

**For discussion on
27 March 2007**

**LEGISLATIVE COUNCIL
PANEL ON PLANNING, LANDS AND WORKS**

**Buildings (Amendment) Bill 2007
Minor Works Control System**

INTRODUCTION

The Government intends to amend the Buildings Ordinance (Cap 123) (BO) and its Regulations to introduce a minor works control system to provide simple and effective statutory procedures for carrying out minor works. This paper outlines the details of the proposal.

BACKGROUND

2. Under the extant BO, all building works, despite their scale and complexity, are under the control of one single building control system. Prior approval of building plans and consent to commence building works must be obtained from the Building Authority (BA) before commencement of such works. Whilst such a control system provides very stringent control over all building works, in practice, in comparison with the construction of a new building, many building works carried out in existing buildings are in fact relatively simple and of a small scale (e.g. erection of supporting frames for air conditioner and drying racks, etc.). The existing control system is not commensurate with the complexity of such minor works. The proposed system will simplify the procedures in order to provide a lawful, simple, safe as well as convenient means for building owners to carry out minor works.

Consideration by the Former Council

3. The proposed minor works control system together with other amendments to the BO were contained in the Buildings (Amendment) Bill 2003 (the Bill) which was introduced into the Legislative Council (LegCo) in April 2003. At that time the Bills Committee was of the view that the Administration should further consult the industry and minor works practitioners on the proposal. In order to allow adequate time to collect views from the industry, the

Administration excised all provisions related to minor works from the Bill. The Administration has since consulted the industry again extensively and reviewed the proposed control system.

4. A Working Group has subsequently been established by the Buildings Department (BD) to refine the minor works proposal with the stakeholders. The Working Group comprises representatives from the relevant professional institutes, practitioners as well as the Minor Works Concern Group (MWCG) representing the frontline minor works practitioners. Besides, in order to explain the concepts and details of the minor works control system to frontline practitioners directly, the BD conducted in late 2006 four briefing sessions. Over 700 participants, including representatives of property management companies, contractors of minor works, trade associations and workers, attended the briefing sessions. The various sectors were generally supportive of the proposal. To ensure that our proposal is practicable and meets the needs of the industry and building owners, we have endeavoured to take into account the views of the various stakeholders in mapping out the details of the proposal.

THE REVISED PROPOSAL

5. To implement the minor works control system, a category of “minor works” covering relatively simple and small-scale building works will be introduced under the BO. A new register of Registered Minor Works Contractors (RMWCs) will also be introduced. It is expected that the future RMWCs will mostly comprise existing minor works practitioners. Under the new system, the relevant contractors and building professionals will not be required to submit building plans for the BA’s approval or seek the Authority’s consent for the commencement of works before carrying out minor works. They will only be required to submit reports to the BA upon the completion of works to certify their safe completion. For simple minor works, RMWCs may carry out the works themselves. For more complicated and larger-scale works, RMWCs are required to carry out such works under the supervision of registered building professionals.

6. Under the minor works control system, certification of minor works will mainly be carried out by the building industry. The Government will perform a monitoring role and conduct audit checks on completed works to ensure that they meet the safety standards. We believe that the proposed system can enhance efficiency and flexibility in carrying out minor works, while catering for the development of the building industry and meeting the actual needs of the society.

CLASSIFICATION AND TYPES OF MINOR WORKS

7. Under the proposal, minor works will be classified into three classes according to their scale, complexity and safety requirements:

- a) Class I, comprising those relatively more complicated minor works (e.g. structural alterations and additions) which should be designed and supervised by Authorized Persons (APs) (with the assistance of Registered Structural Engineers (RSEs) or Registered Geotechnical Engineers (RGEs) as appropriate) (referred to as "building professionals" hereafter) and carried out by registered contractors;
- b) Class II, comprising works of a lower complexity (e.g. repair of external walls); and
- c) Class III, comprising common household minor works (e.g. erection of supporting frames for air-conditioners).

8. As the requirements for technical expertise are lower for Classes II and III minor works, they can be carried out by registered contractors and do not have to be designed and supervised by APs. Under each class of minor works, works will be divided into different types to match with the actual specialization of works in the industry. Practitioners conversant with different types of works may register as minor works contractors in accordance with their qualifications and areas of specialization.

9. Details concerning the classes, types and items of minor works will be stipulated in the relevant regulations for regulatory and enforcement purposes. To facilitate the public to understand the new system, including how to engage building professionals or contractors to carry out minor works, we will promulgate simple and user-friendly brochures for their easy reference. The brochures will focus on the different needs of people from different sectors and the building owners and will set out the procedures and matters requiring attention concerning common types of minor works. Before the implementation of the minor works control system, we will conduct extensive public education and promotional activities as well as provide enquiry service to enable the public and industry to have a better understanding of the operation of the control system. Upon the implementation of the system, the BD will also proactively offer technical assistance and support to building owners and the concerned parties

10. We will also produce guidelines for RMWCs to facilitate their operation.

REGISTRATION OF MINOR WORKS CONTRACTORS

11. We will set up a registration system for the RMWCs. Applicants can register as qualified RMWCs according to their qualifications and experience. A transitional period and a provisional registration arrangement will also be provided to allow adequate time for the existing practitioners to prepare for registration as RMWCs.

12. Regarding the relationship between the proposed registration system and the registration system under the Construction Workers Registration Ordinance (Cap 583) (CWRO), we have carefully listened to the views of the MWCG. The Group has pointed out that since most of the minor works practitioners will only carry out works in completed buildings rather than on construction sites for newly constructed buildings, they may not register as registered skilled workers under the CWRO. As such, possession of CWRO qualifications should not be taken as the only route for obtaining qualifications for carrying out minor works. In fact, the legislative intent of the CWRO is different from that of the minor works control system. The former mainly covers new construction works and large-scale addition and alteration works on construction sites, whereas the latter focuses on minor works in existing buildings. Therefore, the modes of control, skill requirements for registration and classification of works items are different under the two regimes. Against such a backdrop, there is a need to establish a separate registration system for minor works practitioners.

13. Nevertheless, we are aware that registered skilled workers of certain trades under the CWRO and holders of relevant trade test certificates may possess the relevant skills to carry out certain minor works. Therefore, under the proposed minor works control system, for workers registered under the CWRO as skilled workers to carry out works of specified trades as well as holders of other relevant trade test certificates or apprentice certificates, we will speed up the processing of their applications through simplified procedures to facilitate them to become RMWCs. Such arrangement aims to facilitate the registration of practitioners who have already obtained recognized qualifications from other relevant bodies. Apart from the above-mentioned registration or skill qualifications, practitioners who possess adequate relevant experience may also apply for registration as minor works contractors. We will provide short top-up courses for practitioners who do not have adequate qualifications for registration to upgrade their standards and let them register as RMWCs. We believe that the existing practitioners in the industry who possess adequate qualifications or experience should be able to register as RMWCs without much difficulties.

14. Under the proposed minor works control system, building owners will be required to appoint suitable building professionals and/or registered contractors to carry out minor works in accordance with the requirements under the BO. The building professionals and contractors so appointed must comply with the requirements stipulated under the control system in performing their duties, otherwise they may be prohibited from carrying out minor works or be disciplined.

HOUSEHOLD MINOR WORKS VALIDATION SCHEME

15. We note that before the introduction of the minor works control system, minor works have been carried out in some buildings without obtaining prior approval and consent from the BA. Typical examples include supporting frames for air conditioners, drying racks and small canopies. However, we appreciate that these items are of practical use for the households concerned. For the rationalization of certain types of minor works carried out under such circumstances and to allow owners to retain these features for continued use, a validation scheme will be introduced under the minor works control system. Building owners will have to appoint building professionals or RMWCs to certify on inspection that the existing minor works meet the safety requirements. Depending on the circumstances, alteration, improvement and/or reinforcement works may be required to meet the safety standards before they can be certified. Acceptance of such works is subject to the submission of certification reports to the BD. Upon validation, the BD will not take enforcement action against those minor works unless they are found to be dangerous.

LEGISLATIVE PROPOSAL

16. We are finalizing the necessary legislative amendments with a view to introducing the Buildings (Amendment) Bill 2007 into the LegCo in the current legislative session. We believe that the new control system will provide a more effective regulatory regime for minor works. The system will facilitate owners to carry out such works, improve the quality of building works and enhance public safety.

17. We will continue to work closely with the industry in mapping out the detailed modus operandi of the control system. We will ensure that the system will meet the actual needs of both building owners and minor works practitioners and be implemented effectively.

ADVICE SOUGHT

18. Members' advice is sought in respect of the above proposal.

Housing, Planning and Lands Bureau
20 March 2007