



香港工程師學會

THE HONG KONG INSTITUTION OF ENGINEERS

香港銅鑼灣記利佐治街1號金百利9字樓
9/F Island Beverley, No 1 Great George St, Causeway Bay, Hong Kong
電話 Tel +852 2895 4446 傳真 Fax +852 2577 7791
hkie-sec@hkie.org.hk www.hkie.org.hk

會長 黃耀新工程師

President Ir Peter Y WONG

BSc LLB LLM FHKIE R.P.E.

CEng FIET FCIBSE

president@hkie.org.hk

pyswong@member.hkie.org.hk

By mail and by fax at 2185 7845

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(English version only)

29 April 2009

Clerk to Subcommittee
Subcommittee on Building (Minor Works) Regulation
Legislative Council Secretariat
3rd Floor, Citibank Tower
3 Garden Road, Central
Hong Kong

(Attn: Ms YUE Tin Po)

Dear Ms YUE,

**LegCo Subcommittee on Building (Minor Works) Regulation
Views on the Building (Minor Works) Regulation**

Thank you for your letter of 23 April 2009 inviting the Institution to put forth our views on the Building (Minor Works) Regulation.

In relation to the Regulation, you may wish to note that we have previously submitted our views on the Building Ordinance (Cap.123) to Bills Committee on Building (Amendment) Bill 2007 on 23 January 2008, a copy of which is reattached for your consideration of the Subcommittee.

Please also be informed that the HKIE will not have any representative in attending the Subcommittee meeting to be held on Thursday, 30 April 2009.

Thank you.

Yours sincerely,

Ir Peter Y WONG
President

Encl



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會長 盧偉國博士、工程師 太平紳士

President Ir Dr LO Wai Kwok MH JP

BSc(Eng) MSc(Eng) MBA EngD CEng

CHKIE FIET FIMechE R.P.E.

president@hkie.org.hk

Enclosure

By mail and by fax at 2869 6794

23 January 2008

Clerk to Bills Committee on Buildings (Amendment) Bill 2007

Legislative Council Secretariat

3rd Floor, Citibank Tower

3 Garden Road, Central

Hong Kong

(Attn: Ms Guy YIP)

Dear Ms Yip,

**LegCo Bills Committee on Building (Amendment) Bill 2007 –
Views on the amendment to Buildings Ordinance (Cap.123)**

Thank you for your letter of 27 December 2007 inviting the Institution to put forth our views on the captioned subject.

The Institution has reviewed the proposal of amendment to Buildings Ordinance (Cap.123) and is pleased to submit herewith our views and observations on the Bill for consideration of the Committee.

Please also be informed that the Institution will not have any representative in attending the Committee meeting on 26 January 2008.

Thank you.

Yours sincerely,

Ir Dr LO Wai Kwok MH JP

President

Encl

Enclosure

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?