

Inspection and Copying of Plans and Documents

Plans and other documents submitted to the Building Authority (BA) for the purposes of the Buildings Ordinance (BO) are public records. Provided that the copyright owners do not specifically deny access to the plans and documents and subject to paragraphs 2 to 13 below, the BA may, under section 36G of the BO, upon request and payment of the prescribed fee, permit the public to inspect and issue to the public copies of such building records.

Criteria for permitting inspection and/or issue of copy of building records

2. Applications for inspection and issue of certified true copies and/or non-certified copies of plans, related documents and Buildings Department (BD) Forms should be made in accordance with paragraphs 6 to 13 below. In considering these applications, the BA is obliged to take into account the provisions of the Personal Data (Privacy) Ordinance (Cap 486), the Copyright Ordinance (Cap 528) (CO), the Code on Access to Information and the obligation to confidence.

3. Under the obligation to confidence, the BA will not permit inspection or issue copies of any plans or documents of building and minor works projects, which are submitted to him for the purpose of the BO, until the subject building or works have been completed. The building records that may be inspected by or issued with copies to the public are therefore confined to (i) the latest approved plans, structural calculations and related documents of completed building and minor works projects and (ii) the latest submitted plans and details of Class I & Class II minor works, the latest submitted plans or description of Class III minor works, photos and related documents of completed minor works under the simplified requirements.

4. The BA may only permit inspection or issue of copies of the plans and documents for the purpose of facilitating the ascertaining by the applicant of the following matters:

- (a) matters relating to the construction of any building or the carrying out of any building works (including minor works) or street works;
- (b) whether a building, building works (including minor works) or street works have been completed or carried out in compliance with the provisions of the BO or any other enactment; and
- (c) matters other than those stipulated in items (a) & (b) above that the BA considers appropriate for the building records concerned to be made available for inspection and issue of copies in the interest of the public.

The applicant should make a declaration confirming the aforesaid matter(s).

5. Applications for inspection or issue of copies of building records for matter(s) stipulated in paragraph 4(c) above may only be considered if justified with relevant special circumstances, or if it is accompanied by an authorization from the copyright owner of the plans or documents with a positive statement that he is the owner of the copyright.

Building Information Centre (BIC)

6. The BIC of BD provides services for the inspection and copying of the building records. Applicants can obtain such services through either attending the BIC in person or gaining access to BD's "Building Records Access and Viewing On-line" (BRAVO) system via the internet.

Attending the BIC in person

7. Applicants may attend the BIC in person to inspect and obtain copies of building records. Applications for mere inspection of plans and other documents should be made in the standard form, Form BIC-1. When the plans or documents are retrieved, inspection will be arranged in the BIC during office hours by appointment. BD pledges to produce the electronic records available for viewing within 3 working days upon receipt of the application. If electronic records are not available, paper or microfilm records, if available as the case may be, will be made available for viewing. Care should be exercised in handling these paper and microfilm records so as to avoid damage or disturbance to their order in the file bundles. An applicant, who wishes to obtain hard copies of plans or documents, should immediately after he has inspected and identified the plans or documents to be copied, apply for the issue of copies using the standard form, Form BIC-2.

8. An applicant may also opt for the 'One-Stop Service' and use the standard form, Form BIC-3, in which case BD staff would identify the plans or documents in the subject files for copying on behalf of the applicant and prepare the requested hard copies.

9. Applications for hard copies of occupation permits (OP) should be made in the standard form, Form BD 25. In completing the form, an applicant should ensure that detailed particulars of the subject building such as the lot number and address are accurate for the identification of the OP being requested.

Access to BRAVO system via the Internet

10. An applicant can inspect and/or make request for issue of hard copies of the building records via the BRAVO system, but the applicant should register as a User before he is allowed to do so. Application for registration as a User can be made in the standard form, Form BIC-BRAVO 1. Upon successful registration, the User account login name and assigned password would be sent to the applicant by registered mail.

11. Upon payment of the prescribed fee, the applicant can inspect and/or make request for the issue of hard copies of plans and documents through the Internet. The requested copies may be collected in person at the BIC or by delivery service provided by BIC.

/Fees

Fees and Forms

12. Fees as prescribed in Regulation 42 of the Building (Administration) Regulations will be charged for the inspection and/or copying services.

13. The standard application forms, Form BIC-1, Form BIC-2, Form BIC-3, Form BIC-BRAVO 1 and Form BD25 can be downloaded from BD's website (www.bd.gov.hk). Applicants may submit these standard forms either by mail, email (enquiry@bd.gov.hk), fax or in person. Enquiries on applications for inspection and/or copying services may be made to the BIC at telephone no. 2626 1207 or through fax (for matters related to the BRAVO system: fax no. 2625 0351, for other matters: fax no. 2625 4367).

Copyright issues arising from Change of Prescribed Registered Contractors*

14. Plans of buildings are protected as copyright artistic works under the CO. The concern about copyright may arise when there is a change of Prescribed Registered Contractors for minor works carried out under the simplified requirements during the course of the works, and the new Prescribed Registered Contractors wishes to use the plans and details of the minor works previously submitted to the BD by the resigned Prescribed Registered Contractors to build and/or to make amendments. In such cases, the onus is on the new Prescribed Registered Contractors to ensure that he/she has properly obtained the consent of the copyright owner(s) to use the plans and details of the minor works previously submitted to the BD by the resigned Prescribed Registered Contractors otherwise, the new Prescribed Registered Contractors may infringe the copyright. Please note that the aforementioned copyright issues are by no means exhaustive in covering different aspects of copyright issues comprehensively. There are other aspects of copyright which need to be observed under the CO in order to relieve liability for copyright infringement. You should enlist the expertise of your legal advisor as necessary.

(AU Choi-kai)
Building Authority

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* Under section 2 of the Buildings Ordinance, "prescribed registered contractor" (訂明註冊承建商) means a registered general building contractor, registered specialist contractor or registered minor works contractor.