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HOME AFFAIRS DEPARTMENT
OFFICE OF THE LICENSING
AUTHORITY
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本署檔號 Our Ref. HAD/LA/4/61 Pt. II

來函檔號 Your Ref.

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19 October 2012

Holders and Applicants of Hotel/
Guesthouse/Bedspace Apartment Licence
Holders and Applicants of Certificate of Compliance
Holders and Applicants of Karaoke Establishment Permit/licence

Dear Sir/Madam,

**Full Implementation of Building (Minor Works)
(Amendment) Regulation 2012 on 3 October 2012**

Further to my letter of 10 August 2012, I am writing to remind you that the Building (Minor Works) (Amendment) Regulation 2012 (Amendment Regulation) for including building works associated with subdivision of flats under the Minor Works Control System (MWCS) (4 Class I and 4 Class III minor works items¹) has come into operation on 3 October 2012. For details of these minor works items, please refer to the Legislative Council Brief uploaded in http://legco.gov.hk/yr11-12/english/subleg/brief/74_brf.pdf. Please also refer to the leaflet dated 19 October 2012 on “Minor Works Associated with Licensed Premises/Premises to be Licensed” in the website www.hadla.gov.hk.

You may wish to note that minor works violating the statutory requirements of the MWCS and the Buildings Ordinance (BO) are unauthorized building works and will not be accepted by the Licensing Authority notwithstanding that appropriate action may be taken by the Buildings Department (BD) against such works.

Please note that new application and alteration submissions which involve minor works carried out in contravention of the statutory requirements of the MWCS and the BO will be regarded as not meeting the relevant licensing requirements and the applications may be REFUSED accordingly. In this connection, you should make reference to the details of the MWCS and take necessary action if minor works items stipulated in the Amendment Regulation are involved in your new application or alteration submission commencing on or after 3 October 2012. You should appoint prescribed contractor (PRC) to carry out and, if necessary, prescribed building professional (PBP) to design and supervise these works. The PBP and/or PRC are also required to make appropriate submissions, containing details of the works concerned, to the BD for record before the commencement (for Classes I and II works only) and after the completion of the works (for all minor works).

For details of the MWCS, please visit BD website : <http://www.bd.gov.hk>. If you have any queries in connection with the MWCS, you may contact the BD by post (12/F, Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon), e-mail (enquiry@bd.gov.hk) or telephone enquiry (2626 1616 handled by “1823 Call Centre”). You may also visit Technical Resource Centre at 5/F, Yau Ma Tei Community Centre, 60 Public Square Street, Yau Ma Tei, Kowloon.

Should you have any enquiries on the above building safety matters, please contact our case officer whose contact telephone no. has been provided in our previous correspondence with you.

Yours faithfully,

(Winston S K LEUNG)
Chief Officer (Licensing Authority)

¹ Creation of rooms with lavatories or other sanitary fitments, installation of internal partitions, thickening of floor slabs, and formation of or alteration to door openings at the common parts including the escape staircases of buildings

Minor Works Associated with Licensed Premises/Premises to be Licensed

1. This leaflet provides general information on minor works associated with licensed premises/premises to be licensed (Premises) for holders of and applicants applying for a licence/certificate of compliance (CoC)/permit issued by the Office of the Licensing Authority (OLA).
2. According to the Minor Works Control System (MWCS) under the Buildings Ordinance (BO) implemented on 31 December 2010, common minor works associated with the Premises may include but not limit to canopy, drainage, external wall, repair of structural elements, removal of unauthorized building works, signboard, supporting frame for air-conditioner and window. In addition, the MWCS introduces 15 items of Designated Exempted Works and a validation scheme "Inspection and Certification of Prescribed Building or Building Works" (also known as Household Minor Works Validation Scheme). Building works associated with subdivision of flats may include but not limit to door openings to staircase enclosure, erection of non-load bearing block walls and laying solid floor screeding have also been designated as MWCS since 3 October 2012. Please refer to OLA's letters dated 10 August and 19 October 2012².
3. The transitional arrangement for implementation of the MWCS has been laid down in section 56 of the BO which stipulates that :-
 - (a) Where the Building Authority (BA) has given approval and consent for the commencement of any building works before 31 December 2010, the building works shall not be treated as minor works; and
 - (b) Where building works exempted under section 41(3) or (3A) of the BO, which as it was in force immediately before 31 December 2010, have been completed or are being carried out as at 31 December 2010, the building works shall not be treated as minor works.
4. For details of the MWCS³, please visit Buildings Department (BD) website : <http://www.bd.gov.hk>. For queries in connection with the MWCS, please contact the BD by post (12/F, Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon), e-mail (enquiry@bd.gov.hk) or telephone enquiry (2626 1616 handled by "1823 Call Centre"), or visit Technical Resource Centre at 5/F, Yau Ma Tei Community Centre, 60 Public Square Street, Yau Ma Tei, Kowloon.
5. **Minor works violating the statutory requirements of the MWCS (e.g. without appointment of prescribed building professional (PBP) (if required)/prescribed registered contractor (PRC) to carry out minor works) and the BO are unauthorized building works and enforcement action may be taken by the BD. Therefore, before appointment of PBP (if applicable) and PRC to carry out minor works associated with the Premises, reference should be made to the details of the MWCS and necessary action should be taken.** For Premises situated in a building subject to BO (Application to the New Territories) Ordinance, the requirement under section 9AA of the BO for appointment of PRC is exempted under the MWCS.
6. For minor works associated with the Premises, the OLA will base on the submitted plans⁴ and subsequent site inspections to impose a requirement for submission of a completed "Notification of Compliance with Special Condition for Minor Works" and a copy of the certificates of completion, photos and plans/documents (if applicable) which has been submitted to BD as required under the MWCS. Please note that the issue of a licence/CoC/permit or the Licensing Authority's acceptance of alteration, addition, renovation and decoration under relevant licensing condition should not be construed as these minor works being completed in accordance with the BO and B(MW)R, and it does not in any way exempt and indemnify the applicants/holders of a licence/CoC/permit from the consequence of non-compliance with the BO and B(MW)R. In this connection, BD will separately process the specified forms and photos/plans/documents for the completed works under the BO and B(MW)R and conduct audit checks to ascertain compliance with the statutory requirements. Should these minor works have not been completed in compliance with the BO and B(MW)R, separate enforcement actions under the BO may be taken by BD.
7. Holders of a licence/CoC/permit are reminded of the contents of OLA's letter dated 19 January 2011¹ regarding the licensing condition for obtaining Licensing Authority's prior formal written agreement for proposed alteration, addition, renovation and decoration of the licensed premises.

Office of the Licensing Authority
19 October 2012

² The letter has been uploaded in the "General Advice to Licence/Certificate of Compliance/Permit Holders and Potential Applicants" under the "Latest News" in the website www.hadla.gov.hk.

³ Under MWCS, any person, who arranged the minor works to be carried out, is required to appoint prescribed building professionals and/or prescribed registered contractors to carry out the minor works. Some minor work items require submission of a notification of commencement of works, photos, prescribed plans and details of works, and other documents to BD at least 7 days before commencement of works.

⁴ Plans for licence/CoC/permit application or proposed alteration, addition, renovation or decoration of licensed premises.