

Consumer Council
Submission to the LegCo Bills Committee on
Buildings (Amendment) Bill 2007
(26 January 2008)

1. The Consumer Council (CC) welcomes the opportunity to provide comments to the Bills Committee regarding the proposed Buildings (Amendment) Bill 2007.

2. CC supports the policy direction of improving efficiency and flexibility in introducing a minor works control system which takes into account the nature, scale, complexity and risk involved in different classes of minor works. CC's comments in this submission are concerned with enhancing consumers' ability to find the right contractor to carry out the type of minor works they require.

Classification of Minor Works

3. It is noted that there will be different qualifications and approval/notification requirements for different classes of minor works under the proposed minor works control system.¹

4. To avoid ambiguity, CC considers it important to ensure that the categories of minor works to be included under each class should be well defined and made specifically clear to household owners, so that they would not mistakenly employ the wrong person to carry out the works or fail to comply with any approval or notification requirement required for certain classes under the new system.

Registration System

5. CC supports the proposals of establishing a separate registration system and keeping of a register of minor works contractors with the Building Authority. This would be useful in assisting household owners to find the appropriate person to conduct minor works for themselves and to confirm the status of a "claimed-to-be" registered person.

¹ According to the Bill, more stringent controls apply to Class I and Class II minor works, whereas Class III allows less experienced personnel to undertake minor works and no prior approval of building plans and consent to commence works.

6. To enable household owners to make effective use of the register, access to the register should be easy and convenient. To be in line with the present practice of posting the list of registered building contractors on the Buildings Department's website, CC suggests that the register of minor works contractors should be made available on the website to facilitate public inspection.

Validation Scheme

7. It is noted from the Bill that three types of minor works completed or carried out before the date of commencement of the Bill would require inspection and certification by a building professional and validation by the Building Authority to confirm safety, so as to enable the public to retain unauthorized minor works installations for continued use.

8. However, it appears to CC that exemptions seem to apply if household owners choose to take the opportunity to undertake large scale maintenance works of their buildings, and they may not need to go through the validation procedures immediately. For avoidance of doubt, it should be made clear to household owners what exemption conditions will apply, whether this validation scheme is mandatory or voluntary, and whether household owners who fail to comply with the validation procedures will have to face default statutory orders or have warning notices registered against their properties with the Land Registry.

Penalties for Offences

9. In respect of the appointment of minor works contractors, the Bill provides for penalties if any person knowingly appoints an inappropriate person to carry out minor works for himself. CC is concerned that household owners will mostly rely on advice given by companies or individuals who claim to be expert in the field as to the classification of the minor works to be conducted and the types of contractors that have to be engaged. It is therefore crucial for household owners to be equipped with the necessary information to help them locate the appropriate person to carry out minor works for them.

10. In order to ensure household owners would not incur penalties due to the lack of knowledge or being misinformed, extensive consumer education should be undertaken to facilitate public understanding of the new system. In this respect, CC will be happy to assist in providing information to consumers through its educational and information dissemination activities, i.e. Choice magazine.

Delisting from the Register

11. It is noted that the Bill provides procedures for removal of contractor names from the register. For the sake of market transparency, CC suggests that any removal of contractor names or any disciplinary actions or prosecutions imposed on registered contractors should be made known to the general public, such as by posting the information on the Building Department's website. This would enable household owners to check out if a contractor has been removed from the register or subject to any disciplinary actions by the Building Authority.

Conclusion

12. For the success of the minor works control system, CC believes that it is important to establish a transparent and user-know-how system that enables household owners to take advantage of the simplified procedures and to fulfill their obligations to ensure building safety.