

**Bills Committee on  
Buildings (Amendment) Bill 2003**

**Minor Works Control Regime (Part III),  
Exempted Works**

**Purpose**

This paper sets out the Administration's response to questions raised by Members at the Bills Committee meeting on 27 November 2003 and addresses the concerns relating to the minor works control regime and exempted works.

**Minor Works Control Regime**

2. Some Members have raised concerns that the proposed minor work control regime is nuisance-causing and ineffective to enhance public safety.

3. Under the Buildings Ordinance (BO), the means to ensure the standards and safety of building works include :

- (a) the owner to appoint an authorized person (AP) and a registered structural engineer (RSE) to design and prepare plans of the building works;
- (b) the Buildings Department (BD) to vet and approve the plans, and give consent for commencement of the building works;
- (c) the owner to appoint a registered general building contractor (RGBC) or a registered specialist contractor (RSC) to carry out the works under the supervision of the AP and RSE;
- (d) BD to carry out audit inspections of the building works during construction and upon completion; and
- (e) the AP, RSE and RGBC/RSC to certify completion of the building works in compliance with the BO.

Despite concerns that the above procedures currently applied across the board to all types of building works might be too onerous for minor building works, the general regulatory regime is considered necessary and effective in ensuring the standards and safety of the building works carried out in Hong Kong.

4. To address concerns about minor works, we adopt in the proposed minor works control regime a similar approach but with much simplified procedures which are commensurate with the minor nature and scale, level of complexity and risk, and structural implications of the minor works. The different degrees of control for different categories of minor works as compared with the existing control regime are illustrated in the flow chart at Annex I. As the plan approval by BD is waived for minor works, the responsibility for vetting a building proposal in compliance with the BO will rest with the AP, RSE or registered contractor (RC) appointed for the works, as the case may be.

5. To ensure that the simplified procedures and less stringent control for minor works would not compromise safety, we will conduct audit checks of minor works. When the new control regime is first rolled out, we intend to conduct more frequent audit checks according to the complexity and the likely risk of the different categories of minor works. When building owners, professionals and contractors have become familiar with the new system and their standards have proved to be satisfactory, the frequency of conducting such audit checks may be adjusted downwards.

6. The proposed minor works control regime aims at providing a legal and practical channel for building owners to carry out minor works safely. We will, on the one hand, step up efforts in publicity and public education to inculcate the proper manner of carrying out minor works and, on the other hand, take vigorous enforcement action against any new unauthorized minor works.

### **Alternative Requirements and Transitional Arrangements for Existing Contractors**

7. Some Members have raised concerns about the impact of the minor works control regime on the existing contractors who are currently carrying out minor works. The concerns include the ability of small contractors to produce record plans of minor works which are required to be submitted to BD, and their ability to pass the examination of the top-up courses for registration. There are also concerns that it may take a long time

for a contractor to obtain registration but meanwhile he cannot continue his business in minor works.

8. To facilitate the transition of existing contractors to the new minor works control regime, we propose the following arrangements :

(a) Alternative requirements in lieu of record plans for Category III minor works

We propose in regulation 25(8)(b)(iii) of the Building (Administration) Regulations (Clause 62 of the Bill) that upon completion of Cat. III minor works, the RC is required to submit, inter alia, record photographs and record plans to BD showing the minor works as completed. In view of the concern over the difficulty for some small contractors to produce such plans, we propose to amend the regulation such that the RC may choose to submit either :

- i) record plans and record photographs; or
- ii) record photographs and written description of the completed minor works.

In the case of erecting a supporting frame for an air-conditioning unit, a sample of an acceptable description is attached at Annex II for illustration. BD will come up with proforma to simplify the job of providing the written description of the completed minor works.

(b) Waiving examination requirement of top-up course for Class B minor works contractors

We have proposed that a contractor without the required academic qualification has to attend a recognized top-up course with an attendance rate of 80% and pass an examination, before being eligible for registration as a Class B minor works contractor (see Note 5 at Annex B to LC Paper No. CB(1) 2292/02-03(01) “The Minor Works Control Regime”). In view of the concern about the difficulty of some existing contractors in passing such examinations, perhaps not due to inadequate technical skills but rather the ability to master examination skills, we propose to waive the examination requirement. Instead,

the applicant is required to attain an attendance rate of 90%.

(c) Provisional registration for minor works contractors

Under the proposed registration system, an applicant without the required academic qualification has to attend a top-up course before he is qualified to be a registered minor works contractor (RMWC). We estimate that it may take 12 months for all such applicants to complete the top-up courses (see Annex IV to LC Paper No. CB(1) 237/03-04(02) “Minor Works Control Regime (Part II)”). Moreover, an applicant for Class A RMWC has to be assessed and interviewed by the Contractors Registration Committee (CRC). This interview process will also take some time to complete. The existing contractors are thus concerned that it may take a long time before they can be registered as RMWC but meanwhile they cannot continue their business in carrying out minor works.

To address the above concern, we propose a transitional arrangement whereby within a period of two years from the commencement of the new legislation, a contractor is permitted to carry out minor works if he obtains provisional registration from BD. The provisional registration will expire by the end of the two-year transitional period. An RMWC provisionally registered must obtain the formal registration under section 8B within the transitional period in order to continue to carry out minor works.

The proposed requirements and procedures for provisional registration will be simple in order to allow BD to grant the registration within a very short time upon application while ensuring an acceptable standard of the contractors. The applicant will be required to demonstrate adequate experience in the relevant type of minor works. He will be required to submit with his application a declaration with documentary evidence of his experience in minor works and documents relating to business registration and/or company registration. The level of experience required will be the same as that for formal registration (the tentative level of experience required of RMWC is set out at Annex B to LC Paper No. CB(1) 2292/02-03(01)). We will consult the industry on the experience requirement before finalising the

proposal. BD will vet the documents but an assessment or interview of the applicant by the Contractors Registration Committee will not be required. If the documentary evidence submitted by the applicant shows that he has adequate relevant experience, BD will register the contractor as RMWC provisionally upon payment of a registration fee.

There is, however, no guarantee that an RMWC provisionally registered can be formally registered when he applies for registration under section 8B in future. The RMWC provisionally registered must complete a recognised top-up course, if he does not possess the required academic qualification, before he applies for formal registration, and such application will be considered and assessed in accordance with the requirements stipulated in section 8B.

Subject to Members' agreement, we will propose amendments to the Bill to provide for the above-mentioned transitional arrangement and provisional registration.

### **Exempted Works**

9. Some Members have expressed concern that it is unclear what constitutes exempted works.

10. Under the existing section 41(3) of the BO, building works not involving the structure of any building and carried out in an existing building are exempted works. However, the existing provision does not clearly spell out in what circumstances the building works would be considered as not involving the "structure of any building" and the meaning of building works carried out "in" a building. In view of the perceived ambiguity, we propose in the new section 41(3AA)(a) (clause 40) to clearly define "exempted works" as building works which satisfy the following criteria :

- (a) they are carried out inside an existing building;
- (b) they do not alter the structural elements of any building; and
- (c) they do not bear any load other than that due to their own weight.

11. A typical example of exempted works is the erection of internal lightweight partition within a unit of an existing building. The works are

carried out inside an existing building without altering any structural elements such as columns, beams or floor slabs, and such partition does not bear any extra load other than its own weight. In general, most decoration works inside a building fall within these criteria and are therefore exempted works, i.e. the approval of plans by BD and the appointment of AP, RSE and RC are not required.

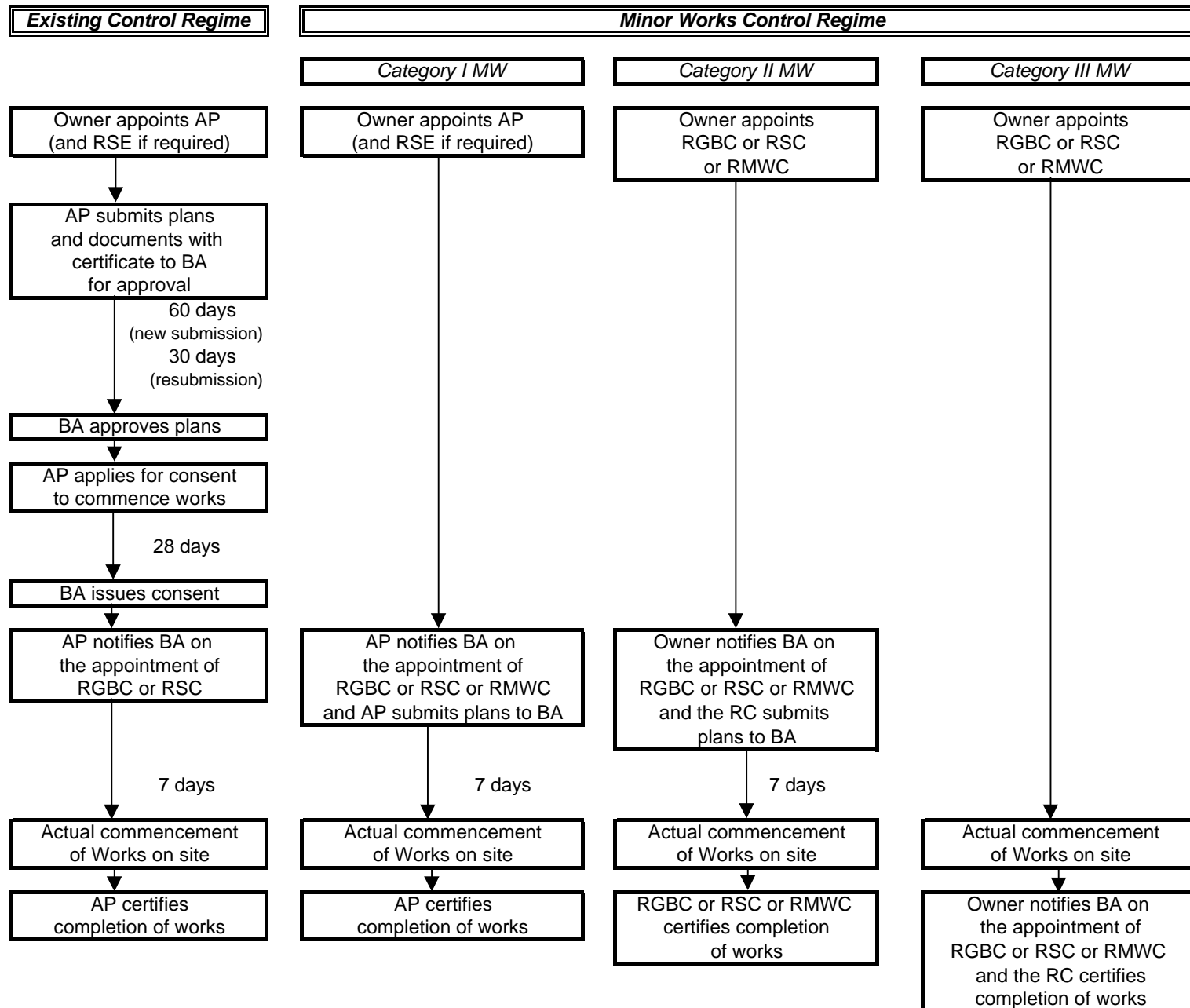
12. On the other hand, all building works carried out outside an existing building do not fall under exempted works as they do not satisfy the criteria in para. 10(a) above. For example, any structure erected on the external wall of a building is not exempted works irrespective of its nature, scale and complexity. Such structure may be a light-weight canopy on top of a window, a supporting frame for air-conditioning unit, a retractable awning, etc. However, in order to reduce the nuisance caused by the existing overly stringent requirements for such minor structures, we propose to designate them as minor works to be subject to the simplified procedures under the new minor works control regime.

## **Conclusion**

13. The proposed minor works control regime simplifies the current overly stringent procedures for relatively simple and small-scale works. It provides a comparatively simple, practical, legal and safe channel for building owners to carry out minor works. We believe that the new control regime coupled with BD's audit checks can ensure public safety in the most cost-efficient and effective manner.

14. Besides, the proposed alternative requirement in lieu of record plans, the waiving of the requirement for examination of the top-up courses and the introduction of the proposed provisional registration should facilitate the transition of existing contractors engaging in minor works to the new minor works control regime.

### Flow Chart for carrying out alterations and additions works in existing buildings

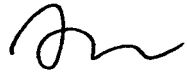


# 樣本

附件 II



相片紀錄

|               |  |   |   |
|---------------|--|---|---|
| 工程項目          | 冷氣機承托支架  | 冷氣機種類 : *分體式(室外機)/ 窗日式<br>重量 : <u>57</u> 公斤 |   |
| 工程地址          | 位置: *客廳/飯廳/睡房/其他<br>*香港/九龍/新界 <u>XXX 街一號一樓B室</u>   |   |   |
| 建造詳情          | 支架尺寸 : <u>900</u> 毫米(寬) x <u>500</u> 毫米(深) x <u>500</u> 毫米(高)  |   |   |
|               | 支架組件物料 : <u>38</u> x <u>38</u> x <u>3</u> 毫米*角鋁/角鐵 (數量: <u>8</u> )<br>用直徑 <u>8</u> 毫米不銹鋼螺絲栓接合(數量: <u>10</u> )                                  |   |   |
|               | 安裝方法 :<br>*用6枚(數量)7.5毫米長及直徑1.2毫米不銹鋼爆炸螺絲栓固定在*外牆/天花上( <u>50</u> 毫米深入牆身部分, 不包括外牆飾面及批盪)。<br><br>*用 <u>    </u> 枚(數量)直徑 <u>    </u> 毫米不銹鋼螺絲栓固定在窗框上。 |   |   |
| 其他資料(如適用者)    |  |   |   |
| 註冊承建商名稱       | ABC 工程公司   |   |   |
| 註冊承建商獲授權簽署人姓名 | <u>陳大文</u>   | 註冊承建商獲授權簽署人簽名                               |  |
| 工程開始日期        | <u>19.12.2003</u>  | 工程完工日期                                      | <u>19.12.2003</u>   |

\*刪去不適用者