

L.N. 60 of 2020

Building (Minor Works) (Amendment) Regulation 2020

Contents

Section	Page
1. Commencement	B1261
2. Building (Minor Works) Regulation amended	B1261
3. Section 2 amended (interpretation)	B1261
4. Section 11 amended (determination of application made under section 10(1)(a))	B1263
5. Section 12 amended (determination of application made under section 10(1)(b))	B1263
6. Section 15 amended (determination of application for renewal of registration)	B1263
7. Section 19 amended (determination of application for restoration of name to register)	B1263
8. Section 22 amended (determination of application made under section 21(1))	B1265
9. Section 23 amended (determination of application made under section 21(2))	B1265
10. Part 4, Division 7 added	B1265

Section	Page
---------	------

Division 7—Building Authority’s Powers Relating to Register and Certificate of Registration

26B.	Power to amend register	B1267
26C.	Power to reissue certificate of registration	B1267
11.	Section 28 amended (prescribed registered contractors to be appointed for purposes of section 9AA of Ordinance)	B1267
12.	Section 62 amended (provisions relating to section 39C(1) of Ordinance)	B1269
13.	Part 11 added	B1271

Part 11

Transitional—Building (Minor Works) (Amendment) Regulation 2020

Division 1—Preliminary

67.	Interpretation of Part 11	B1271
68.	Meaning of <i>pre-amended item</i> and <i>amended item</i>	B1273
69.	Meaning of <i>new class III item</i>	B1275
70.	Meaning of <i>repealed item</i> and <i>covering item</i>	B1277

Division 2—Building Works Already Commenced

71.	Certain building works remain exempt after amendment date	B1279
-----	---	-------

Section	Page
72.	Certain building works remain as designated exempted works after amendment date B1281
73.	Minor works falling within description of pre-amended item carried out before amendment date B1281
74.	Minor works falling within description of repealed item to fall within description of covering item B1283
75.	Registered specialist contractor may be appointed in respect of works falling within description of item 1.36 B1283
Division 3—Registration of Registered Minor Works Contractor	
Subdivision 1—Registered Persons (Natural Persons)	
76.	Pre-existing registration for pre-amended item B1285
77.	Pre-existing registration for repealed item B1287
78.	Addition of new class III item to pre-existing registration B1287
Subdivision 2—Registered Persons (Non-natural Persons)	
79.	Pre-existing registration of non-natural person—amended type of minor works B1289
80.	Pre-existing registration of non-natural person—authorized signatory B1291

Section	Page
Subdivision 3—Other Matters Relating to Registration	
81.	Validity period of registration not affectedB1291
Division 4—Pending Applications and Decisions etc.	
82.	Interpretation of Division 4 of Part 11B1293
83.	Application under section 10(1)(a) of pre-amended RegulationB1293
84.	Application under section 10(1)(b) of pre-amended RegulationB1295
85.	Application under section 14(1) of pre-amended RegulationB1295
86.	Supplementary provision to section 85B1297
87.	Application under section 18(1) of pre-amended RegulationB1297
88.	Supplementary provision to section 87B1299
89.	Application under section 18(1) on or after amendment dateB1299
90.	Application under section 21(1) of pre-amended RegulationB1301
91.	Application under section 21(2) of pre-amended RegulationB1303
92.	Application under section 24(1) of pre-amended RegulationB1305

Building (Minor Works) (Amendment) Regulation 2020

L.N. 60 of 2020
B1259

Section	Page
93. Request for review under section 26 of pre-amended Regulation	B1307
14. Schedule 1 amended (minor works)	B1307
15. Schedule 2 amended (designated exempted works)	B1459

Building (Minor Works) (Amendment) Regulation 2020

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

1. Commencement

This Regulation comes into operation on 1 September 2020.

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 15.

3. Section 2 amended (interpretation)

(1) Section 2(1), definition of *designated exempted works*—

Repeal

everything after “工程”

Substitute

“—see sections 5 and 72;”.

(2) Section 2(2), (3) and (4)—

Repeal

“In”

Substitute

“Subject to subsection (5), in”.

(3) After section 2(4)—

Add

“(5) For any building works to which Part 11 applies, subsections (2), (3) and (4) have effect subject to that Part.”.

4. Section 11 amended (determination of application made under section 10(1)(a))

Section 11(4)(a), (b) and (c)—

Repeal

“the particulars of”

Substitute

“information identifying”.

5. Section 12 amended (determination of application made under section 10(1)(b))

Section 12(7)(a)(i), (b) and (c)—

Repeal

“the particulars of”

Substitute

“information identifying”.

6. Section 15 amended (determination of application for renewal of registration)

Section 15(4)(b)—

Repeal

“the particulars of”

Substitute

“information identifying”.

7. Section 19 amended (determination of application for restoration of name to register)

Section 19(4)(a)(i) and (b)—

Repeal

“the particulars of”

Substitute

“information identifying”.

8. Section 22 amended (determination of application made under section 21(1))

Section 22(4)(a) and (c)—

Repeal

“the particulars of”

Substitute

“information identifying”.

9. Section 23 amended (determination of application made under section 21(2))

Section 23(7)(a)(i) and (c)—

Repeal

“the particulars of”

Substitute

“information identifying”.

10. Part 4, Division 7 added

Part 4, after Division 6—

Add

“Division 7—Building Authority’s Powers Relating to Register and Certificate of Registration

26B. Power to amend register

Subject to sections 11(4)(a), 12(7)(a), 15(4)(a), 17(1), 19(4)(a), 22(4)(a), 23(7)(a) and 25(7), the Building Authority may amend the register—

- (a) in circumstances that necessitate an amendment to the register; and
- (b) in any way the Authority considers appropriate.

26C. Power to reissue certificate of registration

Subject to sections 11(4)(c), 12(7)(c), 15(4)(b), 19(4)(b), 22(4)(b) and (c) and 23(7)(b) and (c), the Building Authority may—

- (a) issue a new certificate of registration to a registered minor works contractor to replace the contractor’s existing certificate of registration in circumstances that necessitate a replacement; and
- (b) issue the new certificate in any way the Authority considers appropriate.”.

11. Section 28 amended (prescribed registered contractors to be appointed for purposes of section 9AA of Ordinance)

- (1) Section 28(1)(a), English text—

Repeal

“contractor;”

Substitute

“contractor;”.

- (2) Section 28(1)(b)—

Repeal

everything after “item” and before “of Part 3”

Substitute

“1.2, 1.5, 1.9, 1.10, 1.24, 1.30, 1.32, 1.33, 1.34, 1.37, 1.38, 1.39, 1.40, 2.1, 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, 2.63, 2.64, 2.65, 2.66, 2.67, 3.1, 3.2, 3.4, 3.5, 3.7, 3.8, 3.18, 3.19, 3.20, 3.21, 3.22, 3.24, 3.26, 3.30, 3.32, 3.33, 3.43, 3.49, 3.63, 3.64, 3.65 or 3.66”.

- (3) Section 28(1)(c)—

Repeal

“2.10 or 2.11”

Substitute

“2.10, 2.11 or 3.53”.

- (4) Section 28(1)(e)—

Repeal

“; or”

Substitute a semicolon.

- (5) After section 28(1)(e)—

Add

“(ea) if the works fall within the description of item 1.46, 1.51, 2.42 or 2.46 of Part 3 of Schedule 1, a registered specialist contractor whose name is entered in the ventilation works category in the specialist contractors sub-register; or”.

12. Section 62 amended (provisions relating to section 39C(1) of Ordinance)

- (1) Section 62(1), before “Schedule 3”—

Add

“Part 2 of”.

- (2) Section 62(2)(d)(iii)—

Repeal

“3.28, 3.29, 3.34, 3.35, 3.36, 3.37 or 3.38”

Substitute

“3.29, 3.34, 3.35, 3.36, 3.37, 3.38 or 3.50”.

13. Part 11 added

After Part 10—

Add

“Part 11

**Transitional—Building (Minor Works)
(Amendment) Regulation 2020**

Division 1—Preliminary

67. Interpretation of Part 11

In this Part—

2020 Amendment Regulation (《2020年修訂規例》) means the Building (Minor Works) (Amendment) Regulation 2020;

amended item (經修訂項目)—see section 68(2);

amended Regulation (《經修訂規例》) means this Regulation as amended by the 2020 Amendment Regulation;

amended type of minor works (經修訂小型工程類型)—see section 79(2)(b);

- amendment date*** (修例日期) means 1 September 2020;
- amendment provision*** (修訂條文) means section 14 of the 2020 Amendment Regulation;
- covering item*** (更替項目)—see section 70(2);
- new class III item*** (新增第III級項目)—see section 69;
- pre-amended item*** (原有項目)—see section 68(1);
- pre-amended Regulation*** (《原有規例》) means this Regulation as in force immediately before the amendment date;
- pre-amended Schedule 1*** (原有附表1) means Schedule 1 as in force immediately before the amendment date;
- pre-amended type of minor works*** (原有小型工程類型)—see section 79(2)(a);
- pre-existing registration*** (既有註冊) means a registration under the pre-amended Regulation that—
- (a) was in force before the amendment date; and
 - (b) but for the amendment provision, would have been in force on or after that date;
- remaining period*** (尚餘有效期), in relation to a pre-existing registration, means the part of the validity period of the registration that falls on or after the amendment date;
- removal order*** (除名命令) means an order made under section 13(4)(a) of the Ordinance;
- repealed item*** (已廢除項目)—see section 70(1).

68. Meaning of *pre-amended item* and *amended item*

- (1) An item of minor works in Part 3 of the pre-amended Schedule 1 that is specified in column 2 of Table A below is a pre-amended item.

- (2) A pre-amended item as amended by the amendment provision is, in relation to the pre-amended item, an amended item.

Table A

Column 1	Column 2
Class I items	1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.15, 1.17, 1.25, 1.26, 1.27, 1.28, 1.30 and 1.36
Class II items	2.2, 2.4, 2.6, 2.7, 2.8, 2.10, 2.11, 2.13, 2.14, 2.15, 2.17, 2.22, 2.23, 2.28, 2.29, 2.31, 2.34 and 2.36
Class III items	3.2, 3.4, 3.5, 3.6, 3.8, 3.11, 3.12, 3.16, 3.17, 3.18, 3.19, 3.25, 3.26, 3.27, 3.29, 3.31, 3.32, 3.34, 3.35, 3.38, 3.41 and 3.42

69. Meaning of *new class III item*

An item of minor works added to Division 3 of Part 3 of Schedule 1 by the amendment provision, which is specified in column 2 of Table B below, is a new class III item.

Table B

Column 1	Column 2
New class III items	3.43, 3.44, 3.45, 3.46, 3.47, 3.48, 3.49, 3.50, 3.51, 3.52, 3.53, 3.54, 3.55, 3.56, 3.57, 3.58, 3.59, 3.60, 3.61, 3.62, 3.63, 3.64, 3.65 and 3.66

70. Meaning of *repealed item* and *covering item*

- (1) An item of minor works in Part 3 of the pre-amended Schedule 1 that is specified in column 1 of Table C below is a repealed item.
- (2) An item of minor works in Part 3 of Schedule 1 (as amended by the amendment provision) that is specified in column 2 of Table C below opposite a repealed item is a covering item for that repealed item to the extent specified in that column.

Table C

Column 1 Repealed item	Column 2 Covering item
1.13	1.50
1.18	1.50
1.19	1.50
1.29	1.50
3.9	(a) 3.2 (to the extent that the repealed item relates to removal works) (b) 3.50 (to the extent that the repealed item relates to erection and alteration works)
3.10	3.2

Column 1 Repealed item	Column 2 Covering item
3.14	(a) 3.2 (to the extent that the repealed item relates to removal works) (b) 3.50 (to the extent that the repealed item relates to erection and alteration works)
3.15	(a) 3.2 (to the extent that the repealed item relates to removal works) (b) 3.50 (to the extent that the repealed item relates to erection and alteration works)
3.28	(a) 3.2 (to the extent that the repealed item relates to removal works) (b) 3.50 (to the extent that the repealed item relates to erection and alteration works)

Division 2—Building Works Already Commenced

71. Certain building works remain exempt after amendment date

- (1) This section applies to any building works that—
 - (a) were carried out in accordance with the Ordinance before the amendment date;
 - (b) were exempt from section 14(1) of the Ordinance by virtue of section 41(3) of the Ordinance immediately before the amendment date;

- (c) were still in progress on the amendment date; and
 - (d) but for this section, would have become minor works because of the amendments made to Schedule 1 by the 2020 Amendment Regulation.
- (2) On and after the amendment date, the building works are not regarded as minor works.

72. Certain building works remain as designated exempted works after amendment date

- (1) This section applies to any building works that—
- (a) were carried out in accordance with the Ordinance before the amendment date;
 - (b) were designated exempted works within the meaning of the pre-amended Regulation immediately before the amendment date;
 - (c) were still in progress on the amendment date; and
 - (d) but for this section, would have ceased to be designated exempted works because of the amendments made to Schedule 2 by the 2020 Amendment Regulation.
- (2) On and after the amendment date, the building works are regarded as designated exempted works.

73. Minor works falling within description of pre-amended item carried out before amendment date

- (1) This section applies to any building works that—
- (a) were commenced or carried out in accordance with the Ordinance before the amendment date;

- (b) were minor works falling within the description of a pre-amended item immediately before the amendment date; and
 - (c) but for the amendment provision, would have continued to be regulated under the Ordinance as minor works falling within the description of that item.
- (2) On and after the amendment date, the building works are regarded as minor works falling within the description of the amended item.

74. Minor works falling within description of repealed item to fall within description of covering item

- (1) This section applies to any building works that—
- (a) were commenced or carried out in accordance with the Ordinance before the amendment date;
 - (b) were minor works falling within the description of a repealed item immediately before the amendment date; and
 - (c) but for the amendment provision, would have continued to be regulated under the Ordinance as minor works falling within the description of that item.
- (2) On and after the amendment date, the building works are regarded as minor works falling within the description of the covering item.

75. Registered specialist contractor may be appointed in respect of works falling within description of item 1.36

- (1) This section applies to any building works that—

- (a) were commenced or carried out in accordance with the Ordinance before the amendment date; and
 - (b) were minor works falling within the description of item 1.36 of Part 3 of the pre-amended Schedule 1 immediately before the amendment date.
- (2) Despite the amendment of section 28(1)(b) by the 2020 Amendment Regulation, for the purposes of section 9AA of the Ordinance, the requirement under this Regulation to appoint a prescribed registered contractor in respect of the building works is complied with if a specified contractor is appointed in respect of the works.
- (3) In this section—
- specified contractor* (指明承建商) means a registered specialist contractor whose name is entered in the demolition works category in a sub-register in the register of specialist contractors maintained under section 8A(2) of the Ordinance.

Division 3—Registration of Registered Minor Works Contractor

Subdivision 1—Registered Persons (Natural Persons)

76. Pre-existing registration for pre-amended item

Subject to a removal order, a pre-existing registration as a registered minor works contractor for a pre-amended item has effect for its remaining period as a registration as a registered minor works contractor for the amended item.

77. Pre-existing registration for repealed item

Subject to a removal order, a pre-existing registration as a registered minor works contractor for a repealed item has effect for its remaining period as a registration as a registered minor works contractor for the covering item.

78. Addition of new class III item to pre-existing registration

- (1) This section applies if Condition 1 or Condition 2 is satisfied in relation to a pre-existing registration of a person as a registered minor works contractor for an item of minor works in Part 3 of the pre-amended Schedule 1 (*relevant pre-existing registration*).
- (2) Condition 1 is that—
 - (a) the relevant pre-existing registration was allowed or renewed under the pre-amended Regulation on the basis that the person was registered under the Construction Workers Registration Ordinance (Cap. 583) as a registered skilled worker for a designated trade division that was relevant to the item; and
 - (b) that trade division is also relevant to a new class III item.
- (3) Condition 2 is that—
 - (a) the relevant pre-existing registration was allowed or renewed under the pre-amended Regulation on the basis that the person had the qualifications and experience specified by the Building Authority under section 11(2)(a)(ii) of the pre-amended Regulation for the item; and
 - (b) the qualifications and experience are also specified by the Building Authority under section 11(2)(a)(ii) for a new class III item.

- (4) The person is regarded as having been registered as a registered minor works contractor for the new class III item.
- (5) The registration for the new class III item—
 - (a) takes effect at the time from which the relevant pre-existing registration continues to have effect after the commencement of the amendment provision; and
 - (b) subject to a removal order, has effect for the remaining period of that pre-existing registration.

Subdivision 2—Registered Persons (Non-natural Persons)

79. Pre-existing registration of non-natural person—amended type of minor works

- (1) Subject to a removal order, a pre-existing registration as a registered minor works contractor for a pre-amended type of minor works has effect for its remaining period as a registration as a registered minor works contractor for the amended type of minor works.
- (2) For the purposes of subsection (1)—
 - (a) each of the following types of minor works is a pre-amended type of minor works—
 - (i) type A, type B, type D, type E, type F or type G minor works under any class specified in Part 2 of the pre-amended Schedule 1;
 - (ii) type C minor works under class II or class III specified in Part 2 of the pre-amended Schedule 1; and

- (b) the type as amended by the amendment provision is, in relation to the type, the amended type of minor works.

80. Pre-existing registration of non-natural person—authorized signatory

- (1) This section applies if—
 - (a) the name of a person (*relevant person*) appeared in the register immediately before the amendment date as an authorized signatory of a registered minor works contractor for a pre-amended type of minor works;
 - (b) had there been no 2020 Amendment Regulation, the relevant person would have continued to be the authorized signatory of the contractor for that type of minor works on the amendment date; and
 - (c) the registration of the contractor is a pre-existing registration having effect under section 79(1) on the amendment date.
- (2) The name of the relevant person is regarded as having been entered in the register on the amendment date as the authorized signatory of the contractor for the amended type of minor works.

Subdivision 3—Other Matters Relating to Registration

81. Validity period of registration not affected

- (1) A pre-existing registration having effect under section 76, 77 or 79(1) expires on the date on which it would have expired if there had been no 2020 Amendment Regulation.

- (2) Any other pre-existing registration as a registered minor works contractor expires on the date on which it is to expire under this Regulation.

Division 4—Pending Applications and Decisions etc.

82. Interpretation of Division 4 of Part 11

In this Division—

affected item (受影響項目) means—

- (a) a pre-amended item; or
- (b) a repealed item;

applicable item (適用項目)—

- (a) in relation to a pre-amended item—means the amended item;
- (b) in relation to a repealed item—means the covering item.

83. Application under section 10(1)(a) of pre-amended Regulation

- (1) This section applies if an application for registration as a registered minor works contractor made under section 10(1)(a) was pending immediately before the amendment date.
- (2) The application is regarded as an application made under section 10(1)(a) of the amended Regulation.
- (3) If the application is for registration as a registered minor works contractor for an affected item, the application is regarded as an application for registration as a registered minor works contractor for the applicable item.

- (4) If the application is eventually allowed, section 78 applies as if the registration to which the application relates were a pre-existing registration.

84. Application under section 10(1)(b) of pre-amended Regulation

- (1) This section applies if an application for registration as a registered minor works contractor made under section 10(1)(b) was pending immediately before the amendment date.
- (2) The application is regarded as an application made under section 10(1)(b) of the amended Regulation.
- (3) If the application is for registration as a registered minor works contractor for a pre-amended type of minor works, the application is regarded as an application for registration as a registered minor works contractor for the amended type of minor works.

85. Application under section 14(1) of pre-amended Regulation

- (1) This section applies if an application made by a registered minor works contractor for the renewal of the contractor's registration under section 14(1) was pending immediately before the amendment date.
- (2) The application is regarded as an application made under section 14(1) of the amended Regulation.
- (3) If the registration to which the application relates is a registration having effect under section 76, 77 or 79(1) (*latter*), the application is regarded as an application for the renewal of the latter.

86. Supplementary provision to section 85

- (1) This section applies if—
 - (a) an application made by a registered minor works contractor for the renewal of the contractor's registration under section 14(1) was pending immediately before the amendment date; and
 - (b) because of that registration, the contractor is regarded under section 78 as having been registered as a registered minor works contractor for a new class III item.
- (2) The application is regarded as having also been made for the renewal of the registration for the new class III item.

87. Application under section 18(1) of pre-amended Regulation

- (1) This section applies if an application for the restoration of a person's name to the register made under section 18(1) was pending immediately before the amendment date.
- (2) The application is regarded as an application made under section 18(1) of the amended Regulation.
- (3) If the registration to which the application relates is a registration for an affected item—
 - (a) the registration is regarded as a registration for the applicable item (*specified registration*); and
 - (b) the application is regarded as an application relating to the specified registration.
- (4) If the registration to which the application relates is a registration for a pre-amended type of minor works—

- (a) the registration is regarded as a registration for the amended type of minor works (*relevant registration*); and
- (b) the application is regarded as an application relating to the relevant registration.

88. Supplementary provision to section 87

- (1) This section applies if—
 - (a) an application for the restoration of a person's name to the register made under section 18(1) (*restoration application*) was pending immediately before the amendment date; and
 - (b) the person (*applicant*) would have been allowed for registration as a registered minor works contractor for a new class III item under section 78 had the registration to which the restoration application relates been a pre-existing registration.
- (2) If the restoration application is allowed under section 19 of the amended Regulation, the applicant is regarded as having also been registered as a registered minor works contractor for the new class III item.

89. Application under section 18(1) on or after amendment date

- (1) Subsection (2) applies if—
 - (a) the name of a registered minor works contractor for a pre-amended item was removed from the register under section 17(1) and was not restored to the register before the amendment date in relation to that item under section 19; and

-
- (b) an application is made, on or after the amendment date, by the contractor under section 18(1) of the amended Regulation in relation to the registration.
 - (2) The registration is regarded as a registration for the amended item, and the application is regarded as an application relating to that registration.
 - (3) Subsection (4) applies if—
 - (a) the name of a registered minor works contractor for a pre-amended type of minor works was removed from the register under section 17(1) and was not restored to the register before the amendment date in relation to that type of minor works under section 19; and
 - (b) an application is made, on or after the amendment date, by the contractor under section 18(1) of the amended Regulation in relation to the registration.
 - (4) The registration is regarded as a registration for the amended type of minor works, and the application is regarded as an application relating to that registration.

90. Application under section 21(1) of pre-amended Regulation

- (1) This section applies if—
 - (a) an application made by a registered minor works contractor for the addition to the contractor's registration of one or more additional items of class III minor works (*additional item*) under section 21(1) was pending immediately before the amendment date; and

- (b) had there been no 2020 Amendment Regulation, the registration to which the application relates would have continued to be in force on the amendment date.
- (2) The application is regarded as an application made under section 21(1) of the amended Regulation.
- (3) If the additional item is an affected item, the application is regarded as an application for the addition of the applicable item.
- (4) If the application is eventually allowed, section 78 applies as if the registration to which the application relates were a pre-existing registration.

91. Application under section 21(2) of pre-amended Regulation

- (1) This section applies if—
 - (a) an application made by a registered minor works contractor for the addition to the contractor's registration of one or more additional types or classes of minor works under section 21(2) was pending immediately before the amendment date; and
 - (b) had there been no 2020 Amendment Regulation, the registration to which the application relates would have continued to be in force on the amendment date.
- (2) The application is regarded as an application made under section 21(2) of the amended Regulation.
- (3) If the application relates to the addition of a specified type and class that is amended by the amendment provision—

- (a) the application is regarded as an application for the addition of the specified type and class as amended by that provision (*amended type and class*); and
 - (b) the individual who is nominated under section 21(4) of the pre-amended Regulation in respect of the specified type and class is regarded as having been nominated under section 21(4) of the amended Regulation in respect of the amended type and class.
- (4) In this section—
- specified type and class* (指明類型及級別) means—
- (a) a type of minor works under a class as specified in Part 2 of the pre-amended Schedule 1; or
 - (b) a class of minor works of a type as specified in that Part.

92. Application under section 24(1) of pre-amended Regulation

- (1) This section applies if—
 - (a) an application made by a registered minor works contractor for the approval of a nomination of additional authorized signatory under section 24(1) was pending immediately before the amendment date; and
 - (b) had there been no 2020 Amendment Regulation, the registration to which the application relates would have continued to be in force on the amendment date.
- (2) The application is regarded as an application made under section 24(1) of the amended Regulation.

- (3) If the application relates to a specified type and class within the meaning of section 91, the application is regarded as an application relating to the amended type and class within the meaning of that section.

93. Request for review under section 26 of pre-amended Regulation

- (1) If a request for review under section 26 was pending immediately before the amendment date, subject to subsection (2), the pre-amended Regulation applies to the request.
- (2) The power of the Building Authority to substitute the decision to which the request under subsection (1) relates is a power under section 26(8)(a)(ii) of the amended Regulation.”.

14. Schedule 1 amended (minor works)

- (1) Schedule 1—

Repeal

“2 & 28 & Sch. 3]”

Substitute

“2, 28, 67, 69, 70 & 71 & Schs. 2 & 3]”.

- (2) Schedule 1, Part 1, section 1—

Repeal the definition of *aggregate length of any additional wall*

Substitute

“*aggregate length of any additional wall* (加建牆壁總長度)—

- (a) in relation to works carried out in a flat, means the difference between—

- (i) the total length of the non-load bearing walls (excluding the width of any door openings on the walls) in the flat (***flat wall length***) as shown on the approved plan; and
 - (ii) the flat wall length as measured at the completion of the works; and
 - (b) in relation to works carried out on a roof, means the difference between—
 - (i) the total length of the non-load bearing walls (excluding the width of any door openings on the walls) on the roof (***roof wall length***) as shown on the approved plan; and
 - (ii) the roof wall length as measured at the completion of the works;”.
- (3) Schedule 1, Chinese text, Part 1, section 1, definition of **靠牆招牌**, paragraph (b)—

Repeal the full stop

Substitute a semicolon.

- (4) Schedule 1, Part 1, section 1—

Add in alphabetical order

“*building services installation* (屋宇裝備裝置)—

- (a) includes—
 - (i) any solar water heating system, photovoltaic system, antenna, transceiver, air-conditioning unit, water cooling tower, light fitting and pump set (***installations***); and

- (ii) any duct associated with any of the installations; and
- (b) excludes any water tank, lift, stairlift, lifting platform, ventilation duct and radio base station;

cross-sectional dimension (橫切面尺寸)—see section 1A of this Part;

inaccessible roof (非開放屋頂) means a roof that—

- (a) is not intended to be used for human occupation; and
- (b) is intended to be only accessible to personnel for maintenance or repair works;

non-private garden (非私人花園) means a garden, or a part of a garden, that is not a private garden;

planter (花槽) includes—

- (a) any fixed planter wall; and
- (b) any fixed feature for containing soil (other than the soil of a slope);

private garden (私人花園) means a garden or a part of a garden—

- (a) that is not a common part, or part of a common part, of a building; or
- (b) that is for the exclusive use, occupation or enjoyment of an owner;

roof finishes (屋頂飾面), in relation to a roof, includes any tile layer, screeding layer and associated waterproofing layer on the roof;

trellis (花棚) means a structure with an overhead frame for the growing of flowers or other plants;”.

- (5) Schedule 1, Part 1, after section 1—

Add

- “1A. For the purposes of items 1.46, 1.47, 2.46 and 3.48 of Part 3 of this Schedule and item 23 of Part 2 of Schedule 2, a cross-sectional dimension of a ventilation duct is the internal height, internal width or internal diameter of the duct measured by reference to a vertical cross section of the duct when the duct is laid horizontally.”.

- (6) Schedule 1, Part 1, after section 4—

Add

- “5. A description of an item of minor works specified in Part 3 of this Schedule that involves any removal works must be read as including any removal works for any structure that falls within the description of that item and is an unauthorized structure.

6. A description of an item of minor works specified in Part 3 of this Schedule that involves any alteration works must be read as including any alteration, rectification or reinforcement works under section 39C(4) of the Ordinance.”.

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

Repeal

everything after “1.12,” and before “of Part 3”

Substitute

“1.14, 1.15, 1.16, 1.17, 1.27, 1.28, 1.30, 1.31, 1.32, 1.33, 1.34, 1.35, 1.37, 1.38, 1.39, 1.40, 1.41, 1.42, 1.43, 1.44, 1.45, 1.46, 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, 1.53, 1.54, 1.55, 1.56, 1.57, 1.58, 1.59, 1.60, 1.61 and 1.62”.

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

Repeal

everything after “2.38,” and before “of Part 3”

Substitute

“2.39, 2.40, 2.41, 2.43, 2.44, 2.45, 2.46, 2.47, 2.48, 2.49, 2.50, 2.51, 2.52, 2.53, 2.54, 2.55, 2.56, 2.57, 2.58, 2.59, 2.60, 2.61, 2.62, 2.63, 2.64, 2.65, 2.66 and 2.67”.

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

Repeal

everything after “3.8,” and before “of Part 3”

Substitute

“3.11, 3.12, 3.13, 3.24, 3.25, 3.26, 3.27, 3.29, 3.30, 3.31, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.39, 3.40, 3.41, 3.42, 3.43, 3.44, 3.45, 3.46, 3.47, 3.48, 3.49, 3.50, 3.51, 3.52, 3.53, 3.54, 3.55, 3.56, 3.57, 3.58, 3.59, 3.60, 3.61, 3.62, 3.63, 3.64, 3.65 and 3.66”.

- (10) Schedule 1, Part 2, Division 2, section 4—

Repeal

“item 1.17”

Substitute

“items 1.17, 1.57 and 1.58”.

- (11) Schedule 1, Part 2, Division 2, section 5—

Repeal

“2.15 and 2.17”

Substitute

“2.15, 2.17, 2.50, 2.58, 2.59, 2.60, 2.61 and 2.62”.

- (12) Schedule 1, Part 2, Division 2, section 6—

Repeal

“item 3.12”

Substitute

“items 3.12, 3.44, 3.45, 3.46, 3.51, 3.52, 3.53, 3.57, 3.58, 3.59, 3.60, 3.61 and 3.62”.

- (13) Schedule 1, Part 2, Division 3, section 8—

Repeal

“2.26 and 2.27”

Substitute

“2.26, 2.27 and 2.68”.

- (14) Schedule 1, Part 2, Division 4, section 10—

Repeal

“1.26 and 1.36”

Substitute

“1.26, 1.36 and 1.49”.

- (15) Schedule 1, Part 2, Division 4, section 12—

Repeal

“3.23 and 3.24”

Substitute

“3.23, 3.24, 3.45 and 3.46”.

- (16) Schedule 1, Part 2, Division 5, section 13—

Repeal

everything after “1.5,” and before “of Part 3”

Substitute

“1.27, 1.28, 1.46, 1.47, 1.49, 1.50 and 1.51”.

- (17) Schedule 1, Part 2, Division 5, section 14—

Repeal

“2.2 and 2.31”

Substitute

“2.2, 2.31, 2.43, 2.46, 2.47, 2.49, 2.50 and 2.51”.

- (18) Schedule 1, Part 2, Division 5, section 15—

Repeal

everything after “3.2,” and before “of Part 3”

Substitute

“3.25, 3.26, 3.27, 3.29, 3.30, 3.34, 3.35, 3.36, 3.37, 3.38, 3.43, 3.45, 3.46, 3.47, 3.48, 3.49, 3.50 and 3.51”.

- (19) Schedule 1, Part 2, Division 6, section 16—

Repeal

“item 1.31”

Substitute

“items 1.31, 1.48 and 1.62”.

- (20) Schedule 1, Part 2, Division 6, section 17—

Repeal

“2.33 and 2.34”

Substitute

“2.33, 2.34 and 2.48”.

- (21) Schedule 1, Part 2, Division 6, section 18—

Repeal

“item 3.31”

Substitute

“items 3.31 and 3.53”.

- (22) Schedule 1, Part 2, Division 7, section 20—

Repeal

“2.39 and 2.40”

Substitute

“2.39, 2.40, 2.63, 2.64, 2.65, 2.66 and 2.67”.

- (23) Schedule 1, Part 2, Division 7, section 21—

Repeal

everything after “3.8,” and before “of Part 3”

Substitute

“3.18, 3.19, 3.20, 3.21, 3.22, 3.24, 3.26, 3.30, 3.32, 3.33, 3.43, 3.49, 3.63, 3.64, 3.65 and 3.66”.

- (24) Schedule 1, Part 2, after Division 7—

Add

“Division 8—Type H (Works relating to Ventilation System inside Building)”

22. Type H minor works under class I are those minor works described in items 1.46 and 1.51 of Part 3 of this Schedule.
23. Type H minor works under class II are those minor works described in items 2.42 and 2.46 of Part 3 of this Schedule.”.
- (25) Schedule 1, Part 3, Division 1—

Repeal item 1.5

Substitute

“1.5. Removal of—

- (a) any supporting structure for a building services installation, or any

metal casing for such an installation, located on a cantilevered slab with a span of more than 1 m; or

- (b) any ventilation duct or associated supporting frame located on, or hung underneath the soffit of, a cantilevered slab with a span of more than 1 m.”.

- (26) Schedule 1, Part 3, Division 1, item 1.6—

Repeal

“Alteration”

Substitute

“Erection, alteration”.

- (27) Schedule 1, Part 3, Division 1—

Repeal items 1.7, 1.8, 1.9 and 1.10

Substitute

“1.7. Erection or alteration of any solid fence wall on-grade, but only if—

- (a) the height of the wall is not more than 5 m; and
- (b) the works do not fall within the description of item 5 of Part 2 of Schedule 2 or item 2.6.

1.8. Erection or alteration of any external mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on-grade, but only if—

- (a) the height of the structure, including any feature at its top, is not more than 10 m;

- (b) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 3 m; and
 - (c) the works do not fall within the description of item 16 of Part 2 of Schedule 2 or item 2.7.
- 1.9. Removal of any solid fence wall on-grade, but only if the works do not fall within the description of item 5 of Part 2 of Schedule 2 or item 3.4.
- 1.10. Removal of any external mesh fence (with or without a solid fence wall as its lower part), metal railing (with or without a solid fence wall as its lower part) or pole on-grade, but only if the works do not fall within the description of item 6 or 17 of Part 2 of Schedule 2 or item 2.66, 2.67, 3.5 or 3.66.”.
- (28) Schedule 1, Part 3, Division 1, item 1.11, paragraph (f), after the semicolon—
Add
“and”.
- (29) Schedule 1, Part 3, Division 1, item 1.11—
Repeal paragraph (g).
- (30) Schedule 1, Part 3, Division 1, item 1.12—
Repeal
everything after “exempted works,”
Substitute
“but only if the depth of the excavation is more than 1.5 m but not more than 3 m.”.

- (31) Schedule 1, Part 3, Division 1—

Repeal item 1.13.

- (32) Schedule 1, Part 3, Division 1—

Repeal item 1.15

Substitute

“1.15. Erection or alteration of any external non-load bearing reinforced concrete wall of a building; or repair or removal of such a wall, including any concrete projection from it, but only if—

- (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 height of the wall is more than 1.1 m but not more than 3.5 m; and
- (d) the works do not fall within the description of item 2.15, 3.45 or 3.46.”.

- (33) Schedule 1, Part 3, Division 1—

Repeal item 1.17

Substitute

- “1.17. Repair (in accordance with the original design) of any structural elements (including any flat slab, cantilevered slab, ribbed slab, waffle slab, pre-stressed beam, post-tensioned beam, cantilevered beam, transfer plate, transfer beam or earth retaining structure), or of any concrete projection from the structural elements (*concrete projection*), but only if—
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) for works that involve the removal of core from any structural elements or concrete projection—the removal is carried out only for testing and ascertaining the condition of the concrete that forms the structural elements; and
 - (c) the works do not fall within the description of item 2.17.”.

- (34) Schedule 1, Part 3, Division 1—

Repeal items 1.18 and 1.19.

- (35) Schedule 1, Part 3, Division 1, item 1.25, paragraph (b)—

Repeal

“any structure or building”

Substitute

“the bottom of any retaining wall”.

- (36) Schedule 1, Part 3, Division 1, item 1.25—

Repeal paragraph (c)

Substitute

“(c) the distance between any point of the excavation and the toe of any slope with a gradient of more than 15 degrees is at least equal to the depth of the excavation;”.

(37) Schedule 1, Part 3, Division 1, item 1.26, paragraph (b)—

Repeal

“any structure or building”

Substitute

“the bottom of any retaining wall”.

(38) Schedule 1, Part 3, Division 1, item 1.26—

Repeal paragraph (c)

Substitute

“(c) the distance between any point of the excavation and the toe of any slope with a gradient of more than 15 degrees is at least equal to the depth of the excavation;”.

(39) Schedule 1, Part 3, Division 1, item 1.26, paragraph (d)—

Repeal

“and”.

(40) Schedule 1, Part 3, Division 1, item 1.26, paragraph (e)(iii)—

Repeal the full stop

Substitute

“; and”.

(41) Schedule 1, Part 3, Division 1, item 1.26, after paragraph (e)—

Add

- “(f) 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.”.

- (42) Schedule 1, Part 3, Division 1, item 1.27, paragraph (b)—

Repeal

“the canopy projects more than 500 mm but not”

Substitute

“no part of the canopy projects”.

- (43) Schedule 1, Part 3, Division 1, item 1.27—

Repeal paragraph (d)

Substitute

“(d) the works do not fall within the description of item 14 of Part 2 of Schedule 2 or item 3.25.”.

- (44) Schedule 1, Part 3, Division 1, item 1.28—

Repeal

“metal supporting frame for an air-conditioning unit or any associated air ducts projecting from the external wall of a building, provided that—”

Substitute

“supporting frame projecting from an external wall of a building, but only if—”.

- (45) Schedule 1, Part 3, Division 1, item 1.28, before paragraph (a)—

Add

“(aa) the frame is for supporting an air-conditioning unit, light fitting, or antenna or transceiver for public telecommunications services;”.

- (46) Schedule 1, Part 3, Division 1, item 1.28, paragraph (b), after the semicolon—

Add

“and”.

- (47) Schedule 1, Part 3, Division 1, item 1.28—

Repeal paragraphs (c) and (d).

- (48) Schedule 1, Part 3, Division 1, item 1.28, paragraph (e), after “item”—

Add

“13 of Part 2 of Schedule 2 or item 2.49 or”.

- (49) Schedule 1, Part 3, Division 1—

Repeal item 1.29.

- (50) Schedule 1, Part 3, Division 1, item 1.30—

Repeal

everything after “projecting”

Substitute

“from an external wall of a building, but only if the works do not fall within the description of item 2.32.”.

- (51) Schedule 1, Part 3, Division 1, item 1.36, paragraph (b)—

Repeal

“any structure or building”

Substitute

“the bottom of any retaining wall”.

- (52) Schedule 1, Part 3, Division 1, item 1.36—

Repeal paragraph (c)

Substitute

- “(c) the distance between any point of the excavation and the toe of any slope with a gradient of more than 15 degrees is at least equal to the depth of the excavation;”.

- (53) Schedule 1, Part 3, Division 1, after item 1.44—

Add

- “1.45. Erection or alteration of any trellis on a roof of a building, but only if—
- (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 height of the trellis is not more than 2.5 m;
 - (d) the length and width of every opening of the overhead frame of the trellis are respectively not less than 200 mm;
 - (e) the horizontal clearance of the trellis from any other structure is not less than 500 mm;
 - (f) for works carried out in a common part of the building, at the completion of the works—

-
- (i) each trellis located in that common part covers an area of not more than 20 m²; and
 - (ii) the aggregate of the area covered by each trellis located in that common part is not more than 5% of the total area of that part;
 - (g) for works carried out in a part that is not a common part of the building (*non-common part*), at the completion of the works, the aggregate of the area covered by each trellis located in that non-common part is—
 - (i) not more than 20 m²; and
 - (ii) not more than 5% of the total area of that part; and
 - (h) the works do not fall within the description of item 2.45.
 - 1.46. Erection or alteration of any metal ventilation duct or associated supporting frame inside a building, but only if—
 - (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the smallest cross-sectional dimension of the duct is more than 900 mm; and
 - (c) the largest cross-sectional dimension of the duct is more than 1.8 m.

- 1.47. Erection or alteration of any external metal ventilation duct or associated supporting frame, but only if the works do not result in any additional load to any cantilevered slab, and—
- (a) the duct or frame is located on-grade or on a roof of a building, and the works do not fall within the description of item 22 of Part 2 of Schedule 2 or item 2.47 or 3.47;
 - (b) the duct or frame projects from an external wall of a building or from a fence wall on-grade, and—
 - (i) no part of the duct or frame projects more than 750 mm from the wall; and
 - (ii) the works do not fall within the description of item 23 of Part 2 of Schedule 2 or item 3.48; or
 - (c) the duct or frame is located on, or hung underneath the soffit of, a balcony, verandah or canopy (other than a cantilevered slab) of a building, and—
 - (i) the largest cross-sectional dimension of the duct, or the duct with which the frame is associated, is not more than 750 mm; and
 - (ii) the works do not fall within the description of item 23 of Part 2 of Schedule 2 or item 3.48.

-
- 1.48. Repair, replacement or removal of any external cladding, but only if—
- (a) for repair or replacement works—the works are carried out in accordance with the original design of the cladding; and
 - (b) the works do not fall within the description of item 2.48 or 3.31.
- 1.49. Erection or alteration of any glass reinforced polyester water tank on-grade or on a slab (other than a cantilevered slab), but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the capacity of the tank is not more than 4.5 m³; and
 - (c) the works do not fall within the description of item 3 of Part 2 of Schedule 2 or item 2.3.
- 1.50. Erection or alteration of any supporting structure for a building services installation (***supporting structure***), or any metal casing for such an installation (***casing***), on-grade, on a canopy (other than a cantilevered slab) or on a roof (other than a cantilevered slab) of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) for a supporting structure—the height of the structure is—

-
- (i) if it is designed for an antenna or transceiver—not more than 2.5 m; or
 - (ii) if it is designed for any other building services installation—not more than 1.5 m;
- (c) for a casing—
- (i) the weight of the casing is not more than 10% of the weight of the building services installation; and
 - (ii) the inner surface of the casing and the installation are not more than 200 mm apart in all directions; and
- (d) the works do not fall within the description of item 3.50.
- 1.51. Erection or alteration of any supporting frame for suspending an air-conditioning plant or mechanical ventilation plant inside a building, but only if—
- (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 frame is designed for an air-conditioning plant, or a mechanical ventilation plant, of more than 150 kg in weight.

-
- 1.52. Erection or alteration of any planter on a roof of a building, but only if—
- (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 height of the planter is not more than 600 mm; and
 - (d) if the roof is an inaccessible roof—no structural element of the roof has a span of more than 12 m.
- 1.53. Erection or alteration of any external pole on-grade, but only if—
- (a) the height of the pole, including any feature at its top, is not more than 10 m; and
 - (b) the works do not fall within the description of item 17 of Part 2 of Schedule 2 or item 2.53.
- 1.54. Erection or alteration of any pole on a roof of a building, but only if—
- (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 height of the pole, including any feature at its top, is not more than 5 m; and

-
- (d) the works do not fall within the description of item 19 of Part 2 of Schedule 2 or item 2.54 or 3.54.
- 1.55. Erection or alteration of any solid fence wall on a roof of a building, but only if—
- (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 height of the wall is not more than 2 m; and
 - (d) the works do not fall within the description of item 20 of Part 2 of Schedule 2 or item 2.55 or 3.55.
- 1.56. Erection or alteration of any mesh fence or metal railing (with or without a solid fence wall as its lower part) (**structure**) on a roof of a building, but only if—
- (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 height of the structure, including any feature at its top, is not more than 5 m;

-
- (d) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 1.5 m; and
 - (e) the works do not fall within the description of item 18 of Part 2 of Schedule 2 or item 2.56 or 3.56.
 - 1.57. Repair of any solid fence wall on-grade, but only if the works do not fall within the description of item 5 of Part 2 of Schedule 2 or item 3.57.
 - 1.58. Repair of any external mesh fence (with or without a solid fence wall as its lower part), metal railing (with or without a solid fence wall as its lower part) or pole on-grade, but only if the works do not fall within the description of item 6 or 17 of Part 2 of Schedule 2 or item 2.58, 2.59, 3.58 or 3.59.
 - 1.59. Erection of any mesh fence, metal railing or pole on top of a solid fence wall (other than an unauthorized solid fence wall) (*wall*) on-grade, but only if—
 - (a) the height of the wall alone is not more than 2.5 m;
 - (b) the aggregate height of the wall and the fence, railing or pole, including any feature at its top, is not more than 10 m; and
 - (c) the works do not fall within the description of item 21 of Part 2 of Schedule 2 or item 2.57.

- 1.60. Repair or replacement of any window or window wall in accordance with the original design, but only if the works do not fall within the description of item 2.8 or 3.6.
- 1.61. Repair or replacement of any curtain wall, but only if—
- (a) the works are carried out in accordance with the original design; and
 - (b) the works do not involve the replacement of any supporting structure, or any structural element, that connects the wall to its parent structure.
- 1.62. Laying or repair of any roof finishes of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements; and
 - (b) the works do not fall within the description of item 7 of Part 2 of Schedule 2 or item 2.34.”.
- (54) Schedule 1, Part 3, Division 2—

Repeal item 2.2

Substitute

“2.2. Removal of—

- (a) any supporting structure for a building services installation (*supporting structure*), or any metal casing for such an installation (*casing*), but only if—

-
- (i) the supporting structure or casing is located—
 - (A) on-grade;
 - (B) on a canopy; or
 - (C) on a roof of a building;
 - (ii) for a supporting structure or casing located on a cantilevered slab—the span of the slab is not more than 1 m; and
 - (iii) the works do not fall within the description of item 12 of Part 2 of Schedule 2 or item 3.2; or
- (b) any ventilation duct (*duct*) or associated supporting frame (*frame*), but only if—
- (i) the duct or frame—
 - (A) is located on-grade;
 - (B) is located on a roof of a building; or
 - (C) is located on, or hung underneath the soffit of, a balcony, verandah or canopy;
 - (ii) for a duct or frame located on, or hung underneath the soffit of, a cantilevered slab—the span of the slab is not more than 1 m; and

- (iii) the works do not fall within the description of item 12 or 23 of Part 2 of Schedule 2 or item 3.2 or 3.49.”.

- (55) Schedule 1, Part 3, Division 2, item 2.4—

Repeal

“glass reinforced polyester water tank located on the roof of a building, provided that—”

Substitute

“water tank on-grade or on a slab of a building, but only if—”.

- (56) Schedule 1, Part 3, Division 2, item 2.4, paragraph (a)—

Repeal

“and”.

- (57) Schedule 1, Part 3, Division 2, item 2.4—

Repeal paragraph (b)

Substitute

“(b) if the tank is located on a roof of a building—the distance between the tank and the edge of the roof is not more than 1.5 m;”.

- (58) Schedule 1, Part 3, Division 2, item 2.4, after paragraph (b)—

Add

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

(d) the works do not fall within the description of item 4 of Part 2 of Schedule 2.”.

- (59) Schedule 1, Part 3, Division 2—

Repeal items 2.6 and 2.7

Substitute

“2.6. Erection or alteration of any solid fence wall on-grade, but only if—

- (a) the height of the wall is not more than 3 m; and
- (b) the works do not fall within the description of item 5 of Part 2 of Schedule 2.

2.7. Erection or alteration of any external mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on-grade, but only if—

- (a) the height of the structure, including any feature at its top, is not more than 5 m;
- (b) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 2.5 m;
- (c) the fence or railing is not used as a protective barrier; and
- (d) the works do not fall within the description of item 16 of Part 2 of Schedule 2.”.

(60) Schedule 1, Part 3, Division 2, item 2.8—

Repeal

“alteration or repair of any window or window wall, provided that—”

Substitute

“alteration, repair or replacement of any window or window wall, but only if—”.

- (61) Schedule 1, Part 3, Division 2, item 2.8, paragraph (e)—

Repeal subparagraphs (i) and (ii)

Substitute

- “(i) for construction or alteration works—

(A) the area of the external wall opening for the window or window wall is not more than 6 m²; and

(B) the length or width (whichever is shorter) of the opening is not more than 1.8 m; and

- (ii) for repair or replacement works—

(A) the works are carried out in accordance with the original design of the window or window wall; or

(B) the works fall within the description of subparagraph (i)(A) and (B); and”.

- (62) Schedule 1, Part 3, Division 2, item 2.10, paragraph (e), after the semicolon—

Add

“and”.

- (63) Schedule 1, Part 3, Division 2, item 2.10, paragraph (f)—

Repeal

“; and”

Substitute a full stop.

- (64) Schedule 1, Part 3, Division 2, item 2.10—

Repeal paragraph (g).

- (65) Schedule 1, Part 3, Division 2, item 2.11—

Repeal

everything after “exempted works,”

Substitute

“but only if the depth of the excavation is more than 300 mm but not more than 1.5 m.”.

- (66) Schedule 1, Part 3, Division 2, item 2.13—

Repeal

“reinforced concrete wall (other than a load bearing wall) of a building, provided that—”

Substitute

“non-load bearing reinforced concrete wall of a building, but only if—”.

- (67) Schedule 1, Part 3, Division 2, item 2.13, paragraph (b)—

Repeal

“and”.

- (68) Schedule 1, Part 3, Division 2, item 2.13, paragraph (c)—

Repeal

“1.1 m.”

Substitute

“1.1 m; and”.

- (69) Schedule 1, Part 3, Division 2, item 2.13, after paragraph (c)—

Add

“(d) the works do not fall within the description of item 3.45 or 3.46.”.

- (70) Schedule 1, Part 3, Division 2, item 2.14—

Repeal

“block wall (other than a load bearing wall) of a building, provided that—”

Substitute

“non-load bearing block wall of a building, but only if—”.

- (71) Schedule 1, Part 3, Division 2, item 2.14, paragraph (b)—

Repeal

“and”.

- (72) Schedule 1, Part 3, Division 2, item 2.14, paragraph (c)—

Repeal

“3.5 m.”

Substitute

“3.5 m; and”.

- (73) Schedule 1, Part 3, Division 2, item 2.14, after paragraph (c)—

Add

“(d) the works do not fall within the description of item 3.45 or 3.46.”.

- (74) Schedule 1, Part 3, Division 2, item 2.15—

Repeal

“reinforced concrete wall (other than a load bearing wall) of a building, provided that—”

Substitute

“non-load bearing reinforced concrete wall of a building, including any concrete projection from the wall, but only if—”.

- (75) Schedule 1, Part 3, Division 2, item 2.15, paragraph (b)—

Repeal

“and”.

- (76) Schedule 1, Part 3, Division 2, item 2.15, paragraph (c)—
Repeal
“3.5 m.”
Substitute
“3.5 m; and”.
- (77) Schedule 1, Part 3, Division 2, item 2.15, after paragraph (c)—
Add
“(d) for works that involve a concrete projection—
(i) the thickness of the projection is not more than 125 mm; and
(ii) the projection does not project more than 150 mm from the wall.”.
- (78) Schedule 1, Part 3, Division 2—
Repeal item 2.17
Substitute
“2.17. Repair (in accordance with the original design) of any column, load bearing wall, slab or beam (other than a flat slab, cantilevered slab, ribbed slab, waffle slab, pre-stressed beam, post-tensioned beam, cantilevered beam, transfer plate, transfer beam or earth retaining structure) (*structural member*), or of any concrete projection from the structural member (*concrete projection*), but only if—
(a) the works do not result in any additional load to any cantilevered slab;

- (b) the works do not involve any recasting or replacement of any structural elements;
 - (c) the works do not involve the dismantling of the whole of the floor or roof;
 - (d) the works do not involve the removal of core from the structural member or concrete projection by drilling; and
 - (e) for works that involve a concrete projection—
 - (i) the thickness of the projection is not more than 125 mm; and
 - (ii) the projection does not project more than 150 mm from the structural member.”.
- (79) Schedule 1, Part 3, Division 2, item 2.22, paragraph (c), after the semicolon—
Add
“and”.
- (80) Schedule 1, Part 3, Division 2, item 2.22, paragraph (d)—
Repeal
“; and”
Substitute a full stop.
- (81) Schedule 1, Part 3, Division 2, item 2.22—
Repeal paragraph (e).
- (82) Schedule 1, Part 3, Division 2, item 2.23—
Repeal
everything after “item”

Substitute

“1.22, 1.23, 2.19 or 2.21, but only if the display surface consists of stone.”.

- (83) Schedule 1, Part 3, Division 2, item 2.28, paragraph (b)—

Repeal

“any structure or building”

Substitute

“the bottom of any retaining wall”.

- (84) Schedule 1, Part 3, Division 2, item 2.28—

Repeal paragraph (c)

Substitute

“(c) the distance between any point of the excavation and the toe of any slope with a gradient of more than 15 degrees is at least equal to the depth of the excavation;”.

- (85) Schedule 1, Part 3, Division 2, item 2.29, paragraph (b)—

Repeal

“any structure or building”

Substitute

“the bottom of any retaining wall”.

- (86) Schedule 1, Part 3, Division 2, item 2.29—

Repeal paragraph (c)

Substitute

“(c) the distance between any point of the excavation and the toe of any slope with a gradient of more than 15 degrees is at least equal to the depth of the excavation;”.

- (87) Schedule 1, Part 3, Division 2, item 2.29, paragraph (d)—
Repeal
“and”.
- (88) Schedule 1, Part 3, Division 2, item 2.29, paragraph (e)(iii)—
Repeal the full stop
Substitute
“; and”.
- (89) Schedule 1, Part 3, Division 2, item 2.29, after paragraph (e)—
Add
“(f) 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.”.
- (90) Schedule 1, Part 3, Division 2—
Repeal item 2.31
Substitute
“2.31. Removal of—
(a) any architectural projection, any canopy, any supporting frame for an air-conditioning unit, light fitting or antenna or transceiver for public telecommunications services, or any rack (other than a drying rack) (*rack*), projecting from an external wall of a building or from a fence wall, but

only if the projection, canopy, frame or rack—

(i) projects more than 750 mm from the wall; and

(ii) is not constructed of concrete; or

(b) any ventilation duct or associated supporting frame projecting from an external wall of a building or from a fence wall on-grade, but only if the duct or frame projects more than 750 mm from the wall.”.

(91) Schedule 1, Part 3, Division 2, item 2.34—

Repeal

everything after “or roof”

Substitute

“finishes of a building, but only if—

(a) for works that involve the laying or repair of roof finishes—at the completion of the works, the thickness of the finishes is not more than that in the original design of the finishes; and

(b) the works do not fall within the description of item 7 of Part 2 of Schedule 2.”.

(92) Schedule 1, Part 3, Division 2, item 2.36, paragraph (b)—

Repeal

“any structure or building”

Substitute

“the bottom of any retaining wall”.

- (93) Schedule 1, Part 3, Division 2, item 2.36—

Repeal paragraph (c)

Substitute

- “(c) the distance between any point of the excavation and the toe of any slope with a gradient of more than 15 degrees is at least equal to the depth of the excavation;”.

- (94) Schedule 1, Part 3, Division 2, after item 2.40—

Add

- “2.41. Erection, alteration, repair or removal of any metal wind guard for an opening on an external wall of a building, but only if—

- (a) the works do not result in any additional load to any cantilevered slab;
- (b) no part of the guard projects more than 300 mm from the wall;
- (c) the distance between the highest point of the guard and—
 - (i) if the guard is above a roof—the roof; or
 - (ii) in any other case—the ground, is more than 3 m; and
- (d) for a metal wind guard that is larger than the opening—when projecting an image of the guard onto the wall, the width of the border (not including the corners) between the projected image and the opening is not more than 300 mm.

-
- 2.42. Erection or alteration of any fire damper in a ventilation system.
- 2.43. Erection, alteration or repair of any retractable awning for an opening on an external wall of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the opening is—
 - (i) a door opening (other than a door opening that serves as an exit for an escape staircase or that leads to a balcony or verandah); or
 - (ii) a window opening (other than a window opening for a plant room, lavatory, bathroom or kitchen);
 - (c) the awning is not fixed to any cantilevered slab;
 - (d) no part of the awning is above the ceiling of the storey on which the opening is located;
 - (e) the distance between the highest point of the awning and—
 - (i) if the awning is above a roof—the roof; or
 - (ii) in any other case—the ground, is not more than 5.5 m;

-
- (f) the awning projects—
 - (i) when retracted—not more than 500 mm from the external wall; and
 - (ii) when fully extended—
 - (A) if the awning projects over a roof—not more than 2 m from the external wall; or
 - (B) in any other case—not more than 2.5 m from the external wall; and
 - (g) the awning is at most 500 mm wider than the opening on both the left-hand side and the right-hand side of the opening.
- 2.44. Erection, alteration or removal of any trellis in a garden on-grade, but only if—
- (a) the height of the trellis is not more than 2.5 m;
 - (b) for erection or alteration works—
 - (i) the length and width of every opening of the overhead frame of the trellis are respectively not less than 200 mm;
 - (ii) the horizontal clearance of the trellis from any other structure is not less than 500 mm;

-
- (iii) for works carried out in a private garden, at the completion of the works, the aggregate of the area covered by each trellis located in the garden is—
 - (A) not more than 20 m²; and
 - (B) not more than 5% of the total area of the garden; and
 - (iv) for works carried out in a non-private garden, at the completion of the works—
 - (A) each trellis located in the garden covers an area of not more than 20 m²; and
 - (B) the aggregate of the area covered by each trellis located in the garden is not more than 10% of the total area of the garden; and
 - (c) for removal works—the area covered by the trellis is not more than 20 m².
- 2.45. Erection, alteration or removal of any trellis on a roof of a building, but only if—
- (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 height of the trellis is not more than 2.5 m;
- (d) for erection or alteration works—
 - (i) the length and width of every opening of the overhead frame of the trellis are respectively not less than 200 mm;
 - (ii) the horizontal clearance of the trellis from any other structure is not less than 500 mm;
 - (iii) for works carried out in a common part of the building, at the completion of the works—
 - (A) each trellis located in that common part covers an area of not more than 5 m²; and
 - (B) the aggregate of the area covered by each trellis located in that common part is not more than 5% of the total area of that part; and
 - (iv) for works carried out in a part that is not a common part of the building (*non-common part*), at the completion of the works—
 - (A) each trellis located in that non-common part covers an area of not more than 5 m²; and

-
- (B) the aggregate of the area covered by each trellis located in that non-common part is not more than 20 m² and not more than 5% of the total area of that part; and
- (e) for removal works—the area covered by the trellis is not more than 20 m².
- 2.46. Erection or alteration of any metal ventilation duct or associated supporting frame inside a building, but only if—
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the smallest cross-sectional dimension of the duct is more than 900 mm; and
 - (c) the largest cross-sectional dimension of the duct is not more than 1.8 m.
- 2.47. Erection or alteration of any external metal ventilation duct, or associated supporting frame, on-grade or on a roof of a building, but only if—
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the distance between the highest point of the duct or frame and the adjoining ground or adjoining roof (as the case requires) is not more than 2.5 m; and

-
- (c) the works do not fall within the description of item 22 of Part 2 of Schedule 2 or item 3.47.
- 2.48. Repair, replacement or removal of any external metal cladding, but only if—
- (a) for repair or replacement works—the works are carried out in accordance with the original design of the cladding; and
 - (b) the works do not fall within the description of item 3.31.
- 2.49. Erection or alteration of any supporting frame projecting from an external wall of a building, but only if—
- (a) the frame is for supporting an air-conditioning unit, light fitting, or antenna or transceiver for public telecommunications services;
 - (b) the works do not result in any additional load to any cantilevered slab;
 - (c) no part of the frame projects more than 600 mm from the wall;
 - (d) the distance between the highest point of the frame and—
 - (i) if the frame is above a roof—the roof; or
 - (ii) in any other case—the ground, is more than 3 m;

-
- (e) the frame is designed for an air-conditioning unit, light fitting, or antenna or transceiver for public telecommunications services (as the case requires) of not more than 150 kg in weight; and
 - (f) the works do not fall within the description of item 3.27.
 - 2.50. Repair or replacement (in accordance with the original design) of any external metal structure providing access for maintenance; or removal of such a structure.
 - 2.51. Erection or alteration of any external cat-ladder, but only if the works do not fall within the description of item 28 of Part 2 of Schedule 2.
 - 2.52. Erection, alteration, repair or removal of any outdoor planter, pond or fountain on-grade, but only if—
 - (a) the vertical distance between the highest point and the lowest point of the planter, pond or fountain is not more than 1.5 m; and
 - (b) the works do not fall within the description of item 24 of Part 2 of Schedule 2.
 - 2.53. Erection or alteration of any external pole on-grade, but only if—
 - (a) the height of the pole, including any feature at its top, is not more than 5 m;

-
- (b) the weight of the pole, including any feature at its top but excluding any pedestal, is not more than 150 kg; and
 - (c) the works do not fall within the description of item 17 of Part 2 of Schedule 2.
- 2.54. Erection or alteration of any pole on a roof of a building, but only if—
- (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 height of the pole, including any feature at its top, is not more than 2.5 m;
 - (d) the weight of the pole, including any feature at its top but excluding any pedestal, is not more than 100 kg;
 - (e) if there is more than one pole on the roof—the poles are at least 2.5 m away from each other;
 - (f) the thickness of the roof slab supporting the pole is not less than 150 mm; and
 - (g) the works do not fall within the description of item 19 of Part 2 of Schedule 2 or item 3.54.

- 2.55. Erection or alteration of any solid fence wall (*the wall*) on a roof of a building, but only if—
- (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 m² of the roof area is not more than 0.3 m;
 - (d) the thickness of the roof slab supporting the wall is not less than 150 mm;
 - (e) the height of the wall is not more than 1.5 m;
 - (f) the thickness of the wall is not more than 100 mm;
 - (g) the density of the wall is not more than 650 kg per m³; and
 - (h) the works do not fall within the description of item 20 of Part 2 of Schedule 2 or item 3.55.
- 2.56. Erection or alteration of any mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on a roof of a building, but only if—
- (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 height of the structure, including any feature at its top, is not more than 2.5 m;
- (d) the thickness of the roof slab supporting the structure is not less than 150 mm;
- (e) the fence or railing is not used as a protective barrier;
- (f) if the lower part of the structure is a solid fence wall—
 - (i) the height of the wall alone is not more than 1.1 m;
 - (ii) the thickness of the wall is not more than 100 mm;
 - (iii) the density of the wall is not more than 650 kg per m³; and
 - (iv) the aggregate length of any additional wall per m² of the roof area is not more than 0.3 m; and
- (g) the works do not fall within the description of item 18 of Part 2 of Schedule 2 or item 3.56.

2.57. Erection of any mesh fence, metal railing or pole on top of a solid fence wall (other than an unauthorized solid fence wall and a solid fence wall falling within the description of item 5 of Part 2 of Schedule 2 that was erected, altered or

repaired without the approval and consent of the Building Authority under section 14(1) of the Ordinance) (*wall*) on-grade, but only if—

- (a) the height of the wall alone is not more than 2.5 m;
- (b) the aggregate height of the wall and the fence, railing or pole, including any feature at its top, is not more than 5 m;
- (c) for a mesh fence or metal railing—the fence or railing is not used as a protective barrier; and
- (d) the works do not fall within the description of item 21 of Part 2 of Schedule 2.

2.58. Repair of any external mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on-grade, but only if—

- (a) the height of the structure, including any feature at its top, is not more than 10 m;
- (b) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 3 m;
- (c) the fence or railing is not used as a protective barrier; and
- (d) the works do not fall within the description of item 6 of Part 2 of Schedule 2 or item 3.58.

-
- 2.59. Repair of any external pole on-grade, but only if—
- (a) the height of the pole, including any feature at its top, is not more than 10 m; and
 - (b) the works do not fall within the description of item 17 of Part 2 of Schedule 2 or item 3.59.
- 2.60. Repair of any pole on a roof of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the pole, including any feature at its top, is not more than 5 m; and
 - (c) the works do not fall within the description of item 19 of Part 2 of Schedule 2 or item 3.60.
- 2.61. Repair of any solid fence wall on a roof of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the wall is not more than 2 m; and
 - (c) the works do not fall within the description of item 20 of Part 2 of Schedule 2 or item 3.61.

-
- 2.62. Repair of any mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on a roof of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the structure, including any feature at its top, is not more than 5 m;
 - (c) the fence or railing is not used as a protective barrier;
 - (d) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 1.5 m; and
 - (e) the works do not fall within the description of item 18 of Part 2 of Schedule 2 or item 3.62.
- 2.63. Removal of any pole on a roof of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the pole, including any feature at its top, is not more than 5 m; and
 - (c) the works do not fall within the description of item 19 of Part 2 of Schedule 2 or item 3.63.

-
- 2.64. Removal of any solid fence wall on a roof of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the wall is not more than 2 m; and
 - (c) the works do not fall within the description of item 20 of Part 2 of Schedule 2 or item 3.64.
- 2.65. Removal of any mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on a roof of a building, but only if—
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the structure, including any feature at its top, is not more than 5 m;
 - (c) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 1.5 m; and
 - (d) the works do not fall within the description of item 18 of Part 2 of Schedule 2 or item 3.65.
- 2.66. Removal of any external pole on-grade, but only if—
- (a) the height of the pole, including any feature at its top, is not more than 10 m; and

-
- (b) the works do not fall within the description of item 17 of Part 2 of Schedule 2 or item 3.66.
- 2.67. Removal of any external mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on-grade, but only if—
- (a) the height of the structure, including any feature at its top, is not more than 10 m;
 - (b) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 3 m; and
 - (c) the works do not fall within the description of item 6 of Part 2 of Schedule 2 or item 3.5.
- 2.68. Installation, alteration, replacement or removal of the display surface of any signboard, but only if—
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the works do not involve the alteration of any structural elements;
 - (c) the display surface does not consist of stone;
 - (d) for replacement works—the size and coverage of the display surface are the same as those of the display surface to be replaced; and

- (e) the works do not fall within the description of item 10 or 30 of Part 2 of Schedule 2 or item 3.16 or 3.17.”.

(95) Schedule 1, Part 3, Division 3—

Repeal item 3.2

Substitute

“3.2. Removal of—

- (a) any supporting structure for a building services installation (*supporting structure*), or any metal casing for such an installation (*casing*), but only if—
 - (i) the supporting structure or casing is located—
 - (A) on-grade;
 - (B) on a canopy (other than a cantilevered slab); or
 - (C) on a roof (other than a cantilevered slab) of a building;
 - (ii) for a supporting structure for an antenna or transceiver—the height of the structure is not more than 2.5 m;
 - (iii) for a supporting structure for any other building services installation—the height of the structure is not more than 2 m; and

- (iv) the works do not fall within the description of item 12 of Part 2 of Schedule 2; or
- (b) any ventilation duct or associated supporting frame, but only if—
 - (i) the duct or frame is located—
 - (A) on-grade; or
 - (B) on a roof (other than a cantilevered slab) of a building;
 - (ii) the height of the duct or frame is not more than 2 m; and
 - (iii) the works do not fall within the description of item 12 of Part 2 of Schedule 2.”.

(96) Schedule 1, Part 3, Division 3—

Repeal items 3.4 and 3.5

Substitute

“3.4. Removal of any solid fence wall on-grade, but only if—

- (a) the height of the wall is not more than 3 m; and
- (b) the works do not fall within the description of item 5 of Part 2 of Schedule 2.

3.5. Removal of any external mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on-grade, but only if—

- (a) the height of the structure, including any feature at its top, is not more than 5 m;
- (b) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 2.5 m; and
- (c) the works do not fall within the description of item 6 of Part 2 of Schedule 2.”.

(97) Schedule 1, Part 3, Division 3, item 3.6—

Repeal

“alteration or repair of any window or window wall, provided that—”

Substitute

“alteration, repair or replacement of any window or window wall, but only if—”.

(98) Schedule 1, Part 3, Division 3, item 3.6, after paragraph (a)—

Add

“(ab) the distance between the highest point of the window or window wall and the ground is not more than 100 m;”.

(99) Schedule 1, Part 3, Division 3, item 3.8—

Repeal paragraph (a).

(100) Schedule 1, Part 3, Division 3—

Repeal items 3.9 and 3.10.

(101) Schedule 1, Part 3, Division 3, item 3.11—

Repeal

“block wall (other than a load bearing wall) of a building, provided that—”

Substitute

“non-load bearing block wall of a building, but only if—”.

- (102) Schedule 1, Part 3, Division 3, item 3.11, paragraph (b)—

Repeal

“and”.

- (103) Schedule 1, Part 3, Division 3, item 3.11, paragraph (c)—

Repeal

“1.1 m.”

Substitute

“1.1 m; and”.

- (104) Schedule 1, Part 3, Division 3, item 3.11, after paragraph (c)—

Add

“(d) the works do not fall within the description of item 3.45 or 3.46.”.

- (105) Schedule 1, Part 3, Division 3, item 3.12—

Repeal

“block wall (other than a load bearing wall) of a building, provided that—”

Substitute

“non-load bearing block wall of a building, but only if—”.

- (106) Schedule 1, Part 3, Division 3—

Repeal items 3.14 and 3.15.

- (107) Schedule 1, Part 3, Division 3, item 3.16, paragraph (f)—
Repeal
“and”.
- (108) Schedule 1, Part 3, Division 3, item 3.16, paragraph (g)—
Repeal the full stop
Substitute
“; and”.
- (109) Schedule 1, Part 3, Division 3, item 3.16, after paragraph (g)—
Add
“(h) the works do not fall within the description of item 30 of Part 2 of Schedule 2.”.
- (110) Schedule 1, Part 3, Division 3, item 3.17, paragraph (e)—
Repeal
“10 or 11”
Substitute
“10, 11 or 30”.
- (111) Schedule 1, Part 3, Division 3—
Repeal item 3.18
Substitute
“3.18. Removal of—
(a) any projecting signboard, but only if—
(i) the display area of the signboard is not more than 2 m²;
(ii) no part of the signboard projects more than 2 m from the external wall to which it is fixed; and

- (iii) the distance between any part of the signboard and the ground is not more than 6 m; or
 - (b) any signboard fixed to a fence wall on-grade.”.
- (112) Schedule 1, Part 3, Division 3, item 3.19, paragraph (a), after the semicolon—
Add
“and”.
- (113) Schedule 1, Part 3, Division 3, item 3.19, paragraph (b)—
Repeal
“; and”
Substitute a full stop.
- (114) Schedule 1, Part 3, Division 3, item 3.19—
Repeal paragraph (c).
- (115) Schedule 1, Part 3, Division 3, item 3.25, paragraph (b), before “no part”—
Add
“for erection or alteration works—”.
- (116) Schedule 1, Part 3, Division 3, item 3.25, after paragraph (b)—
Add
“(ba) for removal works—no part of the canopy projects more than 750 mm from the wall;”.
- (117) Schedule 1, Part 3, Division 3, item 3.25, paragraph (d)—
Repeal
everything after “and”

Substitute

“—

- (i) if the canopy is above a roof—the roof; or
- (ii) in any other case—the ground,
is more than 3 m.”.

- (118) Schedule 1, Part 3, Division 3, item 3.26—

Repeal

“unit or any associated air ducts, or rack (other than a drying rack), projecting from the external wall of a building, provided that—”

Substitute

“unit, light fitting or antenna or transceiver for public telecommunications services, or rack (other than a drying rack) (*rack*), projecting from an external wall of a building or from a fence wall, but only if—”.

- (119) Schedule 1, Chinese text, Part 3, Division 3, item 3.26, paragraph (a)—

Repeal

“伸出該外牆多於”

Substitute

“自該牆伸出超過”.

- (120) Schedule 1, Part 3, Division 3, item 3.27—

Repeal

“metal supporting frame for an air-conditioning unit or any associated air ducts projecting from the external wall of a building, provided that—”

Substitute

“supporting frame projecting from an external wall of a building, but only if—”.

- (121) Schedule 1, Part 3, Division 3, item 3.27, before paragraph (a)—

Add

“(aa) the frame is for supporting an air-conditioning unit, light fitting, or antenna or transceiver for public telecommunications services;”.

- (122) Schedule 1, Part 3, Division 3, item 3.27, paragraph (c)—

Repeal

everything after “frame and”

Substitute

“—

- (i) if the frame is above a roof—the roof; or
- (ii) in any other case—the ground,
is more than 3 m; and”.

- (123) Schedule 1, Part 3, Division 3, item 3.27, paragraph (d)—

Repeal

“unit”

Substitute

“unit, light fitting, or antenna or transceiver for public telecommunications services (as the case requires)”.

- (124) Schedule 1, Part 3, Division 3—

Repeal item 3.28.

- (125) Schedule 1, Part 3, Division 3, item 3.29, paragraph (c)—

Repeal

everything after “and”

Substitute

“—

- (i) if the rack is above a roof—the roof; or
- (ii) in any other case—the ground,
is more than 3 m.”.

- (126) Schedule 1, Part 3, Division 3—

Repeal item 3.31

Substitute

“3.31. Erection, repair or removal of any external cladding, but only if—

- (a) the distance between any part of the cladding and the adjoining ground or adjoining roof (as the case requires) is not more than 6 m; and
- (b) for an external cladding that is not fixed to any external wall of a building—
 - (i) the cladding is metal cladding;
 - (ii) the cladding is not fixed to any cantilevered slab; and
 - (iii) if the cladding is above a roof—
 - (A) the setback distance of the cladding from the edge of the roof is more than 600 mm; and

(B) the roof is not more than 20 m above the ground.”.

- (127) Schedule 1, Part 3, Division 3, item 3.32, paragraph (d), after the semicolon—

Add

“and”.

- (128) Schedule 1, Part 3, Division 3, item 3.32, paragraph (e)—

Repeal

“; and”

Substitute a full stop.

- (129) Schedule 1, Part 3, Division 3, item 3.32—

Repeal paragraph (f).

- (130) Schedule 1, Part 3, Division 3, items 3.34 and 3.35—

Repeal

“air ducts”

Substitute

“ducts”.

- (131) Schedule 1, Part 3, Division 3, item 3.38, paragraph (e)—

Repeal

everything after “and”

Substitute

“—

(i) in the case that the canopy is above a roof—the roof; or

(ii) in any other case—the ground,

is not more than 3 m—the canopy does not project over any street or common part of the building.”.

- (132) Schedule 1, Part 3, Division 3, item 3.41, paragraph (d)—

Repeal

“650”

Substitute

“1 200”.

- (133) Schedule 1, Part 3, Division 3, item 3.41, paragraph (e)—

Repeal subparagraphs (i) and (ii)

Substitute

- “(i) if the density of the screeding is not more than 650 kg per m³—
- (A) in the case that the aggregate area of the screeding is not more than 1.5 m² within a floor area of 10 m² 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; or
 - (B) in any other case—more than 25 mm but not more than 75 mm measured from the structural floor level; and
- (ii) if the density of the screeding is more than 650 kg per m³—
- (A) in the case that the aggregate area of the screeding is not more than 1 m² within a floor area of 10 m² 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 100 mm measured from the structural floor level; or

(B) in any other case—more than 25 mm but not more than 45 mm measured from the structural floor level.”.

(134) Schedule 1, Part 3, Division 3, item 3.42, paragraph (c)—

Repeal

“650”

Substitute

“1 200”.

(135) Schedule 1, Part 3, Division 3, item 3.42, paragraph (d)—

Repeal subparagraphs (i) and (ii)

Substitute

“(i) if the density of the screeding is not more than 650 kg per m³—

(A) in the case that the aggregate area of the screeding is not more than 2.5 m² within a floor area of 10 m² 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 200 mm measured from the structural floor level; or

(B) in any other case—more than 25 mm but not more than 125 mm measured from the structural floor level; and

(ii) if the density of the screeding is more than 650 kg per m³—

(A) in the case that the aggregate area of the screeding is not more than 2 m² within a floor area of 10 m² 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; or

- (B) in any other case—more than 25 mm but not more than 75 mm measured from the structural floor level.”.

(136) Schedule 1, Part 3, Division 3, after item 3.42—

Add

“3.43. Removal of any retractable awning projecting from an external wall of a building or from a fence wall.

3.44. Repair of any trellis on a roof of a building or in a garden on-grade, but only if—

- (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 height of the trellis is not more than 2.5 m; and
- (d) the area covered by the trellis is not more than 20 m².

3.45. Formation of any opening on an external non-load bearing reinforced concrete or block wall, but only if—

- (a) 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;

-
- (b) for a wall that has 2 or more openings (whether before or after the formation works)—the distance between each of the openings is not less than 150 mm; and
 - (c) at the completion of the formation works, there are not more than 3 openings in total within a wall area of 1 m².
 - 3.46. Reinstatement of an external non-load bearing reinforced concrete or block wall in respect of which an opening has been formed, but only if 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.
 - 3.47. Erection or alteration of any external metal ventilation duct, or associated supporting frame, on-grade or on a roof of a building, but only if—
 - (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the distance between the highest point of the duct or frame and the adjoining ground or adjoining roof (as the case requires) is not more than 1.5 m; and
 - (c) the works do not fall within the description of item 22 of Part 2 of Schedule 2.

- 3.48. Erection or alteration of any external metal ventilation duct or associated supporting frame, but only if the works do not result in any additional load to any cantilevered slab, and—
- (a) the duct or frame projects from an external wall of a building, and—
 - (i) no part of the duct or frame projects more than 600 mm from the wall; and
 - (ii) the distance between the highest point of the duct or frame and—
 - (A) if the duct or frame is above a roof—the roof; or
 - (B) in any other case—the ground,
is more than 3 m;
 - (b) the duct or frame is located on a balcony, verandah or canopy (other than a cantilevered slab) of a building, and—
 - (i) the largest cross-sectional dimension of the duct, or the duct with which the frame is associated, is not more than 600 mm;
 - (ii) the distance between the highest point of the duct or frame and—
 - (A) if the duct or frame is above a roof—the roof; or

-
- (B) in any other case—the ground,
 - is more than 3 m; and
 - (iii) the distance between the highest point of the duct or frame and the balcony, verandah or canopy is not more than 1.5 m; or
 - (c) the duct or frame is hung underneath the soffit of a balcony, verandah or canopy (other than a cantilevered slab) of a building, and—
 - (i) the largest cross-sectional dimension of the duct, or the duct with which the frame is associated, is not more than 600 mm; and
 - (ii) the distance between the highest point of the duct or frame and—
 - (A) if the duct or frame is above a roof—the roof; or
 - (B) in any other case—the ground,
 - is more than 3 m.
- 3.49. Removal of any ventilation duct (*duct*) or associated supporting frame (*frame*), but only if—
- (a) the duct or frame—
 - (i) projects from an external wall of a building;

-
- (ii) projects from a fence wall on-grade;
 - (iii) is located on a balcony, verandah or canopy (other than a cantilevered slab) of a building; or
 - (iv) is hung underneath the soffit of a balcony, verandah or canopy (other than a cantilevered slab) of a building;
- (b) for a duct or frame projecting from an external wall of a building or from a fence wall on-grade—no part of the duct or frame projects more than 750 mm from the wall;
 - (c) for a duct or frame located on a balcony, verandah or canopy (other than a cantilevered slab) of a building—the distance between the highest point of the duct or frame and the balcony, verandah or canopy is not more than 2 m; and
 - (d) the works do not fall within the description of item 23 of Part 2 of Schedule 2.
- 3.50. Erection or alteration of any supporting structure for a building services installation (***supporting structure***), or any metal casing for such an installation (***casing***), on-grade or on a roof (other than a cantilevered slab and an inaccessible roof) of a building, but only if—

-
- (a) the works do not involve the alteration of any other structural elements;
 - (b) for a supporting structure—
 - (i) the structure is designed for a building services installation—
 - (A) of not more than 200 kg in weight; and
 - (B) the average weight of which is not more than 100 kg per m² of the ground area (if the structure is located on-grade) or slab area (if the structure is located on a roof); and
 - (ii) the height of the structure is—
 - (A) if it is designed for an antenna or transceiver—not more than 2.5 m; or
 - (B) if it is designed for any other building services installation—not more than 1.5 m; and
 - (c) for a casing—
 - (i) the weight of the casing is not more than 10% of the weight of the building services installation; and
 - (ii) the inner surface of the casing and the installation are not more than 200 mm apart in all directions.

-
- 3.51. Repair or removal of any external cat-ladder, but only if the works do not fall within the description of item 28 of Part 2 of Schedule 2.
- 3.52. Repair or removal of any planter on a roof of a building, but only if—
- (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 planter is not more than 1.1 m.
- 3.53. Repair of any of the following items, but only if the works do not involve any excavation of a depth of more than 300 mm or any replacement or removal of masonry blocks—
- (a) any pointing in a masonry retaining wall;
 - (b) the hard cover of any natural, formed or man-made slope;
 - (c) any surface drainage channel, catch-pit or sand-trap connected to a natural, formed or man-made slope;
 - (d) any surface drainage channel, catch-pit or sand-trap connected to a retaining wall.

-
- 3.54. Erection or alteration of any pole on a roof of a building, but only if—
- (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 height of the pole, including any feature at its top, is not more than 1.5 m;
 - (d) the weight of the pole, including any feature at its top but excluding any pedestal, is not more than 100 kg;
 - (e) if there is more than one pole on the roof—the poles are at least 2.5 m away from each other;
 - (f) the thickness of the roof slab supporting the pole is not less than 150 mm; and
 - (g) the works do not fall within the description of item 19 of Part 2 of Schedule 2.
- 3.55. Erection or alteration of any solid fence wall (*the wall*) on a roof of a building, but only if—
- (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 m² of the roof area is not more than 0.3 m;
 - (d) the thickness of the roof slab supporting the wall is not less than 150 mm;
 - (e) the height of the wall is not more than 1.1 m;
 - (f) the thickness of the wall is not more than 100 mm;
 - (g) the density of the wall is not more than 650 kg per m³; and
 - (h) the works do not fall within the description of item 20 of Part 2 of Schedule 2.
- 3.56. Erection or alteration of any mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on a roof of a building, but only if—
- (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 height of the structure, including any feature at its top, is not more than 1.5 m;
 - (d) the thickness of the roof slab supporting the structure is not less than 150 mm;

-
- (e) the fence or railing is not used as a protective barrier;
 - (f) if the lower part of the structure is a solid fence wall—
 - (i) the height of the wall alone is not more than 300 mm;
 - (ii) the thickness of the wall is not more than 100 mm;
 - (iii) the density of the wall is not more than 650 kg per m³; and
 - (iv) the aggregate length of any additional wall per m² of the roof area is not more than 0.3 m; and
 - (g) the works do not fall within the description of item 18 of Part 2 of Schedule 2.
- 3.57. Repair of any solid fence wall on-grade, but only if—
- (a) the height of the wall is not more than 3 m; and
 - (b) the works do not fall within the description of item 5 of Part 2 of Schedule 2.
- 3.58. Repair of any external mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on-grade, but only if—
- (a) the height of the structure, including any feature at its top, is not more than 5 m;

-
- (b) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 2.5 m;
 - (c) the fence or railing is not used as a protective barrier; and
 - (d) the works do not fall within the description of item 6 of Part 2 of Schedule 2.
 - 3.59. Repair of any external pole on-grade, but only if—
 - (a) the height of the pole, including any feature at its top, is not more than 5 m; and
 - (b) the works do not fall within the description of item 17 of Part 2 of Schedule 2.
 - 3.60. Repair of any pole on a roof of a building, but only if—
 - (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the pole, including any feature at its top, is not more than 2.5 m; and
 - (c) the works do not fall within the description of item 19 of Part 2 of Schedule 2.
 - 3.61. Repair of any solid fence wall on a roof of a building, but only if—

-
- (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the wall is not more than 1.5 m; and
 - (c) the works do not fall within the description of item 20 of Part 2 of Schedule 2.

 - 3.62. Repair of any mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on a roof of a building, but only if—
 - (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the structure, including any feature at its top, is not more than 2.5 m;
 - (c) the fence or railing is not used as a protective barrier;
 - (d) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 1.1 m; and
 - (e) the works do not fall within the description of item 18 of Part 2 of Schedule 2.

 - 3.63. Removal of any pole on a roof of a building, but only if—
 - (a) the works do not involve the alteration of any other structural elements;

-
- (b) the height of the pole, including any feature at its top, is not more than 2.5 m; and
 - (c) the works do not fall within the description of item 19 of Part 2 of Schedule 2.
 - 3.64. Removal of any solid fence wall on a roof of a building, but only if—
 - (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the wall is not more than 1.5 m; and
 - (c) the works do not fall within the description of item 20 of Part 2 of Schedule 2.
 - 3.65. Removal of any mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on a roof of a building, but only if—
 - (a) the works do not involve the alteration of any other structural elements;
 - (b) the height of the structure, including any feature at its top, is not more than 2.5 m;
 - (c) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 1.1 m; and

(d) the works do not fall within the description of item 18 of Part 2 of Schedule 2.

3.66. Removal of any external pole on-grade, but only if—

(a) the height of the pole, including any feature at its top, is not more than 5 m; and

(b) the works do not fall within the description of item 17 of Part 2 of Schedule 2.”.

15. Schedule 2 amended (designated exempted works)

(1) Schedule 2—

Repeal

“2 & 5 & Sch. 1]”

Substitute

“2, 5 & 72 & Sch. 1]”.

(2) Schedule 2, Part 1—

Repeal section 1

Substitute

“1. In this Schedule—

aggregate length of any additional wall (加建牆壁總長度), in relation to works carried out on a roof, means the difference between—

(a) the total length of the non-load bearing walls (excluding the width of any door openings on the walls) on the roof (*wall length*) as shown on the approved plan; and

- (b) the wall length as measured at the completion of the works;

building services installation (屋宇裝備裝置) has the meaning given by section 1 of Part 1 of Schedule 1;

cross-sectional dimension (橫切面尺寸) has the meaning given by section 1A of Part 1 of Schedule 1;

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;

inaccessible roof (非開放屋頂) has the meaning given by section 1 of Part 1 of Schedule 1;

planter (花槽) has the meaning given by section 1 of Part 1 of Schedule 1;

roof finishes (屋頂飾面) has the meaning given by section 1 of Part 1 of Schedule 1;

unauthorized (違例) has the meaning given by section 1 of Part 1 of Schedule 1.”

- (3) Schedule 2, Part 1, after section 2—

Add

- “3. A description of an item of designated exempted works specified in Part 2 of this Schedule that involves any alteration works must be read as including any strengthening works for that item.

4. A description of an item of designated exempted works specified in Part 2 of this Schedule that involves any erection works must be read as including any replacement of that item.
 5. A description of an item of designated exempted works specified in Part 2 of this Schedule that involves any removal works must be read as including any removal works for any structure that falls within the description of that item and is an unauthorized structure.”.
- (4) Schedule 2, Part 2—

Repeal items 5, 6 and 7

Substitute

- “5. Erection, alteration, repair or removal of any solid fence wall on-grade, but only if—
- (a) the height of the wall is not more than 1.1 m; and
 - (b) the wall is not used as a protective barrier.
6. Repair or removal of any external mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on-grade, but only if—
- (a) the height of the structure, including any feature at its top, is not more than 3 m;
 - (b) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 1.1 m; and

-
- (c) the structure is not used as a protective barrier.
7. Laying, repair or removal of any external rendering, external wall tile or roof finishes of a building, but only if—
- (a) for external rendering and external wall tile—the distance between the highest point of the rendering or tile and the adjoining ground or adjoining roof (as the case requires) is not more than 3 m;
 - (b) for roof finishes—
 - (i) the gradient of the roof is not more than 1 in 4; and
 - (ii) the roof is not an inaccessible roof; and
 - (c) for works that involve the laying or repair of roof finishes—at the completion of the works, the thickness of the finishes is not more than that in the original design of the finishes.”.
- (5) Schedule 2, Part 2, item 9—
- Repeal**
everything after “more than”
- Substitute**
“300 mm.”.
- (6) Schedule 2, Part 2—
- Repeal item 12**

Substitute

“12. Removal of—

- (a) any supporting structure for a building services installation (***supporting structure***), or any metal casing for such an installation (***casing***), but only if—
 - (i) the supporting structure or casing is located—
 - (A) on-grade;
 - (B) on a canopy (other than a cantilevered slab); or
 - (C) on a roof (other than a cantilevered slab) of a building;
 - (ii) for a supporting structure—the height of the structure is not more than 1 m; and
 - (iii) for a supporting structure or casing located on a roof of a building—
 - (A) the distance between any part of the structure or casing and the edge of the roof is more than 1.5 m; or
 - (B) there is a protective barrier of a height of not less than 1.1 m at the edge of the roof; or

-
- (b) any ventilation duct (*duct*) or associated supporting frame (*frame*), but only if—
- (i) the duct or frame is located—
 - (A) on-grade; or
 - (B) on a roof (other than a cantilevered slab) of a building;
 - (ii) the height of the duct or frame is not more than 1 m; and
 - (iii) for a duct or frame located on a roof of a building—
 - (A) the distance between any part of the duct or frame and the edge of the roof is more than 1.5 m; or
 - (B) there is a protective barrier of a height of not less than 1.1 m at the edge of the roof.”.
- (7) Schedule 2, Part 2, item 13—

Repeal

“metal supporting frame for an air-conditioning unit or any associated air ducts projecting from the external wall of a building, provided that—”

Substitute

“supporting frame projecting from an external wall of a building, but only if—”.

- (8) Schedule 2, Part 2, item 13, before paragraph (a)—

Add

“(aa) the frame is for supporting an air-conditioning unit or light fitting;”.

- (9) Schedule 2, Part 2, item 13, paragraph (c)—

Repeal

everything after “and”

Substitute

“—

(i) if the frame is above a roof—the roof; or

(ii) in any other case—the ground,

is not more than 3 m;”.

- (10) Schedule 2, Part 2, item 13, paragraph (d), after “unit”—

Add

“or light fitting (as the case requires)”.

- (11) Schedule 2, Part 2, item 14, paragraph (d)—

Repeal

everything after “canopy and”

Substitute

“—

(i) if the canopy is above a roof—the roof; or

(ii) in any other case—the ground,

is not more than 3 m; and”.

- (12) Schedule 2, Part 2, item 15, paragraph (c)—

Repeal

everything after “rack and”

Substitute

“—

- (i) if the rack is above a roof—the roof; or
- (ii) in any other case—the ground,
is not more than 3 m; and”.

(13) Schedule 2, Part 2, after item 15—

Add

- “16. Erection or alteration of any external mesh fence or metal railing (with or without a solid fence wall as its lower part) (*structure*) on-grade, but only if—
- (a) the height of the structure, including any feature at its top, is not more than 3 m;
 - (b) if the lower part of the structure is a solid fence wall—the height of the wall alone is not more than 1.1 m; and
 - (c) the structure is not used as a protective barrier.
17. Erection, alteration, repair or removal of any external pole on-grade, but only if—
- (a) the height of the pole, including any feature at its top, is not more than 3 m; and
 - (b) for erection or alteration works—the weight of the pole, including any feature at its top but excluding any pedestal, is not more than 100 kg.

-
18. Erection, alteration, repair or removal of any mesh fence or metal railing on a roof of a building, but only if—
- (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 height of the fence or railing, including any feature at its top, is not more than 1.1 m;
 - (d) the lower part of the fence or railing, excluding any pedestal, is not a solid fence wall;
 - (e) the fence or railing is not used as a protective barrier; and
 - (f) if there is no protective barrier of a height of not less than 1.1 m at any edge of the roof—the distance between any part of the fence or railing and that edge is more than 1.5 m.
19. Erection, alteration, repair or removal of any pole on a roof of a building, but only if—
- (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 height of the pole, including any feature at its top, is not more than 1.1 m;
 - (d) if there is no protective barrier of a height of not less than 1.1 m at any edge of the roof—the distance between any part of the pole and that edge is more than 1.5 m; and
 - (e) for erection or alteration works—if there is more than one pole on the roof, the poles are at least 2.5 m away from each other.
20. Erection, alteration, repair or removal of any solid fence wall (*the wall*) on a roof of a building, but only if—
- (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) for erection or alteration works—the aggregate length of any additional wall per m² of the roof area is not more than 0.3 m;
 - (d) the height of the wall is not more than 500 mm;
 - (e) the thickness of the wall is not more than 100 mm;
 - (f) the density of the wall is not more than 650 kg per m³; and

-
- (g) if there is no protective barrier of a height of not less than 1.1 m at any edge of the roof—the distance between any part of the wall and that edge is more than 1.5 m.
21. Erection of any mesh fence, metal railing or pole on top of a solid fence wall (other than an unauthorized solid fence wall) (*wall*) on-grade, but only if—
- (a) the height of the wall alone is not more than 2.5 m;
 - (b) the aggregate height of the wall and the fence, railing or pole, including any feature at its top, is not more than 3 m; and
 - (c) for a mesh fence or metal railing—the fence or railing is not used as a protective barrier.
22. Erection, alteration or removal of any external metal ventilation duct (*duct*), or associated supporting frame (*frame*), on-grade or on a roof of a building, but only if—
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the distance between the highest point of the duct or frame and the adjoining ground or adjoining roof (as the case requires) is not more than 900 mm; and

-
- (c) for a duct or frame located on a roof—if there is no protective barrier of a height of not less than 1.1 m at any edge of the roof, the distance between any part of the duct or frame and that edge is more than 1.5 m.
23. Erection, alteration or removal of any external metal ventilation duct or associated supporting frame, but only if the works do not result in any additional load to any cantilevered slab, and—
- (a) the duct or frame projects from an external wall of a building, and—
- (i) no part of the duct or frame projects more than 750 mm from the wall;
- (ii) the distance between the highest point of the duct or frame and—
- (A) if the duct or frame is above a roof—the roof; or
- (B) in any other case—the ground,
- is not more than 3 m; and
- (iii) for erection or alteration works—the duct or frame does not project over any street or common part of the building;
- (b) the duct or frame is located on a balcony, verandah or canopy (other than a cantilevered slab) of a building, and—

-
- (i) the largest cross-sectional dimension of the duct, or the duct with which the frame is associated, is not more than 750 mm;
 - (ii) the distance between the highest point of the duct or frame and—
 - (A) if the duct or frame is above a roof—the roof; or
 - (B) in any other case—the ground,is not more than 3 m;
 - (iii) the distance between the highest point of the duct or frame and the balcony, verandah or canopy is not more than 900 mm; and
 - (iv) for erection or alteration works—the balcony, verandah or canopy does not project over any street or common part of the building; or
- (c) the duct or frame is hung underneath the soffit of a balcony, verandah or canopy (other than a cantilevered slab) of a building, and—
- (i) the largest cross-sectional dimension of the duct, or the duct with which the frame is associated, is not more than 750 mm;

-
- (ii) the distance between the highest point of the duct or frame and—
 - (A) if the duct or frame is above a roof—the roof; or
 - (B) in any other case—the ground,is not more than 3 m; and
 - (iii) for erection or alteration works—the balcony, verandah or canopy does not project over any street or common part of the building.
 - 24. Erection, alteration, repair or removal of any outdoor planter, pond or fountain on-grade, but only if—
 - (a) the works do not involve any excavation of a depth of more than 300 mm;
 - (b) for erection or alteration works—the distance between the highest point of the planter, pond or fountain and the adjoining ground is not more than 600 mm; and
 - (c) for repair or removal works—the distance between the highest point of the planter, pond or fountain and the adjoining ground is not more than 1.1 m.
 - 25. Addition, alteration, repair or removal of any surface drainage channel on-grade, but only if—

-
- (a) the depth of the channel is not more than 300 mm; and
 - (b) the channel is not for any natural, formed or man-made slope or any retaining wall.

 - 26. Erection, alteration, repair or removal of any metal supporting frame for the growing of plants that is fixed to an external wall of a building, but only if—
 - (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the maximum loading that the frame, together with any plants growing on it, adds to the wall is not more than 100 kg per m² of the wall area;
 - (c) the frame does not project over any street or common part of the building;
 - (d) no part of the frame projects more than 300 mm from the wall; and
 - (e) the distance between the highest point of the frame and—
 - (i) if the frame is above a roof—the roof; or
 - (ii) in any other case—the ground, is not more than 3 m.

 - 27. Erection, alteration, repair or removal of any metal window security grille, or metal wind guard, for an opening on an external wall of a building, but only if—

-
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the grille or guard does not project over any street or common part of the building;
 - (c) no part of the grille or guard projects more than 300 mm from the wall;
 - (d) the distance between the highest point of the grille or guard and—
 - (i) if the grille or guard is above a roof—the roof; or
 - (ii) in any other case—the ground, is not more than 3 m; and
 - (e) for a security grille or wind guard that is larger than the opening—when projecting an image of the grille or guard onto the wall, the width of the border (not including the corners) between the projected image and the opening is not more than 300 mm.
28. Erection, alteration, repair or removal of any cat-ladder projecting from an external wall of a building, but only if—
- (a) the works do not result in any additional load to any cantilevered slab;
 - (b) the distance between the highest point of the cat-ladder and—
 - (i) if the cat-ladder is above a roof—the roof; or

-
- (ii) in any other case—the ground, is not more than 3 m;
 - (c) no part of the rungs of the cat-ladder projects more than 300 mm from the wall;
 - (d) the rungs of the cat-ladder are not wider than 500 mm; and
 - (e) the cat-ladder does not project over any street.

 - 29. Laying or replacement of any waterproofing layer on any roof surface of a building, but only if—
 - (a) the waterproofing layer is a liquid-applied or membrane-applied type; and
 - (b) the works do not involve the laying or removal of any tile layer or screeding layer.

 - 30. Installation, alteration, replacement or removal of the display surface of any signboard, but only if—
 - (a) the material used for the display surface is fabric sheeting or plastic; and
 - (b) the works do not involve the alteration of any structural elements.”.

Building (Minor Works) (Amendment) Regulation 2020

L.N. 60 of 2020

B1493

Michael WONG Wai-lun
Secretary for Development

28 April 2020

Explanatory Note

The Building (Minor Works) Regulation (Cap. 123 sub. leg. N) (*principal Regulation*) provides for various matters relating to the implementation of the minor works control regime. The main purpose of this Regulation is to amend the principal Regulation to modify the list of building works covered under the minor works control regime.

Minor Works Control Regime

2. Section 14 amends Schedule 1 to the principal Regulation (*Schedule 1*)—
 - (a) to modify the description of certain existing items of minor works;
 - (b) to group certain existing items of minor works into a single item; and
 - (c) to designate new minor works.
3. Section 15 amends Schedule 2 to the principal Regulation (*Schedule 2*)—
 - (a) to modify the description of certain existing items of designated exempted works (*DEW*); and
 - (b) to prescribe new DEW.
4. Sections 11 and 12 respectively amend sections 28 and 62 of the principal Regulation to update the references to items of minor works as a result of the changes made to the list of minor works in Schedule 1.

5. Section 13 adds a new Part 11 (sections 67 to 93) to the principal Regulation to provide for transitional arrangements for the changes made to the list of minor works in Schedule 1 and to the list of DEW in Schedule 2. In particular, the new Part 11 provides—
- (a) that minor works that were commenced before the day on which the amendments to Schedule 1 come into operation (*amendment date*) are still regarded as minor works on and after the amendment date; and
 - (b) that a pre-existing registration as a registered minor works contractor continues to have effect for its remaining period,
- so that a registered minor works contractor can continue to carry out minor works that were commenced before the amendment date without having to comply again with any requirement under the Buildings Ordinance (Cap. 123) that has already been complied with in respect of the minor works before the amendment date.
6. As a result of the addition of the new Part 11, section 3 makes consequential amendments to section 2 of the principal Regulation.

Other Matters

7. Section 10 adds a new Division 7 (sections 26B and 26C) to Part 4 of the principal Regulation. New section 26B empowers the Building Authority to amend the register of minor works contractors in circumstances that necessitate an amendment. New section 26C empowers the Building Authority to replace the certificate of registration of a registered minor works contractor in circumstances that necessitate a replacement.

Building (Minor Works) (Amendment) Regulation 2020

Explanatory Note
Paragraph 8

L.N. 60 of 2020
B1499

8. Sections 4, 5, 6, 7, 8 and 9 respectively amend sections 11, 12, 15, 19, 22 and 23 of the principal Regulation to improve the presentation of those provisions.