

民政事務總署
香港灣仔軒尼詩道一百三十號
修頓中心二十九及三十樓



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本署檔號 Our Ref. () in L/M to HAD HQ II/17-5/1 Pt.9
來函檔號 Your Ref. CBI/F/2/4
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10 December 2010

Clerk to Public Works Subcommittee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central, Hong Kong
(Attn: Ms Debbie YAU)

[Fax: 2869 6794]

Dear Ms Yau,

**Public Works Subcommittee
Follow-up to meeting on 17 November 2010**

Briefing on public works projects below \$21 million

Thank you for your letter of 23 November 2010. Our response to the two issues raised by Members on 17 November 2010 is set out below –

(a) Information on the mechanism in assigning the responsibility of management and repair for district or rural facilities funded under the District Minor Works Programme or Rural Public Works Programme

The maintenance of facilities arising from the Rural Public Works (RPW) Programme is primarily the responsibility of the Home Affairs Department (HAD). The Works Sections of HAD's nine District Offices in the New Territories oversee such rural facilities and carry out repair and maintenance works as needed.

For the District Minor Works (DMW) Programme, HAD and the Leisure and Cultural Services Department (LCSD) are the two main departments responsible for the management of facilities under their respective purviews.

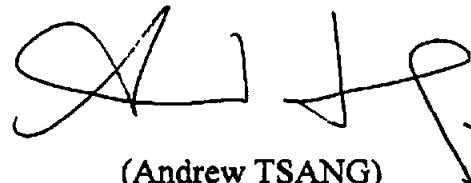
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As for maintenance, the responsible departments vary according to the types of facilities. Nevertheless, there is a well-established mechanism in respect of the more typical types of projects. For example, both the Architectural Services Department and the Electrical and Mechanical Services Department are involved in the maintenance of LCSD-led DMW projects and facilities in HAD's community halls/community centres. Separately, HAD is responsible for the maintenance of its own facilities for which it was the works agent. In respect of the uncommon types of projects, such as sculptures, the assignment of maintenance responsibility will be sorted out case-by-case. In such cases, discussions among relevant departments before project implementation are necessary for ensuring that the new facilities would be properly maintained.

- (b) **Consider adding an explicit clause in the tender document as well as the works contract prohibiting the payment of Tun Fu Fees without the prior consent of the Government**

In line with the existing tender and contract arrangements of projects undertaken by works departments, there is no explicit clause in the tender documents and contracts of DMW/RPW projects prohibiting the payment of Tun Fu without the prior consent of the Government. We have no intention to depart from this practice to insert such a clause in the relevant documents. However, if any DMW/RPW contractor considers that he is under threat or pressurised to make any unwarranted payments, we would advise him to approach the Police for assistance. We will also closely monitor the situation should any of such cases arise.

Yours sincerely,



(Andrew TSANG)
for Director of Home Affairs

c.c. Secretary for Financial Services and the Treasury (Attn: Ms Joyce HO) 2147 5240