

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

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17 January 2008

Bills Committee
on Buildings (Amendment) Bill 2007
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn : Ms Yue Tin-po)

Dear Ms Yue,

Buildings (Amendment) Bill 2007
Information requested by
Bills Committee Meeting held on 21 December 2007

I refer to the meeting of the Bills Committee on the Buildings (Amendment) Bill 2007 ("the Bill") held on 21 December 2007. Please find the information requested by the Committee as appended:

(a) The mechanism to deal with ad-hoc situations arising during the course of works implementation, for example, when additional minor works belonging to Classes I or II categories were deemed necessary after commencement of Class III minor works and under such circumstances, the obligations and responsibilities of building owners and Registered Minor Works Contractors ("RMWCs")

2. Under the minor works control system proposal, minor works will be

classified into three classes according to their nature, scale and complexity as well as risk to safety. Minor works under each class will be further divided into types and items that correspond to the specialization of works in the industry. Each item of minor works will be defined with their dimensions, locations and other relevant measurements to be specified in regulations.

3. The proposed classification has been drawn up after careful and thorough discussion in the Working Group on the Minor Works Control System ("the Working Group"), comprising representatives of frontline minor works practitioners and the industry. The system of classification matches with the existing practice of the industry.

4. We will make sure that minor works practitioners are conversant with the new statutory requirements before their registration. Appropriate top-up courses will be provided to equip them with the required knowledge. The Administration will also conduct a very extensive public education campaign to facilitate understanding of the new legislation by the public and the industry to enable them to make beneficial use of the new scheme. The Buildings Department ("BD") will issue tailor-made technical guidelines on minor works to building professionals and registered contractors to cater for their specific needs. We will emphasise in our publicity materials and guidelines the modus operandi of the new system and the obligations and responsibilities of individual stakeholders. In conjunction with the Hong Kong Housing Society ("HKHS"), we will also provide advisory services for building owners, contractors and workers to answer their enquiries and facilitate their compliance with the law.

5. We believe that RMWCs should be conversant to identify and advise a building owner the corresponding class, type and item of minor works and whether he is qualified to carry out such works. In fact, under the proposed legislation, a registered minor works contractor is not allowed to conduct any items of minor works that he is not registered for. A contractor should advise the owner the classes, types and items of minor works involved in a project before the commencement of works. It is unlikely that the class of minor works would change during the course of carrying out the works. Nevertheless, if a building owner decides to alter the scope of works during the course of the project that results in a change in the class of minor works, for example, from Class III to Class II, the registered contractor responsible for such works should submit to the BD the required documentations concerning the Class III minor works completed so far. At the same time, the registered contractor (assuming he is eligible to carry out the Class II item concerned)

should submit a notice of commencement of works with relevant supporting documents for the proposed Class II minor works, in accordance with the requirements to be stipulated in the regulations. If the registered contractor is not eligible to carry out the said Class II item, he should advise the owner to employ a suitable contractor to carry out the works.

(b) Details of the Administration's efforts to consult the self-employed workers or sole proprietors to raise their awareness of the proposed minor works control system before passage of the Bill

6. We have thoroughly consulted the building industry, including the frontline self-employed workers and sole proprietors, in mapping out the modus operandi of the minor works control system. The Working Group, comprising representatives from professional institutions, the Hong Kong Construction Association Ltd. and the Minor Works Concern Group ("MWCG"), has been established to discuss the details of the proposal. The MWCG comprises representatives of 22 labour unions and contractors' associations totaling some 50,000 individual members and 1,300 company members. The list of unions and associations represented by the MWCG is attached at Annex A. Since October 2004, the Working Group has held nine meetings and agreement has been reached on the details of proposal. Apart from these meetings, the BD has also met with the MWCG separately to exchange views on the details of the proposal.

7. The BD conducted seven public briefing sessions in 2006 and 2007 to directly exchange views with minor works practitioners as well as building owners, owners' corporations and management companies. Approximately 1,400 persons attended these sessions. The target audience of the three briefing sessions held in 2006 was the frontline small contractors and self-employed workers. In addition to posting advertisements in newspapers, the BD retrieved from telephone directories the contacts of practitioners in the building trade. About 700 of these minor works practitioners attended the briefing sessions. The BD will stay in touch with all the practitioners identified and inform them the details of the legislation when it is passed. As revealed from the briefing sessions in 2006 and 2007, the practitioners and the public are in general supportive of the proposal.

8. We have also initiated publicity actions before the enactment of the amendment legislation to enable the public an early understanding of the proposal. In December 2007, the BD distributed 1, 100 pamphlets about the proposed minor works control system to the MWCG and professional

organizations in the industry. Such publicity pamphlets have also been promulgated to owners' corporations and mutual aid committees of buildings as well as the property management services centres of the HKHS.

(c) Details of fees to be charged for minor works practitioners to attend the top-up courses and registration fees to be imposed on RMWC applicants

9. To allow RMWC company applicants adequate time to acquire the necessary formal qualifications for registration, we propose to provide a two-year provisional registration period. We will arrange top-up courses for the contractors to acquire the necessary qualifications for full registration during the transitional period. The provisional registration will expire by the end of the two-year transitional period or when the contractor has successfully obtained a full registration, whichever is earlier.

10. Regarding contractors who are individual workers for Class III minor works, our plan is to require them to only attend a one-day top-up course to introduce them the statutory requirements of the new registration system, their responsibilities and safety precautions before registration. We will arrange such courses well in advance of the commencement of the new legislation to allow the workers adequate time to attend. Since the duration of the course is short and in order to streamline the registration process, we do not intend to establish a provisional register for Class III contractors who are individual workers.

11. We are discussing with various training institutions, including the Construction Industry Council Training Academy and the Institute of Vocational Education to arrange the top-up courses. Proposed details of the various courses are at **Annex B**. Proposed registration fees for minor works contractors are shown at **Annex C**. The registration fees will be stipulated in regulations.

(d) Whether self-employed workers would be required to apply for business registration before their registration as RMWCs

12. Any individual (for Class III minor works) or company (for all classes of minor works) may apply for registration as an RMWC, if the applicant meets the registration requirements. If the application is made by a company, the BD will require a copy of its business registration to verify its identity. For applicants who are individuals, the BD will require a copy the Hong Kong

identity card of the applicants for verification of identity. Similar to the registration arrangements for construction workers under the Construction Workers Registration Ordinance ("CWRO"), the BD will not require applicants who are individual workers to provide business registration.

(e) The respective regulatory mechanisms applicable to workers, such as the minor works control system and the construction workers registration system, for undertaking various buildings-related job assignments and the feasibility of streamlining these mechanisms to ease compliance by workers

13. During the scrutiny of the Buildings (Amendment) Bill 2003, the interface between the proposed minor works registration system and that under the CWRO was one of the major concerns of the Bills Committee. At that time, the Bills Committee was of the view that workers of the relevant trades registered under the CWRO should be allowed to carry out Class III minor works without further registration under the Buildings Ordinance ("BO").

14. During the course of discussion with the trade, the minor works practitioners indicated that there are difficulties for them to register as skilled workers under the CWRO. Most of the Class III minor works practitioners are involved in multiple trades designated under the CWRO and the skill level required in each trade to fulfill their job assignment is normally less comprehensive and demanding than that required for registration as skilled workers under the CWRO. The trade thus requested and we agreed to establish a separate registration regime under the BO for minor works. Nevertheless, we will put in place a simplified procedure to facilitate certain skilled workers of relevant designated trades registered under the CWRO as well as holders of other relevant trade test certificates or apprentice certificates to obtain registration as RMWCs under the BO to carry out Class III minor works items.

15. The CWRO is applicable to workers conducting minor works falling within the definition of "construction works" in "construction sites" stipulated under the CWRO. Phase I Prohibition of the CWRO that was commenced on 1 September 2007 prohibits workers from carrying out construction works on construction sites unless they are registered under the CWRO. The minor works trade has indicated no major difficulty in complying with the requirements in this phase. Construction workers are required to register as "general workers", "skilled/semi-skilled workers" or "skilled/semi-skilled workers (provisional)" under the CWRO for carrying out works of any trade.

Regarding the remaining phase of prohibition which require registration of skilled workers according to their specific areas of expertise, the Administration will review Schedule I under the CWRO for necessary modification in consultation with the trade before the implementation of the remaining phase, with a view to facilitating the RMWCs under the BO to register as skilled workers under the CWRO.

Yours sincerely,



(Jerry Cheung)
for Secretary for Development

c.c.	Buildings Department (Attn. : Mr. HW Cheung)	2868 0793
	(Attn. : Mr. ST Lam)	2625 0754
	Department of Justice (Attn. : Mr. Allen Lai)	2869 1302
	(Attn. : Miss Selina Lau)	
	(Attn. : Ms. Carmen Chu)	2845 2215

Membership List of Minor Works Concern Group

- 1 Hong Kong Construction Industry Employees General Union
香港建造業總工會
- 2 Hong Kong Construction Sub-contractors Association
香港建造業分包商聯會
- 3 Hong Kong General Building Contractors Association Ltd.
香港建築業承建商聯會
- 4 Licensed Plumbers Association Limited
香港持牌水喉匠協會有限公司
- 5 Hong Kong Plumbing & Sanitary Ware Trade Association Ltd.
香港水喉潔具業商會有限公司
- 6 Hong Kong Plumbing General Union
香港喉管從業員總會
- 7 香港泥水商協會*
- 8 Hong Kong Marble & Granite Merchants Association
香港雲石商會
- 9 Sign Association of Hong Kong
香港廣告牌製作協會
- 10 香港專業廣告牌制作協會*
- 11 Neonsign Advertising Employees' Association
霓虹光管廣告從業員協會
- 12 Hong Kong Air-conditioning and Refrigerating Trades Workers General Union

香港空調製冷業職工總會

- 13 Hong Kong Federation of E&M Contractors Ltd.

香港機電工程商聯會

- 14 香港機電業管理及專業人員協會*

- 15 Hong Kong & Kowloon Electrical Engineering and Appliances Trade Workers Union

港九電器工程電業器材職工會

- 16 電業承辦商協會*

- 17 香港機電工程商協會*

- 18 The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions

香港機電業工會聯合會

- 19 香港建築扎鐵商會*

- 20 香港棚業商會*

- 21 香港廣告業聯會*

- 22 香港華資廣告業商會*

*Names of these organisations are available in Chinese only.

Annex B

Proposed Top-Up Courses for Minor Works Contractors

Target participants	Course Content	Training Duration	Tentative Fee
♦ Existing practitioners operating as companies who intend to carry out Class I minor works , but do not possess the prescribed qualifications for registration	♦ Introduction to legislation relating to minor works; and ♦ Statutory requirements on health & safety, works management for different types of minor works	38-66 hours (depending on the number of types of minor works the applicant intends to carry out)	Approximately \$1,900~\$3,300
♦ Existing practitioners operating as companies who intend to carry out Class II or Class III minor works , but do not possess the prescribed qualifications for registration	♦ Introduction to legislation relating to minor works; and ♦ Statutory requirements on health & safety, works management for different types of minor works	26-54 hours (depending on the number of types of minor works the applicant intends to carry out)	Approximately \$1,300~\$2,700
♦ Existing practitioners operating as self employed individuals who intend to personally carry out certain Class III item(s) of minor works	♦ Introduction to legislation relating to minor works; and ♦ Basic statutory requirements on safety	6 ~ 8 hours	Approximately \$150
For reference:			
♦ Previous top-up course organised in 1999 for Registered General Building Contractors and Registered Specialist Contractors		81 hours	\$6,000

(Remark: Fees are calculated at 2006 price level and are subject to variation.)

Annex C

**Proposed Registration and Renewal Fees
for Minor Works Contractors**

Application	Registration fee (application & inclusion in the register for 3 years)	Renewal fee (retention in the register for 3 years)
For registration as a Minor Works Contractor (“MWC”) (operating as companies)		
♦ eligible to carry out all classes of minor works	\$3,125	\$1,100
♦ eligible to carry out Class II and Class III minor works	\$1,705	\$810
♦ eligible to carry out Class III minor works	\$1,125	\$395
For provisional registration as a MWC (operating as companies)		
♦ eligible to carry out all classes of minor works	\$1,180	N/A
♦ eligible to carry out Class II and/or Class III minor works	\$905	N/A
For registration as a MWC (operating as self-employed individuals)		
♦ eligible to carry out certain item(s) of Class III minor works (by virtue of applicant’s qualifications)	\$155	\$105
♦ eligible to carry out certain item(s) of Class III minor works (by virtue of applicant’s experience)	\$305	\$105
<i>Extant registration fee for General Building Contractor(“GBC”) /Specialist Contractor(“SC”) (for reference):</i>		
For registration as a GBC/SC	\$6,200	\$1,910

(Remark: Fees are calculated at 2006 price level and are subject to variation.)