

立法會
Legislative Council

LC Paper No. CB(1)792/13-14(03)

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Panel on Economic Development
Special meeting on 6 February 2014

**Background brief on the concerns regarding
the handling of Icon Shops tender by the Airport Authority Hong Kong**

Purpose

1. This paper provides the background for the tender award process of the Icon Shops of the Airport Authority Hong Kong (AA).

Background

2. On 6 December 2013, Hon SIN Chung-kai submitted a letter to the Chairman of the Panel on Economic Development (the Panel) attaching a submission from a group of middle management staff of AA (the submission) which alleged that AA senior management has altered the outcome of the tendering exercise of the retail shop licences for the Icon Shops at the airport. Hon SIN's letter and the submission, which have been issued to members vide LC Paper No. CB(1)502/13-14(01) on 10 December 2013, are at **Appendix I**. The Administration has also been invited to respond to the submission.

3. At the Panel meeting held on 16 December 2013, some members suggested that, in view of the nature of issues covered in the submission and relevant media reports, there might be a case for further discussion on the matter at a meeting of the Panel. The Panel Chairman subsequently agreed that the matter should be included in the agenda of the special meeting of the Panel scheduled for 6 February 2014.

Relevant question raised at the Council meeting

4. The Panel has not held any discussion on matters related to the tendering procedures of AA in the past two sessions. Separately, Hon Ronny TONG Ka-wah raised a question at the Council meeting held on 8 January 2014 concerning whether the Chief Executive Officer of AA has altered the tender assessment method in the lease tendering exercise for the selection of two Icon Shops at the airport. The question covers some of the key queries in the submission. Hon TONG's question and the Administration's written reply are given at **Appendix II**.

Latest developments

5. The Panel will discuss the issues regarding the tender award process of the Icon Shops of AA at the special meeting of the Panel scheduled for 6 February 2014.

Council Business Division 1
Legislative Council Secretariat
28 January 2014



民主黨立法會議員秘書處
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附錄 I
Appendix I

立法會

經濟發展事務委員會

主席

田北俊議員：

於 2013 年 12 月 16 日的會議增加議程，討論機場管理局的管理事宜

本人早前接獲機場管理局職員的投訴，指控管理層曾以不正當手法更改投標結果，令機場管理局的聲譽受損，也破壞員工士氣。故此，本人希望在 12 月 16 日召開的會議內，增加議程，討論機場管理局的管理事宜。

如有查詢，請致電 與民主黨經濟政策研究主任張國文先生聯絡。

單仲偕

立法會議員單仲偕

2013 年 12 月 6 日

附件：一群痛心疾首的機管局中層管理員工的來信

尊敬的單仲偕議員，

我們是一群機場管理局的中層管理員工，分佈不同部門，在公司的資歷不一，但對公司的歸屬感，卻是一致。我們熱愛我們的工作，每人每天都盡忠職守，謹守崗位，努力將香港國際機場打造成世界一流的樞紐機場。

在過去的半年來，公司一直受著 CEO 擅改投標結果的醜聞困擾，令公司辛苦建立的聲譽一落千丈，使我們痛心。今年六月份，有報章雜誌揭露行政總裁許漢忠先生，串通署理商務總監伍翹楚先生(Mr. Howard Eng)及零售部總經理丘昌賢先生(Mr. Albert Yau)，用不正當手法更改旗艦店 (Icon Shop) 的投標結果，令本應中標的公司落空，而給了排名較後的兩個人標公司，令機管局損失了數以億元的收入。報導同時提及另外兩個個案，性質類似，同是這三人小組的傑作。

爆出醜聞後，董事會前後發出了數個回應，內容並沒有否認管理層擅改投標結果，但強調當中沒有利益輸送，出發點是為公司最大利益，亦承諾會檢討公司制度流程，避免同類事情再發生。

在十月廿五日的上午，我們參加了每半年一次的管理層大會，出席的大概有一百人。會上 CEO 宣佈醜聞事件已告一段落，董事會確認了當中沒有 foul play，無人收授利益，亦無人需要承擔責任，簡單說，整個事件子虛烏有，是別有用心的人攻擊機管局及其本人。說畢，全場鴉雀無聲。會後，同事交談起來，無不搖頭嘆息，大嘆世事是非顛倒。

我們愛護機管局，不希望公司聲譽及員工士氣進一步受損，現請閣下主持公道。以下十點，萬望閣下督促特區政府房屋及運輸局及機管局嚴肅回應：

1. 爆出醜聞後，為何董事會沒有成立獨立調查委員會，調查整個事件？四月份發生了登機橋倒塌意外，公司幾天後馬上成立了獨立調查委員會，邀請了社會上有名望的人參與調查。為何旗艦店等醜聞事件，所涉的管理層更高級，所涉的負面報導更具破壞力，所涉的金額更巨大，卻沒有成立獨立調查委員會呢？
2. 沒有成立獨立調查委員會之外，公司及政府亦從來沒有公開調查委員會成員的身份，事後亦沒有公佈調查結果，整個調查過程給人「黑箱作業」的負面感覺，連究竟有沒有調查委員會也不肯定。
3. 據 CEO 的說法，管理層在 2011 年旗艦店事件中，並沒有自把自為，而是將事件向董事會下屬的行政委員會會報，經其審批。若這說法屬實，請問在今次內部調查中，是否有成員當年也是行政委員會成員，有份參與當年的審批？

反過來說，當年的行政委員會成員，在今次的內部調查中，是否有直接參與或背後影響調查呢？

4. 沒有經過執法機關的立案調查，如何能確認事件中無人曾經收授利益或利益輸送？
5. 在調查過程中，有否邀請現身在加拿大多倫多機場任行政總裁的 Howard 作供呢？Howard 是整個「搬龍門」事件的關鍵人物，不向他取證，調查那能稱得上客觀及全面呢？
6. 自 2011 年以來，公司一直流傳 CEO 也是受其直屬上司指使的說法，而其直屬上司則受命於更高的權力來源，這些說法甚囂塵上，言之鑿鑿。在調查過程中，調查委員會有否跟進這個線索，澄清或印證了這些說法呢？
7. 在調查過程中，有否確認除上述幾個個案外，再沒有另外的「搬龍門」事件或其他不當或違規的個案？
8. 內部調查後，是否如 CEO 所說，並沒有人需要承擔責任。若事件確有不足之處，但無人需要承擔責任，那公司制度不是形同虛設嗎？以後不是變相鼓勵員工有樣學樣嗎？
9. 在前後數個傳媒回應中，提到因 Icon Shop 事件，聘請了兩位獨立顧問，檢討公司的制度及規章。請問兩位獨立顧問，對 Icon Shop 事件（及其他類似事件）的調查結果怎樣？事件的成因為何？若當事人不涉利益輸送，那「搬龍門」的動機又是甚麼？兩位獨立顧問又提出了甚麼有效措施，防止類似情況再發生？
10. 最後，為何政府及董事局不督促 CEO 向員工詳細交待事件的來龍去脈，讓大家好有一個教訓，以後引以為戒？

以上十點，希望閣下能兼公辦理，為機管局的聲譽討回一個公道。機管局乃香港政府全資擁有的公營機構，面向公眾及不同的持分者，實有責任在這十點上給大眾合理的交代。茲事體大，兼且三跑道如箭在弦，若有需要，立法會應成立調查委員會跟進事件。

祝 工作愉快

一群痛心疾首的機管局中層管理員工

2013 年 11 月 29 日

Press Releases

LCQ10: Tendering procedures of retail shops at airport

Following is a question by the Hon Ronny Tong and a written reply by the Secretary for Transport and Housing, Professor Anthony Cheung Bing-leung, in the Legislative Council today (January 8):

Question:

It has been reported that in awarding the leases of two flagship retail shops in East Hall, SkyMart in the restricted area of the passenger terminal building, the Chief Executive Officer (CEO) of the Airport Authority Hong Kong (AA) exercised discretion not to follow the principle of awarding the contracts to bidders offering the highest bids, resulting in AA suffering substantial rental loss. In addition, a group of middle-level management staff of AA have complained to me, alleging that AA has not actively followed up the aforesaid incident so far. In this connection, will the Government inform this Council if it knows:

(a) whether the CEO of AA altered the tender assessment criteria and the weightings concerned (assessment method) in the aforesaid lease tendering exercise; if he did, (i) of the reasons and details for that, (ii) the differences in the assessment methods before and after the alteration, (iii) whether such alteration violated the relevant guidelines issued by the Independent Commission Against Corruption; if so, whether the authorities will take further follow-up actions; if not, the justifications for that, and (iv) whether AA has evaluated the rental loss due to the alteration in the assessment method;

(b) whether AA has set up an independent investigation committee to follow up the aforesaid incident; if not, of the reasons for that; if AA has, of the details, and whether any person has been found to have violated the rules; if violations have been found, whether the authorities have taken follow-up actions; and

(c) whether AA will consider reviewing the assessment method for lease tendering exercises; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the various parts of the question raised by the Hon Ronny Tong is as follows:

The Airport Authority (AA) follows a set of established procedures to handle the tendering of retail shop licences. The Retail & Advertising Department is responsible for the tendering of retail shops. Throughout the whole process from planning of tendering to the award of licences, relevant departments will deliberate and report to internal committees in the AA, and final decisions are not made by any single individual. Generally speaking, during the tender vetting process, apart from considering factors such as the tenderers' background, brand, sales performance, industry experience, business concept and

licence revenue, the AA also takes into consideration trade mix at the airport, in order to meet the different needs of travellers. The AA will adjust its business strategies as appropriate to cater for the changing market trend and travellers' demand.

In the tender award process of the Icon Shops, after vetting the tenders received, AA management included tenderers' product category and the rental terms of their existing shops in the airport as evaluation criteria. This is to cater for market trends, strike a good balance in trade mix, and optimise revenue for the airport. A final decision was reached after discussion at the internal committee chaired by the Chief Executive Officer of the AA. AA management considered that the decision would bring the greatest overall benefits to the airport.

Tender documents for the Icon Shops stipulated that in tender evaluation, the weighting of financial return accounted for 60 per cent, while non-financial factors accounted for 40 per cent. Tenderers were required to propose a minimum guaranteed rental and a percentage share of business turnover. The successful tenderers were required to pay whichever was higher to AA as the licence fee. The abovementioned weighting ratio (i.e. 60 per cent on financial return and 40 per cent on non-financial factors) remained unchanged throughout the whole tendering and evaluation process.

In terms of business strategy, AA has to take into account the trade mix and rental conditions. However, there were shortcomings found in this concerned tender process. The Internal Audit Department of the AA has conducted an independent review into the tender award process of the Icon Shops. The review pointed out that there were deficiencies in AA's pre-tender planning work, which gave rise to the need for adjusting the evaluation criteria after vetting the tenders received. The Internal Audit Department reported its findings to the AA Board and the Audit Committee and Finance Committee (ACFC) under the AA Board in May last year. The AA Board and ACFC endorsed the concerned review findings and have requested AA management to review and improve the established procedures and specify various key evaluation criteria in the early stage of tender preparation. This is for avoidance of the need to exercise discretion allowed under the tendering procedures to adjust the evaluation criteria after tenders were received in order to protect AA's commercial interests. AA Board has also requested AA management to further strengthen internal controls and corporate governance, and enhance the organisation's compliance culture.

The AA Board has taken the inadequacies identified in the tendering process for the Icon Shops very seriously, and has criticised AA management for not handling the process satisfactorily. AA Board engaged two independent consulting firms to have full review of various aspects of tendering procedures of AA in 2012. With the substantial completion of the reviews, AA has implemented measures to improve the clarity and integrity of the whole tendering process. For instance, representatives from departments other than the Retail & Advertising Department will be involved in tender evaluation process as reviewers to enhance the independence and professionalism of the process. Guidelines are strengthened to ensure that tender evaluation work complies with the improved procedures. Besides, AA management will also enhance staff's understanding of internal controls and corporate governance through training.

Ends/Wednesday, January 8, 2014
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