

For discussion  
on 13 July 2005

**LEGISLATIVE COUNCIL  
PANEL ON PLANNING, LANDS AND WORKS**

**Certification of Building Plans by Private Professionals**

**Purpose**

This paper briefs Members on the suggestion of processing and certification of building plans by independent checkers in the private sector.

**Current Requirement of Building Plan Submission**

2. Under section 14 of the Buildings Ordinance (Cap. 123) (the Ordinance), any person intending to carry out any building works, other than works exempted under section 41 of the Ordinance, should submit building plans to and obtain prior approval from the Building Authority i.e. the Director of Buildings.

3. The Building Authority, in response to an application for approval of a building plan submission, will vet the plan(s) and then either approve or disapprove the plan(s).

**Proposed Private Certification**

**Background**

4. A Subgroup on Business Facilitation was established under the Economic and Employment Council<sup>1</sup> in March 2004 to facilitate business development and job creation through identifying and eliminating outdated, excessive, repetitive or unnecessary government regulations. The Subgroup has embarked on a comprehensive review of

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<sup>1</sup> The Economic and Employment Council chaired by the Financial Secretary was established in January 2004 to provide advice on the development and implementation of policies and initiatives to promote economic activities, facilitate business, and engender employment opportunities.

the entire property development process focusing mainly on lands and planning matters in the pre-construction stage and requested the Provisional Construction Industry Co-ordination Board<sup>2</sup> (PCICB) to identify measures to speed up the construction cycle and reduce the cost of compliance with prevailing statutory requirements. A Task Force to Review the Construction Stage of the Development Process (the Task Force)<sup>3</sup> was formed under the PCICB in late 2004 to undertake this task.

### **Present Position**

5. The Task Force is discussing private certification of building plans as one of the measures for streamlining the building plan approval process. Some industry stakeholders believe that private certification might bring greater flexibility in the manner and timing of making building plan submissions and quicker turnaround time, giving project participants better control over the construction programme and more room for exploring innovative designs and construction methods. On the other hand, the following implementation issues have been raised in the discussions of the Task Force:

- (a) independence of third party checkers;
- (b) commercial viability of third party checking;
- (c) availability of insurance to third party checkers;
- (d) public confidence in third party checking;
- (e) quality of work by third party checkers;
- (f) uniformity of standards; and
- (g) co-ordination between government departments and third party checkers.

6. In the light of the above implementation issues and since private certification will involve a major change to the statutory framework for building plan approval, the Task Force has agreed that a consultancy

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<sup>2</sup> The Provisional Construction Industry Co-ordination Board was established in September 2001 to pursue reforms recommended by the Construction Industry Review Committee and serve as a pan-industry forum to forge consensus on strategic issues.

<sup>3</sup> The Environment, Transport and Works Bureau is currently providing secretarial service to the PCICB and the Task Force.

study be commissioned to examine the subject holistically before formulating recommendations on the way forward.

7. Subject to finalization, the scope of the study would include documenting the current procedures for making, processing and approving building plan submissions, ascertaining the problems and issues affecting the cost and programme of property development, assessing the effectiveness of private certification in resolving these problems and issues, ascertaining the issues which may affect the implementation of private certification and formulating solutions, developing an implementation strategy for private certification, and formulating proposals for conducting trials on private certification. The study is scheduled to start in the third quarter of 2005 and will be completed in early 2006.

### **Buildings Department's Views**

8. The Buildings Department considers that the issues of concern identified in paragraph 5 above should be fully addressed and resolved and a consensus among stakeholders concerned should be firmly established before the matter can be taken forward.

### **Advice Sought**

9. Members are invited to note the progress of the Task Force in its deliberations over the proposal of private certification. We will be happy to keep the Panel posted of the progress and results of the consultancy study.

**Buildings Department**  
**Provisional Construction Industry Co-ordination Board Secretariat**  
**July 2005**