

MEMORANDUM OF UNDERSTANDING
BETWEEN
HOUSING AUTHORITY / HOUSING DEPARTMENT
AND
BUILDINGS DEPARTMENT

HONG KONG SPECIAL ADMINISTRATIVE REGION,
THE PEOPLE'S REPUBLIC OF CHINA

Recognizing that establishing and maintaining an independent regulatory control on Housing Authority (HA) buildings will continue to give public assurance of the built quality of public housing, the Housing Authority / Housing Department (HA/HD) and the Buildings Department (BD) **have the following mutual understanding:**

1. **Compliance with the Buildings Ordinance on design and construction standards**
- 1.1 HA/HD is committed to adhering to the requirements under the Buildings Ordinance (BO), its subsidiary legislation and codes of practice and guidelines issued by BD, including Practice Notes for Authorized Persons, Registered Structural Engineers

and Registered Geotechnical Engineers (hereinafter referred to as “the BO and related requirements”) at all times. Although HA buildings are exempted from the provisions of the BO under section 41(1)(aa) of the BO and section 18(2) of the Housing Ordinance, HA/HD has been taking measures, and will continue to do so, to ensure that HA buildings are designed and constructed to standards consistent with those set under the BO and related requirements for private developments.

- 1.2 HA/HD has been engaging and will continue to engage qualified professionals and technically competent persons who possess equivalent qualification and experience as that required under the BO and who are conversant with the BO and related requirements as projects staff and consultants to ensure that the design and construction of all HA buildings and building works (including alterations and additions) are in compliance with the BO and related requirements at all times.
- 1.3 HA/HD has been employing and will continue to employ contractors registered under the BO (hereinafter referred to as ‘Registered Contractors’) to carry out the construction works and these Registered Contractors would ensure that the execution of construction works are in compliance with the BO

and related requirements at all times.

- 1.4 HA/HD has been adopting and will continue to adopt the established system and practice whereby works procedures to meet standards commensurate to the BO and related requirements are subsumed under the quality management system, including internal guidelines and manuals. These system and practice will continue to enable the HA projects staff and consultants to design, execute and supervise the works carried out by Registered Contractors, in compliance with the BO and related requirements under self-regulation.

2. **Independent Regulatory Control of HA and Former HA Buildings**

- 2.1 An Independent Checking Unit (ICU) has been established to exercise independent administrative building control over HA buildings in line with the BO and related requirements.
- 2.2 The establishment of ICU is to ensure that the independent checking on HA projects is consistent with BD's practice. The emphasis is on establishing a comprehensive and independent administrative building control system. The ICU maintains its impartiality by reporting directly to the Permanent Secretary for

Transport and Housing (Housing) and being independent of other business divisions of the HD that carry out the building works. To reinforce its impartial status, the ICU has been formally detached from HA/HD by being placed directly under the Office of the Permanent Secretary for Transport and Housing (Housing) since 1 June 2015.

- 2.3 ICU's control measures for HA buildings cover, among others, approving various types of building plans, granting consents to the commencement of works, carrying out site monitoring as well as conducting final inspections for the issue of occupation permits or acknowledgement of completion.
- 2.4 Apart from the administrative building control of HA buildings, ICU also exercises statutory building control, under delegated authority from the Director of Buildings, to (i) HA buildings and former HA buildings in estates and courts which were partly or wholly sold or otherwise disposed of under sections 4(2)(a) and 17A of the Housing Ordinance (HO), and (ii) buildings partly acquired by HA under section 4(2)(a) of the HO.

3. **Mechanism to uphold ICU's standards of checking by BD**
- 3.1 BD has been seconding and will continue to second senior professional officers to ICU to underpin the vetting teams by providing expert advice on plan processing, performing bridging functions like making referrals to BD and its committees on policy and principles, and channeling guidelines from BD on interpretation of the BO and related requirements and alignment of practices. The independent role and profound experience of the BD seconded officers have ensured and will continue to ensure that the standards of checking and independency of ICU are upheld. In addition, chief professional officers of ICU are appointed as members of the Building Committee and the Structural Engineering Committee of BD to ensure that they have continuous involvement and updated knowledge on BD's practice especially the exercise of discretion in plan processing.
- 3.2 BD has been reviewing and will continue to review regularly the delegation of authority and power to ICU, and to oversee ICU's delegated duties by receiving six-monthly reports. BD may conduct audit checks on ICU when necessary to ensure that the standards of checking by ICU are consistent with those of BD.

4. **Referral to BD to Take Disciplinary Actions against Registered Contractors under BO**

4.1 For HA building projects, apart from the sanctions under contract administration and list management exercised by HA/HD, ICU may make referral to BD for consideration of taking disciplinary actions against Registered Contractors who perform poorly in matters pertaining to the BO.

5. **Review of the Memorandum of Understanding (MOU)**

5.1 HA/HD and BD will review the contents of this MOU biennially.

Signed by

Signed

Stanley Ying, JP
Director of Housing

Signed

CHEUNG Tin-cheung, JP
Director of Buildings

Date : 28 November 2017

Note : This MOU was reviewed in October 2019 and no amendment was required.