

BUILDING (MINOR WORKS) REGULATION

(Made by the Secretary for Development under section 38 of the Buildings Ordinance (Cap. 123))

PART 1

PRELIMINARY

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

2. Interpretation

(1) In this Regulation –

“authorized signatory” (獲授權簽署人), in relation to any type of minor works under any class, means a person –

(a) whose name is entered in the register as an authorized signatory of a registered minor works contractor for that type of minor works under section 12(7)(a)(ii), 19(4)(a)(ii), 23(7)(a)(ii) or 25(7); or

(b) whose name is entered in the provisional register as an authorized signatory of a registered minor works contractor for that type of minor works under section 65(5)(a)(ii);

“designated exempted works” (指定豁免工程) means any building works specified in Part 2 of Schedule 2;

“designated trade” (指定工種) means a trade or an occupation set out in column 1 of Part 1, 2 or 3 of Schedule 1 to the Construction Workers Registration Ordinance (Cap. 583);

“disciplinary order” (紀律制裁命令) means an order made under section 13(4) of the Ordinance;

“prescribed fee” (訂明費用), in relation to a matter, means a fee imposed in respect of that matter by the regulation made under section 38(1A) of the Ordinance;

“prescribed plans and details” (訂明圖則及詳圖) means the plans and details prescribed in regulation 8 of the Building (Administration) Regulations (Cap. 123 sub. leg. A);

“provisional register” (臨時名冊) means the provisional register of minor works contractors kept under section 8A(1)(c) of the Ordinance;

“register” (名冊) means the register of minor works contractors kept under section 8A(1)(c) of the Ordinance;

“Registration Committee” (註冊事務委員會) means a Minor Works Contractors Registration Committee appointed under section 6(1);

“technical memorandum” (技術備忘錄) means a technical memorandum issued under section 39A of the Ordinance.

(2) In this Regulation –

(a) “class I minor works” (第 I 級別小型工程) means any item of minor works specified in Division 1 of Part 3 of Schedule 1;

(b) “class II minor works” (第 II 級別小型工程) means any item of minor works specified in Division 2 of Part 3 of Schedule 1;

(c) “class III minor works” (第 III 級別小型工程) means any item of minor works specified in Division 3 of Part 3 of Schedule 1,

and a reference to class, class I, class II or class III is to be construed accordingly.

(3) In this Regulation –

- (a) a reference to an item of minor works is a reference to the building works specified in column 2 of Part 3 of Schedule 1 opposite the item number in column 1 of that Part; and
 - (b) a reference to item is to be construed accordingly.
- (4) In this Regulation –
 - (a) a reference to a type of minor works is a reference to the item or items of minor works under different classes specified in Part 2 of Schedule 1 under a Division heading referring to that type of minor works; and
 - (b) a reference to type is to be construed accordingly.

PART 2

MATTERS DESIGNATED OR PRESCRIBED FOR PURPOSES OF ORDINANCE

3. Minor works

For the purposes of the definition of “minor works” in section 2(1) of the Ordinance, class I minor works, class II minor works and class III minor works are designated as minor works.

4. Simplified requirements

For the purposes of the definition of “simplified requirements” in section 2(1) of the Ordinance, the requirements in Part 6 are prescribed as simplified requirements.

5. Designated exempted works

For the purposes of section 41(3B) of the Ordinance, the building works specified in Part 2 of Schedule 2 are prescribed as designated exempted works.

PART 3

MINOR WORKS CONTRACTORS REGISTRATION COMMITTEE

6. Establishment of Minor Works Contractors Registration Committee

(1) The Building Authority must establish a panel from which the Authority is to appoint committees to be known as the Minor Works Contractors Registration Committees.

(2) There may be more than one Registration Committee in action at any one time.

7. Composition of Minor Works Contractors Registration Committee

(1) A Registration Committee must consist of the following members –

(a) 1 person nominated by the Building Authority who, in the opinion of the Authority, has knowledge and experience in minor works;

(b) 1 authorized person or registered structural engineer selected by the Building Authority from among persons nominated by the Architects Registration Board, the Engineers Registration Board or the Surveyors Registration Board; and

(c) 1 person selected by the Building Authority from among persons nominated by such bodies as the Authority thinks fit.

(2) A person who is a member of the following panel is not eligible for appointment to the Registration Committee –

(a) the Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary

Board Panel appointed under section 5A of the Ordinance;
or

(b) the Registered Contractors' Disciplinary Board Panel appointed under section 11A of the Ordinance.

(3) The members of the Registration Committee must elect from among themselves a member to act as the chairperson of the Committee.

(4) The Building Authority must appoint an officer of the Buildings Department as the secretary of the Registration Committee.

(5) The secretary of the Registration Committee is not a member of the Committee.

8. Function of Minor Works Contractors Registration Committee

The function of a Registration Committee is to assist the Building Authority in considering applications under Parts 4 and 10 by –

- (a) examining the qualifications of the applicants;
- (b) making necessary inquiry to ascertain whether the applicants have the experience required of them for the purposes of their applications;
- (c) conducting interviews with the applicants; ~~and~~
- (d) making recommendations to the Authority to allow or refuse, either in whole or in part, the applications or defer the determination of the applications; and
- (e) reviewing the recommendations of other Registration Committees or decisions of the Authority under section 26.

9. Meeting of Minor Works Contractors Registration Committee

(1) A Registration Committee is to meet as often as the Building Authority directs.

(2) No meeting of the Registration Committee may proceed in the absence of any of its members.

PART 4

REGISTRATION AS REGISTERED MINOR WORKS CONTRACTOR

Division 1 – Registration as Registered Minor Works Contractor

10. Application for registration as registered minor works contractor

(1) A person may apply to the Building Authority for registration as a registered minor works contractor for –

- (a) if the person is a natural person, one or more items of class III minor works; or
- (b) if the person is not a natural person, one or more types of minor works under one or more classes.

(2) The application must –

- (a) be in the specified form; and
- (b) be accompanied by the prescribed fee.

(3) In the case of an application under subsection (1)(b), the applicant must, in respect of each type of minor works under each class to which the application relates, nominate in the application form at least one individual who is proposed to be an authorized signatory of the applicant to act for it for the purposes of the Ordinance on its registration as a registered minor works contractor.

(4) The Building Authority may –

- (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and

- (b) refuse the application if the information or proof is not provided.

11. Determination of application made under section 10(1)(a)

(1) The Building Authority must, within 3 months from receiving an application under section 10(1)(a) –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
or
- (c) refuse the application.

(2) The Building Authority must not allow an application under subsection (1)(a) or (b) unless the Authority is satisfied that –

- (a) the applicant –
 - (i) is registered under the Construction Workers Registration Ordinance (Cap. 583) as a registered skilled worker for a designated trade which is relevant to the item or items of class III minor works to which the application relates; or
 - (ii) has the qualifications and experience specified by the Authority;
- (b) the applicant has the ability and skills to personally carry out the item or items of class III minor works to which the application relates;
- (c) the applicant has completed a training course on class III minor works that is recognized by the Authority; and
- (d) the applicant is suitable for registration in the register.

(3) In deciding whether the applicant is suitable for registration in the register for the purposes of subsection (2)(d), the Building Authority must take into account –

- (a) whether the applicant has any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and
- (b) whether any disciplinary order has been made against the applicant.

(4) If the Building Authority allows an application under subsection (1)(a) or (b), the Authority must –

- (a) enter the applicant's name in the register together with the particulars of the item or items of class III minor works for which the applicant is registered;
- (b) publish the applicant's name in the Gazette together with the particulars of the item or items of class III minor works for which the applicant is registered; and
- (c) issue a certificate of registration to the applicant endorsed with the particulars of the item or items of class III minor works for which the applicant is registered.

(5) If the Building Authority refuses an application under subsection (1)(b) or (c), the Authority must give reasons for the decision in writing to the applicant.

12. Determination of application made under section 10(1)(b)

(1) The Building Authority may refer, either in whole or in part, an application under section 10(1)(b) to a Registration Committee for recommendation if the Authority considers it appropriate to do so after taking into account –

- (a) the nature of the type or types of minor works under one or more classes to which the application relates; or
- (b) any matter that is relevant for determining whether the applicant complies with the requirements set out in subsections (5) and (6).

(2) If the Building Authority does not refer the application to a Registration Committee, the Authority must, within 3 months from receiving the application –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- or
- (c) refuse the application.

(2A) If the Building Authority considers it appropriate to refer the application to a Registration Committee, the Authority must direct the Committee to meet, within 3 months from receiving the application, to consider the application.

(3) If the Building Authority refers ~~the~~an application to a Registration Committee, the Authority must, within 3 months from the meeting of the Committee at which the application is considered –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- (c) refuse the application; or
- (d) defer the determination of the application for a period not exceeding 6 months, and –

(i) refer the application~~#~~ again to a Registration Committee for recommendation ~~under subsection (1)~~ after that period on the request of the applicant; and

(ii) direct the Committee to meet, within 3 months from receiving the request, to consider the application.

(4) The Building Authority must not allow an application under subsection (3)(a) or (b) unless the Registration Committee so recommends.

(5) The Building Authority must not allow an application under subsection (2)(a) or (b) or (3)(a) or (b) unless the Authority is satisfied that –

- (a) in respect of each type of minor works under each class to which the application relates, at least one individual nominated under section 10(3) for that type of minor works –
 - (i) has the qualifications and experience specified by the Authority; and
 - (ii) has the ability to understand that type of minor works through relevant experience and a general knowledge of the basic statutory requirements;
- (b) the applicant has access to plants and resources;
- (c) if the applicant is a corporation –
 - (i) its management structure is adequate; and
 - (ii) at least one of its directors has the qualifications and experience specified by the Authority; and
- (d) the applicant is suitable for registration in the register.

(6) In deciding whether the applicant is suitable for registration in the register for the purposes of subsection (5)(d), the Building Authority must take into account –

- (a) whether the applicant and the individual nominated under section 10(3) have any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and
- (b) whether any disciplinary order has been made against the applicant or the individual.

(7) If the Building Authority allows an application under subsection (2)(a) or (b) or (3)(a) or (b), the Authority must, on payment by the applicant of the prescribed fee –

- (a) enter the applicant's name in the register together with –

- (i) the particulars of the type or types of minor works under one or more classes for which the applicant is registered; and
 - (ii) the name of the authorized signatory of the applicant for each type of minor works under each class for which the applicant is registered;
 - (b) publish the applicant's name in the Gazette together with the particulars of the type or types of minor works under one or more classes for which the applicant is registered; and
 - (c) issue a certificate of registration to the applicant endorsed with the particulars of the type or types of minor works under one or more classes for which the applicant is registered.
- (8) If the Building Authority –
- (a) refuses an application under subsection (2)(b) or (c) or (3)(b) or (c); or
 - (b) defers the determination of an application under subsection (3)(d),

the Authority must give reasons for the decision in writing to the applicant.

13. Validity period of registration

Subject to section 14(3) and any relevant disciplinary order, the registration of a person under section 11 or 12 expires on the third anniversary of the date of the entry of the person's name in the register under section 11(4) or 12(7).

Division 2 – Renewal of Registration as Registered Minor Works Contractor

14. Application for renewal of registration as registered minor works contractor

(1) A registered minor works contractor may apply to the Building Authority for the renewal of the contractor's registration.

(2) The application must –

- (a) be in the specified form;
- (b) be accompanied by the prescribed fee; and
- (c) be submitted to the Building Authority not more than 4 months but not less than 28 days prior to the expiry of the registration.

(3) If a registered minor works contractor makes an application for the renewal of the contractor's registration under subsection (1) and –

- (a) the application or any part of the application is allowed under section 15(2)(a) or (b) or (2B)(a) or (b) after the expiry of the registration; or
- (b) the registration expires before the date specified in the notice under section 15(5)(b) on which the registration or any part of the registration ceases to be valid,

subject to any relevant disciplinary order, the registration or part of the registration continues to be in force after its expiry until the date on which it is allowed or ceases to be valid.

(4) The Building Authority may –

- (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
- (b) refuse the application if the information or proof is not provided.

15. Determination of application for renewal of registration

(1) The Building Authority may refer, either in whole or in part, an application under section 14(1) to a Registration Committee for recommendation if the Authority considers it appropriate to do so after taking into account –

(a) the nature of the type or types of minor works under one or more classes to which the application relates; or

(b) any matter that is relevant for determining whether the applicant complies with the requirements set out in subsection (3).

(2) ~~The~~If the Building Authority may~~does not refer the application to a Registration Committee, the Authority must, within 3 months from receiving the application –~~

(a) allow the application;

(b) allow the application in part and refuse the remaining part;
or

(c) refuse the application.

(2A) If the Building Authority considers it appropriate to refer the application to a Registration Committee, the Authority must direct the Committee to meet, within 3 months from receiving the application, to consider the application.

(2B) If the Building Authority refers an application to a Registration Committee, the Authority must, within 3 months from the meeting of the Committee at which the application is considered –

(a) allow the application;

(b) allow the application in part and refuse the remaining part;
or

(c) refuse the application.

(3) The Building Authority must not allow an application under subsection (2)(a) or (b) or (2B)(a) or (b) unless the Authority is satisfied that the

applicant complies with the applicable requirements for registration set out in section 11(2) and (3) or 12(5) and (6).

(4) If the Building Authority allows an application under subsection (2)(a) or (b) or (2B)(a) or (b), the Authority must –

- (a) amend the entry in respect of the applicant in the register to reflect the renewal; and
- (b) issue a certificate of registration to the applicant endorsed with the particulars of the item or items of class III minor works, or the type or types of minor works under one or more classes, for which the applicant is registered.

(5) If the Building Authority refuses an application under subsection (2)(b) or (c) or (2B)(b) or (c), the Authority must –

- (a) give reasons for the decision in writing to the applicant; and
- (b) specify in the written notice the date, which must not be earlier than the expiry of the existing registration, on which the registration or part of the registration will cease to be valid.

16. Validity period of renewed registration

Subject to section 14(3) and any relevant disciplinary order, a registration renewed under section 15 expires on the third anniversary of the expiry date of the previous registration.

17. Removal of name of registered minor works contractor

(1) The Building Authority must remove the name of a registered minor works contractor from the register if the Authority –

- (a) does not receive an application by the contractor for the renewal of registration in accordance with section 14; or

- (b) has refused an application for the renewal of the registration concerned under section 15(2)(c) or (2B)(c) and given a notice under section 15(5) to the contractor.
- (2) The removal of a name under subsection (1)(a) is effective immediately after the expiry of the registration.
- (3) The removal of a name under subsection (1)(b) is effective on the date specified in the notice under section 15(5)(b).

Division 3 – Restoration of Name to Register

18. Application for restoration of name to register

- (1) A person whose name is removed under section 17(1) may, within 2 years from the expiry of the registration concerned, apply to the Building Authority for the restoration of the person's name to the register.
- (2) The application must –
 - (a) be in the specified form; and
 - (b) be accompanied by the prescribed fee.
- (3) The Building Authority may –
 - (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
 - (b) refuse the application if the information or proof is not provided.

19. Determination of application for restoration of name to register

- (1) The Building Authority may refer, either in whole or in part, an application under section 18(1) to a Registration Committee for recommendation if the Authority considers it appropriate to do so after taking into account –
 - (a) the nature of the type or types of minor works under one or more classes to which the application relates; or

(b) any matter that is relevant for determining whether the applicant complies with the requirements set out in subsection (3).

(2) If the Building Authority does not refer the application to a Registration Committee, the Building Authority must, within 3 months from receiving the application may –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- or
- (c) refuse the application.

(2A) If the Building Authority considers it appropriate to refer the application to a Registration Committee, the Authority must direct the Committee to meet, within 3 months from receiving the application, to consider the application.

(2B) If the Building Authority refers an application to a Registration Committee, the Authority must, within 3 months from the meeting of the Committee at which the application is considered –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- or
- (c) refuse the application.

(3) The Building Authority must not allow an application under subsection (2)(a) or (b) or (2B)(a) or (b) unless the Authority is satisfied that the applicant complies with the applicable requirements for registration set out in section 11(2) and (3) or 12(5) and (6).

(4) If the Building Authority allows an application under subsection (2)(a) or (b) or (2B)(a) or (b), the Authority must –

- (a) enter the applicant's name in the register together with –
 - (i) the particulars of the item or items of class III minor works, or the type or types of minor works

under one or more classes, for which the applicant is registered; and

(ii) if the applicant is registered for one or more types of minor works under one or more classes, the name of the authorized signatory of the applicant for each type of minor works under each class for which the applicant is registered; and

(b) issue a certificate of registration to the applicant endorsed with the particulars of the item or items of class III minor works, or the type or types of minor works under one or more classes, for which the applicant is registered.

(5) If the Building Authority refuses an application under subsection (2)(b) or (c) or (2B)(b) or (c), the Authority must give reasons for the decision in writing to the applicant.

20. Validity period of restored registration

Subject to section 14(3) and any relevant disciplinary order, the registration of a person whose name is restored under section 19 to the register expires on the third anniversary of the date of restoration.

Division 4 – Registration of Additional Class, Type or Item of Minor Works

21. Application for registration of additional class, type or item of minor works

(1) A registered minor works contractor who is registered under section 11 may apply to the Building Authority for the addition to the contractor's registration of one or more additional items of class III minor works.

(2) A registered minor works contractor who is registered under section 12 may apply to the Building Authority for the addition to the contractor's registration of –

- (a) one or more additional types of minor works under one or more classes; or
 - (b) one or more additional classes of minor works of the type or types for which the contractor is registered.
- (3) An application under subsection (1) or (2) must –
 - (a) be in the specified form; and
 - (b) be accompanied by the prescribed fee.
- (4) In the case of an application under subsection (2), the applicant must, in respect of each type of minor works under each class to which the application relates, nominate in the application form at least one individual who is proposed to be an authorized signatory of the applicant to act for it for the purposes of the Ordinance on the addition of that type or class of minor works to its registration.
- (5) The Building Authority may –
 - (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
 - (b) refuse the application if the information or proof is not provided.

22. Determination of application made under section 21(1)

- (1) The Building Authority must, within 3 months from receiving an application under section 21(1) –
 - (a) allow the application;
 - (b) allow the application in part and refuse the remaining part;
or
 - (c) refuse the application.
- (2) The Building Authority must not allow an application under subsection (1)(a) or (b) unless the Authority is satisfied that –
 - (a) the applicant –

- (i) is registered under the Construction Workers Registration Ordinance (Cap. 583) as a registered skilled worker for a designated trade which is relevant to the item or items of class III minor works to which the application relates; or
 - (ii) has the qualifications and experience specified by the Authority;
- (b) the applicant has the ability and skills to personally carry out the item or items of class III minor works to which the application relates; and
- (c) the applicant is suitable for registration in the register for the item or items of class III minor works to which the application relates.

(3) In deciding whether the applicant is suitable for registration in the register for the purposes of subsection (2)(c), the Building Authority must take into account –

- (a) whether the applicant has any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and
- (b) whether any disciplinary order has been made against the applicant.

(4) If the Building Authority allows an application under subsection (1)(a) or (b), the Authority must –

- (a) amend the entry in respect of the applicant in the register by adding the particulars of the additional item or items of class III minor works for which the applicant is registered;
- (b) issue a new certificate of registration to the applicant to replace the applicant's existing certificate of registration; and

(c) endorse on the new certificate of registration the particulars of the items of class III minor works for which the applicant is registered.

(5) If the Building Authority refuses an application under subsection (1)(b) or (c), the Authority must give reasons for the decision in writing to the applicant.

23. Determination of application made under section 21(2)

(1) The Building Authority may refer, either in whole or in part, an application under section 21(2) to a Registration Committee for recommendation if the Authority considers it appropriate to do so after taking into account –

(a) the nature of the type or types of minor works under one or more classes to which the application relates; or

(b) any matter that is relevant for determining whether the applicant complies with the requirements set out in subsections (5) and (6).

(2) If the Building Authority does not refer the application to a Registration Committee, the Authority must, within 3 months from receiving the application –

(a) allow the application;

(b) allow the application in part and refuse the remaining part;
or

(c) refuse the application.

(2A) If the Building Authority considers it appropriate to refer the application to a Registration Committee, the Authority must direct the Committee to meet, within 3 months from receiving the application, to consider the application.

(3) If the Building Authority refers ~~the~~an application to a Registration Committee, the Authority must, within 3 months from the meeting of the Committee at which the application is considered –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- (c) refuse the application; or
- (d) defer the determination of the application for a period not exceeding 6 months, and =
 - (i) refer the application again to a Registration Committee for recommendation ~~under subsection (4)~~ after that period on the request of the applicant; and
 - (ii) direct the Committee to meet, within 3 months from receiving the request, to consider the application.

(4) The Building Authority must not allow an application under subsection (3)(a) or (b) unless the Registration Committee so recommends.

(5) The Building Authority must not allow an application under subsection (2)(a) or (b) or (3)(a) or (b) unless the Authority is satisfied that –

- (a) in respect of each type of minor works under each class to which the application relates, at least one individual nominated under section 21(4) for that type of minor works –
 - (i) has the qualifications and experience specified by the Authority; and
 - (ii) has the ability to understand that type of minor works through relevant experience and a general knowledge of the basic statutory requirements;
- (b) the applicant has access to plants and resources;
- (c) if the applicant is a corporation –
 - (i) its management structure is adequate; and
 - (ii) at least one of its directors has the qualifications and experience specified by the Authority; and

(d) the applicant is suitable for registration in the register for the type or types of minor works under one or more classes to which the application relates.

(6) In deciding whether the applicant is suitable for registration in the register for the purposes of subsection (5)(d), the Building Authority must take into account –

(a) whether the applicant and the individual nominated under section 21(4) have any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and

(b) whether any disciplinary order has been made against the applicant or the individual.

(7) If the Building Authority allows an application under subsection (2)(a) or (b) or (3)(a) or (b), the Authority must –

(a) amend the entry in respect of the applicant in the register by –

(i) adding the particulars of the additional type or types of minor works under one or more classes for which the applicant is registered; and

(ii) entering the name of the authorized signatory of the applicant for each additional type of minor works under each class for which the applicant is registered;

(b) issue a new certificate of registration to the applicant to replace the applicant's existing certificate of registration; and

(c) endorse on the new certificate of registration the particulars of the type or types of minor works under one or more classes for which the applicant is registered.

(8) If the Building Authority –

- (a) refuses an application under subsection (2)(b) or (c) or (3)(b) or (c); or
- (b) defers the determination of an application under subsection (3)(d),

the Authority must give reasons for the decision in writing to the applicant.

Division 5 – Nomination of Additional Authorized Signatory

24. Application for approval of nomination of additional authorized signatory

(1) A registered minor works contractor who is registered under section 12 may apply to the Building Authority for approval of the nomination of an additional individual as its authorized signatory to act for it for the purposes of the Ordinance for one or more types of minor works under one or more classes for which the contractor is registered.

- (2) The application must –
 - (a) be in the specified form; and
 - (b) be accompanied by the prescribed fee.
- (3) The Building Authority may –
 - (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
 - (b) refuse the application if the information or proof is not provided.

25. Determination of application made under section 24(1)

(1) The Building Authority may refer, either in whole or in part, an application under section 24(1) to a Registration Committee for recommendation if the Authority considers it appropriate to do so after taking into account –

- (a) the nature of the type or types of minor works under one or more classes to which the application relates; or

(b) any matter that is relevant for determining whether the applicant complies with the requirements set out in subsections (5) and (6).

(2) If the Building Authority does not refer the application to a Registration Committee, the Authority must, within 3 months from receiving the application –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
or
- (c) refuse the application.

(2A) If the Building Authority considers it appropriate to refer the application to a Registration Committee, the Authority must direct the Committee to meet, within 3 months from receiving the application, to consider the application.

(3) If the Building Authority refers ~~the~~an application to a Registration Committee, the Authority must, within 3 months from the meeting of the Committee at which the application is considered –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- (c) refuse the application; or
- (d) defer the determination of the application for a period not exceeding 6 months, and –

(i) refer the application~~it~~ again to a Registration Committee for recommendation ~~under subsection (1)~~ after that period on the request of the applicant; and

(ii) direct the Committee to meet, within 3 months from receiving the request, to consider the application.

(4) The Building Authority must not allow an application under subsection (3)(a) or (b) unless the Registration Committee so recommends.

(5) The Building Authority must not allow an application under subsection (2)(a) or (b) or (3)(a) or (b) unless the Authority is satisfied that, in respect of the type or types of minor works under one or more classes for which the individual concerned is nominated, the individual –

- (a) has the qualifications and experience specified by the Authority;
- (b) has the ability to understand the type or types of minor works through relevant experience and a general knowledge of the basic statutory requirements; and
- (c) is suitable to act for the applicant for the purposes of the Ordinance as its authorized signatory.

(6) In deciding whether the individual concerned is suitable to act for the applicant for the purposes of subsection (5)(c), the Building Authority must take into account –

- (a) whether the individual has any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and
- (b) whether any disciplinary order has been made against the individual.

(7) If the Building Authority allows an application under subsection (2)(a) or (b) or (3)(a) or (b), the Authority must enter in the register the name of the individual concerned as an authorized signatory of the applicant for the type or types of minor works under one or more classes for which the nomination is approved.

(8) If the Building Authority –

- (a) refuses an application under subsection (2)(b) or (c) or (3)(b) or (c); or

- (b) defers the determination of an application under subsection (3)(d),

the Authority must give reasons for the decision in writing to the applicant.

Division 6 – Reviews and Appeals

26. Review of decisions of Appeals against decision of Building Authority or recommendations of Minor Works Contractors Registration Committee

- (1) A person who is aggrieved by –
- (a) a decision of made in respect of the person by the Building Authority to refuse the person’s application under section 11, 12, 15, 19, 22, 23, 25 or 65;
 - (b) a decision of the Building Authority to defer the determination of the person’s application under section 12, 23 or 25; or
 - (c) or a recommendation of a Registration Committee made in respect of the person’s application for the purposes of section 12, 15, 19, 23 or 25, under this Part may appeal to the Court of First Instance

may request a Registration Committee to review the decision or recommendation.

~~(2) — The Court of First Instance may confirm, reverse or vary a decision appealed against under this section.~~

- (2) The request must –
- (a) be in the specified form;
 - (b) be accompanied by the prescribed fee;
 - (c) state the substance of the matter and reasons for requesting the review; and
 - (d) be submitted to the Building Authority within 28 days from the date on which the reasons for the decision, or the decision to which the recommendation relates, were given

to the person under section 11(5), 12(8), 15(5)(a), 19(5), 22(5), 23(8), 25(8) or 65(6).

(3) The request does not affect the operation of the decision or the effect of the recommendation.

(4) On receiving the request, the Building Authority must direct a Registration Committee to meet, within 4 months from receiving the request, to review the decision or recommendation.

(5) The Registration Committee must not consist of any member who has considered the application to which the decision or recommendation relates.

(6) In reviewing the decision or recommendation, the Registration Committee may consider any information or documentary proof that was not provided to the Building Authority or the Registration Committee concerned when the decision or recommendation was made.

(7) The Registration Committee may advise the Building Authority to –

(a) confirm the decision, or the decision to which the recommendation relates; or

(b) substitute the decision, or the decision to which the recommendation relates, with such other decision as the Committee thinks fit.

(8) Within 3 months from receiving the advice of the Registration Committee in respect of the request, the Building Authority must –

(a) having regard to the advice –

(i) confirm the decision; or

(ii) subject to subsection (9), substitute the decision with such other decision as the Authority thinks fit; and

(b) notify the person making the request in writing of –

(i) the advice of the Committee and the reasons for the advice; and

(ii) the decision of the Authority under paragraph (a) and the reasons for the decision.

(9) The Building Authority may make a decision to allow the application to which the request relates only if the Registration Committee so advises.

26A. Appeal against advice of Minor Works Contractors Registration Committee or decisions of Building Authority under section 26

(1) A person who is aggrieved by any advice of a Registration Committee, or a decision of the Building Authority, made in respect of the person's request under section 26 may appeal to the Court of First Instance.

(32) The practice for the appeal is subject to any rules of court made under the High Court Ordinance (Cap. 4).

PART 5

APPOINTMENT OF PERSONS IN RESPECT OF MINOR WORKS

27. Prescribed building professionals to be appointed for purposes of section 4A of Ordinance

For the purposes of section 4A of the Ordinance, the following prescribed building professionals are required to be appointed in respect of class I minor works –

- (a) an authorized person;
- (b) if the works involve any structural elements, a registered structural engineer; and
- (c) if the works involve any geotechnical elements, a registered geotechnical engineer.