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25 February 2008

Panel on Development
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn : Miss Monna Lai)

Dear Miss Lai,

Buildings (Amendment) Bill 2007 (the Bill)

Thank you for your letter dated 11 February 2008. Our reply is set out in ensuing paragraphs.

Registration of the Registered Minor Works Contractors (RMWCs) and the Transitional Arrangement

2. Regarding your questions in subparagraphs (a) & (b) in the 5th paragraph of your letter, for the sake of describing the registration system for RMWCs to the Legislative Council and the general public, we have identified in broad terms in the documents published two main groups of existing practitioners (namely "companies" and "individuals" in our publications) who may be interested to apply for registration. In essence, they are "contractors operating as firms" and "individual workers".

3. The “contractors operating as firms” include body corporate (or limited companies), partnerships as well as sole proprietorships. Contractors operating under any of these three modes may apply for registration as RMWCs for one or more classes and types of minor works relevant to their experience and qualifications. An applicant as a "contractor operating as firms" has to satisfy the Building Authority that its personnel possess the necessary technical qualifications and work experience before it could be registered to carry out the classes and types of minor works under application. This arrangement is the same as the registration arrangement for Registered General Building Contractors and Registered Specialist Contractors under the extant Buildings Ordinance (BO).

4. During the transitional period, these firms are allowed to first apply for inclusion in the provisional register of RMWCs by virtue of their work experience and continue with their businesses while preparing themselves for fulfilling the requirements for full registration (i.e. taking the necessary top-up courses).

5. On the other hand, “individual workers” refer to those workers who are competent in personally carrying out Class III minor works items by virtue of their technical skills and work experience. These workers may not practise in the mode of any “firms” mentioned in the paragraphs above. Nevertheless, they constitute a significant workforce of the minor works industry as expressed by the stakeholders during our consultation exercise. In response to the requests of the industry, to cater for the registration of this group of workers, we plan to accept individual workers to register as RMWCs to carry out Class III minor works items personally relevant to their technical skills and work experience, subject to completion of a short top-up training course. The training course will cover basic knowledge of the statutory requirements and safety precautions. In view of the simple procedures and requirements involved in the registration process and in order to streamline the registration process, we will not establish a provisional register for this group of individual workers.

6. Regarding your question in subparagraph (c) in the 5th paragraph of your letter, the provisions relating to the provisional register under the proposed legislation will become spent after the two-year transitional period expires and we will take the opportunity of future legislative amendment exercises to repeal such provisions.

Implementation of the Validation Scheme

7. The validation is formulated in response to the concerns expressed by the Bills Committee of the then Buildings (Amendment) Bill 2003 over how existing household minor works will be dealt with under the proposed minor works control system and the Committee's suggestion to explore the alternative of not taking enforcement action against those works which exist before the introduction of the minor works control system. Concerning your questions about the scheme, our responses are as follows:

- (a) As stipulated in the Legislative Council brief, the validation scheme will only be applicable to the three types of unauthorized building works (UBWs), namely supporting frames for air-conditioning units, drying racks and small window canopies. The Regulations to be made under the proposed section 38(1AA) of the BO will prescribe the kind of building works covered by the validation scheme.
- (b) These UBWs are normally appended on the exteriors of buildings and are not standalone structures.
- (c) & (d) The validation scheme will commence at the same time as the minor works control system.
- (e) Building owners can participate in the validation scheme on a voluntary basis. They can choose to validate the UBWs when their premises undergo major repair works with a view to saving money and time. During such works, contractors and professionals registered under the BO are employed for the repair works and other safety measures such as scaffoldings are in place, and the owners may make use of such arrangement for the necessary inspection,

repair or alteration works required under the validation scheme. On the other hand, building owners may also validate the UBWs in their premises at any time. There is no deadline for owners joining the scheme.

The BD will follow its existing policy (details at Annex) in taking enforcement actions against UBWs that exist before the commencement of the minor works control system.

Yours sincerely,



(Jerry Cheung)

for Secretary for Development

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Annex

Enforcement Policy of Buildings Department against UBWs

In view of the very large number of UBWs in Hong Kong, the Buildings Department takes immediate enforcement action against all new UBWs and UBWs which pose an obvious hazard to life or property. Priority will be given to the removal of the following types of such works:

1. items constituting obvious or imminent danger to life or property;
2. new items, irrespective of the date of completion of the building where they have been carried out;
3. items in or on buildings, on podiums and rooftops, in yards and lanes (including unauthorized site formation works) constituting a serious hazard or a serious environmental nuisance, as determined by the Building Authority;
4. major individual items;
5. items in or on individual buildings with extensive unauthorized building works;
6. items identified in buildings or groups of buildings targeted for large-scale operations or maintenance programmes; and
7. unauthorized alterations to or works in environmentally friendly features of a building (e.g. balconies, sky or podium gardens) for which exemption from calculation of gross floor area has been granted by the Building Authority.