

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) in the definition of "臨街處所擁有人", by repealing the full stop at the end and substituting a semicolon;

(f) 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--
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"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--

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(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.; and

(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";

(l) 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.".

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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---

"(iia) 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".

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

contractors in the
register of minor
works contractors.

(d) For application for Person \$895 for
restoration of name seeking restoration
to the sub-register restoration and \$945 for
for class A to the registration
registered minor sub-register. for a period
works contractors of 3 years.
in the register of
minor works
contractors from
which the name of
the minor works
contractor has been
removed.

(e) If at any time prior Registered \$3,090
to the expiry of its minor
registration works
(including a contractor.
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 for Person \$3,390
cancellation or seeking
amendment of a cancellation
condition of or
registration as a amendment.
class A registered
minor works
contractor.

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

(i) a basic fee shall \$1,440
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 to \$945
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-register seeking registration for class B registered entry in for a period minor works the of 3 years. contractors in sub-register. the register of minor works contractors.

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

(d) For application Person \$315 for for restoration seeking restoration of name to the restoration and \$945 for sub-register for to the registration class B registered sub-register. for a period minor works of 3 years. 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 prior Registered \$1,010 to the expiry of its minor works registration contractor. (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 cancellation
of a condition or
of registration amendment.
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 form Applicant \$45

(iii) electronic form Applicant \$45

(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 form or more plans or documents originally kept in the same file in paper form

(iii) electronic Applicant \$36 for one form or more plans or documents originally kept in the same file in paper 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(f) 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(1) 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 building 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) rennumbers 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(1)(b) of the regulations so that geotechnical calculations are also excluded from the application of that regulation.

110. Clause 65(b) 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.

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).