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(English version only)

## **Bills Committee on Building (Amendment) Bill 2007**

### **Views from the Hong Kong Institution of Engineers on the amendment to Buildings Ordinance (Cap.123)**

#### **General**

1. The Hong Kong Institution of Engineers refers to the Building (Amendment) Bill 2007 (the “Bill”) so as to introduce a minor works control system; provide for a scheme under which demolition orders will not be made in respect of prescribed unauthorised building works or building structures which have been completed or carried out before a specified date; provide penalties for offences relating to minors works; and make miscellaneous amendments.

2. We recognise the importance of amending the Bill so that the statutory requirements and procedures for carrying out small-scale building works will be simplified. This will not only help uphold building safety but also will shorten the lead time for commencing construction projects which are moderate in size. The Institution is pleased to offer our views focusing on Clause 6 and 7 of the Bill.

#### **Amendments to Buildings Ordinance**

3. Clause 6 of the Bill on “Appointment and duties of authorised person (AP), registered structural engineer (RSE) or registered geotechnical engineer (RGE)”, displays that section 4(1) does not apply to prescribed requirement minor works. Where clause 7 of the Bill introduces a new section 4A on the requirement of appointing AP, RSE or RGE for prescribed requirement minor works. The appointment requirement is specified in subsection (1) of section 4A, which states that the building owner shall appoint “one or more” of the persons specified in subsection (2) who are AP, RSE and RGE.

4. Section 4(1) of the Ordinance specifies the role of AP, RSE and RGE. Since this section does not apply to prescribed requirement minor works, it can be interpreted that the role of the AP as the co-ordinator, RSE as the person for structural elements and RGE as the person for geotechnical elements would not apply to minor works. New section 4A(1) &(2) only state the appointment of “one or more of those persons (AP, RSE and RGE) as required by regulations”. However, it appears that there is no description elsewhere in the Bill on the respective role of AP, RSE and RGE with regard to minor works. Two questions therefore arise:

- (1) When is “one” of the persons and when is “more” of the persons? Who determines the number of the persons, since the plans and consent to commence work are not required to be approved/obtained from/by Building Authority? and
- (2) Who does what?

5. The detailed requirements on when is “one” person and when is “more” persons, and on who does what, would need to be clearly prescribed in specific regulations. The Bill only displays amendments to Building (Administration) Regulations and Building (Planning) Regulations and is silent on the “regulations” stipulated in new section 4A(1). We are of the view that the Bill does not show the complete picture and we wonder how could the amendment Ordinance be enacted without details of such related new regulations?