

Independent authority needed to ensure quality control of building repair and maintenance

The aged buildings were said to pose safety hazards to the public, for the reason of the lack of regular repair and maintenance. The government always emphasizes the duty of owners on their liability to keep building safe. It is always headache to building owners in organizing building repairs work for their lacking of such specific knowledge. Building owners are even frustrated and unwilling to proceed any repair works having learnt from the widely publicised complaints about the malpractice committed by unscrupulous consultants and contractors. There are complaints on the manipulation of tenders for repair and maintenance works in private buildings, substandard quality delivered, exorbitant repair costs, and threats to building owners over payment disputes. The Development Bureau and the Hong Kong Institute of Surveyors (HKIS) have pushed for an authority or committee to oversee the local building repair and maintenance market for the purpose to assure fair competition and enhance transparency.

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There is voice from the public to establish a central statutory body to prepare and maintain a list of qualified consultants and contractors and handle complaints, says Sr Andrew Kung Sui-lun, Chairman of the Building Surveying Division of HKIS.

Sr Nathan Lee Hoi-tat, a council member of the Building Surveying Division, agrees. "The authority should help promote the public education on the correct ways to approach building repair and maintenance. It can set up registers and compile lists of qualified consultants and contractors for the buildings' owners to make their selection based on their specific needs and requirements."

Vetting of companies applying for listings should also be conducted. The criteria should include corporate structure, professional qualifications of the company's key personnel, financial health, and records of past projects and litigation. "The authority should also regularly review the lists and have the power to delist companies that have received many complaints," Lee adds. "Theoretically, the authority can consider categorising contractors based on the total cost of the biggest project a contractor has handled, types of projects, and the specific experience and expertise of individual contractors."

Kung says that, an authority can help deter malpractice through a point deduction system and delisting so that only good quality companies are on the list.

The establishment of registers for qualified consultants and contractors should not squeeze out smaller companies. The registers help enhance the transparency of the contractor sector and make it a more level playing field for all. Because the size of projects varies, some large well-established contractors may not be interested in small-scale projects, which can be taken up by smaller companies, Kung believes. "Our proposal to establish an authority or a committee to monitor consultants/contractors is just to ensure fair game and regulate the market so that more companies irrespective of their size will come back to get involved in this market. Monopoly by large companies is definitely not our intention."

Currently building owners preparing for the procurement of either building consultancy services or contractors for building repair projects will make reference to the respective registered lists maintained by the Buildings Department, Lee says. "But the information only covers names of the profession, without company names with just telephone numbers. Another list by the Development Bureau includes information on the maximum size of projects that have been handled by an individual contractor. The list also categorises the contractors by project type and based on their experiences. For instance, when a contractor has completed a type of project in a higher category satisfactorily, the company will be upgraded to that category."

Another member of the Building Surveying Division, Sr Peter Dy Wai-fung, says building owners should have better understanding of building maintenance works, not just the procedure and the process, but also the roles and duties of the professions to be commissioned to serve them. It is crucial for owners to acquire such general knowledge for the smooth planning and the control of the maintenance and repair works. It is frequently read from media report recently that there is complaint on the malpractice of the engaged building consultant. "Owners should appreciate the importance of professional services and the need to commission professional practice to serve them. It is normal to expect that there are employees or even the boss in the consultancy practices who are qualified members of professional institutions, e.g. HKIS members. However, there are local practices which were found without any staff possessing professional qualification. Owners are really running the risk of not getting quality services."

Kung recommends that building owners should do the initial research on the background of consultants/contractors. "For first-hand information, they can approach owners of buildings in their neighbourhood that have just undergone repair works to get fair appraisal of the consultants/contractors involved. When they place advertisements to ask for expression of interest from companies, they should request information such as job references which the owners can verify themselves."

To set the quality standard and benchmark for repair and maintenance works, Kung thinks the

proposed authority or committee can take through a multi-step approach. First, when companies apply to be included in the list, they should agree to provide the authority with information such as the project particulars of their job references including contract costs and variations. "When the size of this historical database has grown to a substantial size, it will become great reference materials for the authority/committee to conduct data analysis. It will also benefit building owners because they are able to identify their needs and set out specific requirements based on projects completed for buildings of similar size and number of units in their neighbourhood. This helps enhance the transparency in building repair projects."

To help stamp out malpractice by unscrupulous businessmen before the official establishment of the authority subject to the approval by the government, the formation of a committee should be an interim strategy. For the long term, an authority is essential, as it has the statutory power to regulate the sector through enforcement of legislation.

Lee thinks setting up an authority requires complex legislative procedures. "Establishing a committee involves much simpler procedures. But a committee is only an advisory body and can only make recommendations, which is similar to the current mechanism ... that is considered inadequate as the police handle threats and corruption cases are investigated by the ICAC. There is no central authority to coordinate and regulate the sector."

Kung echoes Lee's sentiment. "The Development Bureau can provide resources and make use of the expertise in the Urban Renewal Authority, Hong Kong Housing Society and the Construction Industry Council. First we can get the committee running as a semi-private body to help building owners deal with their problems as soon as possible. The participation of building owners is voluntary. The committee can ask them to sign undertakings, which are not legally binding, to submit data of projects once they are completed. Consultants and contractors applying for listings can be required to agree to be governed by the committee's rules," Kung notes. "When the operation of the committee matures, then it can be transformed into an authority through legislation."

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政府應設獨立法定監管機構確保樓宇維修質素

舊樓年久失修，疏於保養，危及公眾安全。政府一直強調業主應負起維護樓宇安全之責，而業主因缺乏相關專業知識，每每為安排樓宇維修工程傷透腦筋。一些無良顧問及承建商施工不當，廣受詬病，令業主對維修卻步。這些指責包括：操控私人樓宇維修工程投標、劣質施工、天價維修費、因費用爭拗而恐嚇業主。發展局及香港測量師學會敦促政府成立法定監管機構或委員會，監督本港樓宇維修市場，藉此確保公平競爭及提高透明度。

香港測量師學會建築測量組主席龔瑞麟測量師指出，有市民要求設立中央法定機構，制訂合資格顧問及承建商名單，並處理有關投訴。

建築測量組理事會成員李海達測量師深表認同。「監管機構應協助推廣正確的樓宇維修保養觀念，亦要設立登記冊，制訂合資格顧問及承建商名單，以便業主根據個別需要及要求選擇。」

李海達認為，申請加入名單的公司亦需經過審核，審核準則應包括公司架構、公司主要成員的專業資格、財務狀況、承接過的項目和過往的訴訟記錄。「監管機構亦應定期檢討名單，並有權將屢遭投訴的公司除名。理論上，監管機構可以考慮將承建商分門別類，按它們承辦過最大型項目的總成本、項目類型、個別承建商的具體經驗及專長歸類。」

龔瑞麟冀望監管機構可透過扣分制及除名遏止歪風，確保只有質素良好的公司能夠列入名單。

他認為，設立合資格顧問及承包商登記冊時不應將規模較小公司排除在外。登記冊有助提高市場的透明度，讓各方公平競爭。由於工程項目規模大小不一，一些大型承辦商可能無意承接小項目，這些項目便可由小公司承接。「我們建議成立一個監管機構或委員會，負責監察顧問和承包商，確保市場公平穩定，讓不同規模的公司都能回歸市場分一杯羹。我們絕對無意讓大公司壟斷市場。」

李海達建議，業主若準備僱用樓宇顧問或維修承辦商，可參考屋宇署的登記名單。「不過，有關名單只列出專業人士姓名和電話號碼，並無公司名稱。至於發展局所保存關於承建商名單，則有列出個別承辦商以往承接最大型項目的資料。名單中的承包商亦按項目類型及經驗分類。舉例而言，當承包商完成較高類別的項目後，就可升級到該類別。」

同屬建築測量組李偉峰測量師鼓勵業主多了解樓宇維修工程，不能單單認識程序及流程，亦要了解他們所委託的建築專業人員所擔當的角色及職責。業主必須有這方面的基礎知識，才能妥善計劃和監管保養及維修工程。媒體近日常有報導有關於受委託建築顧問不當行為。「業主應多重視專業服務，委託專業人士。一般來說，顧問公司的員工乃至僱主都應為擁有建築專業資格的人員，如香港測量師學會的合資格會員，但是，我們亦常見有一些顧問公司沒有任何持有專業資格的員工，可能令業主得不到優質服務。」

龔瑞麟建議業主事前調查顧問或承辦商的背景。「業主若想得到第一手資料，可聯絡附近最近完成維修的業主，客觀地了解顧問或承辦商的服務。業主在徵求有意承接工程的公司時，應要求公司提供以往的工程資料等等，供業主親自查證。」

龔瑞麟建議逐步成立監管機構或委員會，制訂維修保養工程的質素標準及規範。首先，公司申請加入名單時，應向當局提供以往工程的合約成本、工程變動等詳細資料。「隨著資料漸漸增多，日後便可成為監管機構或委員會分析數據的重要參考。這些資料亦能讓業主參考附近單位面積和數目相若的樓宇，釐清自己的需要並訂定具體要求。此舉有助於提升樓宇維修項目的透明度。」

在政府批准設立正式監管機構前，應先成立臨時委員會，以打擊無良商人的歪風。長遠而言，政府必須設立監管機構，以法定權力執法，監管樓宇維修工程行業。

李海達認為設立監管機構所需的立法程序複雜。「成立委員會的程序雖簡單許多，但委員會只是諮詢機構，只能提供意見，與當前機制無甚分別……由警方處理恐嚇事件，貪污案件則交廉政公署調查，可見現有機制之不足。目前並無中央機構協調及規管樓宇維修工程行業。」

龔瑞麟認同李海達的觀點。龔瑞麟指出：「發展局可以提供資源，動用市區重建局、香港房屋協會及建造業議會的专业知識。委員會初期可以半私營形式運作，幫助業主盡快處理問題，業主可自願參與。委員會可以請業主簽署無法律約束力的保證，在竣工後提交項目資料。委員會還可以要求申請加入名單的顧問及承辦商須接受委員會規管。在委員會運作成熟後，可通過立法程序轉為官方監管機構。」

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