

**COMMENTS OF THE HONG KONG INSTITUTE OF ARCHITECTS
ON THE BUILDINGS (AMENDMENT) BILL 2003**

Review on Building (Amendment) Bill 2003

The Bill introduces various measures to the current Building Ordinance and seeks to update and incorporate changes in recent years both in the building industry and the market development. The proposals are generally supported in principle by the Institute and we wish to stress that the implementation details as well as the administrative arrangement within the government departments involved must be carefully worked out together with building professionals to ensure their success.

Our particular comments are as follows:

1. Statutory Framework for Minor Works

We support the introduction of the Minor Works and the corresponding monitoring mechanism to ensure the same standard of public safety as controlled under the current Building Ordinance.

We want to stress that the success of this self-certification mechanism to facilitate the building process could only be successful with the corresponding re-arrangement of the relevant administrative procedures jointly by all related government departments, particularly Lands Department and Town Planning Department, and not only Buildings Department. This should be coordinated and worked out by the Housing, Planning and Lands Bureau before its implementation.

2. Registration Matters

The introduction of Registered Geotechnical Engineers is supported to rationalize the duty and responsibility of the professionals appointed in this highly specialized area of the building process.

3. Monitoring Mechanism of APs and RSEs

Under Section 7(1A) of the current Building Ordinance, the disciplinary proceedings will only be instigated in case of negligence and misconduct in the exercise of professional duties of the APs or RSEs, but not on the continuous site construction and supervision works, or the manner that they are carried out, which are the responsibility of the Registered Contractors.

In the original proposal as presented by the Buildings Department, the Building Authority may refer the matter to a Disciplinary Board under Section 7 of the Building Ordinance where it appears to the BA that the AP/ RSE has been guilty of negligence or misconduct in *certifying* the works only, not on the manner that the works are carried out.

The introduction of the Minor Works should not change this division of responsibility. We consider that the current provisions of 7(1A) is adequate and still valid in the case of Minor Works. We therefore OBJECT to Section 7(2C) of the Amended Bill which violate this established principle of demarcation between the responsibility of the professionals, and those of the contractors.

We would appreciate the opportunity to present our view to the proposed amendment and would supplement further details as appropriate in our presentation.

22 August 2003