

財經事務及庫務局



香港添馬添美道二號
政府總部二十四樓

FINANCIAL SERVICES AND THE
TREASURY BUREAU

24/F, Central Government Offices,
2 Tim Mei Avenue, Tamar
Hong Kong

傳真號碼 Fax No. : 2523 5722
電話號碼 Tel. No. : 2810 2257
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20 May 2015

Mr Anthony Chu
Clerk to the Public Accounts Committee
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr Chu,

Public Accounts Committee
Consideration of Chapter 2 of the Director of Audit's Report No. 64
Operation of the Government Flying Service

I refer to your letter dated 13 May 2015 seeking information on whether the Central Tender Board (“CTB”) has engaged independent consultants to provide expert views on provisions of a tender document or on the tender evaluation process. Our response is set out in the ensuing paragraphs.

Pursuant to the Stores and Procurement Regulations, it is the procuring department’s responsibility to draw up tender requirements/specifications in a manner which is clear, objective and in compliance with the government procurement principles of maintaining open and fair competition. As for tender evaluation, the procuring department shall appoint a tender assessment panel (“TAP”) which comprises properly qualified persons to do the job. To safeguard the integrity of the procurement exercise, the TAP should

comprise government officials only. In case where independent and/or expert advice on particular subjects/issues is required, the procuring department may engage consultants to assist in drawing up tender requirements/specifications and tender evaluation process. This arrangement is not uncommon in tenders for works projects. The consultants so engaged are required, as per government officials, to declare any actual, potential or perceived conflict of interest in the procurement exercise. There are also standard provisions in the consultancy agreements on confidentiality, prevention of bribery, ethical commitment, avoidance of conflict of interest and debarring requirements which are in line with the advice of the Independent Commission Against Corruption. In tender evaluation, the consultants will assume the role of facilitator providing independent and/or expert advice but not of marking member of the TAP.

CTB is appointed by the Financial Secretary to advise on the acceptance of non-works tenders exceeding \$15 million and works tenders exceeding \$30 million. It is chaired by the Permanent Secretary for Financial Services and the Treasury (Treasury), with the Director of Government Logistics, the Permanent Secretary for Development (Works) or his representative, a legal adviser and the Deputy Secretary for Financial Services and the Treasury (Treasury) 3 as members. In considering the recommendations of procuring departments on tender acceptance, CTB will examine whether the procurement exercises and tender evaluation process have been conducted with due regard to government procurement principles and in full compliance with procedural fairness and propriety. To maintain clear segregation of roles and duties, CTB has not been and should not be involved in drawing up tender requirements/specifications or tender evaluation process. As such, CTB has not engaged any independent consultants for doing the same.

Yours sincerely,



(Miss Winky Wong)

for Secretary for Financial Services and the Treasury

c.c. Secretary for Security (fax no. 2877 0636)
Controller of Government Flying Service (fax no. 2215 0230)
Director of Audit (fax no. 2583 9063)