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BUILDING (MINOR WORKS) (FEES) REGULATION

(Made by the Chief Executive in Council under section 38(1A)
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) has the meaning given by section 2(1) of the Minor Works Regulation;

“item” (項目) has the same meaning as in the Minor Works Regulation;

“Minor Works Regulation” (《小型工程規例》) means the Building (Minor Works) Regulation (L.N. 51 of 2009);

“proposed authorized signatory” (建議獲授權簽署人)—

- (a) in relation to an application for registration under section 10(1)(b) or 64(1) of the Minor Works Regulation, means the individual nominated under section 10(3) or 64(3) of that Regulation;
- (b) in relation to an application for the renewal of a registration under section 14(1) of that Regulation, means an individual nominated to be the authorized signatory of the applicant in the application form;
- (c) in relation to an application for the restoration of a name to the register under section 18(1) of that Regulation, means an individual nominated to be the authorized signatory of the applicant in the application form;
- (d) in relation to an application for the addition of one or more classes or types of minor works to a registration under section 21(2) of that Regulation, means the individual nominated under section 21(4) of that Regulation;
- (e) in relation to an application for the approval of the nomination of an additional individual under section 24(1) of that Regulation, means the individual;

“proposed class I authorized signatory” (建議第 I 級別獲授權簽署人), in relation to an application, means a proposed authorized signatory who is nominated in the application form in respect of class I minor works (whether or not the individual is also nominated in respect of other classes of minor works);

“proposed class II authorized signatory” (建議第 II 級別獲授權簽署人), in relation to an application, means a proposed authorized signatory who is nominated in the application form in respect of class II minor works, or class II and class III minor works;

“proposed class III authorized signatory” (建議第 III 級別獲授權簽署人), in relation to an application, means a proposed authorized signatory who is nominated in the application form in respect of class III minor works only;

“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;

“registered minor works contractor” (註冊小型工程承建商) means a person whose name is for the time being on the register;

“registered minor works contractor (provisional)” (臨時註冊小型工程承建商) means a person whose name is for the time being on the provisional register;

“type” (類型) has the same meaning as in the Minor Works Regulation.

(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 to the Minor Works Regulation;

(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 to that Regulation;

(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 to that Regulation,

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

(3) In this Regulation—

(a) class I minor works are of a class higher than class II and class III minor works; and

(b) class II minor works are of a class higher than class III minor works.

PART 2

FEES RELATING TO REGISTRATION FOR ONE OR MORE ITEMS OF CLASS III MINOR WORKS

3. Application of Part 2

(1) Section 4 applies to an application under section 10(1)(a) of the Minor Works Regulation for registration as a registered minor works contractor for one or more items of class III minor works.

(2) Section 5 applies to an application under section 14(1) of the Minor Works Regulation for the renewal of the registration of a registered minor works contractor registered under section 11 of that Regulation.

(3) Section 6 applies to an application under section 18(1) of the Minor Works Regulation for the restoration to the register of the name of a person who was registered under section 11 of that Regulation and whose name was removed from the register under section 17(1) of that Regulation.

(4) Section 7 applies to an application under section 21(1) of the Minor Works Regulation for the addition to a registration of one or more additional items of class III minor works.

(5) Section 8 applies to a request under section 26(1) of the Minor Works Regulation to review a decision or recommendation made in respect of an application referred to in subsection (1), (2), (3) or (4).

4. Fee for application for registration as registered minor works contractor for one or more items of class III minor works

The fee to be paid under section 10(2)(b) of the Minor Works Regulation for an application for registration as a registered minor works contractor is—

- (a) if, for at least one of the items of minor works to which the application relates, the applicant relies solely on the experience possessed by the applicant to comply with section 11(2)(a) of that Regulation, \$305; or
- (b) in any other case, \$155.

5. Fee for application for renewal of registration for one or more items of class III minor works

The fee to be paid under section 14(2)(b) of the Minor Works Regulation for an application for the renewal of the registration of a registered minor works contractor is \$105.

6. Fee for application for restoration of name to register for one or more items of class III minor works

The fee to be paid under section 18(2)(b) of the Minor Works Regulation for an application for the restoration of the name of a person to the register is \$105.

7. Fee for application for registration of additional items of class III minor works

The fee to be paid under section 21(3)(b) of the Minor Works Regulation for an application for the addition to a registration of one or more additional items of class III minor works is—

- (a) if, for at least one of the items, the applicant relies solely on the experience possessed by the applicant to comply with section 22(2)(a) of that Regulation, \$305; or
- (b) in any other case, \$155.

8. Fee for request for review: application relating to one or more items of class III minor works

The fee to be paid under section 26(2)(b) of the Minor Works Regulation for a request to review a decision or recommendation made in respect of an application is \$105.

PART 3

FEES RELATING TO REGISTRATION FOR ONE OR MORE TYPES OF MINOR WORKS UNDER ONE OR MORE CLASSES

9. Application of Part 3

(1) Section 10 applies to an application under section 10(1)(b) of the Minor Works Regulation for registration as a registered minor works contractor for one or more types of minor works under one or more classes.

(2) Section 11 applies to the registration of a person as a registered minor works contractor under section 12(7) of the Minor Works Regulation.

(3) Section 12 applies to an application under section 14(1) of the Minor Works Regulation for the renewal of the registration of a registered minor works contractor registered under section 12 of that Regulation.

(4) Section 13 applies to an application under section 18(1) of the Minor Works Regulation for the restoration to the register of the name of a person who was registered under section 12 of that Regulation and whose name was removed from the register under section 17(1) of that Regulation.

- (5) Sections 14, 15 and 16 apply to—
- (a) an application under section 21(2) of the Minor Works Regulation for the addition to a registration of one or more additional classes or types of minor works; and
 - (b) an application under section 24(1) of that Regulation for the approval of the nomination of an additional individual as an authorized signatory.

(6) Section 17 applies to a request under section 26(1) of the Minor Works Regulation to review a decision or recommendation made in respect of an application referred to in subsection (1), (3), (4) or (5).

10. Fee for application for registration as registered minor works contractor for one or more types of minor works under one or more classes

(1) Subject to subsection (2), the fee to be paid under section 10(2)(b) of the Minor Works Regulation for an application for registration as a registered minor works contractor is—

- (a) if the highest class of minor works to which the application relates is class I, \$2,530;
- (b) if the highest class of minor works to which the application relates is class II, \$1,110; or
- (c) if the application relates to class III minor works only, \$715.

(2) If 2 or more proposed authorized signatories are nominated in the application form, an additional amount specified in subsection (3) is to be paid in respect of each proposed authorized signatory other than the first one nominated for the highest class of minor works to which the application relates.

(3) The amount specified for the purposes of subsection (2) is—

- (a) in the case of a proposed class I authorized signatory, \$2,090;
- (b) in the case of a proposed class II authorized signatory, \$840;
- (c) in the case of a proposed class III authorized signatory, \$530.

11. Fee for registration as registered minor works contractor for one or more types of minor works under one or more classes

The fee to be paid under section 12(7) of the Minor Works Regulation for the registration of a person as a registered minor works contractor is—

- (a) if the highest class of minor works for which the person is registered is class I, \$595;
- (b) if the highest class of minor works for which the person is registered is class II, \$595; or

- (c) if the person is registered for class III minor works only, \$410.

12. Fee for application for renewal of registration for one or more types of minor works under one or more classes

The fee to be paid under section 14(2)(b) of the Minor Works Regulation for an application for the renewal of the registration of a registered minor works contractor is—

- (a) if the highest class of minor works to which the application relates is class I, \$1,100;
- (b) if the highest class of minor works to which the application relates is class II, \$810; or
- (c) if the application relates to class III minor works only, \$395.

13. Fee for application for restoration of name to register for one or more types of minor works under one or more classes

The fee to be paid under section 18(2)(b) of the Minor Works Regulation for an application for the restoration of the name of a person to the register is—

- (a) if the highest class of minor works to which the application relates is class I, \$1,250;
- (b) if the highest class of minor works to which the application relates is class II, \$880; or
- (c) if the application relates to class III minor works only, \$420.

14. Fee for application for registration of additional classes or types of minor works

(1) Subject to section 16, the fee to be paid under section 21(3)(b) of the Minor Works Regulation for an application for the addition to a registration of one or more additional classes or types of minor works is a fee equal to the aggregate of the amounts specified in subsection (2) in respect of each proposed authorized signatory nominated in the application form.

(2) The amounts specified for the purposes of subsection (1) are—

- (a) in the case of a proposed class I authorized signatory, \$2,240;
- (b) in the case of a proposed class II authorized signatory, \$965;
- (c) in the case of a proposed class III authorized signatory, \$630.

15. Fee for application for approval of nomination of additional authorized signatory

Subject to section 16, the fee to be paid under section 24(2)(b) of the Minor Works Regulation for an application for the approval of the nomination of an additional individual as an authorized signatory is—

- (a) if the individual is a proposed class I authorized signatory, \$2,240;
- (b) if the individual is a proposed class II authorized signatory, \$965; or
- (c) if the individual is a proposed class III authorized signatory, \$630.

16. Calculation of fee when application for registration of additional classes or types of minor works and application for approval of nomination of additional authorized signatory are made at the same time

(1) The fee to be paid under section 21(3)(b) of the Minor Works Regulation for an application under section 21(2) of that Regulation and the fee to be paid under section 24(2)(b) of that Regulation for an application under section 24(1) of that Regulation are to be calculated in accordance with this section as a combined fee if—

- (a) the applicant indicates in the application form submitted for the application under that section 21(2) that the applicant is also making an application under that section 24(1); and
- (b) the 2 application forms are submitted together.

(2) The fee is a fee equal to the aggregate of the amounts specified in subsection (3) in respect of each individual nominated to be—

- (a) the authorized signatory of the applicant for the purposes of the application under section 21(2) of the Minor Works Regulation only;
- (b) the authorized signatory of the applicant for the purposes of the application under section 24(1) of that Regulation only; or
- (c) the authorized signatory of the applicant for the purposes of both applications.

(3) The amounts specified for the purposes of subsection (2) are—

- (a) in the case of an individual mentioned in subsection (2)(a), the appropriate amount specified in section 14(2);
- (b) in the case of an individual mentioned in subsection (2)(b), the appropriate amount specified in section 15;

- (c) in the case of an individual mentioned in subsection (2)(c), the appropriate amount specified in section 14(2) or the appropriate amount specified in section 15, whichever is higher.

17. Fee for request for review: application relating to one or more types of minor works under one or more classes

(1) The fee to be paid under section 26(2)(b) of the Minor Works Regulation for a request to review a decision or recommendation made in respect of an application is a fee equal to the aggregate of the amounts specified in subsection (2) in respect of each proposed authorized signatory involved in the application, or part of the application, in respect of which the request is made.

- (2) The amounts specified for the purposes of subsection (1) are—
- (a) if the highest class of minor works in which the individual is involved is class I, \$1,100;
 - (b) if the highest class of minor works in which the individual is involved is class II, \$810;
 - (c) if the individual is involved in class III minor works only, \$395.

PART 4

FEES RELATING TO PROVISIONAL REGISTRATION

18. Application of Part 4

(1) Section 19 applies to an application under section 64(1) of the Minor Works Regulation for registration as a registered minor works contractor (provisional) for one or more types of minor works under one or more classes.

(2) Section 20 applies to the registration of a person as a registered minor works contractor (provisional) under section 65(5) of the Minor Works Regulation.

(3) Section 21 applies to a request under section 26(1) of the Minor Works Regulation to review a decision made in respect of an application referred to in subsection (1).

19. Fee for application for registration as registered minor works contractor (provisional)

(1) Subject to subsection (2), the fee to be paid under section 64(2)(b) of the Minor Works Regulation for an application for registration as a registered minor works contractor (provisional) is—

- (a) if the highest class of minor works to which the application relates is class I, \$865;
- (b) if the highest class of minor works to which the application relates is class II, \$590; or
- (c) if the application relates to class III minor works only, \$590.

(2) If 2 or more proposed authorized signatories are nominated in the application form, an additional amount specified in subsection (3) is to be paid in respect of each proposed authorized signatory other than the first one nominated for the highest class of minor works to which the application relates.

(3) The amount specified for the purposes of subsection (2) is—

- (a) in the case of a proposed class I authorized signatory, \$710;
- (b) in the case of a proposed class II authorized signatory, \$480;
- (c) in the case of a proposed class III authorized signatory, \$480.

20. Fee for registration as registered minor works contractor (provisional)

The fee to be paid under section 65(5) of the Minor Works Regulation for the registration of a person as a registered minor works contractor (provisional) is \$315.

21. Fee for request for review: application for registration as registered minor works contractor (provisional)

(1) The fee to be paid under section 26(2)(b) of the Minor Works Regulation for a request to review a decision made in respect of an application is a fee equal to the aggregate of the amounts specified in subsection (2) in respect of each proposed authorized signatory involved in the application, or part of the application, in respect of which the request is made.

(2) The amounts specified for the purposes of subsection (1) are—

- (a) if the highest class of minor works in which the individual is involved is class I, \$1,100;
- (b) if the highest class of minor works in which the individual is involved is class II, \$810;
- (c) if the individual is involved in class III minor works only, \$395.

Manda CHAN
Clerk to the Executive Council

COUNCIL CHAMBER
6 October 2009

Explanatory Note

The object of this Regulation is to prescribe the fees payable in respect of the following matters under the Building (Minor Works) Regulation (L.N. 51 of 2009) (“Minor Works Regulation”)—

- (a) an application under section 10(1) of the Minor Works Regulation for registration as a registered minor works contractor;
- (b) the registration of a person as a registered minor works contractor under section 12(7) of the Minor Works Regulation;
- (c) an application under section 14(1) of the Minor Works Regulation for the renewal of the registration of a registered minor works contractor;
- (d) an application under section 18(1) of the Minor Works Regulation for the restoration to the register of the name of a person;
- (e) an application under section 21(1) or (2) of the Minor Works Regulation for the addition to a registration of one or more additional classes, types or items of minor works;
- (f) an application under section 24(1) of the Minor Works Regulation for the approval of the nomination of an additional individual as an authorized signatory;
- (g) an application under section 64(1) of the Minor Works Regulation for registration as a registered minor works contractor (provisional);
- (h) the registration of a person as a registered minor works contractor (provisional) under section 65(5) of the Minor Works Regulation; and
- (i) a request under section 26(1) of the Minor Works Regulation to review a decision of the Building Authority or a recommendation of a Minor Works Contractors Registration Committee.