

Guidance Notes for Authorized Signatories of Registered Minor Works Contractors (Company)

The authorized signatory (AS) is required to possess sufficient knowledge in respect of the following six areas to ensure that he/she can perform his/her relevant role and duties in a legal and reasonable manner:-

1. The statutory role, functions and duties of a registered minor works contractor (company) (RMWC(Co)) in respect of minor works in Hong Kong and the role and responsibilities of the Building Authority (BA).

Under section 43 of the Building (Minor Works) Regulation (B(MW)R) and section 9AA of the Buildings Ordinance (BO), an RMWC(Co) is responsible to:

- I. **during the carrying out of the works, give continuous supervision** to the carrying out of the works to ensure that —
 - (a) **the works are carried out in accordance with —**
 - i. **the BO; and**
 - ii. **any order made or condition imposed in relation to the works by the BA under the BO; and**
 - (b) **(in the case of class I minor works or class II minor works) there is no material divergence or deviation** from the prescribed plans and details submitted to the BA in respect of the works; and
- II. **notify the BA of any contravention** of the regulations which would result from the carrying out of any works shown in the plan approved by the BA for the minor works.

Besides, the AS must keep records of activities and information relevant to the supervision of the works and **retain the records and information for at least 12 months** after the completion of the works.

2. The objectives of the BO and its regulations and the mechanism of control in respect of the execution and supervision of minor works.

Objectives of the BO and its regulations:-

The BA endeavours to make the built environment safe and healthy for the public, and sets and enforces **safety, health and environmental** standards for private buildings.

Mechanism of control for the carrying out and supervision of minor works:-

In June 2008, the Government introduced by virtue of the Buildings (Amendment) Ordinance 2008 the Minor Works Control System (MWCS) to facilitate members of the public in carrying out small-scale construction works for private buildings in accordance with the streamlined statutory procedures and “simplified requirements”, with a view to enhancing building safety in Hong Kong. On 3 October 2012, eight minor works items relating to the subdivision of flats (commonly known as “subdivided flats”) were introduced.

The number of minor works items under the MWCS increased from 126 to 187 on 1 September 2020, representing an introduction of 70 new items, a repeal of nine items and an addition of one type of minor works. The newly-added minor works items include works relating to greenery features, metal wind guards, fire dampers, retractable awnings, cat-ladders, etc.

The minor works are categorised into eight types by their nature and classified into three classes according to their scale, complexity and risk to safety. They are subject to control of varying degrees.

The eight types of minor works are, namely:

- Type *A* (alteration and addition works)
- Type *B* (repair works)
- Type *C* (works relating to signboards)
- Type *D* (drainage works)
- Type *E* (works relating to structures for amenities)
- Type *F* (finishes works)
- Type *G* (demolition works)
- Type *H* (works relating to ventilation system inside building)

The three classes are as follows:

- (i) Class I (a total of 58 items) – comprising relatively more complicated minor works, such as:
 - erection of any internal staircase connecting two floors;
 - erection, alteration or repair of any heavy metal gate at a fence wall or at an entrance to a building;
 - repair (in accordance with the original design) of any structural elements (including any flat slab, cantilevered slab); and
 - removal of any large-scale unauthorised rooftop structure.

- (ii) Class II (a total of 68 items) – comprising minor works of comparatively lower complexity and risk to safety, such as:
- erection, alteration or removal of any external reinforced concrete wall of a building (not including load bearing walls);
 - laying, repair or removal of any external rendering, external wall tile or roof finishes of a building;
 - erection or alteration of any medium projecting signboard; and
 - erection, alteration or repair of any window or window wall.
- (iii) Class III (a total of 61 items) – mainly comprising common household minor works, such as:
- erection of any supporting frame for an air-conditioner;
 - erection of any drying rack; and
 - erection of any window canopy.

Under the “simplified requirements” of the MWCS, the 187 minor works items can be carried out without the need to obtain prior approval of plans and consent to the commencement of such works from BD. Owners may appoint technical personnel with different qualifications with reference to the minor works classes to coordinate and carry out the works:

	Class I Minor Works	Class II Minor Works	Class III Minor Works
Appointment of prescribed building professionals (PBPs)	<ul style="list-style-type: none"> ➤ Authorized person ➤ Registered structural engineer/registered geotechnical engineer (depending on the nature of works) 	Not required	Not required
Appointment of prescribed registered contractors (PRCs)	<ul style="list-style-type: none"> ➤ Registered general building contractor (RGBC) or ➤ Registered specialist contractor (RSC) or ➤ Registered minor works contractor (RMWC) of class I minor works 	<ul style="list-style-type: none"> ➤ RGBC or ➤ RSC or ➤ RMWC of class I or class II minor works 	<ul style="list-style-type: none"> ➤ RGBC or ➤ RSC or ➤ RMWC of class I, class II or class III minor works

PBPs/PRCs appointed by owners shall, depending on the classes of the minor works:

	Class I Minor Works	Class II Minor Works	Class III Minor Works
Not less than 7 days before the commencement of the works	Submit to BD a notification as well as plans and the relevant documents for record		Not required
Within 14 days after the completion of the works	Submit to BD record plans, certificates and the relevant documents		

The dimensions, location and other relevant specifications of each of the minor works items are set out in Schedule 1 to the B(MW)R. Details of the relevant works items can also be downloaded from the BD's website.

3. A general awareness of local conditions sufficient to enable him/her to practise in Hong Kong efficiently and effectively without having to make frequent enquiries on matters of common local knowledge.

The AS of an RMWC(Co) is required to possess the necessary knowledge of the minor works industry to ensure the safety of works under their charge and minimise the impact on the environment, in order to comply with the relevant statutory requirements.

4. A working knowledge and principles of the BO and its regulations, relevant codes of practice, practice notes, circular letters and other advisory information, and allied matters such as the Factories and Industrial Undertakings Ordinance and the requirements of other authorities which exercise control over the carrying out of minor works.

The AS of an RMWC(Co) is required to possess a working knowledge of the relevant laws, including the **BO** and its related **regulations** (e.g. the Building (Administration) Regulations, Building (Construction) Regulation, Building (Demolition Works) Regulations, Building (Planning) Regulations, Building (Ventilating Systems) Regulations and Building (Minor Works) Regulation), the relevant **codes of practice** (e.g. the Code of Practice for Fire Safety in Buildings 2011, Technical Memorandum for Supervision Plans 2009 and Code of Practice for Demolition of Buildings 2004), **practice notes** (e.g. those on suspended working platforms, testing of building materials, large metal gates, MWCS and the appointment of ASs to act and their temporary absence) and **guidelines** (e.g. the General Guidelines on Minor Works Control System and Technical Guidelines on Minor Works Control System), as well as the regulatory requirements on construction works of other authorities such as the **Labour Department** (legislation and issues on **workers' safety, site safety**, etc.), **Environmental Protection Department** (issues on the **environment**, including the legislation on **construction waste disposal, pollution control**, etc.), **Food and Environmental**

Hygiene Department (legislation on **mosquito, larvae control in construction sites**, etc.), Construction Workers Registration Authority, Construction Industry Council and Pneumoconiosis Compensation Fund Board (**levy matters**). The AS should also demonstrate his/her ability in explaining the general regulatory mechanism and understanding of ways to keep himself/herself informed of the latest requirements promulgated by different government departments.

The BO and the related regulations, as well as the codes of practice, practice notes and technical guidelines on minor works, etc., issued by BD are available for download on the BD's website. For legislation and codes of practice under other government departments, please consult those departments accordingly.

5. The fundamental procedures that an RMWC(Co) must follow in order to meet local statutory requirements.

As a practitioner in the minor works sector, the AS of an RMWC(Co) should be aware of the basic procedures established by the relevant authorities, such as the procedures to be followed before the carrying out of minor works and after the completion of works. (For example, Form MW01, plans and the relevant documents shall be submitted to BD for record not less than 7 days before the commencement of class I minor works, and record plans, certificates and the relevant documents shall be submitted to BD within 14 days after the completion of the works.)

The AS of an RMWC(Co) should read through the relevant regulations under the newly-enacted B(MW)R to grasp the overall concept. The regulations can be downloaded from the following websites:

- (a) Building (Minor Works) Regulation
https://www.elegislation.gov.hk/hk/cap123N!en?INDEX_CS=N
- (b) Building (Minor Works) (Amendment) Regulation 2012
https://www.legco.gov.hk/yr11-12/english/subleg/sub12_074.htm
- (c) Building (Minor Works) (Amendment) Regulation 2020
https://www.legco.gov.hk/yr19-20/english/subleg/sub20_060.htm

6. Adequate technical knowledge and practical experience in minor works to enable him/her to discharge his/her duties as an RMWC(Co).

For example, the AS of an RMWC(Co) permitted to carry out type B minor works (repair works) should possess sufficient working knowledge and experience to enable him/her to carry out repair works such as concrete repair works, whereas the AS of an RMWC(Co) permitted to carry out type G minor works (demolition works) should be familiar with the precautionary measures that must be taken before the commencement of and during the demolition works.

7. Declaration of conviction/disciplinary/suspension records by the contractor and its AS.

When submitting Forms BA25, BA25A, BA25B, BA25C or BA25D, the contractor and the AS are required to declare whether they have been involved in any conviction/disciplinary action/suspension from tendering for public works within the registration periods. If yes, they should submit duly-completed Forms RR9 and RR10, setting out the relevant records in detail.