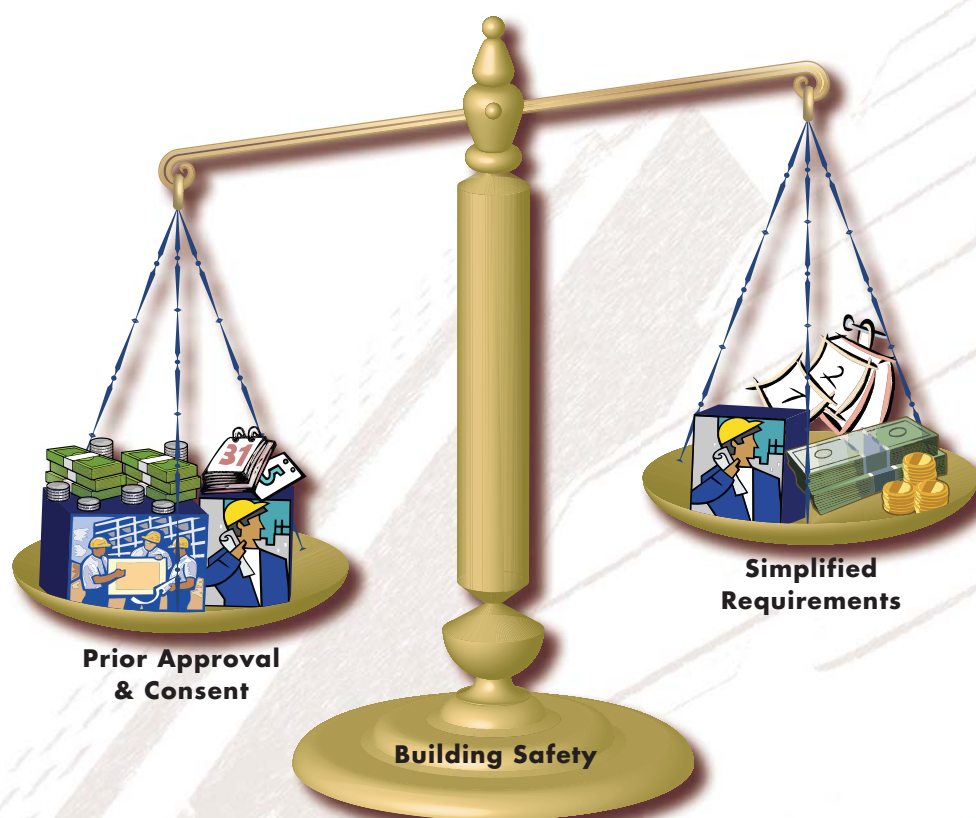


# 1 Introduction

## 1.1 Background

- 1.1.1 Apart from the existing system under which prior approval and consent of the Building Authority ("BA") have to be sought for carrying out building works, a set of prescribed requirements that is simpler than the existing regime has been added to the Buildings Ordinance ("BO"). The detailed modus operandi of the "minor works control system" ("MWCS") is set out in the Building (Minor Works) Regulation (Cap 123N) ("B(MW)R").



- 1.1.2 This MWCS does not apply to any building specified in a "certificate of exemption" (i.e. the New Territories exempted houses under the small house policy) according to section 7(1)(a) of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

## 1.2 "Minor Works Control System"

- 1.2.1 A new category of building works, namely "minor works" ("MW"), and a new register of "registered minor works contractors" ("RMWC") for carrying out such "minor works", have been introduced under the BO. In respect of "minor works", the requirement to seek BA's prior approval of building plans and consent to commence works is dispensed with. "Minor works" are classified into three classes according to their nature, scale and complexity and the risk to safety they pose.

- 1.2.2 The works under each class are further classified into types and items that correspond to the specialization of works in the industry. Each item of "minor works" is precisely defined with their dimensions, locations and other relevant measurements specified. The specifications for the list of 118 items of "minor works" are promulgated in Part 3 of Schedule 1 of the B(MW)R.
- 1.2.3 Regarding the required qualifications of personnel undertaking "minor works", as Class I minor works are relatively more complicated, they require higher technical expertise and more stringent supervision. The other two classes of "minor works", however, can be carried out by registered contractors (including RMWC) without the involvement of Authorized Person. The control system over RMWC largely mirrors that for existing registered contractors (registered general building contractors and registered specialist contractors) under the current BO. The contractors who apply for registration as RMWC may be body corporates, partnerships or sole proprietorships and have to satisfy the BA that their personnel possess the necessary technical qualifications and work experience before they could be registered under the BO. Regardless of whether the RMWC is a company or an individual, the contractor needs to perform the same duties and bear the same obligations and responsibilities under the "minor works control system".
- 1.2.4 In respect of notification procedures, building professionals and registered contractors will be required to notify the BA before the commencement of Classes I and II minor works. Notification of the commencement of Class III minor works is not required. Nevertheless, building professionals and registered contractors are required to certify the completion of any "minor works" they have undertaken and submit the certificate to the BA.
- 1.2.5 A registration system is established for RMWC under the BO by way of regulations. Existing minor works practitioners may apply for registration as RMWC for the relevant classes, types or items of minor works as appropriate according to their qualifications and experience. A transitional period and a provisional registration arrangement are put in place to allow adequate time for the existing minor works practitioners to prepare for registration.
- 1.2.6 As stipulated under the new legislation, applicants for registration as RMWC have to satisfy the BA on their qualifications and experience. Authorized representatives of body corporates or partnerships (acting on their behalf) and individual workers, who possess relevant trade certificates, apprentice certificates or recognized skills qualifications, may apply. Some of them may need to attend top-up courses to enhance their skills before they can be qualified.
- 1.2.7 For Class III minor works, the BA will accept applications from individual workers who do not possess formal qualifications but have adequate relevant experience. For individual workers applying to register as Class III RMWC, they are required to attend a mandatory training course relating to the statutory requirements and technical skills for Class III minor works before registration.
- 1.2.8 The BA will conduct audit checks to ascertain compliance with the statutory requirements and ensure the quality and standard of "minor works". Disciplinary and prosecution actions may be taken against cases of non-compliance.