

LEGISLATIVE COUNCIL BRIEF

Buildings Ordinance
(Chapter 123)

Building (Minor Works) Regulation

INTRODUCTION

In exercise of the power under section 38 of the Buildings Ordinance (Cap. 123) (“BO”), the Secretary for Development has made the Building (Minor Works) Regulation (“B(MW)R”), at Annex, to stipulate the modus operandi of the minor works control system, the framework of which was set out in the Buildings (Amendment) Ordinance 2008 (20 of 2008) (“BAO 2008”) passed by the Legislative Council (“LegCo”) in June 2008.

BACKGROUND AND JUSTIFICATIONS

Existing Building Control System

2. Under the existing BO, all building works, despite their scale and complexity, are regulated under one single building control system. Prior approval of building plans prepared by authorized persons (“APs”) and consent to commence building works must be obtained from the Building Authority (“BA”) before commencement of such works. This control system does not differentiate building works relating to the construction of a new building from minor building works carried out in existing buildings such as erection of supporting frames for air conditioners which are simple in nature. As a consequence, many minor building works are carried out without complying with the law and are therefore unauthorized building works (“UBWs”). The minor works control system will simplify the procedures in order to provide a lawful, simple, safe as well as convenient means for building owners to carry out minor works.

BAO 2008

3. The BAO 2008 was passed by the Council on 18 June 2008 and gazetted on 27 June 2008. The Amendment Ordinance amends the BO for the introduction of the minor works control system. A new category of building works, namely “minor works”, and a register of “registered minor works contractors” (“RMWCs”) for carrying out such minor works, will be introduced under the BO. In respect of minor works, the requirement to seek the BA’s prior approval for building plans and consent to commence works will be dispensed with.

4. Certain provisions of the BAO 2008, including the enabling provision for the Secretary for Development to make regulations in respect of minor works, were commenced on 15 December 2008 through the Buildings (Amendment) Ordinance 2008 (Commencement) Notice 2008 (L.N. 225) gazetted on 13 October 2008.

THE MINOR WORKS CONTROL SYSTEM

5. The major areas concerning the minor works control system covered by the B(MW)R include:

- (a) classification of minor works and details of minor works items;
- (b) simplified requirements for carrying out minor works;
- (c) registration of RMWCs;
- (d) provisional registration of RMWCs;
- (e) duties of building professionals and registered contractors in carrying out minor works;
- (f) household minor works validation scheme; and
- (g) designated exempted works.

6. The ensuing paragraphs highlight the main features of the minor works control system covered by the B(MW)R.

Classification of Minor Works and Details of Minor Works Items

7. All minor works will be classified by the B(MW)R into three classes according to their nature, scale and complexity as well as the risk

to safety they pose:

- (a) Class I minor works are relatively more complicated minor works (e.g. installation of internal staircases connecting two floors);
- (b) Class II minor works are comparatively less complex works (e.g. repair of external walls); and
- (c) Class III minor works cover small-scale minor works, mostly carried out in household settings, such as erection of supporting frames for air-conditioners.

The works under each class will be further classified into types and items that correspond to the specialization of works in the industry. Each item of minor works will be defined with their dimensions, locations and other relevant measurements specified. The detailed specifications for 118 items of minor works will be stipulated in Schedule 1 to the B(MW)R.

Simplified Requirements for Carrying Out Minor Works

8. As stipulated in the BAO 2008, a person who arranges for the carrying out of minor works should only appoint a prescribed registered contractor (“PRC”) (i.e. a registered general building contractor (“RGBC”), registered specialist contractor (“RSC”) or RMWC) to carry out minor works. In carrying out minor works, building professionals (i.e. APs, registered structural engineers (“RSEs”) or registered geotechnical engineers (“RGEs”)) and PRCs will be required to follow the new “simplified requirements” stipulated under the B(MW)R. While prior approval and consent by the BA is not required, the building professionals and registered contractors have to notify the BA and submit records and certificates to the BA according to the procedures under the simplified requirements.

9. As Class I minor works are relatively more complicated, they require more technical expertise and more stringent supervision, and thus should be designed and supervised by APs (with the assistance of RSEs or RGEs as necessary) and carried out by PRCs. The other two classes of minor works can be carried out by PRCs without the involvement of APs.

10. In respect of notification procedures, building professionals and registered contractors will be required to notify the BA before the commencement of Classes I and II minor works. Notification of the commencement of Class III minor works is not required. Nevertheless, regardless of the class of the minor works, building professionals and/or registered contractors are required to certify the completion of all minor works they have undertaken and submit the certificate to the BA. The following table summarizes the requirements under the B(MW)R for carrying out different classes of minor works:

| Class of Minor Works Requirement | Class I | Class II | Class III |
|---|---|---|--|
| Appointment of building professionals | AP (and RSE/RGE, as the case maybe) | Not required | Not required |
| Appointment of registered contractors | RGBC, RSC or Class I RMWC | RGBC, RSC or Classes I or II RMWC | RGBC, RSC or Classes I, II or III RMWC |
| Provision of simple notification and submission of plans and documents to the BA before commencement of works | Not less than seven days before the commencement of works | Not less than seven days before the commencement of works | Not required |
| Submission of record plans, certificates and documents to the BA after completion of works | Within 14 days after the completion of works | Within 14 days after the completion of works | Within 14 days after the completion of works |

11. The BA will carry out audit checks in accordance with the information provided in the plans, documents and works and, where any irregularities are found, may require the rectification of the defects.

12. Regarding signboards, the person for whom a signboard is erected will be required to provide his/her personal particulars in the above submission to the BA upon completion of the works. This is to facilitate the BA to take enforcement action when the operator concerned moves out of the premises and in case such operator fails to demolish the signboard, rendering the same abandoned. The BA will make use of such information to contact the operator to require the demolition of signboards.

13. It will be an offence under the B(MW)R if a building professional or a registered contractor fails to submit plans and other documents as required under the simplified requirements. The maximum penalty will be a fine at Level 5 (\$50,000).

Registration of RMWCs

14. A register of RMWCs will be established. Minor works practitioners, upon payment of relevant fees, may apply for registration as RMWCs for the relevant classes, types or items of minor works as appropriate according to their qualifications and experience. A transitional period and provisional registration arrangement will be put in place to allow adequate time for the existing minor works practitioners to prepare for registration.

15. The contractors who apply for registration as RMWCs for different classes and types may be body corporates, partnerships or sole proprietorships. They have to satisfy the BA before they could be registered under the B(MW)R that they have the ability to carry out the classes and types of minor works concerned and their representatives possess the necessary academic qualifications and work experience.

16. The minor works industry is characterized by the presence of a number of workers conducting works individually who are competent in carrying out simple Class III minor works. To cater for the registration of this group of workers, we will accept individuals who personally carry out minor works to register as RMWCs for one or more items of Class III minor works. Such workers who possess relevant trade test certificates, apprentice certificates or other recognized skills qualifications may apply.

Those without formal qualifications but have adequate experience in carrying out particular items of Class III minor works personally may also apply to register for such items. All individual applicants for Class III minor works items are required to attend a one-day training course relating to the statutory procedures and safety requirements for Class III minor works before registration.

17. “Minor Works Contractors Registration Committees”, comprising representatives from the industry, will be appointed to assist the BA in considering applications under the B(MW)R. The BA may refer the applications to the Committees which will recommend the BA to allow, defer or refuse the applications. A registration will be valid for a period of three years. Upon expiry, the RMWCs may apply for renewal or restoration of their registration.

Provisional Registration of RMWCs

18. Some existing practitioners may not have the required academic qualifications for registration as RMWCs but possess adequate experience of conducting minor works. To allow this group of practitioners to continue business immediately after the implementation of the new control system, a provisional registration system will be established. Such practitioners who can satisfy the BA on their work experience in carrying out minor works may, subject to payment of a fee, register as RMWCs (provisional) (“provisional contractors”) and may carry out minor works within a transitional period of two years.

19. The provisional registration will expire at the end of the two-year transitional period or when a provisional contractor has formally registered as an RMWC, whichever is the earlier. During the transitional period, a provisional contractor should attend top-up courses with a view to obtaining the required academic qualifications. S/he has to bear the full duties and responsibilities as an RMWC, and the relevant provisions under the BO and B(MW)R for RMWCs will be applicable to her/him.

Duties of Building Professionals and Registered Contractors

20. Building professionals and registered contractors should perform their respective duties as stipulated under the BO and its

regulations. The major duties of building professionals and registered contractors as regards carrying out minor works under the simplified requirements are summarized below:-

- (a) to provide supervision to the carrying out of minor works;
- (b) to notify the BA of any contravention of the BO which result from the carrying out of any works;
- (c) to notify the BA in case they cease to be appointed in respect of minor works;
- (d) to discontinue the works if the building professionals, registered contractors or technically competent persons appointed are unable or unwilling to act;
- (e) (for registered contractors carrying out Classes I and II minor works) to keep plans and records of supervision on site for the BA's inspection; and
- (f) (for registered contractors other than RMWCs registered as individual workers) to retain records and information relevant to the supervision of the minor works for at least 12 months after the completion of the works.

Building professionals or contractors who fail to fulfil such duties will be subject to disciplinary actions.

Household Minor Works Validation Scheme

21. We note that before the introduction of the minor works control system, minor works have been carried out in some buildings without obtaining prior approval and consent from the BA. Typical examples include supporting frames for air conditioners, drying racks and small canopies. However, we appreciate that these items are of practical use for the households concerned. In order to rationalize the aforementioned three types of minor works carried out under such circumstances and to allow owners to retain these features for continued use, a household minor works validation scheme (“validation scheme”) will be established under the minor works control system.

22. The framework of the validation scheme has been provided for under the BAO 2008. Owners should appoint an AP, RSE or PRC to certify on inspection that the existing unauthorized minor household

structures meet the safety requirements. Depending on the circumstances, alteration, improvement and/or reinforcement works may be required to meet the safety and dimensional standards before such structures can be certified. The necessary works to be done to the unauthorized minor household structures will be specified as minor works and have to be carried out in accordance with the simplified requirements. Enforcement action will not be taken by the Buildings Department ("BD") against the validated minor household structures unless there is a change in their safety conditions. Nevertheless, the legal status of such structures will remain unauthorized and will not change by joining the validation scheme.

Designated Exempted Works

23. There are building works that are very simple and of a very small scale (e.g. removal of a short fence wall). Such works may be carried out without the approval of plans, consent to commence works, appointment of building professionals and contractors under the BO, as well as following the simplified requirements under B(MW)R, given their nature, structural implications and risk to safety. The B(MW)R stipulates such a list of "designated exempted works" in Schedule 2.

THE REGULATION

24. A preliminary draft of the B(MW)R was tabled at the bills committee meeting of the Buildings (Amendment) Bill 2007 held on 11 March 2008. Since the enactment of the BAO 2008 in June 2008, the Administration has further refined the draft Regulation in consultation with the industry, including the "Minor Works Concern Group" representing frontline minor works practitioners and other stakeholders.

25. The main provisions of the Regulation are as follows –

- (a) **Part 1** contains preliminary provisions which provide for the commencement of the Regulation and define various terms used in the Regulation;
- (b) **Part 2** stipulates the matters designated or prescribed for the purposes of the BO;

- (c) **Part 3** outlines the establishment, composition and functions of the Minor Works Contractors Registration Committees to be formed;
- (d) **Part 4** deals with the registration of a person as an RMWC, and the renewal and restoration of the registration. It also deals with an application for the registration of additional classes, types or items of minor works to the contractor's registration, and addition of an authorized signatory;
- (e) **Part 5** specifies the types of building professionals and registered contractors to be appointed for various classes, types or items of minor works;
- (f) **Part 6** provides for the simplified requirements for building professionals and registered contractors for the carrying out of minor works. It sets out the documents to be submitted before the commencement and after the completion of any minor works carried out under the simplified requirements;
- (g) **Part 7** sets out the duties of building professionals and registered contractors in carrying out minor works;
- (h) **Part 8** contains miscellaneous provisions, including the offences against building professionals and registered contractors who fail to submit plans or documents as required in Part 6;
- (i) **Part 9** prescribes the operational procedures of the household minor works validation scheme;
- (j) **Part 10** deals with the registration of a person as a registered minor works contractor (provisional);
- (k) **Schedule 1** defines the items of minor works with their detailed specifications;
- (l) **Schedule 2** specifies the items of works categorized as "designated exempted works", which are exempt from both the existing control system as well as the minor works control system; and

- (m) **Schedule 3** stipulates the specifications of household minor works eligible for the validation scheme.

LEGISLATIVE TIMETABLE

26. The legislative timetable is as follows:-

| | |
|------------------------------------|--|
| Publication in the Gazette | 27 March 2009 |
| Tabling in the Legislative Council | 1 April 2009 |
| Commencement of the Regulation | A date to be appointed by the Secretary for Development by notice published in the Gazette |

IMPLICATIONS OF THE PROPOSAL

27. The B(MW)R is in conformity with the Basic Law, including the provisions concerning human rights. The Regulation will not affect the current binding effects of the existing provisions of the BO. It has no productivity implications and impacts on competition.

Financial and Civil Service Implications

28. An annual provision of \$15.1 million involving 32 additional staff has been earmarked for the BD to implement the minor works control system. The major areas of work include processing applications for registration as RMWCs, handling documents and records of minor works submissions, conducting audit checks on completed minor works, public education and support to owners, as well as dealing with possible non-compliant cases which may end up in judicial proceedings.

29. Revenue will be generated from the proposed registration fees. They will be charged on the basis of recovering the full cost of administering the registration system. A separate fees regulation under the BO will be introduced after the passage of the B(MW)R.

Economic Implications

30. The minor works control system should reduce the cost of compliance with building control requirements. It would improve efficiency and flexibility in carrying out minor works. As a result of the simplified procedures, there will be savings on the professional fees and

time connected with building plan processing.

31. The validation scheme will generate demand for building owners to engage building professionals and/or registered contractors to conduct inspections and improvement works to their existing household minor works. This will generate employment opportunities in the building industry and have a positive impact on the economy.

Environmental Implications

32. There may be some transient problems during the process of removal of UBWs, such as noise and demolition waste. However, contractors are required to follow the existing guidelines to adopt proper removal procedures. These short-term environmental problems will be contained to comply with established standards and criteria.

Sustainability Implications

33. In line with the sustainability principle of providing a living and working environment and pursuing policies which promote and protect the safety of the people in Hong Kong, the introduction of a streamlined building control system would facilitate building owners to carry out minor works, and help ensure the quality of building works and enhance public safety.

PUBLIC CONSULTATION

34. Prior to the enactment of the BAO 2008, BD has conducted public briefing sessions and a public telephone opinion poll. The public is generally supportive of the proposal of introducing the new minor works control system.

35. When finalizing the details of the minor works control system, we have consulted the building industry thoroughly and taken into account their views. The BD set up a working group ("WG") in 2004 with representatives from various professional institutes, the Hong Kong Construction Association, developers and "Minor Works Concern Group" to discuss the details of minor works control system. After the enactment of the BAO 2008, the BD has continued its consultation with the WG in refining the details of the proposal. Two sub-working groups were formed in October 2008 for developing the publicity action plan as

well as the implementation details of the registration system and top-up or training courses respectively.

36. The BAO 2008, outlining the framework and principles of the minor works control system, was passed by the Legislative Council in June 2008. The bills committee has discussed the principles of the proposed system thoroughly and was supportive of the final proposal. The LegCo Panel on Development was consulted on the B(MW)R on 24 February 2009. Members are generally supportive of the proposal.

PUBLICITY

37. A press release will be issued on 27 March 2009. A spokesman will be available to handle press enquiries.

38. Before the implementation of the minor works control system, the BD will launch a publicity and public education programme. Technical guidelines and practice notes on the statutory requirements and procedures of the new system will be issued for the reference of building professionals and registered contractors.

39. Furthermore, the BD will collaborate with the Hong Kong Housing Society and its Property Management Advisory Centres (“PMACs”) at various districts to provide technical advice and assistance to the general public. The first resource centre will be set up in the PMAC in Jordan.

ENQUIRY

40. Enquiry on this brief can be addressed to Mr. Edward TO, Principal Assistant Secretary for Development (Planning & Lands) 3 on 2848 6288.

Development Bureau
March 2009

BUILDING (MINOR WORKS) REGULATION

CONTENTS

Section Page

PART 1

PRELIMINARY

| | | |
|----|----------------|---|
| 1. | Commencement | 1 |
| 2. | Interpretation | 1 |

PART 2

**MATTERS DESIGNATED OR PRESCRIBED FOR
PURPOSES OF ORDINANCE**

| | | |
|----|---------------------------|---|
| 3. | Minor works | 3 |
| 4. | Simplified requirements | 3 |
| 5. | Designated exempted works | 3 |

PART 3

**MINOR WORKS CONTRACTORS REGISTRATION
COMMITTEE**

| | | |
|----|---|---|
| 6. | Establishment of Minor Works Contractors Registration Committee | 4 |
| 7. | Composition of Minor Works Contractors Registration Committee | 4 |
| 8. | Function of Minor Works Contractors Registration Committee | 5 |
| 9. | Meeting of Minor Works Contractors Registration Committee | 5 |

PART 4

**REGISTRATION AS REGISTERED MINOR WORKS
CONTRACTOR**

**Division 1 – Registration as Registered Minor Works
Contractor**

| | | |
|-----|---|----|
| 10. | Application for registration as registered minor works contractor | 6 |
| 11. | Determination of application made under section 10(1)(a) | 7 |
| 12. | Determination of application made under section 10(1)(b) | 8 |
| 13. | Validity period of registration | 11 |

**Division 2 – Renewal of Registration as Registered
Minor Works Contractor**

| | | |
|-----|--|----|
| 14. | Application for renewal of registration as registered minor works contractor | 11 |
| 15. | Determination of application for renewal of registration | 12 |
| 16. | Validity period of renewed registration | 13 |
| 17. | Removal of name of registered minor works contractor | 13 |

Division 3 – Restoration of Name to Register

| | | |
|-----|--|----|
| 18. | Application for restoration of name to register | 14 |
| 19. | Determination of application for restoration of name to register | 14 |
| 20. | Validity period of restored registration | 15 |

**Division 4 – Registration of Additional Class, Type or
Item of Minor Works**

| | | |
|-----|---|----|
| 21. | Application for registration of additional class, type or item of minor works | 16 |
| 22. | Determination of application made under section 21(1) | 17 |
| 23. | Determination of application made under section 21(2) | 18 |

**Division 5 – Nomination of Additional Authorized
Signatory**

- | | | |
|-----|---|----|
| 24. | Application for approval of nomination of additional authorized signatory | 21 |
| 25. | Determination of application made under section 24(1) | 21 |

Division 6 – Appeals

- | | | |
|-----|--|----|
| 26. | Appeals against decision of Building Authority or Minor Works Contractors Registration Committee | 23 |
|-----|--|----|

PART 5

APPOINTMENT OF PERSONS IN RESPECT OF MINOR WORKS

- | | | |
|-----|--|----|
| 27. | Prescribed building professionals to be appointed for purposes of section 4A of Ordinance | 24 |
| 28. | Prescribed registered contractors to be appointed for purposes of section 9AA of Ordinance | 24 |

PART 6

SIMPLIFIED REQUIREMENTS

Division 1 – Interpretation

- | | | |
|-----|--------------------------|----|
| 29. | Interpretation of Part 6 | 25 |
|-----|--------------------------|----|

Division 2 – Requirements in respect of Class I Minor Works

- | | | |
|-----|--|----|
| 30. | Documents to be submitted before commencement of class I minor works | 26 |
| 31. | Documents to be submitted on completion of class I minor works other than demolition works | 27 |
| 32. | Documents to be submitted on completion of class I minor works that are demolition works | 28 |

**Division 3 – Requirements in respect of Class II
Minor Works**

| | | |
|-----|---|----|
| 33. | Documents to be submitted before commencement of class II minor works | 29 |
| 34. | Documents to be submitted on completion of class II minor works other than demolition works | 30 |
| 35. | Documents to be submitted on completion of class II minor works that are demolition works | 31 |

**Division 4 – Requirements in respect of Class III
Minor Works**

| | | |
|-----|--|----|
| 36. | Documents to be submitted on completion of class III minor works | 32 |
|-----|--|----|

Division 5 – Plans

| | | |
|-----|--|----|
| 37. | Plans etc. to be signed by person preparing them | 33 |
| 38. | Ratio of plans | 35 |
| 39. | Plans to be clear and material of plan | 35 |

PART 7

DUTIES OF PRESCRIBED BUILDING PROFESSIONAL
AND PRESCRIBED REGISTERED CONTRACTOR

Division 1 – Application

| | | |
|-----|-----------------------|----|
| 40. | Application of Part 7 | 35 |
|-----|-----------------------|----|

**Division 2 – Duties to Supervise Minor Works and
Appoint Technically Competent Person**

| | | |
|-----|---|----|
| 41. | Interpretation of Division 2 | 35 |
| 42. | Duty of prescribed building professional to supervise minor works | 36 |

| | | |
|-----|---|----|
| 43. | Duty of prescribed registered contractor to supervise minor works | 37 |
| 44. | Duty of registered minor works contractor to carry out minor works personally | 38 |
| 45. | Prescribed building professional and prescribed registered contractor must appoint technically competent person | 38 |
| 46. | Building Authority may reject appointment of technically competent person | 39 |
| 47. | Works must not be carried out if appointment of technically competent person is terminated or ceases to have effect | 40 |

Division 3 – Duties in respect of Appointment and Nomination and Cessation of Appointment and Nomination of Prescribed Building Professional and Prescribed Registered Contractor

| | | |
|-----|---|----|
| 48. | Duty of prescribed building professional and prescribed registered contractor on change in appointment | 40 |
| 49. | Duty of prescribed building professional in case of nomination under section 4A(5) of Ordinance | 42 |
| 50. | Duty of prescribed building professional on ceasing to be appointed or nominated | 42 |
| 51. | Duty of prescribed registered contractor on ceasing to be appointed | 42 |
| 52. | Duty of authorized person on being delivered notice under section 51(1) | 43 |
| 53. | Works must not be carried out if prescribed building professional or prescribed registered contractor is unable or unwilling to act | 43 |

Division 4 – General Duties of Prescribed Building Professional and Prescribed Registered Contractor

| | | |
|-----|---|----|
| 54. | Interpretation of Division 4 | 44 |
| 55. | Duty of authorized person to deliver copy of prescribed plans and details etc. to prescribed registered contractor | 44 |
| 56. | Duty of person who has prepared plans or documents to provide to Building Authority such information as may be required | 45 |
| 57. | Duty of prescribed registered contractor to keep record of prescribed plans and details and supervision plans on site | 45 |

PART 8

MISCELLANEOUS

| | | |
|-----|---|----|
| 58. | Offences | 45 |
| 59. | Power of Building Authority to inspect records and information | 46 |
| 60. | Duties imposed by this Regulation not to prejudice any other duties imposed by Ordinance or other enactment | 46 |
| 61. | Receipt of plans not to confer title to land etc. | 46 |

PART 9

PROVISIONS RELATING TO SECTION 39C OF
ORDINANCE

| | | |
|-----|---|----|
| 62. | Provisions relating to section 39C of Ordinance | 46 |
|-----|---|----|

PART 10

TRANSITIONAL – REGISTRATION AS REGISTERED
MINOR WORKS CONTRACTOR (PROVISIONAL)

| | | |
|------------|--|-----|
| 63. | Interpretation of Part 10 | 48 |
| 64. | Application for registration as registered minor works contractor (provisional) | 48 |
| 65. | Determination of application for registration as registered minor works contractor (provisional) | 49 |
| 66. | Validity period of provisional registration | 51 |
| Schedule 1 | Minor works | 51 |
| Schedule 2 | Designated exempted works | 98 |
| Schedule 3 | Prescribed building or building works | 104 |

BUILDING (MINOR WORKS) REGULATION

(Made by the Secretary for Development under section 38 of the Buildings Ordinance (Cap. 123))

PART 1

PRELIMINARY

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

2. Interpretation

(1) In this Regulation –

“authorized signatory” (獲授權簽署人), in relation to any type of minor works under any class, means a person –

(a) whose name is entered in the register as an authorized signatory of a registered minor works contractor for that type of minor works under section 12(7)(a)(ii), 19(4)(a)(ii), 23(7)(a)(ii) or 25(7); or

(b) whose name is entered in the provisional register as an authorized signatory of a registered minor works contractor for that type of minor works under section 65(5)(a)(ii);

“designated exempted works” (指定豁免工程) means any building works specified in Part 2 of Schedule 2;

“designated trade” (指定工種) means a trade or an occupation set out in column 1 of Part 1, 2 or 3 of Schedule 1 to the Construction Workers Registration Ordinance (Cap. 583);

“disciplinary order” (紀律制裁命令) means an order made under section 13(4) of the Ordinance;

“prescribed fee” (訂明費用), in relation to a matter, means a fee imposed in respect of that matter by the regulation made under section 38(1A) of the Ordinance;

“prescribed plans and details” (訂明圖則及詳圖) means the plans and details prescribed in regulation 8 of the Building (Administration) Regulations (Cap. 123 sub. leg. A);

“provisional register” (臨時名冊) means the provisional register of minor works contractors kept under section 8A(1)(c) of the Ordinance;

“register” (名冊) means the register of minor works contractors kept under section 8A(1)(c) of the Ordinance;

“Registration Committee” (註冊事務委員會) means a Minor Works Contractors Registration Committee appointed under section 6(1);

“technical memorandum” (技術備忘錄) means a technical memorandum issued under section 39A of the Ordinance.

(2) In this Regulation –

- (a) “class I minor works” (第 I 級別小型工程) means any item of minor works specified in Division 1 of Part 3 of Schedule 1;
- (b) “class II minor works” (第 II 級別小型工程) means any item of minor works specified in Division 2 of Part 3 of Schedule 1;
- (c) “class III minor works” (第 III 級別小型工程) means any item of minor works specified in Division 3 of Part 3 of Schedule 1,

and a reference to class, class I, class II or class III is to be construed accordingly.

(3) In this Regulation –

- (a) a reference to an item of minor works is a reference to the building works specified in column 2 of Part 3 of Schedule 1 opposite the item number in column 1 of that Part; and
 - (b) a reference to item is to be construed accordingly.
- (4) In this Regulation –
 - (a) a reference to a type of minor works is a reference to the item or items of minor works under different classes specified in Part 2 of Schedule 1 under a Division heading referring to that type of minor works; and
 - (b) a reference to type is to be construed accordingly.

PART 2

MATTERS DESIGNATED OR PRESCRIBED FOR PURPOSES OF ORDINANCE

3. Minor works

For the purposes of the definition of “minor works” in section 2(1) of the Ordinance, class I minor works, class II minor works and class III minor works are designated as minor works.

4. Simplified requirements

For the purposes of the definition of “simplified requirements” in section 2(1) of the Ordinance, the requirements in Part 6 are prescribed as simplified requirements.

5. Designated exempted works

For the purposes of section 41(3B) of the Ordinance, the building works specified in Part 2 of Schedule 2 are prescribed as designated exempted works.

PART 3

MINOR WORKS CONTRACTORS REGISTRATION COMMITTEE

6. Establishment of Minor Works Contractors Registration Committee

(1) The Building Authority must establish a panel from which the Authority is to appoint committees to be known as the Minor Works Contractors Registration Committees.

(2) There may be more than one Registration Committee in action at any one time.

7. Composition of Minor Works Contractors Registration Committee

(1) A Registration Committee must consist of the following members –

- (a) 1 person nominated by the Building Authority;
- (b) 1 authorized person or registered structural engineer selected by the Building Authority from among persons nominated by the Architects Registration Board, the Engineers Registration Board or the Surveyors Registration Board; and
- (c) 1 person selected by the Building Authority from among persons nominated by such bodies as the Authority thinks fit.

(2) A person who is a member of the following panel is not eligible for appointment to the Registration Committee –

- (a) the Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel appointed under section 5A of the Ordinance;
- or

(b) the Registered Contractors' Disciplinary Board Panel appointed under section 11A of the Ordinance.

(3) The members of the Registration Committee must elect from among themselves a member to act as the chairperson of the Committee.

(4) The Building Authority must appoint an officer of the Buildings Department as the secretary of the Registration Committee.

(5) The secretary of the Registration Committee is not a member of the Committee.

8. Function of Minor Works Contractors Registration Committee

The function of a Registration Committee is to assist the Building Authority in considering applications under Part 4 by –

- (a) examining the qualifications of the applicants;
- (b) making necessary inquiry to ascertain whether the applicants have the experience required of them for the purposes of their applications;
- (c) conducting interviews with the applicants; and
- (d) making recommendations to the Authority to allow or refuse, either in whole or in part, the applications or defer the determination of the applications.

9. Meeting of Minor Works Contractors Registration Committee

(1) A Registration Committee is to meet as often as the Building Authority directs.

(2) No meeting of the Registration Committee may proceed in the absence of any of its members.

PART 4

REGISTRATION AS REGISTERED MINOR WORKS CONTRACTOR

Division 1 – Registration as Registered Minor Works Contractor

10. Application for registration as registered minor works contractor

(1) A person may apply to the Building Authority for registration as a registered minor works contractor for –

- (a) if the person is a natural person, one or more items of class III minor works; or
- (b) if the person is not a natural person, one or more types of minor works under one or more classes.

(2) The application must –

- (a) be in the specified form; and
- (b) be accompanied by the prescribed fee.

(3) In the case of an application under subsection (1)(b), the applicant must, in respect of each type of minor works under each class to which the application relates, nominate in the application form at least one individual who is proposed to be an authorized signatory of the applicant to act for it for the purposes of the Ordinance on its registration as a registered minor works contractor.

(4) The Building Authority may –

- (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
- (b) refuse the application if the information or proof is not provided.

11. Determination of application made under section 10(1)(a)

(1) The Building Authority must, within 3 months from receiving an application under section 10(1)(a) –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
or
- (c) refuse the application.

(2) The Building Authority must not allow an application under subsection (1)(a) or (b) unless the Authority is satisfied that –

- (a) the applicant –
 - (i) is registered under the Construction Workers Registration Ordinance (Cap. 583) as a registered skilled worker for a designated trade which is relevant to the item or items of class III minor works to which the application relates; or
 - (ii) has the qualifications and experience specified by the Authority;
- (b) the applicant has the ability and skills to personally carry out the item or items of class III minor works to which the application relates;
- (c) the applicant has completed a training course on class III minor works that is recognized by the Authority; and
- (d) the applicant is suitable for registration in the register.

(3) In deciding whether the applicant is suitable for registration in the register for the purposes of subsection (2)(d), the Building Authority must take into account –

- (a) whether the applicant has any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and

(b) whether any disciplinary order has been made against the applicant.

(4) If the Building Authority allows an application under subsection (1)(a) or (b), the Authority must –

(a) enter the applicant's name in the register together with the particulars of the item or items of class III minor works for which the applicant is registered;

(b) publish the applicant's name in the Gazette together with the particulars of the item or items of class III minor works for which the applicant is registered; and

(c) issue a certificate of registration to the applicant endorsed with the particulars of the item or items of class III minor works for which the applicant is registered.

(5) If the Building Authority refuses an application under subsection (1)(b) or (c), the Authority must give reasons for the decision in writing to the applicant.

12. Determination of application made under section 10(1)(b)

(1) The Building Authority may refer, either in whole or in part, an application under section 10(1)(b) to a Registration Committee for recommendation.

(2) If the Building Authority does not refer the application to a Registration Committee, the Authority must, within 3 months from receiving the application –

(a) allow the application;

(b) allow the application in part and refuse the remaining part;
or

(c) refuse the application.

(3) If the Building Authority refers the application to a Registration Committee, the Authority must, within 3 months from the meeting of the Committee at which the application is considered –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- (c) refuse the application; or
- (d) defer the determination of the application for a period not exceeding 6 months, and refer it again to a Registration Committee for recommendation under subsection (1) after that period on the request of the applicant.

(4) The Building Authority must not allow an application under subsection (3)(a) or (b) unless the Registration Committee so recommends.

(5) The Building Authority must not allow an application under subsection (2)(a) or (b) or (3)(a) or (b) unless the Authority is satisfied that –

- (a) in respect of each type of minor works under each class to which the application relates, at least one individual nominated under section 10(3) for that type of minor works –
 - (i) has the qualifications and experience specified by the Authority; and
 - (ii) has the ability to understand that type of minor works through relevant experience and a general knowledge of the basic statutory requirements;
- (b) the applicant has access to plants and resources;
- (c) if the applicant is a corporation –
 - (i) its management structure is adequate; and
 - (ii) at least one of its directors has the qualifications and experience specified by the Authority; and
- (d) the applicant is suitable for registration in the register.

(6) In deciding whether the applicant is suitable for registration in the register for the purposes of subsection (5)(d), the Building Authority must take into account –

- (a) whether the applicant and the individual nominated under section 10(3) have any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and
- (b) whether any disciplinary order has been made against the applicant or the individual.

(7) If the Building Authority allows an application under subsection (2)(a) or (b) or (3)(a) or (b), the Authority must, on payment by the applicant of the prescribed fee –

- (a) enter the applicant's name in the register together with –
 - (i) the particulars of the type or types of minor works under one or more classes for which the applicant is registered; and
 - (ii) the name of the authorized signatory of the applicant for each type of minor works under each class for which the applicant is registered;
- (b) publish the applicant's name in the Gazette together with the particulars of the type or types of minor works under one or more classes for which the applicant is registered; and
- (c) issue a certificate of registration to the applicant endorsed with the particulars of the type or types of minor works under one or more classes for which the applicant is registered.

(8) If the Building Authority –

- (a) refuses an application under subsection (2)(b) or (c) or (3)(b) or (c); or

- (b) defers the determination of an application under subsection (3)(d),

the Authority must give reasons for the decision in writing to the applicant.

13. Validity period of registration

Subject to section 14(3) and any relevant disciplinary order, the registration of a person under section 11 or 12 expires on the third anniversary of the date of the entry of the person's name in the register under section 11(4) or 12(7).

Division 2 – Renewal of Registration as Registered Minor Works Contractor

14. Application for renewal of registration as registered minor works contractor

(1) A registered minor works contractor may apply to the Building Authority for the renewal of the contractor's registration.

(2) The application must –

- (a) be in the specified form;
- (b) be accompanied by the prescribed fee; and
- (c) be submitted to the Building Authority not more than 4 months but not less than 28 days prior to the expiry of the registration.

(3) If a registered minor works contractor makes an application for the renewal of the contractor's registration under subsection (1) and –

- (a) the application or any part of the application is allowed under section 15(2)(a) or (b) after the expiry of the registration; or
- (b) the registration expires before the date specified in the notice under section 15(5)(b) on which the registration or any part of the registration ceases to be valid,

subject to any relevant disciplinary order, the registration or part of the registration continues to be in force after its expiry until the date on which it is allowed or ceases to be valid.

- (4) The Building Authority may –
 - (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
 - (b) refuse the application if the information or proof is not provided.

15. Determination of application for renewal of registration

(1) The Building Authority may refer, either in whole or in part, an application under section 14(1) to a Registration Committee for recommendation.

- (2) The Building Authority may –
 - (a) allow the application;
 - (b) allow the application in part and refuse the remaining part;
or
 - (c) refuse the application.

(3) The Building Authority must not allow an application under subsection (2)(a) or (b) unless the Authority is satisfied that the applicant complies with the applicable requirements for registration set out in section 11(2) and (3) or 12(5) and (6).

(4) If the Building Authority allows an application under subsection (2)(a) or (b), the Authority must –

- (a) amend the entry in respect of the applicant in the register to reflect the renewal; and
- (b) issue a certificate of registration to the applicant endorsed with the particulars of the item or items of class III minor works, or the type or types of minor works under one or more classes, for which the applicant is registered.

(5) If the Building Authority refuses an application under subsection (2)(b) or (c), the Authority must –

- (a) give reasons for the decision in writing to the applicant; and
- (b) specify in the written notice the date, which must not be earlier than the expiry of the existing registration, on which the registration or part of the registration will cease to be valid.

16. Validity period of renewed registration

Subject to section 14(3) and any relevant disciplinary order, a registration renewed under section 15 expires on the third anniversary of the expiry date of the previous registration.

17. Removal of name of registered minor works contractor

(1) The Building Authority must remove the name of a registered minor works contractor from the register if the Authority –

- (a) does not receive an application by the contractor for the renewal of registration in accordance with section 14; or
- (b) has refused an application for the renewal of the registration concerned under section 15(2)(c) and given a notice under section 15(5) to the contractor.

(2) The removal of a name under subsection (1)(a) is effective immediately after the expiry of the registration.

(3) The removal of a name under subsection (1)(b) is effective on the date specified in the notice under section 15(5)(b).

Division 3 – Restoration of Name to Register

18. Application for restoration of name to register

(1) A person whose name is removed under section 17(1) may, within 2 years from the expiry of the registration concerned, apply to the Building Authority for the restoration of the person's name to the register.

(2) The application must –

- (a) be in the specified form; and
- (b) be accompanied by the prescribed fee.

(3) The Building Authority may –

- (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
- (b) refuse the application if the information or proof is not provided.

19. Determination of application for restoration of name to register

(1) The Building Authority may refer, either in whole or in part, an application under section 18(1) to a Registration Committee for recommendation.

(2) The Building Authority may –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
or
- (c) refuse the application.

(3) The Building Authority must not allow an application under subsection (2)(a) or (b) unless the Authority is satisfied that the applicant complies with the applicable requirements for registration set out in section 11(2) and (3) or 12(5) and (6).

(4) If the Building Authority allows an application under subsection (2)(a) or (b), the Authority must –

- (a) enter the applicant's name in the register together with –
 - (i) the particulars of the item or items of class III minor works, or the type or types of minor works under one or more classes, for which the applicant is registered; and
 - (ii) if the applicant is registered for one or more types of minor works under one or more classes, the name of the authorized signatory of the applicant for each type of minor works under each class for which the applicant is registered; and
- (b) issue a certificate of registration to the applicant endorsed with the particulars of the item or items of class III minor works, or the type or types of minor works under one or more classes, for which the applicant is registered.

(5) If the Building Authority refuses an application under subsection (2)(b) or (c), the Authority must give reasons for the decision in writing to the applicant.

20. Validity period of restored registration

Subject to section 14(3) and any relevant disciplinary order, the registration of a person whose name is restored under section 19 to the register expires on the third anniversary of the date of restoration.

Division 4 – Registration of Additional Class, Type or Item of Minor Works

21. Application for registration of additional class, type or item of minor works

(1) A registered minor works contractor who is registered under section 11 may apply to the Building Authority for the addition to the contractor's registration of one or more additional items of class III minor works.

(2) A registered minor works contractor who is registered under section 12 may apply to the Building Authority for the addition to the contractor's registration of –

(a) one or more additional types of minor works under one or more classes; or

(b) one or more additional classes of minor works of the type or types for which the contractor is registered.

(3) An application under subsection (1) or (2) must –

(a) be in the specified form; and

(b) be accompanied by the prescribed fee.

(4) In the case of an application under subsection (2), the applicant must, in respect of each type of minor works under each class to which the application relates, nominate in the application form at least one individual who is proposed to be an authorized signatory of the applicant to act for it for the purposes of the Ordinance on the addition of that type or class of minor works to its registration.

(5) The Building Authority may –

(a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and

(b) refuse the application if the information or proof is not provided.

22. Determination of application made under section 21(1)

(1) The Building Authority must, within 3 months from receiving an application under section 21(1) –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
or
- (c) refuse the application.

(2) The Building Authority must not allow an application under subsection (1)(a) or (b) unless the Authority is satisfied that –

- (a) the applicant –
 - (i) is registered under the Construction Workers Registration Ordinance (Cap. 583) as a registered skilled worker for a designated trade which is relevant to the item or items of class III minor works to which the application relates; or
 - (ii) has the qualifications and experience specified by the Authority;
- (b) the applicant has the ability and skills to personally carry out the item or items of class III minor works to which the application relates; and
- (c) the applicant is suitable for registration in the register for the item or items of class III minor works to which the application relates.

(3) In deciding whether the applicant is suitable for registration in the register for the purposes of subsection (2)(c), the Building Authority must take into account –

- (a) whether the applicant has any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and

(b) whether any disciplinary order has been made against the applicant.

(4) If the Building Authority allows an application under subsection (1)(a) or (b), the Authority must –

(a) amend the entry in respect of the applicant in the register by adding the particulars of the additional item or items of class III minor works for which the applicant is registered;

(b) issue a new certificate of registration to the applicant to replace the applicant's existing certificate of registration; and

(c) endorse on the new certificate of registration the particulars of the items of class III minor works for which the applicant is registered.

(5) If the Building Authority refuses an application under subsection (1)(b) or (c), the Authority must give reasons for the decision in writing to the applicant.

23. Determination of application made under section 21(2)

(1) The Building Authority may refer, either in whole or in part, an application under section 21(2) to a Registration Committee for recommendation.

(2) If the Building Authority does not refer the application to a Registration Committee, the Authority must, within 3 months from receiving the application –

(a) allow the application;

(b) allow the application in part and refuse the remaining part; or

(c) refuse the application.

(3) If the Building Authority refers the application to a Registration Committee, the Authority must, within 3 months from the meeting of the Committee at which the application is considered –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- (c) refuse the application; or
- (d) defer the determination of the application for a period not exceeding 6 months, and refer it again to a Registration Committee for recommendation under subsection (1) after that period on the request of the applicant.

(4) The Building Authority must not allow an application under subsection (3)(a) or (b) unless the Registration Committee so recommends.

(5) The Building Authority must not allow an application under subsection (2)(a) or (b) or (3)(a) or (b) unless the Authority is satisfied that –

- (a) in respect of each type of minor works under each class to which the application relates, at least one individual nominated under section 21(4) for that type of minor works –
 - (i) has the qualifications and experience specified by the Authority; and
 - (ii) has the ability to understand that type of minor works through relevant experience and a general knowledge of the basic statutory requirements;
- (b) the applicant has access to plants and resources;
- (c) if the applicant is a corporation –
 - (i) its management structure is adequate; and
 - (ii) at least one of its directors has the qualifications and experience specified by the Authority; and
- (d) the applicant is suitable for registration in the register for the type or types of minor works under one or more classes to which the application relates.

(6) In deciding whether the applicant is suitable for registration in the register for the purposes of subsection (5)(d), the Building Authority must take into account –

- (a) whether the applicant and the individual nominated under section 21(4) have any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and
- (b) whether any disciplinary order has been made against the applicant or the individual.

(7) If the Building Authority allows an application under subsection (2)(a) or (b) or (3)(a) or (b), the Authority must –

- (a) amend the entry in respect of the applicant in the register by –
 - (i) adding the particulars of the additional type or types of minor works under one or more classes for which the applicant is registered; and
 - (ii) entering the name of the authorized signatory of the applicant for each additional type of minor works under each class for which the applicant is registered;
- (b) issue a new certificate of registration to the applicant to replace the applicant's existing certificate of registration; and
- (c) endorse on the new certificate of registration the particulars of the type or types of minor works under one or more classes for which the applicant is registered.

(8) If the Building Authority –

- (a) refuses an application under subsection (2)(b) or (c) or (3)(b) or (c); or

- (b) defers the determination of an application under subsection (3)(d),

the Authority must give reasons for the decision in writing to the applicant.

Division 5 – Nomination of Additional Authorized Signatory

24. Application for approval of nomination of additional authorized signatory

(1) A registered minor works contractor who is registered under section 12 may apply to the Building Authority for approval of the nomination of an additional individual as its authorized signatory to act for it for the purposes of the Ordinance for one or more types of minor works under one or more classes for which the contractor is registered.

- (2) The application must –
 - (a) be in the specified form; and
 - (b) be accompanied by the prescribed fee.
- (3) The Building Authority may –
 - (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
 - (b) refuse the application if the information or proof is not provided.

25. Determination of application made under section 24(1)

(1) The Building Authority may refer, either in whole or in part, an application under section 24(1) to a Registration Committee for recommendation.

(2) If the Building Authority does not refer the application to a Registration Committee, the Authority must, within 3 months from receiving the application –

- (a) allow the application;

- (b) allow the application in part and refuse the remaining part;
or
- (c) refuse the application.

(3) If the Building Authority refers the application to a Registration Committee, the Authority must, within 3 months from the meeting of the Committee at which the application is considered –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
- (c) refuse the application; or
- (d) defer the determination of the application for a period not exceeding 6 months, and refer it again to a Registration Committee for recommendation under subsection (1) after that period on the request of the applicant.

(4) The Building Authority must not allow an application under subsection (3)(a) or (b) unless the Registration Committee so recommends.

(5) The Building Authority must not allow an application under subsection (2)(a) or (b) or (3)(a) or (b) unless the Authority is satisfied that, in respect of the type or types of minor works under one or more classes for which the individual concerned is nominated, the individual –

- (a) has the qualifications and experience specified by the Authority;
- (b) has the ability to understand the type or types of minor works through relevant experience and a general knowledge of the basic statutory requirements; and
- (c) is suitable to act for the applicant for the purposes of the Ordinance as its authorized signatory.

(6) In deciding whether the individual concerned is suitable to act for the applicant for the purposes of subsection (5)(c), the Building Authority must take into account –

- (a) whether the individual has any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and
- (b) whether any disciplinary order has been made against the individual.

(7) If the Building Authority allows an application under subsection (2)(a) or (b) or (3)(a) or (b), the Authority must enter in the register the name of the individual concerned as an authorized signatory of the applicant for the type or types of minor works under one or more classes for which the nomination is approved.

- (8) If the Building Authority –
 - (a) refuses an application under subsection (2)(b) or (c) or (3)(b) or (c); or
 - (b) defers the determination of an application under subsection (3)(d),

the Authority must give reasons for the decision in writing to the applicant.

Division 6 – Appeals

26. Appeals against decision of Building Authority or Minor Works Contractors Registration Committee

(1) A person who is aggrieved by a decision made in respect of the person by the Building Authority or a Registration Committee under this Part may appeal to the Court of First Instance.

(2) The Court of First Instance may confirm, reverse or vary a decision appealed against under this section.

(3) The practice for the appeal is subject to any rules of court made under the High Court Ordinance (Cap. 4).

PART 5

APPOINTMENT OF PERSONS IN RESPECT OF MINOR WORKS

27. Prescribed building professionals to be appointed for purposes of section 4A of Ordinance

For the purposes of section 4A of the Ordinance, the following prescribed building professionals are required to be appointed in respect of class I minor works –

- (a) an authorized person;
- (b) if the works involve any structural elements, a registered structural engineer; and
- (c) if the works involve any geotechnical elements, a registered geotechnical engineer.

28. Prescribed registered contractors to be appointed for purposes of section 9AA of Ordinance

(1) For the purposes of section 9AA of the Ordinance, the following prescribed registered contractor is required to be appointed in respect of class I minor works, class II minor works or class III minor works –

- (a) a registered general building contractor;
- (b) if the works fall within the description of item 1.5, 1.9, 1.10, 1.24, 1.30, 1.32, 1.33, 1.34, 1.36, 1.37, 1.38, 1.39, 1.40, 2.2, 2.4, 2.9, 2.12, 2.24, 2.25, 2.26, 2.27, 2.31, 2.32, 2.37, 2.38, 2.39, 2.40, 3.1, 3.2, 3.4, 3.5, 3.7, 3.8, 3.10, 3.18, 3.19, 3.20, 3.21, 3.22, 3.24, 3.26, 3.30, 3.32 or 3.33 of Part 3 of Schedule 1, a registered specialist contractor whose name is entered in the demolition works category in the specialist contractors sub-register;

- (c) if the works fall within the description of item 1.11, 1.12, 2.10 or 2.11 of Part 3 of Schedule 1, a registered specialist contractor whose name is entered in the site formation works category in the specialist contractors sub-register;
- (d) if the works fall within the description of item 1.11, 1.12, 2.10 or 2.11 of Part 3 of Schedule 1, a registered specialist contractor whose name is entered in the foundation works category in the specialist contractors sub-register;
- (e) if the works fall within the description of item 1.12 or 2.11 of Part 3 of Schedule 1, a registered specialist contractor whose name is entered in the ground investigation field works category in the specialist contractors sub-register; or
- (f) a registered minor works contractor who is registered for the type or item of minor works to be carried out.

(2) In this section, “specialist contractors sub-register” (專門承建商分冊) means a sub-register in the register of specialist contractors maintained under section 8A(2) of the Ordinance.

PART 6

SIMPLIFIED REQUIREMENTS

Division 1 – Interpretation

29. Interpretation of Part 6

In this Part, a reference to a prescribed building professional appointed under section 27 includes a prescribed building professional nominated to act in the place of another prescribed building professional under section 4A(5) of the Ordinance.

Division 2 – Requirements in respect of Class I Minor Works

30. Documents to be submitted before commencement of class I minor works

Not less than 7 days before the commencement of any class I minor works, the authorized person appointed under section 27 in respect of the works must submit to the Building Authority –

- (a) a notification in the specified form, in which –
 - (i) the person who arranged for the works to be carried out has specified the name of each person appointed as a prescribed building professional under section 27 and as a prescribed registered contractor under section 28 (“appointed person”) in respect of the works;
 - (ii) each appointed person has confirmed the appointment;
 - (iii) the authorized person has confirmed the date on which the works are to be commenced;
 - (iv) if the works comprise repairs, alterations or additions to any building, the authorized person and registered structural engineer (if any) appointed under section 27 in respect of the works have certified that, after inspecting the building, they are of the opinion that the building is capable of bearing the loads and stresses which may be increased or altered in any way as a result of the works; and

- (v) if the works involve the erection of a signboard, the person for whom the signboard is to be erected has provided the particulars of the person as required by the Authority;
- (b) photographs showing the physical condition of the premises where the works are to be carried out;
- (c) prescribed plans and details of the works; and
- (d) if required by the technical memorandum, a supervision plan.

31. Documents to be submitted on completion of class I minor works other than demolition works

Within 14 days after the date of completion of any class I minor works other than demolition works, the authorized person appointed under section 27 in respect of the works must submit to the Building Authority –

- (a) if the works as completed are different from those shown in the prescribed plans and details referred to in section 30(c), the revised prescribed plans and details showing the works as completed;
- (b) photographs showing the works as completed; and
- (c) a certificate in the specified form, in which –
 - (i) each prescribed building professional appointed under section 27 and the prescribed registered contractor appointed under section 28 in respect of the works have certified that the works have been carried out in accordance with the Ordinance and the prescribed plans and details referred to in paragraph (a) or section 30(c);
 - (ii) the authorized person has confirmed the date on which the works were completed;

- (iii) the authorized person has certified that the works are structurally safe in the opinion of the person;
- (iv) if a registered structural engineer has been appointed under section 27 in respect of the works, the engineer has certified that the works are structurally safe in the opinion of the engineer; and
- (v) if a registered geotechnical engineer has been appointed under section 27 in respect of the works, the engineer has certified that the works are geotechnically safe in the opinion of the engineer.

32. Documents to be submitted on completion of class I minor works that are demolition works

Within 14 days after the date of completion of any class I minor works that are demolition works, the authorized person appointed under section 27 in respect of the works must submit to the Building Authority –

- (a) if the works as completed are different from those shown in the prescribed plans and details referred to in section 30(c), the revised prescribed plans and details showing the works as completed;
- (b) photographs showing the works as completed; and
- (c) a certificate in the specified form, in which –
 - (i) each prescribed building professional appointed under section 27 and the prescribed registered contractor appointed under section 28 in respect of the works have certified that the works have been carried out in accordance with the Ordinance and the prescribed plans and details referred to in paragraph (a) or section 30(c);

- (ii) the authorized person has confirmed the date on which the works were completed;
- (iii) the authorized person has certified that any land or street affected by the works has an adequate margin of safety and any structure remaining on the premises is structurally safe in the opinion of the person;
- (iv) if a registered structural engineer has been appointed under section 27 in respect of the works, the engineer has certified that any land or street affected by the works has an adequate margin of safety and any structure remaining on the premises is structurally safe in the opinion of the engineer; and
- (v) if a registered geotechnical engineer has been appointed under section 27 in respect of the works, the engineer has certified that any land or street affected by the works has an adequate margin of safety and any structure remaining on the premises is geotechnically safe in the opinion of the engineer.

Division 3 – Requirements in respect of Class II Minor Works

33. Documents to be submitted before commencement of class II minor works

Not less than 7 days before the commencement of any class II minor works, the prescribed registered contractor appointed under section 28 in respect of the works must submit to the Building Authority –

- (a) a notification in the specified form, in which –

- (i) the person who arranged for the works to be carried out has specified the contractor as the prescribed registered contractor appointed under section 28 in respect of the works;
 - (ii) the contractor has confirmed the appointment and the date on which the works are to be commenced;
 - (iii) if the works comprise repairs, alterations or additions to any building, the contractor has certified that, after inspecting the building, the contractor is of the opinion that the building is capable of bearing the loads and stresses which may be increased or altered in any way as a result of the works; and
 - (iv) if the works involve the erection of a signboard, the person for whom the signboard is to be erected has provided the particulars of the person as required by the Authority;
- (b) photographs showing the physical condition of the premises where the works are to be carried out; and
 - (c) prescribed plans and details of the works.

34. Documents to be submitted on completion of class II minor works other than demolition works

Within 14 days after the date of completion of any class II minor works other than demolition works, the prescribed registered contractor appointed under section 28 in respect of the works must submit to the Building Authority –

- (a) if the works as completed are different from those shown in the prescribed plans and details referred to in section 33(c), the revised prescribed plans and details showing the works as completed;
- (b) photographs showing the works as completed; and
- (c) a certificate in the specified form, in which the contractor –
 - (i) has certified that the works have been carried out in accordance with the Ordinance and the prescribed plans and details referred to in paragraph (a) or section 33(c);
 - (ii) has confirmed the date on which the works were completed; and
 - (iii) has certified that the works are structurally safe in the opinion of the contractor.

35. Documents to be submitted on completion of class II minor works that are demolition works

Within 14 days after the date of completion of any class II minor works that are demolition works, the prescribed registered contractor appointed under section 28 in respect of the works must submit to the Building Authority –

- (a) if the works as completed are different from those shown in the prescribed plans and details referred to in section 33(c), the revised prescribed plans and details showing the works as completed;
- (b) photographs showing the works as completed; and
- (c) a certificate in the specified form, in which the contractor –
 - (i) has certified that the works have been carried out in accordance with the Ordinance and the

- prescribed plans and details referred to in paragraph (a) or section 33(c);
- (ii) has confirmed the date on which the works were completed; and
 - (iii) has certified that any land or street affected by the works has an adequate margin of safety and any structure remaining on the premises is structurally safe in the opinion of the contractor.

Division 4 – Requirements in respect of Class III Minor Works

36. Documents to be submitted on completion of class III minor works

Within 14 days after the date of completion of any class III minor works, the prescribed registered contractor appointed under section 28 in respect of the works must submit to the Building Authority –

- (a) a notification in the specified form, in which –
 - (i) the person who arranged for the works to be carried out has specified the contractor as the prescribed registered contractor appointed under section 28 in respect of the works;
 - (ii) the contractor has confirmed the appointment and the dates on which the works were commenced and completed;
 - (iii) the contractor has certified that the works have been carried out in accordance with the Ordinance and the plans or description of works referred to in paragraph (b);
 - (iv) if the contractor is a registered minor works contractor registered under section 11, the

- contractor has certified that the contractor has personally carried out the works; and
- (v) if the works involve the erection of a signboard, the person for whom the signboard is to be erected has provided the particulars of the person as required by the Authority;
- (b) the plans or description of works showing the works as completed; and
 - (c) photographs showing the physical condition of the premises immediately before the commencement and after the completion of the works.

Division 5 – Plans

37. Plans etc. to be signed by person preparing them

- (1) All prescribed plans and details of class I minor works required to be submitted under this Part must be prepared and signed by –
 - (a) in the case of foundation plans, structural details or calculations for –
 - (i) any class I minor works specified in subsection (4), the authorized person or registered structural engineer appointed under section 27 in respect of the works;
 - (ii) any class I minor works other than those specified in subsection (4), the registered structural engineer appointed under section 27 in respect of the works;

- (b) in the case of geotechnical plans, geotechnical assessment, geotechnical details or calculations and geotechnical reports, the registered geotechnical engineer appointed under section 27 in respect of the works;
- (c) in any other case, the authorized person appointed under section 27 in respect of the works.

(2) All prescribed plans and details of class II minor works and plans of class III minor works required to be submitted under this Part must be prepared and signed by the prescribed registered contractor appointed under section 28 in respect of the works.

(3) The person who has signed the prescribed plans and details or plans under subsection (1) or (2) is regarded as having agreed to assume all responsibilities under the Ordinance regarding the prescribed plans and details or plans.

(4) Class I minor works that satisfy the following criteria are specified for the purposes of subsection (1)(a) –

- (a) the height of the construction does not exceed 10 m;
- (b) the span of any structural element of the construction does not exceed 6 m;
- (c) the structural elements are constructed of timber, masonry, steel, plain concrete or reinforced concrete;
- (d) the foundations of the construction are of the spread footing type with a ground bearing pressure not exceeding 300 kPa and founded at not more than 2 m below existing ground level; and
- (e) there is no structural alteration to any existing structural elements designed by a registered structural engineer.

38. Ratio of plans

(1) Every plan and section of minor works required to be submitted under this Part must be drawn to a ratio of not less than 1:100.

(2) Every block plan of minor works required to be submitted under this Part must be drawn to a ratio of not less than 1:500.

39. Plans to be clear and material of plan

(1) Every plan of minor works required to be submitted under this Part must be drawn or reproduced in a clear and intelligible manner on suitable and durable material.

(2) Every plan of minor works required to be submitted under this Part must be so coloured as to clearly differentiate –

- (a) existing works from new works; and
- (b) one part of any new works from the other parts of the new works.

PART 7**DUTIES OF PRESCRIBED BUILDING PROFESSIONAL AND
PRESCRIBED REGISTERED CONTRACTOR****Division 1 – Application****40. Application of Part 7**

This Part applies only to minor works commenced or carried out under the simplified requirements.

**Division 2 – Duties to Supervise Minor Works and Appoint
Technically Competent Person****41. Interpretation of Division 2**

In this Division, a reference to a prescribed building professional appointed under section 27 includes a prescribed building professional nominated to act in

the place of another prescribed building professional under section 4A(5) of the Ordinance.

42. Duty of prescribed building professional to supervise minor works

(1) An authorized person appointed under section 27 in respect of any class I minor works must give such periodical supervision and make such inspections as may be necessary to ensure that –

- (a) the works are carried out in general accordance with –
 - (i) the Ordinance; and
 - (ii) any order made or condition imposed in relation to the works by the Building Authority under the Ordinance; and
- (b) there is no material divergence or deviation from the prescribed plans and details submitted in respect of the works under section 30(c).

(2) A registered structural engineer appointed under section 27 in respect of any class I minor works must give such periodical supervision and make such inspections as may be necessary to ensure that –

- (a) the structural works are carried out in general accordance with –
 - (i) the Ordinance; and
 - (ii) any order made or condition imposed in relation to the minor works by the Building Authority under the Ordinance; and
- (b) there is no material divergence or deviation from the prescribed plans and details submitted in respect of the structural works under section 30(c).

(3) A registered geotechnical engineer appointed under section 27 in respect of any class I minor works must give such periodical supervision and make such inspections as may be necessary to ensure that –

- (a) the geotechnical works are carried out in general accordance with –
 - (i) the Ordinance; and
 - (ii) any order made or condition imposed in relation to the minor works by the Building Authority under the Ordinance; and
- (b) there is no material divergence or deviation from the prescribed plans and details submitted in respect of the geotechnical works under section 30(c).

43. Duty of prescribed registered contractor to supervise minor works

(1) This section does not apply to a registered minor works contractor who is registered under section 11.

(2) A prescribed registered contractor appointed under section 28 in respect of any minor works must, during the carrying out of the works, give continuous supervision to the carrying out of the works to ensure that –

- (a) the works are carried out in accordance with –
 - (i) the Ordinance; and
 - (ii) any order made or condition imposed in relation to the works by the Building Authority under the Ordinance; and
- (b) in the case of class I minor works or class II minor works, there is no material divergence or deviation from the prescribed plans and details submitted in respect of the works under section 30(c) or 33(c).

(3) A prescribed registered contractor appointed under section 28 in respect of any minor works must –

- (a) keep records of activities and information relevant to the supervision of the works; and

- (b) retain the records and information for at least 12 months after the completion of the works.

44. Duty of registered minor works contractor to carry out minor works personally

A registered minor works contractor registered under section 11 who is appointed under section 28 in respect of any class III minor works must –

- (a) carry out the works personally; and
- (b) ensure that the works are carried out in accordance with –
 - (i) the Ordinance; and
 - (ii) any order made or condition imposed in relation to the works by the Building Authority under the Ordinance.

45. Prescribed building professional and prescribed registered contractor must appoint technically competent person

(1) If the technical memorandum requires a prescribed building professional appointed under section 27 or a prescribed registered contractor appointed under section 28 in respect of any class I minor works to appoint any technically competent persons to supervise the carrying out of the works, the professional or contractor must –

- (a) appoint an appropriate number of technically competent persons to give such supervision as may be required under the supervision plan submitted under section 30(d) or 48(2)(b) or (3)(b) on each site for which the professional or contractor is appointed;
- (b) not less than 7 days before the commencement of the works, notify the Building Authority in writing of the appointment under paragraph (a); and

(c) provide the Building Authority with the particulars, qualifications and experience of the persons appointed under paragraph (a) as required by the Authority.

(2) If there is any change in an appointment made under subsection (1)(a), the person who made the appointment must –

(a) within 7 days after the date of the change, notify the Building Authority in writing of that fact; and

(b) if the change involves the appointment of another technically competent person under subsection (1)(a), provide the Building Authority with the particulars, qualifications and experience of the person as required by the Authority.

46. Building Authority may reject appointment of technically competent person

(1) The Building Authority may reject the appointment of any technically competent person under section 45(1)(a) if the Authority is not satisfied that the qualifications or experience of the person is sufficient for performing the duties required of the person under the supervision plan submitted under section 30(d) or 48(2)(b) or (3)(b).

(2) If an appointment is rejected under subsection (1), the Building Authority must –

(a) notify the person who made the appointment of the rejection by sending a notice by registered post to the last known address of the person; and

(b) specify the date of rejection in the notice.

(3) An appointment rejected under subsection (1) ceases to have effect from the date specified under subsection (2)(b).

47. Works must not be carried out if appointment of technically competent person is terminated or ceases to have effect

If the appointment of any technically competent person under section 45(1)(a) is terminated or ceases to have effect under section 46(3), the person who made the appointment must not commence or, if the works have already commenced, must cease the carrying out of any part of the minor works that is under the supervision of the technically competent person until another technically competent person is appointed under section 45(1)(a) in respect of the part.

Division 3 – Duties in respect of Appointment and Nomination and Cessation of Appointment and Nomination of Prescribed Building Professional and Prescribed Registered Contractor

48. Duty of prescribed building professional and prescribed registered contractor on change in appointment

(1) This section applies if –

- (a) a notification of the appointment of a prescribed building professional or prescribed registered contractor (“original appointed person”) has been submitted under section 30(a) or 33(a);
- (b) the original appointed person –
 - (i) is unable to act, whether by reason of the termination of the appointment or for any other reason; or
 - (ii) is unwilling to act; and
- (c) another person (“new appointed person”) is appointed under section 27 or 28 in the place of the original appointed person.

(2) If the minor works concerned are class I minor works and the new appointed person is not an authorized person appointed under section 27 in

respect of the works, the authorized person must, within 7 days after the date of the appointment, submit to the Building Authority –

- (a) a notification in the specified form, in which –
 - (i) the person who arranged for the works to be carried out has specified the new appointed person as a person appointed under section 27 or 28 in the place of the original appointed person; and
 - (ii) the new appointed person has confirmed the appointment; and
- (b) if required by the technical memorandum, a revised supervision plan.

(3) If the minor works concerned are class I minor works and the new appointed person is an authorized person appointed under section 27 in respect of the works, the new appointed person must, within 7 days after the date of the appointment, submit to the Building Authority –

- (a) a notification in the specified form, in which –
 - (i) the person who arranged for the works to be carried out has specified the new appointed person as a person appointed under section 27 in the place of the original appointed person; and
 - (ii) the new appointed person has confirmed the appointment; and
- (b) if required by the technical memorandum, a revised supervision plan.

(4) If the minor works concerned are class II minor works, the prescribed registered contractor appointed as the new appointed person must, within 7 days after the date of the appointment, submit to the Building Authority a notification in the specified form, in which –

- (a) the person who arranged for the works to be carried out has specified the contractor as a person appointed under

section 28 in the place of the original appointed person;
and

- (b) the contractor has confirmed the appointment.

49. Duty of prescribed building professional in case of nomination under section 4A(5) of Ordinance

If a prescribed building professional (“nominator”) appointed under section 27 in respect of any class I minor works has nominated another prescribed building professional (“nominee”) under section 4A(5) of the Ordinance to act in the place of the nominator, the nominator must, within 7 days after the date of the nomination, submit to the Building Authority a notification in the specified form, in which –

- (a) the nominator has specified the nominee as a person nominated under section 4A(5) of the Ordinance; and
- (b) both the nominator and the nominee have confirmed the nomination.

50. Duty of prescribed building professional on ceasing to be appointed or nominated

If a prescribed building professional appointed under section 27 or nominated under section 4A(5) of the Ordinance in respect of any class I minor works ceases to be appointed or nominated, the professional must, within 7 days after the date of the cessation, notify the Building Authority in writing of that fact.

51. Duty of prescribed registered contractor on ceasing to be appointed

(1) If a prescribed registered contractor appointed under section 28 in respect of any class I minor works ceases to be appointed, the contractor must, within 7 days after the date of the cessation –

- (a) deliver to the authorized person appointed under section 27 or nominated under section 4A(5) of the Ordinance in

respect of the works a notice, in the specified form, of that fact; and

- (b) certify in the notice that the works carried out by the contractor have been carried out in accordance with the Ordinance.

(2) If a prescribed registered contractor appointed under section 28 in respect of any class II minor works ceases to be appointed, the contractor must, within 7 days after the date of the cessation –

- (a) submit to the Building Authority a notice, in the specified form, of that fact; and
- (b) certify in the notice that the works carried out by the contractor have been carried out in accordance with the Ordinance.

52. Duty of authorized person on being delivered notice under section 51(1)

Any authorized person appointed under section 27 or nominated under section 4A(5) of the Ordinance in respect of any class I minor works must, within 7 days after the date of receipt of any notice delivered to the person under section 51(1), submit the notice to the Building Authority.

53. Works must not be carried out if prescribed building professional or prescribed registered contractor is unable or unwilling to act

- (1) If –
 - (a) a prescribed building professional appointed under section 27 in respect of any class I minor works has, during the carrying out of the works, become unable or unwilling to act; and
 - (b) no one is nominated to act in the place of the professional,

the prescribed registered contractor appointed under section 28 in respect of the works must cease the carrying out of the works until another prescribed building professional is appointed under section 27 in respect of the works.

(2) If a prescribed registered contractor appointed under section 28 in respect of any class I minor works has, during the carrying out of the works, become unable or unwilling to act, the prescribed building professional appointed under section 27 in respect of the works must cease the carrying out of the works until another prescribed registered contractor is appointed under section 28 in respect of the works.

Division 4 – General Duties of Prescribed Building Professional and Prescribed Registered Contractor

54. Interpretation of Division 4

In this Division, a reference to a prescribed building professional appointed under section 27 includes a prescribed building professional nominated to act in the place of another prescribed building professional under section 4A(5) of the Ordinance.

55. Duty of authorized person to deliver copy of prescribed plans and details etc. to prescribed registered contractor

An authorized person appointed under section 27 in respect of any class I minor works must deliver to a prescribed registered contractor appointed under section 28 in respect of the works –

- (a) a copy of the prescribed plans and details submitted under section 30(c); and
- (b) if required by the technical memorandum, a copy of the supervision plan submitted under section 30(d) or 48(2)(b) or (3)(b).

56. Duty of person who has prepared plans or documents to provide to Building Authority such information as may be required

If a prescribed building professional appointed under section 27 or a prescribed registered contractor appointed under section 28 in respect of any minor works has prepared any plans or documents which have been submitted to the Building Authority under this Part or Part 6, the professional or contractor must provide to the Authority such information as the Authority may require with regard to the works.

57. Duty of prescribed registered contractor to keep record of prescribed plans and details and supervision plans on site

A prescribed registered contractor appointed under section 28 in respect of any class I minor works or class II minor works must –

- (a) keep on the site on which the works are carried out copies of all prescribed plans and details submitted under section 30(c) or 33(c) and all supervision plans (if any) submitted under section 30(d) or 48(2)(b) or (3)(b); and
- (b) produce the copies to the Building Authority at such time as the Authority may require.

PART 8

MISCELLANEOUS

58. Offences

Any person who, without reasonable excuse, contravenes section 30, 31, 32, 33, 34, 35 or 36 commits an offence and is liable on conviction to a fine at level 5.

59. Power of Building Authority to inspect records and information

The Building Authority may at any reasonable time inspect the records and information required to be kept under section 43(3).

60. Duties imposed by this Regulation not to prejudice any other duties imposed by Ordinance or other enactment

The imposition of duties by this Regulation on –

- (a) any prescribed building professional –
 - (i) appointed under section 27; or
 - (ii) nominated under section 4A(5) of the Ordinance;
- or
- (b) any prescribed registered contractor appointed under section 28,

is without prejudice to any duties imposed on the professional or contractor by any other provision of the Ordinance or any other enactment.

61. Receipt of plans not to confer title to land etc.

An acknowledgment of receipt of any plan or other documents in respect of any minor works by the Building Authority does not –

- (a) confer any title to land;
- (b) constitute a waiver of any term in any lease or licence; or
- (c) grant any exemption from, or permit any contravention of, any provision of the Ordinance or any other enactment.

PART 9

PROVISIONS RELATING TO SECTION 39C OF ORDINANCE

62. Provisions relating to section 39C of Ordinance

(1) For the purposes of the definition of “prescribed building or building works” in section 39C(6)(b) of the Ordinance, the building or building

works specified in Schedule 3 are prescribed as prescribed building or building works.

(2) For the purposes of section 39C(2) of the Ordinance, in relation to any building or building works prescribed under subsection (1), the following person is to be appointed to inspect the building or building works –

- (a) an authorized person;
- (b) a registered structural engineer;
- (c) a registered general building contractor; or
- (d) a registered minor works contractor who is registered for –
 - (i) type A minor works under class I, class II or class III;
 - (ii) type E minor works under class I, class II or class III; or
 - (iii) item 3.25, 3.27, 3.28, 3.29, 3.34, 3.35, 3.36, 3.37 or 3.38 of class III minor works.

(3) For the purposes of section 39C(3) of the Ordinance, the person appointed under section 39C(2) of the Ordinance (“appointed person”) must, within 14 days after the completion of the inspection, submit to the Building Authority –

- (a) a notification in the specified form, in which –
 - (i) the person who arranged for the inspection to be carried out has specified the appointed person as the person appointed under section 39C(2) of the Ordinance in respect of the inspection;
 - (ii) the appointed person has confirmed the appointment and the date on which the building or building works were inspected; and
 - (iii) the appointed person has certified that the building or building works are structurally safe in the opinion of the person and comply with the

- Ordinance (except section 14(1) of the Ordinance and regulation 25 of the Building (Administration) Regulations (Cap. 123 sub. leg. A)); and
- (b) photographs and description showing the physical condition of the building or building works as inspected.

PART 10

TRANSITIONAL – REGISTRATION AS REGISTERED MINOR WORKS CONTRACTOR (PROVISIONAL)

63. Interpretation of Part 10

In this Part, “registered minor works contractor (provisional)” (臨時註冊小型工程承建商) means a person whose name is for the time being on the provisional register of minor works contractors maintained under section 8A of the Ordinance.

64. Application for registration as registered minor works contractor (provisional)

(1) Within 2 years after the commencement of this section, a person (other than a natural person) may apply to the Building Authority for registration as a registered minor works contractor (provisional) for one or more types of minor works under one or more classes.

- (2) The application must –
- (a) be in the specified form; and
 - (b) be accompanied by the prescribed fee.

(3) The applicant must, in respect of each type of minor works under each class to which the application relates, nominate in the application form at least one individual who is proposed to be an authorized signatory of the applicant to act for it for the purposes of the Ordinance on its registration as a registered minor works contractor (provisional).

- (4) The Building Authority may –

- (a) require the applicant to provide any information and documentary proof that the Authority considers necessary for determining the application; and
- (b) refuse the application if the information or proof is not provided.

65. Determination of application for registration as registered minor works contractor (provisional)

(1) Subject to subsection (2), the Building Authority must, within 30 days from receiving an application under section 64(1) –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
or
- (c) refuse the application.

(2) If the application under section 64(1) is for the registration as a registered minor works contractor (provisional) for any type or types of minor works under one or more classes including class I, the Building Authority must, within 60 days from receiving the application –

- (a) allow the application;
- (b) allow the application in part and refuse the remaining part;
or
- (c) refuse the application.

(3) The Building Authority must not allow an application under subsection (1)(a) or (b) or (2)(a) or (b) unless the Authority is satisfied that –

- (a) in respect of each type of minor works under each class to which the application relates, at least one individual nominated under section 64(3) for that type of minor works –
 - (i) has the experience specified by the Authority; and

- (ii) has the ability to understand that type of minor works through relevant experience and a general knowledge of the basic statutory requirements;
- (b) if the applicant is a corporation –
 - (i) its management structure is adequate; and
 - (ii) at least one of its directors has the qualifications and experience specified by the Authority; and
- (c) the applicant is suitable for registration in the provisional register.

(4) In deciding whether the applicant is suitable for registration in the provisional register for the purposes of subsection (3)(c), the Building Authority must take into account –

- (a) whether the applicant and the individual nominated under section 64(3) have any criminal record in respect of any offence under the laws of Hong Kong relating to the carrying out of any building works; and
- (b) whether any disciplinary order has been made against the applicant or the individual.

(5) If the Building Authority allows an application under subsection (1)(a) or (b) or (2)(a) or (b), the Authority must, on payment by the applicant of the prescribed fee –

- (a) enter the applicant's name in the provisional register together with –
 - (i) the particulars of the type or types of minor works under one or more classes for which the applicant is registered; and
 - (ii) the name of the authorized signatory of the applicant for each type of minor works under each class for which the applicant is registered;

- (b) publish the applicant's name in the Gazette together with the particulars of the type or types of minor works under one or more classes for which the applicant is registered; and
- (c) issue a certificate of provisional registration to the applicant endorsed with the particulars of the type or types of minor works under one or more classes for which the applicant is registered.

(6) If the Building Authority refuses an application under subsection (1)(b) or (c) or (2)(b) or (c), the Authority must give reasons for the decision in writing to the applicant.

66. Validity period of provisional registration

- (1) The provisional registration of a person under section 65 expires –
 - (a) subject to subsection (2) and any relevant disciplinary order, on the expiry of 2 years after the commencement of section 28;
 - (b) on the date on which the person is registered as a registered minor works contractor under section 12,

whichever is the earliest.

(2) If a registered minor works contractor (provisional) makes an application for registration under section 10(1)(b) 3 months prior to the expiry date of the provisional registration under section 65 and the validity of the provisional registration expires before the application is determined under section 12, the provisional registration continues to be in force after its expiry until the application is determined by the Building Authority under section 12.

MINOR WORKS

PART 1

GENERAL

1. In this Schedule –

“display area” (展示面積), in relation to a signboard, means the area of the largest planar surface of a virtual rectangular prism containing all parts of the signboard (including its supporting structure) except –

- (a) if the signboard is supported by a single post of a diameter of not more than 100 mm, the post; or
- (b) in any other case, any structural elements of the signboard solely for preventing the lateral movement of the signboard;

“projecting signboard” (伸出式招牌) means a signboard –

- (a) that is fixed to the external wall of a building; and
- (b) that projects more than 600 mm from the wall;

“thickness” (厚度), in relation to a signboard, means the smallest dimension of a virtual rectangular prism containing all parts of the signboard (including its supporting structure) except any structural elements of the signboard solely for preventing the lateral movement of the signboard;

“unauthorized” (違例) –

- (a) when used to describe any structure, means the structure is erected in contravention of any provision of the Ordinance; or
- (b) when used to describe any building works, means the building works are carried out in contravention of any provision of the Ordinance;

“wall signboard” (靠牆招牌) means a signboard –

- (a) that is fixed to the external wall of a building; and
- (b) no part of it projects more than 600 mm from the wall.

2. A description of any item of minor works specified in Part 3 of this Schedule must be read as including any make-good works that are reasonably required for the purpose of carrying out the minor works.

PART 2

TYPES OF MINOR WORKS

Division 1 – Type A (Alteration and Addition Works)

1. Type A minor works under class I are those minor works described in items 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.19, 1.27, 1.28, 1.29, 1.30, 1.31, 1.32, 1.33, 1.34, 1.35, 1.37, 1.38, 1.39 and 1.40 of Part 3 of this Schedule.

2. Type A minor works under class II are those minor works described in items 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.31, 2.32, 2.33, 2.34, 2.35, 2.37, 2.38, 2.39 and 2.40 of Part 3 of this Schedule.

3. Type A minor works under class III are those minor works described in items 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.24, 3.25, 3.26, 3.27, 3.28, 3.29, 3.30, 3.31, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37 and 3.38 of Part 3 of this Schedule.

Division 2 – Type B (Repair Works)

4. Type B minor works under class I are those minor works described in item 1.17 of Part 3 of this Schedule.

5. Type B minor works under class II are those minor works described in items 2.15 and 2.17 of Part 3 of this Schedule.

6. Type B minor works under class III are those minor works described in item 3.12 of Part 3 of this Schedule.

Division 3 – Type C (Works relating to Signboards)

7. Type C minor works under class I are those minor works described in items 1.20, 1.21, 1.22, 1.23 and 1.24 of Part 3 of this Schedule.

8. Type C minor works under class II are those minor works described in items 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25, 2.26 and 2.27 of Part 3 of this Schedule.

9. Type C minor works under class III are those minor works described in items 3.16, 3.17, 3.18, 3.19, 3.20, 3.21 and 3.22 of Part 3 of this Schedule.

Division 4 – Type D (Drainage Works)

10. Type D minor works under class I are those minor works described in items 1.25, 1.26 and 1.36 of Part 3 of this Schedule.

11. Type D minor works under class II are those minor works described in items 2.1, 2.3, 2.4, 2.28, 2.29, 2.30 and 2.36 of Part 3 of this Schedule.

12. Type D minor works under class III are those minor works described in items 3.23 and 3.24 of Part 3 of this Schedule.

Division 5 – Type E (Works relating to Structures for Amenities)

13. Type E minor works under class I are those minor works described in items 1.5, 1.18, 1.19, 1.27, 1.28 and 1.29 of Part 3 of this Schedule.

14. Type E minor works under class II are those minor works described in items 2.2 and 2.31 of Part 3 of this Schedule.

15. Type E minor works under class III are those minor works described in items 3.2, 3.14, 3.15, 3.25, 3.26, 3.27, 3.28, 3.29, 3.30, 3.34, 3.35, 3.36, 3.37 and 3.38 of Part 3 of this Schedule.

Division 6 – Type F (Finishes Works)

16. Type F minor works under class I are those minor works described in item 1.31 of Part 3 of this Schedule.

17. Type F minor works under class II are those minor works described in items 2.33 and 2.34 of Part 3 of this Schedule.

18. Type F minor works under class III are those minor works described in item 3.31 of Part 3 of this Schedule.

Division 7 – Type G (Demolition Works)

19. Type G minor works under class I are those minor works described in items 1.5, 1.9, 1.10, 1.24, 1.30, 1.32, 1.33, 1.34, 1.37, 1.38, 1.39 and 1.40 of Part 3 of this Schedule.

20. Type G minor works under class II are those minor works described in items 2.2, 2.4, 2.9, 2.12, 2.24, 2.25, 2.26, 2.27, 2.31, 2.32, 2.37, 2.38, 2.39 and 2.40 of Part 3 of this Schedule.

21. Type G minor works under class III are those minor works described in items 3.1, 3.2, 3.4, 3.5, 3.7, 3.8, 3.10, 3.18, 3.19, 3.20, 3.21, 3.22, 3.24, 3.26, 3.30, 3.32 and 3.33 of Part 3 of this Schedule.

PART 3

LIST OF MINOR WORKS

Division 1 – Class I Minor Works

| Item | Description of building works |
|------|---|
| 1.1. | <p>Erection or alteration of any internal staircase that is not used as a means of escape or a means of access for firefighting and rescue, provided that –</p> <ul style="list-style-type: none">(a) the works do not result in any additional load to any cantilevered slab; and(b) the works do not involve the alteration of any other structural elements, except a simply supported beam that –<ul style="list-style-type: none">(i) is not of pre-stressed construction; and(ii) is not used to support any column, flat slab or ribbed beam. |
| 1.2. | <p>Formation of any opening in a slab, provided that –</p> <ul style="list-style-type: none">(a) the works do not result in any additional load to any cantilevered slab;(b) the works do not involve the alteration of any other structural elements, except a simply supported beam that –<ul style="list-style-type: none">(i) is not of pre-stressed construction; and(ii) is not used to support any column, flat slab or ribbed beam; and(c) the area of the opening is more than 1 m² but not more than 4.5 m². |

- 1.3. Building works associated with the installation or alteration of any service lift, provided that –
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the works do not involve the alteration of any other structural elements, except a simply supported beam that –
 - (i) is not of pre-stressed construction; and
 - (ii) is not used to support any column, flat slab or ribbed beam;
 - (c) the rated load of the lift is not more than 250 kg;
 - (d) the internal floor area of the lift car is not more than 1 m²; and
 - (e) the internal height of the lift car is not more than 1.2 m.
- 1.4. Building works associated with the installation or alteration of any stairlift or lifting platform, provided that –
- (a) the works do not result in any additional load to any cantilevered slab; and
 - (b) the works do not involve the alteration of any other structural elements, except a simply supported beam that –
 - (i) is not of pre-stressed construction; and
 - (ii) is not used to support any column, flat slab or ribbed beam.
- 1.5. Removal of any supporting structure for an air-conditioning unit, water cooling tower, solar water heating system or photovoltaic

system located on a cantilevered slab with a span of more than 1 m.

- 1.6. Alteration or removal of any protective barrier (other than an external reinforced concrete wall or block wall), provided that the works do not result in any additional load to any cantilevered slab.
- 1.7. Erection or alteration of any solid fence wall, provided that –
 - (a) the wall is erected on-grade; and
 - (b) the height of the wall is more than 1.5 m but not more than 5 m.
- 1.8. Erection or alteration of any external mesh fence, provided that –
 - (a) the fence is erected on-grade; and
 - (b) the height of the fence is more than 3 m but not more than 10 m.
- 1.9. Removal of any solid fence wall, provided that –
 - (a) the wall is erected on-grade; and
 - (b) the height of the wall is more than 3 m.
- 1.10. Removal of any external mesh fence, provided that –
 - (a) the fence is erected on-grade; and
 - (b) the height of the fence is more than 5 m.
- 1.11. Construction or alteration of any spread footing associated with the carrying out of any other minor works or designated exempted works, provided that –
 - (a) the works involve an excavation of a depth of not more than 3 m;

- (b) the overall gradient of the area bounded by lines 10 m away from the location of the footing in the downhill direction is not more than 15 degrees;
- (c) there is no slope steeper than 15 degrees within the area mentioned in paragraph (b);
- (d) there is no retaining wall or terrace wall higher than 1.5 m, or below a line drawn down from the base of the footing that is 45 degrees to the horizontal, within the area mentioned in paragraph (b);
- (e) the allowable pressure imposed by the footing on the ground is not more than 100 kPa or (if the footing is located below the ground water level) 50 kPa;
- (f) the footing is not founded on soft clay or mud;
- (g) the works do not involve any excavation within area number 1 or 3 of the scheduled areas; and
- (h) the works do not fall within the description of item 2.10.

1.12. Excavation works associated with the carrying out of any other minor works or designated exempted works, provided that –

- (a) the works are not carried out within area number 1 or 3 of the scheduled areas; and
- (b) the depth of the excavation is more than 1.5 m but not more than 3 m.

1.13. Erection or alteration of any supporting structure for an antenna or transceiver on the roof of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;

- (b) no part of the structure projects beyond the external wall of the building; and
- (c) the structure is designed for an antenna or transceiver of more than 150 kg in weight.

1.14. Erection or alteration of any supporting structure for a radio base station solely for telecommunications services in the form of an equipment cabinet on the roof of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the length of the cabinet is not more than 1.5 m;
- (c) the width of the cabinet is not more than 1 m; and
- (d) the height of the cabinet is not more than 2.3 m.

1.15. Erection, alteration or removal of any external reinforced concrete wall (other than a load bearing wall) of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements; and
- (c) the height of the wall is more than 1.1 m but not more than 3.5 m.

1.16. Erection, alteration or repair of any metal gate at a fence wall or at an entrance to a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;

- (c) the weight of at least one leaf of the gate is more than 300 kg; and
 - (d) the height of the gate is not more than 3.2 m.

- 1.17. Repair of any structural elements (including any column, shear wall, flat slab, cantilevered slab, ribbed slab, waffle slab, pre-stressed beam, post-tensioned beam, cantilevered beam, transfer plate, transfer beam or earth retaining structure) in accordance with the original design, provided that the works do not result in any additional load to any cantilevered slab.

- 1.18. Erection or alteration of any supporting structure for a solar water heating system on-grade or on a slab (other than a cantilevered slab), provided that –
 - (a) the height of the structure is not more than 1.5 m;
 - (b) the structure is designed for a solar water heating system at least one thermal collector of which is more than 200 kg in weight; and
 - (c) if the thermal collector and the water tank of the system are integrated, the structure is designed for a system the gross weight (when the water tank is in full capacity) of which is more than 100 kg per m² of the ground or slab area.

- 1.19. Erection or alteration of any supporting structure for a photovoltaic system on-grade or on a slab (other than a cantilevered slab), provided that –
 - (a) the height of the structure is not more than 1.5 m; and
 - (b) the structure is designed for a photovoltaic system at

least one module of which is more than 200 kg in weight.

- 1.20. Erection or alteration of any projecting signboard, provided that –
- (a) the signboard does not consist of stone;
 - (b) the works do not result in any additional load to any cantilevered slab;
 - (c) the works do not involve the alteration of any other structural elements;
 - (d) the display area of the signboard is more than 10 m² but not more than 20 m² ;
 - (e) no part of the signboard projects more than 4.2 m from the external wall to which it is fixed; and
 - (f) the thickness of the signboard is not more than 600 mm.
- 1.21. Erection or alteration of any signboard on the roof of a building, provided that –
- (a) the signboard does not consist of stone;
 - (b) the works do not result in any additional load to any cantilevered slab;
 - (c) the works do not involve the alteration of any other structural elements;
 - (d) the display area of the signboard is not more than 20 m²;
 - (e) no part of the signboard projects beyond the external wall of the building;
 - (f) the thickness of the signboard is not more than 600 mm; and

- (g) the distance between any part of the signboard and the level of the roof is not more than 6 m.

1.22. Erection or alteration of any wall signboard, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;
- (c) if the signboard comprises a display system consisting of light emitting diodes, the display area of the signboard is more than 5 m² but not more than 20 m²;
- (d) if the signboard does not comprise any display system consisting of light emitting diodes, the display area of the signboard is more than 10 m² but not more than 40 m²; and
- (e) if the distance between any part of the signboard and the ground is more than 6 m, the signboard does not consist of stone.

1.23. Erection or alteration of any outdoor signboard fixed on-grade (other than the construction of a spread footing), provided that –

- (a) the display area of the signboard is not more than 20 m²;
- (b) the thickness of the signboard is not more than 600 mm;
- (c) the distance between any part of the signboard and the ground is not more than 6 m; and
- (d) the works do not fall within the description of item 2.21.

- 1.24. Removal of any signboard (other than the removal of the spread footing of any outdoor signboard), provided that the works do not fall within the description of item 11 of Part 2 of Schedule 2 or item 2.24, 2.25, 2.26, 2.27, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21 or 3.22.
- 1.25. Repair of any underground drain, provided that –
- (a) the works involve an excavation of a depth of more than 1.5 m but not more than 3 m;
 - (b) the distance between any point of the excavation and any structure or building is at least equal to the depth of the excavation;
 - (c) the works do not involve any excavation within area number 1 or 3 of the scheduled areas;
 - (d) the works do not involve the last manhole;
 - (e) if the works are carried out beside the crest of a slope with a gradient of not more than 30 degrees, the distance between any point of the excavation and the outer edge of the crest is at least equal to the height of the slope;
 - (f) if the works are carried out beside the crest of a slope with a gradient of more than 30 degrees –
 - (i) the height of the slope is not more than 3 m;
and
 - (ii) the distance between any point of the excavation and the outer edge of the crest is at least equal to 1.5 times the height of the slope;
and
 - (g) if the works are carried out beside the top of a retaining

wall –

- (i) the height of the wall is not more than 3 m;
and
- (ii) the distance between any point of the excavation and the wall is at least equal to 1.5 times the height of the wall.

1.26. Addition or alteration of any underground drain, provided that –

- (a) the works involve an excavation of a depth of more than 1.5 m but not more than 3 m;
- (b) the distance between any point of the excavation and any structure or building is at least equal to the depth of the excavation;
- (c) the works do not involve any excavation within area number 1 or 3 of the scheduled areas;
- (d) the works do not involve the last manhole; and
- (e) if the works are carried out beside the crest of a slope –
 - (i) the gradient of the slope is not more than 15 degrees;
 - (ii) the height of the slope is not more than 3 m;
and
 - (iii) the distance between any point of the excavation and the outer edge of the crest is at least equal to the height of the slope.

1.27. Erection, alteration or removal of any canopy projecting from the external wall of a building over an entrance to the building, provided that –

- (a) the works do not result in any additional load to any

cantilevered slab;

- (b) the canopy projects more than 500 mm but not more than 2 m from the wall;
- (c) the canopy is not constructed of concrete; and
- (d) the distance between the highest point of the canopy and the ground is more than 3 m.

1.28. Erection, alteration or removal of any metal supporting frame for an air-conditioning unit or any associated air ducts projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) no part of the frame projects more than 750 mm from the wall;
- (c) the distance between the highest point of the frame and the ground is more than 3 m;
- (d) the frame is designed for an air-conditioning unit of more than 100 kg in weight; and
- (e) the works do not fall within the description of item 3.27.

1.29. Erection or alteration of any supporting structure for an air-conditioning unit, water cooling tower or any associated air ducts on-grade or on a slab (other than a cantilevered slab), provided that –

- (a) the height of the structure is not more than 1.5 m; and
- (b) the structure is designed for an air-conditioning unit or water cooling tower, of more than 150 kg in weight.

1.30. Removal of any unauthorized structure (other than an architectural

projection, canopy, frame or rack) projecting more than 2 m from the external wall of a building, provided that, if the structure is fixed to a balcony or canopy that is a cantilevered slab, the span of the balcony or canopy is more than 1 m.

- 1.31. Erection, repair or removal of any panel fixed by metal dowels and fixings onto a wall inside a building, provided that the distance between the highest point of the panel and the adjoining floor is more than 10 m.
- 1.32. Removal of any internal staircase that is not used as a means of escape or a means of access for firefighting and rescue, provided that –
- (a) the works do not involve the alteration of any other structural elements, except a simply supported beam that –
 - (i) is not of pre-stressed construction; and
 - (ii) is not used to support any column, flat slab or ribbed beam; and
 - (b) the works do not fall within the description of item 3.1.
- 1.33. Building works associated with the removal of any service lift, provided that –
- (a) the rated load of the lift is not more than 250 kg;
 - (b) the internal floor area of the lift car is not more than 1 m²; and
 - (c) the internal height of the lift car is not more than 1.2 m.
- 1.34. Building works associated with the removal of any stairlift or lifting

platform.

- 1.35. Reinstatement in accordance with the original design of a slab in respect of which an opening has been formed, provided that –
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the works do not involve the alteration of any other structural elements; and
 - (c) the area of the opening is more than 1 m² but not more than 4.5 m².
- 1.36. Removal of any underground drain, provided that –
- (a) the works involve an excavation of a depth of more than 1.5 m but not more than 3 m;
 - (b) the distance between any point of the excavation and any structure or building is at least equal to the depth of the excavation;
 - (c) the works do not involve any excavation within area number 1 or 3 of the scheduled areas;
 - (d) the works do not involve the last manhole;
 - (e) if the works are carried out beside the crest of a slope with a gradient of not more than 30 degrees, the distance between any point of the excavation and the outer edge of the crest is at least equal to the height of the slope;
 - (f) if the works are carried out beside the crest of a slope with a gradient of more than 30 degrees –
 - (i) the height of the slope is not more than 3 m;and

- (ii) the distance between any point of the excavation and the outer edge of the crest is at least equal to 1.5 times the height of the slope; and
 - (g) if the works are carried out beside the top of a retaining wall –
 - (i) the height of the wall is not more than 3 m; and
 - (ii) the distance between any point of the excavation and the wall is at least equal to 1.5 times the height of the wall.

- 1.37. Removal of any chimney attached to the external wall of a building or located on the roof of a building, provided that –
 - (a) the distance between the highest point of the chimney and the level of the adjoining roof is not more than 10 m; and
 - (b) the works do not fall within the description of item 2.37.

- 1.38. Removal of any unauthorized structure located on-grade or on a slab (other than a cantilevered slab), provided that –
 - (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the structure is more than 5 m but not more than 10 m;
 - (c) the structure has not more than 2 storeys;
 - (d) the structure is not a flat slab, pre-stressed concrete construction, transfer girder, hanger, cantilevered

structure with a span of more than 1.2 m or earth retaining structure; and

- (e) no structural element of the structure has a span of more than 6 m.

1.39. Removal of any unauthorized floor slab.

1.40. Removal of any metal gate at a fence wall or at an entrance to a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;
- (c) the weight of at least one leaf of the gate is more than 300 kg; and
- (d) the height of the gate is not more than 3.2 m.

Division 2 – Class II Minor Works

| Item | Description of building works |
|------|--|
| 2.1. | <p>Formation of any opening in a slab, provided that –</p> <ul style="list-style-type: none"> (a) the works do not result in any additional load to any cantilevered slab; (b) the works do not involve the alteration of any other structural elements, except a simply supported beam that – <ul style="list-style-type: none"> (i) is not of pre-stressed construction; and (ii) is not used to support any column, flat slab or ribbed beam; (c) the area of the opening is not more than 1 m²; and |

- (d) the works do not fall within the description of item 1 of Part 2 of Schedule 2.

- 2.2. Removal of any supporting structure for an air-conditioning unit, water cooling tower, solar water heating system or photovoltaic system, provided that –
 - (a) the structure is located on-grade or on a slab;
 - (b) if the slab mentioned in paragraph (a) is a cantilevered slab, the span of the slab is not more than 1 m; and
 - (c) the works do not fall within the description of item 3.2.

- 2.3. Replacement of any glass reinforced polyester water tank located on the roof of a building in accordance with the original design, provided that –
 - (a) the capacity of the tank is not more than 9 m³ and the water head of the tank is not more than 2 m; and
 - (b) the distance between the tank and the edge of the roof is not more than 1.5 m.

- 2.4. Removal of any glass reinforced polyester water tank located on the roof of a building, provided that –
 - (a) the capacity of the tank is not more than 9 m³; and
 - (b) the distance between the tank and the edge of the roof is not more than 1.5 m.

- 2.5. Repair or replacement of any protective barrier (other than an external reinforced concrete wall or block wall) in accordance with the original design, provided that –
 - (a) the works do not result in any additional load to any

cantilevered slab; and

- (b) the difference in height between the level on which the protective barrier is located and its adjacent level is more than 2 m.

2.6. Erection or alteration of any solid fence wall, provided that –

- (a) the wall is erected on-grade; and
- (b) the height of the wall is not more than 1.5 m.

2.7. Erection or alteration of any external mesh fence, provided that –

- (a) the fence is erected on-grade; and
- (b) the height of the fence is not more than 3 m.

2.8. Construction, alteration or repair of any window or window wall, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) no structural element of the window or window wall has a span of more than 6 m;
- (c) the distance between the highest point of the window or window wall and the ground is more than 3.5 m;
- (d) if the distance between the highest point of the window or window wall and the ground is not more than 100 m –
 - (i) the works involve the main frame of the window or window wall; or
 - (ii) the works involve the sub-frame of the window or window wall, and the length of the sub-frame is more than 1.2 m;

- (e) if the distance between the highest point of the window or window wall and the ground is more than 100 m –
 - (i) the area of the external wall opening for the window or window wall is not more than 6 m²; and
 - (ii) the length or width (whichever is shorter) of the opening is not more than 1.8 m; and
- (f) the works do not involve the alteration of any other structural elements, except a simply supported beam that –
 - (i) is not of pre-stressed construction; and
 - (ii) is not used to support any column, flat slab or ribbed beam.

2.9. Removal of any window or window wall, provided that –

- (a) the height of the window or window wall is not more than 6 m;
- (b) the works do not involve the alteration of any other structural elements; and
- (c) the works do not fall within the description of item 3.7.

2.10. Construction or alteration of any spread footing associated with the carrying out of any other minor works or designated exempted works, provided that –

- (a) the works involve an excavation of a depth of not more than 1.5 m;
- (b) the overall gradient of the area bounded by lines 10 m away from the location of the footing in the downhill direction is not more than 5 degrees;

- (c) there is no slope steeper than 15 degrees within the area mentioned in paragraph (b);
- (d) there is no retaining wall or terrace wall higher than 1.5 m, or below a line drawn down from the base of the footing that is 45 degrees to the horizontal, within the area mentioned in paragraph (b);
- (e) the allowable pressure imposed by the footing on the ground is not more than 100 kPa or (if the footing is located below the ground water level) 50 kPa;
- (f) the footing is not founded on soft clay or mud; and
- (g) the works do not involve any excavation within area number 1 or 3 of the scheduled areas.

2.11. Excavation works associated with the carrying out of any other minor works or designated exempted works, provided that –

- (a) the works are not carried out within area number 1 or 3 of the scheduled areas; and
- (b) the depth of the excavation is more than 0.3 m but not more than 1.5 m.

2.12. Removal of any radio base station for telecommunications services in the form of an enclosure or equipment cabinet together with its supporting structure located on the roof of a building, provided that –

- (a) the length of the station is not more than 4.5 m;
- (b) the width of the station is not more than 4.5 m;
- (c) the height of the station is not more than 2.3 m; and
- (d) the works do not fall within the description of item 3.8.

2.13. Erection, alteration or removal of any external reinforced concrete

wall (other than a load bearing wall) of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements; and
- (c) the height of the wall is not more than 1.1 m.

2.14. Erection, alteration or removal of any external block wall (other than a load bearing wall) of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements; and
- (c) the height of the wall is more than 1.1 m but not more than 3.5 m.

2.15. Repair of any external reinforced concrete wall (other than a load bearing wall) of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements; and
- (c) the height of the wall is not more than 3.5 m.

2.16. Erection, alteration or repair of any metal gate at a fence wall or at an entrance to a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other

structural elements;

- (c) the weight of each leaf of the gate is not more than 300 kg;
- (d) the weight of at least one leaf of the gate is more than 200 kg; and
- (e) the height of the gate is not more than 3.2 m.

2.17. Repair of any slab or beam (other than a flat slab, cantilevered slab, ribbed slab, waffle slab, pre-stressed beam, post-tensioned beam, cantilevered beam, transfer plate or transfer beam) in accordance with the original design, provided that the works do not result in any additional load to any cantilevered slab.

2.18. Erection or alteration of any projecting signboard, provided that –

- (a) the signboard does not consist of stone;
- (b) the works do not result in any additional load to any cantilevered slab;
- (c) the works do not involve the alteration of any other structural elements;
- (d) the display area of the signboard is not more than 10 m²;
- (e) no part of the signboard projects more than 4.2 m from the external wall to which it is fixed;
- (f) the thickness of the signboard is not more than 600 mm; and
- (g) the works do not fall within the description of item 3.16.

2.19. Erection or alteration of any wall signboard, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;
- (c) if the signboard comprises a display system consisting of light emitting diodes, the display area of the signboard is not more than 5 m²;
- (d) if the signboard does not comprise any display system consisting of light emitting diodes, the display area of the signboard is not more than 10 m²;
- (e) if the distance between any part of the signboard and the ground is more than 6 m, the signboard does not consist of stone; and
- (f) the works do not fall within the description of item 10 of Part 2 of Schedule 2 or item 3.17.

2.20. Erection or alteration of any signboard on or hung underneath the soffit of a balcony or canopy (other than a cantilevered slab), provided that –

- (a) the signboard does not consist of stone;
- (b) the display area of the signboard is not more than 2 m²;
- (c) no part of the signboard projects beyond the balcony or canopy;
- (d) the height of the signboard is not more than 600 mm; and
- (e) the thickness of the signboard is not more than 100 mm.

2.21. Erection or alteration of any outdoor signboard fixed on-grade (other

than the construction of a spread footing), provided that –

- (a) the display area of the signboard is not more than 10 m²;
- (b) the thickness of the signboard is not more than 600 mm; and
- (c) the distance between any part of the signboard and the ground is not more than 2 m.

2.22. Erection or alteration of any outdoor signboard together with a spread footing, provided that –

- (a) the display area of the signboard is not more than 1 m²;
- (b) the thickness of the signboard is not more than 300 mm;
- (c) the distance between any part of the signboard and the ground is not more than 3 m;
- (d) the works involve an excavation of a depth of not more than 500 mm for construction of the footing; and
- (e) the works do not involve any excavation within area number 1 or 3 of the scheduled areas.

2.23. Replacement of the display surface of any signboard referred to in item 1.20, 1.21, 1.22, 1.23, 2.18, 2.19, 2.20, 2.21 or 2.22.

2.24. Removal of any projecting signboard, provided that –

- (a) the display area of the signboard is not more than 20 m²; and
- (b) the works do not fall within the description of item 3.18.

- 2.25. Removal of any signboard located on the roof of a building, or any outdoor signboard fixed on-grade (other than the removal of the spread footing of any outdoor signboard), provided that –
- (a) the display area of the signboard is not more than 20 m²; and
 - (b) the works do not fall within the description of item 3.19 or 3.22.
- 2.26. Removal of any wall signboard, provided that –
- (a) if the signboard comprises a display system consisting of light emitting diodes, the display area of the signboard is not more than 20 m²;
 - (b) if the signboard does not comprise any display system consisting of light emitting diodes, the display area of the signboard is not more than 40 m²; and
 - (c) the works do not fall within the description of item 11 of Part 2 of Schedule 2 or item 3.20.
- 2.27. Removal of any signboard located on or hung underneath the soffit of a balcony or canopy (other than a cantilevered slab), provided that the works do not fall within the description of item 3.21.
- 2.28. Repair of any underground drain, provided that –
- (a) the works involve an excavation of a depth of not more than 1.5 m;
 - (b) the distance between any point of the excavation and any structure or building is at least equal to the depth of the excavation;
 - (c) the works do not involve any excavation within area

- number 1 or 3 of the scheduled areas;
- (d) the works do not involve the last manhole;
 - (e) if the works are carried out beside the crest of a slope with a gradient of not more than 30 degrees, the distance between any point of the excavation and the outer edge of the crest is at least equal to the height of the slope;
 - (f) if the works are carried out beside the crest of a slope with a gradient of more than 30 degrees –
 - (i) the height of the slope is not more than 3 m; and
 - (ii) the distance between any point of the excavation and the outer edge of the crest is at least equal to 1.5 times the height of the slope; and
 - (g) if the works are carried out beside the top of a retaining wall –
 - (i) the height of the wall is not more than 3 m; and
 - (ii) the distance between any point of the excavation and the wall is at least equal to 1.5 times the height of the wall.

2.29. Addition or alteration of any underground drain, provided that –

- (a) the works involve an excavation of a depth of not more than 1.5 m;
- (b) the distance between any point of the excavation and any structure or building is at least equal to the depth of the excavation;

- (c) the works do not involve any excavation within area number 1 or 3 of the scheduled areas;
- (d) the works do not involve the last manhole; and
- (e) if the works are carried out beside the crest of a slope –
 - (i) the gradient of the slope is not more than 15 degrees;
 - (ii) the height of the slope is not more than 3 m; and
 - (iii) the distance between any point of the excavation and the outer edge of the crest is at least equal to the height of the slope.

2.30. Erection, alteration or removal of any aboveground drain, provided that –

- (a) the works do not result in any additional load to any cantilevered slab; and
- (b) the works do not fall within the description of item 3.23.

2.31. Removal of any architectural projection, canopy, supporting frame for an air-conditioning unit or any associated air ducts, or rack (other than a drying rack), projecting from the external wall of a building, provided that –

- (a) the projection, canopy, frame or rack projects more than 750 mm from the wall;
- (b) the projection, canopy, frame or rack is not constructed of concrete; and
- (c) the works do not fall within the description of item 13 or 14 of Part 2 of Schedule 2.

2.32. Removal of any unauthorized structure (other than an architectural

projection, canopy, frame or rack) projecting not more than 2 m from the external wall of a building, provided that, if the structure is fixed to a balcony or canopy that is a cantilevered slab, the span of the balcony or canopy is not more than 1 m.

2.33. Erection, repair or removal of any panel fixed by metal dowels and fixings onto a wall inside a building, provided that the distance between the highest point of the panel and the adjoining floor is more than 3 m but not more than 10 m.

2.34. Laying, repair or removal of any external rendering, external wall tile or roof tile of a building, provided that –

- (a) in the case of the repair of any external rendering, the distance between the highest point of the area in respect of which the repair is to be carried out and the adjoining ground or adjoining floor is more than 3 m;
- (b) in the case other than the repair of any external rendering, the distance between the highest point of the rendering or tile and the adjoining ground or adjoining floor is more than 3 m; and
- (c) in the case of roof tile, the gradient of the roof is more than 1 in 4.

2.35. Reinstatement in accordance with the original design of a slab in respect of which an opening has been formed, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;

- (c) the distance between the 2 points that are farthest away from each other within the area of the opening is more than 150 mm; and
- (d) the area of the opening is not more than 1 m².

2.36. Removal of any underground drain, provided that –

- (a) the works involve an excavation of a depth of not more than 1.5 m;
- (b) the distance between any point of the excavation and any structure or building is at least equal to the depth of the excavation;
- (c) the works do not involve any excavation within area number 1 or 3 of the scheduled areas;
- (d) the works do not involve the last manhole;
- (e) if the works are carried out beside the crest of a slope with a gradient of not more than 30 degrees, the distance between any point of the excavation and the outer edge of the crest is at least equal to the height of the slope;
- (f) if the works are carried out beside the crest of a slope with a gradient of more than 30 degrees –
 - (i) the height of the slope is not more than 3 m; and
 - (ii) the distance between any point of the excavation and the outer edge of the crest is at least equal to 1.5 times the height of the slope; and
- (g) if the works are carried out beside the top of a retaining wall –

- (i) the height of the wall is not more than 3 m;
and
 - (ii) the distance between any point of the excavation and the wall is at least equal to 1.5 times the height of the wall.

- 2.37. Removal of any chimney attached to the external wall of a building or located on the roof of a building, provided that –
 - (a) the smallest cross-sectional dimension of the chimney is not more than 500 mm; and
 - (b) the distance between the highest point of the chimney and the level of the adjoining roof is not more than 5 m.

- 2.38. Removal of any unauthorized structure hung underneath the soffit of a balcony or canopy (other than a cantilevered slab) or fixed to a balcony or canopy (other than a cantilevered slab).

- 2.39. Removal of any unauthorized single storey structure located on-grade or on a slab (other than a cantilevered slab), provided that –
 - (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the structure is not more than 5 m;
 - (c) the structure is not a flat slab, pre-stressed concrete construction, transfer girder, hanger, cantilevered structure with a span of more than 1.2 m or earth retaining structure;
 - (d) no structural element of the structure has a span of more than 6 m; and

- (e) the works do not fall within the description of item 3.32.

2.40. Removal of any metal gate at a fence wall or at an entrance to a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;
- (c) the weight of each leaf of the gate is not more than 300 kg;
- (d) the weight of at least one leaf of the gate is more than 200 kg; and
- (e) the height of the gate is not more than 3.2 m.

Division 3 – Class III Minor Works

| Item | Description of building works |
|------|--|
| 3.1. | <p>Removal of the whole of any internal staircase on the lowest storey of a building that is not used as a means of escape or a means of access for firefighting and rescue, provided that –</p> <ul style="list-style-type: none"> (a) the height of the staircase is not more than 1.5 m; and (b) the works do not involve the alteration of any other structural elements, except a simply supported beam that – <ul style="list-style-type: none"> (i) is not of pre-stressed construction; and (ii) is not used to support any column, flat slab or ribbed beam. |
| 3.2. | Removal of any supporting structure for an air-conditioning unit, |

water cooling tower, solar water heating system or photovoltaic system, provided that –

- (a) the structure is located on-grade or on a slab (other than a cantilevered slab);
- (b) the height of the structure is more than 1 m but not more than 2 m; and
- (c) if the structure is located on the roof of a building –
 - (i) the distance between any part of the structure and the edge of the roof is more than 1.5 m; or
 - (ii) there is a protective barrier with a height of not less than 1.1 m at the edge of the roof.

3.3. Repair or replacement of any protective barrier (other than an external reinforced concrete wall or block wall) in accordance with the original design, provided that –

- (a) the works do not result in any additional load to any cantilevered slab; and
- (b) the difference in height between the level on which the protective barrier is located and its adjacent level is not more than 2 m.

3.4. Removal of any solid fence wall, provided that –

- (a) the wall is erected on-grade; and
- (b) the height of the wall is more than 1.1 m but not more than 3 m.

3.5. Removal of any external mesh fence, provided that –

- (a) the fence is erected on-grade; and
- (b) the height of the fence is more than 3 m but not more

than 5 m.

3.6. Construction, alteration or repair of any window or window wall, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) if the distance between the highest point of the window or window wall and the ground is more than 3.5 m but not more than 100 m –
 - (i) the works involve the sub-frame of the window or window wall only; and
 - (ii) the length of the sub-frame is not more than 1.2 m;
- (c) if the distance between the highest point of the window or window wall and the ground is not more than 3.5 m, no structural element of the window or window wall has a span of more than 6 m; and
- (d) the works do not involve the alteration of any other structural elements, except a simply supported beam that –
 - (i) is not of pre-stressed construction; and
 - (ii) is not used to support any column, flat slab or ribbed beam.

3.7. Removal of any window or window wall, provided that –

- (a) the works do not involve the alteration of any other structural elements; and
- (b) the distance between the highest point of the window or window wall and the ground is not more than 3.5 m.

- 3.8. Removal of any radio base station for telecommunications services in the form of an enclosure or equipment cabinet together with its supporting structure located on the roof of a building, provided that –
- (a) the distance between any part of the station and the edge of the roof is more than 1.5 m;
 - (b) the works do not involve any structural elements constructed of concrete;
 - (c) the length of the station is not more than 4.5 m;
 - (d) the width of the station is not more than 4.5 m; and
 - (e) the height of the station is not more than 2 m.
- 3.9. Erection, alteration or removal of any supporting structure for an antenna or transceiver on the roof of a building, provided that –
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) no part of the structure projects beyond the external wall of the building; and
 - (c) the structure is designed for an antenna or transceiver of not more than 150 kg in weight.
- 3.10. Removal of any supporting structure for an antenna or transceiver located on the roof of a building.
- 3.11. Erection, alteration or removal of any external block wall (other than a load bearing wall) of a building, provided that –
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the works do not involve the alteration of any other

structural elements; and

(c) the height of the wall is not more than 1.1 m.

3.12. Repair of any external block wall (other than a load bearing wall) of a building, provided that –

(a) the works do not result in any additional load to any cantilevered slab;

(b) the works do not involve the alteration of any other structural elements; and

(c) the height of the wall is not more than 3.5 m.

3.13. Erection, alteration, repair or removal of any metal gate at a fence wall or at an entrance to a building, provided that –

(a) the works do not result in any additional load to any cantilevered slab;

(b) the works do not involve the alteration of any other structural elements;

(c) the weight of each leaf of the gate is not more than 200 kg;

(d) the height of the gate is not more than 3.2 m; and

(e) the works do not fall within the description of item 8 of Part 2 of Schedule 2.

3.14. Erection, alteration or removal of any supporting structure for a solar water heating system on-grade or on a slab (other than a cantilevered slab), provided that –

(a) the height of the structure is not more than 1.5 m;

(b) the structure is designed for a solar water heating system none of the thermal collectors of which is more

than 200 kg in weight;

- (c) if the thermal collector and the water tank of the system are integrated, the structure is designed for a system the gross weight (when the water tank is in full capacity) of which is not more than 100 kg per m² of the ground or slab area; and
- (d) the works do not fall within the description of item 12 of Part 2 of Schedule 2.

3.15. Erection, alteration or removal of any supporting structure for a photovoltaic system on-grade or on a slab (other than a cantilevered slab), provided that –

- (a) the height of the structure is not more than 1.5 m;
- (b) the structure is designed for a photovoltaic system none of the modules of which is more than 200 kg in weight; and
- (c) the works do not fall within the description of item 12 of Part 2 of Schedule 2.

3.16. Erection, alteration or removal of any projecting signboard (including the replacement of the display surface of any signboard), provided that –

- (a) the signboard does not consist of stone;
- (b) the works do not result in any additional load to any cantilevered slab;
- (c) the works do not involve the alteration of any other structural elements;
- (d) the display area of the signboard is not more than 1 m²;
- (e) no part of the signboard projects more than 1 m from

the external wall to which it is fixed;

- (f) the thickness of the signboard is not more than 300 mm; and
- (g) the distance between any part of the signboard and the ground is not more than 6 m.

3.17. Erection, alteration or removal of any wall signboard (including the replacement of the display surface of any signboard), provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;
- (c) the display area of the signboard is not more than 5 m²;
- (d) the distance between any part of the signboard and the ground is not more than 6 m; and
- (e) the works do not fall within the description of item 10 or 11 of Part 2 of Schedule 2.

3.18. Removal of any projecting signboard, provided that –

- (a) the display area of the signboard is not more than 2 m²;
- (b) no part of the signboard projects more than 2 m from the external wall to which it is fixed; and
- (c) the distance between any part of the signboard and the ground is not more than 6 m.

3.19. Removal of any signboard located on the roof of a building, provided that –

- (a) the display area of the signboard is not more than 5 m²;
- (b) the height of the signboard is not more than 2 m; and

- (c) the distance between any part of the signboard and the edge of the roof is more than 1.5 m.

3.20. Removal of any wall signboard, provided that –

- (a) the display area of the signboard is not more than 10 m²;
- (b) the distance between any part of the signboard and the ground is not more than 6 m; and
- (c) the works do not fall within the description of item 11 of Part 2 of Schedule 2.

3.21. Removal of any signboard located on or hung underneath the soffit of a balcony or canopy (other than a cantilevered slab), provided that –

- (a) if the signboard is located on a balcony or canopy, the display area of the signboard is not more than 5 m²;
- (b) if the signboard is hung underneath the soffit of a balcony or canopy, the display area of the signboard is not more than 2 m²; and
- (c) the height of the signboard is not more than 1 m.

3.22. Removal of any outdoor signboard fixed on-grade (other than the removal of the spread footing of any outdoor signboard), provided that –

- (a) the display area of the signboard is not more than 1 m²; and
- (b) the distance between any part of the signboard and the ground is not more than 3 m.

- 3.23. Erection, alteration or removal of any aboveground drain, provided that –
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the works do not involve any main pipe, other than the replacement of components at existing junctions; and
 - (c) the works do not involve any embedded pipe, other than a pipe that passes through a wall or slab.
- 3.24. Removal of any aboveground drain the erection of which was unauthorized.
- 3.25. Erection, alteration or removal of any canopy projecting from the external wall of a building, provided that –
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) no part of the canopy projects more than 500 mm from the wall;
 - (c) the canopy is not constructed of concrete ; and
 - (d) the distance between the highest point of the canopy and the ground is more than 3 m.
- 3.26. Removal of any architectural projection, canopy, supporting frame for an air-conditioning unit or any associated air ducts, or rack (other than a drying rack), projecting from the external wall of a building, provided that –
- (a) no part of the projection, canopy, frame or rack projects more than 750 mm from the wall;
 - (b) the projection, canopy, frame or rack is not constructed of concrete; and

- (c) the works do not fall within the description of item 13 or 14 of Part 2 of Schedule 2.

3.27. Erection, alteration or removal of any metal supporting frame for an air-conditioning unit or any associated air ducts projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) no part of the frame projects more than 600 mm from the wall;
- (c) the distance between the highest point of the frame and the ground is more than 3 m; and
- (d) the frame is designed for an air-conditioning unit of not more than 100 kg in weight.

3.28. Erection, alteration or removal of any supporting structure for an air-conditioning unit, water cooling tower or any associated air ducts on-grade or on a slab (other than a cantilevered slab), provided that –

- (a) the height of the structure is not more than 1.5 m;
- (b) the structure is designed for an air-conditioning unit or water cooling tower, of not more than 150 kg in weight; and
- (c) the works do not fall within the description of item 12 of Part 2 of Schedule 2.

3.29. Erection, alteration or removal of any drying rack projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) no part of the rack projects more than 750 mm from

- the wall; and
- (c) the distance between the highest point of the rack and the ground is more than 3 m.
- 3.30. Removal of any drying rack projecting from the external wall of a building, provided that the works do not fall within the description of item 15 of Part 2 of Schedule 2.
- 3.31. Erection, repair or removal of any cladding fixed to the external wall of a building, provided that the distance between any part of the cladding and the adjoining ground or adjoining floor is not more than 6 m.
- 3.32. Removal of any unauthorized single storey structure located on-grade or on a slab (other than a cantilevered slab), provided that –
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the structure is not more than 2.5 m;
 - (c) the structure is not a flat slab, pre-stressed concrete construction, transfer girder, hanger, cantilevered structure with a span of more than 1.2 m or earth retaining structure;
 - (d) no structural element of the structure has a span of more than 4.5 m;
 - (e) the structure has a roofed over area of not more than 20 m²; and
 - (f) if the structure is located on the roof, the distance between any part of the structure and the edge of the roof is more than 1.5 m.

- 3.33. Removal of any metal gate at a fence wall or at an entrance to a building, provided that –
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the works do not involve the alteration of any other structural elements;
 - (c) the weight of each leaf of the gate is not more than 200 kg;
 - (d) the height of the gate is not more than 3.2 m; and
 - (e) the works do not fall within the description of item 8 of Part 2 of Schedule 2.
- 3.34. Strengthening of any unauthorized supporting structure for an air-conditioning unit, water cooling tower or any associated air ducts located on-grade or on a slab (other than a cantilevered slab), provided that the structure is designed for an air-conditioning unit or water cooling tower, of not more than 100 kg in weight.
- 3.35. Strengthening of any unauthorized metal supporting frame for an air-conditioning unit or any associated air ducts projecting from the external wall of a building, provided that –
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) no part of the frame projects more than 600 mm from the wall;
 - (c) the frame is designed for an air-conditioning unit of not more than 100 kg in weight; and
 - (d) if the distance between the highest point of the frame and the ground is not more than 3 m, the frame does

not project over any street or common part of the building.

3.36. Strengthening of any unauthorized drying rack projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) no part of the rack projects more than 750 mm from the wall; and
- (c) if the distance between the highest point of the rack and the ground is not more than 3 m, the rack does not project over any street or common part of the building.

3.37. Strengthening of any unauthorized canopy projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) no part of the canopy projects more than 500 mm from the wall;
- (c) the canopy is not constructed of concrete; and
- (d) if the distance between the highest point of the canopy and the ground is not more than 3 m, the canopy does not project over any street or common part of the building.

3.38. Alteration of any unauthorized canopy projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;

- (b) the canopy is not constructed of concrete;
- (c) immediately before the alteration, the canopy projects more than 500 mm from the wall, but no part of the canopy projects more than 750 mm from the wall;
- (d) immediately after the alteration, no part of the canopy projects more than 500 mm from the wall; and
- (e) if the distance between the highest point of the canopy and the ground is not more than 3 m, the canopy does not project over any street or common part of the building.

SCHEDULE 2

[ss. 2 & 5 &
Sch. 1]

DESIGNATED EXEMPTED WORKS

PART 1

GENERAL

1. In this Schedule, “display area” (展示面積), in relation to a signboard, means the area of the largest planar surface of a virtual rectangular prism containing all parts of the signboard (including its supporting structure) except any structural elements of the signboard solely for preventing the lateral movement of the signboard.
2. A description of any item of designated exempted works specified in Part 2 of this Schedule must be read as including any make-good works that are reasonably required for the purpose of carrying out the designated exempted works.

PART 2

LIST OF DESIGNATED EXEMPTED WORKS

- | Item | Description of building works |
|------|---|
| 1. | <p>Formation of any opening in a slab, provided that –</p> <ul style="list-style-type: none">(a) the works do not result in any additional load to any cantilevered slab;(b) the works do not involve the alteration of any other structural elements;(c) the distance between the 2 points that are farthest away from each other within the area of the opening is not more than 150 mm; and(d) if there is already an opening in the slab, the distance between the centre of the opening to be formed and any other opening in the slab is not less than 450 mm. |
| 2. | <p>Reinstatement in accordance with the original design of a slab in respect of which an opening has been formed, provided that –</p> <ul style="list-style-type: none">(a) the works do not result in any additional load to any cantilevered slab;(b) the works do not involve the alteration of any other structural elements; and(c) the distance between the 2 points that are farthest away from each other within the area of the opening is not more than 150 mm. |
| 3. | <p>Replacement of any glass reinforced polyester water tank in accordance with the original design, provided that –</p> <ul style="list-style-type: none">(a) the capacity of the tank is not more than 9 m³ and the |

- water head of the tank is not more than 2 m; and
- (b) if the tank is located on the roof of a building, the distance between the tank and the edge of the roof is more than 1.5 m.
4. Removal of any glass reinforced polyester water tank, provided that –
- (a) the capacity of the tank is not more than 9 m³; and
- (b) if the tank is located on the roof of a building, the distance between the tank and the edge of the roof is more than 1.5 m.
5. Removal of any solid fence wall, provided that –
- (a) the wall is erected on-grade; and
- (b) the height of the wall is not more than 1.1 m.
6. Removal of any external mesh fence, provided that –
- (a) the fence is erected on-grade; and
- (b) the height of the fence is not more than 3 m.
7. Laying, repair or removal of any external rendering, external wall tile or roof tile of a building, provided that –
- (a) in the case of the repair of any external rendering, the distance between the highest point of the area in respect of which the repair is to be carried out and the adjoining ground or adjoining floor is not more than 3 m;
- (b) in the case other than the repair of any external rendering, the distance between the highest point of the

rendering or tile and the adjoining ground or adjoining floor is not more than 3 m; and

- (c) in the case of roof tile, the gradient of the roof is not more than 1 in 4.

8. Erection, alteration, repair or removal of any metal gate at a fence wall or at an entrance to a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;
- (c) the weight of each leaf of the gate is not more than 100 kg;
- (d) the width of each leaf of the gate is not more than 1.2 m; and
- (e) the height of the gate is not more than 2.2 m.

9. Excavation works of a depth of not more than 0.3 m that are not carried out within area number 1 or 3 of the scheduled areas.

10. Erection or alteration of any signboard (including the replacement of the display surface of any signboard) fixed to the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the works do not involve the alteration of any other structural elements;
- (c) the display area of the signboard is not more than 1 m²;
- (d) the signboard does not comprise any display system

consisting of light emitting diodes;

- (e) no part of the signboard projects more than 150 mm from the wall; and
- (f) the distance between any part of the signboard and the ground is not more than 3 m.

11. Removal of any signboard fixed to the external wall of a building, provided that –

- (a) the display area of the signboard is not more than 1 m²;
- (b) the signboard does not comprise any display system consisting of light emitting diodes;
- (c) no part of the signboard projects more than 600 mm from the wall; and
- (d) the distance between any part of the signboard and the ground is not more than 3 m.

12. Removal of any supporting structure for an air-conditioning unit, water cooling tower, solar water heating system or photovoltaic system, provided that –

- (a) the structure is located on-grade or on a slab (other than a cantilevered slab);
- (b) the height of the structure is not more than 1 m; and
- (c) if the structure is located on the roof of a building –
 - (i) the distance between any part of the structure and the edge of the roof is more than 1.5 m; or
 - (ii) there is a protective barrier with a height of not less than 1.1 m at the edge of the roof.

13. Erection, alteration or removal of any metal supporting frame for an

air-conditioning unit or any associated air ducts projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) no part of the frame projects more than 600 mm from the wall;
- (c) the distance between the highest point of the frame and the ground is not more than 3 m;
- (d) the frame is designed for an air-conditioning unit of not more than 100 kg in weight; and
- (e) the frame does not project over any street or common part of the building.

14. Erection, alteration or removal of any canopy projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) the canopy is not constructed of concrete;
- (c) no part of the canopy projects more than 500 mm from the wall;
- (d) the distance between the highest point of the canopy and the ground is not more than 3 m; and
- (e) the canopy does not project over any street or common part of the building.

15. Erection, alteration or removal of any drying rack projecting from the external wall of a building, provided that –

- (a) the works do not result in any additional load to any cantilevered slab;

- (b) no part of the rack projects more than 750 mm from the wall;
- (c) the distance between the highest point of the rack and the ground is not more than 3 m; and
- (d) the rack does not project over any street or common part of the building.

SCHEDULE 3

[s. 63]

PRESCRIBED BUILDING OR BUILDING WORKS

PART 1

GENERAL

In this Schedule, “unauthorized” (違例), when used to describe any structure, means the structure is erected in contravention of any provision of the Ordinance.

PART 2

LIST OF PRESCRIBED BUILDING OR BUILDING WORKS

| Item | Description |
|------|---|
| 1. | Unauthorized supporting structure for an air-conditioning unit, water cooling tower or any associated air ducts located on-grade or on a slab (other than a cantilevered slab), provided that the structure is designed for an air-conditioning unit or water cooling tower, of not more than 100 kg in weight. |
| 2. | Unauthorized metal supporting frame for an air-conditioning unit or any associated air ducts projecting from the external wall of a |

building, provided that –

- (a) no part of the frame projects more than 600 mm from the wall;
- (b) the frame is designed for an air-conditioning unit of not more than 100 kg in weight; and
- (c) if the distance between the highest point of the frame and the ground is not more than 3 m, the frame does not project over any street or common part of the building.

3. Unauthorized drying rack projecting from the external wall of a building, provided that –

- (a) no part of the rack projects more than 750 mm from the wall; and
- (b) if the distance between the highest point of the rack and the ground is not more than 3 m, the rack does not project over any street or common part of the building.

4. Unauthorized canopy projecting from the external wall of a building, provided that –

- (a) no part of the canopy projects more than 500 mm from the wall;
- (b) the canopy is not constructed of concrete; and
- (c) if the distance between the highest point of the canopy and the ground is not more than 3 m, the canopy does not project over any street or common part of the building.

Secretary for Development

2009

Explanatory Note

The principal object of this Regulation is to provide for various matters relating to the implementation of the minor works control regime.

2. Part 1 contains preliminary provisions. Section 2 defines the terms used in this Regulation.
3. Part 2 contains matters to be designated or prescribed for the purposes of the Buildings Ordinance (Cap. 123) (“the Ordinance”), namely –
 - (a) minor works;
 - (b) simplified requirements; and
 - (c) designated exempted works.
4. Part 3 contains matters relating to the establishment, composition and function of the Minor Works Contractors Registration Committee.
5. Part 4 deals with the registration of a person as a registered minor works contractor, and the renewal and restoration of the registration. It also deals with an application for the registration of additional classes, types or items of minor works, and addition of an authorized signatory to the contractor’s registration.
6. Part 5 specifies, for the purposes of sections 4A and 9AA of the Ordinance, the prescribed building professional (i.e. an authorized person, registered structural engineer or registered geotechnical engineer) required to be appointed in respect of class I minor works or prescribed registered contractor (i.e. a

registered general building contractor, registered specialist contractor or registered minor works contractor) required to be appointed in respect of any minor works.

7. Part 6 sets out the details of the simplified requirements. In short, it sets out the documents to be submitted before the commencement and after the completion of any minor works carried out under the simplified requirements.

8. Part 7 sets out the duties of a prescribed building professional and prescribed registered contractor in respect of any minor works commenced or carried out under the simplified requirements.

9. Part 8 provides for miscellaneous matters. In particular, section 58 provides that the contravention of certain provisions relating to the submission of documents under Part 6 is an offence.

10. Part 9 deals with matters relating to section 39C of the Ordinance, which provides for a scheme generally known as the Household Minor Works Validation Scheme.

11. Part 10 deals with the registration of a person as a registered minor works contractor (provisional).

12. Schedule 1 contains a list of minor works and sets out the types of minor works they belong to.

13. Schedule 2 contains a list of designated exempted works.

14. Schedule 3 contains the specifications of building or building works that are prescribed for the purposes of the Household Minor Works Validation Scheme.