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**Meeting of the Panel on Planning, Lands and Works
on 27 March 2007**

**Background brief on
Minor Works Control System**

Purpose

This paper provides a summary of the past discussions in the Legislative Council (LegCo) relating to the establishment of a minor works control system.

Background

2. The existing building control regime under the Buildings Ordinance (BO) (Cap. 123) applies to all private building works with few exemptions. Even minor building works, for example, the erection of a canopy over a window, have to comply fully with all the provisions for building works. These requirements include the approval of plans by the Building Authority (BA), appointment of an authorized person (AP) and a registered structural engineer (RSE) to design and supervise the works as well as the appointment of a registered general building contractor or a registered specialist contractor to carry out the works. In reality, many minor building works are unauthorised, i.e., without the necessary approvals and the attendant quality control. In addition, advertisement signboards erected without approval has caused public concern about their structural safety.

Proposed minor works control regime under the Buildings (Amendment) Bill 2003

Proposed regime

3. On 30 April 2003, the Administration introduced the Buildings (Amendment) Bill 2003, which proposed, inter alia, to introduce a new category of "minor works" and a new category of registered minor works contractors (RMWCs) under the building control regime. Under the proposal, RMWCs

might carry out the minor works on their own or under the supervision of an AP and/or RSE, without the submission of building plans for approval by BA. The then reasoning of the Administration was that with the availability of simplified minor works procedures, owners would have less cause to ignore the BO and erect unauthorised building works (UBWs). As such, the proposed arrangements would contribute to better control of minor works and hence enhanced public safety.

4. The 2003 Bill proposed to classify minor works into three categories, namely Categories I, II and III, the details of which would be specified by the BA by notice in the Gazette. A draft list of the types of building works which would be designated as minor works provided by the Administration to the Bills Committee is attached at **Appendix I**.

5. Under the Bill, different categories of minor works were subject to different submission and supervision requirements as follows --

- (a) Category I minor works (e.g. erection of an internal circulation staircase) should be designed, supervised and certified by APs and RSEs. Before commencement of Category I works, the relevant plans and documents were required to be submitted to BA for record. After completion of the minor works, as-built plans and certification of completion were required to be submitted to BA.
- (b) For Category II minor works (e.g. erection of a signboard located at the rooftop of a building having a display area not more than 10 m²), the appointment of APs and RSEs would not be necessary but the requirements regarding submission of plans and documents before and after the commencement of works would apply.
- (c) For Category III minor works (e.g. erection of a metal supporting framework for air-conditioning unit and drying rack for household use), only as-built plans and certification of completion would be required to be submitted to BA after completion of the works.

6. The 2003 Bill proposed to classify RMWCs into two types - Classes A and B. Class A RMWCs might carry out Categories I, II and III minor works and Class B RMWCs could only undertake Category III minor works. The then intention of the Administration was to provide various options of requirements for registration as RMWCs to cater for different levels of experience and qualifications of existing practitioners engaged in minor works.

Bills Committee's deliberation

7. The Bill Committee set up to study the 2003 Bill was of the view that the existing building control requirements were unduly stringent for relatively

simple and small-scale works, and agreed to the need for the introduction of a new control regime for these building works. The Bills Committee however raised the following concerns over the proposed minor works control regime --

- (a) whether the proposed control scheme would be effective in regulating minor works to enhance public safety;
- (b) whether the proposed control scheme would be simple for implementation and compliance by both practitioners and members of the public; and
- (c) whether existing competent practitioners engaging in minor works could migrate to the new registration system for minor works contractors without undue hardship.

8. During the deliberation of the Bills Committee, the main thorny issue lied with Category III minor works, in particular household minor works such as the erection of metal supporting frames for household air-conditioning units and drying racks. Noting the presence of numerous household minor works that had not gone through the statutory approval procedures under the existing BO, the Bills Committee was gravely concerned that the proposed control regime was silent on how existing household minor works would be dealt with.

9. Various options had been explored by the Bills Committee to deal with existing household minor works, including --

- (a) designating certain types of household minor works as exempted works under the BO;
- (b) not taking enforcement action against those works which existed before the introduction of the minor works control regime by way of an undertaking on the part of BA; and
- (c) providing a five-year transitional period for property owners to undertake rectification works to ensure safety of existing unauthorized household minor works during which the Administration would not take enforcement action against these structures unless they posed imminent danger.

10. Having considered the possible adverse implications on public safety, the Bills Committee decided not to pursue the first and second options. As regards the third option which was proposed by the Administration, members of the Bills Committee had serious doubt on whether owners would voluntarily comply with the requirements given the cost of appointing RMWCs to undertake the rectification and certification work. Moreover, owing to resource constraints, the Buildings Department would be most unlikely to conduct audit

checks on these household minor works. Members thus had some reservations over the proposal as being adequately effective and efficient to strengthen public safety.

11. The Bills Committee also noted the grave concern of the building industry on the impact of the proposed control regime on the job opportunities and livelihood of existing minor works practitioners, a great majority of whom were self-employed workers or sole proprietorships. Small contractors in various trades including plumbing, internal decoration, signboard design, electrical and mechanical services etc., strongly requested that more consultation should be conducted before the details of the minor works control scheme were finalized.

Government's agreement to excise the minor works control regime from the Bill

12. In recognition of the far-reaching impact of the proposed minor works control regime on both the general public and existing minor works practitioners, the Bills Committee considered that until and unless all the concerns raised by members of the Bills Committee and the industry had been satisfactorily addressed, it would be prudent not to go ahead with the proposed minor works control regime hastily.

13. Having weighed all the pros and cons, the Bills Committee considered that the best way was to excise all provisions relating to minor works from the 2003 Bill. The Administration, having considered the Bills Committee's views, agreed to excise all the provisions relating to minor works from the Bill and further consult the industry. It was planned that a new legislative proposal for establishment of a minor works control regime, after taking into account views of the industry, would be re-introduced to the LegCo in the 2004-08 legislative term.

Recent developments

14. The spate of window failures in recent years has prompted the Administration to consider introducing mandatory measures to ensure window safety. In its public consultation document on Mandatory Building Inspection published in October 2005, the Administration proposed to designate installation and repair of windows as a type of minor works under the BO. As such, the establishment of a minor works control system under the BO would be a pre-requisite for the implementation of the proposed mandatory measures to ensure window safety. The Administration plans to brief the Panel on the consultation results and the way forward in respect of mandatory building inspection before mid-2007.

15. In reply to an oral question at the LegCo meeting on 15 February 2006, the Administration reported that a working group set up by the Buildings Department comprising representatives from the Buildings Department, various building professional institutions, Hong Kong Construction Association and the Minor Works Concern Group was working out the specific proposals of the minor works control regime. The relevant consultation work had achieved considerable progress. One major aim of the working group was to make the minor works contractors registration system dovetail with the details of the Construction Workers Registration Ordinance (Cap. 583), which was enacted in July 2004.

16. A list of the relevant papers with their hyperlinks at the LegCo website is at **Appendix II**.

Council Business Division 1
Legislative Council Secretariat
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Examples of Minor Works
(For reference only)

(A) Alteration, addition, reinstatement or repair works to existing building

	Category I	Category II	Category III
(1)	Erection or alteration of internal circulation staircase between two floors not being used for means of escape or access for firefighting and rescue		
(2)	Formation of floor slab or roof slab opening of size not more than 4.5 m ²		
(3)	Reinstatement of approved floor slab or roof slab		
(4)	Building works associated with the installation or alteration of glass reinforced polyester water tank of capacity not more than 9 m ³ and a water head of not more than 2 m		
(5)	Erection or alteration of canopy, excluding concrete construction, projecting more than 500 mm but not more than 2 m from the external wall over the main entrance of the building and complying with Regulation 10 of Building (Planning) Regulations		

	Category I	Category II	Category III
(6)	<p>Erection or alteration of metal supporting frame for air-conditioning plant (including associated provision for disposal of condensate from the plant) -</p> <ul style="list-style-type: none">(a) projecting not more than 500 mm from the external wall;(b) at a height of not less than 2.5m above the level of the ground; and(c) with weight of air-conditioning plant more than 100 kg		<p>Erection or alteration of metal supporting frame for air-conditioning plant (including associated provision for disposal of condensate from the plant) –</p> <ul style="list-style-type: none">(a) projecting not more than 500 mm from the external wall;(b) at a height of not less than 2.5m above the level of the ground; and(c) with weight of air-conditioning plant not more than 100 kg
(7)			<p>Erection or alteration of drying rack –</p> <ul style="list-style-type: none">(a) projecting not more than 750 mm from the external wall;(b) at a height of not less than 2.5m above the level of the ground; and(c) not projecting over street
(8)			<p>Erection or alteration of metal hood –</p> <ul style="list-style-type: none">(a) projecting not more than 500 mm from the external wall; and(b) at a height of not less than 2.5m above the level of the ground

(B) Removal of unauthorized building works (UBW)

	Category I	Category II	Category III
(1)	Structure affixed to canopy or balcony of cantilevered slab construction of span more than 1 m	Structure affixed to canopy or balcony of cantilevered slab construction of span not more than 1 m	
(2)		Structure of span not more than 2 m affixed to canopy or balcony other than cantilevered slab construction and not involving – (a) metal hood of span not more than 800 mm; (b) metal supporting frame of span not more than 800 mm for air-conditioning plant; or (c) metal rack of span not more than 800 mm	Structure affixed to canopy or balcony other than cantilevered slab construction involving - (a) metal hood of span not more than 800 mm; (b) metal supporting frame of span not more than 800 mm for air-conditioning plant; or (c) metal rack of span not more than 800 mm
(3)	Structure projecting more than 2 m from the external wall and not attached to canopy or balcony	Structure projecting not more than 2 m from the external wall, not attached to canopy or balcony and not involving – (a) metal hood of projection not more than 800 mm; (b) metal supporting frame for air-conditioning plant of projection not more than 800 mm; or (c) metal rack of projection not more than 800 mm	Structure projecting not more than 800 mm from the external wall and not attached to canopy or balcony involving - (a) metal hood; (b) metal supporting frame for air-conditioning plant; or (c) metal rack
(4)			Drying rack projecting from the external wall

(C) Drainage works in or for existing building

	Category I	Category II	Category III
(1)	Repair of underground drainage works involving excavation of depth more than 1.5 m but not more than 3 m	Repair of underground drainage works involving excavation of depth not more than 1.5 m	
(2)	Addition or alteration of underground drainage works involving excavation of depth not more than 3 m		
(3)	Addition or alteration of underground drainage works connecting to terminal manhole involving excavation of depth not more than 3 m		
(4)		Addition, alteration or repair of aboveground drainage works involving embedded piping	
(5)			Addition, alteration or repair of aboveground drainage works involving communal piping
(6)			Addition or alteration of aboveground drainage works not involving embedded piping

(D) Signboard including associated building works

	Category I	Category II	Category III
(1)	Erection, or alteration of signboard having – (a) a display area between 10 m ² to 20 m ² ; and (b) projection not more than 4.2 m from the external wall	Erection or alteration of signboard having – (a) a display area more than 1 m ² but not more than 10 m ² ; and (b) projection not more than 4.2 m from the external wall	Erection or alteration of signboard having – (a) a display area not more than 1 m ² ; (b) projection not more than 1 m from the external wall; (c) construction not involving stone or glass; (d) the highest point of the signboard at a height of more than 6 m above the level of the ground
(2)	Erection or alteration of rooftop signboard having a display area between 10 m ² to 20 m ²	Erection or alteration of rooftop signboard having a display area not more than 10 m ²	
(3)	Erection or alteration of signboard having – (a) a display area between 10 m ² to 40 m ² ; (b) projection not more than 500 mm from the external wall; and (c) projection at a height of more than 2.5 m above the level of the	Erection or alteration of signboard having – (a) a display area not more than 10 m ² ; (b) projection not more than 500 mm from the external wall; and (c) projection at a height of more than 2.5 m above the level of the ground	Erection or alteration of signboard having - (a) a display area not more than 10 m ² ; (b) projection not more than 500 mm from the external wall; (c) construction not involving stone or glass; (d) projection at a height of more than 2.5 m above the level of the ground; and

	Category I	Category II	Category III
	ground		(e) the highest point of the signboard at a height of not more than 20 m above the level of the ground
(4)			Erection or alteration of individual signboard, character, letter logo, graphic or symbol supported independently having – (a) each with a display area not more than 1 m ² ; (b) projection or thickness not more than 150 mm from the external wall; (c) construction not involving stone or glass; (d) the highest point of the signboard at a height of more than 6 m above the level of the ground; and (e) each not being erected on a common sign structure

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

List of relevant papers

Council/Committee	Date of meeting	Paper
Panel on Planning, Lands and Works	14 June 2002	Information paper provided by the Administration [LC Paper No. CB(1)1961/01-02(03)] (http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw0614cb1-1961-3e.pdf) Minutes of meeting [LC Paper No. CB(1)274/02-03] (http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl020614.pdf)
Bills Committee on Buildings (Amendment) Bill 2003		Legislative Council Brief [File Ref.: HPLB(B)30/30/102] (http://www.legco.gov.hk/yr02-03/english/bills/brief/b47_brf.pdf)
Bills Committee on Buildings (Amendment) Bill 2003	8 July 2003	Background brief prepared by the Legislative Council Secretariat [LC Paper No. CB(1)2156/02-03(03)] (http://www.legco.gov.hk/yr02-03/english/bc/bc09/papers/bc090708cb1-2156-3e.pdf)
Council meeting	23 June 2004	Report [LC Paper No. CB(1)2088/03-04] (http://www.legco.gov.hk/yr02-03/english/bc/bc09/reports/bc09cb1-2088-e.pdf)
---	October 2005	Leaflet and public consultation paper on mandatory building inspection [LC Paper No. CB(1)124/05-06] (http://www.legco.gov.hk/yr05-06/english/panels/plw/papers/plw1021cb1-124-e.pdf)
Council meeting	15 February 2006	Hansard [pages 4489 to 4497] (http://www.legco.gov.hk/yr05-06/english/counmtg/hansard/cm0215ti-translate-e.pdf)