

**For discussion  
on 24 February 2009**

**LEGISLATIVE COUNCIL  
PANEL ON DEVELOPMENT**

**Building (Minor Works) Regulation**

**INTRODUCTION**

The Buildings (Amendment) Ordinance 2008 (20 of 2008) (“BAO 2008”), introducing a minor works control system to provide simple and effective statutory procedures for carry out small-scale building works, was passed by the Legislative Council in June 2008. Members were then advised that the Government would further consult the industry, with a view to making the Building (Minor Works) Regulation (“B(MW)R”) to stipulate the modus operandi of the control system so as to bring into effect the new system as soon as possible. This paper outlines the details of the Government’s proposal.

**BACKGROUND**

**Existing Building Control System**

2. Under the existing Buildings Ordinance (Cap 123) (“BO”), all building works, despite their scale and complexity, are regulated under one single building control system. Prior approval of building plans prepared by authorized persons (“AP”) and consent to commence building works must be obtained from the Building Authority (“BA”) before commencement of such works. This control system does not differentiate building works relating to the construction of a new building from minor building works carried out in existing buildings such as erection of supporting frames for air conditioners and drying racks, etc. which are simple in nature. As a consequence, many minor building works are carried out without complying with the law and are therefore unauthorized building works (“UBWs”). The proposed minor works control system will simplify the procedures in order to provide a lawful,

simple, safe as well as convenient means for building owners to carry out minor works.

### **BAO 2008**

3. The BAO 2008 was passed by the Council on 18 June 2008 and gazetted on 27 June 2008. The Amendment Ordinance amends the BO for the introduction of the minor works control system. A new category of building works, namely “minor works”, and a register of “registered minor works contractors” (“RMWCs”) for carrying out such minor works, will be introduced under the BO. In respect of minor works, the requirement to seek the BA’s prior approval for building plans and consent to commence works will be dispensed with.

4. Certain provisions of the BAO 2008, including the enabling provision for the Secretary for Development to make regulations in respect of minor works, were commenced on 15 December 2008 through the Buildings (Amendment) Ordinance 2008 (Commencement) Notice 2008 (L.N. 225) gazetted on 13 October 2008.

### **BUILDING (MINOR WORKS) REGULATION**

5. A preliminary draft of the Regulation was tabled at the Bills Committee meeting of the Buildings (Amendment) Bill 2007 on 11 March 2008. Since the enactment of the BAO 2008 in June 2008, the Administration has further refined the draft Regulation in consultation with the industry, including the “Minor Works Concern Group” representing frontline minor works practitioners and other stakeholders. The major areas concerning the minor works control system covered by the Regulation include:

- (i) classification of minor works and details of minor works items;
- (ii) simplified requirements for carrying out minor works;
- (iii) registration of RMWCs;
- (iv) provisional registration of RMWCs; and
- (v) household minor works validation scheme.

6. The ensuing paragraphs highlight the main features of the minor works control system that will be covered by the B(MW)R.

### **Classification of Minor Works and Details of Minor Works Items**

7. All minor works will be classified by the B(MW)R into three classes according to their nature, scale and complexity as well as the risk to safety they pose:

- (a) Class I minor works are relatively more complicated minor works (e.g. installation of internal staircases connecting two floors);
- (b) Class II minor works are comparatively less complex works (e.g. repair of external walls); and
- (c) Class III minor works cover small-scale minor works, mostly carried out in household settings, such as erection of supporting frames for air-conditioners.

The works under each class will be further classified into types and items that correspond to the specialization of works in the industry. Each item of minor works will be defined with their dimensions, locations and other relevant measurements specified. The detailed specifications for more than 110 items of minor works will be stipulated in a Schedule of the Regulation.

### **Simplified Requirements for Carrying Out Minor Works**

8. As stipulated in the BAO 2008, minor works could only be carried out by prescribed registered contractors (“PRCs”) (i.e. a registered general building contractor (“RGBC”), registered specialist contractor (“RSC”) or RMWC). In carrying out minor works, the building professionals and PRCs will be required to follow the new “simplified requirements” stipulated under the B(MW)R. While prior approval and consent by the BA is not required, the building professionals and contractors have to notify the BA and submit records and certificates to the BA according to the procedures under the simplified requirements.

9. As Class I minor works are relatively more complicated, they require higher technical expertise and more stringent supervision, and thus should be designed and supervised by APs (with the assistance of registered structural engineers (“RSEs”) or registered geotechnical engineers (“RGEs”) as necessary) and carried out by PRCs. The other

two classes of minor works can be carried out by PRCs without the involvement of APs.

10. The following table summaries the requirements under the B(MW)R for carrying out different classes of minor works:

<b>Class of Minor Works</b> <b>Requirement</b>	<b>Class I</b>	<b>Class II</b>	<b>Class III</b>
Appointment of building professionals and contractors	AP (and RSE/RGE as the case maybe) and RGBC, RSC or Class I RMWC	-  RGBC, RSC or Classes I or II RMWC	-  RGBC, RSC or Classes I, II or III RMWC
Provision of simple notification and submission of plans and documents to the BA before commencement of works	required	required	not required
Submission of record plans, certificates and documents to the BA after completion of works	required	required	required

11. The BA will carry out audit checks in accordance with the information provided in the plans, documents and works and, where any irregularities are found, may require the rectification of the defects.

### **Registration of RMWCs**

12. A register of RMWCs will be established in accordance with the provisions of the B(MW)R. Minor works practitioners, upon payment

of relevant fees, may apply for registration as RMWCs for the relevant classes, types or items of minor works as appropriate according to their qualifications and experience. A transitional period and a provisional registration arrangement will be put in place to allow adequate time for the existing minor works practitioners to prepare for registration.

13. The contractors who apply for registration as RMWCs for different classes and types may be body corporates, partnerships or sole proprietorships. They have to satisfy the BA that their representatives possess the necessary academic qualifications and work experience before they could be registered under the B(MW)R.

14. The minor works industry is characterized by the presence of individual workers who are competent in carrying out simple Class III minor works. To cater for the registration of this group of workers, we will accept individuals who personally carry out minor works to register as RMWCs for one or more items of Class III minor works. Such workers who possess relevant trade test certificates, apprentice certificates or other recognized skills qualifications may apply. Those without formal qualifications but have adequate experience in carrying out particular items of Class III minor works personally may also apply to register for such items. All individual applicants for Class III minor works items are required to attend a one-day training course relating to the statutory procedures and safety requirements for Class III minor works before registration.

15. “Minor Works Contractors Registration Committees”, comprising representatives from the industry, will be appointed to assist the BA in considering applications under the B(MW)R. The BA may refer the applications to the Committees for consideration, and make reference to the Committees' advice in approving applications. A registration will be valid for a period of three years. Upon expiry, the registration of RMWCs may be renewed or restored.

### **Provisional Registration of RMWCs**

16. Some existing practitioners may not have the required academic qualifications for registration as RMWCs but possess adequate experience of conducting minor works. To allow this group of

practitioners to continue business immediately after the implementation of the new control system, a provisional registration system will be established. Such practitioners who can satisfy the BA on their work experience in carrying out minor works may, subject to payment of a fee, register as RMWCs (Provisional) (“Provisional Contractors”) and may carry out minor works within a transitional period of two years.

17. The provisional registration will expire at the end of the transitional period or when a Provisional Contractor has formally registered as an RMWC, whichever is the earlier. During the transitional period, a Provisional Contractor should attend top-up courses with a view to obtaining the required academic qualifications. S/he has to bear the full duties and responsibilities as an RMWC, and the relevant provisions under the BO and B(MW)R for RMWCs will be applicable to her/him.

### **Household Minor Works Validation Scheme**

18. We note that before the introduction of the minor works control system, minor works have been carried out in some buildings without obtaining prior approval and consent from the BA. Typical examples include supporting frames for air conditioners, drying racks and small canopies. However, we appreciate that these items are of practical use for the households concerned. For the rationalization of the aforementioned three types of minor works carried out under such circumstances and to allow owners to retain these features for continued use, a "Household Minor Works Validation Scheme" ("Validation Scheme") will be established under the minor works control system.

19. The B(MW)R stipulates the details of the Validation Scheme in accordance with the framework provided for under the BAO 2008. Owners should appoint an AP, RSE or PRC to certify on inspection that the existing unauthorized minor household structures meet the safety requirements. Depending on the circumstances, alteration, improvement and/or reinforcement works may be required to meet the safety and dimensional standards before such structures can be certified. The necessary works to be conducted to the unauthorized minor household structures will be specified as minor works and have to be carried out in accordance with the simplified requirements. Enforcement action will

not be taken by the Buildings Department against the validated minor household structures, unless there is a change in their safety conditions. Nevertheless, the legal status of such structures will remain unauthorized and will not change by joining the Validation Scheme.

### **ADVICE SOUGHT**

20. Members' advice is sought in respect of the above proposal. Subject to Members' views, the Administration will table the B(MW)R in the Council for Members' consideration.

**Development Bureau**  
**February 2009**