

**LEGISLATIVE COUNCIL BRIEF**

**Buildings Ordinance (Cap. 123)**

**BUILDING (ADMINISTRATION) (AMENDMENT)  
REGULATION 2015**

**BUILDING (MINOR WORKS) (FEES) (AMENDMENT)  
REGULATION 2015**

**INTRODUCTION**

Section 38(1A) of the Buildings Ordinance (Cap. 123) (“BO”) provides that the Chief Executive in Council may by regulation provide for the imposition of fees in respect of any matter with regard to which provision is made in BO or in regulations made under BO. Section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) empowers the Financial Secretary (which means also the Secretary for Financial Services and the Treasury by virtue of section 3 of Cap. 1) to, by subsidiary legislation, increase or decrease, or otherwise vary the amount of the fee or charge which is for the time being specified in or otherwise fixed or determined by subsidiary legislation made by the Chief Executive in Council.

2. In exercise of the above power, the Secretary for Financial Services and the Treasury has made the following amendment regulations (“the Amendment Regulations”) –

A (a) Building (Administration) (Amendment) Regulation 2015 at **Annex A** to revise the fees prescribed in items 1, 1A, 2 and 4A of the Table of Fees in regulation 42 of the Building (Administration) Regulations (Cap. 123 sub. leg. A) (“B(A)R”); and

B (b) Building (Minor Works) (Fees) (Amendment) Regulation 2015 at **Annex B** to revise the fees prescribed in sections 4, 7, 8(1), 10(1), 10(3), 11, 12, 13, 14(2), 15 and 17(2) of the Building (Minor Works)(Fees) Regulation (Cap. 123 sub. leg. O) (“B(MW)(F)R”).

## JUSTIFICATIONS

3. The concerned fee items are under the purview of the Buildings Department (“BD”) and are related to the registration of –

- (a) authorized persons, structural engineers, geotechnical engineers, general building contractors and specialist contractors;
- (b) inspectors; and
- (c) registered minor works contractors (RMWCs).

The items under (a) and (b) are set out in the B(A)R while those under (c) are set out in the B(MW)(F)R. The prevailing fee levels for the items under (a), (b) and (c) were set in 2005, 2011 and 2009 respectively.

4. In line with the “user pays” principle, it is the policy of the Government that fees charged for government services should in general be set at levels sufficient to recover the full cost of providing the services.

5. BD has recently completed a cost review exercise on the concerned fee items at the 2015-16 price level. Based on the outcome of the cost review, we propose to increase the level of 40 fee items by up to 68% to achieve full cost recovery. We also propose to lower the level of six fee items by up to 4.9% to reflect the reduction in cost resulting from the implementation of streamlined registration procedures for RMWCs. Details of the current and proposed fees under B(A)R and B(MW)(F)R are set out at **Annexes C and D** respectively.

C & D

## THE AMENDMENT REGULATIONS

A & B 6. The Amendment Regulations at **Annexes A and B** will give  
C & D effect to the proposed fee revision as set out at **Annexes C and D** respectively.

## IMPLICATIONS OF THE PROPOSAL

### Legal Implications

7. The Amendment Regulations are in conformity with the Basic Law, including the provisions concerning human rights. The Amendment Regulations will not affect the current binding effect of BO and its subsidiary legislation.

### Financial and Staffing Implications

8. When the proposed fee revision is implemented, there will be an estimated net increase in revenue of about \$2.0 million per annum. There are no staffing implications.

### Economic Implications

9. The proposed fee revision should have little impact on the operating costs of the industry practitioners as the fees payable are relatively small compared with the total operating costs. There should be no direct impact on people's livelihood.

### **EFFICIENCY INITIATIVES**

10. BD has been taking measures to reduce or contain the costs of providing services through efficiency enhancement and streamlining work procedures. The benefits derived from the measures have been factored into the costing of individual fee items.

### **PUBLIC CONSULTATION**

11. BD has consulted stakeholders on the proposed fee revision through the Building Sub-committee of the Land and Development Advisory Committee as well as the Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers Committee. The two committees have raised no objection to the proposal.

12. We consulted the Legislative Council Panel on Development on 24 March 2015 regarding the proposed fee revision. Members were generally supportive of the proposal.

### **PUBLICITY**

13. The Amendment Regulations will be published in the Gazette on 15 May 2015 and a press release will be issued on the same date to announce the fee revision.

## **ENQUIRIES**

14. Enquiries on this brief may be addressed to Mr Arsene Yiu, Principal Assistant Secretary (Planning and Lands) 3 of the Development Bureau, at telephone number 3509 8806.

**Development Bureau  
May 2015**

**Building (Administration) (Amendment) Regulation  
2015**

(Made by the Secretary for Financial Services and the Treasury under section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) by virtue of section 38(1A) of the Buildings Ordinance (Cap. 123))

**1. Commencement**

This Regulation comes into operation on 20 July 2015.

**2. Building (Administration) Regulations amended**

The Building (Administration) Regulations (Cap. 123 sub. leg. A) are amended as set out in section 3.

**3. Regulation 42 amended (fees)**

(1) Regulation 42, Table of Fees, item 1(a)(i)—

**Repeal**

“4,150”

**Substitute**

“6,200”.

(2) Regulation 42, Table of Fees, item 1(a)(ii)—

**Repeal**

“335”

**Substitute**

“485”.

(3) Regulation 42, Table of Fees, item 1(b)—

**Repeal**

“1,200”

**Substitute**

“1,350”.

(4) Regulation 42, Table of Fees, item 1(c)—

**Repeal**

“125”

**Substitute**

“210”.

(5) Regulation 42, Table of Fees, item 1A(a)(i)—

**Repeal**

“900”

**Substitute**

“990”.

(6) Regulation 42, Table of Fees, item 1A(a)(ii)—

**Repeal**

“3,850”

**Substitute**

“4,400”.

(7) Regulation 42, Table of Fees, item 1A(a)(iii)—

**Repeal**

“1,360”

**Substitute**

“1,580”.

(8) Regulation 42, Table of Fees, item 1A(b)—

**Repeal**

“1,180”

**Substitute**

- “1,240”.
- (9) Regulation 42, Table of Fees, item 1A(c)—  
**Repeal**  
 “1,370”  
**Substitute**  
 “1,550”.
- (10) Regulation 42, Table of Fees, item 2(a)(i)—  
**Repeal**  
 “5,020”  
**Substitute**  
 “7,030”.
- (11) Regulation 42, Table of Fees, item 2(a)(ii)—  
**Repeal**  
 “4,140”  
**Substitute**  
 “5,800”.
- (12) Regulation 42, Table of Fees, item 2(b)—  
**Repeal**  
 “1,180”  
**Substitute**  
 “1,460”.
- (13) Regulation 42, Table of Fees, item 2(c)—  
**Repeal**  
 “1,910”  
**Substitute**  
 “2,460”.

- (14) Regulation 42, Table of Fees, item 2(d)—  
**Repeal**  
 “1,140”  
**Substitute**  
 “1,220”.
- (15) Regulation 42, Table of Fees, item 2(d)—  
**Repeal**  
 “1,180”  
**Substitute**  
 “1,460”.
- (16) Regulation 42, Table of Fees, item 2(e)—  
**Repeal**  
 “4,390”  
**Substitute**  
 “6,100”.
- (17) Regulation 42, Table of Fees, item 4A(a)(i)—  
**Repeal**  
 “5,020”  
**Substitute**  
 “7,030”.
- (18) Regulation 42, Table of Fees, item 4A(a)(ii)—  
**Repeal**  
 “4,140”  
**Substitute**  
 “5,800”.
- (19) Regulation 42, Table of Fees, item 4A(b)—

- Repeal**  
“1,180”  
**Substitute**  
“1,460”.
- (20) Regulation 42, Table of Fees, item 4A(c)—  
**Repeal**  
“1,910”  
**Substitute**  
“2,460”.
- (21) Regulation 42, Table of Fees, item 4A(d)—  
**Repeal**  
“1,140”  
**Substitute**  
“1,220”.
- (22) Regulation 42, Table of Fees, item 4A(d)—  
**Repeal**  
“1,180”  
**Substitute**  
“1,460”.
- (23) Regulation 42, Table of Fees, item 4A(e)—  
**Repeal**  
“4,390”  
**Substitute**  
“6,100”.



Secretary for Financial Services and  
the Treasury

4 May 2015

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**Explanatory Note**

This Regulation amends the Building (Administration) Regulations (Cap. 123 sub. leg. A) to adjust the fees payable in respect of the registration of authorized persons, structural engineers, geotechnical engineers, inspectors, general building contractors and specialist contractors.



**Building (Minor Works) (Fees) (Amendment)  
Regulation 2015**

(Made by the Secretary for Financial Services and the Treasury under section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) by virtue of section 38(1A) of the Buildings Ordinance (Cap. 123))

1. **Commencement**  
This Regulation comes into operation on 20 July 2015.
2. **Building (Minor Works) (Fees) Regulation amended**  
The Building (Minor Works) (Fees) Regulation (Cap. 123 sub. leg. O) is amended as set out in sections 3 to 12.
3. **Section 4 amended (fee for application for registration as registered minor works contractor for one or more items of class III minor works)**  
Section 4(a)—  
**Repeal**  
“305”  
**Substitute**  
“290”.
4. **Section 7 amended (fee for application for registration of additional items of class III minor works)**  
Section 7(a)—  
**Repeal**  
“305”  
**Substitute**

“290”.

5. **Section 8 amended (fee for request for review: application relating to one or more items of class III minor works)**  
Section 8(1)—  
**Repeal**  
“105”  
**Substitute**  
“110”.
6. **Section 10 amended (fee for application for registration as registered minor works contractor for one or more types of minor works under one or more classes)**
  - (1) Section 10(1)(a)—  
**Repeal**  
“2,530”  
**Substitute**  
“2,920”.
  - (2) Section 10(1)(b)—  
**Repeal**  
“1,110”  
**Substitute**  
“1,100”.
  - (3) Section 10(1)(c)—  
**Repeal**  
“715”  
**Substitute**  
“730”.

- (4) Section 10(3)(a)—  
**Repeal**  
“2,090”  
**Substitute**  
“2,440”.
  - (5) Section 10(3)(b)—  
**Repeal**  
“840”  
**Substitute**  
“810”.
  - (6) Section 10(3)(c)—  
**Repeal**  
“530”  
**Substitute**  
“560”.
7. **Section 11 amended (fee for registration as registered minor works contractor for one or more types of minor works under one or more classes)**
- Section 11(c)—
- Repeal**  
“410”
  - Substitute**  
“595”.

8. **Section 12 amended (fee for application for renewal of registration for one or more types of minor works under one or more classes)**
- (1) Section 12(a)—  
**Repeal**  
“1,100”  
**Substitute**  
“1,130”.
  - (2) Section 12(b)—  
**Repeal**  
“810”  
**Substitute**  
“835”.
  - (3) Section 12(c)—  
**Repeal**  
“395”  
**Substitute**  
“425”.
9. **Section 13 amended (fee for application for restoration of name to register for one or more types of minor works under one or more classes)**
- (1) Section 13(a)—  
**Repeal**  
“1,250”  
**Substitute**  
“1,300”.

- (2) Section 13(b)—  
**Repeal**  
 “880”  
**Substitute**  
 “915”.
- (3) Section 13(c)—  
**Repeal**  
 “420”  
**Substitute**  
 “435”.
10. **Section 14 amended (fee for application for registration of additional classes or types of minor works)**
- (1) Section 14(2)(a)—  
**Repeal**  
 “2,240”  
**Substitute**  
 “2,700”.
- (2) Section 14(2)(c)—  
**Repeal**  
 “630”  
**Substitute**  
 “615”.
11. **Section 15 amended (fee for application for approval of nomination of additional authorized signatory)**
- (1) Section 15(a)—  
**Repeal**

- “2,240”  
**Substitute**  
 “2,700”.
- (2) Section 15(c)—  
**Repeal**  
 “630”  
**Substitute**  
 “615”.
12. **Section 17 amended (fee for request for review: application relating to one or more types of minor works under one or more classes)**
- (1) Section 17(2)(a)—  
**Repeal**  
 “1,100”  
**Substitute**  
 “1,240”.
- (2) Section 17(2)(b)—  
**Repeal**  
 “810”  
**Substitute**  
 “835”.
- (3) Section 17(2)(c)—  
**Repeal**  
 “395”  
**Substitute**  
 “410”.



Secretary for Financial Services and  
the Treasury

4 May 2015

**Explanatory Note**

This Regulation amends the Building (Minor Works) (Fees) Regulation (Cap. 123 sub. leg. O) to adjust the fees payable in respect of the registration of registered minor works contractors.

## Annex C

**Proposed Revision of Fees under items 1, 1A, 2 and 4A  
of the Table of Fees in regulation 42  
of the Building (Administration) Regulations  
for Registration of Building Professionals and Contractors  
(other than Registered Minor Works Contractors)**

*Abbreviations:*

*AP* - authorized person

*GBC* - general building contractor

*GE* - geotechnical engineer

*SC* - specialist contractor

*SE* - structural engineer

<b>Item</b>	<b>Registration Items</b>	<b>Current Fees (\$)</b>	<b>Present Cost Recovery Rates (%)</b>	<b>Proposed Fees (\$)</b>	<b>Proposed Adjustments (%)</b>	<b>Cost Recovery Rates after Fee Revision (%)</b>
1.	Application for inclusion of name in each list of the AP/SE/GE's register	4,150	66.9	6,200	+49.4	100%
2.	Inclusion of name in each list of the AP/SE/GE's register	335	68.8	485	+44.8	100%
3.	Application for retention of name in each list of the AP/SE/GE's register	1,200	88.8	1,350	+12.5	100%
4.	Application for restoration of name in each list of the AP/SE/GE's register	125	59.8	210	+68.0	100%
5.	Application for inclusion of name in each list of the inspectors' register: (a) by a person referred to in section 3(7AA) of the Buildings Ordinance	900	90.8	990	+10.0	100%

Item	Registration Items	Current Fees (\$)	Present Cost Recovery Rates (%)	Proposed Fees (\$)	Proposed Adjustments (%)	Cost Recovery Rates after Fee Revision (%)
	(b) by a person other than that referred to in (a) above	3,850	87.4	4,400	+14.3	100%
6.	Inclusion of name in each list of the inspectors' register	1,360	86.3	1,580	+16.2	100%
7.	Application for retention of name in each list of the inspectors' register	1,180	95.1	1,240	+5.1	100%
8.	Application for restoration of name in each list of the inspectors' register	1,370	88.4	1,550	+13.1	100%
9.	Application for registration as a GBC (basic fee)	5,020	71.5	7,030	+40.0	100%
10.	Application as a GBC, in addition to the basic fee, where the applicant is a partnership or a corporation for each additional person appointed in the application to act for it	4,140	71.4	5,800	+40.1	100%
11.	Entry of name in the register of GBC	1,180	81.0	1,460	+23.7	100%
12.	Renewal of registration in the register of GBC	1,910	77.6	2,460	+28.8	100%
13.	Application for restoration of name to the register from which the name of the GBC has been removed	1,140 <i>for restoration</i>  1,180 <i>for registration</i>	93.2  81.0	1,220 <i>for restoration</i>  1,460 <i>for registration</i>	+7.0  +23.7	100%  100%

<b>Item</b>	<b>Registration Items</b>	<b>Current Fees (\$)</b>	<b>Present Cost Recovery Rates (%)</b>	<b>Proposed Fees (\$)</b>	<b>Proposed Adjustments (%)</b>	<b>Cost Recovery Rates after Fee Revision (%)</b>
14.	Application for approval of each person appointed to act for a registered GBC prior to expiry of its registration	4,390	71.9	6,100	+39.0	100%
15.	Application for registration as a SC (basic fee)	5,020	71.5	7,030	+40.0	100%
16.	Application as a SC, in addition to the basic fee, where the applicant is a partnership or a corporation for each additional person appointed in the application to act for it	4,140	71.4	5,800	+40.1	100%
17.	Entry of name in the register of SC	1,180	81.0	1,460	+23.7	100%
18.	Renewal of registration in the register of SC	1,910	77.6	2,460	+28.8	100%
19.	Application for restoration of name to the register from which the name of the SC has been removed	1,140 <i>for restoration</i>	93.2	1,220 <i>for restoration</i>	+7.0	100%
		1,180 <i>for registration</i>	81.0	1,460 <i>for registration</i>	+23.7	100%
20.	Application for approval of each person appointed to act for a registered SC prior to expiry of its registration	4,390	71.9	6,100	+39.0	100%

**Annex D**

**Proposed Revision of Fees under sections 4, 7, 8(1), 10(1), 10(3), 11, 12,  
13, 14(2), 15 and 17(2) of the Building (Minor Works) (Fees)  
Regulation  
for Registration of Registered Minor Works Contractors**

*Abbreviations:*

*RMWC(Co)* - registered minor works contractor (not a natural person)

*RMWC(Ind)* - registered minor works contractor (a natural person)

<b>Item</b>	<b>Registration Items</b>	<b>Current Fees (\$)</b>	<b>Present Cost Recovery Rates (%)</b>	<b>Proposed Fees (\$)</b>	<b>Proposed Adjustments (%)</b>	<b>Cost Recovery Rates after Fee Revision (%)</b>
<b>For RMWC(Ind)</b>						
1.	Application for registration as a RMWC by virtue of experience	305	104.8	290	-4.9	100%
2.	Application for registration of additional items of class III minor works	305	104.6	290	-4.9	100%
3.	Request to review a decision or recommendation made in respect of an application	105	95.1	110	+4.8	100%
<b>For RMWC(Co)</b>						
4.	Application for registration as a RMWC(Co):					
	(a) Class I	2,530	86.6	2,920	+15.4	100%
	(b) Class II	1,110	101.0	1,100	-0.9	100%
	(c) Class III	715	98.1	730	+2.1	100%



<b>Item</b>	<b>Registration Items</b>	<b>Current Fees (\$)</b>	<b>Present Cost Recovery Rates (%)</b>	<b>Proposed Fees (\$)</b>	<b>Proposed Adjustments (%)</b>	<b>Cost Recovery Rates after Fee Revision (%)</b>
5.	Additional authorized signatory proposed in the application for registration as a RMWC(Co): (a) Class I (b) Class II (c) Class III	2,090 840 530	85.5 103.6 94.2	2,440 810 560	+16.7 -3.6 +5.7	100% 100% 100%
6.	Registration as a RMWC(Co): (a) Class III	410	68.8	595	+45.1	100%
7.	Application for renewal of the registration of a RMWC(Co): (a) Class I (b) Class II (c) Class III	1,100 810 395	97.3 97.1 93.4	1,130 835 425	+2.7 +3.1 +7.6	100% 100% 101%
8.	Application for restoration of the name of a person to the register: (a) Class I (b) Class II (c) Class III	1,250 880 420	95.9 96.3 96.4	1,300 915 435	+4.0 +4.0 +3.6	100% 100% 100%
9.	Application for registration of additional classes or types of minor works to the registration of a RMWC(Co): (a) Class I (b) Class III	2,240 630	83.0 102.2	2,700 615	+20.5 -2.4	100% 100%
10.	Application for approval of nomination of additional authorized signatory: (a) Class I (b) Class III	2,240 630	83.0 102.2	2,700 615	+20.5 -2.4	100% 100%

<b>Item</b>	<b>Registration Items</b>	<b>Current Fees (\$)</b>	<b>Present Cost Recovery Rates (%)</b>	<b>Proposed Fees (\$)</b>	<b>Proposed Adjustments (%)</b>	<b>Cost Recovery Rates after Fee Revision (%)</b>
11.	Request to review a decision or recommendation made in respect of an application:					
	(a) Class I	1,100	88.6	1,240	+12.7	100%
	(b) Class II	810	96.8	835	+3.1	100%
	(c) Class III	395	96.8	410	+3.8	101%