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By Fax (2899 2916) and By Post

25 February 2008

Mr Jerry CHEUNG  
AS (Bldg) 1  
Development Bureau  
9/F, Murray Building  
Garden Road  
Central  
Hong Kong

Dear Mr CHEUNG

**Buildings (Amendment) Bill 2007 (the Bill)**

I refer to your letter dated 25 February 2008 and have the following comment on your reply as set out in paragraph 7(b) of your letter:

Section 14(1) of the Building Ordinance (Cap. 123) (the Ordinance) provides that no person shall commence or carry out any building works or street works without having first obtained from the Building Authority his written approval of documents submitted to him and his consent in writing for the commencement of the building works or street works shown in the approved plan.

Section 41 sets out the exemptions from the provisions of the Ordinance. The exemption provided under section 41(3) is that building works other than drainage works, ground investigation in the scheduled areas or site formation works not involving the structure of any building may be carried out in any building without application to or approval from the Building Authority.

Please confirm whether the three types of building works to be covered in the validation scheme, namely, supporting frames for air-conditioning units, drying racks and small window canopies are building works not involving the structure of any building and thus fall within the exemption as provided under section 41(3).

If your answer is in the negative, please confirm whether prior written

approval or consent of the Building Authority has to be obtained before commencement of these building works, failure of which is a breach of the Ordinance.

It is appreciated that your reply in both Chinese and English could reach us as soon as possible.

Yours sincerely

(Monna LAI)  
Assistant Legal Adviser