

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)

- (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 BIC1. BD pledges to make the electronic records available for inspection at the BIC within 3 working days upon receipt of an application. For those applicants who choose the walk-in services at the BIC without prior appointment, their applications will be handled on a first-come first-served basis. If electronic records are not available, paper or microfilm records, if available as the case may be, will be made available for inspection by appointment. 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 through the inspection stations at the BIC or using the standard form, Form BIC2.

8. Applicants are encouraged to use the 'One-Stop Service' by using the standard form, Form BIC-3 to obtain copies of building records without having first inspected the records. BD staff will identify the plans or documents in the subject files for copying on behalf of the applicant and inform the applicant of the result of the application and fees payable in writing within **10 days**.

9. Applications for hard copies of occupation permits (OP) should be made in the standard form, Form BIC4. 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 online via the BD website or by using the standard form, Form BIC5. Upon successful registration, the User account login name and assigned password will 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.

Fees and Collection/Delivery of Requested Copies

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

13. After placing order for copying and paying the prescribed fees, the applicant may collect the requested copies in person at the BIC or choose the free delivery services of the BIC for delivery to a Hong Kong address (except for post office box, Closed Area, Lantau Island and Outlying Islands) provided by the applicant.

Forms

14. The standard application forms described above can be downloaded from or submitted on-line via the Electronic Forms Submission System (EFSS) on BD website (www.bd.gov.hk). If applicants do not wish to submit the forms via the EFSS, the completed forms could be submitted either by mail, email receipt@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 Authorized Person/Registered Structural Engineer/Registered Geotechnical Engineer (AP/RSE/RGE)

15. Plans of buildings are protected as copyright artistic works under the CO. The concern about copyright may arise when there is a change of AP/RSE/RGE during the course of works, and the new AP/RSE/RGE wishes to use the approved plans of building works or the submitted plans and details of minor works of the resigned AP/RSE/RGE to build and/or to make amendments. In such cases, the onus is on the new AP/RSE/RGE to ensure that he/she has properly obtained the consent of the copyright owner(s) to use the approved plans of building works or the submitted plans and details of minor works of the resigned AP/RSE/RGE; otherwise, the new AP/RSE/RGE 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.

(HUI Siu-wai)
Building Authority

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