

## LEGISLATIVE COUNCIL BRIEF

Buildings Ordinance  
(Cap. 123)

### Building (Minor Works) (Amendment) Regulation 2012

#### SUBSIDIARY LEGISLATION FOR INCLUDING BUILDING WORKS ASSOCIATED WITH SUBDIVISION OF FLATS UNDER THE MINOR WORKS CONTROL SYSTEM

#### INTRODUCTION

In exercise of the power conferred by section 38 of the Buildings Ordinance (Cap. 123) (“BO”), the Secretary for Development has made the Building (Minor Works) (Amendment) Regulation 2012 (“the Amendment Regulation”), at **Annex**, for including building works associated with subdivision of flats (“分間樓宇單位”, often known as “劏房”) under the Minor Works Control System (“MWCS”).

#### BACKGROUND AND JUSTIFICATIONS

##### Measures to Enhance Building Safety Related to Subdivided Flats

2. Following the completion of a comprehensive review of the Government’s building safety policy and measures, the Chief Executive announced in his 2010-11 Policy Address that the Government would adopt a new multi-pronged approach, covering legislation, enforcement, support and assistance to owners as well as public education and publicity, to enhance building safety in Hong Kong. Some of the measures were proposed specifically to address the issues related to subdivided flats in response to the rising concern among members of the public on the building safety issues associated with the subdivision of flats (vide Legislative Council (“LegCo”) paper number CB(1)681/10-11(01)).

3. On the enforcement front, the Buildings Department (“BD”) has since April 2011 commenced a Large Scale Operation (“LSO”) against

irregularities in building works associated with subdivided flats, and has set a target of inspecting 150 buildings with subdivided flats in the 2011-12 financial year. In the LSO in 2011, which was carried out during the nine-month period from April to December 2011, the BD had inspected 116 buildings wherein 804 flats with subdivided cubicles were found. As at 31 March 2012, BD had issued 205 statutory orders and 778 advisory letters under the LSO in 2011, requiring the owners to rectify the irregularities identified. Starting from April 2012, the BD has increased the number of target buildings for the LSO from 150 to 200 each year with the additional resources allocated to it. In response to the fire incident at Fa Yuen Street in November 2011, the BD has adjusted its strategy for enforcement action by taking into account the fire risk that may arise from adjacent hawker stalls when choosing the target buildings. The buildings that the BD gives priority for enforcement in the LSO in 2012 will be those old domestic or composite buildings situated in the vicinity of hawker stalls. So far, around 340 such buildings have been identified. The BD will endeavour to complete the inspection of this category of buildings by mid-2012. In 2012, the BD also plans to conduct LSO in 30 industrial buildings which are suspected to have subdivided flats that are used for domestic purpose.

4. On the legislation front, a legislative proposal to provide for application to the Court for a warrant under the BO for entry into premises to facilitate the BD's enforcement action was introduced into the LegCo in December 2011 and is being scrutinised by the Bills Committee. This legislative proposal would enhance the BD's capability in inspecting buildings with suspected subdivided flats and buildings suspected to have internal unauthorised building works ("UBWs"). To control the quality of the associated building works at source to ensure safety, we have announced that we will strengthen the control on flat subdivision works by extending the scope of the MWCS to cover those types of building works commonly associated with subdivision of flats.

5. As regards public education and publicity, the BD has enhanced its effort in educating the public about the common irregularities found in flat subdivision works, as well as the potential risks associated with such works, through a variety of channels, including the Internet, newspaper supplements, Announcements in the Public Interest aired on television and radio channels, advertisements on public transports, etc. A pamphlet on subdivided flats will also be published in the coming months.

## Including Building Works Associated with Subdivided Flats under the MWCS

### *Simplified Requirements of the MWCS*

6. Before the implementation of the MWCS, all building works, with the exception of the exempted works as defined under section 41 of the BO, required the prior approval and consent of the Building Authority (“BA”) before such works might commence. Otherwise, regardless of the scale of such works, they would be regarded as UBWs and subject to enforcement action by the BD.

7. The MWCS, which came into full operation on 31 December 2010, aims to provide an alternative to the above statutory procedures for building owners to carry out small-scale building works in a lawful, simple, safe and convenient manner. Under the new system, building owners may choose to carry out minor works under the simplified requirements, without the need to obtain prior approval of relevant building plans and consent to commence works under section 14(1) of the BO.

8. The modus operandi of the MWCS is set out in the Building (Minor Works) Regulation (Cap. 123 sub. leg. N) (“B(MW)R”). The B(MW)R provides for the classification of minor works and details of minor works items, simplified requirements for carrying out minor works, registration of minor works contractors as well as duties of building professionals and registered contractors in carrying out minor works. Under the B(MW)R, minor works are classified into three classes (i.e. Classes I, II and III, with more controlling measures imposed on Class I works) according to their nature, scale and complexity as well as the risk they may pose. The works under each class are further classified into types and items that correspond to the specialisation of works in the industry. Irrespective of their classification, all minor works are required to be carried out by prescribed registered contractors (“PRCs”)<sup>1</sup>. If the works are a Class I minor works item, the owner will also have to engage a prescribed building professional (“PBP”)<sup>2</sup> to design and supervise the carrying out of the works. The PBPs and/or PRCs are also required to

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<sup>1</sup> PRCs include Registered General Building Contractors, Registered Specialist Contractors registered to conduct a relevant category of specialised works, as well as Registered Minor Works Contractors registered to conduct the concerned class/type/item of minor works.

<sup>2</sup> PBPs include authorised persons and, where applicable, Registered Structural Engineers and Registered Geotechnical Engineers.

make appropriate submissions, containing details of the works concerned, to the BA for record before the commencement (for Classes I and II works only) and after the completion of works (for all minor works).

9. So far, the implementation of the MWCS has been smooth and the system is generally welcomed by both the industry and the public. As at 31 December 2011, the BD had approved over 12,500 applications from industry practitioners for registration as Registered Minor Works Contractors (“RMWCs”). A total of over 40,000 minor works submissions were received in 2011, exceeding our original estimate of around 36,000 minor works submissions per year. In the past year, the BD also strengthened its public education and publicity work on the MWCS by organising general and technical talks for owners, owners’ corporations (OCs) and industry practitioners, as well as producing various publicity materials that responded to the need of and feedback from owners, OCs and industry practitioners.

*Existing Control on Building Works Associated with Subdivision of Flats*

10. We reported our observations on the emergence of subdivided flats to the Subcommittee on Building Safety and Related Issues of the Panel on Development in July 2010 (vide LegCo paper number CB(1)2605/09-10(01)). As mentioned in that paper, building works commonly associated with subdivision of flats comprise several types of internal renovation works, namely installation of internal partitions, alterations or additions to the internal drainage and water pipe systems for new bathrooms or pantries, laying of additional floor screeding for embedding new/diverted drains and water pipes as well as formation of or alteration to door openings at the common parts including the enclosure of escape staircases of buildings.

11. Among the types of works listed above, only the internal drainage works have been included in, and hence are currently subject to the control of the MWCS. For the other types of works, they are generally exempted works under section 41(3) of the BO as long as they do not involve the structure of buildings. Though not required to be designed and supervised by qualified building professionals, the works should still be completed in a manner compliant with the building standards stipulated in the subsidiary legislation of the BO, as well as the applicable Codes of Practice and Practice Notes.

### *Regulating Building Works Associated with Subdivision of Flats under the MWCS*

12. Based on the enforcement experience of the BD, the usual irregularities found in building works associated with subdivided flats include: (a) fire safety issues (obstruction to means of escape caused by improper installation of doors that obstruct one another when opened, improper alteration to the fire resisting construction of escape staircases resulting in unprotected openings to such staircases, etc.); (b) overloading (mainly due to the extensive additional floor screeding used for embedding additional water pipes and drains, as well as the installation of additional partition walls); and (c) water seepage (due to poor workmanship of internal water pipes and drains, as well as floor screeding of bathroom floors).

13. As the MWCS provides an effective regime to control the carrying out of small-scale building works, we propose to include other types of works that are common features of subdivided flats under the MWCS, in addition to the internal drainage works already covered. This would subject such works to the MWCS regime, under which building owners will be required by law to appoint PRCs to carry out and, if necessary, PBPs to design and supervise the works through the simplified requirements under the MWCS.

14. The above proposal will bring about multiple benefits. First, by requiring the works to be carried out by PRCs and, if necessary, designed and supervised by PBPs, there would be better assurance on the quality of the works and would thus minimise the safety and water seepage problems commonly associated with subdivided flats. Second, that the BD will be conducting audit checks on completed minor works will serve as an additional safeguard against improper flat subdivision works. Third, with the minor works submissions on those works that are commonly associated with flat subdivision, the BD will also be able to maintain a database that contains the number and whereabouts of such works to facilitate effective monitoring and necessary enforcement action.

### Two-layer Approach for Including Building Works Commonly Associated with Subdivision of Flats under the MWCS

#### *Structural Concerns*

15. The MWCS aims at imposing a degree of control on the minor works items that is proportionate to their scale, complexity and, hence, the associated level of risk. As far as overloading issues are concerned, the regulation of building works associated with subdivided flats should focus

on the installation of internal partitions and thickening of floor slabs, as the other two common items (i.e. alterations or additions to the internal drainage system and formation of or alteration to door openings) generally do not have any significant impact on the structural integrity of a building.

16. For the installation of internal partitions and thickening of floor slabs, which are common in internal renovation works and are usually carried out using light weight building materials, the actual level of risks posed will often depend on whether such works are carried out alone or in conjunction with other works. When the works are carried out alone, the risk posed to the building structure is low and there will not be a need for such works to be designed by and carried out under the supervision of a PBP. However, when the internal partitioning works are carried out in conjunction with thickening of floor slabs (as long as the works are carried out in the same flat and irrespective of whether they are carried out concurrently or sequentially), the cumulative loading effect on the building could be more significant and therefore the works should be designed by and carried out under the supervision of a PBP.

17. To properly regulate and control the quality of flat subdivision works without unnecessarily affecting those owners who only wish to carry out simple internal renovation works for their premises, we propose to adopt a two-layer approach when including building works that are commonly associated with subdivided flats under the MWCS. Under this approach, we will follow the basic principle of the MWCS and classify each type of works in accordance with its scale, complexity and associated risks as a standalone item. To cater for the cumulative loading effects that can emerge when these works are carried out together, which is common in the subdivision of flats, additional new minor works items will also be added to the MWCS such that when the works will create more than a certain number of rooms with lavatories or other sanitary fitments, or when the works are carried out in conjunction with or after the completion of certain other works, they will be classified as Class I minor works items and have to be designed by and carried out under the supervision of PBPs.

#### *Fire Safety Issues*

18. In addition to the overloading issues, contravention of the fire safety requirements of the BO is another common problem in subdivided flats. The root of this problem lies in the fact that the existing flat subdivision works are often carried out by contractors who lack the required knowledge, awareness or experience. By including building works commonly associated with subdivision of flats under the MWCS,

such works would need to be carried out by PRCs, and if necessary, designed and supervised by PBPs.

19. In order to address the fire safety risks associated with subdivision of flats, the BD will provide technical guidelines and other publicity materials to the PBPs and PRCs to remind them of the fire safety requirements applicable to such works.

#### *Water Seepage Caused by Subdivided Flats*

20. For water seepage problems in subdivided flats, which are often the result of poor workmanship of the internal drainage and floor screeding works, requiring such works to be carried out by PRCs and, if necessary, designed and supervised by PBPs, under the MWCS should provide a direct and effective solution. To provide further guidance to the PBPs and PRCs, the technical guidelines of the MWCS will be enhanced to remind the practitioners of the areas that they should pay attention to when carrying out drainage or floor screeding works.

#### Details of the Proposed New Minor Works Items

21. Based on the two-layer approach mentioned above, we propose to introduce eight new minor works items in the B(MW)R to impose control on those types of currently exempted works that are commonly associated with subdivision of flats. The eight new items can be broadly classified into the following four categories –

##### *(i) Creation of rooms with lavatories or other sanitary fittings (one Class I minor works item)*

22. The complexity of flat subdivision works, and hence the risk of having safety and nuisance problems in such units, generally increases when the original approved flat is subdivided into a greater number of rooms and when three or more of the rooms are provided with additional sanitary facilities, such as individual lavatories. Indeed, based on the BD's enforcement experience and observations, safety and nuisance issues are more commonly found in flats that have been subdivided into three or more rooms each with individual lavatories. We consider that this type of subdivided flats, which is more likely to be designed or constructed in an improper manner as compared to other types of subdivided flats, should be regulated under a separate minor works item. We also propose to require the associated building works to be designed by and carried out under the supervision of PBPs. As such, we propose to introduce a new Class I minor works item to regulate any installation of

block walls, thickening of floor screeding, or erection/alteration of aboveground drains that is associated with this particular type of subdivided flat. The situations where such works are classified under this particular Class I minor works item are also clearly stipulated. As for those subdivided flats that do not fall under this definition, e.g. those that do not provide their rooms with lavatories or other sanitary fitments and those that are only subdivided into two rooms, they will be regulated under the individual works items (i.e. items (ii) to (iv) below).

*(ii) Installation of internal partitions (one Class I and two Class III minor works items)*

23. We propose to introduce one Class I and two Class III minor works items to regulate the installation of non-load bearing block walls. The demolition of such works will continue to be treated as exempted works under section 41(3) of the BO, as the removal of a non-load bearing block wall will only reduce the loading in a particular flat, and will not involve the structure of the building. Furthermore, the proposed new items will focus on block walls, which are used in most subdivided flats as internal partitions according to the BD's enforcement experience.

24. The two Class III items will cover the installation of non-load bearing block walls using light-weight materials in domestic and non-domestic buildings respectively. In addition to the technical specifications on the density and dimensions of the wall, as well as the requirement on the thickness of the slab supporting the wall (i.e. the slab of the whole approved flat) which are meant to ensure that the floor slab of the concerned premises can withstand the additional loading, the proposed items will also provide that an installation of non-load bearing block wall(s) will be Class III minor works item only if it is carried out in an approved flat where the thickness of the floor screeding does not exceed a designated limit. Otherwise, the works would fall under the proposed Class I minor works item, which has to be designed by and carried out under the supervision of a PBP.

*(iii) Thickening of Floor Slabs with Solid Screeding (one Class I and two Class III minor works items)*

25. Similar to the installation of non-load bearing partition walls, we propose to introduce one Class I and two Class III minor works items to regulate the thickening of floor slabs using solid screeding. If the works are to be carried out in a flat with additional block wall(s) (as compared to the approved layout), or if such works exceed certain technical specifications, they will fall under the proposed Class I minor works items. As regards the two Class III minor works items, they will cover



works involving thickening of floor slabs using light weight materials in domestic and non-domestic buildings respectively, provided that the length of the additional block wall installed in the flat as compared to the approved plans does not exceed a specified limit, and that such works do not exceed certain technical specifications.

*(iv) Formation or alteration to door openings at the common parts including the escape staircases of buildings (one Class I minor works item)*

26. For formation of or alteration to door openings to the enclosure of escape staircases or the protected lobby, we propose to classify such works as Class I minor works items, as compliance with the structural, planning and fire safety requirements on such works will very often require the expertise of PBPs.

## **IMPLEMENTATION PLAN**

27. All Registered General Building Contractors and those RMWCs who have registered for the relevant class and type<sup>3</sup> of minor works will be qualified to carry out the new items without any further registration. As for those practitioners who do not fall into the above two categories of contractors, such as those RMWCs who are only registered to carry out specific items but not general types of minor works, they could submit their applications to register for the new minor works items as soon as the scrutiny of the proposed subsidiary legislation is completed. The BD will, through liaising with the relevant contractors' associations and stepping up its publicity efforts, inform and remind such contractors to register for the new minor works items as soon as possible.

28. To disseminate the message to the owners, OCs, the industry, as well as the general public, BD will launch a publicity programme on the new requirements. Furthermore, the technical guidelines and pamphlets to owners, OCs and contractors will also be updated to reflect this change and to provide additional details on the requirements of the new items of minor works, and a hotline will be made available to handle enquiries from the public on the new items. Taking into account the time needed to complete these preparatory works, we propose to appoint 3 October

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<sup>3</sup> Under the MWCS, the minor works items are categorised into seven types of works that correspond to the specialisation of works in the construction industry. For the proposed minor works items, they will be classified as Type A minor works items (i.e. alteration and addition works), which is the type of minor works with the largest number of RMWCs.

2012 as the day on which the Amendment Regulation will come into operation.

## **THE AMENDMENT REGULATION**

29. The main provisions of the Amendment Regulation are as follows –

- (a) **Part 1** contains a preliminary provision which provides for the commencement of the Amendment Regulation;
- (b) **Part 2** lists out and stipulates the details of the eight proposed minor works items as well as the two associated definitions to be introduced.

## **LEGISLATIVE TIMETABLE**

30. The legislative timetable for the Amendment Regulation is as follows –

Publication in the Gazette	4 May 2012
Tabling in LegCo	9 May 2012
Commencement Date	3 October 2012

## **IMPLICATIONS OF THE PROPOSAL**

31. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effects of the existing provisions of the BO and has no productivity or competition implications.

### Financial and Civil Service Implications

32. The additional minor works submissions and applications to register as RMWCs resulting from the addition of new minor works items will be handled by existing staff of the BD.

33. In accordance with the established arrangements of the MWCS, registration fees for RMWCs will be charged on the basis of recovering the full cost of administering the registration system. We estimate that a revenue of \$2.3M will be generated from the registration fees in the first

18 months. Since the registration of RMWCs is valid for three years and more industry practitioners will register as RMWCs after the implementation of the Amendment Regulation, an additional annual revenue of \$0.21M will be generated from the application of retention of registration from around 2015 onwards.

#### Economic Implications

34. The implementation of the Amendment Regulation will help enhance building safety and reduce the nuisance problems related to subdivided flats, thereby minimising the economic costs arising from rectification works, personal injury/causality and property damage.

#### Environmental Implications

35. The building safety and nuisance problems commonly associated with flat subdivision works will be minimised with the implementation of the Amendment Regulation, thereby improving the quality of Hong Kong's built environment.

#### Sustainability Implications

36. The implementation of the Amendment Regulation will address the building safety and nuisance problems associated with subdivided flats by ensuring that the building works involved are carried out by qualified professionals and contractors in compliance with the BO. This is in line with the sustainability principle of providing a better living environment and pursuing policies which promote and protect the safety of the people of Hong Kong.

## **PUBLIC CONSULTATION**

37. The proposal to strengthen the statutory control on building works associated with subdivided flats by including such works under the MWCS was proposed in the new packages of measures to enhance building safety in Hong Kong, which was announced by the Chief Executive in the 2010-11 Policy Address in October 2010 upon the completion of a comprehensive review of the Government's building safety policy and measures. Views of the Subcommittee on Building Safety and Related Issues under the Panel on Development were sought during its meetings on 27 April and 27 July 2010. The Subcommittee was also briefed on the new measures proposed on 13 January 2011. The proposals in the Amendment Regulation have also been discussed at the Building Subcommittee of the Land and Development Advisory Committee and the Technical Committee on the MWCS.

38. The LegCo Panel on Development was consulted on 28 February 2012. Members generally supported the principles of the proposals in the Amendment Regulation.

## **PUBLICITY**

39. A press release will be issued on 2 May 2012 and a spokesman will be available to handle press enquiries.

40. Before the implementation of the Amendment Regulation, the BD will launch a public education and publicity programme to inform both the general public and the industry on the new requirements. Furthermore, technical guidelines and pamphlets to owners, OCs, and contractors will also be enhanced to reflect this change and to provide additional details on the requirements of the new items of minor works, and a hotline will be made available to handle enquiries from the public on the new items.

## **ENQUIRY**

41. Enquiry on this brief can be addressed to Mr. Ryan Chiu, Principal Assistant Secretary (Planning & Lands) 3 on 3509 8806.

**Development Bureau**  
**May 2012**

## Building (Minor Works) (Amendment) Regulation 2012

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

### 1. Commencement

This Regulation comes into operation on 3 October 2012.

### 2. Building (Minor Works) Regulation amended

The Building (Minor Works) Regulation (Cap. 123 sub. leg. N) is amended as set out in section 3.

### 3. Schedule 1 amended (minor works)

(1) Schedule 1, Part 1, section 1—

#### Add in alphabetical order

*“aggregate length of any additional wall* (加建牆壁總長度) means the difference between the total length of the non-load bearing walls (excluding the width of any door openings on the walls) in a flat as shown on the approved plan and that as measured after the minor works item is carried out;

*flat* (樓宇單位) means any premises as shown on the approved plan of a building (whether domestic or non-domestic) of which the premises form part and delineated as a separate unit;”

(2) Schedule 1, Part 2, Division 1, section 1—

#### Repeal

“and 1.40”

#### Substitute

“, 1.40, 1.41, 1.42, 1.43 and 1.44”.

(3) Schedule 1, Part 2, Division 1, section 3—

### Repeal

“and 3.38”

### Substitute

“, 3.38, 3.39, 3.40, 3.41 and 3.42”.

(4) Schedule 1, Part 3, Division 1, after item 1.40—

#### Add

“1.41. Erection of any non-load bearing block wall, laying of any solid floor screeding, or erection or alteration of any aboveground drain in a domestic flat—

(a) that is subdivided into, or that as a result of the works will be subdivided into, 3 or more rooms at least 3 of which—

(i) are resulted from, or are affected by, an alteration of the layout of the flat;

(ii) are provided with a lavatory basin, sink, water-closet fitment, shower or bath; and

(iii) are intended as, or having regard to the size and layout of the rooms, are likely to be adapted as, places for sleeping; and

(b) in which the number of rooms falling within the description of paragraph (a)(ii) and (iii) is, or as a result of the works will be, greater than that as shown on the approved plan,

provided that the works do not result in any additional load to any cantilevered slab.

- 1.42. Formation or alteration of any opening to the enclosure (other than a load bearing wall) of any staircase that is used as a means of escape or a means of access for firefighting and rescue or its protected lobby, provided that the works do not involve the alteration of any other structural elements.
- 1.43. Erection of any non-load bearing block wall in a flat, 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 aggregate length of any additional wall per m<sup>2</sup> of the floor area of the flat is—
    - (i) more than 0.1 m for a domestic flat; or
    - (ii) more than 0.2 m for a non-domestic flat; and
  - (d) the works do not fall within the description of item 3.39 or 3.40.
- 1.44. Thickening of any floor slab in a flat by laying solid screeding, provided that—
- (a) the works do not result in any additional load to any cantilevered slab;
  - (b) the thickness of the screeding is more than 25 mm measured from the structural floor level; and

- (c) the works do not fall within the description of item 3.41 or 3.42.”.

- (5) Schedule 1, Part 3, Division 3, after item 3.38—

**Add**

- “3.39. Erection of any non-load bearing block wall in a domestic flat, 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 density of the wall is not more than 650 kg per m<sup>3</sup>;
- (d) the height of the wall is not more than 3 m;
- (e) the thickness of the wall is not more than 75 mm;
- (f) the thickness of the floor slab supporting the wall is not less than 125 mm;
- (g) the thickness of the floor screeding of the floor slab supporting the wall is not more than 25 mm measured from the structural floor level; and
- (h) the aggregate length of any additional wall per m<sup>2</sup> of the floor area of the flat is more than 0.1 m but not more than 0.3 m.

- 3.40. Erection of any non-load bearing block wall in a non-domestic flat, 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 density of the wall is not more than 650 kg per m<sup>3</sup>;
  - (d) the height of the wall is not more than 3.5 m;
  - (e) the thickness of the wall is not more than 100 mm;
  - (f) the thickness of the floor screeding of the floor slab supporting the wall is not more than 25 mm measured from the structural floor level; and
  - (g) the aggregate length of any additional wall per m<sup>2</sup> of the floor area of the flat is more than 0.2 m but not more than 0.4 m.
- 3.41. Thickening of any floor slab of a domestic flat by laying solid screeding, provided that—
- (a) the works do not result in any additional load to any cantilevered slab;
  - (b) if any non-load bearing block wall is erected in the flat—
    - (i) the aggregate length of any additional wall per m<sup>2</sup> of the floor area of the flat is less than 0.1 m; and
    - (ii) the conditions in item 3.39(a), (b), (c), (d), (e) and (f) are complied with;
  - (c) the thickness of the floor slab is not

- less than 125 mm;
  - (d) the density of the screeding is not more than 650 kg per m<sup>3</sup>; and
  - (e) the thickness of the screeding is—
    - (i) more than 25 mm but not more than 75 mm measured from the structural floor level; or
    - (ii) (if the aggregate area of the screeding is not more than 1.5 m<sup>2</sup> within a floor area of 10 m<sup>2</sup> of the flat and the nearest horizontal distance between each of the area of screeding is not less than 2 m) more than 25 mm but not more than 150 mm measured from the structural floor level.
- 3.42. Thickening of any floor slab of a non-domestic flat by laying solid screeding, provided that—
- (a) the works do not result in any additional load to any cantilevered slab;
  - (b) if any non-load bearing block wall is erected in the flat—
    - (i) the aggregate length of any additional wall per m<sup>2</sup> of the floor area of the flat is less than 0.2 m; and
    - (ii) the conditions in item 3.40(a), (b), (c), (d) and (e) are complied with;
  - (c) the density of the screeding is not more

- than 650 kg per m<sup>3</sup>; and
- (d) the thickness of the screeding is—
- (i) more than 25 mm but not more than 125 mm measured from the structural floor level; or
  - (ii) (if the aggregate area of the screeding is not more than 2.5 m<sup>2</sup> within a floor area of 10 m<sup>2</sup> of the flat and the nearest horizontal distance between each of the area of screeding is not less than 2 m) more than 25 mm but not more than 150 mm measured from the structural floor level.”.

Secretary for Development

2012

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### Explanatory Note

This Regulation amends the Building (Minor Works) Regulation (Cap. 123 sub. leg. N) (*principal Regulation*). The purpose is to add 8 new items of minor works that are commonly involved in any subdivision of flats in Schedule 1 to the principal Regulation with a view to bringing these works under the control of the principal Regulation.