
Consent Procedures for Building Works and Street Works

Introduction

This practice note provides guidelines on consent application.

Fast Track Application

2. BD has put in place a system for fast-track processing of application for consent to commence works from the Building Authority (BA) for certain building works and street works. The procedures aim to facilitate building development by reducing the number of times authorized persons (AP), registered structural engineers (RSE) and registered geotechnical engineers (RGE) are required to submit consent applications.

3. The procedures for securing the BA's consent to the commencement of building works and street works are laid down in the Buildings Ordinance (BO) and the Building (Administration) Regulations (B(A)R). With the implementation of the fast-track processing of consent application, there are now two sets of procedures :

- The normal procedure – This is applicable to all building works and street works. It should be followed for all Type I works and if so opted by an AP or RSE, for Type II works; and
- The fast-track procedure – This is only applicable to Type II works.

Classification of works

4. For the purposes of this practice note and the administration of section 14(1)(b) of the BO and regulation 31 and 33 of the B(A)R, building works and street works are classified into two types:

- (a) “**Type I works**” refers to all the works, which have not been issued with a first consent of the BA. In this context, a first consent means the BA's consent granted for the first time for the works. It does not include the BA's consent required for the works shown on amendment plans, but include major revisions or amendment plans containing material deviations, approved subsequently; and
- (b) “**Type II works**” refers to the works for which the BA has given approval and a first consent, in respect of which an amendment to plans already approved is proposed. It excludes major revisions or amendment plans containing material deviations to the plans previously approved.

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5. An AP, RSE or RGE wishing to take advantage of the fast-track procedures should mark clearly on the lower right-hand corner of his plans the following statement :

“The works shown on these plans are Type II works (curtain wall works, for example) in respect of which consent is applied for the purpose of Fast Track consent application under regulation 33 of the Building (Administration) Regulations.”

6. It is the responsibility of an AP, an RSE and an RGE to consider thoroughly and ensure whether the works are Type I or Type II. Where the BA does not accept the classification indicated on a plan, he may, by invoking section 16(3)(a) or (b) of the BO, refuse to grant consent under the new procedures.

7. The new procedures have the obvious advantage of allowing for technical and minor adjustments to be made to the works without suspending the works on site. For any works to qualify as Type II works, it is essential that consent should have already been obtained earlier for the works.

8. To facilitate the operation of the consent application system, APs, RSEs and RGEs are requested to adopt the following terminology for differentiating the different types of building works or street works:

- Demolition works
- Ground investigation works
- Site formation works
- Slope/retaining wall works
- Excavation and lateral support works
- Foundation works
- Cap/footing/basement works
- Superstructure works
- Curtain wall works/cladding works
- Alteration and addition works
- Street or access road works

/• Drainage

- Drainage works
- Tunnel works
- General building works (i.e., works shown on general building plans, often synonymous with superstructure works)

Note : More detailed description may be added in brackets after the above terms as necessary, e.g. Excavation and Lateral Support Works (Sheet Piles) and Site Formation Works (Phase I).

Normal procedures

9. The normal procedures require separate applications to be made for the BA's approval of plans and consent for commencement of the approved works. These procedures should be followed in respect of all Type I works and where an AP, RSE or RGE so chooses, in respect of any Type II works.

Fast-track procedures

10. The fast-track procedures operate on the principle that approval and consent are given at the same time in respect of Type II works. It follows, therefore, that the consent given is limited to what is shown on the plans approved. If approval of other types of plans are required, e.g., corresponding structural amendment plans, the works, for which approval and consent have been given, should not be executed on site until approval of the structural amendment plans have been obtained together with the consent for the structural amendment works.

11. The procedures to be followed are as follows :

- Step 1 : Statement in accordance with paragraph 5 above is made by an AP, RSE or RGE on the plans for Type II works submitted in the application for approval and consent at the same time.
- Step 2 : If the plans cannot be approved, the disapproval of the plans and the refusal to give consent are issued to the AP, RSE or RGE at the same time.
- Step 3 : If the plans can be approved, approval and consent will be given at the same time with the required consent notice in respect of the works so approved and consented to. The BA expects the AP, the RSE and the RGE to ensure that the works so approved and consented to are compatible with all previously approved plans and that all conditions imposed are complied with.

/Step 4

Step 4 : If the plans can be approved but consent cannot be given, the plans will be approved and a notification of refusal of consent issued. In the circumstances the AP, RSE or RGE should follow the normal procedures for securing consent for the approved amendment works.

Step 5 : For any subsequent submission of amendment plans, Step 3 or Step 4 as appropriate will be taken.

Specified Forms

12. In lieu of the specified form BA8, a statement in accordance with paragraph 5 above will be accepted for the purpose of application for consent for Type II works.

Sanctions

13. APs, RSEs and RGEs wishing to take advantage of the fast track procedures for the Type II works should ensure that all necessary consents are obtained and all requirements are met prior to the commencement of the works. In this regard, APs, RSEs and RGEs are reminded of the sanctions contained in sections 7 and 40 of the BO.

Validity of Plans

14. While the BO does not prescribe a validity period of approved plans, section 16(3)(d) of the BO does provide the BA with the opportunity to review any plans that are approved more than 2 years ago upon the application for consent to commence works. The BA will invoke section 16(3)(d) of the BO to refuse consent if the building works or street works shown on the approved plans do not comply with the current standards specified in the BO and allied regulations. However, section 16(3)(d) of the BO will not be invoked to enforce approved or draft outline zoning plans introduced under the Town Planning Ordinance after the approval of the building plans.

Application of New Regulations

15. Section 39(2) of the BO provides that if any building works or street works are being carried out or consent to their commencement has been given before the coming into operation of any new regulation, the provisions of the law prior to the new regulation shall apply to such works. In this connection, if the building works or street works required under a new regulation are not shown on any plans that have been approved within a period of 2 years at the time of application for first consent to commence works, the BA may invoke section 16(3)(a) of the BO to refuse the consent application on the ground that the BA has not received and given his approval to all the plans prescribed by regulations. In cases where section 16(3)(a) of the BO is not invoked to refuse the application for first consent, such as in the case where plans incorporating the required building works or street works have been approved but not conforming to the standards specified in the new regulations, the AP, RSE or RGE is responsible to ensure that the building works or street works to be carried out comply with the standards set out in the new regulations pursuant to the provisions of section

39(2) of the BO. In such cases, the AP/RSE/RGE should submit amended plans for approval as necessary, before application for an occupation permit. If the building works or street works carried out do not comply with the new regulation, the application for occupation permit may be refused under section 21(6) of the BO.

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