

LEGISLATIVE COUNCIL BRIEF

Buildings Ordinance (Chapter 123)

BUILDINGS (AMENDMENT) BILL 2003

INTRODUCTION

A At the meeting of the Executive Council on 8 April 2003, the Council ADVISED and the Chief Executive ORDERED that the Buildings (Amendment) Bill 2003, at Annex A, should be introduced into the Legislative Council to rationalize the building control regime, strengthen safety requirements, facilitate law enforcement, and improve service to the public.

JUSTIFICATIONS

(A) Rationalizing the building control regime

(a) *Minor works*

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. The cost of compliance with these requirements is sometimes disproportionate to the scale of works involved. In reality, many minor building works are unauthorised, i.e., without the necessary approvals and the attendant quality control. In addition, advertisement signboards erected without approval has caused public concern about their structural safety.

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. There should be room for building professionals and registered contractors to take on greater responsibility in the control of minor building works. We, therefore, propose to amend the BO to introduce a new category of relatively simple and small-scale building works, i.e. “minor works”. Examples of minor works include internal staircases, small light weight canopies and most signboards except the very large ones.

4. A new category of registered contractors, namely, registered minor works contractor (RMWC), will be introduced. RMWCs may carry out the minor works on their own or under the supervision of an AP and/or RSE, without the submission of building plans for approval by BA. The qualification and experience requirements for RMWCs will be commensurate with the nature of minor works.

5. We propose that BA should be empowered to specify different types of minor works and revise these specifications should the need arise by notice in the Gazette. The Buildings Department (BD) will conduct audit checks on the carrying out of such minor works to ensure that they comply with the technical standards of the BO.

6. We believe that the proposed arrangements will facilitate building owners’ compliance with the requisite building requirements when they carry out minor works. With the availability of simplified minor works procedures, owners will have less cause to ignore the BO and erect unauthorised building works (UBWs). This will contribute to better control of minor works and hence enhanced public safety.

(b) *Registration matters*

7. At present, two types of contractors may be registered under the BO, viz general building contractors and specialist contractors. RGBCs may carry out general building works which do not include any specialized works in the designated categories, while RSCs may carry out specialized works specified in their corresponding designated categories in the sub-registers in which they have been entered. The following five categories of works are designated as specialized works -

- (i) Ventilation;
- (ii) Demolition;
- (iii) Foundation;
- (iv) site formation; and

- (v) ground investigation field works.

BA is assisted by a Contractors Registration Committee (CRC) in its consideration of applications for inclusion in the various registers of contractors under the BO. Currently, the composition of a CRC is the same for all categories of contractors. We propose to amend the BO to increase the number of persons with relevant expertise who may sit on a CRC to consider applications for registration for the different categories of specialist contractors.

8. The present registration and renewal period for APs/RSEs under the BO is one year and for contractors either one year or three years. To reduce the need to go through the time-consuming process of registration and renewal frequently, we propose to extend the registration/renewal period for APs/RSEs from one year to five years, and three years for contractors. The extended periods seek to strike a balance between user friendliness and the need to ensure continued professional competence.

(c) *Registration of geotechnical engineers*

9. Many developments in Hong Kong stand on steep hillsides and man-made slopes. Such building works call for expertise in geotechnical works. At present, the BO requires an AP or RSE to be responsible for such highly specialized works while geotechnical engineers actually involved in the design and supervision of geotechnical works do not have any statutory role to play. This is not satisfactory. We therefore propose to amend the BO to provide for the registration of geotechnical engineers, and for registered geotechnical engineers to be appointed to undertake the investigation, design and supervision of geotechnical works and be statutorily responsible for their works.

(B) Strengthening safety requirements

10. At present, there is no statutory requirement that emergency vehicular access (EVA) for vehicles of the Fire Services Department should be provided for building developments. This is clearly unsatisfactory given the importance of such access in case of fire or other calamities. We therefore propose to amend the BO to require the provision of EVA to all new buildings, unless exempted, with specific design standards. BA will also be empowered to issue orders to repair and maintain existing and new EVA.

(C) Facilitating law enforcement

(a) *Responsible party for unauthorized building works*

11. Under the BO, BA may serve a removal order on the owner of a UBW. In the case of non-compliance, BA may carry out all necessary works required under its order and recover the cost from the person served with the order afterwards. However, in serving removal orders, BD sometimes encounters difficulties in identifying the responsible owners, especially when the UBWs are erected in common parts of buildings. There have also been delays in securing compliance with an order if there is a change of ownership because of the need to serve orders on the new owner.

12. To address the present difficulties, we propose to amend the BO -

- (i) to provide that a removal order made under the BO shall be served on -
 - the owner of the unit in which the UBW has been erected; but
 - if the UBW erected in one unit is connected to another unit and the UBW is occupied or used by the owner or occupier of the latter unit, the owner of the latter unit; and
 - if the UBW is a signboard, a person in the following priority - the person for whom the signboard is erected; the person who is receiving rent of the signboard or who would receive the same if the signboard were let to other persons; owner of the premises or land on which the signboard is erected;
- (ii) to provide for the registration of removal orders issued under the BO in the Land Registry upon serving such removal orders; and
- (iii) to enable BA to recover the cost of removal work from either the person served with the removal order or, where that order has been registered with the Land Registry, the person who at the date of completion of the work is the owner of the unit involved.

These proposed amendments will clearly specify the person responsible for the removal of UBWs and reduce the number of superseding orders to be issued, thus expediting the enforcement work against UBWs.

(b) *Warning notices*

13. Given the large number of UBWs, BA currently adopts an enforcement policy of issuing removal orders against UBWs that present imminent danger to the public or cause serious environmental or health hazards. In other cases, BD issues advisory letters to owners, asking them to remove the UBWs voluntarily. Experience shows that these advisory letters have had very limited effect. Many owners choose to ignore them.

14. To strengthen our efforts to encourage owners to remove UBWs voluntarily, we propose to amend the BO to empower BA to issue a warning notice on UBWs and to register the notice in the Land Registry. BA may lift the registration when contraventions referred to in the warning notice have been rectified. The proposal will have the added advantage of providing a measure of consumer protection to prospective property buyers, who will become aware of the existence of UBWs in the premises through a land search at the Land Registry.

(c) *Increasing fines*

15. Under the BO, penalties for serious offences involving substandard building works or construction danger include fines ranging from \$50,000 to \$250,000 and imprisonment terms ranging from one to three years. The fines have not been reviewed for some 20 years and their deterrent effect has been eroded. We therefore propose to amend the BO to increase the maximum fines for selected offences by between four and six times their current levels. The imprisonment terms will, however, remain unchanged.

(d) *Uncooperative owners*

16. At present, the Owners' Corporation (OC) of a building is responsible for complying with statutory orders for repair works and removal of unauthorized buildings or UBWs in common parts of the building. Sometimes the OC concerned may have difficulty in complying with the orders and may be prosecuted for non-compliance because some individual owners do not cooperate by, for example, obstructing the execution of works required or refusing entry to their individual properties for the execution of such works. Since individual building owners should bear the ultimate responsibility to carry out the necessary repair and removal works, we propose to amend the BO to provide that owners who obstruct their OC in complying with an order served by BA may be prosecuted. This amendment will enable OCs to comply with statutory orders more easily. BD will give sufficient notice to all individual owners when an

order is served on the OC and will remind uncooperative owners that prosecution under the BO may be instituted against them.

(D) Improving service to the public

17. The BO provides that BA may charge a fee for issuing certified true copies of building plans and documents. There is, however, no corresponding provision to enable BA to charge a fee for non-certified copies, nor for the inspection of such plans and documents.

18. With building professionals taking on greater responsibilities, we intend to facilitate their work by providing an efficient service for the inspection and copying of building plans and documents on a cost recovery basis. We also propose to meet the increasing demand for non-certified copies of such plans and documents on a “user pays” principle.

THE BILL

19. The main provisions of the Bill are –

- (a) **Clause 4** provides for the composition of the Geotechnical Engineers Registration Committee. **Clauses 5 and 9** provide for the appointment and duties of, and disciplinary proceedings for registered geotechnical engineers.
- (b) **Clause 8** stipulates that BA may suspend APs/RSEs/registered geotechnical engineers from certifying any minor works. **Clause 20** provides that BA may suspend registration of RMWCs, etc. **Clause 21** sets out the disciplinary proceedings in relation to minor works for contractors.
- (c) **Clause 10** provides for the composition of a contractors registration committee. **Clauses 12 to 15** provide for the registration system of minor works contractors.
- (d) **Clause 29** provides that BA may issue removal orders in relation to UBWs including signboards and specifies the persons on whom such orders should be served.
- (e) **Clause 30** provides that BA may issue warning notices in relation to UBWs and register the notices in the Land Registry under specified

circumstances.

- (f) **Clause 32** provides that an EVA shall be maintained in good order to the satisfaction of BA.
- (g) **Clause 33** stipulates that BA may issue to a person a non-certified copy of plans/document or permit a person to inspect such a plan/document after payment of the prescribed fee.
- (h) **Clause 38** stipulates that no person shall obstruct an OC in the carrying out of any works that is required for the purpose of complying with an order issued by BA.
- (i) **Clause 39** provides for the penalties of relevant offences.
- (j) **Clause 62** sets out the duties of registered contractors and AP upon completion of building works. **Clause 72** stipulates that the RGBC, RSC or RMWC appointed in respect of buildings works or street works shall give continuous supervision of the carrying out of the works.
- (k) **Clause 73** provides for new fees and revised fees in relation to AP/RSE, registered geotechnical engineers and RMWC, and fees for viewing/copying of building records.
- (l) **Clauses 77 and 78** provide for the design and construction requirements of signboards projecting over streets and EVA respectively.

B The existing provisions being amended are at Annex B.

LEGISLATIVE TIMETABLE

20. The legislative timetable will be :

Publication in the Gazette	17 April 2003
First Reading and commencement of the Second Reading Debate	30 April 2003

Resumption of Second Reading
Debate, committee stage and
Third Reading

To be notified

IMPLICATIONS OF THE PROPOSAL

C 21. The proposals have economic, environmental, sustainability, financial and civil service implications as set out at Annex C. The proposals are in conformity with the Basic Law, including the provisions concerning human rights. In addition, the proposals will not affect the current binding effect of the Ordinance.

PUBLIC CONSULTATION

22. We have at various stages of developing the proposals consulted the Land and Building Advisory Committee (including its Building Sub-Committee), District Councils, and the Legislative Council Panel on Planning, Lands and Works. They have expressed general support for the proposals.

PUBLICITY

23. A press release will be issued on 11 April 2003 and a spokesman will be available to answer media and public enquiries.

ENQUIRIES

24. Enquiries about this Brief may be directed to Mr Rick Chan, Assistant Secretary (Buildings) / Housing, Planning and Lands Bureau at telephone number 2848 6297 or fax number 2899 2916.

Housing, Planning and Lands Bureau
11 April 2003

**BUILDINGS (AMENDMENT) BILL 2003:
ANNEXES**

- Annex A - Buildings (Amendment) Bill 2003
- Annex B - Existing provisions which are being amended
- Annex C - Economic, Environmental, Sustainability, Financial and Civil Service Implications

BUILDINGS (AMENDMENT) BILL 2003**CONTENTS**

Clause		Page
1.	Short title and commencement	1
2.	Interpretation	1
3.	Part heading amended	4
4.	Registers of authorized persons, structural engineers and geotechnical engineers	4
5.	Appointment and duties of authorized person, registered structural engineer or registered geotechnical engineer	13
6.	Appointment and powers of disciplinary board	16
7.	Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel	17
8.	Section added	
	6A. Building Authority may prohibit authorized person, etc. from certifying minor works	18
9.	Disciplinary proceedings for authorized person, registered structural engineer or registered geotechnical engineer	19
10.	Contractors Registration Committee	25
11.	Registers of contractors, etc.	28
12.	Application for registration as a contractor	32
13.	Section added	
	8BA. Application for cancellation or amendment of condition of registration as minor works contractor	35
14.	Renewal of registration as a contractor	37

Clause		Page
15.	Restoring name to register of contractors	38
16.	Effective dates	39
17.	Transitional	39
18.	Appointment and duties of registered contractors	39
19.	Appointment and powers of disciplinary board	44
20.	Section added	
	12A. Building Authority may suspend registration of registered minor works contractors, etc.	47
21.	Disciplinary proceedings for contractors	49
22.	Approval and consent required for commencement of certain building works, etc.	57
23.	Building Authority not deemed to consent if supervision plan not lodged	58
24.	Grounds on which approval or consent may be refused	59
25.	Provision for urgent work	59
26.	Occupation of new building	60
27.	Powers of Building Authority	60
28.	Building works, etc. to cease on order of Building Authority	60
29.	Order for demolition, removal, or alteration of building, building works or street works	61
30.	Section added	
	24C. Notice for demolition or alteration of building or building works	68
31.	Dangerous hillsides, etc.	70
32.	Section added	
	29A. Maintenance of emergency vehicular access	70
33.	Admissibility in evidence of certified copies	

Clause		Page
	of documents, etc.	72
34.	Effect of documents, etc. recorded on microfilm or other form of record	72
35.	Disposal of document	72
36.	Regulations	73
37.	Technical memorandum	74
38.	Section added	
	39B. Obstruction of owners' corporation	74
39.	Offences	75
40.	Exemptions	78
41.	Appeals from decisions of Building Authority	80
42.	Interpretation	80
43.	Sections added	
	53H. Inclusion of certain registered professional engineers in geotechnical engineers' register	80
	53I. Application for inclusion in geotechnical engineers' register without prescribed qualifications	81
	53J. Transitional provisions relating to minor works	84
	53K. Transitional provisions for other miscellaneous matters	85
	Building (Administration) Regulations	
44.	Interpretation	87
45.	Part heading amended	87
46.	Qualification for inclusion in register	87
47.	Requirements upon application for inclusion in register	87
48.	Requirements for inclusion in registers of	

Clause		Page
	general building contractors, specialist contractors and minor works contractors	88
49.	Authorized person, registered structural engineer or registered geotechnical engineer not to act as contractor, etc. without disclosure to client	89
50.	Plans to be submitted in duplicate	89
51.	Regulation added	
	11B. Plans of category I or II minor works to be accompanied by site photographs	90
52.	Plans, etc. to be signed by person who prepared them	90
53.	Plans to be clear and material thereof	93
54.	Power of Building Authority to refuse to accept plans	93
55.	Stability certificate	93
56.	Certificate by authorized person, etc. to be submitted with plans	94
57.	Authorized person, registered structural engineer or registered geotechnical engineer who has prepared plans submitted to Building Authority to notify Building Authority if he ceases to be engaged	94
58.	Notification to Building Authority before commencement of building works or street works	95
59.	Building Authority to be notified on change of authorized person, registered structural engineer, registered geotechnical engineer, registered contractor, etc.	97
60.	Information to be supplied to Building Authority respecting appointments, etc.	98
61.	Duties of registered contractor who ceases to be appointed	99

Clause		Page
62.	Regulation substituted	
	25. Certificate to be given on completion of building works	100
63.	Certificate as to supply of water	106
64.	Certificate to be given by authorized person, registered structural engineer, registered geotechnical engineer and registered contractor engaged in respect of emergency work	107
65.	Approval of plans	107
66.	Part heading amended	107
67.	Duties imposed by this Part not to prejudice any other duties imposed by Ordinance or other regulations	107
68.	Subheading amended	108
69.	Duty of authorized person to supply copy of plans of building works or street works to registered contractor	108
70.	Duty of authorized person, registered structural engineer or registered geotechnical engineer	110
71.	Fees in respect of additional inspection upon completion of building works or street works	111
72.	Regulation substituted	
	40. Duty of registered contractor to keep plans, etc. on site	111
73.	Duty of registered contractor to supervise	112
74.	Fees	113
75.	Duty of authorized person, registered structural engineer, registered geotechnical engineer or registered contractor to supply information to Building Authority	126
76.	Duty of authorized person, registered	

Clause		Page
	structural engineer, registered geotechnical engineer, registered contractor, etc. to notify Building Authority of change of business address	127

Building (Planning) Regulations

77.	Eaves, cornices, mouldings, etc.	127
78.	Regulation added 10A. Signboards	127
79.	Regulation added 41D. Emergency vehicular access	129

Consequential Amendments

Electronic Transactions (Exclusion) Order

80.	Provisions excluded from application of section 5 of Ordinance	130
81.	Provisions excluded from application of section 6 of Ordinance	130

A BILL

To

Amend the Buildings Ordinance, the Building (Administration) Regulations and the Building (Planning) Regulations.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Buildings (Amendment) Ordinance 2003.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Housing, Planning and Lands by notice published in the Gazette.

2. Interpretation

Section 2(1) of the Buildings Ordinance (Cap. 123) is amended -

- (a) in the definition of "contraventions of the provisions of this Ordinance", by repealing "and any material divergence or deviation from any plan approved by him" and substituting ", any material divergence or deviation from any plan approved by him or from any plan submitted to him as required under section 14(1)(b) or regulation 25 of the Building (Administration) Regulations (Cap. 123 sub. leg. A), and failure to submit any certificate as required under that regulation to the Building Authority in accordance with that regulation";
- (b) in the definition of "plan", by repealing "and structural calculations" and substituting ",

structural calculations, geotechnical details and geotechnical calculations";

- (c) in the definition of "Registration Committee", by adding ", a Geotechnical Engineers Registration Committee" after "Engineers Registration Committee";
- (d) in the definition of "supervision plan", by repealing everything after "management of building works or street works" and substituting "prepared in compliance with the technical memorandum issued under section 39A;" ;
- (e) by adding -

"category I minor works" (第I類別小型工程),

"category II minor works" (第II類別小型工程)

and "category III minor works" (第III類別小型工程) mean respectively the category of minor works classified as such by notice published in the Gazette pursuant to section 8A(2A)(b);

"certify" (證明), in relation to building works, means -

- (a) issue a certificate referred to in regulation 18 or 18A of the Building (Administration) Regulations (Cap. 123 sub. leg. A); or
- (b) certify under regulation 25 of the Regulations,

in relation to those building works;

"class A registered minor works contractor" (甲類註冊小型工程承建商) means a person whose name is for the time being on the sub-register for class A registered minor works contractors in the register of minor works contractors kept under section 8A;

"class B registered minor works contractor" (乙類註冊小型工程承建商) means a person whose name is for the time being on the sub-register for class B registered minor works contractors in the register of minor works contractors kept under section 8A;

"emergency vehicular access" (緊急車輛通道), in relation to a building, means a vehicular access used or to be used for access of a vehicle of the Fire Services Department to the building in the event of a fire or other emergency;

"minor works" (小型工程) means the types of building works that are specified as minor works under section 8A(2A)(a);

"registered geotechnical engineer" (註冊岩土工程師) means a person whose name is for the time being on the geotechnical engineers' register kept under section 3(3A);

"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 of minor works contractors kept under section 8A;

"relevant class A registered minor works contractor" (有關的甲類註冊小型工程承建商) and "relevant class B registered minor works contractor" (有關的乙類註冊小型工程承建商), in relation to a type of minor works, mean respectively a class A registered minor works contractor and a class B registered minor works contractor who are qualified to carry out that type of minor works;

"signboard" (招牌) means a building construction used or to be used solely for displaying any advertisement or making any announcement or notification;".

3. Part heading amended

The heading to Part I is amended by adding ", REGISTERED GEOTECHNICAL ENGINEERS" before "AND".

4. Registers of authorized persons, structural engineers and geotechnical engineers

Section 3 is amended -

(a) by adding -

"(3A) The Building Authority shall keep a register (hereinafter referred to as the "geotechnical engineers' register") of all persons who are qualified to perform the duties and functions of geotechnical engineers (relating to geotechnical designs of building works or street works) in accordance with this Ordinance.";

(b) in subsection (4) -

- (i) in paragraph (a), by repealing "and" at the end;
- (ii) in paragraph (b), by repealing the full stop at the end and substituting "; and";
- (iii) by adding -

"(c) the persons included in the geotechnical engineers' register.";

(c) in subsection (5) -

- (i) by repealing "2 panels" and substituting "3 panels";
- (ii) by repealing "and Structural Engineers Registration Committees" and substituting ", Structural Engineers Registration Committees and Geotechnical Engineers Registration Committees";

(d) by adding -

"(5CA) A Geotechnical Engineers Registration Committee -

(a) for the period of 12 months beginning on the commencement of section 4 of the Buildings (Amendment) Ordinance 2003 (of 2003), consists of -

(i) 3 registered professional engineers in the geotechnical engineering discipline nominated by the Engineers Registration Board, each of whom shall prior to the nomination have had not less than 15 years of experience in geotechnical engineering;

(ii) 1 authorized person nominated by the Architects Registration Board from the list of architects in the authorized persons' register;

- (iii) 1 authorized person
nominated by the
Surveyors Registration
Board from the list of
surveyors in the
authorized persons'
register;
- (iv) 1 registered
structural engineer
nominated by the
Engineers Registration
Board;
- (v) the Building
Authority's
representative;
- (vi) an Assistant Director
of Civil Engineering
nominated by the
Director of Civil
Engineering; and
- (vii) 1 person selected by
the Building Authority
from among the persons
nominated in
accordance with
subsection (5E);

(b) with effect from the expiry of the period referred to in paragraph

(a), consists of -

- (i) 3 registered geotechnical engineers nominated by the Engineers Registration Board;
- (ii) 1 authorized person nominated by the Architects Registration Board from the list of architects in the authorized persons' register;
- (iii) 1 authorized person nominated by the Surveyors Registration Board from the list of surveyors in the authorized persons' register;
- (iv) 1 registered structural engineer nominated by the

Engineers Registration
Board;

(v) the Building
Authority's
representative;

(vi) an Assistant Director
of Civil Engineering
nominated by the
Director of Civil
Engineering; and

(vii) 1 person selected by
the Building Authority
from among the persons
nominated in
accordance with
subsection (5E);";

(e) in subsection (5E), by repealing "and (5C)" and
substituting ", (5C) and (5CA)";

(f) in subsection (5F), by repealing "and Registered
Structural Engineers'" and substituting ", Registered
Structural Engineers' and Registered Geotechnical
Engineers'";

(g) in subsection (5G), by adding "(other than a
Geotechnical Engineers Registration Committee)" after
"a Registration Committee";

(h) by adding -

"(5GA) The quorum for a meeting of a Geotechnical Engineers Registration Committee is -

- (a) the Chairman of the committee;
- (b) the Building Authority's representative under subsection (5CA)(a)(v) or (b)(v);
- (c) the Assistant Director of Civil Engineering nominated under subsection (5CA)(a)(vi) or (b)(vi); and
- (d) 2 other members."

(i) in subsection (5H) -

- (i) in paragraph (a), by repealing "and" at the end;
- (ii) in paragraph (b), by repealing the full stop at the end and substituting a semicolon;
- (iii) by adding -

- "(c) for a Geotechnical Engineers Registration Committee under subsection (5CA)(a), a registered professional engineer nominated under subparagraph (i) of that subsection; and
- (d) for a Geotechnical Engineers Registration Committee under subsection (5CA)(b), a registered

geotechnical engineer nominated
under subparagraph (i) of that
subsection.";

- (j) in subsection (6), by repealing "or the structural engineers' register" and substituting ", the structural engineers' register or the geotechnical engineers' register";
- (k) by repealing subsection (6A)(a);
- (l) in subsection (7D) -
 - (i) by repealing "or" and substituting a comma;
 - (ii) by repealing "subsection (3)" and substituting "subsection (3) or the geotechnical engineers' register kept under subsection (3A)";
- (m) in subsection (8), by repealing everything after "may be" and substituting -
 - "included in more than one of the following registers -
 - (a) the authorized persons' register;
 - (b) the structural engineers' register; and
 - (c) the geotechnical engineers' register,
 - and in more than one list in the authorized persons' register.";
- (n) in subsection (9), by repealing "or in the structural engineers' register" and substituting ", in the

structural engineers' register or in the geotechnical engineers' register";

- (o) in subsections (9B)(a), (11) and (11B), by repealing "or the structural engineers' register" and substituting ", the structural engineers' register or the geotechnical engineers' register";
- (p) in subsection (9B) -
 - (i) in paragraph (a), by repealing "; or" at the end and substituting a comma;
 - (ii) by repealing paragraph (b);
 - (iii) by repealing "12 months" and substituting "5 years";
- (q) in subsections (9D) and (13A), by repealing "or a registered structural engineer" and substituting ", a registered structural engineer or a registered geotechnical engineer";
- (r) in subsection (9E), by repealing "or structural engineer" and substituting ", structural engineer or geotechnical engineer";
- (s) by repealing subsection (10);
- (t) in subsection (11A), by repealing "or the structural engineers' register or both such registers, under this section or pursuant to section 53F," and substituting ", the structural engineers' register or the geotechnical engineers' register or more than one such register under this section";
- (u) in subsection (11B) -

- (i) by repealing "or section 53F";
- (ii) by repealing "or a registered structural engineer" and substituting ", a registered structural engineer or a registered geotechnical engineer";
- (v) in subsections (13)(c) and (15)(b), by repealing "12 months" and substituting "5 years".

5. Appointment and duties of authorized person, registered structural engineer or registered geotechnical engineer

Section 4 is amended -

- (a) in subsection (1) -
 - (i) in paragraph (a), by repealing "and" at the end;
 - (ii) in paragraph (b), by repealing the full stop at the end and substituting "; and";
 - (iii) by adding -
 - "(c) a registered geotechnical engineer for the geotechnical elements of such building works or street works if so required under this Ordinance.";
- (b) by adding -
 - "(1A) Where the building works are category II minor works or category III minor works, subsection (1) shall only apply if the consent of

the Building Authority is intended to be obtained for the commencement of the minor works.";

(c) in subsection (2) -

(i) by repealing "or a registered structural engineer" where it twice appears and substituting ", a registered structural engineer or a registered geotechnical engineer";

(ii) by repealing "or registered structural engineer" where it twice appears and substituting ", registered structural engineer or registered geotechnical engineer";

(d) in subsection (3), by repealing "and any registered structural engineer" and substituting ", any registered structural engineer and any registered geotechnical engineer";

(e) by adding -

"(3A) Where the building works are category I minor works of which the prescribed plans and other prescribed documents have been submitted to the Building Authority as required under section 14(1)(b), subsection (3) shall not apply and in such a case, any authorized person, any registered structural engineer and any registered geotechnical engineer appointed or nominated under subsection (1) or (2) shall -

- (a) supervise the carrying out of the minor works and, if a supervision plan is required for the minor works, supervise the carrying out of the minor works in accordance with the supervision plan;
- (b) notify the Building Authority of any contravention of the regulations which would result from the carrying out of any works shown in those plans;
- (c) ensure that all fire service installations and equipment required to be provided for the minor works under the Code of Practice referred to in section 16(1)(b)(ii) are provided, and that no fire service installation or equipment fails to comply with the relevant minimum requirements under that Code of Practice as a result of the carrying out of the minor works;
- (d) ensure that the carrying out of the minor works does not contravene any enactment or any approved or draft plan prepared

under the Town Planning Ordinance
(Cap. 131);

- (e) if the minor works are within a comprehensive development area of an approved or draft plan prepared under the Town Planning Ordinance (Cap. 131), ensure that the carrying out of the minor works does not contravene a master lay-out plan approved by the Town Planning Board under section 4A(2) of that Ordinance; and
- (f) comply generally with this Ordinance."

(f) by adding -

"(5) A geotechnical engineer may not be appointed under subsection (1)(c) unless he is registered in the geotechnical engineers' register."

6. Appointment and powers of disciplinary board

Section 5 is amended -

- (a) in subsection (2)(a), by repealing "and Registered Structural Engineers'" and substituting ", Registered Structural Engineers' and Registered Geotechnical Engineers'";

- (b) in subsection (2B), by repealing "or a registered structural engineer" and substituting ", a registered structural engineer or a registered geotechnical engineer".

7. Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel

Section 5A is amended -

- (a) in subsection (1), by repealing "and Registered Structural Engineers'" and substituting ", Registered Structural Engineers' and Registered Geotechnical Engineers'";
- (b) in subsection (2) -
 - (i) by repealing "and Registered Structural Engineers'" and substituting ", Registered Structural Engineers' and Registered Geotechnical Engineers'";
 - (ii) by repealing "20" and substituting "25";
 - (iii) in paragraph (c), by repealing "and" at the end;
 - (iv) in paragraph (d), by repealing the full stop at the end and substituting "; and";
 - (v) by adding -
 - "(e) 5 are registered geotechnical engineers."

8. Section added

The following is added -

**"6A. Building Authority may prohibit
authorized person, etc. from
certifying minor works**

(1) Without prejudice to section 7, the Building Authority may by notice in writing served on a person prohibit him from certifying minor works in the capacity of an authorized person, a registered structural engineer or a registered geotechnical engineer or in more than one of such capacities, for -

(a) a period not exceeding 6 months, if -

- (i) any minor works he has certified have been carried out in contravention of this Ordinance;
- (ii) any building works (other than minor works) he has supervised or certified have been carried out in contravention of section 14(1);
- (iii) any minor works under his supervision have been carried out in such a manner that they have caused injury to any person; or
- (iv) he has been convicted by any court of an offence relating to any minor works, or

(b) a period not exceeding 12 months, if -

- (i) he has been prohibited from certifying minor works for a period not exceeding 6 months under paragraph (a); and

- (ii) an event specified in paragraph (a)(i), (ii), (iii) or (iv) occurs within the period of 12 months immediately following the expiry of the prohibition.

(2) The Building Authority shall not prohibit a person from certifying minor works in the capacity of an authorized person, a registered structural engineer or a registered geotechnical engineer under subsection (1)(a) or (b) on the ground that he has been convicted by any court of an offence relating to any minor works, if he has been prohibited from certifying minor works in the same capacity by the Building Authority under that subsection in respect of the same facts or substantially the same facts by reason of which he has been convicted of that offence.

(3) A notice served under subsection (1) shall specify the reason or reasons for the prohibition."

9. Disciplinary proceedings for authorized person, registered structural engineer or registered geotechnical engineer

Section 7 is amended -

(a) in subsection (1) -

- (i) by repealing "The" and substituting "Subject to subsection (5), the";
- (ii) by repealing "or a registered structural engineer" and substituting ", a registered structural engineer or a registered geotechnical engineer";

- (b) in subsections (1)(c), (2)(ba), (3) and (4)(a), by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer";
- (c) in subsection (2) -
 - (i) by repealing "or the registered structural engineer" and substituting ", the registered structural engineer or the registered geotechnical engineer";
 - (ii) in paragraph (a)(i), by repealing "or the structural engineers' register" and substituting ", structural engineers' or geotechnical engineers' register";
 - (iii) in paragraph (a)(ii), by repealing "both registers, from both registers" and substituting "more than one such register, from those registers";
 - (iv) in paragraph (b), by repealing "and" at the end and substituting "or";
 - (v) in paragraph (ba), by repealing "; or" at the end and substituting a full stop;
 - (vi) by repealing paragraph (c);
- (d) by adding -
 - "(2A) Where the disciplinary board makes an order under subsection (2), it shall order that its findings and order be published in the Gazette.

(2B) Without prejudice to subsection (1) but subject to subsection (5), the Building Authority may also bring to the notice of a disciplinary board appointed under section 5 the matters set out in subsection (2C) in relation to an authorized person, a registered structural engineer or a registered geotechnical engineer if the conduct referred to the disciplinary board may -

- (a) render the authorized person, registered structural engineer or registered geotechnical engineer unfit for certifying minor works; or
- (b) make further certification of minor works by him prejudicial to the due administration of this Ordinance.

(2C) The matters referred to in subsection (2B) are that -

- (a) any minor works under the supervision of the authorized person, registered structural engineer or registered geotechnical engineer or any minor works he has certified, have been carried out in such a manner

that they have caused, or are likely to cause, a risk of injury to any person or damage to any property;

(b) he has been prohibited from certifying minor works under section 6A(1)(b) and within the period of 12 months immediately following the expiry of the prohibition -

(i) any minor works he has certified within that period have been carried out in contravention of this Ordinance;

(ii) any building works (other than minor works) he has supervised or certified, have been carried out in contravention of section 14(1);

(iii) any minor works under his supervision have been carried out in

such a manner that they
have caused injury to
any person; or

(iv) he has been convicted
by any court of an
offence relating to
minor works;

(c) he has committed an act specified
in subsection (1A)(c), (d) or (e)
in relation to a supervision plan
required for minor works.

(2D) Where, after due inquiry, the
disciplinary board is satisfied that the matter
set out in subsection (2C)(a), (b) or (c) has
occurred, it may -

(a) order that the name of the
authorized person, registered
structural engineer or registered
geotechnical engineer be
removed -

(i) from the authorized
persons' register, the
structural engineers'
register or the
geotechnical
engineers' register,
as the case may be; or

- (ii) if his name appears in more than one such register, from those registers,
either permanently or for such period as the board thinks fit;
- (b) order that the authorized person, registered structural engineer or registered geotechnical engineer be prohibited from certifying minor works, either permanently or for such period as the board thinks fit;
- (c) order that the authorized person, registered structural engineer or registered geotechnical engineer be reprimanded; or
- (d) order that the authorized person, registered structural engineer or registered geotechnical engineer be fined a sum not exceeding \$250,000, which is recoverable as a debt due to the Government.

(2E) Where the disciplinary board makes an order under subsection (2D), it shall order that its findings and order be published in the Gazette." ;

(e) by adding -

"(5) Where any of the matters referred to in subsection (1A) or (2C) is a matter in respect of which the authorized person, registered structural engineer or registered geotechnical engineer has been prohibited from certifying minor works under section 6A(1)(a) or (b), the Building Authority shall not bring that matter to the notice of the disciplinary board in relation to the authorized person, registered structural engineer or registered geotechnical engineer.".

10. Contractors Registration Committee

Section 8 is amended -

(a) in subsection (2) -

- (i) by adding "or for cancellation or amendment of a condition of registration as a minor works contractor," after "inclusion in a register";
- (ii) in paragraph (c), by repealing "and" at the end;
- (iii) in paragraph (d), by repealing the full stop at the end and substituting "; and";
- (iv) by adding -
 - "(e) in the case of an application for inclusion in the sub-register for class A registered minor works

contractors, advising the Building Authority as to the types of minor works that the applicant is competent to carry out.";

(b) in subsection (3) -

(i) by repealing "A Contractors" and substituting "In relation to a Contractors Registration Committee appointed to assist the Building Authority in considering applications for inclusion in a register of general building contractors kept under section 8A(1)(a), the Contractors";

(ii) in paragraph (b), by repealing everything after "each of" and substituting "the Architects Registration Board, the Engineers Registration Board and the Surveyors Registration Board from the lists of authorized persons, registered structural engineers and registered geotechnical engineers;"

(c) by adding -

"(3A) In relation to a Contractors Registration Committee appointed to assist the Building Authority in considering applications for inclusion in a register of specialist contractors kept under section 8A(1)(b), the Contractors Registration Committee consists of -

- (a) the Building Authority's representative;
- (b) 3 persons, 1 of whom is nominated by each of the Architects Registration Board, the Engineers Registration Board and the Surveyors Registration Board from the lists of authorized persons, registered structural engineers and registered geotechnical engineers;
- (c) 3 persons nominated by The Hong Kong Construction Association Ltd.;
- (d) 2 persons selected by the Building Authority from among persons nominated by such bodies as the Building Authority may think fit.

(3B) In relation to a Contractors Registration Committee appointed to assist the Building Authority in considering applications for inclusion in the sub-register for class A registered minor works contractors kept under section 8A, the Contractors Registration Committee consists of -

- (a) 1 person selected by the Building Authority;

- (b) 1 authorized person or registered structural engineer selected by the Building Authority from among authorized persons or registered structural engineers nominated by the Architects Registration Board, the Engineers Registration Board and the Surveyors Registration Board; and
- (c) 1 person nominated by The Hong Kong Construction Association Ltd., being a person appointed by a registered contractor to act for it for the purposes of this Ordinance.";
- (d) in subsection (5), by repealing "and Registered Structural Engineers'" and substituting ", Registered Structural Engineers' and Registered Geotechnical Engineers'";
- (e) in subsection (8), by adding ", except that for a meeting of the committee under subsection (3B), a quorum is the Chairman and the other 2 members of the committee" after "members of the committee".

11. Registers of contractors, etc.

Section 8A is amended -

- (a) in subsection (1) -

- (i) in paragraph (a), by repealing "and" at the end;
- (ii) in paragraph (b), by repealing the full stop at the end and substituting "; and";
- (iii) by adding -

"(c) a register of minor works
contractors who are qualified to
-

- (i) if they are entered in the sub-register for class A registered minor works contractors, carry out all categories of minor works or, in the case where the registration is subject to a condition under section 8B(7A), carry out the type or types of minor works specified in the sub-register in relation to that registration; and
- (ii) if they are entered in the sub-register for class B registered

minor works
contractors, carry out
category III minor
works or, in the case
where the registration
is subject to a
condition under
section 8B(7A), carry
out the type or types of
minor works specified
in the sub-register in
relation to that
registration.";

(b) by adding -

"(2A) The Building Authority may by notice
published in the Gazette -

(a) specify the types of building
works that are to be regarded as
minor works for the purposes of
this Ordinance if in his opinion,
the building works are minor
having regard to the nature,
scale, complexity and structural
implications of and the risks
likely to be incurred by the
building works; and

(b) classify the minor works so specified into different categories.

(2B) Each category of minor works may contain one or more types of minor works.

(2C) The Building Authority is to maintain 2 sub-registers in the register of minor works contractors for class A registered minor works contractors and class B registered minor works contractors respectively.";

(c) by adding -

"(3A) Where the registration of a registered minor works contractor is subject to a condition under section 8B(7A), the Building Authority is required to ensure that the list published under subsection (3) contains notice of that fact.";

(d) in subsection (4) -

(i) in paragraph (b), by repealing the full stop at the end and substituting a semicolon;

(ii) by adding -

"(c) the register of minor works contractors the name of a registered minor works contractor who ceases, for any reason, to engage in the relevant types of minor works for which he is registered.";

- (e) in subsection (5), by repealing "or a registered specialist contractor" and substituting ", a registered specialist contractor or a registered minor works contractor".

12. Application for registration as a contractor

Section 8B is amended -

- (a) in subsection (1), by repealing "or a specialist contractor" and substituting ", a specialist contractor or a minor works contractor";
- (b) by repealing subsection (4);
- (c) by repealing subsection (5)(a);
- (d) by adding -
 - "(5A) An applicant for registration as a minor works contractor may specify in the application the types of minor works that he intends to carry out.";
- (e) in subsection (6), by repealing "Contractors Registration Committee" and substituting "relevant Contractors Registration Committee, except an application for registration as a class B registered minor works contractor";
- (f) in subsection (7), by repealing "Contractors Registration Committee at which the application is considered" and substituting "relevant Contractors Registration Committee at which the application is considered or in the case of an application for

registration as a class B registered minor works contractor, within 3 months of the date of the receipt of the application";

(g) by adding -

"(7A) Where an application is for registration as a minor works contractor, the Building Authority may, subject to subsection (7B), include the applicant's name in the register of minor works contractors subject to a condition that the applicant is only qualified to carry out the type or types of minor works specified in the register in relation to the registration.

(7B) Where the Contractors Registration Committee recommends that an applicant's name be included in the sub-register for class A registered minor works contractors subject to a condition that the applicant is only qualified to carry out the type or types of minor works specified in the recommendation, then any type of minor works specified in the register in relation to the registration must be the type or one of the types of minor works specified in that recommendation.

(7C) Where the registration as a minor works contractor is subject to a condition under subsection (7A), the Building Authority is required to -

- (a) publish the applicant's name in the Gazette together with the condition; and
 - (b) endorse the condition on the certificate of registration issued under subsection (7)(a).";
- (h) in subsection (8)(a), by repealing "the register of general building contractors or the register of specialist contractors" and substituting "a register";
- (i) in subsection (9), by adding "or the register of minor works contractors" after "contractors";
- (j) by repealing subsection (10) and substituting -
 - "(10) The Building Authority must not include the name of an applicant in -
 - (a) the register of general building contractors;
 - (b) the register of specialist contractors; or
 - (c) the sub-register for class A registered minor works contractors,
 - unless the relevant Contractors Registration Committee recommends him.";
- (k) in subsection (11) -
 - (i) by repealing "both the register of general building contractors and the register of

specialist contractors" and substituting

"all the registers";

(ii) by adding "or minor works contractors" after

"sub-registers of specialist contractors";

(1) by adding -

"(12) A registration under this section expires, unless the contractor's name is removed from the relevant register by order of a disciplinary board, on the expiry of 3 years beginning on the date of inclusion of his name in the register.".

13. Section added

The following is added -

"8BA. Application for cancellation or amendment of condition of registration as minor works contractor

(1) A registered minor works contractor whose registration is subject to a condition under section 8B(7A) may before the expiry of his registration apply to the Building Authority in the specified form for cancellation or amendment of the condition.

(2) An applicant under this section shall -

(a) satisfy the Building Authority on the matters specified in section 8B(2); and

(b) pay the prescribed fee for the application.

(3) Where the applicant is a class A registered minor works contractor, the Building Authority shall refer his application

to the Contractors Registration Committee constituted under section 8(3B).

(4) The Building Authority, within 3 months of the date of the meeting of the Contractors Registration Committee at which the application is considered or, if the applicant is a class B registered minor works contractor, within 3 months of the date of the receipt of the application, shall -

- (a) allow the application;
- (b) inform the applicant that his application has been deferred for a period not exceeding 6 months; or
- (c) refuse the application.

(5) Where the Building Authority allows the application under subsection (4), the Building Authority shall amend the entry of the applicant in the register of minor works contractors and the applicant's certificate of registration accordingly.

(6) The Building Authority shall have regard to the qualifications, competence and experience of -

- (a) the applicant in considering an application under this section;
- (b) the directors, other officers and any person appointed by the applicant to act for it for the purposes of this Ordinance if the applicant is a body corporate,

and may require the applicant to submit relevant information and documentary evidence to support a claim to qualifications, competence or experience.

(7) The Building Authority may take into account relevant experience in Hong Kong as a qualification in considering an application under this section.

(8) Where the applicant is a class A registered minor works contractor, the Building Authority shall not allow his application unless the Contractors Registration Committee constituted under section 8(3B) recommends that the application be allowed.".

14. Renewal of registration as a contractor

Section 8C is amended -

(a) in subsection (1) -

(i) by repealing paragraph (a) and substituting -

"(a) if his name is on any one of the registers.";

(ii) by repealing paragraph (b);

(b) in subsection (2) -

(i) in paragraph (c), by adding "and" at the end;

(ii) by repealing paragraph (d);

(c) in subsection (3), by adding "or the Registered Minor Works Contractors' Disciplinary Board" after "Board";

(d) in subsection (4) -

(i) by adding "relevant" after "advice of the";

(ii) by adding ", except the renewal of registration as a class B registered minor works contractor" after "registration";

(e) by adding -

"(8) Where the applicant is a registered minor works contractor and his registration is subject to a condition under section 8B(7A), the Building Authority must endorse the condition on the certificate of registration issued to the applicant under subsection (7) on renewing the applicant's registration.

(9) A registration renewed under this section expires, unless the contractor's name is removed from the relevant register by order of a disciplinary board, on the expiry of 3 years beginning on the date of the expiry of the previous registration."

15. Restoring name to register of contractors

Section 8D is amended -

(a) in subsection (2) -

- (i) in paragraph (a), by adding "and" at the end;
- (ii) by repealing paragraph (b);

(b) in subsection (3) -

- (i) by adding "relevant" after "advice of the";
- (ii) by adding ", other than the sub-register for class B registered minor works contractors" after "register";

(c) by adding -

"(5) Where the applicant was a registered minor works contractor and his previous registration was subject to a condition under section 8B(7A), the Building Authority must endorse the condition on the certificate of registration issued to the applicant under subsection (4) and restore the name of the applicant to the register of minor works contractors together with the condition.

(6) A registration restored under this section expires on the expiry of 3 years beginning on the date of restoration of the applicant's name to the register."

16. Effective dates

Section 8F(3) is amended by repealing "(except an expiry pursuant to section 53F)".

17. Transitional

Section 8G is repealed.

18. Appointment and duties of registered contractors

Section 9 is amended -

- (a) in subsections (1) and (3), by adding "or minor works" after "specialized works";
- (b) in subsections (2) and (4), by adding "(other than minor works)" after "specialized works";

(c) by adding -

"(4A) A person for whom building works (other than specialized works) which are of a type of minor works falling within category I minor works or category II minor works are to be carried out is required to -

(a) appoint a registered general building contractor or a relevant class A registered minor works contractor to carry out the works for him; and

(b) appoint another registered general building contractor or relevant class A registered minor works contractor to continue to carry out the works for him if the appointed registered general building contractor or relevant class A registered minor works contractor is unwilling or unable to act.

(4B) A person for whom building works (other than specialized works) which are of a type of minor works falling within category III minor works are to be carried out is required to -

(a) appoint a registered general building contractor, a relevant

class A registered minor works contractor or a relevant class B registered minor works contractor to carry out the works for him; and

(b) appoint another registered general building contractor, relevant class A registered minor works contractor or relevant class B registered minor works contractor to continue to carry out the works for him if the appointed registered general building contractor, relevant class A registered minor works contractor or relevant class B registered minor works contractor is unwilling or unable to act.

(4C) A person for whom a category of specialized works which is of a type of minor works falling within category I minor works or category II minor works is to be carried out is required to -

(a) appoint a registered general building contractor, a registered specialist contractor registered for that category of specialized works or a relevant class A

registered minor works contractor to carry out the works for him; and

(b) appoint another registered general building contractor, registered specialist contractor registered for that category of specialized works or relevant class A registered minor works contractor to continue to carry out the works for him if the appointed registered general building contractor, registered specialist contractor or relevant class A registered minor works contractor is unwilling or unable to act.

(4D) A person for whom a category of specialized works which is of a type of minor works falling within category III minor works is to be carried out is required to -

(a) appoint a registered general building contractor, a registered specialist contractor registered for that category of specialized works, a relevant class A registered minor works contractor or a relevant class B registered

- minor works contractor to carry out the works for him; and
- (b) appoint another registered general building contractor, registered specialist contractor registered for that category of specialized works, relevant class A registered minor works contractor or relevant class B registered minor works contractor to continue to carry out the works for him if the appointed registered general building contractor, registered specialist contractor, relevant class A registered minor works contractor or relevant class B registered minor works contractor is unwilling or unable to act.";
- (d) in subsection (5), by adding "(other than minor works)" after "building works";
- (e) in subsection (6), by adding "(other than minor works)" after "specialized works";
- (f) by adding -
- "(6A) A registered general building contractor, registered specialist contractor or

registered minor works contractor appointed to carry out minor works is required to -

- (a) provide continuous supervision of the carrying out of the works and, if a supervision plan is required for the works, provide continuous supervision of the carrying out of the works in accordance with the supervision plan;
 - (b) notify the Building Authority of any contravention of the regulations that would result from carrying out the works shown in the plan approved by the Building Authority for the works or shown in the plan submitted to the Building Authority as required under section 14(1)(b) in respect of the works; and
 - (c) comply generally with this Ordinance."
- (g) by repealing subsection (7).

19. Appointment and powers of disciplinary board

Section 11 is amended -

- (a) in subsection (2)(b), by repealing "and Registered Structural Engineers'" and substituting ", Registered

Structural Engineers' and Registered Geotechnical Engineers'";

(b) by repealing subsection (3)(b) and substituting -

"(b) (i) in the case where the matters to be brought to the notice of the board relate to geotechnical works, 5 persons who are members of the Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel of whom -

(A) 1 shall be a person referred to in section 5A(2)(a);

(B) 1 shall be a person referred to in section 5A(2)(b);

(C) 1 shall be a person referred to in section 5A(2)(c);

(D) 1 shall be a person referred to in section 5A(2)(d); and

(E) 1 shall be a person referred to in section 5A(2)(e); and

(ii) in other cases, 4 persons who are members of the Panel referred to in subparagraph (i) of whom -

(A) 1 shall be a person referred to in section 5A(2)(a);

(B) 1 shall be a person referred
to in section 5A(2)(b);

(C) 1 shall be a person referred
to in section 5A(2)(c); and

(D) 1 shall be a person referred
to in section 5A(2)(d);";

(c) by adding after subsection (3) -

"(3AA) Every board appointed to hear and
determine any proceedings under section 13
against a registered minor works contractor shall
consist of -

(a) 2 persons who are members of the
Authorized Persons', Registered
Structural Engineers' and
Registered Geotechnical
Engineers' Disciplinary Board
Panel appointed under section 5A;

(b) 2 persons who are members of the
Registered Contractors'
Disciplinary Board Panel
appointed under section 11A; and

(c) 1 person selected from among the
persons nominated in accordance
with subsection (4A).";

(d) in subsection (3B), by repealing "or a registered
specialist contractor" and substituting ", a

registered specialist contractor or a registered minor works contractor";

- (e) in subsection (4A), by repealing "and (3)(c)" and substituting ", (3)(c) and (3AA)(c)".

20. Section added

The following is added -

"12A. Building Authority may suspend registration of registered minor works contractors, etc.

(1) Without prejudice to section 13, the Building Authority may suspend the registration of a registered minor works contractor and may by notice in writing served on a person prohibit him from carrying out and certifying minor works in the capacity of a registered general building contractor or registered specialist contractor or both such capacities, for -

(a) a period not exceeding 6 months, if -

- (i) he has carried out and certified any minor works in contravention of this Ordinance;
- (ii) he has carried out and certified a particular type of minor works for which he is not registered;
- (iii) he has carried out any minor works in such a manner that they have caused injury to any person; or

- (iv) he has been convicted by any court of an offence relating to any minor works; or
- (b) a period not exceeding 12 months, if -
 - (i) his registration as a minor works contractor has been suspended or he has been prohibited from carrying out and certifying any minor works, for a period not exceeding 6 months under paragraph (a); and
 - (ii) an event specified in paragraph (a)(i), (ii), (iii) or (iv) occurs within the period of 12 months immediately following the expiry of the suspension or prohibition, as the case may be.

(2) The Building Authority shall not suspend the registration of a registered minor works contractor or prohibit a person from carrying out and certifying minor works in the capacity of a registered general building contractor or registered specialist contractor under subsection (1)(a) or (b) on the ground that he has been convicted by any court of an offence relating to any minor works, if the registration of the registered minor works contractor has been suspended or, as the case may be, the person has been prohibited from carrying out and certifying minor works in the same capacity, by the Building Authority under that subsection in respect of the same facts or substantially the

same facts by reason of which he has been convicted of that offence.

(3) Where the Building Authority suspends the registration of a registered minor works contractor under subsection (1), he shall cause a notice of the suspension to be served on the registered minor works contractor.

(4) A notice served under subsection (1) or (3) shall specify the reason or reasons for the suspension or prohibition, as the case may be."

21. Disciplinary proceedings for contractors

Section 13 is amended -

(a) in subsection (1), by repealing "The" and substituting "Subject to subsection (11), the";

(b) by adding -

"(2A) Without prejudice to subsection (1) but subject to subsection (11), the Building Authority may also bring to the notice of a disciplinary board appointed under section 11 the matters set out in subsection (2B) in relation to -

(a) a registered general building contractor or a registered specialist contractor if the conduct referred to the disciplinary board may -

(i) render the contractor unfit for carrying out

or certifying minor
works;

(ii) make further carrying
out or certification of
minor works by the
contractor prejudicial
to the due
administration of this
Ordinance; or

(iii) render the contractor
deserving of
suspension from
carrying out or
certifying minor
works; or

(b) a registered minor works
contractor if the conduct
referred to the disciplinary
board may -

(i) render the contractor
unfit to be on the
register;

(ii) make the further
inclusion of the
contractor in the
register prejudicial
to the due

administration of this
Ordinance; or

- (iii) render the contractor
deserving of
suspension from the
register, a fine or a
reprimand.

(2B) The matters referred to in subsection
(2A) are that -

- (a) the contractor has carried out any
minor works in such a manner that
they have caused, or are likely to
cause, a risk of injury to any
person or damage to any property;
- (b) any minor works under the
supervision of the contractor
have been carried out in such a
manner that they have caused, or
are likely to cause, a risk of
injury to any person or damage to
any property;
- (c) the registration of the
contractor has been suspended or
the contractor has been
prohibited from carrying out and
certifying minor works under
section 12A(1)(b) and within the

period of 12 months immediately following the expiry of the suspension or prohibition -

- (i) he has carried out and certified any minor works in contravention of this Ordinance;
 - (ii) he has carried out and certified a particular type of minor works for which he is not registered; or
 - (iii) he has carried out any minor works in such a manner that they have caused injury to any person;
- (d) the contractor has been negligent or has misconducted himself in relation to minor works;
- (e) the contractor has been convicted by any court of an offence relating to any minor works;
- (f) the contractor has committed an act specified in subsection (2)(c), (d) or (e) in relation to

a supervision plan required for
minor works.";

(c) by repealing subsection (4) and substituting -

"(4) Where, after due inquiry, the
disciplinary board is satisfied that -

(a) the contractor, director, officer
or other person appointed by a
registered contractor to act on
its behalf for the purposes of
this Ordinance has been convicted
of an offence, has been negligent
or has misconducted himself in
relation to building works or
street works or has deviated in a
material manner from a
supervision plan without
reasonable cause or has drawn up
a supervision plan that does not
comply with the material
requirements of this Ordinance or
has repeatedly drawn up
supervision plans that do not
comply with the requirements of
this Ordinance, in the manner or
under the circumstances referred
to in subsection (2)(a), (b), (c),
(d) or (e);

- (b) any minor works under the supervision of the contractor, director, officer or other person have been carried out in such a manner that they have caused, or are likely to cause, a risk of injury to any person or damage to any property; or
- (c) the contractor, director, officer or other person has carried out or certified any minor works or a particular type of minor works, has been convicted by any court of an offence relating to any minor works, has been negligent or has misconducted himself in relation to minor works or has committed an act specified in subsection (2)(c), (d) or (e) in relation to a supervision plan for minor works, in the manner or under the circumstances referred to in subsection (2B)(a), (c), (d), (e) or (f),

the board may –

- (d) order that the name of the contractor, director, officer or

other person be removed from the relevant register either permanently or for such period as the board thinks fit; or

(e) order that the contractor, director, officer or other person be fined a sum not exceeding -

(i) in the case of paragraph (a),
\$250,000; or

(ii) in the case of paragraph (b) or (c),
\$150,000,

which is recoverable as a debt due to the Government; or

(f) order that the contractor, director, officer or other person be reprimanded; or

(g) in the case of paragraph (b) or (c), order that the contractor, director, officer or other person be prohibited from carrying out and certifying minor works, either permanently or for such period as the board thinks fit.

(4A) Where the disciplinary board makes an order under subsection (4), it shall order that

its findings and order be published in the
Gazette.";

- (d) in subsection (7), by adding "registered minor works contractor," after "specialist contractor,";
- (e) by adding -

"(11) Where any of the matters set out in
subsection (2B) is a matter in respect of which -

- (a) the registration of a registered
minor works contractor has been
suspended under section 12A(1);
or
- (b) the registered general building
contractor or registered
specialist contractor has been
prohibited from carrying out and
certifying minor works under
section 12A(1),

the Building Authority shall not bring that matter
to the notice of the disciplinary board in
relation to the registered minor works
contractor, registered general building
contractor or registered specialist contractor.

(12) Where any minor works in respect of which a
contractor referred to in subsection (2A) is
appointed are supervised, carried out or
certified by an employee or agent of the
contractor, or an act specified in subsection

(2)(c), (d) or (e) in relation to a supervision plan required for the minor works is committed by such an employee or agent, then the contractor as well as the employee or agent are to be regarded as having supervised, carried out or certified the minor works or committed the act."

22. Approval and consent required for commencement of certain building works, etc.

Section 14 is amended -

(a) in subsection (1), by repealing everything after "any building works or street works" and substituting -

"unless -

(a) the person has obtained from the Building Authority -

(i) his approval in writing of the prescribed plans and details of the building works or street works submitted to him in accordance with the regulations; and

(ii) his consent in writing for the commencement of the building works or

street works shown in
the approved plans; or

- (b) in the case of category I minor works or category II minor works, the prescribed plans and details of the minor works have been submitted to the Building Authority for record in accordance with the regulations and regulation 20(1) or (1B) (as the case may be) of the Building (Administration) Regulations (Cap. 123 sub. leg. A) has been complied with.";

- (b) by adding -

"(1A) A person may commence or carry out any category III minor works without obtaining approval and consent of the Building Authority in accordance with subsection (1).";

- (c) in subsection (2), by adding "nor the acknowledgement by the Building Authority of the receipt of the plans and details submitted to him as required under subsection (1)(b)" after "street works".

**23. Building Authority not deemed to consent
if supervision plan not lodged**

Section 14A(3) is repealed and the following substituted -

"(3) The person preparing a supervision plan must comply with the technical memorandum which is current -

- (a) if the supervision plan is required under this Ordinance to be lodged with the Building Authority, at the time of lodging the supervision plan; and
- (b) in all other cases, at the commencement of the building works."

24. Grounds on which approval or consent may be refused

Section 16(3)(bb) is amended by adding "registered geotechnical engineer," after "engineer,".

25. Provision for urgent work

Section 19(4) is repealed and the following substituted -

"(4) Where there is a deviation from a supervision plan as a result of any urgent work, the authorized person, registered structural engineer, registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor, as the case may require, is required to prepare as soon as practicable -

- (a) a revised supervision plan detailing the procedures adopted to meet the urgent work; and
- (b) any further amendments to any supervision plan arising out of the urgent work.

(5) Where a supervision plan has been lodged with the Building Authority under this Ordinance, the authorized person is required to -

- (a) give to the Building Authority as soon as practicable after the urgent work arises notice of the urgent work and any material deviation from the supervision plan; and
- (b) submit to the Building Authority as soon as practicable the revised supervision plan prepared under subsection (4).".

26. Occupation of new building

Section 21(6) is amended by adding -

"(da) in the case of a building the prescribed plans and details of which have been submitted to the Building Authority as required under section 14(1)(b), any fire service installation or equipment required to be provided for the building under the Code of Practice referred to in section 16(1)(b)(ii) has not been provided;".

27. Powers of Building Authority

Section 22(2)(a) is amended by repealing "and registered specialist contractor" and substituting ", registered specialist contractor and registered minor works contractor".

28. Building works, etc. to cease on order of Building Authority

Section 23 is amended -

- (a) in subsection (1), by repealing "or registered specialist contractor" and substituting ", registered specialist contractor or registered minor works contractor";
- (b) in subsections (2) and (3), by adding ", registered minor works contractor" after "specialist contractor".

29. Order for demolition, removal, or alteration of building, building works or street works

Section 24 is amended -

- (a) by adding -

"(1A) Without prejudice to subsection (1), the Building Authority may, in the circumstances set out in subsection (1B), by order in writing require -

- (a) the demolition of the minor works;
or
 - (b) such alteration of the minor works as may be necessary to cause the minor works to comply with the provisions of this Ordinance, or otherwise to put an end to the contraventions of the provisions,
- and in every case specify the time within which the demolition, alteration or works required by such order shall be commenced and the time within which the same shall be completed.

(1B) The circumstances referred to in subsection (1A) are where -

- (a) the minor works have been carried out in contravention of any approved or draft plan prepared under the Town Planning Ordinance (Cap. 131); or
- (b) the minor works are within a comprehensive development area of an approved or draft plan prepared under the Town Planning Ordinance (Cap. 131) and the minor works contravene a master lay-out plan approved by the Town Planning Board under section 4A(2) of that Ordinance.";

(b) by repealing subsection (2) and substituting -

"(2) An order made under subsection (1) or (1A) shall be served on -

- (a) in the case of a building or building works but subject to subsection (2A), the owner of the land or premises on which the building has been erected or on which the building works have been or are being carried out;

(b) in the case of street works, the frontagers; and

(c) in the case of building works the subject matter of which is a signboard -

(i) the person for whom the signboard has been erected or is being erected; or

(ii) if that person cannot be found, the person who would receive any rent or other money consideration if the signboard were hired out or the person who is receiving such rent or money consideration; or

(iii) if the persons referred to in subparagraphs (i) and (ii) cannot be found, the owner of the land or premises on which the signboard has been erected or is being erected.

(2A) Where the building or building works referred to in subsection (2)(a) is or are -

- (a) connected to land or premises (in this section referred to as "other land or premises") other than the land or premises on which the building has been erected or on which the building works have been or are being carried out; and
- (b) occupied or used by the owner or occupier of that other land or premises,

subsection (2)(a) shall not apply and in such a case, an order made under subsection (1) or (1A) in respect of the building or building works shall be served on the owner of that other land or premises.

(2B) References in subsections (2)(a) and (2A) to building works do not include references to building works the subject matter of which is a signboard.

(2C) The Building Authority may, upon the service of an order under subsection (2)(a), (b) or (c)(iii) or (2A), cause the order to be registered in the Land Registry against -

- (a) if the order has been served on the owner of any land or premises in

- accordance with subsection (2)(a)
or (c)(iii), the land or premises;
- (b) if the order has been served on the
frontagers in accordance with
subsection (2)(b), the premises
of the frontagers to which the
street works relate; or
- (c) if the order has been served on the
owner of other land or premises in
accordance with subsection (2A),
that other land or premises.";
- (c) in subsection (3), by adding "or (1A)" after "(1)";
- (d) by repealing subsection (4) and substituting -
 - "(4) Subject to subsection (4A), the cost of
any demolition or alteration under subsection (3)
in relation to the building, building works or
street works to which the order relates shall be
recoverable from -
 - (a) if the order had been served on the
owner of any land or premises in
accordance with subsection (2)(a)
or (c)(iii), that owner;
 - (b) if the order had been served on the
frontagers in accordance with
subsection (2)(b), those
frontagers;

- (c) if the order had been served on a person in accordance with subsection (2)(c)(i) or (ii), that person; or
- (d) if the order had been served on the owner of other land or premises in accordance with subsection (2A), that owner.

(4A) Where the order has been registered with the Land Registry in accordance with subsection (2C), the cost of any demolition or alteration under subsection (3) in relation to the building, building works or street works to which the order relates shall be recoverable from -

- (a) if the order had been served on the owner of any land or premises in accordance with subsection (2)(a) or (c)(iii), the person who, as at the date of completion of the demolition or alteration, is the owner of that land or premises;
- (b) if the order had been served on the frontagers in accordance with subsection (2)(b), the persons who, as at the date of completion of the demolition or alteration,

are the frontagers to which the street works relate; or

- (c) if the order had been served on the owner of other land or premises in accordance with subsection (2A), the person who, as at the date of completion of the demolition or alteration, is the owner of that other land or premises.

(4B) Where the cost of any demolition or alteration is recovered from frontagers under subsection (4) or (4A), the Building Authority shall apportion the cost -

- (a) in the case of private streets, according to the frontages of the premises owned by such frontagers; or
- (b) in the case of access roads, equally.

(4C) A certificate purporting to be under the hand of the Building Authority and stating the date of completion of the demolition or alteration under subsection (3) shall be prima facie evidence of that fact."

30. Section added

The following is added -

**"24C. Notice for demolition or alteration
of building or building works**

(1) Where any building has been erected, or where any building works have been or are being carried out, in contravention of any of the provisions of this Ordinance, the Building Authority, without prejudice to his powers under sections 24 and 24B, may issue a notice in writing -

- (a) identifying the location of the building or building works and the land or premises affected by the building or building works;
- (b) describing the building or building works which, in the opinion of the Building Authority, has been erected or have been or are being carried out in contravention of any of the provisions of this Ordinance and stating those provisions;
- (c) stating the powers of the Building Authority under this Ordinance in relation to the building or building works; and
- (d) specifying a date after which the notice will be registered with the Land Registry in accordance with subsection (4) if the building or building works is or are not demolished or altered to the satisfaction of the Building Authority before that date.

(2) Subject to subsection (3), a notice issued under subsection (1) shall be served on the owner of the land or premises on which the building has been erected or on which the building works have been or are being carried out.

(3) Where the building or building works is or are -

- (a) connected to land or premises (in this section referred to as "other land or premises") other than the land or premises on which the building has been erected or on which the building works have been or are being carried out; and
- (b) occupied or used by the owner or occupier of that other land or premises,

subsection (2) shall not apply and in such a case, a notice issued under subsection (1) shall be served on the owner of that other land or premises.

(4) The Building Authority shall, where the building or building works is or are not demolished or altered to his satisfaction before the date specified in the notice, cause the notice to be registered in the Land Registry against -

- (a) if the notice has been served on the owner of any land or premises in accordance with subsection (2), the land or premises; or
- (b) if the notice has been served on the owner of other land or premises in accordance with subsection (3), that other land or premises.

(5) A notice under this section shall be deemed to be an instrument affecting land or premises and shall be registrable in the Land Registry.

(6) Where the building or building works the subject of a warning notice issued under subsection (1) has or have been demolished or altered to the satisfaction of the Building

Authority, he may lodge in the Land Registry an appropriate instrument of satisfaction against that notice.".

31. Dangerous hillsides, etc.

Section 27A(2)(b) is amended by repealing "to carry out" and substituting "to appoint an authorized person, a registered structural engineer or a registered geotechnical engineer or any combination of them specified in the order to carry out".

32. Section added

The following is added -

**"29A. Maintenance of emergency
vehicular access**

(1) An emergency vehicular access shall be maintained in good order to the satisfaction of the Building Authority by the owner of the emergency vehicular access.

(2) Where, on inspection, the Building Authority finds -

(a) any dilapidation or defect in an emergency
vehicular access; or

(b) any alteration or addition made to an emergency
vehicular access,

has resulted, or is likely to result, in the emergency vehicular access being no longer capable of serving the purpose for which it is designed and constructed, the Building Authority may by order in writing served on the owner of the emergency vehicular access require him to carry out, within such time as may be specified in the order, such work as the Building Authority considers necessary.

(3) Where an order served under subsection (2) is not complied with, the Building Authority may carry out or cause to be carried out the work required by the order to be carried out, and subject to subsection (6), the cost of such work shall be recoverable from the owner of the emergency vehicular access.

(4) Where in the opinion of the Building Authority, an emergency vehicular access has been rendered dangerous or liable to become dangerous and emergency has thereby arisen, he may carry out or cause to be carried out such work as may appear to him to be necessary, either without service of a notice on the owner of the emergency vehicular access, or before or after such notice, and so far as it is in his opinion attributable to such emergency, the cost of such work shall be recoverable from the owner of the emergency vehicular access. The decision of the Building Authority that the particular case is one of emergency shall be final and binding on all persons.

(5) The Building Authority may, upon the service of an order under subsection (2), cause the order to be registered in the Land Registry against the emergency vehicular access to which the order relates.

(6) Where the order has been registered with the Land Registry in accordance with subsection (5), the cost of any work carried out pursuant to subsection (3) shall be recoverable from any person who, as at the date of completion of the work, is the owner of the emergency vehicular access to which the order relates.

(7) A certificate purporting to be under the hand of the Building Authority and stating the date of completion of any work carried out under subsection (3) shall be prima facie evidence of that fact."

33. Admissibility in evidence of certified copies of documents, etc.

Section 36 is amended by adding -

"(2A) The Building Authority or any public officer authorized by him may upon payment of the prescribed fee -

(a) issue to a person a copy, print or extract of or from -

(i) any plan or document specified in subsection (1)(a); or

(ii) any microfilm or any other form of record of the plan or document; or

(b) permit a person to inspect such a plan or document."

34. Effect of documents, etc. recorded on microfilm or other form of record

Section 36A is amended by repealing "on microfilm, the microfilm record" and substituting "on microfilm or any other form of record, the microfilm record or other form of record".

35. Disposal of document

Section 36B is amended by adding "or any other form of record" after "microfilm".

36. Regulations

Section 38(1) is amended -

(a) in paragraph (a) -

(i) by adding -

"(ia) registered geotechnical
engineers;"

(ii) by adding -

"(vii) registered minor works
contractors;"

(b) by adding after paragraph (b) -

"(baa) the manner of submitting prescribed plans
and documents for minor works;"

(c) in paragraph (c) -

(i) in subparagraph (xiii), by repealing "and"
at the end;

(ii) in subparagraph (xiv), by adding "and" at the
end;

(iii) by adding -

"(xv) matters relating to the provision
of emergency vehicular access;"

(d) in paragraph (d) -

(i) in subparagraph (xi), by repealing "and" at
the end;

(ii) in subparagraph (xii), by adding "and" at the
end;

(iii) by adding -

"(xiii) matters relating to the
provision of emergency
vehicular access;".

37. Technical memorandum

Section 39A(1)(f) is amended by repealing "registered general building contractor or registered specialist contractor" and substituting "registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor".

38. Section added

The following is added in Part III -

"39B. Obstruction of owners' corporation

(1) No person who has been notified by an owners' corporation of a building that an order has been served on the owners' corporation under sections 24(1) or (1A), 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4), 28(2)(a), (3) or (5), 29(2)(a), 29A(2), 30(3) or 31(2)(a) in relation to any common parts of the building shall -

- (a) obstruct a person employed or engaged by the owners' corporation in the carrying out of any works or other action that is required for the purpose of complying with the order; or
- (b) refuse to allow a person employed or engaged by the owners' corporation access to or the use of any premises, which is reasonably necessary for

the carrying out of any works or other action that is required for the purpose of complying with the order.

(2) In this section -

"common parts" (公用部分) has the meaning assigned to it in section

2 of the Building Management Ordinance (Cap. 344);

"owners' corporation" (業主立案法團) means a corporation

registered under section 8 of the Building Management

Ordinance (Cap. 344).".

39. Offences

Section 40 is amended -

(a) by adding before subsection (1) -

"(1AA) Any person who contravenes section 4(1) in relation to category I minor works, section 9(4A), (4B), (4C) or (4D) or 14(1) shall be guilty of an offence and shall be liable on conviction -

(a) to a fine of \$600,000 and to imprisonment for 2 years; and

(b) to a fine of \$30,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.";

(b) in subsection (1), by repealing "14(1) or";

(c) in subsection (1B) -

(i) in paragraph (b) -

- (A) by repealing "24(1),";
- (B) by adding "29A(2)," after "29(2)(a),";
- (ii) in paragraph (ii), by repealing "24(1),";
- (d) by adding -
 - "(1BA) Any person who, without reasonable excuse, fails to comply with an order served on him under section 24(1) or (1A) shall be guilty of an offence and shall be liable on conviction -
 - (a) to a fine of \$300,000 and to imprisonment for 1 year; and
 - (b) to a fine of \$30,000 for each day during which it is proved to the satisfaction of the court that the failure to comply with the order has continued.";
- (e) in subsection (2A) -
 - (i) by adding "registered geotechnical engineer," after "engineer,";
 - (ii) by repealing "or registered specialist contractor" and substituting ", registered specialist contractor or registered minor works contractor";
- (f) in subsection (2AA) -
 - (i) by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer";

- (ii) by adding "or (3A)(b)" after "4(3)(b)";
- (iii) by repealing "or registered specialist contractor" and substituting ", registered specialist contractor or registered minor works contractor";
- (iv) by repealing "or (6)(b)" and substituting ", (6)(b) or (6A)(b)";
- (g) in subsections (2AB), (2AC) and (2B), by adding "a registered geotechnical engineer," after "engineer,";
- (h) in subsection (2AB), by repealing "\$50,000" and substituting "\$200,000";
- (i) in subsections (2AC) and (2B), by repealing "or a registered specialist contractor" and substituting ", a registered specialist contractor or a registered minor works contractor";
- (j) in subsection (2C)(b), by repealing "\$50,000" and substituting "\$300,000";
- (k) in subsections (2A), (2AA), (2AC), (2B) and (2C)(a), by repealing "\$250,000" and substituting "\$1,500,000";
- (l) by adding -

"(4B) Any person who without reasonable excuse contravenes section 39B(1) shall be guilty of an offence and shall be liable on conviction -

- (a) subject to paragraph (b), to a fine of \$50,000 and to imprisonment for 1 year; or

(b) in the case where the contravention is in relation to an order served under section 24(1) or (1A), to a fine of \$300,000 and to imprisonment for 1 year.

(4C) Any authorized person, registered structural engineer, registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor who knowingly certifies any minor works which have been carried out in contravention of any of the provisions of this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine of \$1,500,000 and to imprisonment for 3 years."

40. Exemptions

Section 41 is amended -

(a) by repealing subsection (3) and substituting -

"(3) A person for whom building works set out in subsection (3AA) or (3A) are to be carried out is not required to comply with sections 4(1) and 9(1) to (4D), and a person is not required to comply with section 14(1) before commencing or carrying out such building works.

(3AA) The building works referred to in subsection (3) are building works other than

drainage works, ground investigation, site formation works or minor works, which -

- (a)
 - (i) are to be carried out inside an existing building;
 - (ii) do not alter the structural elements of any building; and
 - (iii) do not bear any load other than that due to their own weight; or
- (b) are specified from time to time for the purposes of this paragraph by the Building Authority by notice published in the Gazette.

(3AB) A person is not required to comply with section 14(1) before commencing or carrying out any ground investigation if it is to be carried out outside the scheduled areas.

(3AC) Nothing in subsection (3) or (3AB) shall permit any building works to be carried out in contravention of any regulation.";

- (b) in subsection (3A), by repealing everything before "if those works" and substituting -

"(3A) A person for whom drainage works in or for any existing building are to be carried out is not required to comply with sections 4(1) and

9(1) to (4D), and a person is not required to comply with section 14(1) before commencing or carrying out such drainage works".

41. Appeals from decisions of Building Authority

Section 44(2)(a) is amended by adding "or is one made in the exercise of the discretion conferred on the Building Authority under section 6A(1) or 12A(1)" after "works".

42. Interpretation

Section 53E is amended by repealing the definition of "amending Ordinance" and substituting -

"amending Ordinance" (修訂條例) -

- (a) in relation to the definition of "relevant date" and section 53G, means the Buildings (Amendment) Ordinance 1994 (77 of 1994); and
- (b) in relation to sections 53J and 53K, means the Buildings (Amendment) Ordinance 2003 (of 2003);".

43. Sections added

The following are added in Part VII -

"53H. Inclusion of certain registered professional engineers in geotechnical engineers' register

Notwithstanding section 3(7), the Building Authority shall, on payment by a registered professional engineer referred to in section 3(5CA)(a)(i) of the prescribed fees for inclusion and

retention of his name in the geotechnical engineers' register, publish in the Gazette and include in the geotechnical engineers' register the name of the registered professional engineer, and section 3(9B) to (16) shall apply accordingly as if his name were included in the geotechnical engineers' register under section 3.

**53I. Application for inclusion in
geotechnical engineers' register
without prescribed qualifications**

(1) A person who applies under section 3(6) within 12 months from the commencement of this section for inclusion in a geotechnical engineers' register shall be deemed to have satisfied section 3(7)(a) for the purposes of his application if he satisfies the conditions specified in subsection (2).

(2) The conditions referred to in subsection (1) are that the person -

(a) is an authorized person included in the list of engineers or is a registered structural engineer, who -

- (i) during the period of 7 years immediately preceding the date of his application, has been engaged in or has taken part in site formation works carried out and completed in accordance with this Ordinance;
- (ii) was the authorized person or registered structural engineer appointed under

section 4(1) in respect of the buildings works or street works in relation to which the site formation works were carried out; and

- (iii) satisfies the Building Authority that he has the appropriate geotechnical experience and competence in relation to the site formation works; or

(b) is a registered professional engineer in the civil or structural engineering discipline, who -

- (i) has such practical experience in geotechnical engineering as may be approved by the Geotechnical Engineers Registration Committee; and
- (ii) for a continuous period of 1 year within the 3 years immediately preceding the date of his application, have had such practical experience in geotechnical engineering gained in Hong Kong as the Geotechnical Engineers Registration Committee considers appropriate.

(3) The Building Authority may require the applicant to furnish such information or documents as the Building Authority may reasonably require for the purpose of considering the application.

(4) Section 3 shall apply to or in relation to a person who seeks to avail himself of subsections (1) and (2)(a), and in the

case where his application is granted, to or in relation to his registration under that section, subject to the following modifications -

- (a) subsections (7) and (7C) of section 3 shall be construed as if paragraph (b) of each of the subsections had been omitted;
- (b) section 3(9) shall be construed as if for the words "the date of the meeting of the respective Registration Committee at which the application was considered", there were substituted "the date of receiving the application";
- (c) the person shall be deemed to have held the prescribed qualifications referred to in section 3(9D) and (13A) for registration as a registered geotechnical engineer if he remains an authorized person in the list of engineers or a registered structural engineer; and
- (d) the person shall be deemed to have ceased to hold the prescribed qualifications referred to in section 3(11B) if he ceases to be an authorized person in the list of engineers or a registered structural engineer.

(5) Regulation 4 of the Building (Administration) Regulations (Cap. 123 sub. leg. A) shall not apply to a person who seeks to avail himself of subsections (1) and (2)(a).

(6) Section 3 shall apply to or in relation to a person who seeks to avail himself of subsections (1) and (2)(b), and in the

case where his application is granted, to or in relation to his registration under that section, subject to the following modifications -

- (a) the reference in section 3(6A)(b)(ii) to the prescribed fee for retention shall be construed as a reference to a fee of \$855;
- (b) within 3 years beginning on the date from which the person's registration becomes effective, the person shall be deemed to have ceased to hold the prescribed qualifications referred to in section 3(11B) if he -
 - (i) ceases to be a registered professional engineer in the civil or structural engineering discipline; and
 - (ii) has not obtained the prescribed qualifications for inclusion in a geotechnical engineers' register; and
- (c) the reference in section 3(15)(b) to 5 years shall be construed as a reference to 3 years.

53J. Transitional provisions relating to minor works

Where -

- (a) the Building Authority has given consent to the commencement of any building works before the commencement of the amending Ordinance; or
- (b) any building works may be carried out in any building without approval from the Building

Authority, under section 41(3) in force immediately before the commencement of the amending Ordinance, and those building works have been completed or are being carried out at the commencement of the amending Ordinance, then the building works shall not be treated as minor works for the purposes of this Ordinance notwithstanding that they are of a type specified as minor works under section 8A(2A)(a), and the provisions of this Ordinance shall apply accordingly.

53K. Transitional provisions for other miscellaneous matters

(1) Where an application under section 3(6) or 8B(1) was pending immediately before the commencement of the amendments made to section 3(6A)(a) and (15)(b) or 8B(5)(a) by the amending Ordinance, then the application shall be treated and disposed of under section 3 or 8B as amended by the amending Ordinance, as if the applicant had specified in the application -

- (a) in the case of an application under section 3(6), a period of 5 years beginning on the date of inclusion of his name in the register concerned, for which he seeks his name to be retained in that register; and
- (b) in the case of an application under section 8B(1), a period of 3 years beginning on the date of inclusion of his name in the register concerned, for which he seeks registration.

(2) Where an application under section 3(9B) or (12) was pending immediately before the commencement of the amendments made to section 3(9B), (13)(c) and (15)(b) by the amending Ordinance, then section 3 and regulation 42 of the Building (Administration) Regulations (Cap. 123 sub. leg. A) in force immediately before that commencement shall continue to apply to and in relation to the application.

(3) Where an application under section 8C(1) or 8D(1) was pending immediately before the commencement of the amendments made to section 8C(2)(d) or 8D(2)(b) by the amending Ordinance, then section 8C or 8D and regulation 42 of the Building (Administration) Regulations (Cap. 123 sub. leg. A) in force immediately before that commencement shall continue to apply to and in relation to the application.

(4) In relation to an application referred to in subsection (3), the Building Authority may seek the advice of the relevant Contractors Registration Committee on the application.

(5) Notwithstanding the amendments made to section 8 by the amending Ordinance, on and after the commencement of those amendments -

- (a) section 9A shall apply to and in relation to a decision of a Contractors Registration Committee existing immediately before that commencement as if those amendments had not been made; and
- (b) a recommendation made by the Contractors Registration Committee which was in force immediately before that commencement shall

continue to be in force and have effect for the purpose of section 8B(10).".

Building (Administration) Regulations

44. Interpretation

Regulation 2 of the Building (Administration) Regulations (Cap. 123 sub. leg. A) is amended by adding -

"geotechnical engineers' register" (岩土工程師名冊) means the register kept under section 3(3A) of the Ordinance;".

45. Part heading amended

The heading to Part II is amended by repealing "AND REGISTERED STRUCTURAL ENGINEERS" and substituting ", REGISTERED STRUCTURAL ENGINEERS, REGISTERED GEOTECHNICAL ENGINEERS AND REGISTERED CONTRACTORS".

46. Qualification for inclusion in register

Regulation 3 is amended by adding -

"(4A) A person shall not be included in the geotechnical engineers' register unless he -

- (a) is a registered professional engineer in the geotechnical engineering discipline; and
- (b) complies with paragraph (6).".

47. Requirements upon application for inclusion in register

Regulation 4(1) is amended by repealing "or structural engineers' register" where it twice appears and substituting ", structural engineers' register or geotechnical engineers' register".

**48. Requirements for inclusion in registers
of general building contractors,
specialist contractors and minor
works contractors**

Regulation 4A is amended -

(a) in paragraph (1) -

- (i) by repealing "or the register of specialist contractors" and substituting ", the register of specialist contractors or the sub-register for class A registered minor works contractors";
- (ii) by adding "relevant" before "Contractors" wherever it appears;
- (iii) in subparagraphs (a) and (c), by adding "or sub-register" after "relevant register";

(b) in paragraph (2), by adding "relevant" before "Contractors";

(c) by adding -

"(3) Every person making application to be included in the sub-register for class B registered minor works contractors shall -

- (a) produce to the Building Authority documentary evidence to prove that he is suitable for registration in the sub-register

- in terms of qualifications,
experience and competence;
- (b) in the case where the applicant is a body corporate, produce to the Building Authority documentary evidence relating to the directors, other officers and any person appointed by the applicant to act for it for the purposes of the Ordinance to show the qualifications, experience and competence of those persons; and
- (c) satisfy the Building Authority that he or it is suitable to be registered in the sub-register."

49. Authorized person, registered structural engineer or registered geotechnical engineer not to act as contractor, etc. without disclosure to client

Regulation 5 is amended by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer".

50. Plans to be submitted in duplicate

Regulation 11(1) is amended by repealing "to the Building Authority for his approval" and substituting "under the Ordinance to the Building Authority for his approval or record or otherwise".

51. Regulation added

The following is added -

"11B. Plans of category I or II minor works to be accompanied by site photographs

Where the plans and other details prescribed in regulation 8 are submitted to the Building Authority as required under section 14(1)(b) of the Ordinance, the plans shall be accompanied by one or more photographs showing the physical condition of the site where the proposed minor works are to be carried out."

52. Plans, etc. to be signed by person who prepared them

Regulation 12 is amended -

(a) in paragraph (1), by repealing "paragraph (2)" and substituting "paragraphs (2) and (5)";

(b) by adding -

"(1A) Subject to paragraphs (2) and (5), all plans, structural details and calculations submitted under the Ordinance to the Building Authority for record or for a purpose other than for approval shall be prepared and signed -

(a) in the case of category I minor works, by an authorized person;

(b) in the case of a type of minor works falling within category II minor works (other than specialized works), by a registered general building

contractor, or relevant class A
registered minor works
contractor;

(c) in the case of a type of minor
works falling within category II
minor works which are of a
category of specialized works, by
a registered general building
contractor, registered
specialist contractor registered
for that category or relevant
class A registered minor works
contractor;

(d) in the case of a type of minor
works falling within category III
minor works (other than
specialized works), by a
registered general building
contractor, relevant class A
registered minor works contractor
or relevant class B registered
minor works contractor;

(e) in the case of a type of minor
works falling within category III
minor works which are of a
category of specialized works, by
a registered general building

contractor, registered
specialist contractor registered
for that category, relevant class
A registered minor works
contractor or relevant class B
registered minor works
contractor,

and his signature shall be deemed to be his
assumption of all responsibility for the plans,
structural details or calculations, as the case
may be.";

(c) by adding -

"(5) All geotechnical plans, geotechnical
assessment, geotechnical details and
calculations, geotechnical reports, site
investigation reports or ground investigation
reports required under or pursuant to regulation
8(1)(b)(iv), (ba), (bb), (bc), (d) and (1), (3)
and (4)(c) shall be prepared and signed by a
registered geotechnical engineer, and his
signature shall be deemed to be his assumption of
all responsibility for the geotechnical plans,
geotechnical assessment, geotechnical details
and calculations, geotechnical reports, site
investigation reports or ground investigation
reports, as the case may be.".

53. Plans to be clear and material thereof

Regulation 14(1) is amended by repealing "to the Building Authority for his approval" and substituting "under the Ordinance to the Building Authority for his approval or record or otherwise".

54. Power of Building Authority to refuse to accept plans

Regulation 15 is amended by repealing "or registered structural engineers" and substituting ", registered structural engineers or registered geotechnical engineers or from 2 or more registered general building contractors, registered specialist contractors or registered minor works contractors,".

55. Stability certificate

Regulation 18 is amended -

(a) in paragraph (1) -

- (i) by adding ", registered general building contractor, registered specialist contractor or registered minor works contractor" after "authorized person";
- (ii) by repealing "to the Building Authority for his approval" and substituting "under the Ordinance to the Building Authority for his approval or record or otherwise";

(b) by adding -

"(3) Where the building works are category II minor works or category III minor works, paragraph (2) shall only apply if the plans

referred to in paragraph (1) are submitted to the Building Authority for his approval."

**56. Certificate by authorized person, etc.
to be submitted with plans**

Regulation 18A is amended -

- (a) by repealing "to the Building Authority for his approval" and substituting "under the Ordinance to the Building Authority for his approval or record or otherwise";
- (b) by repealing "or by the registered structural engineer" and substituting ", the registered structural engineer, registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor".

57. Authorized person, registered structural engineer or registered geotechnical engineer who has prepared plans submitted to Building Authority to notify Building Authority if he ceases to be engaged

Regulation 19 is amended -

- (a) by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer";
- (b) by repealing "to the Building Authority for his approval" and substituting "under the Ordinance to the

Building Authority for his approval or record or otherwise".

**58. Notification to Building Authority
before commencement of building
works or street works**

Regulation 20 is amended -

- (a) in paragraph (1)(a) and (b), by repealing "or the registered specialist contractor" and substituting ", the registered specialist contractor or the registered minor works contractor";

- (b) by adding -

"(1A) Where the building works are category II minor works or category III minor works, paragraph (1) shall only apply if the consent of the Building Authority has been obtained for the commencement of the minor works.

(1B) Not less than 7 days before the commencement of any category II minor works the prescribed plans and details of which have been submitted to the Building Authority as required under section 14(1)(b) of the Ordinance, the person for whom the works are to be carried out shall furnish in the specified form to the Building Authority -

- (a) a notification of the appointment of the registered general building contractor, registered

specialist contractor or
registered minor works contractor
appointed in respect of the works
and of the date upon which the
works are to be commenced; and

- (b) an acceptance of such
appointment, a confirmation of
the date upon which the works are
to be commenced and an undertaking
of responsibility for strict
compliance with the provisions of
the Ordinance and regulations,
signed by the registered general
building contractor, registered
specialist contractor or
registered minor works
contractor.";

- (c) in paragraph (2), by repealing "or the registered
structural engineer" and substituting ", the
registered structural engineer or the registered
geotechnical engineer";

- (d) in paragraph (3), by repealing "or the registered
specialist contractor" and substituting ", the
registered specialist contractor or the registered
minor works contractor";

- (e) by adding -

"(4) Where the building works referred to in paragraph (2) or (3) are minor works, paragraph (2) or (3), as the case may be, shall only apply if the consent of the Building Authority has been obtained for the commencement of the minor works.".

59. Building Authority to be notified on change of authorized person, registered structural engineer, registered geotechnical engineer, registered contractor, etc.

Regulation 22 is amended -

(a) in paragraph (1) -

- (i) by repealing "or registered structural engineer or" and substituting ", registered structural engineer, registered geotechnical engineer,";
- (ii) by repealing "or registered specialist contractor" where it twice appears and substituting ", registered specialist contractor or registered minor works contractor";
- (iii) by adding "registered geotechnical engineer," after "structural engineer,";

(b) in paragraph (2) -

- (i) by adding "registered geotechnical engineer," after "structural engineer," where it first and last appears;

- (ii) by repealing "or registered specialist contractor" wherever it appears and substituting ", registered specialist contractor or registered minor works contractor";
 - (iii) by adding "in the case of a registered geotechnical engineer, any geotechnical work," after "any structural work,";
- (c) in paragraphs (3) and (5), by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer";
- (d) in paragraphs (4) and (6), by repealing "or registered specialist contractor" and substituting ", registered specialist contractor or registered minor works contractor";
- (e) in paragraph (7), by repealing "registered specialist contractor" and substituting "registered general building contractor, a registered specialist contractor or a registered minor works contractor".

**60. Information to be supplied to
Building Authority respecting
appointments, etc.**

Regulation 23 is amended by repealing "or registered structural engineer" wherever it appears and substituting ", registered structural engineer or registered geotechnical engineer".

**61. Duties of registered contractor
who ceases to be appointed**

Regulation 24 is amended -

- (a) by renumbering it as regulation 24(1);
- (b) in paragraph (1), by repealing "or registered specialist contractor" and substituting ", registered specialist contractor or registered minor works contractor";
- (c) by adding -

"(2) Where the building works are category II minor works or category III minor works, paragraph (1) shall only apply if the consent of the Building Authority has been obtained for the commencement of the minor works.

(3) Where -

- (a) the prescribed plans and details of any category II minor works have been submitted to the Building Authority as required under section 14(1)(b) of the Ordinance; and
- (b) a registered general building contractor, registered specialist contractor or registered minor works contractor appointed in respect of those minor works ceases, for any reason, to be so appointed,

the contractor shall -

- (c) within 7 days thereof, deliver to the Building Authority a notice in the specified form that he has so ceased to be appointed; and
- (d) in such form, certify that the works carried out by him have been carried out in accordance with the provisions of the Ordinance and regulations."

62. Regulation substituted

Regulation 25 is repealed and the following substituted -

"25. Certificate to be given on completion of building works

(1) Paragraphs (2) to (5) shall apply in relation to any building works but where the building works are category II minor works or category III minor works, those paragraphs shall only apply if the consent of the Building Authority has been obtained for the commencement of the minor works.

(2) Within 7 days of the completion of any building works in respect of which he has been appointed, the registered general building contractor, registered specialist contractor and registered minor works contractor shall, in the form specified for building works resulting in a new building or not so resulting, as the case may be -

- (a) certify that the new building has been erected or the building works carried out in accordance with the provisions of the Ordinance and regulations; and
- (b) deliver the certificate to the authorized person, registered structural engineer or registered geotechnical engineer, as the case may be, appointed in respect of the building works.

(3) Within 14 days of the completion of any building works, other than demolition works, in respect of which he has been appointed, the authorized person shall, in the form specified for building works resulting in a new building or not so resulting, as the case may be, delivered to him, in accordance with paragraph (2) -

- (a) certify that -
 - (i) the new building has been erected or the building works carried out in accordance with -
 - (A) the plans approved in respect thereof by the Building Authority; or
 - (B) if the building works are category I minor works and the prescribed plans and details thereof have been submitted to the Building Authority as required under section 14(1)(b) of the

Ordinance, the plan referred to in
sub-paragraph (b); and

- (ii) the new building or such building works
are in his opinion structurally safe;
and

- (b) submit the certificate and, if sub-paragraph
(a)(i)(B) is applicable, a plan showing the new
building or the minor works as completed, to the
Building Authority.

(4) Where the form specified for building works, other than
demolition works, resulting in a new building or not so resulting,
as the case may be, is delivered to the registered structural
engineer or registered geotechnical engineer appointed in respect
of the building works, in accordance with paragraph (2), the
registered structural engineer or registered geotechnical
engineer shall within 7 days of the receipt of the form -

- (a) certify that -

- (i) the new building has been erected or the
building works carried out in
accordance with -

- (A) the plans approved in respect
thereof by the Building
Authority; or

- (B) if the building works are category
I minor works and the prescribed
plans and details thereof have
been submitted to the Building

Authority as required under
section 14(1)(b) of the
Ordinance, the plan referred to in
sub-paragraph (b); and

- (ii) the new building or such building works
are in his opinion structurally or
geotechnically, as the case may be,
safe; and

- (b) deliver the certificate and, if sub-paragraph
(a)(i)(B) is applicable, a plan showing the new
building or the minor works as completed, to the
authorized person who shall within 7 days of the
receipt of the certificate and the plan submit
them to the Building Authority.

(5) Within 14 days of the completion of any demolition works
in respect of which he has been appointed -

- (a) the authorized person , the registered structural
engineer and the registered geotechnical engineer
shall, in the form specified for demolition works,
certify that -

- (i) the demolition works have been
completed in accordance with -

- (A) the plans approved in respect
thereof by the Building
Authority; or

- (B) if the demolition works are
category I minor works and the

prescribed plans and details thereof have been submitted to the Building Authority as required under section 14(1)(b) of the Ordinance, the plan referred to in sub-paragraph (b);

(ii) any structure or building remaining on the site is, in his opinion, structurally safe; and

(iii) any land or street affected by the demolition works has an adequate margin of safety; and

(b) the authorized person shall submit the certificate and, if sub-paragraph (a)(i)(B) is applicable, a plan showing the minor works as completed, to the Building Authority.

(6) The certificate submitted to the Building Authority under paragraph (3), (4) or (5) shall, in a case where paragraph (3)(a)(i)(B), (4)(a)(i)(B) or (5)(a)(i)(B), as the case may be, is applicable, be accompanied by one or more photographs showing the new building or the minor works as completed.

(7) Within 14 days of the completion of any category II minor works the prescribed plans and details of which have been submitted to the Building Authority as required under section 14(1)(b) of the Ordinance, the registered general building contractor, registered specialist contractor or registered minor

works contractor, as the case may be, appointed in respect of the minor works shall -

(a) certify in the specified form that -

- (i) the minor works have been carried out in accordance with the plan referred to in paragraph (b) and in accordance with the Ordinance and regulations; and
- (ii) the minor works are in his opinion structurally safe or, if the minor works are demolition works -

- (A) any structure or building remaining on the site is, in his opinion, structurally safe; and
- (B) any land or street affected by the demolition works has an adequate margin of safety; and

(b) submit the certificate to the Building Authority together with a plan and one or more photographs showing the minor works as completed.

(8) Within 14 days of the completion of any category III minor works consisting of repairs, alterations or additions to any building and for the commencement of which no consent of the Building Authority has been obtained, the registered general building contractor, registered specialist contractor or registered minor works contractor, as the case may be, appointed in respect of the minor works shall -

- (a) certify in the specified form that the minor works carried out by him have been carried out in accordance with the plan referred to in subparagraph (b)(iii) and in accordance with the Ordinance and regulations and that the minor works are in his opinion structurally safe; and
- (b) submit the certificate to the Building Authority together with -
 - (i) a notification in the specified form of his appointment, signed by the person for whom the minor works have been carried out;
 - (ii) a confirmation in the specified form of his acceptance of the appointment and the date of commencement and completion of the minor works;
 - (iii) a plan showing the minor works as completed; and
 - (iv) photographs showing -
 - (A) the physical condition of the site immediately before the minor works were to be carried out; and
 - (B) the minor works as completed."

63. Certificates as to supply of water

Regulation 25A(1) and (2) is amended by repealing "25(2)" and substituting "25(3)".

64. Certificate to be given by authorized person, registered structural engineer, registered geotechnical engineer and registered contractor engaged in respect of emergency work

Regulation 28 is amended by repealing "and registered structural engineer engaged to supervise, registered general building contractor and registered specialist contractor" and substituting ", registered structural engineer or registered geotechnical engineer engaged to supervise, registered general building contractor, registered specialist contractor and registered minor works contractor".

65. Approval of plans

Regulation 30 is amended -

- (a) in paragraph (1)(b), by adding "and geotechnical calculations" after "structural calculations";
- (b) in paragraphs (1)(b) and (4), by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer".

66. Part heading amended

The heading to Part V is amended by repealing "OR REGISTERED STRUCTURAL ENGINEER" and substituting ", REGISTERED STRUCTURAL ENGINEER OR REGISTERED GEOTECHNICAL ENGINEER".

67. Duties imposed by this Part not to prejudice any other duties imposed by Ordinance or other regulations

Regulation 35 is amended -

- (a) by repealing "or registered structural engineer or a registered general building contractor or registered specialist contractor" and substituting ", registered structural engineer, registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor";
- (b) by repealing "or registered structural engineer or registered general building contractor or registered specialist contractor" and substituting ", registered structural engineer, registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor".

68. Subheading amended

The subheading before regulation 36 is amended by repealing "**or registered structural engineer**" and substituting "**, registered structural engineer or registered geotechnical engineer**".

69. Duty of authorized person to supply copy of plans of building works or street works to registered contractor

Regulation 36 is amended -

- (a) in paragraph (1), by repealing "and the registered specialist contractor" and substituting ", registered

specialist contractor and registered minor works contractor";

(b) by adding -

"(1A) Where the building works are minor works, paragraph (1) shall only apply if the consent of the Building Authority has been obtained for the commencement of the minor works.";

(c) in paragraph (2) -

- (i) by adding "or geotechnical details" after "details";
- (ii) by adding "or a registered geotechnical engineer, as the case may be," after "engineer";
- (iii) by repealing "and the registered specialist contractor" and substituting ", registered specialist contractor and registered minor works contractor";

(d) by adding -

"(3) An authorized person appointed in respect of any category I minor works shall supply to the registered general building contractor, registered specialist contractor or registered minor works contractor appointed in respect thereof -

- (a) (i) a copy of every plan submitted to the

Building Authority as required under section 14(1)(b) of the Ordinance; or

- (ii) a copy, stamped, signed and dated, in accordance with regulation 30, by the Building Authority, of every plan approved by the Building Authority; and

- (b) a copy of any supervision plan in respect of the minor works.

(4) Where the structural details or geotechnical details have been prepared and signed by a registered structural engineer under regulation 12(2) or by a registered geotechnical engineer under regulation 12(5), it shall be the responsibility of the authorized person referred to in paragraph (3) to ensure that the registered general building contractor, registered specialist contractor or registered minor works contractor is supplied with a copy thereof."

70. Duty of authorized person, registered structural engineer or registered geotechnical engineer

Regulation 37 is amended -

(a) in paragraph (2) -

(i) by adding "or the registered geotechnical engineer" after "engineer";

(ii) by adding "or geotechnical works, as the case may be," after "structural works";

(b) in paragraph (3), by repealing "and the registered structural engineer" where it twice appears and substituting ", the registered structural engineer and the registered geotechnical engineer".

71. Fees in respect of additional inspection upon completion of building works or street works

Regulation 39 is amended by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer".

72. Regulation substituted

Regulation 40 is repealed and the following substituted -

"40. Duty of registered contractor to keep plans, etc. on site

The registered general building contractor, the registered specialist contractor and the registered minor works contractor appointed in respect of building works or street works shall keep on the site of the building works or street works, and shall produce to the Building Authority at such times as he requires -

(a) all plans of the building works or street works supplied to him in accordance with regulation 36;

- (b) copies of all plans submitted to the Building Authority as required under section 14(1)(b) of the Ordinance in respect of the works; and
- (c) all supervision plans of the building works or street works, whether or not supplied to him in accordance with regulation 36."

73. Duty of registered contractor to supervise

Regulation 41 is amended -

- (a) by repealing paragraph (1) and substituting -

"(1) The registered general building contractor, registered specialist contractor or registered minor works contractor appointed in respect of building works or street works shall, during the carrying out thereof, give continuous supervision thereto to ensure that the building works or street works, as the case may be, are carried out in accordance with -

- (a) the provisions of the Ordinance and regulations;
- (b) the plans approved in respect thereof or, as the case may be, submitted to the Building Authority as required under section 14(1)(b) of the Ordinance in respect thereof;

- (c) any order made or condition imposed, pursuant to any provision of the Ordinance or regulations in that behalf, by the Building Authority; and
 - (d) the supervision plan prepared in compliance with the technical memorandum issued under section 39A of the Ordinance (if required).";
- (b) in paragraph (2), by repealing "and the registered specialist contractor" where it twice appears and substituting ", the registered specialist contractor and the registered minor works contractor";
- (c) in paragraph (4), by repealing "and a registered specialist contractor" and substituting ", a registered specialist contractor and a registered minor works contractor";
- (d) in paragraph (6), by repealing "and the registered specialist contractor" and substituting ", the registered specialist contractor and the registered minor works contractor".

74. Fees

Regulation 42 is amended in the Table of Fees -

- (a) in item 1(a)(i) and (ii), (b) and (c), in column 1, by adding "or geotechnical engineers' register" after "engineers' register";
- (b) in items 1(b) and 8, in column 2, by adding "or registered geotechnical engineer" after "engineer";
- (c) in item 1(b), in column 3, by repealing "\$815 for retention for a period of 12 months" and substituting "\$1,200 for retention for a period of 5 years";
- (d) in item 2(b), in column 3, by repealing "\$1,500 for registration for a period of 1 year or";
- (e) in item 2(c), in column 3, by repealing "\$1,460 for renewal of registration for a period of 1 year or";
- (f) in item 2(d), in column 3, by repealing "\$1,500 for registration for a period of 1 year or";
- (g) in item 4A(b), in column 3, by repealing "\$1,500 for registration for a period of 1 year or";
- (h) in item 4A(c), in column 3, by repealing "\$1,460 for renewal of registration for a period of 1 year or";
- (i) in item 4A(d), in column 3, by repealing "\$1,500 for registration for a period of 1 year or";
- (j) by adding -

"4B. (a) For application Person
 for registration seeking
 as a class A registration.
 registered minor
 works contractor

-

- (i) a basic fee \$3,390
- shall be
- payable,
- covering
- the
- applicant
- as an
- individual
- or, where
- the
- applicant
- is a
- partnership
- or a
- corporation
- , the first
- person
- appointed
- by the
- applicant
- to act for
- it;
- (ii) in addition \$2,970
- to the basic
- fee, where
- the
- applicant

is a
partnership
or a
corporation
, for each
additional
person
appointed
in the
application
to act for
it.

(b) For entry of name Person \$945 for
in the sub- seeking entry registration
register for in the sub- for a period
class A register. of 3 years.
registered minor
works contractors
in the register of
minor works
contractors.

(c) For renewal of Person \$1,620 for
registration in seeking renewal of
the sub-register renewal. registration
for class A for a period
registered minor of 3 years.
works contractors

in the register of
minor works
contractors.

- (d) For application Person \$895 for
for restoration seeking restoration
of name to the restoration and \$945 for
sub-register for to the sub- registration
class A register. for a period
registered minor of 3 years.

works contractors
in the register of
minor works
contractors from
which the name of
the minor works
contractor has
been removed.

- (e) If at any time Registered \$3,090
prior to the minor works
expiry of its contractor.
registration
(including a
registration that
has been renewed
or restored), a
class A
registered minor

works contractor
 which is a
 partnership or a
 corporation makes
 any appointment
 of a person to act
 for it,
 regardless of
 whether such
 appointment
 results in the
 replacement of,
 or is in addition
 to, persons
 already
 appointed, then
 for an
 application for
 the approval of
 each person so
 appointed.

(f) For application	Person	\$3,390
for cancellation	seeking	
or amendment of a	cancellation	
condition of	or amendment.	
registration as a		
class A		

registered minor
works contractor.

4C. (a) For application Person
for registration seeking
as a class B registration.
registered minor
works contractor

-

(i) a basic fee \$1,440
shall be
payable,
covering
the
applicant
as an
individual
or, where
the
applicant
is a
partnership
or a
corporation
, the first
person
appointed

by the
applicant
to act for
it;

(ii) in addition \$945
to the basic
fee, where
the
applicant
is a
partnership
or a
corporation
, for each
additional
person
appointed
in the
application
to act for
it.

(b) For entry of name Person \$945 for
in the sub- seeking entry registration
register for in the sub- for a period
class B register. of 3 years.
registered minor
works contractors

in the register of
minor works
contractors.

- | | | | |
|-----|--|-------------------------------|--|
| (c) | For renewal of
registration in
the sub-register
for class B
registered minor
works contractors
in the register of
minor works
contractors. | Person
seeking
renewal. | \$1,170 for
renewal of
registration
for a period
of 3 years. |
|-----|--|-------------------------------|--|

- | | | | |
|-----|--|--|--|
| (d) | For application
for restoration
of name to the
sub-register for
class B
registered minor
works contractors
in the register of
minor works
contractors from
which the name of
the minor works
contractor has
been removed. | Person
seeking
restoration
to the sub-
register. | \$315 for
restoration
and \$945 for
registration
for a period
of 3 years. |
|-----|--|--|--|

- | | | | |
|-----|----------------|------------|---------|
| (e) | If at any time | Registered | \$1,010 |
|-----|----------------|------------|---------|

prior to the minor works
expiry of its contractor.
registration
(including a
registration that
has been renewed
or restored), a
class B
registered minor
works contractor
which is a
partnership or a
corporation makes
any appointment
of a person to act
for it,
regardless of
whether such
appointment
results in the
replacement of,
or is in addition
to, persons
already
appointed, then
for an
application for

the approval of
each person so
appointed.

(f) For application person \$1,440".
for cancellation seeking
or amendment of a cancellation
condition of or amendment.
registration as a
class B
registered minor
works contractor.

(k) by repealing item 10 and substituting -

"10. (a) For issue under
section 36(2) of
the Ordinance of a
certified copy,
print or extract
of or from any
document (other
than a plan) which
is recorded in -

(i) paper form	Applicant	\$45
(ii) microfilm	Applicant	\$45
form		
(iii) electronic	Applicant	\$45
form		

(b) For issue under

36(2) of the
Ordinance of a
certified copy,
print or extract
of or from any
plan which is
recorded in -

(i) paper form	Applicant	\$97
(ii) microfilm form	Applicant	\$70
(iii) electronic form	Applicant	\$56

11. (a) For issue under
section 36(2A)(a)
of the Ordinance
of a copy, print
or extract of or
from any document
(other than a
plan) which is
recorded in -

(i) paper form	Applicant	\$38
(ii) microfilm form	Applicant	\$38
(iii) electronic form	Applicant	\$38

(b) For issue under
section 36(2A)(a)
of the Ordinance
of a copy, print
or extract of or
from any plan
which is recorded
in -

(i) paper form	Applicant	\$72
(ii) microfilm form	Applicant	\$51
(iii) electronic form	Applicant	\$38

12. (a) For inspection
under section
36(2A)(b) of the
Ordinance of a
plan or document
which is recorded
in -

(i) paper form	Applicant	\$80 for one or more plans or documents kept in the same file in paper form
----------------	-----------	--

(ii) microfilm	Applicant	\$85 for one or more plans or documents originally kept in the same file in paper form
form		
(iii) electronic	Applicant	\$36 for one or more plans or documents originally kept in the same file in paper form
form		

For the purposes of this item, 2 or more files are regarded as the same file if they bear the same file reference number."

75. Duty of authorized person, registered structural engineer, registered geotechnical engineer or registered contractor to supply information to Building Authority

Regulation 44 is amended -

- (a) by repealing "or registered structural engineer" and substituting ", registered structural engineer, registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor";

- (b) by repealing "to the Building Authority for his approval" and substituting "under the Ordinance to the Building Authority for his approval or record or otherwise".

76. Duty of authorized person, registered structural engineer, registered geotechnical engineer, registered contractor, etc. to notify Building Authority of change of business address

Regulation 45 is amended by repealing "registered general building contractor and registered specialist contractor" and substituting "registered geotechnical engineer, registered general building contractor, registered specialist contractor and registered minor works contractor".

Building (Planning) Regulations

77. Eaves, cornices, mouldings, etc.

Regulation 7 of the Building (Planning) Regulations (Cap. 123 sub. leg. F) is amended by adding -

"(3) No supporting structures for air-conditioning units shall project over a street more than 500 mm or at a height of less than 2.5 m above the level of the ground.".

78. Regulation added

The following is added -

"10A. Signboards

(1) Subject to paragraph (2) the maximum projection of any signboard erected over a street shall be 4.2 m.

(2) No portion of the signboard shall be within 1.5 m, measured horizontally, of a line drawn vertically from a point in the centre line of the street nearest to such portion of the signboard.

(3) Every signboard erected within 1 m of the outer edge of a footpath, or projecting over a road, shall have a clear space of not less than 5.8 m beneath every part of the signboard.

(4) Every signboard erected over a footpath shall have a clear space of not less than 3.5 m beneath every part of the signboard.

(5) Every signboard erected over a tramway shall have a clear space of not less than 7 m beneath every part of the signboard.

(6) No part of a signboard erected over a street shall have a horizontal distance of less than 2.4 m from any part of an adjacent signboard projecting from the same side of the street.

(7) Where 2 signboards are erected from the opposite side of a street, there shall be a clear space of not less than 3 m between them measured horizontally from each other.

(8) No signboard shall rest on or be attached to a canopy, except a signboard that is the subject matter of any building works specified by the Building Authority under section 41(3AA)(b) of the Ordinance."

79. Regulation added

The following is added -

"41D. Emergency vehicular access

(1) Every building shall be provided with an emergency vehicular access which is so designed and constructed as -

- (a) to allow safe and unobstructed access of a vehicle of the Fire Services Department to the building; and
- (b) to provide for the safe operation of such a vehicle,

in the event of a fire or other emergency.

(2) The design and construction of an emergency vehicular access shall be in accordance with such requirements as may be specified by the Building Authority from time to time having regard to the intended use of the building.

(3) The Building Authority may exempt a building from any or all of such requirements on design and construction if the Building Authority is satisfied that compliance with the requirement or requirements is -

- (a) impracticable having regard to the topographical features of the area on which the building is situated; or
- (b) unwarranted on the ground that the purpose for which the building is to be used constitutes a low fire risk.

(4) A building in respect of which an exemption under paragraph (3) is in force shall comply with such other fire safety measures as may be specified by the Building Authority for the

purpose of ensuring that the safety of the building would not be prejudiced by the exemption."

Consequential Amendments

Electronic Transactions (Exclusion) Order

80. Provisions excluded from application of section 5 of Ordinance

Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) is amended -

- (a) in item 9, in column 3, by repealing "8C(2), 8D(2), 17(1)(Column B), 19(1) and (4)" and substituting "8BA(1), 8C(2), 8D(2), 14(1), 17(1)(Column B), 19(1) and (5)";
- (b) in item 10, in column 3, by repealing "18(1), 18A, 23(1A) and (2)" and substituting "11B, 18(1), 18A, 23(1A) and (2), 25(3) to (8)".

81. Provisions excluded from application of section 6 of Ordinance

Schedule 2 is amended -

- (a) by repealing item 4;
- (b) in item 5, in column 3, by repealing "(2) and (3), 18(2), 20(1), 25(2), (3) and (4)" and substituting "(1A), (2), (3) and (5), 18(2), 20(1) and (1B)".

Explanatory Memorandum

This Bill amends the Buildings Ordinance (Cap. 123) ("the Ordinance") and 2 of the Regulations made under the Ordinance. The main objects of the amendments are to -

- (a) relax the regulation over minor building works and provide for a new register of minor works contractors who are qualified to carry out minor works;
- (b) provide for a new register of geotechnical engineers who are qualified to carry out geotechnical duties specified in the Bill;
- (c) provide for the composition of different Contractors Registration Committees and improve the relevant registration regimes;
- (d) provide for the maintenance of emergency vehicular access and expand the regulation-making powers of the Secretary for Housing, Planning and Lands to cover matters relating to the provision of emergency vehicular access;
- (e) amend section 24 of the Ordinance to make more detailed provisions on service of orders requiring demolition or alteration of buildings, building works or street works, and provide for registration of such orders in the Land Registry;
- (f) empower the Building Authority to issue notices of unauthorized building or building works, and provide for registration of such notices in the Land Registry;

- (g) create a new offence for a person who obstructs a person engaged by an owners' corporation in the carrying out of any works required for complying with an order served under the Ordinance on the owners' corporation;
- (h) empower the Building Authority to issue to a person copies of certain documents or plans and permit a person to inspect such documents or plans, upon payment of prescribed fees;
- (i) increase the fines for certain offences under the Ordinance;
- (j) redefine the scope of certain exempted works.

2. Clause 1 states the short title of the Bill and provides for its commencement.

3. Clause 2(a) amends the definition of "contraventions of the provisions of this Ordinance" by widening its scope of coverage.

4. Clause 2(b) amends the definition of "plan" by making it clear that the term includes geotechnical details and geotechnical calculations.

5. Clause 2(c) amends the definition of "Registration Committee" by including a reference to a Geotechnical Engineers Registration Committee established by clause 4(d).

6. Clause 2(d) amends the definition of "supervision plan". The amended definition now refers to a safety management plan prepared in compliance with the technical memorandum issued under section 39A of the Ordinance because under the proposed regulation regime for minor works, such a plan may not be required to be lodged to the Building Authority.

7. Clause 2(e) adds a number of new definitions to section 2(1) of the Ordinance as a result of the proposed amendments to the Ordinance.

8. Clause 3 amends the heading to Part I of the Ordinance by including a reference to registered geotechnical engineers.

9. Clause 4 amends section 3 of the Ordinance. The amendments contained in clause 4(a) to (j), (l) to (o), (q), (r), (t) and (u) relate to -

- (a) the keeping of a geotechnical engineers' register (clause 4(a));
- (b) the publication in the Gazette of the names of registered geotechnical engineers (clause 4(b));
- (c) the appointment of persons to a Geotechnical Engineers Registration Committee (clause 4(c), (e) and (f));
- (d) the composition of a Geotechnical Engineers Registration Committee (clause 4(d));
- (e) the quorum for a meeting of a Geotechnical Engineers Registration Committee (clause 4(g) and (h));
- (f) the hearing of an application for inclusion in the geotechnical engineers' register (clause 4(i));
- (g) the application for inclusion in the geotechnical engineers' register (clause 4(j), (n) and (q));
- (h) a consequential amendment to the definition of "register" in section 3(7D) of the Ordinance (clause 4(l));
- (i) the inclusion of a person's name in different registers (clause 4(m));

- (j) the application for retention of a person's name in the geotechnical engineers' register and removal of a person's name from the register (clause 4(o));
- (k) the registration of a geotechnical engineer (clause 4(r));
- (l) the removal of a person's name from the geotechnical engineers' register (clause 4(t) and (u))(clause 4(t) and (u) also repeals an obsolete reference to section 53F of the Ordinance).

10. Clause 4(k) repeals section 3(6A)(a) of the Ordinance so that an applicant for inclusion in the authorized persons' register, structural engineers' register or geotechnical engineers' register is not required to specify in his application the period for which he seeks his name to be retained in the register.

11. Clause 4(p)(ii) repeals an obsolete provision which refers to the same section 53F.

12. Clause 4(p)(iii) and (v) amends the registration period for an authorized person or a registered structural engineer. The registration period for a registered geotechnical engineer is also proposed to be 5 years.

13. Clause 4(s) repeals an obsolete provision which should have been repealed upon enactment of section 13A of the Ordinance.

14. Clause 5 amends section 4 of the Ordinance to provide for the appointment and duties of a registered geotechnical engineer.

15. Clause 6(a) is a consequential amendment to section 5(2) of the Ordinance in connection with the amendments to section 5A of the Ordinance.

16. Clause 6(b) amends section 5(2B) of the Ordinance by adding a reference to a registered geotechnical engineer so that he is also entitled to be represented by a legal practitioner at disciplinary proceedings.

17. Clause 7 amends section 5A of the Ordinance to reconstitute and rename the Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel.

18. Clause 8 adds a new section 6A to the Ordinance to empower the Building Authority to prohibit a person from certifying minor works in the capacity of an authorized person, a registered structural engineer or a registered geotechnical engineer.

19. Clause 9(a) to (c)(i), (ii) and (iii) amends section 7 of the Ordinance to make it applicable to a registered geotechnical engineer.

20. Clause 9(c)(iv), (v) and (vi) and the new section 7(2A) added by clause 9(d) are technical amendments to make it clearer that where the disciplinary board makes an order under section 7(2) of the Ordinance, it must order that its findings and order be published in the Gazette.

21. Clause 9(d) also adds new subsections (2B) to (2E) to section 7 of the Ordinance. Subsections (2B) and (2C) empower the Building Authority to refer cases of misconduct to a disciplinary board if the misconduct in question renders the authorized person, registered structural engineer or registered geotechnical engineer unfit for carrying out duties of certifying minor works. New subsection (2D) provides for the powers of a disciplinary board in respect of those referrals. New subsection (2E) imposes a duty on a disciplinary board.

22. Clause 9(e) adds a new subsection (5) to section 7 of the Ordinance to set out the circumstances under which the Building Authority should not refer a case of misconduct to a disciplinary board.

23. Clause 10(a) amends section 8(2) of the Ordinance to provide for the function of a Contractors Registration Committee in relation to registrations as a minor works contractor.

24. Clause 10(b) and (c) provides for the composition of different Contractors Registration Committees.

25. Clause 10(d) is a consequential amendment to section 8(5) of the Ordinance.

26. Clause 10(e) amends section 8(8) of the Ordinance to provide for the quorum for a meeting of the Contractors Registration Committee constituted under the newly added section 8(3B).

27. Clause 11(a) amends section 8A(1) of the Ordinance to require the Building Authority to keep a register of minor works contractors.

28. Clause 11(b) adds 3 new subsections to section 8A of the Ordinance. They empower the Building Authority to specify the types of building works to be regarded as minor works for the purposes of the Ordinance, and require the Building Authority to maintain 2 sub-registers for registered minor works contractors.

29. Clause 11(c) adds a further new subsection to section 8A of the Ordinance to impose a further duty on the Building Authority in relation to publication of the names of registered minor works contractors in the Gazette.

30. Clause 11(d) amends section 8A(4) of the Ordinance to empower the Building Authority to remove the name of a registered minor works contractor from the register of minor works contractors.

31. Clause 11(e) amends subsection (5) of section 8A of the Ordinance to extend the Building Authority's power under that subsection to a partner, director, etc. of a registered minor works contractor.

32. Clause 12(a), (d) to (k) amends section 8B of the Ordinance to provide for the procedures for applying for registration as a minor works contractor and the processing of the applications.

33. Clause 12(b) repeals a requirement in respect of an application as a general building contractor or specialist contractor.

34. Clause 12(c) repeals section 8B(5)(a) of the Ordinance so that an applicant for registration as a general building contractor, specialist contractor or minor works contractor is not required to specify in his application a period for which he seeks registration.

35. Clause 12(l) adds a new subsection to section 8B of the Ordinance to specify that the registration as a contractor is for a period of 3 years. At present it is either 1 year or 3 years.

36. Clause 13 adds a new section 8BA to the Ordinance to provide for the procedures for applying for cancellation or amendment of a condition of registration as a minor works contractor and the processing of the applications.

37. Clause 14(a)(i), (c), (d) and (e) amends section 8C of the Ordinance to provide for the procedures for applying for renewal of registration as a minor works contractor and the processing of the applications. The new subsection (9) added by clause 14(e) provides that a renewal of registration as a general building contractor, specialist contractor or minor works contractor is for a period of 3 years. At present, the registration for a general building contractor or specialist contractor is for a period of either 1 year or 3 years.

38. Clause 14(a)(ii) repeals an obsolete provision in section 8C of the Ordinance.

39. Clause 14(b) repeals a requirement for an applicant to specify the period for which he seeks renewal of registration.

40. Clause 15(a) repeals a requirement for an applicant to specify the period for which he seeks registration under section 8D of the Ordinance.

41. Clause 15(b) and (c) amends section 8D of the Ordinance to provide for the procedures for applying for restoring the name of a minor works contractor to the register of minor works contractors and the processing of the applications. The new subsection (6) added by clause 15(c) provides that a registration upon restoration of the name of a general building contractor, specialist contractor or minor works contractor is for a period of 3 years. At present, such a registration for a general building contractor or specialist contractor is for a period of either 1 year or 3 years.

42. Clause 16 amends section 8F(3) of the Ordinance to repeal an obsolete reference to section 53F of the Ordinance.

43. Clause 17 repeals an obsolete transitional provision.

44. Clause 18 amends section 9 of the Ordinance to provide for the appointment and duties of registered minor works contractors.

45. Clause 19(a) is a consequential amendment to section 11(2)(b) of the Ordinance in connection with the amendments to section 5A of the Ordinance.

46. Clause 19(b) amends section 11 of the Ordinance to provide for the composition of a disciplinary board where the matters to be referred to it relate to geotechnical works.

47. Clause 19(c) and (e) amends section 11 of the Ordinance to provide for the composition of a disciplinary board to hear and determine disciplinary proceedings against a registered minor works contractor.

48. Clause 19(d) amends section 11(3B) of the Ordinance by adding a reference to a registered minor works contractor so that he is also entitled to be represented by a legal practitioner at disciplinary proceedings.

49. Clause 20 adds a new section 12A to the Ordinance to empower the Building Authority to suspend the registration of a registered minor works contractor and prohibit a person from carrying out and certifying minor works in the capacity of a registered general building contractor or registered specialist contractor.

50. Clause 21(a) and (e) amends section 13 of the Ordinance to provide for the circumstances under which the Building Authority should not refer a case of misconduct to a disciplinary board. The new subsection (12) added by clause 21(e) provides that a contractor cannot deny liability in relation to minor works on the ground that the works are carried out or certified by his employees or agents.

51. Clause 21(b) adds new subsections (2A) and (2B) to section 13 of the Ordinance to empower the Building Authority to refer cases of misconduct to a disciplinary board if the misconduct in question renders the registered general building contractor or registered specialist contractor unfit for carrying out or certifying minor works, or renders the registered minor works contractor unfit to be on the register, etc.

52. Clause 21(c) repeals and replaces section 13(4) of the Ordinance to provide for the powers of a disciplinary board.

53. Clause 21(d) amends section 13(7) of the Ordinance by adding a reference to a registered minor works contractor so that he also has a right of appeal against an order of a disciplinary board.

54. Clause 22(a) and (b) amends section 14(1) of the Ordinance to relax the control on the commencement of minor works.

55. Clause 22(c) amends section 14(2) of the Ordinance to clarify that the acknowledgement by the Building Authority of the receipt of any plans or details submitted to him under the new section 14(1)(b) will also not act as a waiver of any term in any lease etc.

56. Clause 23 repeals and replaces section 14A(3) of the Ordinance to further provide that the person preparing a supervision plan must comply with the technical memorandum which is current at the commencement of the building works if the supervision plan need not be lodged with the Building Authority.

57. Clause 24 amends section 16(3)(bb) of the Ordinance by adding a reference to a registered geotechnical engineer so that the Building Authority may also refuse to give his consent to the commencement of any building works or street works if he is not satisfied that the registered geotechnical engineer has adequately provided protective measures for demolition works.

58. Clause 25 amends section 19 of the Ordinance by repealing subsection (4) and substituting 2 new subsections to provide that the requirements to give to the Building Authority notice of any urgent work, to submit to him a revised supervision plan, etc., only apply where a supervision plan has been lodged with the Building Authority.

59. Clause 26 adds a new paragraph to section 21(6) of the Ordinance to provide for one additional ground on which the Building Authority

may refuse to issue a temporary occupation permit or an occupation permit.

60. Clause 27 amends section 22(2)(a) of the Ordinance by adding a reference to the relevant registered minor works contractor so that he is also required under that section to provide access to the Building Authority, etc. to building works or street works.

61. Clause 28 amends section 23 of the Ordinance by adding references to a registered minor works contractor so that the Building Authority may also serve an order under section 23 of the Ordinance on him.

62. Clause 29(a) adds 2 new subsections to section 24 of the Ordinance to set out additional circumstances under which the Building Authority may make an order to require the demolition or alteration of buildings, building works or street works.

63. Clause 29(b) repeals section 24(2) of the Ordinance and substitutes 4 new subsections to make more detailed provisions on service of an order under section 24 of the Ordinance and to provide for registration of the order in the Land Registry.

64. Clause 29(c) is a consequential amendment.

65. Clause 29(d) repeals section 24(4) of the Ordinance and substitutes 4 new subsections to make more detailed provisions on recovery of costs of works carried out by the Building Authority.

66. Clause 30 adds a new section 24C to the Ordinance to empower the Building Authority to issue notices of unauthorized buildings or building works, and to provide for registration and deregistration of such notices in the Land Registry.

67. Clause 31 amends section 27A(2)(b) of the Ordinance so that an order declaring any land or structure to be dangerous may require the

person on whom the order is served to appoint the person or persons specified in the order to carry out investigations in relation to the land or structure.

68. Clause 32 adds a new section 29A to the Ordinance to provide for the maintenance of an emergency vehicular access and to provide for related matters.

69. Clause 33 adds a new subsection to section 36 of the Ordinance to empower the Building Authority to issue to a person copies of plans or documents specified in section 36(1) of the Ordinance and to permit a person to inspect such plans or documents, upon payment of prescribed fees.

70. Clause 34 amends section 36A of the Ordinance by adding a reference to any other form of record so that the plan or document recorded in that form may also be treated as the original plan or document.

71. Clause 35 amends section 36B of the Ordinance by adding a reference to any other form of record so that the Building Authority may also destroy or dispose a plan or document maintained by him after having made any other form of record of it.

72. Clause 36 amends section 38(1) of the Ordinance to expand the regulation-making powers of the Secretary for Housing, Planning and Lands.

73. Clause 37 amends section 39A(1)(f) of the Ordinance by adding a reference to a registered geotechnical engineer and registered minor works contractor so that a technical memorandum may also deal with the circumstances in which they are permitted to notify in retrospect for minor deviations from a supervision plan.

74. Clause 38 adds a new section 39B to the Ordinance to prohibit a person from obstructing a person engaged by an owners' corporation in the carrying out of any works required for complying with an order served under the Ordinance on the owners' corporation in relation to common parts of the building.

75. Clause 39 amends section 40 of the Ordinance to increase the fines for certain offences, create a number of offences for contravening some newly added provisions, and add references to a registered minor works contractor to subsections (2A), (2AA), (2AC) and (2B) of that section so that they are also covered under those subsections.

76. Clause 40 amends section 41 of the Ordinance to redefine the scope of certain exempted works.

77. Clause 41 amends section 44(2)(a) of the Ordinance so that the Building Authority is also not permitted to enforce a decision under the new section 6A(1) or 12A(1) until the appeal against the decision is disposed of, withdrawn or abandoned.

78. Clause 42 amends the definition of "amending Ordinance" in section 53E of the Ordinance so that in relation to the new sections 53J and 53K, it means the proposed Buildings (Amendment) Ordinance 2003.

79. Clause 43 adds 4 new sections to Part VII of the Ordinance. New sections 53H and 53I provide for inclusion in the geotechnical engineers' register of certain registered professional engineers and authorized persons even though they do not possess the prescribed qualifications. New section 53J provides that certain buildings works should not be treated as minor works for the purposes of the Ordinance even though they are of a type specified as such under the new section 8A(2A)(a). New section 53K provides for the transitional arrangements

in respect of certain applications under section 3, 8B, 8C or 8D of the Ordinance which are pending immediately before the commencement of the amendments to those sections.

80. Clauses 44 to 73 amend the Building (Administration) Regulations (Cap. 123 sub. leg. A)("the regulations").

81. Clause 44 amends regulation 2 of the regulations to add a definition of "geotechnical engineers' register".

82. Clause 45 amends the heading to Part II of the regulations.

83. Clause 46 amends regulation 3 of the regulations to provide for the qualification for inclusion in the geotechnical engineers' register.

84. Clause 47 amends regulation 4(1) of the regulations by adding references to the geotechnical engineers' register so that a person making application to be included in it is also required to meet the requirements specified in that regulation.

85. Clause 48 amends regulation 4A of the regulations to provide for the requirements for inclusion in the register of minor works contractors.

86. Clause 49 amends regulation 5 of the regulations by adding a reference to a registered geotechnical engineer so that he is also subject to the disclosure requirement under the regulations.

87. Clause 50 amends regulation 11(1) of the regulations so that a plan submitted to the Building Authority otherwise than for his approval should also be in duplicate.

88. Clause 51 adds a new regulation 11B to prescribe the requirement to submit site photographs in respect of category I or II minor works.

89. Clause 52 adds 2 new paragraphs to regulation 12 of the regulations. New paragraph (1A) specifies the persons who may prepare and sign the plans, structural details and calculations in respect of minor works. New paragraph (5) specifies that all geotechnical plans, geotechnical assessment, etc., shall be prepared and signed by a registered geotechnical engineer.

90. Clause 53 amends regulation 14(1) of the regulations so that a plan submitted to the Building Authority otherwise than for his approval should also be clear and intelligible.

91. Clause 54 amends regulation 15 of the regulations so that the Building Authority may also refuse to accept plans from 2 or more registered general building contractors, registered specialist contractors or registered minor works contractors in respect of works at the same premises.

92. Clause 55(a) amends regulation 18 of the regulations to provide for cases where the plans are prepared by a contractor or submitted to the Building Authority otherwise than for approval.

93. Clause 55(b) adds a new paragraph (3) to regulation 18 of the regulations to relax the control in respect of certain minor works.

94. Clause 56 amends regulation 18A of the regulations to provide for cases where the plans are prepared by a registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor, or where the plans are submitted to the Building Authority otherwise than for approval.

95. Clause 57 amends regulation 19 of the regulations to provide for cases where the plans or other details of building works or street works

are prepared by a registered geotechnical engineer, or where they are submitted to the Building Authority otherwise than for approval.

96. Clause 58(a) amends regulation 20(1) of the regulations by adding references to the registered minor works contractor so that the authorized person concerned is also required to notify the Building Authority of the appointment of the registered minor works contractor before the commencement of buildings works or street works.

97. Clause 58(b) adds 2 new paragraphs to regulation 20 of the regulations. New paragraph (1A) narrows the scope of application of regulation 20(1) of the regulations so that certain category II minor works and category III minor works are excluded from the application of that regulation. New paragraph (1B) provides for the notification requirements in respect of certain category II minor works.

98. Clause 58(c) amends regulation 20(2) of the regulations by adding a reference to the registered geotechnical engineer so as to impose the notification requirement under that regulation on him.

99. Clause 58(d) amends regulation 20(3) of the regulations by adding a reference to the registered minor works contractor so as to impose the notification requirement under that regulation on him.

100. Clause 58(e) adds a new paragraph (4) to regulation 20 of the regulations to narrow the scope of application of regulation 20(2) and (3) of the regulations so that certain minor works are excluded from the application of that regulation.

101. Clause 59(a) and (b) amends regulation 22(1) and (2) of the regulations to extend the scope its application to an appointment of a registered geotechnical engineer or registered minor works contractor.

102. Clause 59(c) to (e) amends regulation 22(3) to (7) of the regulations to impose the notification requirements under the regulation on registered geotechnical engineers and registered minor works contractors.

103. Clause 60 amends regulation 23 of the regulations to extend its application to an appointment of a registered geotechnical engineer.

104. Clause 61(a) and (b) renumbers regulation 24 of the regulations as regulation 24(1) and extends its application to a registered minor works contractor.

105. Clause 61(c) adds 2 new paragraphs to regulation 24 of the regulations. New paragraph (2) narrows the scope of application of regulation 24(1) of the regulations so that certain category II minor works and category III minor works are excluded from the application of that regulation. New paragraph (3) provides for the duties of a contractor appointed in respect of certain category II minor works if he ceases to be so appointed.

106. Clause 62 repeals and replaces regulation 25 of the regulations to provide for the duties of an authorized person, registered structural engineer, registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractor, upon completion of different kinds of building works in respect of which he is appointed.

107. Clause 63 contains a consequential amendment.

108. Clause 64 amends regulation 28 of the regulations to extend its application to registered geotechnical engineers and registered minor works contractors.

109. Clause 65(a) amends regulation 30 of the regulations by adding references to a registered geotechnical engineer so that the regulation can also be applicable in relation to him.

110. Clause 65(b) amends regulation 30(1)(b) of the regulations so that geotechnical calculations are also excluded from the application of that regulation.

111. Clause 66 amends the heading to Part V of the regulations.

112. Clause 67 amends regulation 35 of the regulations to extend its application to registered geotechnical engineers and registered minor works contractors.

113. Clause 68 amends the subheading before regulation 36 of the regulations.

114. Clause 69(a) amends regulation 36(1) of the regulations by adding a reference to the registered minor works contractor so that the authorized person concerned is also required to supply to him a copy of plans of building works or street works.

115. Clause 69(b) adds new paragraph (1A) to regulation 36 of the regulations to narrow the scope of application of regulation 36(1) of the regulations so that certain minor works are excluded from the application of that regulation.

116. Clause 69(c) amends regulation 36(2) of the regulations to provide for cases where geotechnical details have been prepared by a registered geotechnical engineer. The clause also adds a reference to the registered minor works contractor to regulation 36(2) of the regulations so that the authorized person concerned is also required to ensure that the contractor is also supplied with a copy of the structural details or geotechnical details.

117. Clause 69(d) adds 2 new paragraphs to regulation 36 of the regulations to impose a duty on an authorized person appointed in respect of category I minor works to supply a copy of plans of the works and other details to a registered contractor appointed in respect of the works.

118. Clause 70(a) amends regulation 37(2) of the regulations to extend its application to a registered geotechnical engineer in relation to geotechnical works.

119. Clause 70(b) amends regulation 37(3) of the regulations to extend its application to a registered geotechnical engineer.

120. Clause 71 amends regulation 39 of the regulations to extend its application to a registered geotechnical engineer.

121. Clause 72 repeals and replaces regulation 40 of the regulations to extend its application to a registered minor works contractor. The plans required to be kept under the regulation are also redefined as a result of the modifications to the regulatory regime of building works.

122. Clause 73(a) amends regulation 41 of the regulations to extend its application to registered minor works contractors and to provide for cases where the plans of minor works have been submitted to the Building Authority for record.

123. Clause 73(b) to (d) amends regulation 41(2), (4) and (6) of the regulations to extend its application to registered minor works contractors.

124. Clause 74 amends regulation 42 of the regulations to prescribe the fees for the purposes of the Bill.

125. Clause 75 amends regulation 44 of the regulations to extend its application to registered geotechnical engineers and registered minor works contractors as well as plans submitted to the Building Authority otherwise than for approval.

126. Clause 76 amends regulation 45 of the regulations to extend its application to registered geotechnical engineers and registered minor works contractors.

127. Clauses 77 to 79 amend the Building (Planning) Regulations (Cap. 123 sub. leg. F).

128. Clause 77 adds a new paragraph to regulation 7 of the Building (Planning) Regulations (Cap. 123 sub. leg. F) to provide for the specifications in respect of supporting structures for air-conditioning units, which project over a street.

129. Clause 78 adds a new regulation to provide for the specifications in respect of signboards.

130. Clause 79 adds a new regulation to provide for the requirement that every building shall be provided with an emergency vehicular access in accordance with requirements specified by the Building Authority.

131. Clauses 80 and 81 contain consequential amendments to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B).

Annex B

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	
Section:	1	Heading:	Short title	Version Date:	30/06/1997

(1) This Ordinance may be cited as the Buildings Ordinance.

(2) This Ordinance shall apply to the New Territories in the manner provided by the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121). (Replaced 60 of 1987 s. 14)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	2	Heading:	Interpretation	Version Date:	01/04/1998

Remarks:

Adaptation amendments retroactively made - see 29 of 1998 s. 105; 62 of 2000 s. 3

(1) In this Ordinance, unless the context otherwise requires-

"access road" (通路) means a road on land held under lease, licence or otherwise from the Government or on land over which the Government has granted a right of way, providing access only to buildings used or intended to be used wholly or mainly for purposes of habitation, and which is not a street; (Added 44 of 1959 s. 2. Amended 29 of 1998 s. 105)

"Architects Registration Board" (建築師註冊管理局) means the Architects Registration Board established by section 4 of the Architects Registration Ordinance (Cap 408); (Added 54 of 1996 s. 2)

"authorized person" (認可人士) means a person whose name is on the authorized persons' register kept under section 3(1)-

- (a) as an architect;
- (b) as an engineer; or
- (c) as a surveyor; (Replaced 54 of 1996 s. 2)

"building" (建築物) includes the whole, or any part, of any domestic or public building or building which is constructed or adapted for use for public entertainment, arch, bridge, cavern adapted or constructed to be used for the storage of petroleum products, chimney, cook-house, cowshed, dock, factory, garage, hangar, hoarding, latrine, matshed, office, oil storage installation, out-house, pier, shelter, shop, stable, stairs, wall, warehouse, wharf, workshop or tower, sea-wall, breakwater, jetty, mole, quay, cavern or any underground space adapted or constructed for occupation or use for any purpose including its associated access tunnels and access shafts, pylon or other similar structure

- supporting an aerial ropeway and such other structures as the Building Authority may by notice in the Gazette declare to be a building; (Amended 44 of 1959 s. 2; 19 of 1976 s. 32; 16 of 1978 s. 2; 5 of 1983 s. 2; 68 of 1993 s. 2; 72 of 1995 s. 15)
- "Building Authority" (建築事務監督) means the Director of Buildings; (Amended L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)
- "building owner" (建築物擁有人) means a person desiring to build a new building or to alter an existing building and shall include the agent of and authorized person appointed by a building owner; (Amended 91 of 1990 s. 2)
- "building works" (建築工程) includes any kind of building construction, site formation works, ground investigation in the scheduled areas, foundation works, repairs, demolition, alteration, addition and every kind of building operation, and includes drainage works; (Amended 72 of 1980 s. 3; 41 of 1982 s. 2; 52 of 1990 s. 2)
- "composite building" (綜合用途建築物) means a building that is partly domestic and partly non-domestic; (Added 73 of 1983 s. 2)
- "contraventions of the provisions of this Ordinance" (違反本條例的條文) includes failure to comply with any order given or any condition imposed by the Building Authority under the provisions of this Ordinance and any material divergence or deviation from any plan approved by him; (Added 44 of 1959 s. 2)
- "dangerous building" (危險建築物) means any building in such a condition as to cause risk of injury either to the occupiers or users of such building or to the occupiers or users of any neighbouring building or to the general public;
- "design assumption" (設計假定) means an assumption stated or implied in the design calculations or other documentation in respect of building works submitted to the Building Authority; (Added 72 of 1980 s. 3)
- "domestic" (住用), when used in relation to a part of a composite building, means a part that is constructed or intended for habitation; (Added 73 of 1983 s. 2)
- "domestic building" (住用建築物) means a building constructed or intended to be used for habitation and the expression "domestic purposes" (住用用途) shall be construed accordingly; (Added 73 of 1983 s. 2)
- "drain" (排水渠) means a drain used for the drainage of one building and any buildings and yards appurtenant thereto; (Added 44 of 1959 s. 2)
- "drainage works" (排水工程) means any work connected with the construction, repair, alteration, disconnection, trapping and ventilation of drains or sewers; (Added 44 of 1959 s. 2)
- "Engineers Registration Board" (工程師註冊管理局) means the Engineers Registration Board established by section 3 of the Engineers Registration Ordinance (Cap 409); (Added 54 of 1996 s. 2)
- "escalator" (自動梯) has the meaning assigned to it in section 2 of the Lifts and Escalators (Safety) Ordinance (Cap 327); (Added 43 of 1987 s. 44)
- "frontagers" (臨街處所擁有人) means, in the case of a private street the owners of premises fronting, joining or abutting on such street, and in the case of an access road the owners of premises to which such road provides access; (Added 44 of 1959 s. 2)
- "ground investigation" (土地勘測) means any exploratory drilling, boring, excavating and probing of land for obtaining any information on ground conditions and includes the installation of instruments, sampling, field testing, any other site operation and laboratory testing of samples obtained from such operations; (Added 41 of 1982 s. 2)
- "groundwater drainage works" (地下水排水工程) means any work or installation connected with the draining of water flowing, percolating or lying under the surface of land but does not include

- drainage works as defined in this section; (Added 41 of 1982 s. 2)
- "habitation" (居住) in relation to the use of a building, or part of a building, includes use of it for hotel, guest-house, boarding-house, hostel, dormitory or similar accommodation; (Added 73 of 1983 s. 2)
- "hand-dug caisson" (人工挖掘沉箱) means any foundation or earth-retaining structure, or part thereof, the construction of which includes the excavation of a shaft in the ground by means of digging carried out by any person inside the shaft with or without the aid of machine tools; (Added 6 of 1995 s. 2)
- "Land Registry" (土地註冊處) means the Land Registry referred to in section 2(1) of the Land Registration Ordinance (Cap 128); (Added 55 of 1996 s. 2)
- "lift" (升降機) has the meaning assigned to it in section 2 of the Lifts and Escalators (Safety) Ordinance (Cap 327); (Replaced 43 of 1993 s. 2)
- "new building" (新建築物) means any building hereafter erected and also any existing building of which not less than one half measured by volume is rebuilt or which is altered to such an extent as to necessitate the reconstruction of not less than one half of the superficial area of the main walls;
- "non-domestic" (非住用), when used in relation to a part of a composite building, means a part that is constructed or intended for use otherwise than for habitation; (Added 73 of 1983 s. 2)
- "non-domestic building" (非住用建築物) means a building that is not a domestic building; (Added 73 of 1983 s. 2)
- "occupier" (佔用人) means in the case of domestic buildings a person resident therein and in the case of other buildings means a person carrying on an occupation full-time in such building;
- "oil storage installation" (貯油裝置) means any tank having a capacity of not less than 110000 litres, or a group of tanks any one of which is a tank having a capacity of not less than 110000 litres, constructed above ground level for the purpose of storing petroleum products; (Added 16 of 1978 s. 2. Amended 68 of 1993 s. 2)
- "owner" (擁有人) includes any person holding premises direct from the Government whether under lease, licence or otherwise, any mortgagee in possession and any person receiving the rent of any premises, solely or with another, on his own behalf or that of any person, or who would receive the same if such premises were let to a tenant, and where such owner as above defined cannot be found or ascertained or is absent from Hong Kong or is under disability, the agent of such owner; (Amended 29 of 1998 s. 105; 62 of 2000 s. 3)
- "performance review" (表現檢討) means a report in respect of building works, submitted by an authorized person, stating and justifying that the building works have been inspected and monitored in the course of construction and that the geotechnical design assumptions upon which the building works have been based are valid; (Added 41 of 1982 s. 2)
- "petroleum products" (石油產品) means crude petroleum or petroleum feed-stock and includes-
- (a) semi-refined petroleum; and
 - (b) wholly refined petroleum,
- which is liquid or solid at ambient temperatures and pressures; (Replaced 68 of 1993 s. 2)
- "place of public entertainment" (公眾娛樂場所) and "public entertainment" (公眾娛樂) have the same meanings assigned to them, respectively, by the Places of Public Entertainment Ordinance (Cap 172); (Added 72 of 1995 s. 15)
- "plan" (圖則) includes drawings, details, diagrams, calculations, structural details and structural calculations; (Added 44 of 1959 s. 2)
- "prescribed qualification" (訂明資格) means the qualification prescribed under this Ordinance or by the respective Registration Ordinance for inclusion in the respective register; (Added 54 of 1996 s. 2)
- "private street" (私家街道) means a street on land held under lease, licence or otherwise from the

- Government or on land over which the Government has granted a right of way; (Added 44 of 1959 s. 2. Amended 29 of 1998 s. 105)
- "register" (名冊) means a register maintained under this Ordinance and includes a sub-register; (Added 54 of 1996 s. 2)
- "registered architect" (註冊建築師) means a person whose name is on the register of registered architects established and maintained under section 8 of the Architects Registration Ordinance (Cap 408); (Added 54 of 1996 s. 2)
- "registered general building contractor" (註冊一般建築承建商) means a person whose name is for the time being on the register of general building contractors maintained under section 8A; (Added 54 of 1996 s. 2)
- "registered professional engineer" (註冊專業工程師) means a person whose name is on the register of registered professional engineers established and maintained under section 7 of the Engineers Registration Ordinance (Cap 409); (Added 54 of 1996 s. 2)
- "registered professional surveyor" (註冊專業測量師) means a person whose name is on the register of registered professional surveyors established and maintained under section 7 of the Surveyors Registration Ordinance (Cap 417); (Added 54 of 1996 s. 2)
- "registered specialist contractor" (註冊專門承建商) means a person whose name is for the time being on the register of specialist contractors maintained under section 8A; (Added 54 of 1996 s. 2)
- "registered structural engineer" (註冊結構工程師) means a person whose name is for the time being on the structural engineers' register kept under section 3(3); (Added 52 of 1974 s. 2)
- "Registration Committee" (註冊事務委員會) means an Authorized Persons Registration Committee, a Structural Engineers Registration Committee or a Contractors Registration Committee, as the case requires; (Added 54 of 1996 s. 2)
- "Registration Ordinance" (註冊條例) means the Architects Registration Ordinance (Cap 408), the Engineers Registration Ordinance (Cap 409) or the Surveyors Registration Ordinance (Cap 417), as the case may be; (Added 54 of 1996 s. 2)
- "regulations" (規例) means rules and regulations made under this Ordinance;
- "scheduled areas" (附表所列地區) means the areas specified in the Fifth Schedule and references to a building or building works in the scheduled areas are, in the case of a building or building works situated partly in one of the scheduled areas, references to that part of the building or building works so situated; (Replaced 52 of 1990 s. 2)
- "sewer" (污水渠) does not include a drain as defined in this section, but includes all sewers and drains used for the drainage of more than one building and any buildings and yards appurtenant thereto; (Added 44 of 1959 s. 2)
- "site formation works" (地盤平整工程) includes excavations on sloping land, filling, landslip preventive works, landslip remedial works and ground water drainage works; (Added 72 of 1980 s. 3. Amended 41 of 1982 s. 2)
- "specialized works" (專門工程) means the categories of building works or street works the Building Authority designates by notice in the Gazette as works that are required to be carried out by a registered specialist contractor; (Added 54 of 1996 s. 2)
- "specified" (指明), in relation to a form, means specified by the Building Authority under section 22(4); (Added 68 of 1993 s. 2)
- "street" (街道) includes the whole or any part of any square, court or alley, highway, lane, road, road-bridge, footpath, or passage whether a thoroughfare or not;
- "street works" (街道工程) means any work for the construction, formation or laying out of any private street or access road, including the surfacing, channelling, draining and lighting thereof, or for the reconstruction, alteration or repair thereof; (Added 44 of 1959 s. 2)

"supervision plan" (監工計劃書) means a plan setting out the plan of safety management of building works or street works lodged by an authorized person with the Building Authority-

(a) prior to or at the time of application for consent to the commencement of building works or street works; or

(b) as a result of carrying out urgent works,

and includes a revised supervision plan lodged as a result of any amendments necessary under this Ordinance; (Added 54 of 1996 s. 2)

"Surveyors Registration Board" (測量師註冊管理局) means the Surveyors Registration Board established by section 3 of the Surveyors Registration Ordinance (Cap 417); (Added 54 of 1996 s. 2)

"ventilating system" (通風系統) means a mechanical system for introducing or exhausting air; (Added 23 of 1971 s. 2)

"water pipe" (水管) means any water carrying pipe and fittings thereto other than a drain or sewer but does not include any pipe or fitting forming any part of a fire service or inside service within the meaning of the Waterworks Ordinance (Cap 102) the costs of maintenance of which shall, under section 17(2)(b) of that Ordinance, be borne by the Water Authority. (Added 55 of 1996 s. 2)

(Amended 43 of 1993 s. 2; 54 of 1996 s. 2)

(2) The duties imposed on and the powers granted to the Building Authority under this Ordinance may be carried out and exercised by an officer of any Department of the Government specified in the Fourth Schedule who is authorized by the Director of Buildings either generally or particularly and subject to his instructions. (Amended L.N. 76 of 1982; 73 of 1985 s. 2; L.N. 94 of 1986; L.N. 291 of 1993)

(3) The Legislative Council may by resolution amend the Fourth or Fifth Schedule. (Added 73 of 1985 s. 2. Amended 6 of 1995 s. 2)

(4) Any reference in Part I or VII to registration in any register shall be construed as the inclusion, retention, further retention or restoration of a person's name in or to the relevant register, as the case may require. (Added 77 of 1994 s. 2)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 259 of 2000
Section:	3	Heading:	*Registers of authorized persons and structural engineers	Version Date:	01/11/2000

PART I

AUTHORIZED PERSONS, REGISTERED STRUCTURAL ENGINEERS AND REGISTERED CONTRACTORS

(Amended 52 of 1974 s. 3; 43 of 1987 s. 44; 54 of 1996 s. 3)

(1) The Building Authority shall keep a register (hereinafter referred to as the "authorized persons' register") of all persons who are qualified to perform the duties and functions of an authorized person in accordance with this Ordinance.

(2) The authorized persons' register contains-

- (a) a list of architects;
- (b) a list of engineers; and
- (c) a list of surveyors. (Replaced 54 of 1996 s. 4)

(3) The Building Authority shall keep a register (hereinafter referred to as the "structural engineers' register") of all persons who are qualified to perform the duties and functions of structural engineers (relating to more advanced structural designs of building works or street works) in accordance with this Ordinance.

- (4) The Building Authority shall publish annually in the Gazette the names of-
- (a) the persons included in each of the lists in the authorized persons' register; and
 - (b) the persons included in the structural engineers' register.

(5) The Building Authority is to establish 2 panels with sufficient members from whom he is to appoint committees to be known respectively as Authorized Persons Registration Committees and Structural Engineers Registration Committees. The Building Authority may appoint more than one Registration Committee of each type at any one time. (Replaced 54 of 1996 s. 4)

(5A) The function of a Registration Committee is to assist the Building Authority in considering applications for inclusion in the relevant register by-

- (a) examining the qualifications of applicants;
- (b) inquiring as the relevant Registration Committee considers necessary to ascertain whether an applicant has the relevant experience;
- (c) conducting professional interviews with applicants; and
- (d) advising the Building Authority to accept, defer or reject applications for inclusion in the relevant register. (Added 54 of 1996 s. 4)

(5B) An Authorized Persons Registration Committee consists of-

- (a) 4 authorized persons nominated by the Architects Registration Board from the list of architects in the authorized persons' register;
- (b) 2 authorized persons nominated by the Engineers Registration Board from the list of engineers in the authorized persons' register;
- (c) 1 authorized person nominated by the Surveyors Registration Board from the list of surveyors in the authorized persons' register;
- (d) an Assistant Director of Buildings nominated by the Building Authority; and
- (e) 1 person selected by the Building Authority from among the persons nominated in accordance with subsection (5E). (Added 54 of 1996 s. 4)

(5C) A Structural Engineers Registration Committee consists of-

- (a) 3 registered structural engineers nominated by the Engineers Registration Board;
- (b) 1 authorized person nominated by the Architects Registration Board from the list of architects in the authorized persons' register;
- (c) 1 authorized person nominated by the Surveyors Registration Board from the list of surveyors in the authorized persons' register;
- (d) an Assistant Director of Buildings nominated by the Building Authority; and
- (e) 1 person selected by the Building Authority from among the persons nominated in accordance with subsection (5E). (Added 54 of 1996 s. 4)

(5D) The Building Authority is to appoint an officer of the Buildings Department as the secretary of each Registration Committee, who is not a member of either Registration Committee and may not cast a vote. (Added 54 of 1996 s. 4)

(5E) For the purpose of subsections (5B) and (5C), the Building Authority is to invite such bodies as the Building Authority may think fit to nominate persons for the Building Authority to consider for appointment to each of the respective Registration Committees. (Added 54 of 1996 s. 4)

(5F) A person appointed to be a member of the Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel under section 5A must not be a member of a Registration Committee. (Added 54 of 1996 s. 4)

(5G) The quorum for a meeting of a Registration Committee is-

- (a) the Chairman of the committee;
- (b) the Assistant Director of Buildings nominated under subsection (5B)(d) or (5C)(d); and
- (c) 3 other members for an Authorized Persons Registration Committee and 2 other members for a Structural Engineers Registration Committee. (Added 54 of 1996 s. 4)

(5H) At least one member of the Registration Committee at a meeting hearing an application for inclusion in a register must be-

- (a) for an Authorized Persons Registration Committee, on the same list in the authorized persons' register as that on which the applicant wishes to be included; and
- (b) for a Structural Engineers Registration Committee, a registered structural engineer. (Added 54 of 1996 s. 4)

(5I) The Chairman of a Registration Committee is elected by its members. (Added 54 of 1996 s. 4)

(5J) A Registration Committee is required to meet as often as the Building Authority directs. (Added 54 of 1996 s. 4)

(6) Every applicant for inclusion in the authorized persons' register or the structural engineers' register shall submit his application in the specified form to the secretary of the respective Registration Committee. (Amended 68 of 1993 s. 3)

(6A) An applicant under subsection (6)-

- (a) shall specify in the application a period (which shall be a period of 12 months beginning on the date of inclusion of his name in the register concerned) as the period for which he seeks his name to be retained in that register;
- (b) shall pay-
 - (i) upon submission of the application, the nonrefundable prescribed fee for processing of the application;
 - (ii) upon the application being granted, the respective prescribed fees for inclusion and retention of his name in the appropriate register. (Replaced 39 of 2000 s. 2)

(7) A person must not be included in a register unless-

- (a) he has obtained the prescribed qualifications; and
- (b) he is recommended by the respective Registration Committee for inclusion. (Replaced 54 of 1996 s. 4)

(7A) If an applicant for inclusion in a register fails to satisfy subsection (7), the Building Authority shall refuse the application. (Added 54 of 1996 s. 4)

(7B) If an applicant for inclusion in a register satisfies subsection (7), the Building Authority shall grant the application unless for other reasons he thinks fit to refuse the application. (Added 54 of 1996 s. 4)

(7C) The Building Authority shall give reasons in writing to-

- (a) the applicant for the refusal of an application for inclusion in a register;
- (b) the respective Registration Committee for the refusal of an application for inclusion in a register,

and the reasons must refer to the requirements of subsections (7) and (7B). (Added 54 of 1996 s. 4)

(7D) In subsections (7) to (7C), "register" (名冊) means the authorized persons' register kept under subsection (1) or the structural engineers' register kept under subsection (3), as the case may be. (Added 54 of 1996 s. 4)

(8) Subject to subsection (7), a person's name may be included in both the authorized persons' register and the structural engineers' register and in more than 1 list in the authorized persons' register.

(9) In respect of every application for inclusion in any list in the authorized persons' register or in the structural engineers' register, the Building Authority shall within 3 months from the date of the meeting of the respective Registration Committee at which the application was considered-

- (a) on payment by the applicant of the prescribed fees mentioned in subsection (6A)(b)(ii), publish in the Gazette and enter in the appropriate list or, as the case may be, register the name of that applicant; or (Replaced 39 of 2000 s. 2)

(b) inform the applicant that his application is deferred for a period not exceeding 12 months;
or

(c) refuse his application.

(9A) An application that has been deferred under subsection (9)(b) shall, when it comes up for consideration again-

(a) be accepted, so that the applicant is included in the appropriate list or registered, as the case may be, upon payment of the prescribed fee; or

(b) be refused. (Added 57 of 1987 s. 3)

(9B) A person-

(a) whose name is included or retained in or restored to the authorized persons' register or the structural engineers' register, under this section; or

(b) whose registration expires pursuant to section 53F(1)(i),

may apply to the Building Authority, in accordance with subsection (9C), for the further retention or retention, as may be appropriate, of his name in the register for a period of 12 months. (Added 77 of 1994 s. 3)

(9C) An application under subsection (9B) shall be-

(a) in the specified form;

(b) made so as to be received by the Building Authority not earlier than 4 months and not later than 28 days prior to the date of the expiry of the relevant registration; and
(Replaced 54 of 1996 s. 4)

(c) accompanied by the appropriate prescribed fee; (Added 77 of 1994 s. 3)

(d) accompanied by a copy of a valid certificate of registration or of renewal of registration issued under the respective Registration Ordinance. (Added 54 of 1996 s. 4)

(9D) The Building Authority shall refuse an application under subsection (9B) unless the applicant holds the prescribed qualifications for registration as an authorized person or a registered structural engineer. (Added 54 of 1996 s. 4)

(9E) The registration of an authorized person or structural engineer will continue to be in force if he makes an application for retention within the time limit and pays the retention fee until his application for retention is finalised by the Building Authority, subject to any decision of the relevant Disciplinary Board.
(Added 54 of 1996 s. 4)

(10) Where an application made under subsection (6) is refused or deferred under subsection (9) or (9A), the applicant may appeal under section 44 from the refusal or decision to defer. (Replaced 77 of 1994 s. 3)

(11) The Building Authority may remove from the authorized persons' register or the structural engineers' register, after sending by post notice of his intention to the last known address of the person, the name of any person who-

(a) is deceased; or (Amended 77 of 1994 s. 3)

(b) is not practising the profession in respect of which the name of that person was included in the register. (Replaced 75 of 1976 s. 2. Amended 77 of 1994 s. 3)

(c) (Repealed 77 of 1994 s. 3)

(11A) A name included or retained in or restored to the authorized persons' register or the structural engineers' register or both such registers, under this section or pursuant to section 53F, shall be removed by the Building Authority (with or without notice to the person concerned) if the Building Authority does not-

(a) before the date of expiry of the relevant registration, receive an application under subsection (9B) as regards such registration; or

(b) allow such an application received by him,

and any such removal shall be effective from the date of expiry of that registration. (Added 77 of 1994 s. 3)

(11B) The Building Authority shall remove a name included or retained in or restored to the authorized persons' register or the structural engineers' register under this section or section 53F if the

Building Authority receives notice that an authorized person or a registered structural engineer has ceased to hold the prescribed qualifications by virtue of which he was registered. (Added 54 of 1996 s. 4)

(11C) The Building Authority shall give notice of the removal of a name from a register under subsection (11B), by prepaid registered post to the person's last known address. (Added 54 of 1996 s. 4)

(12) A person whose name is removed under subsection (11A), (11B) or (11C) may, within 2 years beginning on the date the relevant registration expires, apply for the restoration of his name to the relevant register. (Replaced 77 of 1994 s. 3)

(13) An application under subsection (12) shall-

- (a) be in the specified form;
- (b) (Repealed 54 of 1996 s. 4)
- (c) be accompanied by the prescribed fee for such restoration and the prescribed fee for retention of registration for 12 months; (Added 77 of 1994 s. 3)
- (d) be accompanied by a copy of a valid certificate of registration or of renewal of registration issued under the respective Registration Ordinance. (Added 54 of 1996 s. 4)

(13A) The Building Authority shall refuse an application under subsection (12) unless the applicant holds the prescribed qualifications for registration as an authorized person or a registered structural engineer. (Added 54 of 1996 s. 4)

(14) Where the Building Authority allows an application made under subsection (6), (9B) or (12) he shall-

- (a) issue to the applicant as regards the relevant registration a certificate of registration, which shall be in effect until the expiry of that registration; and
- (b) in the case of an application under subsection (12), restore the name of the applicant to the relevant register. (Added 77 of 1994 s. 3)

(15) A registration under this section shall-

- (a) be effective, in the case of-
 - (i) an inclusion in or restoration to a register of a person's name, from the date of such inclusion or restoration; and
 - (ii) a retention or further retention of a person's name in a register, from the date of the expiry of the previous registration; and
- (b) expire, unless the person's name is removed from the relevant register by order of a disciplinary board, at the expiry of 12 months from the effective date of registration calculated in accordance with paragraph (a). (Replaced 54 of 1996 s. 4)

(16) The Building Authority is required to give reasons in writing for a decision not to include, retain or restore a person's name in a register at the time of giving notice of the refusal. (Added 54 of 1996 s. 4)

(Replaced 52 of 1974 s. 4. Amended 54 of 1996 s. 4)

* Please see the transitional provisions contained in s. 33 of 54 of 1996, which section is reproduced immediately after s. 55.

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 619 of 1997
Section:	4	Heading:	Appointment and duties of authorized person or registered structural engineer	Version Date:	22/12/1997

- (1) Every person for whom building works or street works are to be carried out shall appoint-
- (a) an authorized person as the co-ordinator of such building works or street works; and
 - (b) a registered structural engineer for the structural elements of such building works or street works if so required under this Ordinance. (Amended 54 of 1996 s. 5)

(2) If an authorized person or a registered structural engineer so appointed becomes unwilling to act or unable, whether by reason of the termination of his appointment or for any other reason, to act, the person for whom the building works or street works are to be or are being carried out shall appoint another authorized person or registered structural engineer, as the case may be, in his stead:

Provided that, where an authorized person or a registered structural engineer, is temporarily unable to act by reason of his illness or absence from Hong Kong, he may nominate another authorized person or registered structural engineer to act in his stead for the period of such illness or absence.

(3) Any authorized person and any registered structural engineer appointed or nominated under subsection (1) or (2) shall-

- (a) supervise the carrying out of the building works or street works, as the case may be, in accordance with the supervision plan; (Amended 54 of 1996 s. 5)
- (b) notify the Building Authority of any contravention of the regulations which would result from the carrying out of any work shown in any plan approved by the Building Authority in respect of the building works or street works; and
- (c) comply generally with this Ordinance.

(4) A structural engineer may not be appointed under subsection (1)(b) unless he is registered in the structural engineers' register. (Amended 54 of 1996 s. 5)

(Replaced 52 of 1974 s. 4)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 106 of 2002
Section:	5	Heading:	Appointment and powers of disciplinary board	Version Date:	01/07/2002

(1) For the purposes of section 7, the Secretary for Housing, Planning and Lands may, from time to time, appoint a disciplinary board. (Amended 77 of 1994 s. 4; 36 of 1997 s. 2; L.N. 330 of 1999; L.N. 106 of 2002)

(2) Every such board shall consist of-

- (a) 4 persons who are members of the Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel appointed under section 5A, at least 1 of whom is on the same register and, in the case of the authorized persons' register, on the same list of the register as the person about whom the inquiry is being held; and (Replaced 54 of 1996 s. 6. Amended 36 of 1997 s. 2)
- (b) 1 person selected from among the persons nominated in accordance with subsection (3A). (Replaced 36 of 1997 s. 2)
- (c) (Repealed 54 of 1996 s. 6)

(2A) The chairman of a disciplinary board shall appoint a legal adviser to assist in the conduct of the hearing of the disciplinary proceedings and to advise the disciplinary board on points of law that arise during the hearing. The disciplinary board may confer with the legal adviser after the conclusion of the

hearing and before it hands down its decision but only after giving the person who is the subject of the hearing and his legal representative, if any, the right to be present while the legal adviser gives advice to the disciplinary board and the right to comment on the matters raised by the legal adviser to the disciplinary board. (Added 54 of 1996 s. 6)

(2B) An authorized person or a registered structural engineer, against whom disciplinary proceedings are taken, is entitled to be represented by a legal practitioner at disciplinary proceedings. (Added 54 of 1996 s. 6)

(3) The chairman of a disciplinary board appointed under this section shall be elected from the members of the board by its members. (Amended 36 of 1997 s. 2)

(3A) For the purpose of subsection (2)(b), the Building Authority is to invite such bodies as the Building Authority may think fit to nominate persons for the Secretary for Housing, Planning and Lands to consider for appointment to the disciplinary board. (Added 36 of 1997 s. 2. Amended L.N. 330 of 1999; L.N. 106 of 2002)

(4) For the purposes of any inquiry under section 7, a disciplinary board appointed under this section shall have all such powers as are vested in the Court of First Instance in relation to- (Amended 25 of 1998 s. 2)

- (a) enforcing the attendance of witnesses and examining them upon oath or otherwise;
- (b) compelling the production of documents;
- (c) ordering the inspection of premises; and
- (d) entering upon and viewing premises.

(5) The members of any disciplinary board appointed under this section, other than persons who are in full-time employment in any office of emolument under the Government, shall be remunerated at such rate as the Chief Executive may determine from time to time or in any particular case. (Amended 62 of 2000 s. 3)

(Replaced 52 of 1974 s. 4)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	62 of 2000
Section:	5A	Heading:	Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 62 of 2000 s. 3

(1) There shall be an Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel, which shall be appointed by the Chief Executive. (Amended 62 of 2000 s. 3)

(2) The Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel consists of not more than 20 members, of whom not less than 1 and not more than-

- (a) 5 are authorized persons in the list of architects;
- (b) 5 are authorized persons in the list of engineers;
- (c) 5 are authorized persons in the list of surveyors; and
- (d) 5 are registered structural engineers. (Replaced 54 of 1996 s. 7)

(3) A person must not be appointed to be a member of the Panel referred to in subsection (2) unless he has been recommended for the appointment by the Building Authority after consultation with the Architects Registration Board, the Engineers Registration Board or the Surveyors Registration Board respectively, as appropriate. (Replaced 54 of 1996 s. 7)

(4) Members of the panel shall hold office for 3 years but shall be eligible for reappointment.
(Added 52 of 1974 s. 4)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	25 of 1998 s. 2
Section:	7	Heading:	Disciplinary proceedings for authorized person or registered structural engineer	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) The Building Authority may bring to the notice of a disciplinary board appointed under section 5 the matters set out in subsection (1A) in relation to an authorized person or a registered structural engineer if the conduct referred to the disciplinary board may-

- (a) render the person unfit to remain on the relevant register;
- (b) make further inclusion of the person on the relevant register prejudicial to the due administration of this Ordinance; or
- (c) render the authorized person or registered structural engineer deserving of suspension from the register, a fine or a reprimand. (Replaced 54 of 1996 s. 8)

(1A) The matters referred to in subsection (1) are that the person-

- (a) has been convicted by any court of an offence related to carrying out his professional duties;
- (b) has been negligent or has misconducted himself in a professional way;
- (c) has permitted a material deviation from a supervision plan for which he is responsible without reasonable cause;
- (d) has drawn up a supervision plan that does not comply with the material requirements of this Ordinance;
- (e) has repeatedly drawn up supervision plans that do not comply with the requirements of this Ordinance. (Added 54 of 1996 s. 8)

(2) Where, after due inquiry, the disciplinary board is satisfied that the authorized person or the registered structural engineer has been convicted of such an offence, has been negligent or has misconducted himself in a professional way or has deviated in a material manner from a supervision plan without reasonable cause or has drawn up a supervision plan that does not comply with the material requirements of this Ordinance or has repeatedly drawn up supervision plans that do not comply with the requirements of this Ordinance, in the manner referred to in subsection (1A)(a), (b), (c), (d) or (e), the disciplinary board may- (Amended 54 of 1996 s. 8)

- (a) order that the name of such person be removed-
 - (i) from the authorized persons' or the structural engineers' register, as the case may be;
- or

- (ii) if his name appears in both registers, from both registers, either permanently or for such period as the board thinks fit; or
- (b) order that such person be reprimanded; and
- (ba) order that the authorized person or registered structural engineer be fined a sum not exceeding \$250000, which is recoverable as a debt due to the Government; or (Added 54 of 1996 s. 8)
- (c) order that its findings and order be published in the Gazette.
- (3) On an inquiry under this section, a disciplinary board may make such order as it thinks fit with regard to the payment of the costs of the inquiry and the costs of the Building Authority or of the authorized person or registered structural engineer in respect of whom the inquiry is held.
- (4) (a) Any authorized person or registered structural engineer aggrieved by any order made in respect of him under this section may appeal to a judge of the Court of First Instance and upon any such appeal the judge may confirm, reverse or vary the order of the disciplinary board. (Amended 54 of 1996 s. 8; 25 of 1998 s. 2)
- (b) The practice in relation to any such appeal shall be subject to any rules of court made under the High Court Ordinance (Cap 4). (Amended 25 of 1998 s. 2)
- (c) The decision of the judge on any such appeal shall be final. (Amended L.N. 137 of 1981)

(Replaced 52 of 1974 s. 6)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	8	Heading:	Contractors Registration Committee	Version Date:	01/04/1998

Remarks:

1. The amendments to this section made by Ord. No. 54 of 1996 s. 9 have come into operation on 7 November 1997 (in so far as that section repeals section 8 in respect of registered contractors and substitutes the new section 8, 8A, 8B, 8C, 8D, 8E, 8F and 8G in respect of registered general building contractors).
2. Remaining provisions of this section have commenced operation since 1 April 1998.

(1) The Building Authority is to establish a panel with sufficient members from whom he is to appoint committees to be known as Contractors Registration Committees. The Building Authority may appoint more than one Registration Committee at any one time.

(2) The function of a Contractors Registration Committee is to assist the Building Authority in considering applications for inclusion in a register by-

- (a) examining the qualifications of applicants;
- (b) inquiring as the relevant Registration Committee considers necessary to ascertain whether an applicant has the relevant experience;
- (c) conducting interviews with applicants; and
- (d) advising the Building Authority to accept, defer or reject applications for inclusion in the relevant register.

(3) A Contractors Registration Committee consists of-

- (a) the Building Authority's representative;
 - (b) 3 persons, 1 of whom is nominated by each of the Hong Kong Institute of Architects, the Hong Kong Institute of Surveyors and the Hong Kong Institution of Engineers from the lists of authorized persons and registered structural engineers;
 - (c) 3 persons nominated by The Hong Kong Construction Association Ltd.;
 - (d) 1 person nominated by The Hong Kong E & M Contractors' Association Limited;
 - (e) 1 person selected by the Building Authority from among persons nominated by such bodies as the Building Authority may think fit.
- (4) A Contractors Registration Committee is required to meet as often as the Building Authority directs.
- (5) A person who is a member of the Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel or the Registered Contractors' Disciplinary Board Panel is not eligible for appointment to the Contractors Registration Committee.
- (6) The members of the committee elect the Chairman from the members of the committee other than the representative of the Building Authority.
- (7) The Building Authority appoints an officer of the Buildings Department as the secretary of the committee, who is not a member of the committee and may not cast a vote.
- (8) A quorum for a meeting of the committee is the Chairman, the Building Authority's representative and 3 other members of the committee.

(Replaced 54 of 1996 s. 9)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	8A	Heading:	Registers of contractors, etc.	Version Date:	01/04/1998

Remarks:

1. L.N. 532 of 1997 brought 54 of 1996 s. 9 into operation on 7 November 1997 (in so far as that section repeals section 8 in respect of registered contractors and substitutes the new section 8, 8A, 8B, 8C, 8D, 8E, 8F and 8G in respect of registered general building contractors).
2. Remaining provisions of this section have commenced operation since 1 April 1998.
 - (1) The Building Authority is to keep-
 - (a) a register of general building contractors who are qualified to perform the duties of a general building contractor; and
 - (b) a register of specialist contractors who are qualified to carry out specialized works specified in the category in the sub-register in which they are entered.
 - (2) The Building Authority may by notice in the Gazette specify different categories of specialized works and is to maintain sub-registers in the register of specialist contractors for the different categories.
 - (3) The Building Authority is required to publish a list of the names of the contractors in each register annually in the Gazette.
 - (4) The Building Authority may remove from-
 - (a) the register of general building contractors the name of a registered general building contractor who ceases, for any reason, to engage in the business of building works or street works;

- (b) the register of specialist contractors the name of a registered specialist contractor who ceases, for any reason, to engage in the relevant specialized works for which he is registered.

(5) The Building Authority may remove the name of a partner, director or other person appointed by a body corporate to act for it for the purposes of this Ordinance of a registered general building contractor or a registered specialist contractor-

- (a) whose name is removed under subsection (4); or
 (b) if a disciplinary board appointed under section 11 orders the removal of the name.

(Added 54 of 1996 s. 9)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:07 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	8B	Heading:	Application for registration as a contractor	Version Date:	01/04/1998

Remarks:

1. L.N. 532 of 1997 brought 54 of 1996 s. 9 into operation on 7 November 1997 (in so far as that section repeals section 8 in respect of registered contractors and substitutes the new section 8, 8A, 8B, 8C, 8D, 8E, 8F and 8G in respect of registered general building contractors).
2. Remaining provisions of this section have commenced operation since 1 April 1998.

(1) An applicant for registration as a general building contractor or a specialist contractor is required to apply to the Building Authority in the specified form.

(2) An applicant must satisfy the Building Authority on-

- (a) if it is a corporation, the adequacy of its management structure;
 (b) the appropriate experience and qualifications of his personnel;
 (c) his ability to have access to plant and resources;
 (d) the ability of the person appointed by the applicant to act for the applicant for the purposes of this Ordinance to understand building works and street works through relevant experience and a general knowledge of the basic statutory requirements.

(3) An applicant for registration as a specialist contractor must satisfy the Building Authority that he has the necessary experience and, where appropriate, professional and academic qualifications, to undertake work in the specialist category.

(4) An application for registration as a general building contractor or a specialist contractor must include an endorsement, in the specified form, of an authorized person, a registered structural engineer or The Hong Kong Construction Association Ltd.

(5) An applicant is to-

- (a) specify in the application a period (which is either 1 year or 3 years beginning on the date of inclusion of his name in the register) for which he seeks registration; and
 (b) pay the prescribed fee for the application.

(6) The Building Authority is to refer an application to the Contractors Registration Committee.

(7) The Building Authority, within 3 months of the date of the meeting of the Contractors Registration Committee at which the application is considered, is required to-

- (a) on payment by the applicant of the prescribed fee for registering the applicant's name,

- publish it in the Gazette, enter it in the appropriate register and issue a certificate of registration; or
- (b) inform the applicant that his application has been deferred for a period not exceeding 6 months; or
- (c) refuse the application.
- (8) The Building Authority is to have regard to the qualifications, competence and experience of-
- (a) the applicant in considering an application for inclusion in the register of general building contractors or the register of specialist contractors;
- (b) the directors, other officers and any person appointed by the applicant to act for it for the purposes of this Ordinance if the applicant is a body corporate,
- and may require the applicant to submit relevant information and documentary evidence to support a claim to qualifications, competence or experience.
- (9) The Building Authority may take into account relevant experience in Hong Kong as a qualification in considering an application for inclusion in the register of general building contractors.
- (10) The Building Authority must not include the name of an applicant in the register of general building contractors or the register of specialist contractors unless the Contractors Registration Committee recommends him.
- (11) A contractor's name may be included in both the register of general building contractors and the register of specialist contractors and in different sub-registers of specialist contractors if he has the relevant qualifications.

(Added 54 of 1996 s. 9)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	8C	Heading:	Renewal of registration as a contractor	Version Date:	01/04/1998

Remarks:

1. L.N. 532 of 1997 brought 54 of 1996 s. 9 into operation on 7 November 1997 (in so far as that section repeals section 8 in respect of registered contractors and substitutes the new section 8, 8A, 8B, 8C, 8D, 8E, 8F and 8G in respect of registered general building contractors).
2. Remaining provisions of this section have commenced operation since 1 April 1998.
 - (1) A contractor may apply to the Building Authority for the renewal of his registration-
 - (a) if his name is on the register of general building contractors or the register of specialist contractors; or
 - (b) if his registration expires pursuant to section 53F(1)(ii).
 - (2) An application for renewal of registration must-
 - (a) be in the specified form;
 - (b) be accompanied by a declaration in the specified form, the information and the documentary proof that the Building Authority may reasonably require to be satisfied that the applicant is suitable to continue to be registered;
 - (c) be received by the Building Authority not earlier than 4 months and not later than 28 days

- prior to the date of the expiry of the relevant registration;
- (d) specify the period of either 1 year or 3 years beginning on the date of the expiry of the registration as the period for which he seeks renewal; and
 - (e) be accompanied by the prescribed renewal fee.
- (3) The registration of a contractor will continue to be in force if he makes an application for renewal within the time limit and pays the renewal fee until his application for renewal is finalised by the Building Authority, subject to any decision of the Registered Contractors' Disciplinary Board.
- (4) The Building Authority may seek the advice of the Contractors Registration Committee on the renewal of registration.
- (5) The Building Authority may refuse an application for renewal of registration-
- (a) if he is satisfied that the applicant is no longer suitable (for any reason) for registration on the relevant register; or
 - (b) if the applicant fails to provide relevant information and documentary proof required by the Building Authority including, but not limited to, updated information on matters supplied on previous applications for registration or renewal of registration.
- (6) The Building Authority is to remove a name on a register, after sending by post notice to the last known address of the person, with effect from the date of expiry of the registration if the Building Authority does not-
- (a) before the date of the expiry of the registration, receive an application for renewal of the registration; or
 - (b) allow the application.
- (7) The Building Authority is to issue a certificate of registration on renewing the registration of a contractor.

(Added 54 of 1996 s. 9)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	8D	Heading:	Restoring name to register of contractors	Version Date:	01/04/1998

Remarks:

1. L.N. 532 of 1997 brought 54 of 1996 s. 9 into operation on 7 November 1997 (in so far as that section repeals section 8 in respect of registered contractors and substitutes the new section 8, 8A, 8B, 8C, 8D, 8E, 8F and 8G in respect of registered general building contractors).
2. Remaining provisions of this section have commenced operation since 1 April 1998.

(1) A contractor whose name is removed under section 8C(6) may, within 2 years of the date of the expiry of the registration, apply for his name to be restored to the register.

(2) An application under subsection (1) must-

- (a) be accompanied by a declaration in the specified form, the information and the documentary proof that the Building Authority may reasonably require to be satisfied that the applicant is suitable to be registered;
- (b) specify a period of either 1 year or 3 years beginning on the date of restoration as the period for which he seeks registration; and

(c) be accompanied by the prescribed restoration fee and the prescribed registration fee.

(3) The Building Authority may seek the advice of the Contractors Registration Committee on the restoration of name to the register.

(4) The Building Authority, if he allows an application, is to issue to the applicant a certificate of registration and restore the name of the applicant to the relevant register.

(Added 54 of 1996 s. 9)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	8F	Heading:	Effective dates	Version Date:	01/04/1998

Remarks:

1. L.N. 532 of 1997 has brought 54 of 1996 s. 9 in operation on 7 November 1997 (in so far as that section repeals section 8 in respect of registered contractors and substitutes the new section 8, 8A, 8B, 8C, 8D, 8E, 8F and 8G in respect of registered general building contractors).
2. Remaining provisions of this section have commenced operation since 1 April 1998.

(1) A registration is effective-

- (a) for an initial registration or a restoration to a register, from the date of the registration or restoration; and
- (b) for a renewal of registration, from the date of the expiry of the previous registration.

(2) A registration expires on the expiry of the period specified in the certificate of registration unless the contractor's name is removed from the relevant register by order of a disciplinary board.

(3) A reference to the expiry of a registration (except an expiry pursuant to section 53F) is construed according to this section.

(Added 54 of 1996 s. 9)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	8G	Heading:	Transitional	Version Date:	01/04/1998

Remarks:

1. L.N. 532 of 1997 has brought 54 of 1996 s. 9 in operation on 7 November 1997 (in so far as that section repeals section 8 in respect of registered contractors and substitutes the new section 8, 8A, 8B, 8C, 8D, 8E, 8F and 8G in respect of registered general building contractors).
2. Remaining provisions of this section have commenced operation since 1 April 1998.

(1) A registered contractor who is registered as at the date of the commencement of section 8 as

enacted by section 9 of the Buildings (Amendment) Ordinance 1996 (54 of 1996) is taken to be a registered general building contractor and the registration will continue to be in force for 2 years after the date of the commencement of this section.

(2) A registered ventilation contractor who is registered as at the date of the commencement of this section is taken to be a registered specialist contractor in the appropriate category and the registration will continue to be in force for 2 years after the date of the commencement of this section.

(3) Subsections (1) and (2) do not prevent a disciplinary board appointed under section 11(1) from ordering that the name of the contractor be removed from a register for disciplinary reasons.

(4) On the first registration of a general building contractor or a specialist contractor after the commencement of this section, the Building Authority may register the contractor for such period less than the 3 years as applied for so as to make the renewal date correspond with the renewal date that would have occurred but for the enactment of the Buildings (Amendment) Ordinance 1996 (54 of 1996) and may only require the applicant to pay a fee proportionate to the period of registration.

(Added 54 of 1996 s. 9)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	9	Heading:	Appointment and duties of registered contractors	Version Date:	01/04/1998

Remarks:

1. L.N. 532 of 1997 has brought 54 of 1996 s. 10 into operation on 7 November 1997 (in so far as that section repeals section 9 and substitutes the new section 9 in respect of matters not related to registered specialist contractors, specialized works or supervision plans and in so far as that section repeals section 9 and substitutes the new section 9A in respect of general building contractors).
2. L.N. 619 of 1997 has brought 54 of 1996 s. 10 into operation on 22 December 1997 (in relation to the new section 9 in so far as that section concerns supervision plans except provisions relating to registered specialist contractors or specialized works).
3. Remaining provisions of this section have commenced operation since 1 April 1998.

(1) A person is required to appoint a registered general building contractor to carry out for him building works or street works other than specialized works.

(2) A person is required to appoint a registered specialist contractor to carry out for him specialized works of the category for which the contractor is registered.

(3) A person is required to appoint another registered general building contractor to continue to carry out for him building works or street works other than specialized works if the appointed registered general building contractor for the works is unwilling or unable to act.

(4) A person is required to appoint another registered specialist contractor to continue to carry out for him specialized works of the category for which the contractor is registered if the appointed registered specialist contractor for the works is unwilling or unable to act.

(5) A registered general building contractor appointed to carry out building works or street works other than specialized works is required to-

- (a) provide continuous supervision to the carrying out of the works in accordance with his supervision plan;

- (b) notify the Building Authority of any contravention of the regulations that would result from carrying out the works shown in the plan approved by the Building Authority for the works; and
- (c) comply generally with this Ordinance.
- (6) A registered specialist contractor appointed to carry out specialized works is required to-
 - (a) provide continuous supervision to the carrying out of the works in accordance with his supervision plan;
 - (b) notify the Building Authority of any contravention of the regulations that would result from carrying out the works shown in the plan approved by the Building Authority for the works; and
 - (c) comply generally with this Ordinance.
- (7) A registered general building contractor may carry out specialized works (other than works required to be carried out by a registered ventilation contractor prior to the commencement of the Buildings (Amendment) Ordinance 1996 (54 of 1996)) for 2 years after the commencement of that Ordinance or such further period as the Building Authority may by notice in the Gazette determine.
(Replaced 54 of 1996 s. 10)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 106 of 2002
Section:	11	Heading:	Appointment and powers of disciplinary board	Version Date:	01/07/2002

- (1) The Secretary for Housing, Planning and Lands may from time to time, appoint a disciplinary board. (Amended 77 of 1994 s. 7; 54 of 1996 s. 11; L.N. 330 of 1999; L.N. 106 of 2002)
- (2) Every board appointed to hear and determine any proceedings against a registered general building contractor shall consist of- (Amended 77 of 1994 s. 7; 54 of 1996 s. 11)
 - (a) 3 persons who are members of the Registered Contractors' Disciplinary Board Panel appointed under section 11A; (Amended 36 of 1997 s. 4)
 - (b) 4 persons who are members of the Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel appointed under section 5A of whom- (Amended 54 of 1996 s. 11)
 - (i) 1 shall be a person referred to in section 5A(2)(a);
 - (ii) 1 shall be a person referred to in section 5A(2)(b); and
 - (iii) 1 shall be a person referred to in section 5A(2)(c);
 - (iv) 1 shall be a person referred to in section 5A(2)(d); (Added 54 of 1996 s. 11)
 - (c) 1 person selected from among the persons nominated in accordance with subsection (4A). (Replaced 36 of 1997 s. 4)
 - (d) (Repealed 36 of 1997 s. 4)
- (3) Every board appointed to hear and determine any proceedings under section 13 against a registered specialist contractor shall consist of- (Amended 43 of 1987 s. 44; 77 of 1994 s. 7; 54 of 1996 s. 11)
 - (a) 2 persons who are members of the Registered Contractors' Disciplinary Board Panel who are in the same sub-register of specialized works as the specialist contractor about whom

- the disciplinary board is to inquire; (Replaced 54 of 1996 s. 11)
- (b) 4 persons who are members of the Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel of whom-
 - (i) 1 is an architect appointed under section 5A(2)(a);
 - (ii) 1 is an engineer appointed under section 5A(2)(b);
 - (iii) 1 is a surveyor appointed under section 5A(2)(c); and
 - (iv) 1 is a registered structural engineer appointed under section 5A(2)(d); (Replaced 54 of 1996 s. 11)
 - (c) 1 person selected from among the persons nominated in accordance with subsection (4A). (Replaced 36 of 1997 s. 4)
 - (d) (Repealed 54 of 1996 s. 11)
- (3A) The chairman of a disciplinary board shall appoint a legal adviser to assist in the conduct of the hearing of the disciplinary proceedings and to advise the disciplinary board on points of law that arise during the hearing. The disciplinary board may confer with the legal adviser after the conclusion of the hearing and before it hands down its decision but only after giving the person who is the subject of the hearing and his legal representative, if any, the right to be present while the legal adviser gives advice to the disciplinary board and the right to comment on the matters raised by the legal adviser to the disciplinary board. (Added 54 of 1996 s. 11)
- (3B) A registered general building contractor or a registered specialist contractor, against whom disciplinary proceedings are taken, is entitled to be represented by a legal practitioner at disciplinary proceedings. (Added 54 of 1996 s. 11)
- (4) The chairman of a disciplinary board appointed under subsection (1) shall be elected from the members of the board by its members.
- (4A) For the purpose of subsections (2)(c) and (3)(c), the Building Authority is to invite such bodies as the Building Authority may think fit to nominate persons for the Secretary for Housing, Planning and Lands to consider for appointment to the disciplinary board. (Added 36 of 1997 s. 4. Amended L.N. 330 of 1999; L.N. 106 of 2002)
- (5) For the purposes of any inquiry under section 13, a disciplinary board appointed under this section shall have all such powers as are vested in the Court of First Instance in relation to- (Amended 25 of 1998 s. 2)
- (a) enforcing the attendance of witnesses and examining them upon oath or otherwise;
 - (b) compelling the production of documents;
 - (c) ordering the inspection of premises; and
 - (d) entering upon and viewing premises.
- (6) The members of any disciplinary board appointed under this section, other than persons who are in full-time employment in any office of emolument under the Government, shall be remunerated at such rate as the Chief Executive may determine from time to time or in any particular case. (Added 16 of 1966 s. 4. Amended 62 of 2000 s. 3)

(Amended 52 of 1974 s. 7; 36 of 1997 s. 4)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	13	Heading:	Disciplinary proceedings for contractors	Version Date:	01/04/1998

Remarks:

1. This Section has commenced operation since 7 November 1997 only in respect of matters not related to registered specialist contractors or supervision plans - see L.N. 532 of 1997.
2. This Section has commenced operation since 22 December 1997 only in so far as it concerns supervision plans except provisions relating to registered specialist contractors - see L.N. 619 of 1997.
3. Amendments retroactively made - see 25 of 1998 s. 2
4. Remaining provisions have commenced operation since 1 April 1998.

(1) The Building Authority may bring to the notice of a disciplinary board appointed under section 11 the matters set out in subsection (2) in relation to a registered general building contractor or a registered specialist contractor if the conduct referred to the disciplinary board may-

- (a) render the contractor unfit to be on the register;
 - (b) make the further inclusion of the contractor in the register prejudicial to the due administration of this Ordinance; or
 - (c) render the contractor deserving of suspension from the register, a fine or a reprimand.
- (2) The matters referred to in subsection (1) are that the person-
- (a) has been convicted by any court of an offence relating to building works or street works;
 - (b) has been negligent or has misconducted himself in building works or street works;
 - (c) has deviated in a material manner from a supervision plan without reasonable cause;
 - (d) has drawn up a supervision plan that does not comply with the material requirements of this Ordinance;
 - (e) has repeatedly drawn up supervision plans that do not comply with the requirements of this Ordinance.

(3) The Building Authority may, in bringing to the notice of a disciplinary board a conviction, negligence or misconduct of a registered contractor that is a body corporate or is operating as a partnership, refer the names of the directors, officers, any person appointed to act for the body corporate for the purposes of this Ordinance and its partners to the disciplinary board for its consideration and action.

(4) Where, after due inquiry, the disciplinary board is satisfied that the contractor, director, officer or other person appointed by a registered contractor to act on its behalf for the purposes of this Ordinance has been convicted of the offence, has been negligent or has misconducted himself in building works or street works or has deviated in a material manner from a supervision plan without reasonable cause or has drawn up a supervision plan that does not comply with the material requirements of this Ordinance or has repeatedly drawn up supervision plans that do not comply with the requirements of this Ordinance, in the manner referred to in subsection (2)(a), (b), (c), (d) or (e) the board may-

- (a) order that the name of the contractor, director, officer or other person be removed from the relevant register either permanently or for such period as the board thinks fit; or
- (b) order that the contractor, director, officer or other person be fined a sum not exceeding \$250000, which is recoverable as a debt due to the Government; or
- (c) order that the contractor, director, officer or other person be reprimanded; and
- (d) order that its findings and order be published in the Gazette.

(5) In making an order in respect of a director, officer or other person appointed by a registered contractor to act on its behalf for the purposes of this Ordinance, the board may remove the director, officer or other person from any other company with respect to which he is registered under this Ordinance.

(6) A disciplinary board may make an order as it thinks fit for the payment of the costs of the inquiry or for the payment of the costs of the Building Authority or of the contractor, director, officer or other person about whom the inquiry is held.

(7) A registered general building contractor, registered specialist contractor, director, officer or

other person aggrieved by an order made in respect of him under this section may appeal to a judge of the Court of First Instance. (Amended 25 of 1998 s. 2)

(8) On an appeal the judge may confirm, reverse or vary the order of the disciplinary board.

(9) The practice for the appeal is subject to any rules of court made under the High Court Ordinance (Cap 4). (Amended 25 of 1998 s. 2)

(10) The decision of the judge is final.

(Replaced 54 of 1996 s. 13)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	
Section:	14	Heading:	Approval and consent required for commencement of building works, etc.	Version Date:	30/06/1997

PART II

CONTROL OF BUILDING

(1) Save as otherwise provided, no person shall commence or carry out any building works or street works without having first obtained from the Building Authority-

(a) his approval in writing of documents submitted to him in accordance with the regulations; and (See Form 12) (Amended 68 of 1993 s. 6)

(b) his consent in writing for the commencement of the building works or street works shown in the approved plan. (See Form 14) (Amended 68 of 1993 s. 6)

(2) Subject to section 28B(4), neither the approval of any plans nor the consent to the commencement of any building works or street works shall be deemed- (Amended 41 of 1982 s. 3)

(a) to confer any title to land;

(b) to act as a waiver of any term in any lease or licence; or

(c) to grant any exemption from or to permit any contravention of any of the provisions of this Ordinance or of any other enactment.

(Replaced 44 of 1959 s. 4)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 619 of 1997
Section:	14A	Heading:	Building Authority not deemed to consent if supervision plan not lodged	Version Date:	22/12/1997

(1) The Building Authority is not deemed to have consented under section 15, if the authorized person has not lodged a supervision plan for the building works or street works.

(2) Subsection (1) does not apply where the Building Authority does not require a supervision plan.

(3) The person preparing a supervision plan must comply with the technical memorandum current at the time of lodging the supervision plan.

(4) The person preparing a supervision plan is responsible for the content of the supervision plan.

(Added 54 of 1996 s. 15)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	16	Heading:	Grounds on which approval or consent may be refused	Version Date:	01/04/1998

Remarks:

1. The amendments to this section made by Ord. No. 54 of 1996 s. 16 (in relation to the addition of new section 16(3)(bb) and (bc) except provisions in such section relating to registered specialist contractors) have come into operation on 22 December 1997.
2. Amendments retroactively made - see 29 of 1998 s. 25
3. Remaining amendments to this section made by Ord. No. 54 of 1996 s.16 have commenced operation since 1 April 1998.

- (1) The Building Authority may refuse to give his approval of any plans of building works where-
 - (a) the plans are not such as are prescribed by regulations or are not such as he may have required under this section;
 - (b) the plans are not endorsed with or accompanied by a certificate from the Director of Fire Services certifying either-
 - (i) that, having regard to the purpose to which the building is intended to be put (which purpose shall be stated in the certificate), no fire service installation or equipment is necessary in connexion with the building that will result from the carrying out of the building works shown on the plans; or
 - (ii) that the plans have been examined and are approved by him as showing all such fire service installations and equipment as in his opinion, having regard to the purpose to which the building is intended to be put (which purpose shall be stated in the certificate), comprise the minimum fire service installations and equipment necessary for such building in accordance with a Code of Practice published from time to time by the Director of Fire Services; (Added 3 of 1964 s. 2)
 - (c) he has not received application for their approval in the specified form or any such application does not contain the particulars required therein; (Amended 68 of 1993 s. 8)
 - (d) the carrying out of the building works shown thereon would contravene the provisions of this Ordinance or of any other enactment, or would contravene any approved or draft plan prepared under the Town Planning Ordinance (Cap 131);
 - (da) the building works are within a comprehensive development area of an approved or draft

plan prepared under the Town Planning Ordinance (Cap 131) and the works contravene a master lay-out plan approved by the Town Planning Board under section 4A(2) of the Town Planning Ordinance (Cap 131); (Added 2 of 1988 s. 8(1))

- (e) he has not received such other documents as are prescribed by regulations;
- (f) such fees as are prescribed by regulations have not been paid;
- (g) the carrying out of the building works shown thereon would result in a building differing in height, design, type or intended use from buildings in the immediate neighbourhood or previously existing on the same site;
- (h) the building works consist of, or any part thereof involves, the construction, formation or laying out of any means of access or other opening, not being a street or access road, to or from any street, and the place at or manner in which such means of access or other opening opens on to the street is, in his opinion, such as to be dangerous or likely to be dangerous or prejudicial to the safety or convenience of traffic using the street, or which may be expected to use the same;
- (i) in his opinion, it is necessary for him to have further particulars of such plans or of the building works shown thereon or, where all the plans prescribed by regulations have not been submitted, to have one or more of the other plans prescribed by regulations, to enable him fully to consider such plans;
- (j) any further particulars or other plans delivered to him, upon his refusal, under paragraph (i), to give his approval to any plans, are not to his satisfaction;
- (k) such plans differ materially from those approved upon the exemption from the provisions of Part I of the Landlord and Tenant (Consolidation) Ordinance (Cap 7) of the premises to which they relate; (Amended 73 of 1970 s. 2; 29 of 1983 s. 47)
- (l) it appears to him that the demolition of a building that requires to be demolished before the building works shown on such plans can be carried out-
 - (i) will cause, or will be likely to cause, a total or partial collapse of any adjoining or other building, or
 - (ii) will render, or will be likely to render, any adjoining or other building so dangerous that it will collapse, or be likely to collapse, either totally or partially, and he is not satisfied that the collapse or the likelihood of the collapse, or such danger or the likelihood of such danger to the building, can be avoided; (Added 27 of 1964 s. 2)
- (m) in the case of plans showing site formation works, piling works, excavation works or foundation works, it appears to him that the carrying out of such works-
 - (i) will cause, or will be likely to cause, a total or partial collapse of any adjoining or other building, street or natural, formed or man-made land, or
 - (ii) will render, or will be likely to render, an adjoining or other building, street or natural, formed or man-made land so dangerous that it will collapse, or be likely to collapse, either totally or partially, and he is not satisfied that the collapse or the likelihood of the collapse, or such danger or the likelihood of such danger to the building, street or land, can be avoided; (Added 27 of 1964 s. 2. Amended 72 of 1980 s. 4)
- (n) it appears to him that the proposed user of the building to which the plans relate would contravene the provisions of regulation 49 of the Building (Planning) Regulations (Cap 123 sub. leg.); (Added 23 of 1969 s. 3)
- (o) the plans relate to building works to be carried out upon land in respect of which a notice has been served under section 4 of the Lands Resumption Ordinance (Cap 124) or under the proviso for resumption contained in the Government lease of the land; (Added 73 of 1970 s. 2. Amended 29 of 1998 s. 25)
- (p) in the case of building works to be carried out on a site which in his opinion ought to be provided with streets having adequate connexion to a public street, he is not satisfied that such streets are or will be provided; (Added 59 of 1973 s. 2. Amended L.N. 159 of

1990)

- (q) in the case of building works to be carried out in area number 1 of the scheduled areas the building is one which in his opinion must be capable of resisting landslip debris and he is not satisfied that the plans provide adequately for that capability. (Added 41 of 1982 s. 4. Amended 52 of 1990 s. 3)

(1A) Without prejudice to any other power of the Building Authority under this section, the Building Authority shall refuse to give his approval to any plans of building works where the building works proposed include the construction of a hand-dug caisson unless he is satisfied that any of the following circumstances exists-

- (a) the depth of the hand-dug caisson does not exceed 3 metres and the diameter of the inscribed circle of the hand-dug caisson is not less than 1.5 metres;
- (b) for the site concerned-
 - (i) the use of a hand-dug caisson is the only practical construction method; or
 - (ii) there is no other safe engineering alternative. (Added 6 of 1995 s. 3)
- (2) The Building Authority may refuse to give his approval of any plans of street works where-
 - (a) the plans are not such as are prescribed by regulations;
 - (b) he has not received application for their approval in the specified form or any such application does not contain the particulars required therein; (Amended 68 of 1993 s. 8)
 - (c) the carrying out of the street works shown thereon would contravene the provisions of this Ordinance or of any other enactment;
 - (d) in the case of an access road, the place at or manner in which the access road opens on to a street is, in his opinion, such as to be dangerous or likely to be dangerous or prejudicial to the safety or convenience of traffic using the street or access road, or which may be expected to use the same;
 - (e) such fees as are prescribed by regulations have not been paid;
 - (f) in the opinion of the Building Authority, it is necessary for him to have further particulars of such plans to enable him fully to consider such plans;
 - (g) any further particulars delivered to him, upon his refusal under paragraph (f) to give his approval to any plans, are not to his satisfaction.

(3) The Building Authority may refuse to give his consent to the commencement of any building works or street works where-

- (a) he has not received and given his approval to all the plans thereof prescribed by regulations;
- (b) he has not received such other documents as may be prescribed by regulations;
- (ba) any condition or requirement imposed by him under section 17(1) in respect of the building works or street works has not been complied with to his satisfaction; (Added 52 of 1990 s. 3)
- (bb) he is not satisfied that the authorized person, registered structural engineer, registered general building contractor or registered specialist contractor has adequately provided precautionary and other protective measures for demolition works; (Added 54 of 1996 s. 16)
- (bc) the authorized person has not lodged a supervision plan for the works; (Added 54 of 1996 s. 16)
- (c) such fees as are prescribed by regulations have not been paid; or
- (d) a period exceeding 2 years has elapsed since the approval of any of the prescribed plans in respect of the building works or street works. (Amended 23 of 1969 s. 3)

(3A) In subsection (3)(d), the reference to plans does not include such plans as are for the time being approved in connexion with an order under Part I of the Landlord and Tenant (Consolidation) Ordinance (Cap 7) excluding the premises from the further application of that Part. (Replaced 73 of 1970 s. 2. Amended 29 of 1983 s. 47)

- (4) The Building Authority may refuse to give his consent to the commencement of any building

works where it appears to him that the carrying out of the building works-

- (a) will cause, or will be likely to cause, a total or partial collapse of any adjoining or other building, street or natural, formed or man-made land, or
- (b) will render, or will be likely to render, any adjoining or other building, street or natural, formed or man-made land so dangerous that it will collapse, or be likely to collapse, either totally or partially,

and he is not satisfied that the collapse or the likelihood of the collapse, or such danger or the likelihood of such danger to the building, street or land, can be avoided. (Added 27 of 1964 s. 2. Amended 31 of 1964 s. 2; 72 of 1980 s. 4)

(5) Without prejudice to subsection (4), the Building Authority may refuse to give his consent to the commencement of demolition works until he is satisfied that adequate precautions have been taken-

- (a) to prevent a collapse, whether total or partial, or the likelihood of such a collapse, of any adjoining or other building, street or natural, formed or man-made land; or
- (b) to prevent any adjoining or other building, street or natural, formed or man-made land becoming so dangerous, or the likelihood of any such building, street or land becoming so dangerous, that it will collapse or be likely to collapse, either totally or partially. (Added 27 of 1964 s. 2. Amended 72 of 1980 s. 4)

(Added 44 of 1959 s. 4)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	19	Heading:	Provision for urgent work	Version Date:	01/04/1998

Remarks:

1. The amendments to this section made by Ord. No. 54 of 1996 s. 17 (only in relation to the addition of this new section 19(3) and (4) except provisions in such section relating to registered specialist contractors) have come into operation on 22 December 1997 .
2. Amendments retroactively made - see 29 of 1998 s. 105
3. The remaining amendments to this section made by Ord. No. 54 of 1996 s.17 have commenced operation since 1 April 1998.

(1) Where-

- (a) any accident or emergency renders it necessary to shore up, underpin, demolish or otherwise make safe any existing building, or any natural, formed or man-made land, or to carry out any street works immediately; and
- (b) notice in the specified form of such work and of the accident or emergency which necessitated the same is given to the Building Authority by the building owner, or the owner of the land or other person who under the terms of a Government lease, is under an obligation to maintain the land, or by the person for whom the street works are being, or are to be, carried out either before such work is authorized by him or within 48 hours after it has been commenced whichever is the earlier, (See Form 26) (Amended 68 of 1993 s. 10; 29 of 1998 s. 105)

such work may be commenced without obtaining the Building Authority's consent.

- (2) If the Building Authority considers that the emergency no longer exists he may by order in

writing served on the building owner, or the owner of the land or other person referred to in subsection (1), or person for whom the street works are being carried out require that building works cease until consent is obtained.

(3) Any person may deviate from a supervision plan if urgent works are required to ensure safety of building works or street works to which the supervision plan relates. (Added 54 of 1996 s. 17)

(4) The authorized person is required to give to the Building Authority as soon as practicable after the urgent work arises notice of-

- (a) any material deviation from the supervision plan;
- (b) the urgent work;
- (c) a revised supervision plan prepared by the registered general building contractor, the registered specialist contractor, the registered structural engineer or the authorized person, as the case may require, detailing the procedures adopted to meet the urgent work; and
- (d) any further amendments to any supervision plan arising out of the urgent work. (Added 54 of 1996 s. 17)

(Amended 44 of 1959 s. 5; 72 of 1980 s. 6)

----- Forwarded by CY AU YEUNG/DOJ/HKSARG on 21/03/2003 10:23 AM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 259 of 2000
Section:	21	Heading:	Occupation of new building	Version Date:	01/11/2000

- (1) No new building shall be occupied in any way except by not more than 2 caretakers unless-
 - (a) in respect of such building the Building Authority has issued an occupation permit; or (See Form 22)
 - (b) in respect of the whole or any part of the building which is being occupied there is a temporary occupation permit, issued by the Building Authority, which temporary occupation permit has not expired and has not been revoked by the Building Authority. (See Form 24) (Amended 23 of 1969 s. 5; 68 of 1993 s. 12)
- (2) On receiving an application in the appropriate specified form, the Building Authority may issue- (See Forms 19 & 20) (Amended 68 of 1993 s. 12)
 - (a) an occupation permit in respect of the new building which is the subject of such application; or
 - (b) a temporary occupation permit in respect of the whole or any part of a new building which is completed and which is the subject of the application. (Amended 23 of 1969 s. 5)
- (3) On the issue of a temporary occupation permit, the Building Authority may impose such conditions as he may consider necessary including a condition limiting the duration of the temporary occupation permit to such period as he may consider necessary and may revoke a temporary occupation permit for breach of any such condition by the service on the building owner of notice of revocation in writing. (See Form 25) (Amended 68 of 1993 s. 12)
- (4) If an occupation permit is issued in respect of a building, every temporary occupation permit issued in respect of the whole or any part of the building shall thereupon be deemed to have been revoked. (Amended 23 of 1969 s. 5)

(5) If a temporary occupation permit in respect of the whole or a part of a building has been revoked or has expired and an occupation permit has not been issued in respect of the building, the provisions of subsection (1) shall apply to the building or to such part of the building, as the case may be, on the expiration of 7 days from the expiry or revocation of the temporary occupation permit. (Amended 23 of 1969 s. 5)

(6) The Building Authority may refuse to issue a temporary occupation permit or an occupation permit under this section where-

- (a) any part of the building works has been carried out in contravention of any of the provisions of this Ordinance;
- (b) any street works required under the provisions of this Ordinance in connection with any new private street or any access road, on to which the building abuts or fronts or by which access is obtained, remain to be completed;
- (c) in the case of a building in which a liftway is provided, a lift has not yet been installed therein, unless the liftway has been protected to the satisfaction of the Building Authority in such manner as to avoid any danger to persons using the building;
- (d) in the case of a building the plans whereof were certified by the Director of Fire Services in the terms indicated in section 16(1)(b)(ii), the applicant for the permit fails to produce to the Building Authority a certificate from the Director of Fire Services in such form as may be prescribed certifying that he is satisfied that the fire service installations and equipment shown on the plans aforesaid have been provided and are in efficient working order and satisfactory condition; (Added 3 of 1964 s. 3)
- (e) in the case of a building to which by regulations a supply of water is required to be connected for any purpose, the Building Authority is not satisfied that connection of a supply of water for every such purpose, which complies in every respect with all the requirements of the regulations, has been made to the building; or (Added 16 of 1966 s. 6)
- (f) any performance review as required under item 6(g) in Column B of section 17(1) in the opinion of the Building Authority fails to state or justify that the building works have been adequately inspected and monitored in the course of construction or that the geotechnical design assumptions upon which the building works have been based are valid. (Added 41 of 1982 s. 6. Amended 52 of 1990 s. 5; 39 of 2000 s. 4)

(7) Upon the expiration of 14 days from the date of receipt by the Building Authority of an application in the appropriate specified form, for a temporary occupation permit or for an occupation permit, such permit shall be deemed to have been granted unless the Building Authority has by notice in writing served on the building owner refused to issue such permit, specifying the ground for such refusal. (Amended 68 of 1993 s. 12)

(8) Where, in respect of a new building, an application under this section for a temporary occupation permit or for an occupation permit is submitted within 60 days of receipt by the Building Authority of a performance review required under section 17 in respect of building works for that building, the application shall, for the purpose of subsection (7), be deemed to have been received 60 days after receipt of the performance review. (Added 41 of 1982 s. 6)

(Replaced 37 of 1961 s. 2)

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	22	Heading:	Powers of Building Authority	Version Date:	01/04/1998

Remarks:

1. The amendment to subsection (2)(a)(only in so far as that section relates to registered general building contractors) made by Ord. No.54 of 1996 s. 18 has come into operation on 7 November 1997 .
2. Remaining amendments to this section made by Ord. No.54 of 1996 s. 18 have commenced operation since 1 April 1998.

(1) The Building Authority or any public officer authorized in writing by him in that behalf may at any time enter and where necessary, in the presence of a police officer, break into any premises or enter upon any land-

- (a) to ascertain whether any building, structure, street or natural, formed or man-made land is dangerous or liable to become dangerous; (Amended 72 of 1980 s. 7)
 - (b) to inspect or test any groundwater drainage works, drainage works or drainage system; (Amended 44 of 1959 s. 8; 41 of 1982 s. 7)
 - (c) to as certain whether the provisions of this Ordinance or of any notice order or regulation hereunder are being complied with;
 - (d) to carry out or cause to be carried out any work which he is authorized to carry out under this Ordinance. (Amended 44 of 1959 s. 8)
- (2) For the purposes of subsection (1)-
- (a) access to every part of any building works or street works shall be provided by the registered general building contractor and registered specialist contractor; and (Replaced 43 of 1993 s. 4. Amended 54 of 1996 s. 18)
 - (b) the Building Authority or a public officer authorized under this section may take such steps as he may deem necessary, including the making of openings and the taking of reasonable samples. (Amended 44 of 1959 s. 8)

(3) The Building Authority may by order in writing require an authorized person to carry out such tests as may be specified in the order. (Amended 52 of 1974 s. 9)

(4) The Building Authority may specify any form for the purposes of this Ordinance. (Added 68 of 1993 s. 13)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:10 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 172 of 1998
Section:	23	Heading:	Building works, etc. to cease on order of Building Authority	Version Date:	01/04/1998

Remarks:

1. The amendments to this section made by Ord. No. 54 of 1996 s. 19 have come into operation on 7

November 1997 (only in so far as that section amends section 23 in respect of matters not related to registered specialist contractors or supervision plans).

2. The amendments to this section made by Ord. No. 54 of 1996 s. 19 have come into operation on 22 December 1997 (only in relation to the addition of new section 23(2), (3), (4) and (5) in so far as that section concerns supervision plans except provisions relating to registered specialist contractors).
3. Remaining amendments to this section made by Ord. No.54 of 1996 s.19 have commenced operation since 1 April 1998.

(1) Where in the opinion of the Building Authority- (Amended 54 of 1996 s. 19)

- (a) any building works or street works are being carried out in contravention of any of the provisions of this Ordinance or are connected with any building works that have been so carried out; or
- (b) any building works that are being carried out-
 - (i) will cause, or will be likely to cause, a total or partial collapse of any adjoining or other building, street or natural, formed or man-made land, or
 - (ii) will render, or will be likely to render, any adjoining or other building, street or natural, formed or man-made land so dangerous that it will collapse, or be likely to collapse, either totally or partially, or (Amended 72 of 1980 s. 8; 54 of 1996 s. 19)
 - (iii) are in dangerous conditions within the site of the building works, (Added 54 of 1996 s. 19)

he may by order in writing served on the registered general building contractor or registered specialist contractor or other person carrying out such works, as the case may be, require that such works cease until the order is withdrawn. (Replaced 40 of 1965 s. 4. Amended 43 of 1993 s. 5; 54 of 1996 s. 19)

(2) The Building Authority may by order in writing served on the registered general building contractor, registered specialist contractor or other person carrying out building works or street works require that the works cease if there has been a material deviation-

- (a) from the technical memorandum for the preparation of a supervision plan for the building works or street works; or
- (b) from the supervision plan for the works,

which in the opinion of the Building Authority may lead to a dangerous or potentially dangerous situation. (Added 54 of 1996 s. 19)

(3) The Building Authority may by order in writing served on the registered general building contractor, registered specialist contractor or other person carrying out building works or street works require that the works cease if he is satisfied that a condition imposed on the giving of his approval or consent has not been, or is not able to be, complied with. (Added 54 of 1996 s. 19)

(4) If the Building Authority orders that the works cease, the person carrying out the building works or street works shall cease to continue the works as quickly and as safely as possible. (Added 54 of 1996 s. 19)

(5) The Building Authority may in withdrawing an order that works cease make the withdrawal subject to reasonable conditions. (Added 54 of 1996 s. 19)

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	
Section:	24	Heading:	Order for demolition, removal, or alteration of building, building works, street works, lift works or escalator works	Version Date:	30/06/1997

(1) Where any building has been erected, or where any building works or street works have been or are being carried out in contravention of any of the provisions of this Ordinance the Building Authority may by order in writing require-

- (a) the demolition of the building, building works, or street works; or
- (b) (Repealed 43 of 1993 s. 6)
- (c) such alteration of the building, building works or street works as may be necessary to cause the same to comply with the provisions of this Ordinance, or otherwise to put an end to the contraventions thereof,

and in every case specify the time within which the demolition, alteration or work required by such order shall be commenced and the time within which the same shall be completed. (Amended 16 of 1966 s. 7; 43 of 1993 s. 6)

(2) An order made under subsection (1) shall be served, where-

- (a) the building has been erected, on the owner thereof;
- (b) the building works, other than a building, have been completed, on the owner thereof;
- (c) the street works have been completed, on the frontagers; or
- (d) the building works or street works have not been completed, on the person for whom such works are being carried out or his agent. (Replaced 43 of 1993 s. 6)

(3) If an order made under subsection (1) is not complied with, the Building Authority may demolish or alter or cause to be demolished or altered such building, building works or street works. (Amended L.N. 283 of 1986; 43 of 1993 s. 6)

(4) The cost of works carried out under subsection (3) may be recovered from the persons upon whom orders had been served under subsection (2); and where such an order had been served on frontagers the Building Authority shall apportion such cost-

- (a) in the case of private streets, according to the frontages of the premises owned by such frontagers; or
- (b) in the case of access roads, equally.

(5) (Repealed 43 of 1993 s. 6)

(Replaced 44 of 1959 s. 10)

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	29 of 1998 s. 105
Section:	27A	Heading:	Dangerous hillsides, etc.	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

(1) Where in the opinion of the Building Authority any natural, formed or man-made land, or any earth-retaining structure, has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, either totally or partially, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, the Building Authority may by order in writing served on the owner of the land or structure, or on the person who under the terms of a Government lease is under an obligation to maintain the land or structure, declare the land or structure to be dangerous or liable to become dangerous. (Amended 68 of 1993 s. 16; 29 of 1998 s. 105)

(2) An order under subsection (1) may require the owner or person referred to in subsection (1)-

(a) to do such work as may be specified in the order;

(b) to carry out such investigation in relation to the land or structure as may be so specified; and

(c) to submit for approval by the Building Authority proposals for work to be done to make the land or structure safe based on the findings of the investigation,

within such time or times as may be specified in the order. (Replaced 91 of 1990 s. 4)

(2A) Where proposals for work are submitted pursuant to an order under subsection (1), the Building Authority may-

(a) approve the proposals;

(b) require amendments to or substitution of the proposals; or

(c) refuse the proposals. (Added 91 of 1990 s. 4)

(2B) On giving approval to proposals for work required to be submitted under subsection (2), the Building Authority may by order in writing served on the owner or person referred to in subsection (1) require the carrying out of such approved work on the land and structure to make the land and structure safe within such time as may be specified in the order. (Added 91 of 1990 s. 4)

(2C) All work and investigations specified in an order under this section shall be carried out to such standard acceptable to the Building Authority and in compliance with regulations. (Added 91 of 1990 s. 4)

(2D) Upon the service of an order under this section, the Building Authority shall-

(a) in the case of an order served on the owner referred to in subsection (1), cause the order to be registered by memorial in the Land Registry against the land or structure to which the order relates; and

(b) in the case of an order served on the person referred to in subsection (1), cause the order to be registered by memorial in the Land Registry against the property that is leased under the Government lease referred to in that subsection. (Added 55 of 1996 s. 6. Amended 29 of 1998 s. 105)

(3) Where the owner or person referred to in subsection (1) cannot be found or fails to comply with the requirements of an order served under this section or any part of the order or where there is failure to comply with the requirement of subsection (2C) or where proposals submitted under this section are refused, the Building Authority may, without further notice, carry out or cause to be carried out-

(a) all or any part of the work or investigation specified in the order;

(b) such other investigation as he considers to be necessary or expedient from time to time;

and

- (c) such work as he considers to be necessary or expedient to make the land and structure safe, based on the findings of the investigation on the land and structure, whether such investigation is done by the owner or person or by the Building Authority,

and, subject to subsection (3A), the cost of such work or investigation shall be recoverable from that owner or person. (Amended 91 of 1990 s. 4; 55 of 1996 s. 6)

(3A) If the order has been registered with the Land Registry in accordance with subsection (2D), the cost of any work or investigation that the Building Authority carried out or caused to be carried out under subsection (3) shall be recoverable from any person who, as at the date of completion of the work or investigation (as the case may be), is-

- (a) where subsection (2D)(a) applies, the owner of the land or structure to which the order relates; or
 (b) where subsection (2D)(b) applies, the person who under the terms of the relevant Government lease is under an obligation to maintain the land or structure to which the order relates. (Added 55 of 1996 s. 6. Amended 29 of 1998 s. 105)

(3B) A certificate purporting to be under the hand of the Building Authority and stating the date of completion of any work or investigation carried out under subsection (3) shall be prima facie evidence of that fact. (Added 55 of 1996 s. 6)

(4) In cases of emergency the Building Authority may carry out or cause to be carried out such work as may appear to him to be necessary either without notice to the owner or person referred to in subsection (1), or before or after such notice, and so far as it is in the opinion of the Building Authority attributable to such emergency the cost thereof shall be recoverable from the owner or person. The decision of the Building Authority that the particular case is one of emergency shall be final and binding on all persons. (Amended L.N. 159 of 1990)

(Added 72 of 1980 s. 10)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	62 of 2000
Section:	36	Heading:	Admissibility in evidence of certified copies of documents, etc.	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 62 of 2000 s. 3

- (1) A document purporting to be a copy, print or extract-

- (a) of or from any plan submitted to or approved by the Building Authority or any document made, issued or given under or for the purposes of this Ordinance or the Buildings Ordinance 1935 (18 of 1935) or any microfilm or other record thereof; and
 (b) signed and certified as a true copy, print or extract by the Building Authority, or any public officer authorized by him in writing in that behalf,

shall be admissible in evidence in criminal or civil proceedings before any court on its production without further proof and, until the contrary is proved, the court shall presume that-

- (i) the signature and certification to the document is that of the Building Authority or any such public officer; and

- (ii) the document is a true copy, print or extract.
- (2) The Building Authority or any public officer authorized by him may, upon payment of the prescribed fee, certify and issue any such copy, print or extract to any person requiring the same.
- (3) Nothing in this section shall-
 - (a) be deemed to affect any claim of the Government to withhold any document on the ground that its production would be contrary to the public interest; and (Amended 62 of 2000 s. 3)
 - (b) prejudice the admissibility of any evidence which would be admissible apart from the provisions of this section.

(Replaced 42 of 1992 s. 7)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	
Section:	36A	Heading:	Effect of documents, etc. recorded on microfilm	Version Date:	30/06/1997

Where any plan submitted to or approved by the Building Authority, or any document made, issued or given under or for the purposes of this Ordinance, is recorded on microfilm, the microfilm record of the plan or document shall be treated for all purposes as the original plan or document.

(Added 42 of 1992 s. 8)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	
Section:	36B	Heading:	Disposal of document	Version Date:	30/06/1997

Where any plan or document is maintained by the Building Authority under this Ordinance and the Building Authority considers that it is not necessary or desirable to maintain such plan or document in the form in which it was submitted to or approved by him he may destroy or dispose it after having first made a microfilm thereof for his retention.

(Added 42 of 1992 s. 8)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 106 of 2002
Section:	38	Heading:	Regulations	Version Date:	01/07/2002

(1) The Secretary for Housing, Planning and Lands may by regulation provide for- (Amended L.N. 330 of 1999; L.N. 106 of 2002)

- (a) registration and control of-
 - (i) authorized persons;
 - (ii) registered structural engineers;
 - (iii) registered general building contractors; (Amended 54 of 1996 s. 20)
 - (iv)-(v) (Repealed 43 of 1987 s. 44)
 - (vi) registered specialist contractors; (Replaced 52 of 1974 s. 10. Amended 54 of 1996 s. 20)
- (b) the manner of making application for and granting of approval of plans of building works or street works, and the giving of consent to commence or carry on such works, including cases where it is desired-
 - (i) to add to or alter building works or street works the commencement of which has already been consented to, or
 - (ii) to commence certain parts of building works or street works before other parts;
- (ba) the planning, design and construction of site formation works; (Added 72 of 1980 s. 14)
- (bb) the planning, design and carrying out of ground investigation in the scheduled areas; (Added 41 of 1982 s. 9. Amended 52 of 1990 s. 7)
- (c) planning and design of buildings including-
 - (i) streets;
 - (ii) projections;
 - (iii) heights, site coverage, plot ratio and open spaces including service lanes; (Amended 23 of 1969 s. 9)
 - (iv) lighting and ventilation;
 - (v) sanitation;
 - (vi) staircases and fire-escapes;
 - (vii) domestic buildings;
 - (viii) buildings for special uses including industrial buildings, places of public entertainment and schools;
 - (ix) any sea-wall, breakwater, jetty, mole, quay, wharf or pier; (Amended 6 of 1995 s. 4)
 - (x) exceptional structures;
 - (xi) timber yards and hoardings; (Amended 23 of 1969 s. 9)
 - (xii) fire fighting equipment; (Added 37 of 1961 s. 6. Amended 43 of 1993 s. 8; 39 of 2000 s. 5)
 - (xiii) matters relating to the installation of lifts and escalators; and (Added 43 of 1993 s. 8. Amended 39 of 2000 s. 5)
 - (xiv) matters relating to the provision of access facilities for telecommunications and broadcasting services; (Added 39 of 2000 s. 5)
- (d) the construction of buildings including-
 - (i) materials;
 - (ii) loads and stresses;

- (iii) foundations, floors and sites;
- (iv) walls and piers;
- (v) roofs, flues and chimneys;
- (vi) structural steel work, reinforced concrete, and timber;
- (vii) fire-resisting construction;
- (viii) retaining walls;
- (ix) plumbing and drainage;
- (x) wells;
- (xi) matters relating to the installation of lifts and escalators; and (Amended 43 of 1993 s. 8)
- (xii) refuse chutes, refuse storage chambers, and floor space and facilities for material recovery and separation of refuse; (Replaced 39 of 2000 s. 5)
- (e) the supply of water to buildings for all purposes, including the connection thereof to buildings and the arrangement, size, construction and type of piping therefor and the power of the Building Authority to require that the supply of water be obtained from a particular source or to prohibit or restrict the supply of water from any particular sources; (Added 16 of 1966 s. 9)
- (f) (Repealed 43 of 1993 s. 8)
- (g) the construction, inspection, testing and safe working of ventilating systems; (Added 27 of 1964 s. 5)
- (h) the testing of drainage works and matters ancillary thereto;
- (i) the demolition of buildings and the safety precautions to be taken in respect thereof; (Added 37 of 1961 s. 6)
- (ia) the design, construction, licensing, inspection, testing and maintenance of oil storage installations and matters connected therewith, including the imposition of restrictions and conditions relating to the use of such installations for the storage of petroleum products; prohibiting the use of any oil storage installation, requiring any petroleum products to be removed from any oil storage installation, the seizure, removal and detention of any petroleum products not removed from any oil storage installation as required, the power of entry, inspection and examination; and for the establishment of a Standing Advisory Committee to advise the Building Authority on such matters relating to oil storage installations as may be specified in the regulations; (Added 16 of 1978 s. 3. Amended 5 of 1983 s. 3)
- (ib) as regards the conservation of energy-
 - (i) requirements relating to the planning, design and construction of any building or buildings of a class or description specified in the regulations, including the furnishing of information regarding these matters;
 - (ii) as regards buildings complying with or required to comply with regulations under subparagraph (i), exemptions from specified requirements in any other regulation made under this subsection; (Added 77 of 1994 s. 11)
- (j) the granting of permits for and control of buildings required for a limited time or constructed of short-lived materials;
- (k) plans, notices and certificates to be delivered to the Building Authority;
- (l)-(m) (Repealed 68 of 1993 s. 18)
- (n) the better carrying into effect of the provisions of this Ordinance. (Replaced 44 of 1959 s. 18)

(1A) The Chief Executive in Council may by regulation provide for the imposition of fees in respect of any matter with regard to which provision is made in this Ordinance or in regulations made under this Ordinance. (Added 68 of 1993 s. 18. Amended 62 of 2000 s. 3)

(1B) The Chief Executive in Council may by regulation provide for- (Amended 62 of 2000 s. 3)

- (a) the procedure as regards the exercise of the right of appeal conferred by section 44;

- (b) the practice and procedure of an Appeal Tribunal constituted under section 48; and
- (c) matters ancillary or incidental to those specified under paragraph (a) or (b). (Added 77 of 1994 s. 11)

(1C) Regulations made under subsection (1)(ib) may provide that any requirement in such regulations applies to a building, any part of a building or parts of a building as are specified. (Added 77 of 1994 s. 11)

(2) Regulations under this section may provide for the carrying out by the Building Authority of all building works required to be carried out therein, and for the recovery of the costs thereof from the person required to carry out such building works.

(3) (a) Regulations under this section may provide that where the Building Authority issues permits thereunder he may-

- (i) endorse conditions on such permits;
- (ii) cancel such permits for breaches thereof; and
- (iii) require the permittee to deposit a sum not exceeding \$500 as security for the due compliance with such conditions.

(b) Upon the breach of any such condition, any deposit required by this subsection shall upon application to a magistrate be declared by him to be forfeited to the Government. (Amended 62 of 2000 s. 3)

(3A) The amount of fees provided for in regulations made under subsection (1A) in respect of the making of application for or granting of approval of plans of building works or street works may be fixed at levels which provide for the recovery of expenditure incurred or likely to be incurred generally by the Government in relation to such application or approval and need not be limited by reference to the administrative or other costs incurred or likely to be incurred in the processing of any individual submission of plans. (Added 68 of 1993 s. 18)

(4) Regulations under this section may provide that a contravention of any specific provision thereof shall be an offence and may prescribe penalties therefor of-

- (a) a fine not exceeding level 6;
- (b) in the case of a continuing offence, a daily fine not exceeding \$5000 for each day during which the offence continues; and
- (c) imprisonment for a period not exceeding 2 years. (Replaced 39 of 2000 s. 5)

(5) Regulations under this section shall be published once in the Gazette at least 3 weeks before coming into operation:

Provided that where the Secretary for Housing, Planning and Lands or the Chief Executive in Council, as the case may be, deems it expedient such publication may be dispensed with. (Amended L.N. 330 of 1999; 62 of 2000 s. 3; L.N. 106 of 2002)

(Amended 44 of 1959 s. 18; 68 of 1993 s. 18)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 106 of 2002
Section:	39A	Heading:	Technical memorandum	Version Date:	01/07/2002

(1) The Secretary for Housing, Planning and Lands may issue a technical memorandum dealing with- (Amended L.N. 330 of 1999; L.N. 106 of 2002)

- (a) the circumstances in which a supervision plan is not required for building works or street works;
 - (b) the classes of supervision that the Building Authority identifies as appropriate to various types of building works and street works having regard to the complexity of the building works or street works, the manpower required and level of supervision required for each of the classes of supervision;
 - (c) detailed supervision requirements for various types of building works and street works including the management structure required to ensure site safety, the manpower required for each element of the management structure, the qualifications and experience of the personnel involved and the specific tasks to be associated in each element of the management structure;
 - (d) the method statement of various types of building works and street works, the types of precautionary and protective measures required to be undertaken for the safety of the site, the workers and the public, and such other details relating to site safety as the Building Authority may consider necessary;
 - (e) the qualifications and experience required for technically competent persons to be appointed for supervisory work under supervision plans;
 - (f) the circumstances in which an authorized person, registered structural engineer, registered general building contractor or registered specialist contractor is permitted to notify in retrospect for minor deviations from a supervision plan;
 - (g) the method and timing of notification of, and the amendment procedures for, a proposed or actual deviation from a supervision plan, including deviations caused by an emergency;
 - (h) the form and content of a supervision plan;
 - (i) the general responsibilities of the site supervision personnel for the various types of building works and street works;
 - (j) the procedure, timing and sequence for the submission of supervision plans.
- (2) The Secretary must publish a technical memorandum issued under this Ordinance in the Gazette and cause it to be laid on the table of the Legislative Council at the next sitting after publication.
- (3) Where the Secretary has caused a technical memorandum to be laid on the table of the Legislative Council, the Legislative Council may, by resolution passed at a sitting of the Legislative Council held before the expiry of a period of 28 days after the sitting at which it was laid, provide that the technical memorandum be amended in any manner consistent with the power to issue the technical memorandum.
- (4) If the period for passing a resolution would, but for this subsection, expire-
- (a) after the end of a session of the Legislative Council or after a dissolution of the Legislative Council; but
 - (b) on or before the day of the second sitting of the Legislative Council in the next following session of the Legislative Council,
- the period is deemed to extend to and expire on the day after that second sitting.
- *(5) Before the expiry of the period referred to in subsection (3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to a technical memorandum specified therein-
- (a) in the case of the period referred to in subsection (3), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;
 - (b) in the case where the period referred to in subsection (3) has been extended by virtue of subsection (4), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session. (Replaced 8 of 2002 s. 7)
- (6) A resolution passed by the Legislative Council under this section must be published in the Gazette not later than 14 days after the resolution is passed or within such further period as the Secretary

may allow in any particular case.

(7) A technical memorandum issued under subsection (1) is not subsidiary legislation.

(8) In this section, "sitting" (立法會會議), when used to calculate time, means the day on which the sitting commences and only includes a sitting at which subsidiary legislation is included on the order paper. (Amended 62 of 2000 s. 3)

(9) Unless the Secretary appoints a later date either in the memorandum or by notice in the Gazette, a technical memorandum commences to have effect-

(a) if the Legislative Council does not pass a resolution amending the technical memorandum, upon the expiry of the period, or the period as extended, as the case may be, for passing an amending resolution; and

(b) if the Legislative Council passes a resolution amending the technical memorandum, at the beginning of the day of the publication in the Gazette of the resolution.

(10) If the Secretary issues a technical memorandum under this Ordinance, he must make available a copy of the technical memorandum for inspection by the public free of charge at such offices of the Government as the Secretary directs during business hours.

(Added 54 of 1996 s. 21)

* For the transitional provision relating to this subsection as amended by section 7 of the Extension of Vetting Period (Legislative Council) Ordinance 2002 (8 of 2002), see section 8 of that Ordinance.

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 259 of 2000
Section:	40	Heading:	Offences	Version Date:	01/11/2000

PART IV

OFFENCES

(1) Any person who contravenes section 14(1) or 21(1) shall be guilty of an offence and shall be liable on conviction-

(a) to a fine of \$100000 and to imprisonment for 2 years; and

(b) to a fine of \$5000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Replaced 24 of 1979 s. 3)

(1A) Any person who contravenes section 22(2)(a), 24B(14) or 27(5)(a) shall be guilty of an offence and shall be liable on conviction to a fine of \$5000 and to imprisonment for 6 months. (Added 24 of 1979 s. 3. Amended 91 of 1990 s. 6)

(1B) Any person who-

(a) contravenes section 30(1) or 31(1); or

(b) without reasonable excuse, fails to comply with an order served on him under section 19(2), 20(2), 22(3), 23, 24(1), 25(2), 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4), 28(2)(a) or (3) or (5), 29(2)(a), 30(3) or 31(2)(a), (Amended 77 of 1992 s. 4; 55 of 1996 s. 9)

shall be guilty of an offence and shall be liable on conviction-

- (i) to a fine of \$50000 and to imprisonment for 1 year; and
- (ii) in the case of an offence consisting of a failure to comply with an order served on him under section 23, 24(1), 25(2), 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4) or 28(3) or (5) to a further fine of \$5000 for each day during which it is proved to the satisfaction of the court that the failure to comply with the order has continued. (Added 24 of 1979 s. 3. Amended 72 of 1980 s. 15; 77 of 1992 s. 4; 55 of 1996 s. 9)

(1C) Any person who-

- (a) without reasonable excuse, fails to comply with an order served on him under section 32(2); or
- (b) contravenes section 24B(8) or 32(3), (Amended 91 of 1990 s. 6)

shall be guilty of an offence and shall be liable on conviction to a fine of \$2000 and to imprisonment for 6 months. (Added 24 of 1979 s. 3)

(1D) Any owner who-

- (a) fails to serve upon all former occupiers who have notified him of their addresses, the copies required to be served under section 27(10)(a); or
- (b) fails to serve upon the Building Authority the certificate required to be served under section 27(10)(b),

shall be guilty of an offence and shall be liable on conviction to a fine of \$10000 and to imprisonment for 6 months. (Added 45 of 1985 s. 2)

(1E) Any person who contravenes section 24B(6) shall be guilty of an offence and shall be liable on conviction to a fine of \$50000 and to imprisonment for 1 year and to a further fine of \$5000 for each day during which the offence continues. (Added 91 of 1990 s. 6)

(2) Any person who-

- (a) fails to give any notice required to be given under section 25(1); or
- (b) contravenes any condition of a permit granted by the Building Authority under section 42,

shall be guilty of an offence and shall, without prejudice to any other penalty, be liable on conviction to a fine at level 6 and to imprisonment for 2 years. (Replaced 39 of 2000 s. 6)

(2AAA) Any person who obstructs the Building Authority, any officer authorized by him or any other public officer, in the exercise of his power under this Ordinance, shall be guilty of an offence and shall, without prejudice to any other penalty, be liable on conviction to a fine at level 3 and to imprisonment for 6 months. (Added 39 of 2000 s. 6)

(2A) Any person for whom any building works or street works are being carried out and any authorized person, registered structural engineer, registered general building contractor or registered specialist contractor directly concerned with any such works who- (Amended 43 of 1993 s. 10; 54 of 1996 s. 22)

- (a) permits or authorizes to be incorporated in or used in the carrying out of any such works any materials which-
 - (i) are defective or do not comply with the provisions of this Ordinance;
 - (ii) have not been mixed, prepared, applied, used, erected, constructed, placed or fixed in the manner required for such materials under this Ordinance;
- (b) diverges or deviates in any material way from any work shown in a plan approved by the Building Authority under this Ordinance; or
- (c) knowingly misrepresents a material fact in any plan, certificate, form or notice given to the Building Authority under this Ordinance, (Replaced 24 of 1979 s. 3)

shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 3 years. (Amended 24 of 1979 s. 3)

(2AA) Any authorized person or registered structural engineer who contravenes section 4(3)(b), or any registered general building contractor or registered specialist contractor who contravenes section 9(5)(b) or (6)(b), shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 3 years: (Amended 54 of 1996 s. 22; 39 of 2000 s. 6)

Provided that it shall be a defence in any prosecution for a contravention of any section referred to

in this subsection for the person charged to prove to the satisfaction of the court that he did not know, nor could reasonably have discovered, the contravention referred to in the charge. (Added 24 of 1979 s. 3)

(2AB) Any person (whether or not an authorized person, a registered structural engineer, a registered general building contractor or a registered specialist contractor) directly concerned with any building works or street works set out in items 1, 2, 3, 4, 5 and 6 of Column A in the table to section 17(1) who contravenes any condition imposed, or fails to comply with any requirement of an order in writing, under that section in respect of such building works or street works, or the plans thereof, shall be guilty of an offence and shall be liable on conviction to a fine of \$50000 and to imprisonment for 1 year. (Added 72 of 1980 s. 15. Amended 54 of 1996 s. 22)

(2AC) Any person (whether or not an authorized person, a registered structural engineer, a registered general building contractor or a registered specialist contractor) directly concerned with any site formation works, piling works, excavation works or foundation works who contravenes any condition imposed under item 7 in the table to section 17(1) in respect of such works, or the plans thereof, shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 3 years. (Added 72 of 1980 s. 15. Amended 54 of 1996 s. 22)

(2B) Any person (whether or not an authorized person, a registered structural engineer, a registered general building contractor or a registered specialist contractor) directly concerned with any site formation works, piling works, foundation works or other form of building works who- (Amended 54 of 1996 s. 22)

(a) carries out or has carried out such works, or authorizes or permits or has authorized or permitted such works to be carried out, in such manner that it causes injury to any person or damage to any property; or

(b) carries out or has carried out such works, or authorizes or permits or has authorized or permitted such works to be carried out, in such manner as is likely to cause a risk of injury to any person or damage to any property,

shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 3 years. (Replaced 24 of 1979 s. 3)

(2C) Any person who, without reasonable excuse, fails to comply with an order served on him under section 24A, shall be guilty of an offence and shall be liable on conviction-

(a) to a fine of \$250000 and to imprisonment for 3 years; and

(b) to a fine of \$50000 for each day during which it is proved to the satisfaction of the court that the failure to comply with the order has continued. (Added 71 of 1972 s. 5. Amended 24 of 1979 s. 3)

(2D) Any person who knowingly misrepresents a material fact in any report submitted to the Building Authority under section 27C(2)(c) shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 3 years. (Added 55 of 1996 s. 9)

(3) Any person who unlawfully and maliciously removes, pulls down, demolishes or damages, or in any way whatsoever interferes with, any shoring erected for a building pursuant to section 18(1) or any groundwater drainage works carried out pursuant to section 28A shall be guilty of an offence and shall be liable to a fine of \$50000 and to imprisonment for 1 year. (Added 27 of 1964 s. 6. Amended 24 of 1979 s. 3; 41 of 1982 s. 10)

(3A) Any person who without reasonable excuse fails to comply with a requirement imposed under section 28A to maintain groundwater drainage works shall be guilty of an offence and shall be liable to a fine of \$50000 and imprisonment for 1 year and to a further fine of \$5000 for each day during which it is proved to the satisfaction of the court that the failure to comply with the requirement has continued. (Added 41 of 1982 s. 10)

(4) Any person who, after a copy of a warrant issued under section 18(6)(c) has been posted in accordance with section 18(6)(d), obstructs the entry to the building specified in such warrant of any police officer or other person authorized by such warrant to enter the same shall be guilty of an offence and shall be liable to a fine of \$50000 and to imprisonment for 1 year. (Added 40 of 1965 s. 7. Amended 24 of 1979 s. 3)

(4A) Any person who, after a copy of warrant issued under section 28C has been posted under subsection (2) of that section, obstructs the entry upon the land specified in the warrant by any police officer or other person authorized by the warrant to enter upon the land or obstructs the carrying out or maintenance of any groundwater drainage works by any person authorized by the warrant to carry out or maintain the works shall be guilty of an offence and shall be liable to a fine of \$50000 and to imprisonment for 1 year. (Added 41 of 1982 s. 10)

(5) Any person, being a person directly concerned in or with any building works or street works, who permits the commission of any offence specified in this section shall be deemed to be guilty of such offence and shall be liable to the penalty prescribed therefor. (Replaced 44 of 1959 s. 20. Amended 43 of 1993 s. 10)

(6) Where an offence under this Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, any director, manager, or other officer concerned in the management of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, is guilty of the offence. (Replaced 6 of 1995 s. 5)

(6A) Where an offence under this Ordinance committed by a partner in a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, any other partner of the partnership, that other partner is also guilty of the offence. (Added 6 of 1995 s. 5)

(7) Where anything is required to be done by the owner of a building, and by virtue of section 2 there is more than one owner of such building, it shall be a defence to any charge of failing to do that thing-

(a) that such thing was done by another owner of the building; or

(b) that any notice or order in respect of such thing required under this Ordinance to be served on the owner was served on another owner of the building and not on the person charged.

(7A) Where anything is required to be done by an owner of land or by a person referred to in section 27A(1), it shall be a defence to any charge of failing to do that thing that any notice or order in respect of such thing required under this Ordinance to be served on the owner or on such person was served on another owner of the land or on another such person and not on the person charged. (Added 72 of 1980 s. 15)

(8) Any prosecution under the provisions of this Ordinance may be commenced within 12 months of the commission of the offence or within 12 months of the same being discovered by or coming to the notice of the Building Authority. (Added 44 of 1959 s. 20. Amended 68 of 1993 s. 19)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	29 of 1998; 62 of 2000
Section:	41	Heading:	Exemptions	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 29 of 1998 s. 26; 62 of 2000 s. 3

PART V

EXEMPTIONS

(1) The following shall be exempt from the provisions of this Ordinance-

- (a) buildings belonging to the Government;
- (aa) subject to section 18(2) and (3) of the Housing Ordinance (Cap 283), buildings upon any land vested in the Housing Authority or over which the Housing Authority has control and management; (Added 23 of 1973 s. 36. Amended 33 of 1978 s. 13)
- (b) buildings upon any land vested in any person on behalf of Her Majesty's naval, military or air force services;
- (ba) any land vested in the Housing Authority or in any person on behalf of Her Majesty's naval, military or air force services, and any unleased land within the meaning of the Land (Miscellaneous Provisions) Ordinance (Cap 28) other than such unleased land in respect of which a person is, under the terms of a Government lease, under an obligation to maintain; (Added 72 of 1980 s. 16)
- (c) any street or access road vested in and maintained by the Government: (Added 44 of 1959 s. 21)

Provided that the provisions of this Ordinance relating to projections over or upon any portion of any street whether or not on land held under lease from the Government and to hoardings shall apply to all buildings. (Amended 23 of 1969 s. 10; 29 of 1998 s. 26)

(1A) Nothing in subsection (1) shall exempt an owner of any building that is not a building referred to in paragraph (a), (aa) or (b) of that subsection from the operation of section 27C merely by reason of the fact that any water pipe, drain or sewer of the building is laid in, on or under-

- (a) any land vested in the Housing Authority or in any person on behalf of Her Majesty's naval, military or air force services;
- (b) any unleased land within the meaning of the Land (Miscellaneous Provisions) Ordinance (Cap 28); or (Amended 29 of 1998 s. 26)
- (c) any street or access road vested in and maintained by the Government. (Added 55 of 1996 s. 10. Amended 29 of 1998 s. 26)

(2) Save as otherwise provided, no alteration shall be required to any existing building, private street or access road erected or constructed in accordance with the laws of Hong Kong. (Replaced 44 of 1959 s. 21. Amended 43 of 1993 s. 11; 62 of 2000 s. 3)

(3) Building works other than drainage works, ground investigation in the scheduled areas or site formation works not involving the structure of any building may be carried out in any building without application to or approval from the Building Authority: (Amended 44 of 1959 s. 21; 41 of 1982 s. 11; 52 of 1990 s. 8)

Provided that nothing in this subsection shall permit any building works to be carried out in contravention of any regulation.

(3A) Drainage works may be carried out in or for any existing building without application to or approval from the Building Authority if those works do not involve-

- (a) the structure of any building;
- (b) any drain or sewer into which there is discharged, or it is intended to discharge, any trade effluent, chemical refuse, waste steam, petroleum spirit, carbide of calcium, acid, grease or oil;
- (c) altering any manhole at which any drain or sewer from the building is connected with a public sewer;
- (d) altering any septic tank or cesspool;
- (e) making a direct or indirect connection of an additional drain or sewer to a septic tank or cesspool; or
- (f) underground drainage works in area number 3 of the scheduled areas:

Provided that nothing in this subsection shall permit any drainage works to be carried out in contravention of any regulation. (Added 57 of 1987 s. 8. Amended 42 of 1992 s. 9)

(4) The provisions of this Ordinance shall not apply to any temporary building to be kept or used as a place of public entertainment. (Added 7 of 1970 s. 7)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	
Section:	44	Heading:	Appeals from decisions of Building Authority	Version Date:	30/06/1997

(1) A person aggrieved by any decision made by the Building Authority in the exercise of a discretion conferred on him under this Ordinance may, except where this Ordinance provides otherwise, appeal from that decision in accordance with this Part and regulations made under section 38(1B).

(2) If-

(a) a decision appealed from under subsection (1) requires the carrying out of works; and

(b) a notice of appeal as regards that decision is given under section 47,

subject to subsection (3), with effect from the day the notice is so given, the Building Authority shall neither enforce nor permit the enforcement of such decision, until the appeal is disposed of or unless it is withdrawn or abandoned.

(3) The Building Authority may enforce a decision referred to in subsection (2) or permit its enforcement where he is of the opinion that an emergency exists and that having regard to that emergency such enforcement is necessary and serves a notice on the appellant stating that due to an emergency the enforcement of the decision and the carrying out of works or other action is necessary.

(4) The decision of the Building Authority that an emergency exists for the purposes of subsection (3) shall not be subject to an appeal under section 44.

(Replaced 77 of 1994 s. 12)

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 10/03/2003 03:13 PM -----

Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	
Section:	53E	Heading:	Interpretation	Version Date:	30/06/1997

PART VII

TRANSITIONAL ARRANGEMENTS

In this Part-

"amending Ordinance" (修訂條例) means the Buildings (Amendment) Ordinance 1994 (77 of 1994);

"relevant date"* (有關日期) means-

(a) (Omitted as spent)

(b) in section 53G, the date on which sections 12 and 13 of the amending Ordinance come into operation.

(Replaced 77 of 1994 s. 12)

* Sections 12 and 13 of the amending Ordinance come into operation on 16 November 1994.

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	2	Heading:	Interpretation	Version Date:	30/06/1997

In these regulations, unless the context otherwise requires-

"authorized persons' register" (認可人士名冊) means the register kept under section 3(1) of the Ordinance; (L.N. 188 of 1974)

"bulk excavation" (大型挖掘工程) means all excavation except excavation for ground investigation, public utility trenches, drains, sewers, piles or caissons; (L.N. 233 of 1982)

"geotechnical design assumption" (岩土設計假定) means an assumption regarding-

- (a) geological conditions;
- (b) ground water and surface water conditions;
- (c) site history;
- (d) location and nature of services, utilities, drains and sewers;
- (e) existing site formation;
- (f) foundations of existing buildings (whether on the site or adjacent or nearby);
- (g) shear strength of materials;
- (h) effect of the proposed works; and
- (i) any other geotechnical matters,

on the basis of which the margin of safety of any building, street or natural, formed or man-made land is demonstrated to be adequate in a submission to the Building Authority; (L.N. 75 of 1981)

"site formation plans" (地盤平整工程圖則) means the site formation plans prescribed in regulation 8; (L.N. 75 of 1981)

"structural engineers' register" (結構工程師名冊) means the register kept under section 3(3) of the Ordinance; (L.N. 188 of 1974)

"water authority" (水務監督) and "waterworks" (水務設施) have the meaning assigned to them by section 2 of the Water works Ordinance (Cap 102). (L.N. 63 of 1966)

(54 of 1996 s. 23)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	3	Heading:	Qualification for inclusion in register	Version Date:	30/06/1997

PART II

AUTHORIZED PERSONS AND REGISTERED STRUCTURAL ENGINEERS

- (1) A person shall not be included in the list of architects in the authorized persons' register unless he is a registered architect and complies with paragraph (6). (54 of 1996 s. 24)
- (2) A person shall not be included in the list of engineers in the authorized persons' register unless

he is a registered professional engineer in the civil or structural engineering discipline and complies with paragraph (6). (54 of 1996 s. 24)

(3) A person shall not be included in the list of surveyors in the authorized persons' register unless he is a registered professional surveyor and complies with paragraph (6). (54 of 1996 s. 24)

(4) A person shall not be included in the structural engineers' register unless he-

(a) is a registered professional engineer in the structural or the civil engineering discipline, and in the latter case unless he has such practical experience in structural engineering as may be approved by the Structural Engineers Registration Committee; and

(b) complies with paragraph (6). (54 of 1996 s. 24)

(5) (Repealed 54 of 1996 s. 24)

(6) Every applicant under this regulation shall, for a continuous period of 1 year within the 3 years preceding the date of his application, have had such practical experience gained in Hong Kong as the Registration Committee considers appropriate in the case of his application.

(L.N. 188 of 1974; L.N. 70 of 1987)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	4	Heading:	Requirements upon application for inclusion in register	Version Date:	30/06/1997

(1) Every person making application to be included in the authorized persons' register or structural engineers' register shall-

(a) produce, to the Registration Committee, documentary evidence to prove compliance with the requirements of regulation 3; (L.N. 188 of 1974)

(b) satisfy the Registration Committee of his suitability for inclusion in the authorized persons' register or structural engineers' register and, if required by the Registration Committee, attend a professional interview before the Registration Committee; and (L.N. 70 of 1987)

(c) (Repealed 54 of 1996 s. 25)

(2) Every professional interview shall be conducted by the Registration Committee. (L.N. 188 of 1974; 54 of 1996 s. 25)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	4A	Heading:	Requirements for inclusion in registers of general building contractors and specialist contractors	Version Date:	01/04/1998

Remarks:

1. This section has commenced operation since 22 December 1997 only in respect of provisions not related to specialist contractors - see L.N. 620 of 1997.
2. Remaining provisions of this section have commenced operation since 1 April 1998.

(1) Every person making application to be included in the register of general building contractors or the register of specialist contractors shall-

- (a) produce to the Contractors Registration Committee documentary evidence to prove that he is suitable for registration in the relevant register in terms of qualifications, experience and competence;
- (b) in the case where the applicant is a body corporate, produce to the Contractors Registration Committee documentary evidence relating to the directors, other officers and any person appointed by the applicant to act for it for the purposes of the Ordinance to show the qualifications, experience and competence of those persons; and
- (c) satisfy the Contractors Registration Committee that he or it is suitable to be registered in the relevant register.

(2) An applicant, or if the applicant is a body corporate, the directors, other officers and any person appointed by the applicant to act for it for the purposes of the Ordinance, shall attend an interview before the Contractors Registration Committee if the Committee requires him or it to attend.

(L.N. 514 of 1997)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	5	Heading:	Authorized person or registered structural engineer not to act as contractor, etc. without disclosure to client	Version Date:	30/06/1997

No authorized person or registered structural engineer shall act as a contractor or deal in building materials or receive any payment, commission, advantage or benefit of any kind whatsoever, either directly or indirectly, from any contractor, sub-contractor or supplier of building materials or other goods used in or in connection with any building works or street works without disclosing the fact, in writing, to his client.

(L.N. 188 of 1974)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	11	Heading:	Plans to be submitted in duplicate	Version Date:	30/06/1997

- (1) Every plan submitted to the Building Authority for his approval shall be submitted in duplicate,

and the Building Authority may require the submission of such additional copies of any such plan as he considers necessary. (L.N. 188 of 1974; L.N. 241 of 1976)

(2) Every report of site investigation and all details of ground treatment work proposed in connection with plans submitted to the Building Authority shall be submitted in duplicate. (L.N. 188 of 1974; L.N. 438 of 1990; L.N. 439 of 1990)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	12	Heading:	Plans, etc. to be signed by person who prepared them	Version Date:	30/06/1997

(1) Subject to paragraph (2), all plans, structural details and calculations submitted to the Building Authority for approval shall be prepared and signed by an authorized person, and his signature shall be deemed to be his assumption of all responsibility for the plan, structural details or calculations, as the case may be.

(2) Subject to paragraph (3), all foundation plans, structural details and calculations required under regulations 8(1)(d) and (i) and 9(f) shall be prepared and signed by a registered structural engineer, and his signature shall be deemed to be his assumption of all responsibility for the plans, structural details or calculations, as the case may be.

(3) In the case of building works to which paragraph (4) applies, all foundation plans, structural details and calculations required under regulation 8(1)(d) and (i) may be prepared and signed by an authorized person, and his signature shall be deemed to be his assumption of all responsibility for the plans, structural details or calculations, as the case may be.

(4) Paragraph (3) applies to any building works where-

- (a) the height of the construction does not exceed 10 m;
- (b) the span of any structural element of the construction does not exceed 6 m;
- (c) the structural elements are constructed of timber, masonry, steel, plain concrete or reinforced concrete;
- (d) the foundations of the construction are of the spread footing type with a ground bearing pressure not exceeding 300 kPa and founded at not more than 2 m below existing ground level; and
- (e) there is no structural alteration to any existing structural elements designed by a registered structural engineer.

(L.N. 438 of 1990)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	14	Heading:	Plans to be clear and material thereof	Version Date:	30/06/1997

(1) Every plan submitted to the Building Authority for his approval shall be drawn or reproduced in a clear and intelligible manner on suitable and durable material.

(2) Engineering drawings shall not be reproduced, for submission to the Building Authority, on

ferro-prussic prints.

(3) One copy of every plan shall be so coloured as to clearly differentiate existing work from new work and one part of any new work from the other parts thereof. (L.N. 241 of 1976)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	15	Heading:	Power of Building Authority to refuse to accept plans	Version Date:	30/06/1997

The Building Authority may refuse to accept plans from 2 or more authorized persons or registered structural engineers in respect of works at the same premises.

(L.N. 188 of 1974)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	18	Heading:	Stability certificate	Version Date:	30/06/1997

(1) Where any building works consist of repairs, alterations or additions to any building, the authorized person who has prepared the plans in respect of such building works shall, at the time such plans are submitted to the Building Authority for his approval, send to the Building Authority a certificate, in the specified form, that he has inspected such building and that it is, in his opinion, capable of bearing the loads and stresses which may be increased or altered in any way by reason of such repairs, alterations or additions. (L.N. 347 of 1993)

(2) Where such building has been constructed in such a manner as to require the services of a registered structural engineer such certificate shall be signed by the registered structural engineer and countersigned by the authorized person appointed in respect of the building works.

(L.N. 188 of 1974)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	18A	Heading:	Certificate by authorized person to be submitted with plans	Version Date:	30/06/1997

Where plans of any building works or street works are submitted to the Building Authority for his approval there shall be submitted, together with the plans, a certificate, which shall be in the specified

form, by the authorized person or by the registered structural engineer, as the case may be, who prepared the plans or under whose supervision the plans were prepared, that- (L.N. 347 of 1993)

- (a) the plans were prepared by him or under his supervision or direction; and
- (b) to the best of his knowledge and belief the plans comply in all respects with the Ordinance and the regulations made thereunder.

(L.N. 10 of 1975; L.N. 241 of 1976; L.N. 438 of 1990)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	19	Heading:	Authorized person or registered structural engineer who has prepared plans submitted to Building Authority to notify Building Authority if he ceases to be engaged	Version Date:	30/06/1997

Notices

Where an authorized person or registered structural engineer who has prepared any plans or other details of any building works or street works, which have been submitted to the Building Authority for his approval, ceases, for any reason, to act on behalf of the person for whom such building work or street works are to be carried out, he shall, in writing, within 7 days thereof notify the Building Authority that he has so ceased to act.

(L.N. 188 of 1974)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	20	Heading:	Notification to Building Authority before commencement of building works or street works	Version Date:	01/04/1998

Remarks:

1. The amendment to this regulation made by L.N. 514 of 1997 s. 4(3) has come into operation on 22 December 1997 (only in relation to the addition of new regulation 20(2) and (3) except provisions in such regulation relating to registered specialist contractors) - see L.N. 620 of 1997.
2. Remaining amendments to this section made by L.N. 514 of 1997 s.4 have commenced operation since 1 April 1998.

(1) Not less than 7 days before the commencement of any building works or street works, the authorized person appointed in respect of the building works or street works shall, in the specified form, furnish to the Building Authority- (L.N. 347 of 1993)

- (a) a notification, signed by the authorized person, of the appointment of the registered general building contractor or the registered specialist contractor in respect thereof and of the date upon which the building works or street works are to be commenced; and
- (b) an acceptance of such appointment, a confirmation of the date upon which the building works or street works are to be commenced and an undertaking of responsibility for strict compliance with the provisions of the Ordinance and regulations, signed by the registered general building contractor or the registered specialist contractor. (L.N. 514 of 1997)

(2) Not less than 7 days before the commencement of any building works or street works, the authorized person or the registered structural engineer appointed in respect of the building works or street works shall, where a supervision plan is required-

- (a) notify the building Authority in writing of the appointment of any technically competent person under regulation 37; and
- (b) provide the Building Authority with the personal particulars, qualifications and experience of the technically competent person appointed under regulation 37. (L.N. 514 of 1997)

(3) Not less than 7 days before the commencement of any building works or street works, the registered general building contractor or the registered specialist contractor appointed in respect of the building works or street works shall, where a supervision plan is required-

- (a) notify the Building Authority in writing of the appointment of any technically competent person under regulation 41; and
- (b) provide the Building Authority with the personal particulars, qualifications and experience of the technically competent person appointed under regulation 41. (L.N. 514 of 1997)

(G.N.A. 97 of 1961; L.N. 188 of 1974; L.N. 438 of 1990)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	22	Heading:	Building Authority to be notified on change of authorized person, registered structural engineer, etc.	Version Date:	01/04/1998

Remarks:

1. The amendment to this regulation made by L.N. 514 of 1997 s. 5(3) has come into operation on 22 December 1997 (in relation to the addition of new regulation 22(3), (4), (5) and (6) except provisions in such regulation relating to registered specialist contractors) - see L.N. 620 of 1997.
2. Remaining amendments to this regulation made by L.N. 514 of 1997 s.5 have commenced operation since 1 April 1998.

(1) Where, in accordance with the provisions of the Ordinance, another authorized person or registered structural engineer or registered general building contractor or registered specialist contractor is appointed in respect of building works or street works, the person for whom the building works or street works, as the case may be, are being carried out shall, in writing, notify the Building Authority of the name of such authorized person, registered structural engineer, registered general building contractor or

registered specialist contractor within 7 days of his appointment. (L.N. 514 of 1997)

(2) Where an authorized person, registered structural engineer, registered general building contractor or registered specialist contractor appointed in respect of building works or street works has, during the carrying out of any such works, become unable or unwilling to act, in the case of a registered structural engineer, any structural work, in the case of an authorized person, all works, and in the case of a registered general building contractor or registered specialist contractor, the building works or street works for which he is appointed, shall cease until another authorized person, registered structural engineer, registered general building contractor or registered specialist contractor, has been appointed and the Building Authority has been notified in accordance with paragraph (1). (L.N. 514 of 1997; L.N. 608 of 1997)

(3) An authorized person or registered structural engineer is required to notify the Building Authority in writing of a change in the appointment of any technically competent person appointed under regulation 37 within 14 days of the change and to provide the Building Authority with the personal particulars, qualifications and experience of the new technically competent person appointed under that regulation. (L.N. 514 of 1997)

(4) A registered general building contractor or registered specialist contractor is required to notify the Building Authority in writing of a change in the appointment of any technically competent person appointed under regulation 41 within 14 days of the change and to provide the Building Authority with the personal particulars, qualifications and experience of the new technically competent person appointed under that regulation. (L.N. 514 of 1997)

(5) An authorized person or registered structural engineer is required to cease that part of the works, which in accordance with the supervision plan, is under the supervision of the technically competent person appointed under regulation 37, on the cessation of such appointment until a new technically competent person is appointed. (L.N. 514 of 1997)

(6) A registered general building contractor or registered specialist contractor is required to cease that part of the works, which in accordance with the supervision plan, is under the supervision of the technically competent person appointed under regulation 41, on the cessation of such appointment until a new technically competent person is appointed. (L.N. 514 of 1997; L.N. 608 of 1997)

(7) Where any operator of powered mechanical plant or equipment used or proposed to be used in demolition works is appointed, a registered specialist contractor is required to notify the Building Authority in writing of a change in the appointment of the operator within 7 days of the change and to provide the Building Authority with the personal particulars, qualifications and experience of the new operator of the plant or equipment. (L.N. 514 of 1997; L.N. 608 of 1997)

(L.N. 438 of 1990)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	23	Heading:	Information to be supplied to Building Authority respecting appointments etc.	Version Date:	30/06/1997

(1A)Where an authorized person or registered structural engineer is appointed in respect of any building works or street works under section 4(1) of the Ordinance, the person for whom the building works or street works, as the case may be, are to be carried out shall furnish to the Building Authority in the specified form, a notice of the appointment and the confirmation by the authorized person or

registered structural engineer of his acceptance of the appointment. (L.N. 347 of 1993)

(1) Where an authorized person or registered structural engineer who has been appointed in respect of any building works or street works ceases, for any reason, to be so appointed, he shall, within 7 days thereof notify the Building Authority in writing that he has so ceased to be appointed.

(2) Where an authorized person or registered structural engineer so appointed has nominated another authorized person or registered structural engineer to act in his stead under section 4(2) of the Ordinance, he shall, not later than 7 days thereafter, notify the Building Authority in the specified form of such nomination and shall include in the notice the confirmation by such other authorized person or registered structural engineer of his acceptance of the nomination. (L.N. 347 of 1993)

(L.N. 51 of 1969; L.N. 188 of 1974)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	24	Heading:	Duties of registered contractor who ceases to be appointed	Version Date:	01/04/1998

Where a registered general building contractor or registered specialist contractor appointed in respect of building works or street works ceases, for any reason, to be so appointed, he shall, within 7 days thereof, deliver to the authorized person appointed in respect of the building works or street works for submission to the Building Authority in accordance with the provisions of regulation 38 notice, in the specified form, that he has so ceased to be appointed, and shall, in such form, certify that the building works or street works, as the case may be, carried out by him have been carried out in accordance with the provisions of the Ordinance and regulations.

(L.N. 188 of 1974; L.N. 438 of 1990; L.N. 347 of 1993; L.N. 514 of 1997)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	25	Heading:	Certificate to be given by registered contractor and authorized person on completion of building works	Version Date:	01/04/1998

(1) Within 7 days of the completion of any building works in respect of which he has been appointed, the registered general building contractor and registered specialist contractor shall, in the form specified for building works resulting in a new building or not so resulting, as the case may be, certify that the new building has been erected or the building works carried out in accordance with the provisions of the Ordinance and regulations and shall, within the said 7 days, deliver such certificate to the authorized person or registered structural engineer, as the case may be, appointed in respect of the building works.

(2) Within 14 days of the completion of any building works, other than demolition works, in respect of which he has been appointed, the authorized person shall, in the form specified for building works resulting in a new building or not so resulting, as the case may be, delivered to him, in accordance with the provisions of paragraph (1), by the registered general building contractor and the registered specialist contractor appointed in respect thereof, certify that the new building has been erected or the building works carried out in accordance with the plans approved in respect thereof by the Building Authority, and that the new building or such building works, as the case may be, are in his opinion structurally safe and shall, within the said 14 days, send such certificate to the Building Authority.

(3) Where the form specified for building works, other than demolition works, resulting in a new building or not so resulting, as the case may be, is delivered to the registered structural engineer appointed in respect of the building works, in accordance with the provisions of paragraph (1), by the registered general building contractor and the registered specialist contractor appointed in respect thereof, the registered structural engineer shall within 7 days of the receipt thereof certify that the new building has been erected or the building works carried out in accordance with the plans approved in respect thereof by the Building Authority, and that the new building or such building works, as the case may be, are in his opinion structurally safe, and shall deliver such certificate to the authorized person who shall within 7 days of the receipt thereof send the same to the Building Authority. (L.N. 188 of 1974)

(4) Within 14 days of the completion of any demolition works in respect of which he has been appointed, the authorized person and the registered structural engineer shall, in the form specified for demolition works, certify to the Building Authority that-

- (a) the demolition works have been completed in accordance with the approved plans;
 - (b) any structure or building remaining on the site is, in his opinion, structurally safe; and
 - (c) any land or street affected by the demolition works has an adequate margin of safety.
- (L.N. 514 of 1997)

(L.N. 188 of 1974; L.N. 347 of 1993; L.N. 514 of 1997)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	25A	Heading:	Certificates as to supply of water	Version Date:	30/06/1997

(1) On the completion of any new building in which any water closet fitment, trough water closet, latrine fitment or urinal has been provided in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.), the authorized person appointed in respect of the building works shall send to the Building Authority together with the certificate referred to in regulation 25(2)-

- (a) a certificate by the water authority to the effect that a permanent connection to the building of a supply of water from the waterworks has been made in accordance with regulation 10A of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.);
- (b) where the Building Authority has under regulation 10A(3)(b) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.) permitted the connection to the building of a supply of water from a well within the site of the building-
 - (i) a certificate by the authorized person appointed in respect of the building works to the effect that a permanent connection to the building of a supply of water from a

well within the site of the building has been made in accordance with regulation 10A of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.); and

- (ii) a certificate by the authorized person appointed in respect of the building works in respect of such well in accordance with regulation 10A(7) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.); or (L.N. 439 of 1990)
 - (c) where the Building Authority has under regulation 10A(3)(c) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.) permitted or directed the connection to the building of a supply of water other than a supply of water from the waterworks or from a well within the site of the building, a certificate from the authorized person appointed in respect of the building works to the effect that a permanent connection to the building of such supply has been made in accordance with regulation 10A of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.).
- (2) On the completion of any new building in which any waste fitment or shower has been provided in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.), the authorized person appointed in respect of the building works shall send to the Building Authority together with the certificate referred to in regulation 25(2)-
- (a) a certificate from the water authority to the effect that a permanent connection to the building of a supply of water from the waterworks has been made in accordance with regulation 10A of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.);
 - (b) where the Building Authority has under regulation 10A(3)(b) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.) permitted the connection to the building of a supply of water from a well within the site of the building-
 - (i) a certificate by the authorized person appointed in respect of the building works to the effect that a permanent connection to the building of a supply of water from a well within the site of the building has been made in accordance with regulation 10A of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.); and
 - (ii) a certificate by the authorized person appointed in respect of the building works in respect of such well in accordance with regulation 10A(7) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.); or (L.N. 439 of 1990)
 - (c) where the Building Authority has under regulation 10A(3)(c) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.) permitted or directed the connection to the building of a supply of water other than a supply of water from the waterworks or from a well within the site of the building, a certificate by the authorized person appointed in respect of the building works to the effect that a permanent connection to the building of such supply has been made in accordance with regulation 10A of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg.).
- (3) The water authority shall issue a certificate required under this regulation within 10 days of receiving an application in writing therefor.

(L.N. 63 of 1966; L.N. 188 of 1974)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	28	Heading:	Certificate to be given by authorized person, registered structural engineer and registered contractor engaged in respect of emergency work	Version Date:	01/04/1998

Every authorized person and registered structural engineer engaged to supervise, and registered general building contractor and registered specialist contractor engaged to carry out, any work of emergency shall, within 48 hours thereof, certify, on the form specified for the purposes of section 19 of the Ordinance, that he has been so engaged.

(L.N. 188 of 1974; L.N. 347 of 1993; L.N. 514 of 1997)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	30	Heading:	Approval of plans	Version Date:	30/06/1997

(1) The approval of the Building Authority in respect of the plans submitted to him shall be signified by-

- (a) notice in writing served on the person making application therefor; and (L.N. 347 of 1993)
- (b) the stamping, signing and dating of one copy of such plans, other than structural calculations, which shall be returned to the authorized person or registered structural engineer. (L.N. 188 of 1974)

(2) The Building Authority may, upon application therefor, give separate approval for any one or more of the plans submitted.

(3) For the purposes of section 15 of the Ordinance, the period after which the Building Authority shall be deemed to have given his approval of plans submitted to him shall be-

- (a) in relation to plans which are submitted for the first time to the Building Authority for approval, 60 days from the date on which the plans were submitted;
- (b) in relation to plans which, having been previously submitted to the Building Authority for approval, are submitted to him again for approval so extensively revised as to constitute, in the opinion of the Building Authority, a major revision of such plans, 60 days from the date on which the plans were last submitted;
- (c) in relation to any other plans which, having been previously submitted to the Building Authority for approval, are submitted to him again for approval, 30 days from the date on which the plans were last submitted. (L.N. 121 of 1973)

(4) If the Building Authority is of the opinion that plans submitted to him again for approval constitute a major revision of any plans previously submitted to him for approval, he shall notify the appointed authorized person or registered structural engineer accordingly, not later than 30 days from the

date on which the plans were last submitted. (L.N. 188 of 1974)
(5)-(6) (Repealed L.N. 233 of 1982)

----- Forwarded by Carmen WC TSE/DOJ/HKSARG on 10/03/2003 03:15 PM -----

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	35	Heading:	Duties imposed by this Part not to prejudice any other duties imposed by Ordinance or other regulations	Version Date:	01/04/1998

PART V

DUTIES OF AUTHORIZED PERSON OR REGISTERED STRUCTURAL ENGINEER AND REGISTERED CONTRACTORS APPOINTED IN RESPECT OF BUILDING WORKS OR STREET WORKS

The duties imposed, by the regulations in this Part, upon an authorized person or registered structural engineer or a registered general building contractor or registered specialist contractor appointed in respect of building works or street works shall be without prejudice to any duties imposed upon such authorized person or registered structural engineer or registered general building contractor or registered specialist contractor by any other provision of the Ordinance or regulations.

(L.N. 188 of 1974; L.N. 514 of 1997)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	36	Heading:	Duty of authorized person to supply copy of plans of building works or street works to registered contractor	Version Date:	01/04/1998

Authorized person or registered structural engineer

(1) The authorized person appointed in respect of any building works or street works shall supply to the registered general building contractor and the registered specialist contractor appointed in respect thereof a copy, stamped, signed and dated, in accordance with regulation 30, by the Building Authority, of every plan approved by the Building Authority and a copy of any supervision plan in respect of the building works or street works, as the case may be. (L.N. 188 of 1974)

(2) Where the structural details have been prepared by a registered structural engineer and approved by the Building Authority it shall be the responsibility of the authorized person to ensure that the registered general building contractor and the registered specialist contractor are supplied with a copy thereof. (L.N. 188 of 1974)

(L.N. 514 of 1997)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 620 of 1997
Regulation:	37	Heading:	Duty of authorized person and registered structural engineer	Version Date:	22/12/1997

(1) The authorized person appointed in respect of any building works or street works shall give such periodical supervision and make such inspections as may be necessary to ensure that the building works or street works are being carried out in general accordance with the provisions of the Ordinance and regulations, the plans approved in respect thereof by the Building Authority, the supervision plan prepared in compliance with the technical memorandum issued under section 39A of the Ordinance (if required) and any order made or condition imposed, pursuant to any provision of the Ordinance or regulations in that behalf, by the Building Authority.

(2) The registered structural engineer appointed in respect of any building works or street works shall give such periodical supervision and make such inspections as may be necessary to ensure that the structural works are being carried out in general accordance with the provisions of the Ordinance and regulations, the plans approved in respect thereof by the Building Authority, the supervision plan prepared in compliance with the technical memorandum issued under section 39A of the Ordinance (if required) and any order made or condition imposed, pursuant to any provision of the Ordinance or regulations in that behalf, by the Building Authority.

(3) Where a supervision plan is required, the authorized person and the registered structural engineer are each required to appoint such number of technically competent persons as appropriate to give such supervision as may be required under the supervision plan on each site for which the authorized person and the registered structural engineer are appointed under section 4 of the Ordinance.

(4) The Building Authority has the power to reject or revoke the appointment of any person as a technically competent person appointed under paragraph (3) if the Building Authority is not satisfied that the qualifications or experience of the person appointed are sufficient for him to carry out the duties required of him.

(L.N. 514 of 1997)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	39	Heading:	Fees in respect of additional inspection upon completion of building works or street works	Version Date:	30/06/1997

Where, on the completion of any building works or street works, more than one inspection thereof is, in the opinion of the Building Authority, necessary by reason of any contravention of the provisions of the Ordinance or regulations or by any incorrect information, the authorized person or registered structural engineer appointed in respect thereof may be required to pay the prescribed fee in respect of every such additional inspection.

(L.N. 188 of 1974)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	40	Heading:	Duty of registered contractor to keep approved plans and supervision plans on site	Version Date:	01/04/1998

Registered contractors

The registered general building contractor and the registered specialist contractor appointed in respect of building works shall keep on the site of the building works or street works, and shall produce to the Building Authority at such times as he requires, all plans and supervision plans of the building works or street works supplied to him, in accordance with the provisions of regulation 36, by the authorized person or registered structural engineer appointed in respect thereof.

(L.N. 188 of 1974; L.N. 514 of 1997)

----- Forwarded by Carmen WC TSE/DOJ/HKSARG on 10/03/2003 03:15 PM -----

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	41	Heading:	Duty of registered contractor to supervise	Version Date:	01/04/1998

Remarks:

1. The amendment to this regulation made by L.N. 514 of 1997 has come into operation on 22 December 1997 only as it relates to the addition of new regulation 41(2), (3), (4), (5) and (6) except provisions in such regulation relating to registered specialist contractors - see L.N. 620 of 1997.
2. Remaining amendments to this regulation have commenced operation since 1 April 1998.

(1) The registered general building contractor and the registered specialist contractor appointed in respect of building works or street works shall, during the carrying out thereof, give continuous supervision thereto to ensure that the building works or street works, as the case may be, are carried out in accordance with the provisions of the Ordinance and regulations and with the plans approved in respect thereof and with any order made or condition imposed, pursuant to any provision of the Ordinance or regulations in that behalf, by the Building Authority and the supervision plan prepared in compliance with the technical memorandum issued under section 39A of the Ordinance (if required). (L.N. 514 of 1997)

(2) Where a supervision plan is required, the registered general building contractor and the registered specialist contractor are each required to appoint such number of technically competent persons as appropriate to give such supervision as may be required under the supervision plan on each site for which the registered general building contractor and the registered specialist contractor are appointed under section 9 of the Ordinance. (L.N. 514 of 1997)

(3) The Building Authority has the power to reject or revoke the appointment of any person as a technically competent person appointed under paragraph (2) if the Building Authority is not satisfied that the qualifications or experience of the person appointed are sufficient for him to carry out the duties required of him. (L.N. 514 of 1997)

(4) A registered general building contractor and a registered specialist contractor are required to keep records of activities and information relevant to the supervision of the building works or street works of any site for which they are appointed. (L.N. 514 of 1997)

(5) The Building Authority may inspect the records and information required to be kept under paragraph (4) at any reasonable time. (L.N. 514 of 1997)

(6) The registered general building contractor and the registered specialist contractor are required to retain the records and information required to be kept under paragraph (4) for at least 12 months after the submission of the certificate on completion of the final stage of the building works or street works of the site. (L.N. 514 of 1997)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 259 of 2000
Regulation:	42	Heading:	Fees	Version Date:	01/11/2000

PART VI

FEES AND FORMS

The fees set out in the Table hereunder are prescribed for the purposes of the Ordinance and regulations-

TABLE OF FEES

		By whom payable	Amount
1.	(a)	(i) For each application for inclusion of name in each list of the authorized persons' register or in the structural engineers' register.	Person applying for inclusion in register. \$4080
		(ii) For each inclusion of name in each list of the authorized persons' register or in the structural engineers' register.	Successful applicant seeking inclusion in register. \$420
	(b)	For each application for retention of name in each list of the authorized persons' register or in the structural engineers' register.	Authorized person or registered structural engineer seeking retention in register. \$815 for retention for a period of 12 months.
	(c)	For each application for restoration of name in each list of the authorized persons' register or in the structural engineers' register.	Person seeking restoration to register. \$640
			(39 of 2000 s. 7)
2.	(a)	For application for registration as a general building contractor-	Person seeking registration.
		(i) a basic fee shall be payable, covering the applicant as an individual or, where the applicant is a partnership or a corporation, the first person appointed by the applicant to act for it;	\$4970
		(ii) in addition to the basic fee, where the applicant is a partnership or a corporation, for each additional person appointed in the application to act for it.	\$4350
	(b)	For entry of name in the register of general building contractors.	Person seeking entry in the register. \$1500 for registration for a period of 1 year or \$1740 for registration for a period of 3 years.
	(c)	For renewal of registration in the register of general building contractors.	\$1460 for renewal of registration for a period of 1 year or \$1700 for renewal of registration for a period of 3 years.
	(d)	For application for restoration of name to the register from which the name of the general building	Person seeking restoration to the register. \$2170 for restoration and \$1500 for

contractor has been removed.

registration for a period of 1 year or \$1740 for registration for a period of 3 years. \$4350

- (e) If at any time prior to the expiry of its registration (including a registration that has been renewed or restored), a registered general building contractor which is a partnership or a corporation makes any appointment of a person to act for it, regardless of whether such appointment results in the replacement of, or is in addition to, persons already appointed, then for an application for the approval of each person so appointed.
- Registered general building contractor.

(L.N. 441 of 1997)

3-4. (Repealed 43 of 1987 s. 44)

- 4A. (a) For application for registration as a specialist contractor, for each sub-register in the register of specialist contractors specified in the application-
- Person seeking registration.
- \$4970
- (i) a basic fee shall be payable, covering the applicant as an individual or, where the applicant is a partnership or a corporation, the first person appointed by the applicant to act for it;
- \$4350
- (ii) in addition to the basic fee, where the applicant is a partnership or a corporation, for each additional person appointed in the application to act for it.
- (b) For entry of name in each sub-register in the register of specialist contractors specified in the application.
- Person seeking entry in the sub-register.
- \$1500 for registration for a period of 1 year or \$1740 for registration for a period of 3 years.
- (c) For renewal of registration in each sub-register in the register of specialist contractors.
- Person seeking renewal.
- \$1460 for renewal of registration for a period of 1 year or \$1700 for renewal of registration for a period of 3 years.
- (d) For application for restoration of name to each sub-register in the
- Person seeking restoration to the
- \$2170 for restoration and

	register of specialist contractors from which the name of the specialist contractor has been removed.	sub-register.	\$1500 for registration for a period of 1 year or \$1740 for registration for a period of 3 years.
(e)	If at any time prior to the expiry of its registration (including a registration that has been renewed or restored), a registered specialist contractor which is a partnership or a corporation makes any appointment of a person to act for it, regardless of whether such appointment results in the replacement of, or is in addition to, persons already appointed, then for an application for the approval of each person so appointed.	Registered specialist contractor.	\$4350
			(L.N. 441 of 1997)
5.	(Repealed L.N. 79 of 1992)		
6.	(Repealed 54 of 1996 s. 26)		
7.	For the purposes of regulations 6(2), 29 and 33- for any resubmission	-	Free

For the purposes of this item, a resubmission means-

- (i) a further submission of a plan of building works or an amendment plan of an approved plan under regulation 6(2); or
- (ii) a submission of an amendment plan of an approved plan of building works under regulation 29 or 33.

(L.N. 220 of 1991; L.N. 185 of 1992)

7A. For the purposes of regulations 29 and 33-

(a) for a new plan or a major revision of such plan of building works in respect of-

(i) a proposed new industrial building of a gross floor area of 20000 square metres or less	Applicant	\$2160 for every 100 square metres or part thereof, subject to a minimum charge of \$8230
---	-----------	---

(ii) a proposed new industrial building of a gross floor of more than 20000 square metres	Applicant	\$1740 for every 100 square metres or part thereof, subject to a minimum charge of \$432400
---	-----------	---

(iii) a proposed new building for which there is no accountable gross floor area, such as a transformer station, an oil storage installation, a petrol filling station, a jetty or similar structure	Applicant	\$11200 for each size of 841 mm by 594 mm or part thereof of the plan (L.N. 185 of 1992; L.N. 367 of 1992)
--	-----------	--

(iv) (Repealed L.N. 185 of 1992)

(v) a proposed new non-industrial building of a gross floor area of 10000 square metres or less	Applicant	\$3430 for every 100 square metres or part thereof, subject to a minimum charge of \$8230
---	-----------	---

(vi) a proposed new non-industrial building of a gross floor area of more than 10000 square metres	Applicant	\$2750 for every 100 square metres or part thereof, subject to a minimum charge of \$343400
--	-----------	---

For the purposes of this paragraph, "industrial building" (工業建築物) includes a factory, a workshop and a godown.

(b) for a new plan or a major revision of such plan of alteration and addition works or other building works not resulting in a new building.	Applicant	\$11200 for each size of 841 mm by 594 mm or part thereof of the plan
---	-----------	---

(L.N. 220 of 1991; L.N. 185 of 1992; L.N. 355 of 1993; L.N. 366 of 1994; L.N. 269 of 1995)

8. For the purposes of regulation 39. Authorized person \$2420
or registered
structural engineer.
(L.N. 209 of 1991; L.N. 313 of 1994; L.N. 191 of 1995; L.N. 442 of 1997)
9. For the purposes of regulation 73(5) Registered general \$925
of the Building (Standards of building contractor
Sanitary Fitments, Plumbing, or registered
Drainage Works and Latrines) specialist
Regulations (Cap 123 sub. leg.) contractor.
(L.N. 209 of 1991; L.N. 313 of 1994; L.N. 191 of 1995; L.N. 441 of 1997)
10. (a) For a certified copy, print or Applicant \$45
extract, issued under section 36 of
the Ordinance, of or from any
document (other than a plan) or any
microfilm or other record of any
document (other than a plan).
(b) For a certified copy, print or Applicant \$350
extract, issued under section 36 of
the Ordinance, of or from any plan
or any microfilm or other record of
any plan.
(L.N. 103 of 1993; L.N. 313 of 1994; L.N. 191 of 1995; L.N. 442 of 1997; L.N. 158 of 2000)
(L.N. 188 of 1974; L.N. 331 of 1985; L.N. 103 of 1993)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	
Regulation:	44	Heading:	Duty of authorized person or registered structural engineer who has prepared plans to supply to Building Authority such information as he may require	Version Date:	30/06/1997

PART VII

MISCELLANEOUS

Every authorized person or registered structural engineer who has prepared any plans which have been submitted to the Building Authority for his approval shall supply to the Building Authority such information as he may require with regard to such plans or to the building works or street works shown thereon.

(L.N. 188 of 1974)

Chapter:	123A	Title:	BUILDING (ADMINISTRATIO N) REGULATIONS	Gazette Number:	L.N. 175 of 1998
Regulation:	45	Heading:	Duty of authorized person, registered structural engineer, registered contractor, etc. to notify Building Authority of change of business address	Version Date:	01/04/1998

Every authorized person, registered structural engineer, registered general building contractor and registered specialist contractor shall notify the Building Authority in the specified form of any change in the address at which he carries on business, within 14 days thereof.

(L.N. 59 of 1971; L.N. 188 of 1974; 43 of 1987 s. 44; L.N. 531 of 1994; L.N. 514 of 1997)

Chapter:	123F	Title:	BUILDING (PLANNING) REGULATIONS	Gazette Number:	
Regulation:	7	Heading:	Eaves, cornices, mouldings, etc.	Version Date:	30/06/1997

PART II

PROJECTIONS

(1) No eaves, cornices, mouldings or other architectural projections shall project over a street more than 500 mm or at a height of less than 2.5 m above the level of the ground.

(2) No pipes (including water-pipes and drain-pipes) or gutters, or the appurtenances of such pipes or gutters shall project over a street more than 300 mm or at a height of less than 2.5 m above the level of the ground.

(L.N. 79 of 1992)

Chapter:	553B	Title:	ELECTRONIC TRANSACTIONS (EXCLUSION) ORDER	Gazette Number:	2 of 2003
Schedule:	1	Heading:	PROVISIONS EXCLUDED FROM APPLICATION OF SECTION 5 OF ORDINANCE	Version Date:	14/02/2003

[section 2]

Item	Enactment	Provision
1.	Landlord and Tenant (Consolidation) Ordinance (Cap 7)	Section 116(4A)
2.	Employment Ordinance (Cap 57)	Section 72(1)(b) and (e)
3.	Import and Export Ordinance (Cap 60)	Sections 15(1) and 19(1)
4.	Import and Export (Registration) Regulations (Cap 60 sub. leg. E)	Regulations 11(1) and 12(1)
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1), 6 and 8(a) and (b)
6.	Dutiable Commodities Regulations (Cap 109 sub. leg. A)	Regulation 22(1) and (4)
7.	Dutiable Commodities (Liquor) Regulations (Cap 109 sub. leg. B)	Regulations 15 and 26
8.	Immigration Ordinance (Cap 115)	Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7), 6(1) and (2), 17L(1)(a) and (b) and 17LA(1)
9.	Buildings Ordinance (Cap 123)	Sections 8B(1), 8C(2), 8D(2), 17(1)(Column B), 19(1) and (4), 20(2), 21(2), 25(1) and 42(2)
10.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulations 6(1), 11, 18(1), 18A, 23(1A) and (2), 29(1), 31(1), 33(1), 38 and 47
11.	Building (Planning) Regulations (Cap 123 sub. leg. F)	Regulations 51(1), 53(1) and 64(1) and (2)
12.	Building (Private Streets and Access Roads) Regulations (Cap 123 sub. leg. G)	Regulation 28
13.	Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg. I)	Regulations 62(1) and 73(1)
14.	Building (Oil Storage Installations) Regulations (Cap 123 sub. leg. K)	Regulations 6(1) and 10(2)
15.	Lands Resumption Ordinance (Cap 124)	Sections 6(2) and 8(1)
16.	Foreshore and Sea-bed (Reclamations) Ordinance (Cap 127)	Sections 6(1) and 12(1)
17.	Land Acquisition (Possessory Title) Ordinance (Cap 130)	Section 6(1)
18.	Town Planning Ordinance (Cap 131)	Sections 16(2), 17(1) and 24(1)
19.	Commercial Bathhouses Regulation (Cap 132 sub. leg. I)	Section 5(1)
20.	Food Business Regulation (Cap 132 sub. leg. X)	Section 32(1)
21.	Frozen Confections Regulation (Cap 132 sub. leg. AC)	Section 18(1)
22.	Milk Regulation (Cap 132 sub. leg. AQ)	Section 15(1)
23.	Offensive Trades Regulation (Cap 132 sub. leg. AX)	Section 9(2)

24.	Places of Amusement Regulation (Cap 132 sub. leg. BA)	Section 5(1)
25.	Public Cemeteries Regulation (Cap 132 sub. leg. BI)	Section 5(a)
26.	Slaughterhouses Regulation (Cap 132 sub. leg. BU)	Section 10(1)
27.	Swimming Pools Regulation (Cap 132 sub. leg. CA)	Section 5(1)
28.	Places of Public Entertainment Regulations (Cap 172 sub. leg. A)	Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)
29.	Births and Deaths Registration Ordinance (Cap 174)	Sections 8(1), 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i)
30.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1) and (1B)(a)
31.	Marriage Reform Ordinance (Cap 178)	Section 9(4)(a)
32.	Marriage Ordinance (Cap 181)	Section 14(1)
33.	Aerial Ropeways (Safety) Ordinance (Cap 211)	Section 7
34.	Aerial Ropeways (Operation and Maintenance) Regulations (Cap 211 sub. leg. A)	Regulations 6(1) and 20(5)
35.	Peak Tramway (Safety) Regulations (Cap 265 sub. leg. A)	Regulation 30
36.	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap 276)	Section 21(1)
37.	Employees' Compensation Ordinance (Cap 282)	Sections 45(1)(b) and (c), 45A(b) and 45C(1) and (3)
38.	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap 296 sub. leg. A)	Regulations 11(2) and 12(2)
39.	Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap 296 sub. leg. B)	Regulation 3(2)
40.	Lifts and Escalators (Safety) Ordinance (Cap 327)	Section 6(1)
41.	Hotel and Guesthouse Accommodation Ordinance (Cap 349)	Sections 6(1) and (4), 7(2), 8(1), 9(2) and 12(2)
42.	Water Pollution Control (Sewerage) Regulation (Cap 358 sub. leg. AL)	Sections 14(1) and 16(1)
43.	Roads (Works, Use and Compensation) Ordinance (Cap 370)	Sections 10(1) and (3) and 29(1) and (4)
44.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulations 5(1), 17(2) and 20(1) and (3)
45.	Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap 384 sub. leg. A)	Regulation 6(1)(b)
46.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Sections 3(1) and (2) and 4

47.	Amusement Rides (Safety) Ordinance (Cap 449)	Sections 5 and 39
48.	Amusement Rides (Safety) (Operation and Maintenance) Regulation (Cap 449 sub. leg. B)	Section 6(1)
49.	Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap 470)	Sections 12(3) and 15(a)
50.	Land Survey Ordinance (Cap 473)	Section 30(4) and (6)
51.	New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap 495)	Section 5(1), (2), (4) and (5)
52.	Environmental Impact Assessment Ordinance (Cap 499)	Sections 4(5), 5(1), (2) and (4), 6(2), 7(1)(a), 8(1), 10(1)(a), 12(1) and (2) and 13(1)
53.	Railways Ordinance (Cap 519)	Sections 10(1) and (4) and 34(1)
54.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Section 5(2) (L.N. 261 of 2000)
55.	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)	Section 21(2) (L.N. 261 of 2000; L.N. 268 of 2001)
56.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C)	Sections 5(13) and 8(2)
57.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 23(8) and (12), 25(6) and (15), 42(11) and (13) and 66(7) and (10) (L.N. 268 of 2001)
58.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Sections 5(8) and 8(2)
59.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)	Sections 26(5) and (9), 28(3), (9) and (12), 45(8) and (10), 66(6) and (9) and 102(4)
59A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	Sections 6(13) and 9(2) (L.N. 268 of 2001)
59B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 23(5) and (9), 25(2), 42(8) and (10) and 64(8) and (10) (L.N. 268 of 2001)

	leg. I)	
59C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6), 80(2) and 81(1)(b) (L.N. 282 of 2001)
60.	Legislative Council Ordinance (Cap 542)	Sections 13(1), 14(1), 26(6), 38(3), 40(1)(b) and 42(2) (21 of 2001 s.75)
61.	Registration of Electors (Appeals) Regulation (Cap 542 sub. leg. B)	Section 2(1) and (2)(c)
62.	(Repealed L.N. 268 of 2001)	
63.	District Councils Ordinance (Cap 547)	Sections 15(1), 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2
64.	Election (Corrupt and Illegal Conduct) Ordinance (Cap 554)	Section 37(1) and (2) (L.N. 167 of 2000)
65.	Chief Executive Election Ordinance (Cap 569)	Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3), 13(6) and 21(2) (21 of 2001 s. 75)
66.	Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Sections 4(1) and 5(1) and (2)(c) (L.N. 268 of 2001)
67.	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569 sub. leg. B)	Section 3(1) and (2)(c) (L.N. 268 of 2001)
68.	Village Representative Election Ordinance (Cap 576)	Sections 8(1), 10(1), 24 and 26(2) (2 of 2003 s. 68)

Chapter:	553B	Title:	ELECTRONIC TRANSACTIONS (EXCLUSION) ORDER	Gazette Number:	2 of 2003
Schedule:	2	Heading:	PROVISIONS EXCLUDED FROM APPLICATION OF SECTION 6 OF ORDINANCE	Version Date:	14/02/2003

[section 3]

Item	Enactment	Provision
1.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1) and 8(a) and (b)
2.	Dutiable Commodities Regulations (Cap 109 sub. leg. A)	Regulation 22(1) and (6)
3.	Immigration Ordinance (Cap 115)	Section 5(4)(b) and (5)(a)(ii) and (b)(ii)
4.	Buildings Ordinance (Cap 123)	Section 8B(4)
5.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulations 12(1), (2) and (3), 18(2), 20(1), 25(2), (3) and (4), 26(2) and 28
6.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1)
7.	Marriage Ordinance (Cap 181)	Section 6
8.	Legitimacy Ordinance (Cap 184)	Schedule, paragraph 1
9.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulations 5(3), 17(2) and 20(3)
10.	Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap 384 sub. leg. A)	Regulation 6(3)
11.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Section 6
12.	Land Survey Ordinance (Cap 473)	Section 30(4)
13.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Sections 14(2) and 15(6) (L.N. 261 of 2000)
14.	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)	Sections 19(1)(e), 20(2), (3), (5), (7) and (8), 26(6), 30(2), 31(7), 31A(2) and 33(9) (L.N. 261 of 2000; L.N. 268 of 2001)
15.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C)	Section 5(4)
16.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 10(7) and (8), 11(7) and (8), 12(7) and (8), 20(2), 23(9) and (12), 25(8) and (15), 42(11) and (13), 66(7) and (10) and 102(4) (L.N. 268 of 2001)
17.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Section 5(2)
18.	Electoral Affairs Commission (Electoral	Sections 12(7) and (8), 20(2),

	Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)	26(6) and (9), 28(5) and (12), 45(8), 66(6) and (9), 102(4) and 103(4)
18A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	Section 6(4) (L.N. 268 of 2001)
18B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 7(4), 8(6) and (7), 17(2), 23(6) and (9), 25(4) and (9), 42(8) and (10), 64(8) and (10), 99(2)(b) and 100(4) (L.N. 268 of 2001)
18C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6), 80(2) and 81(1)(b) (L.N. 282 of 2001)
19.	Legislative Council Ordinance (Cap 542)	Sections 13(2), 14(2), 40(2) and 42(2) (21 of 2001 s. 76)
20.	District Councils Ordinance (Cap 547)	Sections 15(2), 23(2), 25(2), 35(2) and 63(2)
21.	Air Navigation (Hong Kong) Order 1995 (Cap 448 sub. leg. C)	Articles 10(2) and 28(4) and Schedule 15, Regulation 1(1)
22.	Chief Executive Election Ordinance (Cap 569)	Sections 16(3) and (8) and 33(2) and the Schedule, sections 3(4) and 21(2) (21 of 2001 s. 76)
23.	Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Section 3(2) (L.N. 268 of 2001)
24.	Village Representative Election Ordinance (Cap 576)	Sections 8(2), 10(2), 24 and 26(2) (2 of 2003 s. 68)

**Buildings (Amendment) Bill 2003
Economic, Environmental, Sustainability,
Financial and Civil Service Implications**

ECONOMIC IMPLICATIONS

The proposals relating to minor works will reduce the cost of complying with building control requirements. As a result of the streamlined procedures for carrying out minor works, there will be savings on the professional fees for authorized persons and registered structural engineers in terms of plan processing. Furthermore, the introduction of a new category of registered minor works contractors (RMWC) will lower building owners' cost of complying with the Building Authority's orders since minor works, such as removal of unauthorized building works (UBWs), can be carried out by RMWC at relatively lower costs.

2. The proposals relating to the provision of emergency vehicular access and registration of geotechnical engineers may bring about a slight increase in compliance cost. Nevertheless, under the existing practice, many buildings have vehicular access and geotechnical experts are often appointed for carrying out geotechnical works. The proposed statutory provisions only aim to institutionalize these practices and provide the appropriate standards and requirements. It is estimated that the increase in compliance cost will only represent a negligible portion of the total costs of construction.

ENVIRONMENTAL IMPLICATIONS

3. The proposals will facilitate more speedy removal of UBWs which, in many cases, are eyesores in the urban landscape. The faster removal of UBWs will be conducive to a safer, healthier and more congenial environment. There may be some transient problems during the

process of removal of UBWs, such as noise and demolition waste. However, contractors are required to follow the existing guidelines on proper removal procedures. These short-term environmental problems will be contained to comply with established standards and criteria.

4. According to the Environmental Protection Department's estimation, about 30% of the UBWs contain corrugated asbestos-cement sheets. The removal work of this kind of UBWs will continue to be governed by the Air Pollution Control Ordinance (Cap.311), i.e. any parts of the UBWs that involve asbestos-containing materials have to be removed by qualified contractors registered under the Ordinance. In addition, as at present, building owners would be reminded of this requirement when removal orders are issued.

SUSTAINABILITY IMPLICATIONS

5. The proposals would help enhance building safety through facilitating more effective law enforcement and streamlining the regulatory mechanism. They should help bring about a better living environment and are conducive to our long-term sustainability.

FINANCIAL AND CIVIL SERVICE IMPLICATIONS

6. Any additional financial and staffing requirements will be absorbed by the existing provision of the BD.

7. Overall the proposals would result in an estimated reduction of \$2.7 million in revenue per year. This is due to streamlined procedures and hence cost savings.