

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

The Minor Works Control Regime

Purpose

This paper describes the minor works control regime under the Buildings (Amendment) Bill.

Background

2. The existing building control regime under the Buildings Ordinance (BO) applies to all private building works with few exemptions. Even minor building works, for example, the erection of a canopy over a window, have to comply fully with all the provisions for building works. These requirements include the approval of plans by the Building Authority (BA), appointment of an authorized person (AP) and a registered structural engineer (RSE) to design and supervise the works as well as the appointment of a registered general building contractor (RGBC) or a registered specialist contractor (RSC) to carry out the works.

3. We consider that the degree of control on different kinds of building works should be commensurate with their nature, scale, complexity and degree of risk. This would better address the present problem of the cost of compliance with building control requirements being sometimes disproportionate to the scale of works involved. The aim is to ensure safety through sufficient, but not excessive, levels of professional oversight. The Bill, therefore, proposes to introduce a new control regime for relatively simple and small-scale building works, i.e.,

“minor works”.

Classification

4. The Bill (clause 11) provides that the BA may by notice in the Gazette specify different types of minor works having regard to the nature, scale, complexity and structural implications of and the risks likely to be incurred by the works. Three different categories – I, II and III – may be so specified. This approach follows the existing one (section 8(A)(2)) for specifying different categories of specialized works under the BO. It allows flexibility for the list of minor works to be updated from time to time to take into account changing circumstances. The BA will follow the criteria in clause 11 in considering whether to specify a type of building works as minor works and, if so, the category to which it should belong.

5. Minor works will be classified into three categories in descending order, from Category I to Category III. For example, the erection of an internal circulation staircase is a Category I minor work while the erection of a small metal support frame for an air conditioner is a Category III minor work. **Annex A** sets out more examples of the three categories of minor works. We will consult the industry before finalizing the full list for first gazettal, and will regularly review it in consultation with the industry thereafter.

6. The Bill (clauses 5, 18, 22 & 62) provides for different submission and supervision requirements for the three different categories of minor works. The following table summarizes these requirements, and compares them with those for building works that are not minor works.

	Building Works (other than minor works)	Minor Works		
		Category I	Category II	Category III
Obtaining BA's approval of plans and consent <u>before</u> commencement of works	✓	✗	✗	✗
Design, supervision and certification by APs and RSEs	✓	✓	✗	✗
Submission of plans and documents to BA for record <u>before</u> commencement of works	N/A	✓	✓	✗
Submission of as-built plans and certificate of completion to BA <u>after</u> completion of works	✓	✓	✓	✓ (except removal of unauthorized building works)

Minor Works Contractors

7. The Bill (clause 18) provides that minor works should be carried out by RGBCs, RSCs of the relevant category or registered minor works contractors (RMWCs). RMWCs are further classified into two types – Classes A and B. In relation to minor works and other building works, the position is as follows.

	Building Works (other than minor works)	Minor Works		
		Category I	Category II	Category III
RGBC	✓ (except specialized works)	✓	✓	✓
RSC	✓*	✓*	✓*	✓*
Class A RMWC	✗	✓	✓	✓
Class B RMWC	✗	✗	✗	✓

* An RSC may only carry out the category of specialized works for which he/she is registered

8. The Bill (clause 10) provides that a Contractors Registration Committee should advise the BA in considering an application for registration as a Class A RMWC. Given the simple nature of Category III minor works, however, the BA does not have to refer an application for registration as a Class B RMWC to a Contractors Registration Committee and may consider the application direct.

9. We propose that the general criteria for registration as RMWCs should be the same as those for registration as RGBCs. These are set out in section 8B(2) of the BO, i.e.,

- (a) if the applicant is a corporation, an adequate management structure;
- (b) appropriate experience and qualifications of personnel;
- (c) ability to have access to plant and resources; and

- (d) ability of the person appointed to act for the applicant to understand building works through relevant experience and general knowledge of the basic statutory requirements.

Obviously, the actual assessment will take into account the nature of works that may be carried out. The level of experience and qualifications required will decrease from RGBCs to Class A RMWCs to Class B RMWCs. The tentative level of experience and qualifications required of RMWCs is set out at **Annex B**.

10. All building contractor firms, irrespective of size, may apply to be registered as RMWCs. Since sole proprietorship contractors may also apply, there should be little barrier to entry to small contractors. In addition, the Construction Industry Training Authority will organize top-up courses for those who do not yet have the appropriate academic qualifications for registration, thus further enlarging the pool of eligible applicants. The list of RMWCs will be open for public viewing. Thus individual owners may decide, on the basis of the list, which RMWC to appoint.

Regulation and Control

11. The Bill has a number of built-in safeguards to ensure sufficient control of minor works. Apart from the classification and registration requirements set out in paragraphs 4 to 10 above, minor works should not be carried out in contravention of the BO. Thus the BO's requirements on, for example, safety procedures will continue to apply. The Bill (clauses 9, 21 & 39) also provides for disciplinary proceedings and criminal sanctions for APs, RSEs, RGBCs, RSCs and RMWCs for misconduct in relation to minor works. Possible disciplinary action ranges from reprimand to suspension or cessation of registration. Criminal sanctions are also proposed to be imposed, for example, a maximum fine of \$1,500,000 and imprisonment for 3 years for certifying minor works which have been carried out in contravention of the BO. The BA will also conduct audit checks on minor works and to take enforcement action as appropriate to ensure public safety.

Conclusion

12. We believe that the minor works control regime proposed under the Bill strikes an appropriate balance between safety requirements and user friendliness. It should facilitate building owners' compliance with the requisite building requirements when they carry out minor works. This will contribute to better control of minor works and hence enhanced public safety.

Housing, Planning and Lands Bureau
July 2003

Examples of Minor Works

(For Reference Only)

(A) Alteration, addition, reinstatement or repair works to existing building

	Category I	Category II	Category III
(1)	Erection or alteration of internal circulation staircase between two floors not being used for means of escape or access for firefighting and rescue		
(2)	Formation of floor slab or roof slab opening of size not more than 4.5 m ²		
(3)	Reinstatement of approved floor slab or roof slab		
(4)	Building works associated with the installation or alteration of glass reinforced polyester water tank of capacity not more than 9 m ³ and a water head of not more than 2 m		
(5)	Erection or alteration of canopy, excluding concrete construction, projecting more than 500 mm but not more than 2 m from the external wall over the main entrance of the building and complying with Regulation 10 of Building (Planning) Regulations		

	Category I	Category II	Category III
(6)	Erection or alteration of metal supporting frame for air-conditioning plant (including associated provision for disposal of condensate from the plant) - (a) projecting not more than 500 mm from the external wall; (b) at a height of not less than 2.5m above the level of the ground; and (c) with weight of air-conditioning plant more than 100 kg		Erection or alteration of metal supporting frame for air-conditioning plant (including associated provision for disposal of condensate from the plant) – (a) projecting not more than 500 mm from the external wall; (b) at a height of not less than 2.5m above the level of the ground; and (c) with weight of air-conditioning plant not more than 100 kg
(7)			Erection or alteration of drying rack – (a) projecting not more than 750 mm from the external wall; (b) at a height of not less than 2.5m above the level of the ground; and (c) not projecting over street
(8)			Erection or alteration of metal hood – (a) projecting not more than 500 mm from the external wall; and (b) at a height of not less than 2.5m above the level of the ground

(B) Removal of unauthorized building works (UBW)

	Category I	Category II	Category III
(1)	Structure affixed to canopy or balcony of cantilevered slab construction of span more than 1 m	Structure affixed to canopy or balcony of cantilevered slab construction of span not more than 1 m	
(2)		Structure of span not more than 2 m affixed to canopy or balcony other than cantilevered slab construction and not involving – (a) metal hood of span not more than 800 mm; (b) metal supporting frame of span not more than 800 mm for air-conditioning plant; or (c) metal rack of span not more than 800 mm	Structure affixed to canopy or balcony other than cantilevered slab construction involving – (a) metal hood of span not more than 800 mm; (b) metal supporting frame of span not more than 800 mm for air-conditioning plant; or (c) metal rack of span not more than 800 mm
(3)	Structure projecting more than 2 m from the external wall and not attached to canopy or balcony	Structure projecting not more than 2 m from the external wall, not attached to canopy or balcony and not involving – (a) metal hood of projection not more than 800 mm; (b) metal supporting frame for air-conditioning plant of projection not more than 800 mm; or (c) metal rack of projection not more than 800 mm	Structure projecting not more than 800 mm from the external wall and not attached to canopy or balcony involving – (a) metal hood; (b) metal supporting frame for air-conditioning plant; or (c) metal rack
(4)			Drying rack projecting from the external wall

(C) Drainage works in or for existing building

	Category I	Category II	Category III
(1)	Repair of underground drainage works involving excavation of depth more than 1.5 m but not more than 3 m	Repair of underground drainage works involving excavation of depth not more than 1.5 m	
(2)	Addition or alteration of underground drainage works involving excavation of depth not more than 3 m		
(3)	Addition or alteration of underground drainage works connecting to terminal manhole involving excavation of depth not more than 3 m		
(4)		Addition, alteration or repair of aboveground drainage works involving embedded piping	
(5)			Addition, alteration or repair of aboveground drainage works involving communal piping
(6)			Addition or alteration of aboveground drainage works not involving embedded piping

(D) Signboard including associated building works

	Category I	Category II	Category III
(1)	Erection, or alteration of signboard having – (a) a display area between 10 m ² to 20 m ² ; and (b) projection not more than 4.2 m from the external wall	Erection or alteration of signboard having – (a) a display area more than 1 m ² but not more than 10 m ² ; and (b) projection not more than 4.2 m from the external wall	Erection or alteration of signboard having – (a) a display area not more than 1 m ² ; (b) projection not more than 1 m from the external wall; (c) construction not involving stone or glass; (d) the highest point of the signboard at a height of more than 6 m above the level of the ground
(2)	Erection or alteration of rooftop signboard having a display area between 10 m ² to 20 m ²	Erection or alteration of rooftop signboard having a display area not more than 10 m ²	
(3)	Erection or alteration of signboard having – (a) a display area between 10 m ² to 40 m ² ; (b) projection not more than 500 mm from the external wall; and (c) projection at a height of more than 2.5 m above the level of the ground	Erection or alteration of signboard having – (a) a display area not more than 10 m ² ; (b) projection not more than 500 mm from the external wall; and (c) projection at a height of more than 2.5 m above the level of the ground	Erection or alteration of signboard having - (a) a display area not more than 10 m ² ; (b) projection not more than 500 mm from the external wall; (c) construction not involving stone or glass; (d) projection at a height of more than 2.5 m above the level of the ground; and (e) the highest point of the signboard at a height of not more than 20 m above the level of the ground
(4)			Erection or alteration of individual signboard,

	Category I	Category II	Category III
			<p>character, letter logo, graphic or symbol supported independently having –</p> <ul style="list-style-type: none">(a) each with a display area not more than 1 m²;(b) projection or thickness not more than 150 mm from the external wall;(c) construction not involving stone or glass;(d) the highest point of the signboard at a height of more than 6 m above the level of the ground; and(e) each not being erected on a common sign structure

**Level of Experience and Qualifications Required of
Class A Registered Minor Works Contractors**

Alternative Requirements	Director (for corporation only)		Person Appointed to Act for the Applicant (Authorized Signatory)	
	Experience	Qualifications	Experience	Qualifications
1	3 years' experience in building industry (including minor works)	An ordinary certificate in subjects relating to building or construction technology	3 years' experience in building industry (including minor works) and 10 accountable job experience	An ordinary certificate in subjects relating to building or construction technology <u>and</u> having attended a recognized top-up course on statutory requirements related to minor works (say 10 hours)
2	5 years' experience in managing a building contractor company or equivalent	Nil	3 years' experience in building industry (including minor works) and 10 accountable job experience	An ordinary certificate in subjects relating to building or construction technology <u>and</u> having attended a recognized top-up course on statutory requirements related to minor works (say 10 hours)
3	3 years' experience in building industry (including minor works)	An ordinary certificate in subjects relating to building or construction technology	5 years' experience in building industry (including minor works) <u>and</u> 15 accountable job experience	Having attended a recognized top-up course (say 100 hours)
4	5 years' experience in managing a building contractor company or equivalent	Nil	5 years' experience in building industry (including minor works) <u>and</u> 15 accountable job experience	Having attended a recognized top-up course (say 100 hours)

**Level of Experience and Qualifications Required of
Class B Registered Minor Works Contractors**

Alternative Requirements	Director (for corporation only)		Person Appointed to Act for the Applicant (Authorized Signatory)	
	Experience	Qualifications	Experience	Qualifications
1	1 year's experience in building industry (including minor works)	An ordinary certificate in subjects relating to building or construction technology	1 year's experience in building industry (including minor works) and 10 accountable job experience	An ordinary certificate in subjects relating to building or construction technology <u>and</u> having attended a recognized top-up course on statutory requirements related to minor works (say 10 hours)
2	2 years' experience in managing a building contractor company or equivalent	Nil	1 year's experience in building industry (including minor works) and 10 accountable job experience	An ordinary certificate in subjects relating to uilding or construction technology <u>and</u> having attended a recognized top-up course on statutory requirements related to minor works (say 10 hours)
3	1 year's experience in building industry (including minor works)	An ordinary certificate in subjects relating to building or construction technology	3 years' experience in building industry (including minor works) and 15 accountable job experience	Having attended a recognized top-up course (say 60 hours)
4	2 years' experience in managing a building contractor company or equivalent	Nil	3 years' experience in building industry (including minor works) <u>and</u> 15 accountable job experience	Having attended a recognized top-up course (say 60 hours)

Notes :

1. An individual or sole proprietor or a partner in a partnership on the Building Authority's register of Class A or Class B Registered Minor Works Contractors will act as the person appointed to act for the applicant for the purposes of the Buildings Ordinance, i.e. the "authorized signatory" and he should have the qualifications and experience required of an "authorized signatory" in the Alternative Requirements.
2. The "director" may also apply to become the "authorized signatory" if he has the qualifications and experience required of an "authorized signatory".
3. A partnership or a body corporate may have more than one "authorized signatory".
4. For the purpose of assessing the working experience of an "authorized signatory", experience in Government building projects endorsed by the project architect or engineer may also be taken into account.
5. Attendance at a recognized top-up course for the purpose of an application under Alternative Requirements 3 and 4 means an attendance rate of 80% of the course in question. For Class B Registered Minor Works Contractors, passing the examination of the top-up course is also required. For Class A Registered Minors Works Contractors, recommendation for inclusion in the register by the Contractors Registration Committee is required.