

## **Consent Procedures for Building Works**

### **Introduction**

This practice note introduces fast-track procedures for securing the consent of the Building Authority (BA) for building works. The procedures aim to help building development in the private sector by reducing the number of times authorized persons (AP) and registered structural engineers (RSE) are required to submit applications. Implementation of the procedures is now considered appropriate in the circumstances noted below :

- The general improvement in the safety conditions of construction sites since the setting up in Buildings Department (BD) of a Site Monitoring Section in October 1995;
- Following the enactment of the Buildings (Amendment) Ordinance 1996, the principles and requirements of a supervision plan system to enhance the safety of construction sites have been established and gained wide recognition; and
- the policy BD follows to increase productivity in housing construction.

2. The procedures for securing the BA's consent to the commencement of building works are laid down in the Buildings Ordinance and the Building (Administration) Regulations. With the introduction of the fast-track procedures the adoption of which is optional, there are now two sets of procedures :

- The normal procedures which are applicable to all building works. These 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 procedures which are only applicable to Type II works.

### **Classification and naming of works**

3. For the purposes of this practice note and administering Buildings Ordinance section 14(1)(b) and regulation 31 of the Building (Administration) Regulations, works are classified into two types:

/ (a) "Type .....

- (a) **"Type I works"** refers to all the works for which there is not 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 but it does not mean the BA's consent required for the works shown on amendment plans approved subsequently. "Type I works" also refers to the works shown on amendment plans which in the opinion of the BA constitute a major revision of or contain a material deviation from the plans previously approved for the same works; and
- (b) **"Type II works"** refers to the works for which the BA has given approval and a first consent and in respect of which an amendment to plans already approved is proposed and the BA's consent for the amendment is needed.

4. An AP or RSE wishing to take advantage of the fast-track procedures should mark clearly on the lower right-hand corner of his plans one of the following statements :

**"Statement I : The works shown on these plans are Type I works** (name of works : piling works, for example) for the purpose of the Building Authority's consent" or, as the case may be,

**"Statement II : The works shown on these plans are Type II works** (curtain wall works, for example) in respect of which the Building Authority's consent is applied for."

5. It is the responsibility of an AP and an RSE to consider thoroughly and decide whether the works are Type I or Type II and it is within the BA's powers to accept or refuse to accept works as Type II irrespective of an AP or RSE's decision. Where the BA disagrees with a Type II classification indicated on a plan, he may, by invoking Buildings Ordinance section 16(3)(a) or (b), refuse to grant consent under the new procedures. In arriving at a decision as to the type of works, important questions that should be considered include :

- Have all plans required for the execution of the works been submitted to the BA and approved ?
- Are the works shown on the amendment plans compatible with any other approved plans ?
- In carrying out the works, is it possible and practical to comply with any conditions imposed by the BA ?
- Should any report, certificate or document be first submitted before carrying out the works ?

/ Should .....

- Should any test be first conducted and a test report submitted to and found satisfactory by the BA before the works are carried out ?
- Is it safe to carry out the works ?

For any building project, to give good answers to the above questions requires the full cooperation of the AP and RSE who assume full responsibility for their decision and their project. The BA takes a serious view on this responsibility.

6. The new procedures have the obvious advantage of allowing for technical and minor adjustments to be made to the works without causing the works in progress on site to be stopped. For any works to qualify as Type II works, it is essential that consent should have already been obtained earlier for the works when classified as Type I through the normal procedures.

7. To make for efficient operation of the BA's consent system, acknowledgment is hereby given of the names commonly used in the building industry for the different types of works listed below. All APs and RSEs are requested to adhere to the same terminology for their 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 works
- General building works (i.e., works shown on general building plans, often synonymous with superstructure works)

Note : More detailed or specific 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 .....

### Normal procedures

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

### Fast-track procedures

9.           The fast-track procedures operate on the principle that approval and consent are given at the same time in respect of plans for Type II works. It must follow therefore that the consent given is limited to what is shown on the plans approved and that if other plans are required, e.g., corresponding structural amendment plans, the BA would expect the works approved and consented to be not executed on site until approval of the structural amendment plans have been obtained together with the consent for the structural amendment works.

10.           The procedures to be followed are as follows :

- Step 1 : Statement II is made by an AP or RSE on the plans for Type II works submitted in 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 notified to the AP or RSE 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 issued in respect of the works so approved and consented to. In this scenario, the BA expects the AP and the RSE 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 : If the plans can be approved but consent cannot be given, the plans will be approved and a notification of refusal of consent issued together with the reasons for refusing to issue the consent. In this scenario, the normal procedures should be used subsequently 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 .....

### Specified Forms

11. A specified form for use for an application for consent for all building works is Form BA 8. In respect of Type II works, in my capacity as the Building Authority, I now announce my decision under Buildings Ordinance section 22(4) that Statement II on a plan, in the same wording and made in the same manner as given in paragraph 4 of this practice note, is a specified form for the purpose of Building (Administration) Regulation 31.

### Sanctions

12. APs and RSEs wishing to take advantage of the new 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 and RSEs are reminded of the sanctions contained in sections 7 and 40 of the Buildings Ordinance.



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Ref. : BD GP/OM/5/3

First issued November 1997 (DD)

Index under : Consent  
Consent procedures  
Type I works  
Type II works