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By fax and email

28 January 2019

Mr Anthony Chu  
 Clerk to Public Accounts Committee  
 Legislative Council Secretariat  
 Legislative Council Complex  
 1 Legislative Council Road  
 Central, Hong Kong  
 [email address: ahychu@legco.gov.hk]

Dear Mr Chu,

**Chapter 5 of the Director of Audit's Report No. 71**  
**Radio Television Hong Kong: Provision of programmes**

Thank you for your letter dated 18 January 2019 to Secretary for Financial Services and the Treasury. I append below the required information –

The Radio Television of Hong Kong (“RTHK”) is reviewing whether its acquisition of television and radio programmes falls within the scope of application of the Stores and Procurement Regulations (“SPRs”). We are considering the information provided by RTHK, and seeking further information from RTHK.

As regards the follow-up question of the Public Accounts Committee (‘the Committee’) on RTHK’s reply of 4 January 2019, according to SPR 126(a), Controlling Officers should adopt fair, competitive and open bidding practices in conducting procurement exercises. SPR 280(a) stipulates that when preparing specifications, procuring departments may make reference to the “Guidelines for Drawing Up Tender Specifications” at Appendix III(F), where appropriate. Paragraph 3(d) of the said Guidelines states that “*department should guard against over-prescribing requirements. Output- or performance-based (rather than*

*input-based) specifications should be adopted. Over-prescription or input-based specifications may perpetuate incumbent advantage, inhibiting competition and leading to over-reliance on single contractor". Besides, paragraph 6(c) of the Guidelines also stipulates that "given that non-compliance with a requirement specified as an "essential requirement" will render the tender non-conforming, departments should vigorously assess whether a requirement should be specified as an "essential requirement" ". In the light of the above, procuring departments should make reference to the stipulated Guidelines in drawing up tender specifications according to their individual practical operational needs. We understand that RTHK is contemplating on amendments to the essential requirements in view of the recommendations in the Audit Report.*

I should be grateful if you could relay the above information to Members of the Committee for reference.

Yours sincerely,



( Miss Pat Chung )  
for Secretary for Financial Services  
and the Treasury

c.c. Secretary for Commerce and Economic Development  
(Fax no. : 2588 1421)

Director of Broadcasting  
(Fax no. : 2337 2403)

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