

**Business Facilitation Advisory Committee
Food Business and Related Services Task Force**

***New Minor Works (MW) Item
under the Building (Minor Works)(Amendment) Regulation 2020***

Purpose

This paper briefs members on the implementation of the new Class I MW item on erection or alteration of supporting frames for suspending an air-conditioning plant or mechanical ventilation plant of more than 150 kg inside a building under the Building (Minor Works) (Amendment) Regulation 2020 (the Amendment Regulation) to the restaurant licensing regime which has been gazette on 8 May 2020¹. The Amendment Regulation has been tabled at the Legislative Council for negative vetting on 13 May 2020 with a view to coming into operation on 1 September 2020.

Background

2. In support of licence application, it is common that restaurants are provided with air-conditioning or mechanical ventilating system for human comfort and extraction of exhaust air. Plants of these systems may be suspended from the soffit of ceiling slabs of the premises. Currently, if the plants are heavier than 100 kg, structural justification (SJ) prepared by an Authorized Person (AP)/ Registered Structural Engineer (RSE)² are required to be submitted to the Buildings Department (BD)³ for obtaining a restaurant licence.

3. In view of the increasing trend in the use of heavier plants in restaurants, to enhance building safety and facilitate business operation, it is proposed to include the erection of supporting frame for suspending these plants in the Minor Works Control System (MWCS)⁴ such that the works could be carried out in a lawful, simple, safe and

¹ Refers to https://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_10591.html

² Refers to building professionals registered under section 3 of the Buildings Ordinance, Cap. 123.

³ For licence applications for premises on existing and divested properties of the Housing Authority, the Independent Checking Unit set up under the Office of the Permanent Secretary for Transport and Housing (Housing) will be consulted.

⁴ The MWCS is regulated by the Building (Minor Works) Regulation, Cap. 123N.

convenient way without the need to obtain prior approval of plans and consent to the commencement of such works from BD.

New MW Item

4. Erection or alteration of any supporting frame for suspending an air-conditioning or mechanical ventilating plant of more than 150 kg inside a building is proposed to be designated as Class I MW.

5. Upon the commencement of the Amendment Regulation, such Class I MW should be carried out in accordance with the simplified requirements of the Building (Minor Works) Regulation, i.e. appointment of prescribed building professionals and prescribed registered contractors⁵ for carrying out the works and making necessary submissions according to the statutory timeframe.

6. For plants of weight below 150 kg, the works might be regarded as exempted building works under section 41(3) of the Buildings Ordinance and thus, the trade operators are no longer required to submit SJ for their plants of more than 100 kg but less than 150 kg to BD in support of the licence application. A comparison table showing the building safety requirements before and after the commencement of the Amendment Regulation is provided in *Appendix*.

Transition Arrangement

7. To ensure a smooth transition, works already commenced before the commencement date of the Amendment Regulation (commencement date) will continue to be dealt with under the current arrangement as mentioned in paragraph 2 above until completion of works.

Implementation

8. BD will launch public education and publicity programme for practitioners, property management agencies and the public on the relevant amendments. The BD will also update the relevant guidelines and mobile application, and publish a series of

⁵ For the carrying out of the new Class I MW item, prescribed building professionals include AP and RSE, whereas prescribed building contractors include registered general building contractors, registered specialist contractors whose name is entered in the ventilation works category in the specialist contractors sub-register, and registered MW Contractors registered for Class I MW.

pamphlets to enable the industry and the public to become familiarized with the changes. Further, relevant information will be distributed to the applicants and/or their consultants through site inspection upon receipt of licence application, and a notice of implementation of the Amendment Regulation will be attached to BD's reply for all licence applications for their reference.

Way Forward

9. Members are invited to note the contents of this paper.

Buildings Department

Independent Checking Unit, Office of the Permanent Secretary for Transport and Housing (Housing)

July 2020

**Building safety requirements
before and after the commencement of the Amendment Regulation
in relation to restaurant licence applications**

Weight of air-conditioning or ventilating system plant to be suspended	Building safety requirement before the commencement date (Before)	Building safety requirement after the commencement date * (After)
≤ 100 kg	---	Exempted building works (No submission to BD is required.)
>100 kg and ≤ 150 kg	Submission of structural justification (SJ) prepared by AP/RSE is required	Exempted building works (No submission to BD is required.)
>150 kg	Submission of SJ prepared by AP/RSE is required	Imposed as Category 1 requirement (Class I MW Item requires to be carried out under the simplified requirements)

Remark: * Other requirements for the new Class I MW should also be fulfilled.