

L.N. 73 of 2013

Building (Minor Works) (Amendment) Regulation 2013

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

1. Commencement

This Regulation comes into operation on the day on which sections 3, 6, 7, 8, 9 and 10 of the Buildings Legislation (Amendment) Ordinance 2012 (24 of 2012) come into operation.

2. Building (Minor Works) Regulation amended

The Building (Minor Works) Regulation (Cap. 123 sub. leg. N) is amended as set out in sections 3 to 6.

3. Section 62 amended (provisions relating to section 39C of Ordinance)

Section 62, heading—

Repeal

“section 39C”

Substitute

“section 39C(1)”.

4. Section 62A added

Part 9, after section 62—

Add

“62A. Provisions relating to section 39C(1A) of Ordinance

- (1) A signboard of the kind specified in Part 3 of Schedule 3 is the prescribed building or building works falling within the definition of *prescribed building or building works* given by section 39C(6)(b)(ii) of the Ordinance in relation to section 39C(1A) of the Ordinance.
- (2) For section 39C(1A)(a) of the Ordinance, the date prescribed in relation to the signboard is 2 September 2013.
- (3) For section 39C(2) of the Ordinance, the following person or persons is or are to be appointed to inspect the signboard—
 - (a) for a signboard falling within the description of an item of minor works under class I—
 - (i) if the signboard is a specified construction, an authorized person; and
 - (ii) if the signboard is not a specified construction, an authorized person and a registered structural engineer;
 - (b) for a signboard falling within the description of an item of minor works under class II or class III—
 - (i) an authorized person;
 - (ii) a registered structural engineer;
 - (iii) a registered inspector;
 - (iv) a registered general building contractor;
 - (v) a registered minor works contractor who is registered for that item; or

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- (vi) a registered minor works contractor who is registered for the type of minor works under the class that are the minor works described in that item.
- (4) For 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—
 - (i) that contains the personal particulars and contact information of the person for whom the signboard was erected, as provided by that person;
 - (ii) in which 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 for the inspection;
 - (iii) in which the appointed person has confirmed the appointment and the date on which the signboard was inspected; and
 - (iv) in which the appointed person has certified that the signboard was structurally safe in the person's opinion and complied 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) a photograph and description showing the physical condition of the signboard.

(5) For section 39C(1A)(c) of the Ordinance, if the requirements in section 39C(2), (3) and (4) of the Ordinance have been complied with for the signboard, the requirements must, within 5 years after the date of the compliance, be complied with for the signboard again.

(6) In subsection (3)(a)—

specified construction (指明建築結構) means a construction that satisfies all the criteria under section 37(4).”.

5. Schedule 1 amended (minor works)

Schedule 1—

Repeal

“[ss. 2 & 28]”

Substitute

“[ss. 2 & 28 & Sch. 3]”.

6. Schedule 3 amended (prescribed building or building works)

(1) Schedule 3—

Repeal

“[s. 62]”

Substitute

“[ss. 62 & 62A]”.

(2) Schedule 3, Part 2, heading, after “**Works**”—

Add

“**Relating to Section 39C(1) of Ordinance**”.

(3) Schedule 3, after Part 2—

Add

“Part 3**List of Prescribed Building or Building Works
Relating to Section 39C(1A) of Ordinance**

Item	Description
1.	<p>An unauthorized projecting signboard falling within the description of—</p> <ul style="list-style-type: none"><li data-bbox="300 572 969 635">(a) paragraphs (a), (d), (e) and (f) of item 1.20 of Part 3 of Schedule 1;<li data-bbox="300 650 969 713">(b) paragraphs (a), (d), (e) and (f) of item 2.18 of Part 3 of Schedule 1; or<li data-bbox="300 729 969 791">(c) paragraphs (a), (d), (e), (f) and (g) of item 3.16 of Part 3 of Schedule 1.
2.	<p>An unauthorized wall signboard falling within the description of—</p> <ul style="list-style-type: none"><li data-bbox="300 909 969 972">(a) paragraphs (c), (d) and (e) of item 1.22 of Part 3 of Schedule 1;<li data-bbox="300 987 969 1050">(b) paragraphs (c), (d) and (e) of item 2.19 of Part 3 of Schedule 1; or<li data-bbox="300 1066 969 1128">(c) paragraphs (c) and (d) of item 3.17 of Part 3 of Schedule 1.
3.	<p>An unauthorized signboard on the roof of a building falling within the description of paragraphs (a), (d), (e), (f) and (g) of item 1.21 of Part 3 of Schedule 1.</p>

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- | Item | Description |
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| 4. | An unauthorized outdoor signboard fixed on-grade falling within the description of—
(a) paragraphs (a), (b) and (c) of item 1.23 of Part 3 of Schedule 1; or
(b) paragraphs (a), (b) and (c) of item 2.21 of Part 3 of Schedule 1. |
| 5. | An unauthorized outdoor signboard together with a spread footing falling within the description of paragraphs (a), (b), (c) and (d) of item 2.22 of Part 3 of Schedule 1. |
| 6. | An unauthorized signboard on or hung underneath the soffit of a balcony or canopy (other than a cantilevered slab) falling within the description of paragraphs (a), (b), (c), (d) and (e) of item 2.20 of Part 3 of Schedule 1.”. |

Paul CHAN Mo-po
Secretary for Development

21 May 2013

Explanatory Note

The object of this Regulation is to amend the Building (Minor Works) Regulation (Cap. 123 sub. leg. N) (*principal Regulation*) to prescribe the kinds of signboard mentioned in item 1 in Schedule 8 to the Buildings Ordinance (Cap. 123) (*Ordinance*) and other technical details for the implementation of section 39C(1A) of the Ordinance in relation to signboards erected in contravention of the Ordinance (*unauthorized signboards*).

2. Section 3 amends the heading of section 62 of the principal Regulation by clarifying that section 62 only applies in relation to section 39C(1) of the Ordinance.
3. Section 4 adds a new section 62A to the principal Regulation. The new section 62A provides for the following matters for the implementation of section 39C(1A) of the Ordinance in relation to the unauthorized signboards—
 - (a) the kinds of signboard to which section 39C(1A) of the Ordinance applies are to be specified in the new Part 3 of Schedule 3 to the principal Regulation;
 - (b) section 39C(1A) of the Ordinance applies to the unauthorized signboards erected before 2 September 2013;
 - (c) the persons who are required to be appointed to inspect the unauthorized signboards;
 - (d) the person appointed to inspect the unauthorized signboards is required to submit to the Building Authority a notification;
 - (e) the details that the notification is required to contain;
 - (f) other documents that are required to be submitted together with the notification; and

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- (g) the requirements in section 39C(2), (3) and (4) of the Ordinance are required to be periodically complied with for not more than every 5 years.
- 4. Section 6 adds a new Part 3 in Schedule 3 to the principal Regulation containing the kinds of signboard to which section 39C(1A) of the Ordinance applies.