as being passive. They are very proactive. They come from a variety of professional, academic and other backgrounds. They are individually knowledgeable and expert. They are highly motivated. And the relationship which exists between Members and the staff of the Department is a very close one. It is a close and creative one. Apart from the formal meetings of the Authority and the Select Committee, it is not infrequent for a certain amount of brainstorming to go on about changes to policy and practice and procedure. And in the past few years I have found it to be an immensely constructive engagement.

I hope that answers the question.

主席：

鄧兆棠議員。

鄧兆棠議員：

我想問，現在的情況是這樣的：在房屋局與房屋署之間是房屋委員會。以你作為一個資深政府公務員而言，你會否覺得並不十分需要房屋委員會的存在？

主席：

苗學禮先生。

Mr J A MILLER:

No. I regard it as being almost essential.

主席：

何鍾泰議員，是否就這方面的問題提問？

Ir Dr Hon Raymond HO Chung-tai:

Thank you Madam Chair, let us put this question to Mr MILLER. Mr MILLER, in your witness statement you said that you became Director of Housing in July 1996. And also being the Director of Housing you are also an *ex-officio* member of the Housing Authority and also traditionally you are also vice-chairman of the Housing Authority, so you have got a dual role to play in the whole exercise. Now, in the policy address delivered by the Governor in 1994, October 1994, by the Right Honourable Christopher PATTEN, in Paragraph 43 it mentioned that in order to speed up the implementation of increasing housing units to be completed, a project action team specially charged with overcoming problems in the processing of new housing projects in order to speed up the supply of new flats. Now, could you tell us whether or not any Member or any of the three bodies, that is Housing Department, Housing Authority and Housing Bureau, would be part of this project action team?

主席：

苗學禮先生。

Mr J A MILLER:

Thank you. I referred just now to the role which the Housing Bureau plays in helping to unblock logjams when there are problems on particular sites or particular projects. I am afraid the 1994 date is not something which I have personal experience, but from my understanding of the record and my understanding of more recent experience of how the housing project action team operates, is that it is precisely that team which has helped us over the years to deal with problems of slippage with certain sites.

It is normally, sorry, it is chaired by the Secretary for Housing, and members of my staff are members of that, or normally attend that meeting. It is a meeting of officials and not non-officials.

主席：

何鍾泰議員。

Ir Dr Hon Raymond HO Chung-tai:

Madam Chairman, I would like to ask a further question following this. Mr MILLER, if this project action team is supposed to deal with and overcome problems arising from the exercise to speed up the supply of new flats, in the forecast of new housing units to be completed in the, say for four or five years, or five to six years subsequent to 1994 and 1995, when it was evident and apparent that the number of housing units to be completed would be increased by three to four folds, would this team and in particular yourself anticipate any problems arising from such very steep increase in the completion of contracts required to complete all these housing units?

主席：

苗學禮先生。

Mr J A MILLER:

The short answer is yes, but I assume you would like me to elaborate?

Ir Dr Hon Raymond HO Chung-tai:

Yes, thank you.

Chairman:

In as short a manner as possible because I am sure you have a lot to say on that.

Mr J A MILLER:

Yes. Again 1994 pre-dates my arrival in the Department, but the background to the housing, the HPAT, as Members I think will recall, was that there was a sudden increase in house prices in the market place and it was evident, had become evident that land supply for both public and private housing had dwindled. The then Chairman of the Housing Authority, David AKERS-JONES, had in the context of the review of the then long-term housing strategy, complained to central government that there was inadequate supply. A task force on land supply was set up, and out of that came a number of proposals for radically increasing both land supply and production of housing. These were then translated into the pledges made by the then Governor, which you referred to a few moments ago.

In the period which followed, as I have said in my written statement, there was increasing anxiety within the Authority about the speed with which land would actually be made available. Let me just say that it is quite easy to refer to the identification of land for housing and to say "land will be allocated for housing", but for planners to actually begin the work of planning housing there has to be a line on a map which is agreed, and the site has to be cleared. The arrangements with central government that the Authority has normally insisted on is that government provide formed and serviced land for the production of housing. If the land is occupied by squatters, if the land has no roads leading to it, if the land has no utilities attached to it, the fact that it has been identified or allocated is almost irrelevant. For us to be able to work on a site we have to know exactly where it is and we have to be sure that we can work on it.

If I could illustrate that in a simple way, but take a more contemporary example? One of the sites, or some of the sites which were identified for housing in the period 2000 and 1/2/3 are in what is called South East Kowloon, i.e. the old Kai Tak Airport. They were identified quite a long time ago but a number of factors have caused a delay, not least of them discussions within this Council on the plan for South East Kowloon. So these things do cause delays.

The position taken by the Authority, as I understand from the record, in '95/96 was to urge Government to ensure that sites became available early in order to avoid a bunching of production. And when I joined the Department in '96, July, two things were very obvious to me, two concerns which Members of the Authority and Members of the Department quite clearly had. The first was that, for whatever reason, the sites were going to be coming on stream later than originally planned and therefore there was going to be an unnatural bunching of production towards the end of the LTHS period, 2000/2001, and second, and this was also equally serious, was that after the bunching, after the peak, there was what was called a "black hole". No land had been identified for 2001/2/3. Those concerns were ultimately addressed by the setting up in the latter half of 1997 of a committee chaired by the Financial Secretary which is called HOUSCOM. Thank you.

Chairman:

Raymond?

Ir Dr Hon Raymond HO Chung-tai:

Madam Chairman, it seems that Mr MILLER, you have been focusing your answer on one aspect, i.e. land supply, but in implementation of the whole housing policy to achieve the target of certain number of housing units to be completed, surely apart from supply of land you have got to consider the actual construction projects, whether or not they can be physically completed on time

within your own target. Why have you not mentioned that at all? Because there are certain limits that you can go to before people just say that they cannot do any more. But surely it is up to the leader, yourself being the Director of Housing and also Vice Chairman of the Housing Authority, it is up to you to sound out the warning to the government if certain limits cannot be achieved.

主席：

我認為剛才署長只舉出了一個例子，如果需要署長繼續舉例，可能便會涉及其他範疇，現在所探討的，是三者之間的關係。

Mr J A MILLER:

Madam Chairman, I would like to respond.

Chairman:

You want to respond? But as short as possible, OK? Because there are quite a number of Members lining up.

Ir Dr Hon Raymond HO Chung-tai:

Yes, I think it is part of the reason.

Mr J A MILLER:

It is an important question, and the answer is yes, warnings were given. The scale of the housing programme is enormous. Traditionally government has built two out of every three new residential units, two for every one built by the private sector. So if there are variations in government's building programme they have enormous repercussions for the construction industry.

I was concerned on arrival in the Department to see that the bunching was beginning to look serious. And I raised my concerns, and these concerns in simple terms were that the impact on the industry was clear. Already the Department and the Authority had been in discussion with, for example, the Hong Kong Construction Association, on the question of manpower for this brief but quite serious peak. I was concerned about the economic impact on the market of very large numbers of units coming on stream at one time. I was concerned about the fairness to staff of my own department of having to go from a trough to a peak in a very short period of time and then back down again.

If government is going to have a large intervention in the economy of this sort, i.e. the housing programme, then it owes it to all parties to ensure that that intervention is kept at a steady and predictable level, which is why the Authority has always argued for steady and predictable land supply. So, yes, I did raise my concerns and these came to a head in November of that year.

主席：

好，楊孝華議員。

楊孝華議員：

主席，我想跟進剛才署長在回答主席關於三者之間關係的問題。署長剛才說房屋局的功能，是制訂長遠的建屋目標。但他同時亦表示，房屋委員會似乎在制訂房屋政策方面擔當一個重要的角色。他也告知我們，事實上，房屋署與房屋局時常有很多磋商的機會。我是相信這點的，因為房屋局和房屋署均為政府部門。如果在制訂這些長遠目標時，署與局之間曾進行磋商，大家大致上已達致共識。但當提交至承擔制訂政策角色的房屋委員會加以討論時，事實上，他們又可以有甚麼作為呢？因為房屋署同時是房屋委員會的執行機構，房屋署向房屋委員會表示政策是沒有問題的。這樣的關係是否等於房屋委員會所承擔的制訂政策角色是形同虛設呢？

主席：

苗學禮先生。

Mr J A MILLER:

No, again I think that is frankly insulting to the Members of the Authority over a very long period. Members of the Authority have served the community very well. It is very easy for a bureaucrat to come up with bright ideas. That does not mean to say they are necessarily going to be practical. The Housing Authority and the Department under it are the biggest, historically the biggest development agency in Hong Kong. They have enormous experience of the field, whether it is the construction side, dealing with tenants and owners, whether it is the commercial property side, whatever. If government wants to change some aspects of that policy, to embark on a change without consulting the most experienced members of the community in that field would frankly be silly. So they are not in any sense an unnecessary part of the system.

主席：

楊孝華議員。

Hon Howard YOUNG:

May I ask in English because I did not meant to in any way try to be insulting to any Member of the Authority. I was merely querying, does the

Housing Authority really have a role in policy-making, in particular, not on the construction aspect but on the aspect of what you describe here as Hong Kong's long-term housing needs? Because it appears to me that if it was something which the Bureau said "this is going to be our long-term policy, this is the volume", and if the Department does not raise within the civil service structure any major objections, then as far as that is concerned when it comes to the Authority it is no longer within their realm of policy-making or policy input.

For instance if central government says "we shall have this long-term target, that is it", then if the Authority thinks, "no, this is not do-able", then it will not get anywhere because the Department, which is the executive arm, has not told them that it is no do-able, I do not really see how those Members who have great expertise in construction and planning and that sort of thing, could probably think of themselves and come to the conclusion that something policy-wise may not be do-able. Therefore they have not been able to fully play their role as a policy-maker.

Chairman:

Mr MILLER?

Mr J A MILLER:

I think that underestimates the Members of the Authority. If I could link, perhaps, Mr HO's question with this one? In the period between the task force on land supply and the end of '96 there was considerable discussion within the Authority over what was actually going to be do-able. Members of the Authority's Development Committee were concerned that targets were being set which were do-able provided that land was allocated, identified, and provided on time, but when these targets were not going to be do-able if that land was not provided in a steady and even manner. And that was a source of considerable debate between the Authority, the Bureau, aided by the Department.

主席 :

黃宜弘議員。

黃宜弘議員 :

主席，我想就署長在研訊開始時說的一番話提出一個簡單問題。署長提到出現問題的工程是由房屋署的員工所發現的，這是否因為該名員工或該數名員工本身“醒目”而發現問題，還是房屋署的機制使他們得以發現問題呢？在何種情況下，署長才會主動向廉政公署作出舉報呢？

Chairman:

Mr MILLER.

Hon Howard YOUNG:

It is a slightly sensitive area, Madam Chair. In the normal course of construction the front-line staff are alert to problems on site, and they are very much our first line of defence. They are backed up, of course, by professionals who will be constantly monitoring, advising on the individual projects. And if they spot something going wrong, if part of the monitoring system indicates that something is not quite right, then they will attempt to deal with it. But there are occasions when front-line staff find things which seriously worry them and report them to the ICAC.

This is not one of the cases in hand, but perhaps to give a flavour of it, one of the first of the problem cases we identified was identified by two junior site staff who informed the ICAC who came to us. And we asked the two staff whether they would be prepared to work with the Commission to try and catch the crooks. Both staff were, I have to say, brave individuals and they did agree to work with the Commission.

It is slightly ironic that during this process we actually had to put the two staff through a formal disciplinary proceeding, under a chairman who did not know that they were both innocent, simply in order to keep the game going while the ICAC did its work. But that is the sort of thing I have been referring to. It is a very specific occasion. I would rather keep the details.

主席：

我想提醒各位議員，在現階段，我們正探討房屋署、房屋委員會與房屋局之間的關係，希望大家提問的焦點，都集中在這個範疇。第二，我想提醒各位委員，如果大家要提述任何一份文件，請你說明該份文件的編號，否則其他委員便難以知悉你在談論哪份文件，因而難以翻閱有關的段落。

主席：

呂明華議員。

呂明華議員：

多謝主席。按照剛才苗學禮署長所說，整個長遠房屋政策和要求都是由房屋局決定，但房屋局卻把這個責任交予房屋委員會。房屋委員會設有各個小組委員會，以設計詳細的要求及詳細

的處理方法。然後，房屋委員會再交予房屋署執行。根據這個設計，政府的上層把一項長遠計劃交予一個半官方機構執行，但實際的執行者，卻是官方局級下一層次的署長級。當然，這個設計並非由現在的房屋署署長所設計。但可否請房屋署署長就此發表意見，這樣的設計是否最能達到房屋局制訂房屋政策的目的呢？會否有點奇怪呢？房屋委員會須處理的工作，房屋署為何不可以一併執行呢？即是房屋署在接受房屋局的政策命令後，負責處理並且執行房屋局的計劃。署長可否談一談你的經驗呢？

主席：

苗學禮先生。

Mr J A MILLER:

It is a very broad question, Madam Chair. The Authority was established in 1972 at which time there were several agencies all responsible for doing some part of the public housing programme. There was an existing authority, quasi-government. There was a resettlement department which operated under the then Urban Council, I believe. And the Housing Authority was established to bring these things together. The reasons for it being done by or being put under an authority rather than having a direct bureau and department relationship were, I understand political rather than anything else. It was recognised that public housing as a social policy area required a political input which would not have been there if it had been simply left to a lands and works branch or bureau and a housing department as a construction agency.

主席：

呂明華議員。

呂明華議員：

我想署長發表他本人的意見，論述究竟這樣的設計是否適當呢？對於香港整體的利益是“好”，還是“不好”呢？

主席：

苗學禮先生。

Mr J A MILLER:

I think it has worked very well.

主席：

署長對此很有信心。麥國風議員。

麥國風議員：

多謝主席。苗學禮先生剛才說他的工作表現評核報告，是由房屋委員會主席撰寫的。但其實他主要的工作，卻是由房屋局訂定。我想請問苗學禮先生，究竟房屋局局長在你的工作表現評核報告中所擔當的角色為何？第二個問題是，你覺得這個從屬關係如何呢？你個人對於這個從屬關係的意見如何？第三，你與房屋局局長正式的工作關係又是如何呢？

主席：

苗學禮先生。

Mr J A MILLER:

I do not have any problem with the relationship, Madam Chair. The Chairman writes my report. The Secretary for Housing countersigns it and it disappears into the bowels of the Secretariat. That is how it works.

主席：

房屋局局長會否另外再撰寫一份有關你的工作表現評核報告呢？

Mr J A MILLER:

He countersigns the report.

Chairman:

Just countersign?

Mr J A MILLER:

Yes. The relationship is officer, reporting officer, countersigning officer. After that it disappears.

主席：

麥國風議員。

麥國風議員：

請問房屋局局長有否就撰寫你的表現評核報告而接見你呢？
每次都會接見你嗎？

Mr J A MILLER:

Normally these things are done once a year. Normally reports are written once a year. Normally the Chairman has interviewed me and subsequently the Secretary for Housing has also spoken to me.

麥國風議員：

除了例行接見你之外，對於你在房屋署的工作表現，或是就你執行他的政策方面，他有否經常與你進行例行的檢討或討論？

主席：

苗學禮先生。

Mr J A MILLER:

In this case you are referring to the Secretary for Housing or the Chairman?

主席：

你是指局長嗎？

麥國風議員：

我是指局長。

主席：

麥議員是指局長。

Mr J A MILLER:

We have formal meetings with the Secretary for Housing and colleagues in the Bureau every two or three months to discuss issues which are currently of interest or concern. Occasionally we talk on the phone, occasionally he gives me warm words of encouragement. Occasionally he will perhaps caution me for speaking too much or something!

Chairman:

Mr MILLER, this arrangement of the Chairman of the Housing Authority signing your report and the Secretary for Housing countersigning that report, this arrangement, has that existed from the start or has there been any changes throughout the years or is it a recent implementation?

Mr J A MILLER:

As far as I know it has always been there. I honestly do not know what happened before I arrived, but ever since I arrived that has been the practice.

Chairman:

I see, thank you.

Mr J A MILLER:

I have never questioned it.

主席：

陳婉嫻議員，你是否也想提出關於這方面的問題？

陳婉嫻議員：

是，多謝主席。我聽到署長剛才的發言，他並不認同這次公營房屋事件的出現，是受到建屋量的影響。但是，如果我們就這個由三方構成的架構進行探討，政府為我們提供的SC1-H0022號文件提到建屋高峰期，亦提到3個部門在高峰期所擔當的不同角色。很明顯，“量”是由政府決定的。我們大家也曾經歷回歸前香港房屋供應量緊張的情況，我當時亦是立法局議員。當時政府提出一個“長遠房屋政策”，就“量”的問題提出了一個規限，即85 000個單位，包括公營房屋的數量等。“量”是由房屋局負責制訂，在這份文件也已清楚說明這點；而房屋委員會便按此行事，房屋署則負責推行這些工作，或是每隔3個月進行檢討一次，並將檢討結果交予房屋委員會。但是在這期間，我們在當時聽到一些聲音，指公屋的供應量這麼龐大，究竟所造成的負荷是如何呢？我想問，當獲悉這意見時，作為房屋署，你們是推行這項工作的一個非常重要的部門，你們是怎樣向局方反映呢？局方有否“大石壓死蟹”，不理會情況如何，而照樣按計劃進行呢？以致造成今天你們不承認的原因呢？我就是想問其中的情況。

主席：

苗學禮先生。

Mr J A MILLER:

Could I please clarify that Madam Chair? There is a Long Term Housing Strategy which I would call Long Term Housing Strategy Mark I, which had a programme date ending in 2000/2001. And that is intimately tied up with the Task Force on Land Supply and so on. Then there is a Long Term Housing Strategy Mark II, which was consulted on in '96/97. Which of the two periods is being questioned?

主席：

陳議員剛才只舉出一個例子。其實問題是，過往在某一段時間內，工作量是有所增加。她所提出問題的核心是，屋署的工作量既已增加，作為署長，你怎樣將這個問題向局方反映，希望你這點作出回答。

Mr J A MILLER:

Thank you, Madam Chair. As I said earlier, the two things which, the two concerns which were very much in the minds of the Authority in the middle of '96 when I joined the Department were what appeared to be an unreasonable bunching of production, and then the "black hole" which followed it. These reflected problems with land supply arising out of the earlier Long Term Housing Strategy. They were nothing to do with 85,000, which was a post-transition and LTHS Mark II target. Very shortly after I rejoined the Department I expressed my concern to the Secretary for Housing about the bunching and the "black hole". On the bunching I was concerned that the apparent desire to stick very strictly to the former Governor's pledges on supply were allowing, or were causing, a distortion, and that that was going to be unhealthy, unhealthy for the industry, unhealthy for the Department, certainly unfair on staff.

In November of that year I repeated those concerns in more detail and there was a meeting of the Development Committee of the Housing Authority, at which we discussed what appeared to be an unrealistic target if we allowed no slippage at all, unrealistic bunching if we allowed no slippage beyond 2000 and 2001; and a more realistic target if we allowed some of the peak to topple over into the following year, i.e. into 2001/2002. It seemed to us that it was more desirable to even out this unnatural peak. As I say, there was a perhaps natural reluctance to allow such slippage because of the previous Governor's pledges. In practice we did work towards the slipped target. We deliberately allowed, we deliberately aimed for the lower target.

主席：

我們提出的問題是如何向局方反映，而署長的回答是如何處理問題；署長認為已將問題處理，或採用自己的方法處理。請問可否回答有否向局方反映，以及局方如何處理呢？

Mr J A MILLER:

Yes, I advised the Bureau that the target was, or allowing the peak to occur was unnecessary, unnatural and unrealistic and that we should slip.

主席：

請問有否跟進。陳婉嫻議員。

陳婉嫻議員：

主席，正如剛才署長所說，這是一個“黑洞”，署長所說是技術上的處理。當然，我不便置評。我只覺得在這過程中，實際上當我們作出檢討，這可能是這次事件一個頗重要的成因。我非常希望署長能詳細說明，究竟當時局方在面對你們提出這個問題時，曾否向你們給予清晰的指引，例如增加人手。是否有甚麼具體的做法？而不是把高峰期分攤或推延，我想知道一些具體的內容。多謝主席。

主席：

苗學禮先生，你能否在這方面協助我們獲得答案呢？

Mr J A MILLER:

I think there are two parts to the question really. One is how was the Authority and the Department already preparing for what was going to be a very rapid build-up in production on the one hand, and two, how did the Bureau respond to our suggestions that we allow things to slip so that we even out the production.

主席：

我想問題不是如此具體，而是局方當時有否給予任何指引，例如給予人手、財政和資源上的支援，幫助署方解決問題？

Mr J A MILLER:

The Authority is financially autonomous, Madam Chair, so the question of resources is one for the Authority to determine, so no, we were not anticipating or asking for any resources from the Bureau. What we were doing was suggesting that it would be in everybody's best interest to flatten the peak. But in terms of practical arrangements within the Authority, those were being taken as early as 1995 when the Building Committee of the Authority did a risk assessment on forward production. And as a result of those considerations the Authority and the Department did three things. One was it took a strategic decision to outsource a large proportion of design and supervision. It took a decision to build up, allow the build-up of staff within the Department, and it asked consultants to look at the whole building process through a business process review, which was completed in 1996/97.

主席：

陳議員已提出了她的問題，而署長亦已回答了陳議員。至於陳議員是否滿意署長的答覆，請陳議員考慮一下，再以其他方法提出問題。李卓人議員。

李卓人議員：

多謝主席。關於三者的關係，我聽了一番提問後，覺得其實清楚而簡單的說法是，房屋局在制訂房屋政策方面是“跛腳”的。我所指的是房屋局本身在公屋政策方面，完全沒有擔當一個制訂公屋政策的角色。而關於這幾個機關的關係，其實房屋署最主要是向房屋委員會負責。就連署長的工作表現評核報告也是由房屋委員會主席撰寫的話，其問責線(line of accountability)便是向房屋委員會，而並非向房屋局負責。所以房屋局在管理房屋署方面，完全沒有擔當任何角色。而房屋局只須肩負一個責任，是物色土地。如果未能覓得土地，這是房屋局要承擔的責任。總括而言，署長是否同意我剛才所說，房屋局在房屋政策上其實只擔當一個角色，即為房屋委員會物色興建公屋的土地？而在制訂公屋政策上，房屋局完全沒有擔當任何角色。

主席：

苗學禮先生。

Mr J A MILLER:

No, I disagree entirely. We do rely on the Housing Bureau to provide land and to co-ordinate with other departments. But the Bureau has the key role in

determining overall housing policy. It is the Bureau which was responsible for drawing up the Long Term Housing Strategy consultative document and to bring it together into the final Long Term Housing Strategy in '97. Their primary role is policy formulation.

主席：

李卓人議員。

李卓人議員：

多謝主席。署長說房屋局的角色是制訂一個長遠的房屋政策，署長仍然認為房屋局亦有參與制訂房屋政策。但是，在公屋部分，房屋局唯一的角色是否只代表政府指出將會興建多少公屋？即只是訂定數量，或設定希望能達到的目標；即房屋局唯一的角色，只是制訂興建公屋數量的目標，只此而已？

主席：

苗學禮先生。李議員，你是否單指公營房屋呢？

李卓人議員：

對，單指公營房屋。

Mr J A MILLER:

Again I disagree. One of the key recommendations in the Long Term Housing Strategy related to the level of housing subsidy which had been growing for a long period. And the way in which the Authority was increasingly unable to cover the costs of running public rental housing from the rents it was receiving. And there were recommendations in the Long Term Housing Strategy concerning the median rent-to-income ratio which were very sensible, but which were ultimately pre-empted by a decision of this Council in the Spring of 1996 when a cap of ten percent MRIR was introduced. But it was the Housing Bureau that was pushing, as part of the Long Term Housing Strategy, for what was then a more rational allocation of housing resources. So, no, it is not just land.

主席：

何俊仁副主席。

何俊仁議員：

主席，我想問得更清楚。就三者的關係而言，署長剛才說得很清楚，宏觀政策是由房屋局制訂，而執行細節或具體政策，例如編配公屋等，是由房屋委員會制訂，然後由房屋署執行，以往這個關係非常好，但這是以往的做法。我想問，就純法律角度來看劃分權力的問題，其實根據《房屋條例》，房屋委員會是否完全有權自行決定興建公屋或居屋的數量？在甚麼時候出售多少居屋？以甚麼價格出售？房屋委員會是否有權自行決定，而政府或房屋局不能向其作出執行的指示呢？

主席：

苗學禮先生。

Mr J A MILLER:

The answer is again no. In law, as an entity the Housing Authority is a wholly-owned corporation of the government in practice. In law it is also subject to direction by the Chief Executive, so no, it cannot just go and do what it wants.

主席：

何俊仁副主席。

何俊仁議員：

主席，就過往而言，當房屋委員會制訂政策時，根據署長所說，房屋委員會一定要按照房屋局或局長所制訂的宏觀政策，而這宏觀政策當然還代表了行政長官或以往的港督所給予的指示。換言之，房屋委員會開會時，一定以此為藍本，清楚知悉不能超越這些指示，否則，港督或行政長官是會根據《房屋條例》正式授予法定指示，房屋委員會的理解是否這樣？故此，房屋委員會並非一個擁有最終權力決定本身政策的架構。

主席：

苗學禮先生。

Mr J A MILLER:

I think I have already answered that. The Authority is subject to direction. It cannot operate entirely independently. It operates within a policy framework

set by central government. It elaborates the operational details of that policy, but it cannot just go off and do what it wants.

何俊仁議員：

對不起，主席。我想澄清一點，我當然理解署長剛才的答覆是根據《房屋條例》的條文，即行政長官或97年以往的港督有權作出指示。但是，具體來說，據我的理解，房屋委員會日常制訂政策時，是把自己視為一個獨立機構。還有一點，當然我並非挑戰署長的說話不對，但我記得在較早前，我相信署長也會記得，在去年的一次立法會會議上，我們曾提出一項質詢，問及決定出售居屋與興建公屋數量的最終權力誰屬？當時政府的答覆是，最終的決定權力屬房屋委員會。換言之，是否政府說明了一個現實的情況，而署長現在所說的卻是一個純法理的問題？就是行政長官有權作出指示。但是，在日常的運作上，房屋委員會把自己視為一個獨立機構。主席，為何我會這樣問呢？因為署長的答覆似乎與政府當時的答覆有差異。當然我理解署長論據。

主席：

苗學禮先生。

Mr J A MILLER:

I think I understand the question better than it was understood before. Within this umbrella policy government sets particular targets, and they change from time to time. And some targets are very specific and some are less specific. Where they are less specific then the Authority has a degree of latitude about how it goes about achieving those targets. In most cases they are very specific.

For example, if the central government says that it wants to have 50,000 units of housing on average every year, for example, then first of all the Authority will need land for it. If central government says "and we want to reduce the waiting list or the waiting time on average to three years by 2003", then the Authority has as a very clear priority to look at its programme and work out how it is going to achieve that target. It cannot suddenly say "we are going to sell half of these 50,000 as HOS" without having regard to this very clear target which is the waiting list time.

But in doing this, this is not a sort of static exercise. All of these details of the implementation of policy are periodically discussed both within the Authority and in consultation with the Bureau. The best way of achieving the targets can

be affected by a whole range of very practical problems on the ground which can upset things very quickly.

主席：

最後一項跟進。

何俊仁議員：

主席，如果政府訂出明確的目標，而房屋委員會亦清楚接收了信息，即房屋委員會沒有其他考慮的話，當然，在一般情況下，房屋委員會會根據政府、行政長官或房屋局局長所提出的政策目標執行工作。但我的問題是，如果有衝突的情況出現，舉例說，政府表示不希望出售數量如此龐大的居屋，但另一方面，《房屋條例》訂明房屋署所管理的房屋要盡可能達致收支平衡。那麼，如果出售數量較少居屋便會收支不平衡，在這情況下，請問如何繼續維持你所提及的良好關係呢？請問房屋署如何決定呢？是根據條例、行政長官的指示，還是根據局長的指示呢？

主席：

苗學禮先生。

Mr J A MILLER:

That is a very good example. It is also a contemporary example. The Authority's accounts, in simple terms, are that it covers the cost of the subsidy for rental housing from the profits on commercial, and it uses the revenue from Home Ownership Scheme to fund the building programme. In recent years the Authority has also at the government's behest begun to introduce an increasing number of home purchase loans. And those are also funded from receipts from basically Home Ownership Scheme sales. Now, we have been discussing with the government for some time the question of can we offer more loans and build less Home Ownership Scheme flats, not least because loans are economically more efficient, more flexible and so on. And there is an agreement that that should be done, but ...

主席：

我們且不談及例子，其實問題是，如果出現了衝突的情況，會如何處理？請說明按照一般程序，會以甚麼手法解決這方面的.....

Mr J A MILLER:

The advantage is to discuss on it, Madam Chair, if something becomes impossible, impractical, from the point of view of the Housing Authority, and this example is very relevant, you cannot both shut off your receipts and increase your spending on loans. If it becomes impossible within existing finance, then we have to discuss it with central government, and it is discussed directly with the Bureau.

主席：

多謝。余若薇議員。

Hon Audrey EU Yuet-mee:

Thank you, Madam Chairman, I just want to clarify some of the answers, Mr MILLER, you have given. You have described generally the relationship between the three. I just want to ask you whether there is anything in writing in relation to your duties? Do you have a written contract or is there anything in writing which sets out your duties?

Chairman:

Mr MILLER?

Mr J A MILLER:

Madam Chair, I think a duty list was actually included in one of the answers to one of the questions, but yes, there is a description.

Hon Audrey EU Yuet-mee:

In your case?

Mr J A MILLER:

Yes, it describes the Director of Housing's duties. It is not a contract. It is a description of duties.

Hon Audrey EU Yuet-mee:

I think, Mr MILLER, we have been provided with a document called, under the reference number ...

Chairman:

Mr MILLER, may I perhaps interject and ask whether that document was a standing document or was it just prepared for the Select Committee?

Mr J A MILLER:

I think it is a historic document.

Chairman:

A historic document?

Mr J A MILLER:

Yes, I think. I have to check. It has not been deliberately concocted for this purpose.

Chairman:

Well, drawn up, drawn up, not concocted!

Hon Audrey EU Yuet-mee:

In relation to the document you produced for the purpose of this hearing this morning, Mr MILLER, I think it includes the list of the duties of the various Housing Authority committees and the Housing Authority, but I do not recall you have this morning produced any document which is a historical document of your duties.

Mr J A MILLER:

I must apologise because I know that in attempting to brief myself up for this morning I have seen such a piece of paper, but I cannot immediately place my hands on it. I would certainly ...

Chairman:

Apparently Ms EU has looked into all the documents. Is it possible, Mr MILLER, for you to produce that document, lay your hands on it and produce that document for the next occasion?

Mr J A MILLER:

Yes, probably.

Chairman:

Maybe next week? I think it is quite probable that we will have to continue to next Tuesday, so perhaps when you come again please produce that document.

Mr J A MILLER:

Yes.

Chairman:

Thank you.

Hon Audrey EU Yuet-mee:

Thank you, Madam Chairman. The other question I would like for clarification, Mr MILLER ...

Mr J A MILLER:

I have just found it. May I produce it now?

Chairman:

Yes. I will ask the secretary to ...

Mr J A MILLER:

It is extracted from Human Resources Committee Paper '97. Thank you.

主席：

秘書會安排影印，然後分派給大家。Thank you, Mr MILLER. 余議員是否想繼續提問？

Hon Audrey EU Yuet-mee:

Madam Chairman, does that have to be given a number or something at the end of the day?

主席：

You are producing that?, 是否第37號？各位委員，現在我們給這份文件一個編號，編號是SC1-H0037。請秘書現在影印該份文件，然後分派給各位。余議員，是否想繼續提問？

Hon Audrey EU Yuet-mee:

Now, Mr MILLER, you told us about the land supply and you said that the Housing Bureau is the department, or rather the body responsible for land supply. To what extent does the Housing Authority have any say or influence over the speed or the timing of the land supply? Is it absolutely no control, no say other

than saying "please hurry up with it, we are having difficulties." I mean, other than just making a demand, is there anything it can do to influence the timing and the speed of the land supply?

Chairman:

Mr MILLER?

Mr J A MILLER:

Historically it has been simply a question of the Chairman of the Housing Authority and the Director of Housing continually pressing government for delivery of land in sufficient quantity and at an even pace. It has, as I say, historically been a difficult task. One of the reasons the HOUSCOM was set up under the Financial Secretary in July 1997 was that it was a response to considerable pressure from the Chairman and myself for a more predictable level of supply for the Authority.

主席 :

余議員。

Hon Audrey EU Yuet-mee:

Right Mr MILLER, related to the question of land supply, I just wanted to clarify with you the question of lead time that you say is necessary, because in your statement which you produced this morning, which is at the document called SC1-H0035, in your Paragraph 9, you said that typical lead time is about 50 months. In an earlier document you have given us, which is SC1-H0022, that document refers to a lead time of 62 months. Can you just perhaps just clarify that so that when we write the report we do not get into a conflict?

Chairman:

Which is the correct version, Mr MILLER?

Mr J A MILLER:

Both. 62 was the agreed lead time prior to the establishment of the HOUSCOM under the Financial Secretary in 1997. One of the initiatives which came out of discussions of that committee was an endeavour to shorten the period required for identifying pieces of land and clearing all of the necessary inter-departmental planning processes before the site could actually be delivered to us for use. And we managed to secure agreement with other departments and bureaux to shrinking that lead time significantly. The result was that we were able to in theory reduce lead times from 62 months to 47. I have to say this did

not impact on the time required for work on site. It was the lead-in to planning which was shrunk. In practice since then we have averaged around 50, which is typical.

主席：

余議員，是否仍想跟進？

Hon Audrey EU Yuet-mee:

Also a clarification on some of the answers you gave. I think in one answer you said, when you were asked whether in fact there was any need for the Housing Authority and so on, and you mentioned in your answer that in fact it was political because it was, the quantity of housing supply very often has got political reasons for it and you said that the importance, therefore, of Housing Authority as an independent body rather than just government coming in and supplying land. You said it was political. Would that then be fair to say that when we are talking about things like construction, very technical and where expertise is involved, that the involvement of the Housing Authority Members is really rather minimal, other than looking at your papers or that is the papers presented by the Housing Department, and saying "well, I do not find anything objectionable about that."? I mean, other than that aspect, I mean what sort of real contribution or real contribution in real terms when we are talking about construction can a Housing Authority Member contribute particularly when most of them do not have expertise in terms of construction?

Chairman:

Mr MILLER?

Mr J A MILLER:

I am not sure the latter statement is entirely correct if one looks at the composition of the Building Committee of the Authority over time. There is a high degree of expertise in matters professional and related to construction in that Committee.

The contribution they make has several aspects to it. One is that they provide a non-official check on the award of very large contracts to private sector companies. So there is a transparency issue. Bear in mind that during a non-peak period construction by the Authority accounts for the equivalent of a third of government's capital spending, a very substantial sum. They provide, individually, expertise in the field of architectural design, in the field of contract arbitration, in the field of litigation, in the field of engineering, and so on. There is a range of expertise, all of it related to the construction industry. They have an expertise about the way the industry operates which enables them to

comment in a serious and meaningful way on the proposals put up by the Department. They do not give us an easy time.

主席：

余議員。

Hon Audrey EU Yuet-mee:

Another answer you gave earlier, Mr MILLER, was that you referred to meetings which you chair, and meetings which are chaired by the Housing Authority Chairman, and you gave me the impression that for most, that is, the operation is really that first of all a paper is prepared by or generated by the Housing Department in a committee or a meeting which is chaired by you or somebody else in the Housing Department, and then that paper is then presented to the Housing Authority and then the Housing Authority personnel chairs or the Member chairs that particular meeting. Is that how it operates? Can you perhaps explain or elaborate a little bit more on that sort of *modus operandi*?

Chairman:

Mr MILLER?

Mr J A MILLER:

Yes, the purpose of the Chairman's meeting every Monday morning is for him to clear all documents which are going to the Authority or its committees, and to ensure that he is satisfied that they are properly prepared.

Hon Audrey EU Yuet-mee:

Sorry, when you are saying "he" ...?

Mr J A MILLER:

He or she.

Chairman:

The Chairman of the Housing Authority?

Mr J A MILLER:

The Chairman of the Housing Authority.

Chairman:

But the document is prepared by the Housing Department under your chairmanship of some internal committee, is that the case?

Mr J A MILLER:

There is a huge amount of paper so excuse me if I elaborate. I chair an Executive Board. The Executive Board clears internal discussions for a variety of proposals for policy change or for, for example, the preparation of scheme designs for particular projects. At the stage when these become documents which require, or proposals which require the approval of one of the Authority's committees, they are taken to a meeting chaired by the Chairman of the Housing Authority attended by myself and senior staff, which is routinely every Monday morning, and they are personally cleared by the Chairman before they are issued to Members.

Hon Audrey EU Yuet-mee:

So, Mr MILLER, in other words you look at all the paperwork that is produced by the Housing Department which would then be shown to the Housing Authority Chairman, and that would be discussed every Monday morning in this meeting chaired by the Housing Authority?

Mr J A MILLER:

Yes.

Hon Audrey EU Yuet-mee:

And this is the position throughout, that is from when you joined and became the Director to the incidents that we are discussing, or for the subject matter of this?

Mr J A MILLER:

Yes.

Hon Audrey EU Yuet-mee:

OK.

主席：

到現時為止，除劉炳章議員外，其餘各位委員應已提問過一次。由於現在是11時正，我們已有協議在會議中段休會10分鐘，或許現在是一個適當的時候，因為還有兩位議員已舉手示意想作第二次提問。休會後，我們會讓委員再次提問。

(研訊於上午11時09分休會)

(研訊於上午11時20分繼續)

主席：

余若薇議員，你好像想作出跟進？

余若薇議員：

是，但Mr MILLER還未返回會議廳內。

主席：

是的，Mr MILLER還未返回會議廳內，主角不在。

余若薇議員：

我自問自答。

主席：

可否請苗學禮先生進來。是否已有人在請他進來？謝謝。

找不到他？

請坐。余議員。

Hon Audrey EU Yuet-mee:

Thank you, Madam Chairman. Mr MILLER, just before the break you were telling us about this Monday morning meeting. Can you tell us who would attend these Monday morning meetings?

Chairman:

Mr MILLER?

Mr J A MILLER:

The meeting is attended by the, well, it is chaired by the Chairman of the Housing Authority. It is attended by myself, my deputy and the six business directors of the Department. Individual officers of the Department appear before it, presenting their papers.

Hon Audrey EU Yuet-mee:

Would there be any Housing Bureau representative?

Mr J A MILLER:

For any "policy related" paper the Bureau would send a representative. Normally any policy-related paper will be taken in the first part of the meeting so that the Bureau can attend and then leave.

Hon Audrey EU Yuet-mee:

So the Housing Bureau representative attends by invitation?

Mr J A MILLER:

By convention.

Hon Audrey EU Yuet-mee:

By convention. Every time then?

Mr J A MILLER:

If there is anything of interest to them, yes. I mean if there is no policy-related paper then they will not be there.

Hon Audrey EU Yuet-mee:

What does that mean? Does that mean that they come sort of 90 percent of the time or they only occasionally come?

Mr J A MILLER:

90 to 95 I would say.

Hon Audrey EU Yuet-mee:

90 to 95 you would say.

Mr J A MILLER:

More recently they also attend my Executive Board meetings as well.

Hon Audrey EU Yuet-mee:

The Housing Bureau representative?

Mr J A MILLER:

Yes, yes.

Hon Audrey EU Yuet-mee:

And who would this person be in terms of position?

Mr J A MILLER:

Normally it would be one of the deputies, one of the two deputies.*

Hon Audrey EU Yuet-mee:

And the Executive meeting that you mentioned, Executive Board that you mentioned, when would that, is that a regular meeting?

Mr J A MILLER:

That is also regular, it is supposed to be a regular meeting on Tuesday mornings but it occasionally gets bounced.

Hon Audrey EU Yuet-mee:

And the same Deputy Director from the Bureau would attend?*

Mr J A MILLER:

Yes, normally.

Hon Audrey EU Yuet-mee:

And what would be discussed on the Tuesday Executive Board meetings?

Mr J A MILLER:

Again it is things that we are doing at longer range. It will be pre-clearing policy change or administrative change. It will also be clearing of, for example, scheme designs for particular projects, internal administration, that kind of thing.

Hon Audrey EU Yuet-mee:

Internal administration of the Housing Department?

Mr J A MILLER:

Yes.

* Director of Housing later advised that Housing Bureau is represented by a Principal Assistant Secretary and not 'one of the deputies' as stated at the hearing.

Hon Audrey EU Yuet-mee:

What sort of internal administration?

Mr J A MILLER:

Like for example where we are looking at the IT strategy for the Department. Now clearly it would not make much sense to have each of the business directors go off and do their own thing, so we are discussing how we can provide a strategic approach to this, for example, for budgeting and the rest of it.

Hon Audrey EU Yuet-mee:

So basically this Executive Board decides the administration of the Housing Department then?

Mr J A MILLER:

Yes.

Hon Audrey EU Yuet-mee:

The whole running?

Mr J A MILLER:

Yes.

Hon Audrey EU Yuet-mee:

And who attends the Executive Board, this Tuesday meeting?

Mr J A MILLER:

Myself, my deputy and my business directors.

Hon Audrey EU Yuet-mee:

That is the same people who would attend the Monday morning meeting other than the Chairman of the Housing Authority?

Mr J A MILLER:

Yes.

Hon Audrey EU Yuet-mee:

I also ...

主席：

余議員，你還有多少項跟進提問？

Hon Audrey EU Yuet-mee:

Just one.

主席：

還有一項，好的。

Hon Audrey EU Yuet-mee:

Mr MILLER, you produced for our purposes H0037. It is now given a number, which is your job description according to this document. It has got a date there on top which says 14th of April 1997. Can I just clarify with you whether this means this document only came into existence round about that date, or whether this was really the same position throughout as an accurate description of your job description, of your job? Mr MILLER?

Mr J A MILLER:

I confess I cannot answer the question. As I say I came across this document while I was briefing myself up for the meeting. It may well be that there are earlier editions of the same thing but I would have to check.

Chairman:

Can you look into that and give us an update on Tuesday?

Mr J A MILLER:

Yes, certainly.

主席：

劉炳章議員。

劉炳章議員：

多謝主席。在屋房架構中，房屋署署長作為房屋署的首長兼房屋委員會的成員之一，他一人同時戴着兩頂帽子，如果房屋署和房屋委員會之間發生衝突，在這情況下，苗學禮先生會持甚麼態度呢？他究竟會站在房屋署的一邊，還是房屋委員會的一邊呢？我只是說如果發生這情況，當然如果有實際的例子會更好。

Chairman:

Mr MILLER.

Mr J A MILLER:

Yes, I have to say that the occasions of a clash of interest are few and far between. The only one which comes immediately to mind is the question of the outsourcing of management and maintenance functions. Clearly with the Authority seeking to outsource there is going to be an impact on staff of the Department, so the potential clash is should I be "protecting the interests" of my staff or should I be pursuing the policies of the Housing Authority. As head of a department which is the executive agency of the Authority it is for the Authority to decide how it delivers its services, and if it decides it should deliver services through a private sector agency, then my responsibility as both a Member and as head of Department, is to tailor the Department to suit that policy direction. Hence the outsourcing which is going on at the moment.

主席：

劉炳章議員。

劉炳章議員：

主席，剛才苗學禮先生提到外判管理這個例子，我亦記得還有一個頗重要的例子，便是有關建築問題的例子。當年有些職工會面對如此龐大的建屋量，曾就員工的資源不足向房屋署提出建議，但房屋署似乎沒有採納他們的建議，並按照房屋委員會的決定表示必須達致有關的建屋量。我認為這也是一個頗大的爭拗，即房屋委員會與房屋署之間的爭拗。我想請問苗學禮先生，當時他作出甚麼決定？他在考慮有關決定時，是以甚麼利益為依歸？是從房屋委員會利益着想，還是從房屋署的利益着想，抑或以其他利益為依歸呢？

主席：

苗學禮先生。

Mr J A MILLER:

As I said earlier in the preparations for the peak in production were anticipated as early as 1995, and the Authority took the view that it would need to both improve internal organisation, hence the business process review. It would need to outsource a considerable quantity of the work to consultant architect firms. In the event it outsourced 40 percent. And it would have to

build up the manpower of the Department in certain areas in order to carry us through the peak. When I arrived basically those arrangements were beginning to take shape and I did not disagree with them and I carried them through. It is untrue to say that we did not build up resources internally and that we did not listen to staff. There was quite an active process of consulting staff as part of the Management Enhancement Programme in which we went out of our way to find out what the concerns were on the ground and at different levels. We were not able to respond directly to all requests but over the period we increased the establishment of the Works, i.e. the Construction Development Division by about 670 posts.

And I think in that context one has to recognise that it would not have made any sense to the Department to build up the Department's permanent establishment to a level where it could produce 80,000 plus units in one year if it was going to be reduced to 45, 50,000 the year after because you would then have surplus bodies. You would not be able to offer long-term careers to people that you hired three years earlier. So the increase in establishment was generally through contracted staff.

主席：

謝謝。委員已提出第一輪的問題，現在是第二輪，何鍾泰議員。

Ir Dr Hon Raymond HO Chung-tai:

Thank you, Madam Chairman. I would like to put a question to Mr MILLER on the relationship that the Housing Department has with other bodies, and I would like you to give us broad answers rather than details of the, I understand you like to give to us. Now, in the job description, under reference SC1-H0037 you have just given us, Item (1) says that under your duties and responsibilities you have to give necessary leadership to direct the implementation of HA's decisions, etc, and Item (6), to be the controlling officer of the Housing Department. So in other words you are the leader of some 14,000 staff members within your Department.

In around say '97/98, about three years ago, you introduced privatisation programme which has affected the morale of the 14,000 staff with the problem still continuing at the present time. Now, because staff are very important to implement this very ambitious housing programme, at the time when this bunching effect that you mentioned just now to us was already in sight and the peak of the housing programme was already there, did you foresee any problems at that time, or did you say that this privatisation programme was initiated by yourself or did it come from Housing Bureau, or because your staff are actually civil servants, did this programme come from the Civil Service Bureau?

Chairman:

Mr MILLER.

Mr J A MILLER:

Did I foresee any problems? Yes, lots of them. The impetus for privatisation has a particular starting point, and that is the selling off of large quantities of public rental housing under the Tenants' Purchase Scheme. The Housing Authority, prior to my arrival, in search of greater efficiency, savings, better service, whatever, had already embarked on a limited programme of outsourcing management and maintenance functions. All new HOS courts were outsourced. Shortly after I arrived that was extended to new rental estates. But the introduction, following the Long Term Housing Strategy paper of 1996/97, of a Tenants Purchase Scheme in which government pledged to sell off 250,000 units over ten years, 25,000 each year, meant that we risked a sort of salami slice redundancy over a very long period unless we gave staff the opportunity to transfer into the private sector.

Let me explain that. Under the Tenants Purchase Scheme the new owners of an estate collectively are required to form an owners' corporation, and within two years they are required to take a formal decision as to who manages and maintains those estates. The risk was and remains that they will not choose the Housing Department. And if collectively the owners' corporations of all of these estates as they are sold off year by year said "no, thank you, we do not want your services", the risk was that there would be slice by slice redundancy. To be fair to staff it seemed to me that we would have to bring in early a phased transfer, which provided an incentive for them to go into the private sector. The resulting negotiation – sorry, I have to say that I dealt very directly with staff both in the unions and collectively through open forums in flagging up the dangers of doing nothing over a period of eighteen months before we did this. In the event the negotiations were quite noisy and my staff proved to be very good negotiators, and between us we managed to get a very good package together, as a result of which, as you know, a third of the relevant staff have already volunteered to leave. Some of them have set up their own companies.

The key point is that in the first phase of the Tenants Purchase Scheme at the end of Year 2 all the estates chose not to hire us.

Ir Dr Hon Raymond HO Chung-tai:

Madam Chairman, sorry ...

主席：

問題無須這樣具體，我認為只須提出一般性的問題。

Ir Dr Hon Raymond HO Chung-tai:

I was not asking for details, Madam Chairman. In fact, I was asking if this privatisation programme was actually initiated by Mr MILLER or was it passed on to the Department by another bureau, whether it is Housing Bureau or Civil Service Bureau. That was my question.

Mr J A MILLER:

The Tenants Purchase Scheme was part of the Long Term Housing Strategy and therefore central government policy. The consequences were recognised by myself and therefore I built on the existing programme of outsourcing to pull together the phased transfer scheme.

Ir Dr Hon Raymond HO Chung-tai:

Chairman, if this privatisation policy came from the government and you are heading 14,000 civil servants and you are facing such strong objections from such a large number of civil servants, would you not be in a position to go back to the central government to say that there were problems that you were facing with the staff at that time?

主席 :

我想這個問題是一般性的，即決策當局或政府如有指令，你是否便會按照指令執行？你與其他部門之間有否商討的餘地呢？

Mr J A MILLER:

Chairman, quite clearly, the risks I have highlighted were there. My proposals for dealing with it were the phased transfer. These were discussed in detail with other bits of government, Treasury, Civil Service Bureau. Did we know that this would result in considerable friction with staff? Obviously we did, but it was necessary.

主席 :

陳婉嫻議員，你好像還想提出一項問題？

陳婉嫻議員 :

是的，謝謝主席。在我剛才的提問中，我想向署長說，因為你與房屋局，即是決策局方面，我覺得——你剛才說那是一個黑洞，是不可能實施的。然而，在實際執行上，我認為你有些地方好像是陽奉陰違。主席，我想問署長有何高超技巧，因為我參閱

1995至96年的施政報告，當時要求在未來一段期間要興建141 000個公屋單位；當特區政府成立後，施政報告亦重提141 000個公屋單位的數字，即截至2001年3月的6年規劃中，當局要達致這建屋量。接着，我參閱這次署長向我們提交的文件，即我剛才提及的有關“建屋高峰期”的文件，有關的數字是如何的呢？在SC1-H0022號文件的第4段中有提及這些數字。我剛才提及的兩份施政報告，當中所指出的數字是14萬多。不過，最後發覺落成的數字是85 000個單位，即與原來要求的數字有所不同。當然，剛才署長也說，他認為這個黑洞是無法做到的，所以他做一些推後或平衡等措施。我認為他作為房屋署署長，當我們的決策局、香港總督和行政長官也是這樣說時，他在這過程中曾有甚麼溝通？因為他現時仍然擔任署長，很明顯他未能完成這目標，我想問一問這個情況。在這過程中，房屋局即負責的決策局提出這14萬多的數字，然而，最後他估計建屋數字只有8萬多，當中他們兩者之間的溝通是怎樣？我是指房屋署和房屋局之間，主席。

主席：

苗學禮先生，這個問題頗為複雜，如果你回答，答覆也可能頗長。不過，希望你能盡量按陳議員提問的重點簡短地回答，因為這是一個頗長的故事。

陳婉嫻議員：

是的，這是頗長的故事，因為我提到香港總督和行政長官。

Mr J A MILLER:

Madam Chair, it has been my privilege during my service to work as private secretary to then Governor MACLEHOSE, to work in the Bureau, (the Housing Branch at that time), at another time in the Department before coming back as Director. So, before coming back as Director I had seen from all three angles the sort of dynamic which exists in policy formulation and delivery. And it is typified by ambitious targets at the top, practical engineers and architects at the bottom, and somebody sandwiched in the middle that is called the Bureau. And I think that position in the middle can be quite uncomfortable. As a private secretary I saw housing targets and production figures change quarter by quarter, and an angry exchange of views on this change of numbers. I have to say that I have a great deal of sympathy with practical engineers and architects who have to deliver the product on the ground.

So, when I came back to the Department and saw the beginnings of what appeared to be an unreasonable peak I expressed my concerns very quickly, and

in November of that year, as I said, we (myself and the Chairlady) discussed with Members of the Development Committee of the Authority what we believed to be a more reasonable approach to carrying production through that peak by flattening it. In practice that figure - I think we calculated it would be in the region of 82 to 83,000 - and as you will see from my oral statement today we came in at slightly over that. But informally we planned to come in at the lower figure. In practice over the period between 1996 and last year we slipped 47,000 units from the original targets. This I regard as a very practical approach to solving the problem.

主席：

陳婉嫻議員。

陳婉嫻議員：

主席。我的問題是，由於房屋署要依照房屋局的建屋目標行事，當署長你作出平衡時，你須要向你的老闆即房屋局提出甚麼問題？我想明白你們之間的關係。理論上，房屋局領導全港的房屋政策，在這過程中，房屋局既然訂出這麼高的指標，而你實際上未能達到這數字，我想請問署長，在這過程中你做了些甚麼工作呢？

Mr J A MILLER:

We discussed the problems and I advised the Secretary in writing what I was going to put before the Development Committee in November of that year.

陳婉嫻議員：

我想你或許.....主席。

主席：

在那個案上，他作這樣的處理。至於一般性的問題，是否也是這樣處理？

Mr J A MILLER:

In general yes. The Chief Secretary referred in her speech recently to speaking truth unto power. She and I believe in the same thing. If something is unreasonable, cannot be achieved, then a civil servant is obliged to tell his policy masters that it is not achievable. I have always believed that to be the case.

陳婉嫻議員：

主席。

主席：

陳婉嫻議員。

陳婉嫻議員：

我希望有關這方面的書信及文件都能提交給我們閱覽，最少我們可以知道他們在這方面的運作。對於房屋局、房屋署和房屋委員會三者之間究竟誰在最上、誰在最下，我們有時也感到很模糊，今天早上我們就這方面提出了很多問題，我希望署長不介意——我想不是介意與否的問題——而是有條件地把那些載有你當時對14萬多建屋數字之看法的有關文件交給我們。謝謝主席。

主席：

苗學禮先生，就這個例子，即建屋數字的問題提交文件，好嗎？如果下星期二你可以的話，請你提供這方面的證據。

陳婉嫻議員：

主席，我想跟進一點，我希望在我們下次舉行第二次會議之前，他能提交這方面的文件。謝謝。

主席：

我們在兩個多小時前一直討論的問題是有關房屋署、房屋委員會和房屋局的角色和彼此之間的關係。就這方面，有沒有委員還有問題？如果沒有，我們便討論其他範疇。這並不表示大家稍後不可以再提出有關問題，而是大家大致上都已提出了各位希望提出的問題。我們現在討論其他範疇，好嗎？劉炳章議員。

劉炳章議員：

多謝主席。房屋委員會轄下有很多個小組委員會，與我們這個專責委員會頗有密切關係的是建築小組委員會。請問苗學禮先生，建築小組委員會委員的委任過程或流程是怎樣的呢？當房屋委員會考慮委任一名委員進入建築小組委員會時，它究竟考慮有關人士的甚麼背景和其他因素呢？我相信這些資料會幫助大家瞭解建築小組委員會的委員所扮演的角色。

主席：

苗學禮先生。

Mr J A MILLER:

Members of the Authority's sub-committees are appointed by the Chairman of the Housing Authority. The Department offers its advice, but ultimately the choice is the Chairman's.

The functions of the Building Committee are: (1), to look at scheme designs and approve scheme designs ...

Hon LAU Ping-cheung:

(inaudible)

Mr J A MILLER:

Yes, but I have to say that before I get to the answer to the question. Two functions: one is design and the other one is tendering. Therefore we need to have members who are able to provide input on both, and traditionally the Authority has looked for a combination of professional skills which suit both purposes.

主席：

劉炳章議員。

劉炳章議員：

主席，我剛才提出的其中一個問題是有關房屋委員會委任建築小組委員會委員的流程，有關委員獲委任前，是如何被提名然後獲房屋委員會主席考慮呢？究竟是由房屋署推薦，還是由社會人士推薦呢？我覺得這是很重要的，現時的房屋委員會主席並不是行內人士，他在委任委員進入該小組時，由於他未必認識行內所有人士，他必然是倚賴其他人的推薦。究竟房屋署在這方面扮演甚麼角色呢？

主席：

苗學禮先生。

Mr J A MILLER:

We have volunteers. We have a range of professional and other associations that occasionally will talk to us. We have colleagues in other parts of government whose advice we seek. And we pool these together once a year in reviewing the likely departures and arrivals, and we make recommendations to the Chairperson. The Chairperson occasionally has his or her own ideas.

Chairman:

So actually you keep a list of all these volunteers and recommendations or whatever, and then as and when needed then you would produce that list and tender your advice to the Housing Authority Chairman?

Mr J A MILLER:

I would not say, it is not anything as formal as a standing list, but we do look out for who is leaving and therefore who might need replacing and we consider all of the possible options

主席：

劉炳章議員。

劉炳章議員：

主席，建築小組委員會與專責委員會有很密切的關係。我想跟進一點，就是在該小組委員會的組織裏，在人數方面，有沒有一個固定的比例是來自建築背景的人士？我知道該小組委員會的委員包括有律師、會計師和其他公眾人士，但有沒有一個固定的人數比例？我提出這個問題是因為在文件中提及建築小組委員會的職責，剛才苗學禮先生也提到該小組委員會的職責是包括批核一些建築工程，究竟該小組委員會內有沒有一個固定的人數比例是來自建築背景的人士呢？

主席：

苗學禮先生。

Mr J A MILLER:

No.

劉炳章議員：

如果建築小組委員會內來自建築界的人士沒有固定比例，這會否造成危險呢？因為假如牽涉到那麼多技術性的建築工程、合約和顧問公司的批核等，如果建築界人士的比例較低，這會否影響建築小組委員會的運作和能力呢？

主席：

苗學禮先生。

Mr J A MILLER:

I can elaborate. There is nothing formal written down, but the objective clearly is to provide people who are able to give the Authority the advice it needs in these areas, therefore in a rational way to ensure that there is a proper representation of the necessary expertise.

Chairman:

What is a proper representation? 30 percent? 40 percent? Half? Exceeding half, or whatever?

Mr J A MILLER:

It is, I would say normally more professional and less grassroots.

劉炳章議員：

我不是問有關“grassroots”的問題，我主要是問具有建築背景的人士的比例。專業人士可以是醫生、律師或會計師，但他們未必知道行業的操作。如果建築小組委員會內建築界人士的比例佔很少數，而非建築界的委員所佔比例很高，則該小組委員會所作的決定可能會造成很大的影響。這是我提問的重點。

主席：

苗學禮先生。

Mr J A MILLER:

I think the terms the Honourable Member is using are perhaps a little too precise. We need people who have relevant professional experience, some of whom may be practitioners, some of whom may be academic but still highly qualified, some of whom are not necessarily construction professionals but are in

the associated professions, whether it is law, accountancy, arbitration or whatever. So we are looking for expertise and experience. We have a problem traditionally with ensuring that we get representation which, as far as possible, is not prejudiced in some way by conflicting interests.

劉炳章議員：

主席，苗學禮先生可能不大明白我的問題，我的問題其實是想帶出一點。建築小組委員會的委員是由房屋委員會主席委任的，如果房屋委員會主席想做自己想做的事，他在委任委員方面，可能會揀選一些他認為對他所執行的政策有利的人士，但未必會考慮到其他因素，而他可能會側重於委任一些甚至沒有建築經驗的人士進入建築小組委員會，令房屋委員會在執行政策上方便得多，但這樣對公眾未必是最有好處的。

主席：

苗學禮先生，即使你沒有一個既定的百分比，建築小組委員會中必然有若干委員是對建築有認識的人士，儘管沒有一個既定的比例。但在過去一段時間，尤其是在這4宗事件發生前的一段時間內，在該建築小組委員會中，實際上有多少委員是對建築有認識？有多少是沒有認識？大致的比例，例如是30%或40%，也可讓我們有一個印象。因為這是建築小組委員會，以我們的理解，應該會有些人是對建築有認識的，而不是全部或很少，例如只有一個委員是對建築有認識的。情況應該不是這樣，但實際的情況又是如何，你可否告訴我們？

Mr J A MILLER:

I think we have provided an answer to one of the questions for the last four or five years' worth of membership. I think from that you will see it is about two-thirds related and one-third not quite so closely related.

劉炳章議員：

主席，即該4宗事件發生之前和之後大致上都是這個比例？

Mr J A MILLER:

It is about the same.

主席：

一直都大約是這個比例，好的。楊孝華議員。

楊孝華議員：

我也想詳細地提出一些有關建築小組委員會的問題。剛才署長表示，建築小組委員會中有些委員是對建築有直接經驗的，例如在設計或建造方面等。以我所知，這些人士如以其專業運作一間公司，在他之下必定有很多支援人員協助，如提供資料及進行分析，而不是由他一個人作出決定的。當這些專業人士擔任建築小組委員會的委員時，他們當然不可以找自己公司的員工提供協助。請問在這方面，房屋署有沒有相應地為這些對專業有認識的人士提供足夠的支援服務，使他們擔任建築小組委員會委員時，感到自己並非“單槍匹馬”來決定一件事，而是有人提供具有足夠水準的服務，例如在價錢、所用樁柱等技術上的支援，使他們不會感到自己是在沒有足夠支援之下作出一些判斷。

主席：

苗學禮先生。

Mr J A MILLER:

We do not provide any dedicated assistance to Members of any of the committees outside of the committee secretariat. But if any member of any committee, or any Member of the Authority, wishes to seek information or advice on any subject they are free to approach any member of the Department for it.

I have to say that, within the Building Committee, the degree of scrutiny which I have witnessed over the last four and a half years has been a tribute to the work of the individuals of that Committee. They do not give us an easy time.

主席：

楊孝華議員。

楊孝華議員：

他們能否尋求到支援？例如有一份文件呈交給建築小組委員會，當委員覺得這與他們平常接觸的不同或對所用的技術提出質疑時，他們可否直接找房屋署內的技術人員？還是只能一般性地向閣下或更高層的文官提出問題，然後通過這個渠道來尋求答案？

主席：

苗學禮先生。

Mr J A MILLER:

Normally they will approach the business director direct. Occasionally they will talk to individual directorate members, but if they have queries, serious queries, they will raise them in Committee.

主席：

陳鑑林議員。

陳鑑林議員：

主席，建築小組委員會委員的職責除了批核工程外，還負責監察的工作。我想知道該小組委員會如何監察這些工作的進展？是透過文件，還是也有參與一些工程監察小組來進行一些工作呢？署長可否稍作介紹？

主席：

苗學禮先生。

Mr J A MILLER:

I think there are two sorts of supervision. There is the supervision of the progress of individual projects and their costs, and so on. That is handled by the regular presentation at each meeting of progress reports on all projects in hand which include a number of projects delayed by x number of months and so on, and which highlight particular problems with particular projects. There is a second level of supervision which relates to the performance of the contractors and consultants who work with us, and that is a formal mechanism which involves the drawing up of lists of eligible contractors and consultants and the disciplining, where necessary, of those that fall short of our requirements. The performance of contractors and consultants is reviewed regularly by the List Management Committee, which is chaired by the Business Director/Development and the recommendations of that Committee are taken to the Building Committee for endorsement or otherwise.

主席：

陳鑑林議員。

陳鑑林議員：

主席，房屋局也知道在2000至01年度將會有大量房屋落成，所以便成立了一個房屋計劃監察機制，我想知道這個機制與房屋委員會轄下建築小組委員會原有的監察機制是重複，還是相互之間有相輔相成的合作過程呢？情況如何，署長可否告訴我們？

主席：

苗學禮先生。

Mr J A MILLER:

Essentially it is integrated. The Housing Bureau mechanism which the Member referred to was established after the HOUSCOM was set up in second half of '97 under the Financial Secretary and was designed to try and ensure that all projects were kept on track, whether they were our own, or PSPS, or Housing Society's. Under that system each of the project managers within the Department is required to report changes to the scheduled progress of any given project. If there is a change to the schedule of a project, if something is delayed or the number of flats involved is changed because of a design change – that kind of thing – that has to be reported. Each of those requests for a change is routed through me. I have to sign it off before it goes up to the Bureau and is entered into their own computer system. But the numbers, although there might be slight mismatches in time, the numbers are the same, the dates are the same, and in our regular reports to both the Building Committee and the Strategic Planning Committee on progress we use essentially the same data.

主席：

陳鑑林議員，你是否還想跟進？

陳鑑林議員：

監察的工作除了房屋計劃的進展外，我相信還會包括建屋質素的問題，因為在這方面，建築小組委員會委員的工作量是十分沉重的，該小組委員會的委員有沒有參加工程監督的小組呢？

主席：

苗學禮先生。

Mr J A MILLER:

I am afraid I am not familiar with that particular term.

陳鑑林議員：

主席，我稍作清楚的解釋，因為房屋局設立這個監察機制，除了監察建屋量的進展外，該機制實際上還應負責監察建屋的質素及在過程中會否出現問題等。我想知道，建築小組委員會委員參與監察的究竟是所有方面，抑或只是有關建屋計劃的進展呢？

主席：

苗學禮先生，你是否明白陳鑑林議員的提問？ That is the Strategic Planning Committee, I think.

Mr J A MILLER:

Yes, thank you. The Strategic Planning Committee is chaired by the Chairman of the Housing Authority and is composed of all of the chairmen of the Housing Authority sub-committees, including therefore the Chairman of the Building Committee. They provide the high level supervision of progress towards meeting agreed targets. They and other Members are involved in an *ad hoc* way in visits to sites, for example, where we have particular problems. They are not involved in a day-to-day way in the supervision of individual projects.

主席：

何鍾泰議員。

Ir Dr Hon Raymond HO Chung-tai:

Thank you, Madam Chairman, I would like to raise a question also on the work of this Building Committee. This Committee, apart from monitoring the progress of the construction and maintenance programme, it has got at least five items of work as given under reference SC1-H0020. Actually all these items are related to, for instance, approval of briefs, plans and designs for a lot of these housing estates, construction projects, and also approving tenders and appointment of consultants, etc. But looking at the appointees or members of the Building Committee, for instance for the year 1995/96 given under reference SC1-H0021, I can say that out of some twenty members only about six or seven members are related to the construction industry or have had adequate experience in construction industry.

Now, with such a heavy programme of implementing this housing programme, there must be a lot of work to be approved and assessed and

discussed. Would you say that at the time when the workload was coming to the peak the Building Committee would increase the frequency of the meetings or rather and because a lot of the papers were actually given to them and they would approve the papers as a matter of course without thorough deliberation at meetings?

主席：

苗學禮先生。

Mr J A MILLER:

The Housing Authority's Business Committee is arguably the busiest of all of the, sorry, the Building Committee is arguably the busiest of all of the committees. It is routinely meeting once a month. During the lead-up to the peak it has in practice met more frequently and has had to deal, obviously, urgently with a number of problem cases. But every effort has been made to ensure that papers are put to the Committee sufficiently in advance for Members to be able to study them and come to a sensible view on them. There is a very heavy workload. It is a huge volume of papers, but I have to say they have given, certainly from the discussions in the meetings, they have given great scrutiny to these papers.

Ir Dr Hon Raymond HO Chung-tai:

What efforts, Mr MILLER, in this case as I asked whether or not the frequency of meetings was increased to deal with the number of issues arising or just ask them to approve the papers produced?

Mr J A MILLER:

The frequency of meetings was increased. I can give you data on that.

Ir Dr Hon Raymond HO Chung-tai:

Madam Chairman, because as I said, about a third, at most one-third of the members are construction-related. How can they deal with so many technical issues at their meetings, particularly when they have to decide on which types of piles to be included in tenders produced for the construction industry? Would the Building Committee have to go to other sources for assistance?

主席：

苗學禮先生。

Mr J A MILLER:

On the particular question of piling contracts the process is that for a site the geotechnical engineer for that site will arrange for site investigation. That information will be made available to the structural engineer who will produce a feasibility study, including the recommended type of piling for that, or types of piling which may be used for that site. That will be cleared by the chief structural engineer before tender documents are issued. Members must understand that for 95 percent of piling these contracts are design-and-build, i.e. the design is a matter for the contractor. So, although the tender specifications will indicate the types of pile which may be used, the choice of design will be for the contractor. So tenders go out with the data. Tenders are returned. They are then vetted for compliance by the same piling team before a recommendation is put to the Building Committee.

Ir Dr Hon Raymond HO Chung-tai:

Madam Chairman, this is exactly the gist of my question, because piling design is carried out by contractors because it is kind of design and build system, and the members of the Building Committee, in other words, have to just rely on what the contractors or the tenderers produce for your approval. But I was saying since only one-third of the members of the Building Committee are construction related and it may or may not be one or two who have experience in piling, design or construction or piling works in the past, how can this Committee approve the tenders from the contractors, because the tendering has been prepared on the basis of design-and-build?

Mr J A MILLER:

The first point is that the designs, first of all the site investigation feasibility, whether it is in-house or contracted out, is vetted by in-house professionals. The tenders which are received are vetted by the same in-house professionals. These are professional recommendations which are put to the Committee. That does not mean that they are rubber-stamped. We have had experienced engineers and other professionals on the Committee who have raised questions about piling schemes, design and types over the years.

主席：

我想作出一些跟進。剛才苗學禮先生提及會議的次數會增加，你可否提供資料，指出會議的次數大致上增加多少？例如再不是1個月開一次會議，而是1個月內開4次、3次或兩次會議。換言之，第一，究竟一般來說，會議會增加多少次？第二，在所須處理的事項繁多的情況下，每次會議一般會處理多少項工程？有多少份文件會呈交建築小組委員會？

Mr J A MILLER:

I think to provide an accurate answer to that I would have to defer until the next meeting, but in general terms during the build-up to the peak, so end of '97 through '98, middle of 97/98, the frequency of meetings was at least 50 percent higher than normal, and the duration of meetings was considerably extended.

主席 :

何鍾泰議員。

Ir Dr Hon Raymond HO Chung-tai:

Madam Chairman, I would like to follow up with the very important question on this same issue, because the Housing Department has been allowing the tenderers to propose the use of this type of pre-cast pre-stressed concrete piles which have resulted in some problems at some of the sites that we are investigating. But this type of pile has not been frequently used by the government's works departments nor the private sector. How can the Building Committee accept the designs based on the use of this type of pile as proposed by the tenderers? Would it be just a matter of judgement on the price alone, not the technical aspects of the proposed design submitted by the tenderers? Is that the case, Mr MILLER?

Chairman:

Mr MILLER.

Mr J A MILLER:

If I could answer the second half first. The structural engineering teams that vet piling designs look at both piling type and feasibility. They have to ensure that the design both meets the requirements of the original tender and is technically feasible, and then they look at cost. If for whatever reason a tender is debarred for failing to meet specification then they exclude it.

But if I could come back to the first half? I am not an expert in this field, as must be well known, but pre-cast pre-stressed concrete piles were introduced into Hong Kong in the early 1980's and were approved by Building Department for use. They have been used by the Housing Department quite regularly from the middle 80's onwards without particular problems. They have also been used by other parts of government and the private sector, though I understand that in the private sector they have become less common in the last ten years. They are still an approved piling method.

Chairman:

Perhaps to help, was there any discussion at the Building Committee on the type of piling to use, the adequacy or otherwise of these piling methods?

Mr J A MILLER:

From the record I understand that in the early part of 1996 a question was raised by one member about the appropriateness of using this type of pile, partly because it was not being used so often in the private sector, and a paper was put to the Building Committee in the Spring of '96 on pile types.

Ir Dr Hon Raymond HO Chung-tai:

I wonder if Mr MILLER could give the relevant parts of the minutes of that meeting to us after the meeting?

Mr J A MILLER:

I am quite happy to provide both the paper and the minutes.

Ir Dr Hon Raymond HO Chung-tai:

That is the first one. The second one is Mr MILLER has not really answered my point related to whether the Building Committee mainly concerns with the prices of the tenders or adequate emphasis is given on the technical adequacy of the designs produced by the tenderers?

Chairman:

Mr MILLER?

Mr J A MILLER:

As I attempted to say earlier in the in-house scrutiny which is given to these tenders by the professionals within the Department, they have to give regard first to whether or not the tenders meet the specifications of the project, and if they do then they look at price. My views on the way in which we have traditionally procured piling contracts are, as I said in my opening statement, are a matter of record and they are partly reflected in the reform document. But they have nothing to do with pile type. They have everything to do with the economics of the contract.

Ir Dr Hon Raymond HO Chung-tai:

My last point, Madam Chairman, if Mr MILLER is saying that the Building Committee will have to rely on the proposals and recommendations of the staff

members of the Department, would you say really the Building Committee is a rubber stamp in view of the size of the Committee and the amount of work that the Committee has to deal with?

Chairman:

Mr MILLER?

Mr J A MILLER:

No, I would not describe it as a rubber stamp. Members of the Committee have routinely queried the recommendations of the Department in respect of both piling and superstructure contracts.

Ir Dr Hon Raymond HO Chung-tai:

Also, Madam Chairman, could Mr MILLER produce records of such meetings to us on this particular point after the meeting, where Members of the Building Committee actually queried the proposals from the technical staff of the Department?

Mr J A MILLER:

That may be a very tall order going back four and a half years' worth of documents, but if you want ...

Chairman:

We do have records of some of those meetings so perhaps you can pick that up later on after looking through that pile that we've received, OK? 劉炳章議員?

劉炳章議員：

主席，我想圍繞建築小組委員會的問題作出跟進。建築小組委員會其中一項很重要的職責是批核標書。我看到工務局所採用的是中央投標委員會(central tender board)的制度。據我所知，中央投標委員會的委員均是全職人員。大家可以看到建築小組委員會中只有4名委員是全職的，其餘12名委員都是公眾人士或非全職人員，再加上當中有三分之二的人士未必具有建築方面的知識；以這樣的成員組合運作，大部分的支援及文件均由房屋署提供及編製。我想請問苗學禮先生，相比於工務局的中央投標委員會的運作，他認為這樣的運作方式是否適當，以及曾否出現嚴重問題？尤其是房屋署的員工不是建築小組委員會的委員所能控制的。

主席：

苗學禮先生。

Mr J A MILLER:

I understand the first part of the question but I am not quite sure what you mean by the second part. Perhaps if I deal with the first part first and then we can come to the second part.

As I said earlier my views on procurement have already been set out. I think historically the reliance on essentially design-and-build and lowest bid as technically acceptable formulas is not particularly clever. It works, has worked well in a rising economy. I would suggest that when an economy begins to fall there are repercussions, but that has much more to do with the structure of the contracts than the bidding itself.

One of the questions that I asked myself when this rash of problems occurred was, "what is it that is driving the cheating?", to put it crudely. And as an economist I looked for economic reasons. The way in which the Authority has traditionally structured its contracts has over time resulted in the transfer of risk onto the shoulders of the contractor as a means of reducing the Authority's risk. Now, in practice that is illusory. If you transfer risk onto the shoulders of the contractor alone, then when he goes under, you have problems.

In crude terms that is translated into, for example, levels of liquidated damages which in respect of the Home Ownership Scheme projects would bankrupt the contractor if he is one month late. No provision in contract for unexpected ground conditions and so on and so forth. While on paper design-and-build will get you the most efficient, the most economically efficient design, in practice it builds risk into the system. So as part of that document (the consultative document) and subsequent reforms we have altered the economics of the contract so that risk is shared more equitably. Therefore when there are problems the contractor is more likely to come and seek assistance than he would otherwise.

主席：

我認為答覆未能針對問題。問題主要部分是建築小組委員會中對建築有認識的成員很少，但他們要處理大量標書，只能依靠署方提供的專業知識；相對於有全職成員的中央投標委員會，這樣是否恰當呢？問題的核心便在這裏，或許請你再解釋一下最後的部分。

劉炳章議員：

主席，我絕對不是對建築小組委員會成員的能力有任何懷疑，從他們的名單來看，我覺得他們是相當有經驗的。但是，在18人中只有4名房屋署的員工是全職的，其餘14名都是非全職的；再加上只有三分之一具有建築背景，其餘三分之二是沒有建築背景的。相對於工務局中央投標委員會的成員均是全職的制度，我想請問苗學禮先生，究竟以建築小組委員會的運作方式來批核標書是否適當？

主席：

請你就這一點作出回應。

Mr J A MILLER:

I understood the question perfectly but my concerns are slightly different from yours. To answer the question directly, with a financially autonomous organisation such as the Authority I think it is entirely appropriate that it is the non-official members of the Authority that predominate in Committee. In the case of the Central Tender Board it is rather different. It is an entirely bureaucratic organisation.

主席：

請你也解釋問題的後半部分，即房屋署的專業人員無需向……

劉炳章議員：

因為建築小組委員會要承擔批核標書的重大責任，基本上全部技術支援均來自房屋署，而房屋署的員工亦不受建築小組委員會的控制，在這情況下，會否發生某些情況？即是說，建築小組委員會除了成為何鍾泰議員所說的“rubber stamp”外，根本上整個建築小組委員會被房屋署“hijacked”？

Mr J A MILLER:

It is the responsibility of all Members of the Department to provide the best possible professional advice to the Authority and its committees. It is for the Authority to take decisions on the basis of that advice or to seek alternative advice as it quite frequently does in the form of contracting out for certain types of advice. But I do not see that as a flaw in the system. As I say, for a financially autonomous organisation such as the Housing Authority, I think it is entirely appropriate that it is the non-officials that predominate in the decision-making forum.

劉炳章議員：

主席，我想請問苗學禮先生，他既然認為這樣的制度是沒有問題，那為何現在發生了如此多問題呢？.....

主席：

他無法回答你這問題。

劉炳章議員：

我知道。我想問，究竟建築小組委員會現時的制度是否沒有須予改善的地方？

主席：

不如改為問苗學禮先生，他認為有沒有須予改善的地方？

Mr J A MILLER:

To answer the first part first. I think the principal flaw has been in the manner of procurement and the structure of the contracts. I have said that publicly. I have repeated it today. As regards improvements, one of the improvements which I think we should be looking at is to divide the two types of work I described previously so that the Tender Board becomes a Tender Board and design functions are handled separately.

主席：

現在差不多是下午12時30分，我們原先計劃研訊進行至12時30分為止。但現在就這範疇，仍有4位委員等待發問，再加上何鍾泰議員，我們共有5位委員想提問，如要在12時30分結束研訊，我們是無法做到的。現在我多讓一位委員提問，其餘的委員安排在星期二繼續提問。陳婉嫻議員。

陳婉嫻議員：

主席，我的問題是有關政府在1995至1999年期間的建屋計劃，因為當中涉及建築小組委員會的批核工作。我想先從較廣闊的層面來看。根據政府提供的SC1-H0023號文件，我看到在那期間，房屋署的建屋計劃共有232項。剛才主席提問的內容很重要，即有關開會的次數、每次會議批核多少項工程等，我覺得很重要。而署長說在4年內有232項建屋計劃交給建築小組委員會處理，經

我計算後，平均每年有58項計劃，如每個月開會一次，平均每次便要處理4.7項計劃。由於每項計劃都很繁複，當中有很多技術上的問題需要處理。剛才署長一直說建築小組委員會發揮很大作用，我們不會置疑。不過，我覺得如果由一些非全職的委員審批計劃，如何才能發揮其職能作用？在建築小組委員會的職能作用中，有一點很重要，就是監察整項工程，即除了審批外還要監察。我想請問署長，一個這樣重要的建築小組委員會，每個月在建屋計劃方面的工作如此繁忙，既要審批又要監察，行政上的具體安排是怎樣的呢？他們的參與程度如何？我希望署長可以回應。

主席：

署長，只需一般性的回應便可。

Mr J A MILLER:

As I said earlier they (the Building Committee) have been the busiest and the most hard-working of our committees.

主席：

我想陳議員可先參閱那些文件，然後你可以在星期二就這方面跟進。

陳婉嫻議員：

即今早提交，還未看過的那些文件，是嗎？

主席：

是。閱覽後可能有很多啟發性。現在剛好是下午12時30分，公開研訊暫時到此為止，我們於2月24日(下星期二)下午2時30分繼續進行研訊，亦請苗學禮先生屆時出席，苗學禮先生你現在可以退席。各位委員，我們的會議還未結束，下一部分是閉門會議，我們要稍為總結到現階段為止所獲取的證供，然後再決定下次研訊的安排。各委員請移步到會議室C。

(研訊於下午12時30分結束)