

Minor Works Control System

for restaurant and food business



The Minor Works Control System (MWCS) – for restaurant and food business

The Minor Works Control System (MWCS) aims to facilitate building owner and occupants in carrying out small-scale building works safely in private buildings lawfully through simplified statutory procedures and thereby improve the quality of such building works and building safety in Hong Kong.

Minor Works

A total of 118 items of building works have been included as minor works subject to the control under the MWCS. The size, location and respective criteria of each item of minor works are set out in the Building (Minor Works) Regulation [B(MW)R]. These minor works are classified into three classes according to their scale, complexity and risk to safety:

- Class I (total of 40 items) includes mainly those relatively more complicated minor works
- Class II (total of 40 items) comprises those of comparatively lower complexity and risk to safety
- Class III (total of 38 items) mainly includes common household minor works

Some of the minor works are associated with restaurant and food business. The related trade practitioners can carry out those minor works in accordance with the simplified requirement of the MWCS.

For detailed descriptions of the 118 items of minor works, please refer to the B(MW)R or visit the Buildings Department website at <http://www.bd.gov.hk>.

Restaurant and Food Business Trade

Minor Works	Item *		
	Class I	Class II	Class III
Erection/alteration/removal/strengthening of supporting structures for air-conditioners/water cooling towers/associated air ducts	1.5, 1.28, 1.29	2.2, 2.31	3.2, 3.26, 3.27, 3.28, 3.34, 3.35
Removal of Chimney	1.37	2.37	
Building works associated with the erection/alteration/removal of service lifts/stairlifts/lifting platforms	service lift		
	stairlift or lifting platform		
Formation/reinstatement of slab openings	formation	2.1	
	reinstatement	2.35	
Erection/alteration/removal of internal staircases	1.1, 1.32		3.1
Repair of structural elements	1.17	2.17	
Removal of unauthorized structure	1.30, 1.38, 1.39	2.32, 2.38, 2.39	3.32
Construction/alteration/repair/removal of windows/window walls		2.8, 2.9	3.6, 3.7
Erection/repair/alteration/addition/removal of drains	aboveground	2.30	3.23, 3.24
	underground	1.25, 1.26, 1.36	2.28, 2.29, 2.36
Erection/alteration/removal/repair of non-load bearing external reinforced concrete walls/external block walls	1.15	2.13, 2.14, 2.15	3.11, 3.12
Erection/repair/removal of panel fixed by metal dowels and fixings onto a wall inside a building	1.31	2.33	

* The numbers tabulated under "Item" denote the classes and item numbers of the minor works. For example, "1.5" denotes the item no. 5 under Class I minor works in the B(MW)R.

For information and further details regarding the application for restaurant licence, please refer to the Food and Environmental Hygiene Department's website <http://www.fehd.gov.hk/licensing/guide.html>.



Supporting structures for water cooling towers and associated air ducts



Service Lift



Removal of Chimney



Internal staircases



Supporting structures for air-conditioners and associated air ducts



Window or Window Wall

Exempted Building Works

Section 41(3) of the Buildings Ordinance provides that building works carried out inside a building are exempted works if they do not involve the structure of the building and are not designated as minor works. For these exempted works, the Building Authority's (Buildings Department) prior approval of building plans and consent to commence work are not required. It is also not necessary to appoint prescribed building professionals and prescribed registered contractors to carry out such works. Common restaurant and food business renovation works, such as painting, internal plastering or wall-paper works and alteration of internal non-load bearing walls are exempted works under the Buildings Ordinance.

Designated Exempted Works

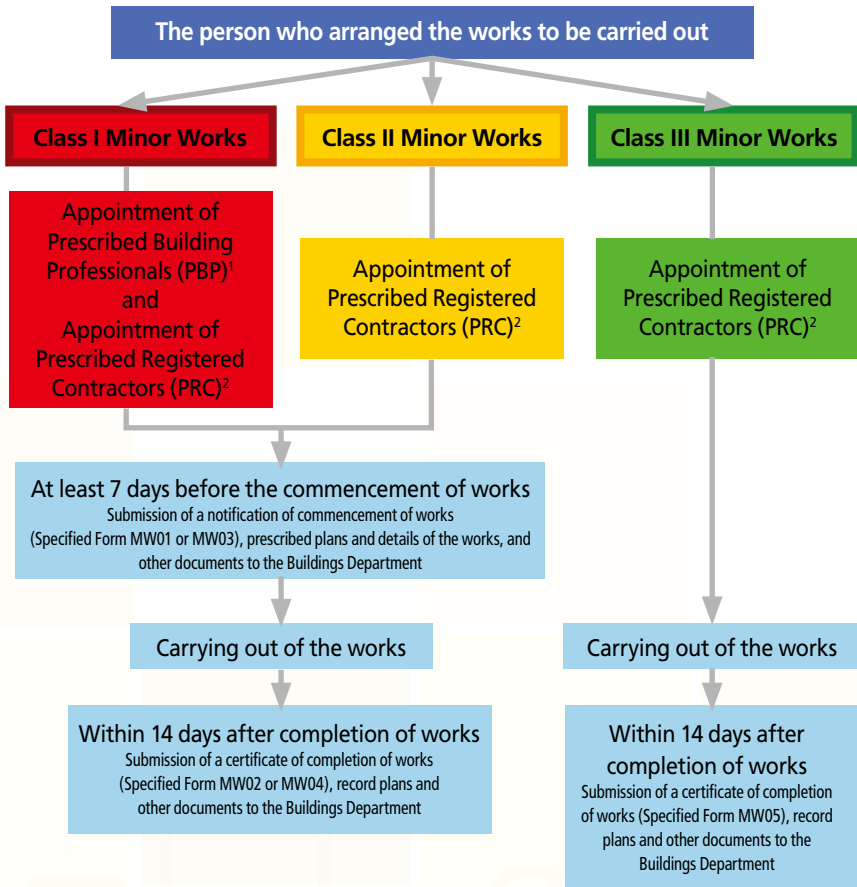
Apart from the exempted works in general mentioned above, the MWCS also introduced 15 items of "designated exempted works", of which their complexity and risk to safety are lower than that of the minor works. In accordance with the provisions of the Buildings Ordinance, the "designated exempted works" may be commenced without prior approval of plans and consent for commencement of works from the Buildings Department, and without the need to appoint Authorized Persons and registered contractors for the carrying out of the works. The typical minor works items of "designated exempted works" related to restaurant and food business trades include:

Works	Description of "Designated Exempted Works"	Item
Slab opening	Formation/reinstatement of small slab openings	1, 2
Supporting structures for air-conditioners/water cooling towers/ associated air ducts	Removal of supporting structures of height not more than 1 m high rested on ground or on a slab for air-conditioning units/water cooling towers	12
	Erection/alteration/removal of supporting structures for air-conditioning units and associated air ducts projecting from the external wall of building at a height not more than 3m above ground (the supporting structures do not project over any street or common part of the building)	13

For detailed descriptions of the "Designated Exempted Works", please refer to the B(MW)R or visit the Buildings Department website at <http://www.bd.gov.hk>.

Simplified Requirements

Any person, who arranged the minor works to be carried out, is required to appoint prescribed building professionals/prescribed registered contractors to carry out the minor works. Below is the flow chart for the carrying out of Class I, Class II and Class III minor works:



Note: For the registers of prescribed building professionals and prescribed registered contractors, please visit the Buildings Department website at <http://www.bd.gov.hk>.

- 1 Prescribed Building Professionals (PBP)
Authorized Person and (if required) Registered Structural Engineer /Registered Geotechnical Engineer
- 2 Prescribed Registered Contractors (PRC)
Registered General Building Contractors or Registered Specialist Contractors of respective registered category of specialized works or Registered Minor Works Contractors of respective registered classes/types

Addition of minor works items after the commencement of works

After the submission of notice of commencement of Class I or Class II minor works under the simplified requirements, if additional minor works items are required to be carried out during the construction period, the PBP or PRC should submit, at least 7 days before the commencement of those additional items, a notice of commencement of works (i.e. Specified Form MW11 or MW12) together with the prescribed plans and details of the works, and other documents to the Buildings Department. Within 14 days after completion of works, the PBP or PRC should submit a certificate of completion of works (i.e. Specified Form MW02 or MW04), record plans and other documents together with all other completed minor works items.

Registration of Minor Works Contractors

Contractor companies may register as Registered Minor Works Contractors (Company) [RMWC(Co)].

RMWC(Co) may register by virtue of their working experience, qualifications and competence in each class in one or more of the following types of minor works (A to G):

- 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)

Individual practitioners may register as Registered Minor Works Contractors (Individual) [RMWC(Ind)] of the respective Class III minor works items (item no. 3.1 to 3.38) by virtue of their qualifications and experience.

In selecting a RMWC(Co) to carry out some typical minor works related to restaurant and food business trade, one can refer to the following Table of Types of Minor Works and on the basis of the categories, class and item no. of the minor works to appoint those RMWC(Co) registered for the respective type.

Case 1

“Erection of an internal staircase that is not used as a means of escape or a means of access for firefighting and rescue” is covered in minor works item 1.1. The restaurant and food business trade practitioner or their appointed agent can choose to appoint the following persons in carrying the works:-

1. Prescribed Building Professionals; and
2. Registered General Building Contractors; or
3. RMWC(Co) with registration in Class I minor works Type A.

Case 2

“Erection of any supporting structure for an air-conditioning unit, water cooling tower of not more than 150 kg in weight or any associated air ducts on-grade or on a slab (other than a cantilevered slab)” is covered in minor works item 3.28. The restaurant and food business trade practitioner or their appointed agent can choose to appoint the following persons in carrying the works:

1. Registered General Building Contractors; or
2. RMWC(Co) with registration in Class III minor works Type A or E; or
3. RMWC(Ind) with registration in minor works item 3.28.

For consideration of appointment of RMWC(Co) in carrying out the Class I, II and III minor works related to restaurant and food business trade, reference for selection by virtue of their class and type of minor works for which they have been registered can be made to the RMWC(Co) Registers of the Buildings Department website at <http://www.bd.gov.hk>. The following is a typical example of the register displayed on the Buildings Department website:

Registered Minor Works Contractors (Company)							
Company Name	Class	Type	Name of Authorized Signatory with Registered Class/ Type of Minor Works		Registration Number	Expiry Date	Telephone Number (Provided by the contractors voluntarily)
XYZ COMPANY	I, II, III	A, B, E	CHAN TAI-MAN	Class: I, II, III	MWC 12/2010	31/12/2013	2625 1234
				Type: A, B, E			
	II, III	D, F, G	CHAN SI-MAN	Class: II, III			
				Type: D, F, G			

For consideration of appointment of RMWC(Ind) in carrying out the Class III minor works related to restaurant and food business trade, reference for selection by virtue of their items of minor works for which they have been registered can be made to RMWC(Ind) Registers of the Buildings Department website at <http://www.bd.gov.hk>. The following is a typical example of the register displayed on the Buildings Department website:

Registered Minor Works Contractors (Individual)				
Contractor Name	Items of Class III Minor Works	Registration Number	Expiry Date	Phone Number (Information provided by the contractors voluntarily)
SHING KIN-SHAN	3.14, 3.23, 3.24	MWC(W) 123/2010	31/12/2013	–
CHEUNG SIU-MING	3.2, 3.15, 3.26, 3.27, 3.28, 3.34, 3.35	MWC(W) 345/2010	31/12/2013	9012 3456

Submission of documents under the Simplified Requirements

Under the simplified requirements, the PBP or PRC shall comply generally with the Buildings Ordinance and its subsidiary regulations, prepare and timely submit the required documents to the Buildings Department. The documents mainly include the following:

1. Form:

Specified forms for notice of commencement of works (seven days prior to commencement of works) and certificate of completion of works (within 14 days after the completion of works).

2. Plan:

(a) Class I or Class II minor works

The plans and details prescribed in regulation 8 of the Building (Administration) Regulations (Cap 123 sub. Leg. A).

(b) Class III minor works

The plans or description of works showing the works as completed.

3. Photograph

Photographs showing the physical condition of the premises immediately before the commencement and after the completion of the works.

4. Supervision plan

A supervision plan in accordance with the technical memorandum for site supervision plans (only required for some Class I minor works).

Please refer to the Practice Notes for Registered Contractors 71 issued by the Buildings Department for the requirements and guidelines on submission of the above documents.

Building Records

The carrying out of minor works in existing buildings may involve alteration and addition works. The PBP or PRC should base on the information from the inspection of the actual condition of the related building and the available existing building records to prepare the plans for minor works. The building records for existing building may be inspected at the Building Information Centre of the Buildings Department located at 13/F, Pioneer Centre, 750 Nathan Road, or via the “Building Records Access and Viewing On-line” (BRAVO) system in the Buildings Department website <http://www.bd.gov.hk> upon application and obtain copies of the building records after payment of the prescribed fee.

Legal obligation of the person who arranged the works to be carried out

The person, whether the building owner/occupant themselves or their agent, who arranged the works to be carried out is required by the Buildings Ordinance to appoint prescribed building professionals and/or prescribed registered contractors to carry out the works. If the person who arranged the works to be carried out has knowingly failed to appoint the required personnel, that person may be liable to prosecution.

Legal obligation of Prescribed Building Professionals and Prescribed Registered Contractors

The prescribed building professionals and prescribed registered contractors appointed to carry out the minor works should comply with the provisions of the Buildings Ordinance and other enactments. The prescribed registered contractor should only carry out the classes and types or items of minor works for which they have been registered. If they contravene these requirements, they may be subject to disciplinary action or prosecution.

Insurance

To safeguard the interests of the building owner/occupant or their appointed agent, the person who arranged the works to be carried out should ensure that the appointed contractor have procured all necessary insurance prior to commencement of the works in order to minimize the risk against any possible claim incurred from the carrying out of minor works.

The carrying out of minor works at common parts of building

For minor works carried out in the common parts of a building (such as external wall of a building), the person who arranged the works to be carried out and his appointed person (including the PBB/PRC), should seek consent from all co-owners of the building/incorporated owners and the management company and to observe all duties as stipulated in the deed of mutual covenant.

Construction Wastes

Prescribed registered contractor shall take appropriate measures to ensure construction wastes are disposed of properly.

'Pay for Safety Scheme'

The 'Pay for Safety Scheme' was first introduced by the Government with an aim to ensure the contractors, with the employer's support, to maintain a high standard of work safety and to prevent site safety from being compromised due to competitive tendering. Under the scheme, contractors are required to include in the tender the necessary safety-related items which will be paid for by the employer if the contractors have carried them out satisfactorily. Failure in doing so will result in no payment. By means of this Scheme the Government aims to promote and encourage the practice of construction safety in private projects such that safety standard in construction sites would be enhanced.

Supportive Measures

The Buildings Department has put in place the following measures in phases to facilitate implementation of the MWCS and to assist the public in understanding and using the system effectively:

- Provide technical guidelines and practice notes on minor works to the construction industry for reference
- Distribute leaflets and general guidelines on minor works to members of the public, building owners and owners' corporations introducing the system to assist their understanding of the classification of minor works and the appointment of appropriate building professionals and registered contractors for the carrying out of minor works
- Collaborate with the Hong Kong Housing Society to set up a technical resource centre in its Property Management Advisory Centre to provide advisory and enquiry services to the public
- Upload detailed information of the MWCS onto the Buildings Department website (www.bd.gov.hk) for the reference of the general public
- Establish telephone hotlines to answer public enquiries

Enquiry

For any queries in connection with the MWCS, you may contact the Buildings Department by the following means:

- Postal address: 12/F, Pioneer Centre, 750 Nathan Road, Kowloon
- Email address: enquiry@bd.gov.hk
- Telephone Hotline: 2626 1616 (Handled by “1823 Call Centre”)
- Technical Resource Centre: 5th Floor, Yau Ma Tei Community Centre, No. 60 Public Square Street, Yau Ma Tei, Kowloon

This pamphlet is not a legal document. It aims to introduce the main features of the MWCS to enhance the associated people involved in the trades their understanding of the system.

12/2010