

FREQUENTLY ASKED QUESTIONS (FAQ)

BUILDING CONTROL ORDER 2014,

BUILDING CONTROL REGULATIONS 2014

AND

BUILDING CONTROL

(TEMPORARY BUILDINGS)

REGULATIONS 2014

To simplify the understanding of building approval process, they are divided into 5 steps, Step 1 – Obtaining Planning Permission from Town and Country Planning Department, Step 2 – Obtaining Approval of plans of building works from Authority for Building and Construction Industry (ABCi), Step 3 – Obtaining Permit to carry out building works from ABCi, Step 4 – Obtaining Occupation Permit from ABCi, and Step 5 – Obtaining Water Connection from Department of Water Services, Public Works Department.

Building Control Order, 2014 (BCO), and Building Control Regulations, 2014 (BCR), regulates Steps 2 to 5.

The following FAQ is structured according to the relevant steps or appropriate sequence in construction cycle where relevant, to aid navigation of the FAQ.

General

1. Q: Is Building Control Order 2014 (BCO) applicable to land that has been gazetted to foreign embassies and consulates?
A: Yes.

2. Q: How will ongoing projects be affected by the BCO?
A: Building works prior to 1 November 2015 would be exempted from the BCO, however, other Acts are still applicable. Starting 1 November 2015, all building works shall comply with the BCO. Private and government projects are currently required to make adjustments to comply with the BCO.

3. Q: Does HSE in the BCO apply to a house?
A: Yes. HSE applies to all building works. Building works as defined in the BCO.

Step 2 – Obtaining Approval of plans of building works

4. Q: Who can apply for approval of plans of building works?
A: Only Qualified Person (QP) registered with Board of Architects, Professional Engineers and Quantity Surveyors (BAPEQS) appointed by the developer of the building works can apply to the Authority for such approval as in section 5(1) of the BCO.

5. Q: What are the submissions required for an application for approval of plans of building works?
A: Submissions as defined in section 5(2) of the BCO and regulation 6(1) & (2) of Building Control Regulations 2014 (BCR) are required. Section 5(2) of the BCO states:

An application for approval of the plans of any building works shall be accompanied by-

- (a) the application fee prescribed (if any);
- (b) the names and particulars of-
 - (i) the appropriate qualified person and
 - (ii) where the building works comprise wholly or partly of any underground building works, a geotechnical engineer
- (c) the plans of the building works prepared in accordance with the building regulations;
- (d) in the case of major building works, a certificate from the following accredited checkers -
 - (i) a certificate by an accredited checker stating that he has checked the plans relating to those building works
 - (ii) where the building works comprise wholly or partly of any underground building works, another certificate by an accredited checker stating that the accredited checker has checked the geotechnical aspects of those underground building works.
- (e) in the case of such major building works as the Authority may specify, a letter of endorsement from the qualified person (being a professional engineer) appointed by the qualified person (being an architect), stating that all plans relating to structural elements of the building works have been prepared by a member or an employee of his organisation who is also a professional engineer registered under the Architects, Professional Engineers and Quantity Surveyors Order (APEQS);
- (f) in the case of such major building works as specified by the Authority under paragraph (e), where such building works comprise wholly or partly of any underground building works, another letter of endorsement by a professional engineer registered under the APEQS and has in force a practising certificate issued, (who may or may not be the same professional engineer appointed by the qualified person) stating that he or a member or an employee of his organisation has checked the geotechnical aspect of those underground building works and that to the best of his knowledge and belief, there is no inadequacy in the geotechnical aspects relating to those underground building works;
- (g) the certificate (in the form prescribed) signed by the qualified person appointed to prepare the plans of those building works, certifying that he prepared those plans; and
- (h) such other documents as may be prescribed in the building regulations.

Regulation 6(1) & (2) of the BCR states:

For the purposes of section 5(1), an application for approval of the plans of building works shall be accompanied by the following documents -

- (a) the following plans of the building works prepared in accordance with these Regulations and such other requirements as the Authority may specify -
 - (i) building plans;
 - (ii) detailed structural plans and design calculations;
 - (iii) site formation plans and pile layout plans; and
 - (iv) where applicable, underground building works plans;

- (b) a notification signed by the developer of those building works or by the qualified person appointed by the developer of those building works;
- (c) where the written permission of the competent authority is required under any written law for the time being in force in respect of the development of land involving the proposed building works, a copy of the notice of grant of written permission issued by the competent authority together with the site plan approved by the competent authority;
- (d) where an application has been made for a waiver or modification of any requirement of these Regulations, a copy of the application;
- (e) where alternative solutions are to be utilised in respect of the building works, a list of the alternative solutions together with the certification of a qualified person, being a specialist where such certification has been obtained; and
- (f) such other document as the Authority may require.

(2) The application for approval of plans and the documents referred to in sub-regulation (1)(b), (e) and (f) shall be-

- (a) in such form as may be required by the Authority; and
- (b) accompanied by the appropriate fee prescribed in the Second Schedule.

6. A. Q: If a building works intend to depart or deviate from the originally approved plans, will it be necessary to resubmit to the Authority the amended plans?

A. A: Yes. It is necessary for a QP (Architect) to resubmit the amended plans (showing proposed departure or deviation) to the Authority for approval as in section 6(1) of the Order.

B. Q: What are the resubmissions required then?

B. A: Resubmissions as defined in section 6(2) of the BCO and regulation 20 of the BCR are required.

Section 6(2) of the BCO states:

An application shall be accompanied by -

- (a) the amended plans of the building works prepared in accordance with the building regulations by the appropriate qualified person;
- (b) in the case of major building works, a certificate from the following accredited checkers -
 - (i) a certificate by an accredited checker stating that he has checked the amended plans relating to those building works.
 - (ii) where the building works comprise wholly or partly of any underground building works, a certificate by an accredited checker has checked the amended geotechnical aspects of the underground building works
- (c) in the case of such major building works as the Authority may specify, a letter of endorsement from the qualified person (being a professional engineer) appointed by the qualified person (being an architect), stating that all plans relating to structural elements of the building works have been prepared by a member or an employee of his organisation who is also a professional engineer registered under the APEQS;
- (d) in the case of such major building works as specified by the Authority under paragraph (c), where such building works comprise wholly or partly of any

underground building works, another letter of endorsement by a professional engineer registered under the APEQS and has in force a practising certificate issued, (who may or may not be the same professional engineer appointed by the qualified person) stating that he or a member or an employee of his organisation has checked the geotechnical aspect of those underground building works and that, to the best of his knowledge and belief, there is no inadequacy in the geotechnical aspects relating to those underground building works;

(e) the certificate (in the form prescribed) signed by the qualified person appointed to prepare the amended plans of those building works, certifying that he prepared those amended plans.

Regulation 20 of the BCR states:

- (1) Where it is necessary that any building works depart or deviate from the approved plans of those building works, an application shall be made to the Authority under section 6(1) and be accompanied by the amended plan of the buildings works showing clearly the departures or deviations.
- (2) Where the departures or deviations involve material changes to the structural design, the qualified person appointed under section 12(1)(a) and, in the case of major building works, the accredited checker shall submit the structural plans and design calculations to the Authority for approval before construction.
- (3) Notwithstanding sub-regulation (1), where the departures or deviations involve immaterial changes, the qualified person appointed shall only be required to prepare and submit to the Authority -
 - (a) the record plans;
 - (b) his certificate stating that to the best of his knowledge and belief the departures or deviations do not affect the structural adequacy or stability of the building;
 - (c) a certificate from an accredited checker or qualified person (being a professional engineer) as the case may be, stating that to the best of his knowledge and belief, the record plans do not show any inadequacy in key structural elements of the building to be erected or affected by building works carried out in accordance with those plans; and
 - (d) on the completion of the building works, a report stating the departures or deviations accompanied by the detailed structural plans and design calculations showing such departures or deviations.
- (4) The certificates referred to in sub-regulation (3)(b) and (c) shall be in such form as the Authority may specify.

7. Q: How do I know if the Authority's approval is required in carrying out some extensions and alteration works to my house/building?

A: Most building works would require prior approval from the Authority and other relevant government agencies. However, the Authority does exempt some insignificant building works from the approval process under the 1st Schedule of the BCR.

If in doubt, one should consult with and seek advice from a Qualified Person (QP), either a Professional Engineer (PE) or Architect.

8. A. Q: Are there circumstances that I must be aware to ensure the validity of the approval for my building plans?

A. A: Yes. See section 7 of the BCO and regulation 21(1) of the BCR.

Section 7 of the BCO states:

- (1) Any approval granted in respect of any building works shall automatically lapse-
 - (a) when any written permission given that has been granted under any written law for the time being in force in respect of any development of land involving the building works lapses;
 - (b) if no such written consent has been granted in respect of those building works, at the end of a continuous period of 6 months during which the building works are suspended; or
 - (c) if the building works do not commence within the period prescribed in the building regulations.
- (2) The Authority may revoke any approval granted in respect of any building works if he is satisfied that any information given in the application for approval or any document submitted to the Authority in connection with the application for approval is false in a material particular.
- (3) Where the Authority has under subsection (2) revoked any approval granted in respect of any plans of building works, any permit, occupation permit and temporary occupation permit granted in respect of those building works shall also automatically lapse.

Section 21(1) of the BCR states:

For the purposes of section 7(1)(c), the approval of any plans of building works granted by the Authority shall lapse if the building works are not commenced within one year from the date of approval.

B. Q: If the approval lapsed, can I apply for a renewal?

B. A: Approval is valid for one year. If the approval has lapsed, you need to apply for renewal as stated in regulation 21(2) of the BCR. Regulation 21(2) states that a renewal of lapsed approval is allowed and is not considered as new application and that such renewal is subject to the fee as prescribed in the Second Schedule.

9. Q: Who can prepare & sign plans of building works for the Authority's approval?

A: Plans are prepared & signed by a QP in accordance with the scope as defined in the Third Schedule of the BCR and also relevant regulations throughout the BCR.

10. Q: What are the types of works that do not require an AC / QP(Struct) to be appointed?

A: Building works (minor building works) set in the Fourth Schedule of the BCR.

11. Q: Under what circumstances will the Authority refuse to accept an application for approval of building plans?

A: Provisions as in regulation 15 of the BCR.

Regulation 15 of the BCR states:

The Authority may refuse to accept an application for approval of any plans of building works if -

(a) the application or the plans of building works submitted do not comply with any requirement of the Order or these Regulations;

(b) the application is not complete or not in accordance with any other requirement of the Authority; or

(c) the fee prescribed in the Second Schedule has not been paid.

12. Q: Will the Authority inform, not just the QP but also the developer if building plans are approved or disapproved?

A: Yes, as defined in regulations 16 & 17.

Regulation 16 of the BCR states:

Where the Authority approves any plans of building works, he shall notify the developer of the building works and the qualified person who prepared and submitted those plans of his approval and of the conditions, if any, subject to which the approval has been granted.

Regulation 17 of the BCR states:

Where the Authority disapproves any plans of building works, he shall notify the developer of the building works and the qualified person who prepared and submitted those plans.

13. A Q: Do I need to apply permit to carry out (a) any demolition of building; and (b) piling or site formation works?

A: Yes to both as in regulation 23(1) of the BCR.

Regulation 23(1) of the BCR states:

An application for a permit to carry out any building works (including structural, piling or site formation works or the demolition of a building), shall be in such form as the Authority may require.

B Q: If yes, what are the requirements?

B A: See regulations 23(3) and 23(4) of the BCR respectively.

Regulation 23(3) of the BCR states:

An application for a permit to carry out any demolition of a building shall be accompanied by -

- (a) a method statement detailing how the demolition works are to be carried out; and
- (b) an impact assessment report on surrounding buildings and other structures.

Regulation 23(4) of the BCR states:

An application for a permit to carry out any piling or site formation works shall be accompanied by-

- (a) An impact assessment report on surrounding buildings and other structures; and
- (b) A notification specifying the date of commencement of the piling or site formation works.

14. Q: Who is or can be an Accredited Checker (AC) and when to appoint the AC?

A: An Accredited checker is defined in the BCO as a person who is registered as an accredited checker, whether acting on his own behalf or on behalf of an accredited checking organisation; The AC is to be appointed only to undertake the checking of structural works of major building works and the checking of the geotechnical aspects of building works.

Step 3 – Obtaining Permit to carry out building works

15. Q: Can building works commence upon approval of drawings without any site inspection from The Authority?

A: No. The QP must get permit to carry out building works as in Section 8 before building works can commence. The Authority will no longer inspect the site prior to commencement of building works. A Qualified Person (QP) is responsible to ensure the setting out on site is done according to the approved drawings and the appointed contractor's registration license is valid for the duration of the construction.

16. Q: Who should apply to the Authority for permit to carry out building works?

A: The application for permit to carry out building works should be made by a QP to the Authority as in section 8(1) of the BCO.

Section 8(1) of the BCO states:

Subject to this Order, an application for a permit to carry out any building works may be made to the Authority by the qualified person.

17. Q: What are the submissions required to apply for permit to carry out building works?

A: Submissions as defined in section 8(2) of the BCO are required.

Section 8(2) of the BCO states:

An application for a permit to carry out any building works shall be accompanied by -

- (a) a notification, signed by the qualified person of the building works, stating the date on which those building works are to commence;
- (b) the names and particulars of -

- (i) the qualified person to supervise the carrying out of those building works; and
- (ii) where the building works comprise wholly or partly of any underground building works, the geotechnical engineer to supervise the geotechnical aspects of those underground building works;
- (c) the following documents signed by the builder -
 - (i) an acceptance of his appointment in respect of the building works; and
 - (ii) an undertaking of responsibility for strict compliance with this Order and the building regulations;
- (d) the following documents signed by the qualified person or persons referred to in paragraph (b)-
 - (i) a confirmation of his appointment in respect of the building works; and
 - (ii) a notice of the names and particulars of the site supervisor, or all members of the team of site supervisors, he has appointed in respect of the building works; and
- (e) such other documents as the Authority may require.

18. Q: Is application for modification to or waiver of building regulations allowable?

A: Yes. See section 9 (1) of the BCO.

Section 9 (1) of the BCO states:

The Authority may, on receipt of an application in relation to any particular building works, advertisements, signboards or skysigns, modify or waive, subject to such conditions as he may impose, any of the requirements of the building regulations.

19. Q: Does supervision of building works include houses?

A: Yes. Building works as defined in the BCO include houses. Provisions on supervision of building works can be found in Section 10 of the BCO. However, under the BCR Regulation 26(1), all building works with gross floor area not exceeding 3,000 sqf or monetary value not exceeding BND250,000 shall be exempted from Section 10(1)(a), whereby building works are required to be carried out under the supervision of a QP.

Section 10 of the BCO states:

- (I) Except as otherwise provided in this Order or the building regulations –
 - (a) all building works shall be carried out under the supervision of a qualified person;
 - (b) the structural elements of all large building works as are prescribed in the building regulations shall be carried out under the full-time supervision of a site supervisor, or a team of site supervisors, working under an appropriate qualified person's control and direction; and
 - (c) concreting, piling, pre-stressing, tightening of high-friction grip bolts or other critical structural works of all small-scale building works as are prescribed in the building regulations shall be carried out under the immediate supervision of-
 - (i) a qualified person; or
 - (ii) a site supervisor, or a team of site supervisors, working under an appropriate qualified person's control and direction.

(2) Except as otherwise provided in this Order or the building regulations, no person shall commence or carry out the geotechnical aspects of any underground building works except –

(a) under the supervision of the qualified person; or

(b) under the full-time supervision of a site supervisor or a team of site supervisors by the qualified person in paragraph (a) and working under his control and direction.

20. Q: The number of Site Supervisors to be appointed also depends on the monetary value of the building works in the project. How to know the number of site supervisors, resident engineers or resident technical officers to engage based on the estimated cost of project?

A: See Regulation 27 of the BCR under Site supervisors.

Regulation 27 of the BCR states:

(1) The team of site supervisors appointed in respect of the structural elements of any large building works shall comprise –

(a) where the value of the large building works is more than \$1,000,000 but not exceeding \$5,000,000, one site supervisor who is a resident technical officer;

(b) where the value of the large building works is more than \$5,000,000 but not exceeding \$20,000,000, two site supervisors, one of whom shall be a resident technical officer and the other shall be a resident engineer;

(c) where the value of the large building works is more than \$20,000,000 but not exceeding \$50,000,000, three site supervisors, one of whom must be a resident engineer and the other two shall each be a resident technical officer;

(d) where the value of the large building works is more than \$50,000,000, four site supervisors, one of whom shall be a resident engineer and the other three shall each be a resident technical officer.

21. Q: Who will appoint structural engineer to carry out an inspection of a building?

A: Building Owner.

22. Q: How frequent is the Authority to inspect buildings?

A: Section 40 of the BCO states;

(1) the Authority may by notice served on the owner of a building to which this Part applies, require the building to be inspected.

(2) In relation to any building to which this Part applies, a notice under subsection (1) may be made -

(a) where the building is used other than solely for residential purposes, after the fifth year commencing from the date the first temporary occupation permit or first occupation permit was issued in respect of the building, whichever was issued earlier, and thereafter at intervals of not less than 5 years from the date of the last notice under this section; or

{b) where the building is used solely for residential purposes, after the tenth year commencing from the date the first temporary occupation permit or first occupation permit was issued in respect of the building, whichever was issued earlier, and thereafter at intervals of not less than 10 years from the date of the last notice under this section.

(3) Every owner of a building to which this Part applies shall, on receipt of a notice under subsection (I), causes the building to be inspected within the period specified in the notice and in the prescribed manner by a structural engineer appointed by the owner.

(4) Where a building comprising two or more principal units is not subdivided, the owners of those principal units shall, on receipt of a notice under subsection (1), jointly appoint a structural engineer to inspect the building within such time as may be specified in the notice and in the prescribed manner.

23. Q: Can a QP carry out periodic inspection of the same buildings he designed?

A: Section 41 of BCO states that a structural engineer shall not be appointed by the Authority or owner of a building for the purpose of carrying out inspection of a building if the structural engineer has any professional or financial interest in the building. Having a professional and financial interests is defined as in Section 41(2). So the answer is no.

24. Q: Can a professional engineer (PE) appoint himself/herself to be the Supervising QP(Struct) for the construction of his/her own house since he/she is also the developer of the project? Is there a conflict of interest?

A: For minor building works (Fourth Schedule of the BCR), the requirement for independent Supervising QP (Struct) does not apply. The same PE can therefore act as the Supervising QP for the structural works of the house even if he/she is the developer, and at the same also act as the Design QP (Struct).

Step 4 – Obtaining Occupation Permit

25. Q: Can someone occupy a building while applying for OP?

A: No. Section 16 of the BCO states that no person shall occupy, permit or cause to be occupied, any building or any part thereof where any building works have been carried out unless the Authority has issued an occupation permit in respect of that building or that part of the building with exemption to section 16(2) of the BCO if temporary

occupation permit (TOP) has been granted or for the sole purpose of preventing any damage to the building or any theft of any property therein.

26. Q: When can OP be granted?

A: OP shall only be granted if the building has satisfied the necessary conditions set out in the building regulations.

Regulation 55 of the BCR states:

The Authority may issue an occupation permit in respect of a building or any part thereof in respect of which any building works have been carried out where -

(a) the building works have been completed in accordance with the Order and these Regulations;

(b) every report and certificate have been submitted by the qualified person to the Authority in accordance with that regulation;

(c) the certificate from the builder has been submitted to the Authority within 7 days of the completion of the building works;

(d) all the written directions given by the Authority to the qualified person who prepared the plans of the building works or who supervised the carrying out of the building works or part thereof have been complied with;

(e) all the requirements either shown or endorsed on the approved plans have been complied with;

(f) the record plans of the detailed structural plans and the design calculations incorporating all the departures or deviations from the approved structural plans and design calculations have been submitted to the Authority;

(g) the access road and infrastructure to the building or any part thereof has been completed according to the specifications set by the Authority; and

(h) such other certificate or document as may be required by the Authority has been submitted.