

香港房屋經理學會

The Hong Kong Institute of Housing

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By Fax: 2869 6794

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18 January 2008

The Honorable KWONG Chi-kin
Chairman of the Bills Committee
On Buildings (Amendment) Bill 2007

Dear Mr KWONG

Comments on Proposed Buildings (Amendment) Bill 2007

We thank you for your letter dated 27 December 2007 drawing our attention to the proposal of introducing the new Registered Minor Works Contractors (RMWC) Building Control Scheme applicable to all private building works.

We are given to understand that the spirits of this proposal is to simplify the existing building control system by delegating the related responsibilities to the relevant parties as follows:

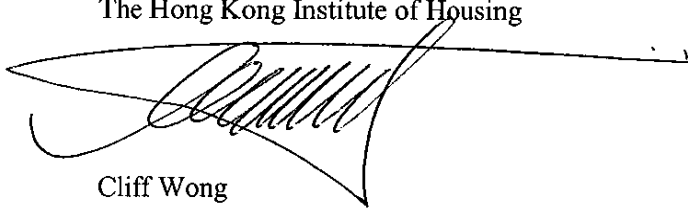
Minor Works	Existing Practice	New Practice
Class I Type e.g. installation of internal staircases connecting two floors	<ul style="list-style-type: none"> ➤ Prior approval of plans and consent for commencement by the Building Authority (BA) ➤ Appointment of Authorized Person to design, co-ordinate and supervise the works and ➤ Appointment of registered general building or registered specialist contractor to carry out the work. 	<ul style="list-style-type: none"> ➤ Should be designed and supervised by AP. ➤ Carried out by registered contractor ➤ Notification to the BA before the work commencement is required ➤ AP certify work completion
Class II Type e.g. repair of external wall	- ditto -	<ul style="list-style-type: none"> ➤ Carried out by registered contractor without the involvement of AP ➤ Notification to the BA before the work commencement is required
Class III Type e.g. erection of supporting frames for air conditioners	- ditto -	<ul style="list-style-type: none"> ➤ Carried out by registered contractor without the involvement of AP ➤ Notification to the BA is not required.

Whilst we welcome the move to streamline the procedure, we would like to express our following concerns for your consideration:

- (1) For public safety and professionalism concern, the existing system requires "the dual control", viz. Building Authority and the building professionals in the capacity of Authorized Person to approve and endorse the related work respectively. Your Class I proposal is to change it to "the single control system", i.e. by delegating to the Authorized Person to design and supervise the work in order to enhance the efficiency. However, you leave your Class II & III works entirely in the hands of the Registered Minor Work Contractor. We have the worry that the proposed Class II & III works may deviate too far away from the original objectives. For instance, the extent of external wall repair varies from replacing the whole fascia to patches of concrete spalling repair. In recent years, some estate external wall repair case may even involve huge contract sum and classify as big refurbishment project. As such, we would recommend that the Class II work that refers to large scale repair and refurbishment projects like external wall repair should also be handled by the building professional and is required to notify the BA. Notwithstanding the aforesaid, we would support that simple Class III work can be exempted from building professional handling and notification to the BA. Above all, we would be grateful if you could forward us the proposed Schedule of Minor Works mentioned under your Legislative Council Brief so that we can offer our assistance to you in clarifying the suitable classification.
- (2) The second concern is that the financial capability of the proposed Registered Minor Work Contractor (usually to be individual or small and medium sized companies) may be overlooked by the owners as their focus will be drawn by the pricing which is not commensurate with the amount or volume of works undertaken. Bankruptcy of individual RMWC is not uncommon in recent years. Hence, we would propose that some form of "central insurance / indemnity pool" within the Building Department or insurance underwriters should be considered to cover the liabilities and risks of these RMWCs.
- (3) The third concern is on the responsibility to ensure the Minor Works are in compliance with the Deed of Mutual Covenant provisions. For example, installation of air-conditioning frames at the external wall may not be in line with the provisions the DMC due to the wrong location (i.e. not in the designated area) and upsetting the external appearance of the building. We would propose that building owners are required to consult their management companies or with property management professionals like corporate members of our Institute or the Registered Professional Housing Managers to ensure the compliance with DMC even though the proposed work has satisfied the requirements under the new RMWC scheme.

Should you require further details of the above suggestion, please feel free to contact us on 2544 3111.

Yours sincerely
For and on behalf of
The Hong Kong Institute of Housing



Cliff Wong
President