

Building (Amendment) Bill 2007

Submission to LegCo Bill Committee by HKCA

The Hong Kong Construction Association Ltd (HKCA) is grateful to have the opportunity to present its members' views on the subject Bill.

1 Introduction

HKCA strongly support the proposed introduction of the minor works control regime to provide an efficient and simple control mechanism for carrying out various type of minor building works. We believe it is very important for the construction industry, in particular nearly half of the industry total fatal accident occurred in RMAA works which the Authority did not know who they were and could not therefore monitor.

The proposed amendments can enhance public safety by illegalizing certain works category undertaken by unregistered contractors and workers that may pose risks on safety and works quality.

HKCA has been involved in the drafting of the Bill for a number of years and had made certain suggestions and are pleased to note most of which have been adopted. The Bill, upon enactment, should in principle reduce comparatively those risks arising from building maintenance and minor alteration construction works to the community.

2 HKCA wishes to offer the following suggestions which hopefully will enable the Bill to be implement in a more effective manner

2.1 Building Authority Needs Extra Resources During Initial Implementation Stage

Under the proposed minor works control system, the Registered Minor Works Contractor (RMWC) needs to perform the duties and bear the responsibilities and obligations listed out in the Building Ordinance, regardless of whether the RMWC is a company or an individual. With the Minor Works being classified into three different classes according to its nature, complexity and possible risk associated with, HKCA sees the need for the Building Authority to deploy dedicated additional resources to help stakeholders and the public understand the details of the proposed minor works control regime at work. It is hoped that planned and phased rollout of the new regime can reduce possible confusions encountered during the initial implementation period. Not to mention the large amount of information and records needed to be examined and recorded under the proposed Minor Works System.

2.2 Qualifications And Experience For Authorized Signatory – Proposed Top-Up / Mandatory Training Course

Since RMWCs authorized representatives who do not possess formal qualification or experience may qualify after attending recognized top-up / mandatory training course, HKCA considers it critical to ensure that all Authorized Signatory (AS) of the RMWCs fully understands their duties and responsibilities under statutory requirements. Some sort of independent assessment may be meaningful to maintain a threshold for practitioners and to ensure that there is no compromise in safety and health to both the general public and the workers, whether it is general building works or minor works.

2.3 Making it known to the Public - Responsibilities And Obligations Of Building Owners And Contractors

We agree with Building Authority's commitment to launch an extensive public education campaign to facilitate building owners, tenants, building professionals, registered contractors and other stakeholders to understand their obligations and responsibilities in conducting minor works under the proposed new system. However, we suggest that focused propaganda should be directed to smaller companies (owners and contractors) and their respective staff & workers. HKCA is of the opinion that they will need all the assistance in order to comprehend and adapt to work under the new system. **A simple to understand colour coded "tabulated compliance check lists" for various end users may be useful tool to help public to understand the exact requirements under the new Bill.**

It is equally important that the Building Authority takes the lead of coordinating amongst related Government departments in the general dissemination of the respective responsibilities and liabilities of the building owners, contractors, and workers etc. This will avoid possible inaccuracy or incompatibility of requirements.

2.4 Insurance covers and protection need to be available for those in need

Availability of insurance cover for employees, workers, third party, personal protection and other liabilities must come in tandem to cover the risks in case of mishaps. The sadly memorized case of Albert House in Aberdeen served as an alerting example for all building owners and incorporated owners.

HKCA
15 January 2008