

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 24 March 2021

Proposed resolution under the Buildings Ordinance

The Secretary for Development will move the proposed resolution in **Appendix 1** under section 2(3) of the Buildings Ordinance (Cap. 123) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech which the Secretary for Development will deliver when moving the proposed resolution is in **Appendix 2**.

(Miranda HON)
for Clerk to the Legislative Council

Encls.

Buildings Ordinance

Resolution

(Under section 2(3) of the Buildings Ordinance (Cap. 123))

Resolved that—

- (a) the Buildings Ordinance (Cap. 123) be amended as set out in the Schedule; and
- (b) this Resolution is to come into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

Schedule

Amendment to Buildings Ordinance

1. **Schedule 8 substituted**
Schedule 8—
Repeal the Schedule
Substitute

“Schedule 8

[ss. 2(3), 38(1)(ke)(ic) &
39C(6)(b)(ii)]

Prescribed Building or Building Works

Item	Description
1.	Signboard of a prescribed type.
2.	Supporting structure for a building services installation, or metal casing for such an installation, of a prescribed type.
3.	Supporting structure for a radio base station of a prescribed type.
4.	Supporting frame for an air-conditioning unit, or for a light fitting, of a prescribed type.

Item	Description
5.	Solid fence wall of a prescribed type.
6.	Mesh fence or metal railing of a prescribed type.
7.	Pole of a prescribed type.
8.	Metal gate of a prescribed type.
9.	Canopy of a prescribed type.
10.	Retractable awning of a prescribed type.
11.	Trellis of a prescribed type.
12.	Metal ventilation duct or any associated supporting frame of a prescribed type.

Note on interpretation:

1. In items 1 to 12—
prescribed (訂明) means prescribed in a regulation made under section 38(1)(ke)(ic).”.

DRAFT

**Speech of the Secretary for Development
Mr. Michael WONG,
at the Legislative Council on 24 March 2021**

Buildings Ordinance (Chapter 123)

Resolution of the Legislative Council for Amendments to Schedule 8

Mr. President,

I move that the resolution, as printed on the Agenda, be passed.

2. The purpose of this resolution is to amend Schedule 8 to the Buildings Ordinance (“the Ordinance”) (Cap. 123) in order to prescribe a greater number of existing unauthorized minor amenity features as Prescribed Building or Building Works (“PBW”) in that Schedule, such that these features would be tolerated even though they remain as unauthorized under the Ordinance.

3. The prevailing Minor Works Control System (“MWCS”), regulated by the Building (Minor Works) Regulation (Cap. 123 sub. leg. N), came into operation on 31 December 2010. It provides an alternative for building owners to carry out small-scale building works in a lawful, simple, safe and convenient way, without the need to obtain prior approval of plans and consent to the commencement of such works from the Building Authority.

4. Furthermore, the MWCS provides a validation scheme for certain minor amenity features that are erected in violation of the Ordinance before the commencement of the Building (Minor Works) Regulation on 31 December 2010 and are therefore unauthorized, but which meet prescribed descriptions and requirements. Upon validation, these features would not be served an order under section 24 or a notice under section 24C of the Ordinance. In other words, these features would be tolerated. While the legal status of such features remain to be

unauthorized, the validation scheme seeks to allow the continued use of such lower risk features to meet the genuine needs of building occupants, minimize the burden of owners or occupants in rectification and avoid wastage.

5. In September 2020, the Building (Minor Works) Regulation was amended to extend the coverage of the MWCS. The amendment regulation came into operation on 1 September 2020. We now propose extending the validation scheme to cover an additional 11 types of amenity features which are covered by the minor works items under the expanded scope erected without proper recognition before 1 September 2020, i.e. the commencement date of the amended Building (Minor Works) Regulation, which would likewise be tolerated.

6. Upon passage of the current resolution, a separate amendment regulation would be tabled to the Legislative Council to amend Schedule 3 to the Building (Minor Works) Regulation to prescribe the 11 types of amenity features.

7. With the above remarks, I urge Members to support this motion.

Development Bureau

March 2021