

香港特別行政區政府

The Government of the Hong Kong Special Administration Region

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5 November 2010

Mr Stephen LAM
Clerk to Bills Committee
Legislative Council Building
8 Jackson Road, Central

Dear Mr LAM,

**Subcommittee on Three Commencement Notices made under the
Buildings (Amendment) Ordinance 2008,
Building (Minor Works) Regulation and
Building (Administration) (Amendment) Regulation 2009**

In response to the discussion at the meeting of the Subcommittee on Three Commencement Notices made under the Buildings (Amendment) Ordinance 2008, Building (Minor Works) Regulation and Building (Administration) (Amendment) Regulation 2009 on 2 November 2010, I am pleased to provide below information in relation to the matters about which Members enquired.

Processing Time of Application for Registration by Individuals

At the aforementioned meeting, Members raised concerns about the processing time of applications for registration as minor works contractors, particularly those submitted by individual Class III minor works practitioners.

According to the Building (Minor Works) Regulation (Cap. 123 sub. leg. N) (B(MW)R), the statutory period for processing applications for registration as minor works contractors submitted by a natural person is three

months. We trust members will appreciate that as the application concerns the qualification of a practitioner to conduct building works which could affect public safety and health, the Buildings Department (BD), as a responsible registration authority, has to exercise due care to scrutinise and vet each application to ensure that the personnel is capable to conduct the relevant works. The consideration of applicants with experience only but no academic qualifications will be particularly time-consuming as the BD will have to check through all submitted past employment records of the applicants to see if there is adequate evidence to demonstrate their competence to conduct the type(s) minor works involved. In practice, the current processing time for normal cases has already been reduced from three months to two months in an attempt to meet the needs of Class III applicants to ensure that they can obtain the registration earlier.

Nevertheless, we fully understand the concern of Members and frontline practitioners that individual workers may wish to obtain registration as soon as possible as the commencement date approaches. The BD has carefully reviewed its workflow and manpower situation. The Department is prepared to reprioritise its work and deploy additional staff to handle the potential increase in the number of applications before the end of December. The proposal is to further reduce the processing time for normal cases from two months to one month. In other words, the Department undertakes that, if all required supporting documents are duly provided and in order, all applications submitted by individuals by 30 November 2010 will be approved on or before 31 December 2010.

As a further measure to encourage and assist frontline practitioners to register as Class III minor works contractors, the BD will sustain the above “fast track” registration arrangement until 31 March 2011. This will enable the practitioners to obtain registration swiftly during the early period of operation of the new control system.

The above mentioned arrangement will come into effect as soon as Members agree with our proposal. It will be applicable to ALL individual applicants. Those who have already applied for registration but waiting for the outcome, as well as those who have already signed building minor works contracts, will both benefit from the arrangement and be able to get their registration earlier.

The above arrangement has overtaken the need to provide “provisional registration” for applicants. Members will recall that during deliberation of the B(MW)R, we have discussed and agreed that provisional registration is only necessary for “firm” applicants but not “natural persons” (individual practitioners). The reason is that the application for the later is relatively simple and straightforward and it will create inconvenience for the latter to obtain repeated registrations within a short period of time upon expiry of the provisional registration. Instead of a provisional registration, under the above arrangement, an applicant can obtain a formal registration within one month.

Other measures to encourage early registration

In response to suggestions from Members, the BD will extend the provision of subsidy on application fees for applicants relying solely on experience to applications submitted by 31 March 2011. To give these practitioners a last chance to come up to apply with a lower fee, their registration fee will stay at \$155 (instead of \$305) if they apply before the above extended deadline.

The BD has also been closely monitoring the provision of the training courses for individual Class III practitioners. The Department has been maintaining a close liaison with the training institutes, and note that there are adequate available places for the training courses. We have been providing full subsidy on the training courses since October 2009, and will continue to do so for two more years until October 2012.

The BD has been working closely with the trade unions, including the Minor Works Joint Working Group representing frontline practitioners, in mapping out the implementation details including the commencement and promotion of the minor works control system. We look forward to their continued support and assistance in publicising the above proposed arrangements.

Regarding promotion of the system, the BD will step up its efforts to disseminate the message of registering early through collaboration with its partner organisations. Various possible channels, including face-to-face contact by visiting shops where the minor works business is conducted (e.g. small operations providing household alteration or repair works),

direct contacts through trade unions, reminders to those who have completed the training courses, reminders to those who are attending the courses, advertisements, etc. will be utilised to reach out to the frontline practitioners to inform them of our arrangements and invite them to apply early.

The minor works control system will not only provide a convenience avenue for building owners to conduct small-scale building works, but also establish a rationalised registration system for practitioners. Through years of discussion amongst the Legislative Council, the industry as well as the Administration, the principal framework (i.e. the principal ordinance) as well as operating details (i.e. the relevant regulations, practice notes and guidelines) are now all in place. With the aforementioned enhancement measures to facilitate frontline practitioners' registration and our beefed up publicity efforts, we are confident that the minor works control system will have a smooth commencement on 31 December 2010. Indeed, the announcement of the commencement date through APIs and the channels has induced more individual practitioners to come forward to apply for registration, with the number of applications surging to 457 in October 2010, when compared to a monthly average of some 160 in the preceding period. Since the public has been made aware of the commencement date of the minor works control regime through those well publicised channels, any deferral would not be conducive to an effective implementation of this initiative, and might create confusion amongst owners planning to carry out minor works. Finally, please be assured that the BD will closely monitor the operation of the system and continue to maintain a close liaison with the stakeholders, with a view to sustaining the smooth operation of the system.

Yours sincerely,



(Harry LIN)

for Secretary for Development

c.c. DD/BD
LD/DoJ