

L.N. 93 of 2021

Building (Minor Works) (Amendment) Regulation 2021

(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 2021.

2. Building (Minor Works) Regulation amended

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

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

(1) Section 62(3), before “(*appointed person*)”—

Add

“and subsection (2)”.

(2) Section 62(3)(a)(i), after “of the Ordinance”—

Add

“and subsection (2)”.

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

(1) Section 62A—

Repeal subsections (1), (2) and (3)

Substitute

- “(1) For the purposes of the definition of ***prescribed building or building works*** in section 39C(6)(b)(ii) of the Ordinance (which relates to section 39C(1A) of the Ordinance (***relevant provision***)), if any building or building works are of a type specified in Part 3 or 4 of Schedule 3, the building or building works are prescribed building or building works to which the relevant provision applies (***relevant construction***).
- (2) The date prescribed for the purposes of section 39C(1A)(a) of the Ordinance is—
- (a) for any relevant construction that is of a type specified in Part 3 of Schedule 3—2 September 2013; and
 - (b) for any relevant construction that is of a type specified in Part 4 of Schedule 3—1 September 2020.
- (3) For the purposes of section 39C(2) of the Ordinance—
- (a) for a relevant construction falling within the description of an item of minor works under class I—
 - (i) if the construction is a specified construction, an authorized person is to be appointed to inspect the construction; and
 - (ii) if the construction is not a specified construction, an authorized person and a registered structural engineer are to be appointed to inspect the construction; and

- (b) for a relevant construction falling within the description of an item of minor works under class II or class III—one of the following persons is to be appointed to inspect the construction—
- (i) an authorized person;
 - (ii) a registered structural engineer;
 - (iii) a registered inspector;
 - (iv) a registered general building contractor;
 - (v) a registered minor works contractor who is registered for the item;
 - (vi) a registered minor works contractor who is registered for the type of minor works under the class that are the minor works described in the item.”.
- (2) Section 62A(4), before “(*appointed person*)”—
- Add**
- “and subsection (3)”.
- (3) Section 62A(4)(a)(i)—
- Repeal**
- “that contains the personal particulars and contact information of the person for whom the signboard”
- Substitute**
- “(if the relevant construction is a signboard) that contains the personal particulars and contact information of the person for whom the construction”.
- (4) Section 62A(4)(a)(ii), after “of the Ordinance”—
- Add**
- “and subsection (3)”.

- (5) Section 62A(4)(a)(iii) and (iv) and (b)—

Repeal

“signboard”

Substitute

“relevant construction”.

- (6) Section 62A(5)—

Repeal

everything after “Ordinance,”

Substitute

“if the relevant construction is a signboard and the requirements in section 39C(2), (3) and (4) of the Ordinance have been complied with in relation to it, the requirements must, within 5 years after the date of the compliance, be complied with in relation to the construction again.”.

5. Schedule 2 amended (designated exempted works)

Schedule 2—

Repeal

“Sch. 1]”

Substitute

“Schs. 1 & 3]”.

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

- (1) Schedule 3, Part 1—

Repeal

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

Substitute

“1. In this Schedule—

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

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

non-private garden (非私人花園) has the meaning given by section 1 of Part 1 of Schedule 1;

private garden (私人花園) has the meaning given by section 1 of Part 1 of Schedule 1;

projecting signboard (伸出式招牌) has the meaning given by section 1 of Part 1 of Schedule 1;

total length of additional wall (新建牆壁總長度), in relation to a structure 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 (***roof wall length***) as shown on the approved plan; and

(b) the roof wall length as measured when the structure is inspected;

trellis (花棚) has the meaning given by section 1 of Part 1 of Schedule 1;

unauthorized (違例), when used to describe any structure, means the structure is erected in contravention of any provision of the Ordinance;

wall signboard (靠牆招牌) has the meaning given by section 1 of Part 1 of Schedule 1.”.

- (2) Schedule 3, Part 3, heading, after “**Ordinance**”—
Add
“—**Batch 1**”.
- (3) Schedule 3, after Part 3—
Add

“Part 4

List of Prescribed Building or Building Works Relating to Section 39C(1A) of Ordinance— Batch 2

Item	Description
1.	An unauthorized supporting structure for a building services installation (<i>supporting structure</i>), or an unauthorized metal casing for such an installation (<i>casing</i>), 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— <ol style="list-style-type: none">for a supporting structure—the structure—<ol style="list-style-type: none">falls within the description of paragraph (b) of item 1.50 of Part 3 of Schedule 1 (<i>item 1.50</i>); anddoes not fall within the description of item 2; and

Item	Description
(b)	for a casing—the casing—
(i)	falls within the description of paragraph (c) of item 1.50; and
(ii)	does not fall within the description of item 2.
2.	An unauthorized supporting structure for a building services installation (<i>supporting structure</i>), or an unauthorized metal casing for such an installation (<i>casing</i>), on-grade or on a roof (other than a cantilevered slab and an inaccessible roof) of a building, but only if—
(a)	for a supporting structure—the structure falls within the description of paragraph (b) of item 3.50 of Part 3 of Schedule 1; and
(b)	for a casing—the casing falls within the description of paragraph (c) of that item.
3.	An unauthorized supporting structure for a radio base station solely for telecommunications services in the form of an equipment cabinet, on a roof of a building, but only if the structure falls within the description of paragraphs (b), (c) and (d) of item 1.14 of Part 3 of Schedule 1.

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- | Item | Description |
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| 4. | <p data-bbox="256 319 969 420">An unauthorized supporting frame for an air-conditioning unit projecting from an external wall of a building, but only if—</p> <ul style="list-style-type: none"><li data-bbox="322 435 969 691">(a) the frame—<ul style="list-style-type: none"><li data-bbox="391 482 969 581">(i) is designed for an air-conditioning unit of more than 100 kg but not more than 150 kg in weight; and<li data-bbox="391 597 969 691">(ii) falls within the description of paragraphs (c) and (d) of item 2.49 of Part 3 of Schedule 1; or<li data-bbox="322 707 969 931">(b) the frame—<ul style="list-style-type: none"><li data-bbox="391 754 969 816">(i) is designed for an air-conditioning unit of not more than 100 kg in weight; and<li data-bbox="391 832 969 931">(ii) falls within the description of paragraphs (b) and (c) of item 3.27 of Part 3 of Schedule 1. |
| 5. | <p data-bbox="256 973 969 1074">An unauthorized supporting frame for a light fitting projecting from an external wall of a building, but only if—</p> <ul style="list-style-type: none"><li data-bbox="322 1089 969 1345">(a) the frame—<ul style="list-style-type: none"><li data-bbox="391 1136 969 1235">(i) is designed for a light fitting of more than 100 kg but not more than 150 kg in weight; and<li data-bbox="391 1251 969 1345">(ii) falls within the description of paragraphs (c) and (d) of item 2.49 of Part 3 of Schedule 1; or |

Item	Description
(b)	the frame— <ol style="list-style-type: none"><li data-bbox="387 366 969 429">(i) is designed for a light fitting of not more than 100 kg in weight; and<li data-bbox="387 445 969 545">(ii) falls within the description of paragraphs (b) and (c) of item 3.27 of Part 3 of Schedule 1.
6.	An unauthorized solid fence wall on-grade, but only if the wall— <ol style="list-style-type: none"><li data-bbox="322 664 969 727">(a) falls within the description of paragraph (a) of item 2.6 of Part 3 of Schedule 1; and<li data-bbox="322 743 969 843">(b) is not a wall falling within the description of paragraphs (a) and (b) of item 5 of Part 2 of Schedule 2.
7.	An unauthorized solid fence wall on a roof of a building, but only if— <ol style="list-style-type: none"><li data-bbox="322 962 969 1063">(a) the wall falls within the description of paragraphs (e), (f) and (g) of item 3.55 of Part 3 of Schedule 1;<li data-bbox="322 1078 969 1141">(b) the requirement in paragraph (d) of that item is complied with;<li data-bbox="322 1157 969 1219">(c) the total length of additional wall per m² of the roof area is not more than 0.3 m; and<li data-bbox="322 1235 969 1334">(d) the wall is not a wall falling within the description of paragraphs (d) and (g) of item 20 of Part 2 of Schedule 2.

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| 8. | <p>An unauthorized external mesh fence or metal railing (with or without a solid fence wall as its lower part) (<i>structure</i>) on-grade, but only if the structure—</p> <ul style="list-style-type: none"><li data-bbox="322 435 969 534">(a) falls within the description of paragraphs (a), (b) and (c) of item 2.7 of Part 3 of Schedule 1; and<li data-bbox="322 550 969 613">(b) does not fall within the description of item 16 of Part 2 of Schedule 2. |
| 9. | <p>An unauthorized mesh fence or metal railing (with or without a solid fence wall as its lower part) (<i>structure</i>) on a roof of a building, but only if—</p> <ul style="list-style-type: none"><li data-bbox="322 769 969 1404">(a) the structure falls within the description of paragraphs (c) and (e) of item 2.56 of Part 3 of Schedule 1 and—<ul style="list-style-type: none"><li data-bbox="384 884 969 947">(i) the requirement in paragraph (d) of that item is complied with;<li data-bbox="384 962 969 1255">(ii) if the lower part of the structure is a solid fence wall—<ul style="list-style-type: none"><li data-bbox="436 1041 969 1135">(A) the wall falls within the description of paragraph (f)(i), (ii) and (iii) of that item; and<li data-bbox="436 1150 969 1255">(B) the total length of additional wall per m² of the roof area is not more than 0.3 m; and<li data-bbox="384 1271 969 1404">(iii) the structure is not a structure falling within the description of paragraphs (c), (d) and (f) of item 18 of Part 2 of Schedule 2 or paragraph (b); or |

Item	Description
<ul style="list-style-type: none"><li data-bbox="322 323 969 420">(b) the structure falls within the description of paragraphs (c) and (e) of item 3.56 of Part 3 of Schedule 1 and—<ul style="list-style-type: none"><li data-bbox="394 435 969 503">(i) the requirement in paragraph (d) of that item is complied with;<li data-bbox="384 519 969 691">(ii) if the lower part of the structure is a solid fence wall—<ul style="list-style-type: none"><li data-bbox="443 597 969 691">(A) the wall falls within the description of paragraph (f)(i), (ii) and (iii) of that item; and<li data-bbox="446 707 969 801">(B) the total length of additional wall per m² of the roof area is not more than 0.3 m; and<li data-bbox="377 816 969 958">(iii) the structure is not a structure falling within the description of paragraphs (c), (d) and (f) of item 18 of Part 2 of Schedule 2.	
10. An unauthorized mesh fence or metal railing on top of a solid fence wall (other than an unauthorized solid fence wall) (construction) on-grade, but only if the construction— <ul style="list-style-type: none"><li data-bbox="322 1146 969 1240">(a) falls within the description of paragraphs (a) and (b) of item 1.59 of Part 3 of Schedule 1; and<li data-bbox="322 1255 969 1356">(b) is not a construction falling within the description of paragraphs (b) and (c) of item 21 of Part 2 of Schedule 2 or item 11.	

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| 11. | <p>An unauthorized mesh fence or metal railing 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) (construction) on-grade, but only if the construction—</p> <ul style="list-style-type: none">(a) falls within the description of paragraphs (a), (b) and (c) of item 2.57 of Part 3 of Schedule 1; and(b) does not fall within the description of paragraph (b) of item 21 of Part 2 of Schedule 2. |
| 12. | <p>An unauthorized external pole on-grade, but only if—</p> <ul style="list-style-type: none">(a) the pole falls within the description of paragraphs (a) and (b) of item 2.53 of Part 3 of Schedule 1; and(b) either of the following—<ul style="list-style-type: none">(i) the height of the pole, including any feature at its top, is more than 3 m;(ii) the weight of the pole, including any feature at its top but excluding any pedestal, is more than 100 kg. |

Item	Description
13.	<p data-bbox="256 319 969 382">An unauthorized pole on a roof of a building, but only if—</p> <ul style="list-style-type: none"><li data-bbox="322 398 969 696">(a) the height of the pole, including any feature at its top, is more than 1.5 m but not more than 2.5 m and—<ul style="list-style-type: none"><li data-bbox="391 514 969 617">(i) the pole falls within the description of paragraph (d) of item 2.54 of Part 3 of Schedule 1; and<li data-bbox="384 628 969 696">(ii) the requirements in paragraphs (e) and (f) of that item are complied with; or<li data-bbox="322 707 969 1081">(b) the height of the pole, including any feature at its top, is not more than 1.5 m and—<ul style="list-style-type: none"><li data-bbox="391 790 969 884">(i) the pole falls within the description of paragraph (d) of item 3.54 of Part 3 of Schedule 1;<li data-bbox="384 900 969 967">(ii) the requirements in paragraphs (e) and (f) of that item are complied with; and<li data-bbox="377 983 969 1081">(iii) the pole is not a pole falling within the description of paragraphs (c) and (d) of item 19 of Part 2 of Schedule 2.

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| 14. | <p data-bbox="260 321 965 384">An unauthorized metal gate at a fence wall, but only if—</p> <ul style="list-style-type: none"><li data-bbox="322 399 965 501">(a) the gate falls within the description of paragraphs (c) and (d) of item 1.16 of Part 3 of Schedule 1;<li data-bbox="322 517 965 619">(b) the gate falls within the description of paragraphs (c), (d) and (e) of item 2.16 of Part 3 of Schedule 1; or<li data-bbox="322 635 965 890">(c) the gate—<ul style="list-style-type: none"><li data-bbox="391 682 965 776">(i) falls within the description of paragraphs (c) and (d) of item 3.13 of Part 3 of Schedule 1; and<li data-bbox="391 791 965 890">(ii) is not a metal gate falling within the description of paragraphs (c), (d) and (e) of item 8 of Part 2 of Schedule 2. |
| 15. | <p data-bbox="260 932 965 1027">An unauthorized canopy projecting from an external wall of a building over an entrance to the building, but only if the canopy—</p> <ul style="list-style-type: none"><li data-bbox="322 1042 965 1144">(a) falls within the description of paragraphs (b) and (c) of item 1.27 of Part 3 of Schedule 1; and<li data-bbox="322 1160 965 1254">(b) is not a canopy falling within the description of paragraphs (c), (d) and (e) of item 14 of Part 2 of Schedule 2 or item 16. |

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| 16. | An unauthorized canopy projecting from an external wall of a building, but only if— <ul style="list-style-type: none"><li data-bbox="322 398 969 503">(a) the canopy falls within the description of paragraphs (c) and (d) of item 3.25 of Part 3 of Schedule 1; and<li data-bbox="322 514 969 581">(b) no part of the canopy projects more than 500 mm from the wall. |
| 17. | An unauthorized retractable awning for an opening on an external wall of a building, but only if— <ul style="list-style-type: none"><li data-bbox="322 696 969 801">(a) the opening falls within the description of paragraph (b) of item 2.43 of Part 3 of Schedule 1; and<li data-bbox="322 812 969 911">(b) the awning falls within the description of paragraphs (c), (d), (e), (f) and (g) of that item. |
| 18. | An unauthorized trellis in a garden on-grade, but only if— <ul style="list-style-type: none"><li data-bbox="322 1025 969 1130">(a) the trellis falls within the description of paragraphs (a) and (b)(i) and (ii) of item 2.44 of Part 3 of Schedule 1;<li data-bbox="322 1141 969 1370">(b) if the trellis is located in a private garden— the aggregate of the area covered by each trellis located in the garden is—<ul style="list-style-type: none"><li data-bbox="387 1260 781 1292">(i) not more than 20 m²; and<li data-bbox="387 1303 969 1370">(ii) not more than 5% of the total area of the garden; and |

Item	Description
	(c) if the trellis is located in a non-private garden—the requirements in paragraph (b)(iv)(A) and (B) of that item are complied with.
19.	An unauthorized trellis on a roof of a building, but only if—
	(a) the trellis falls within the description of paragraphs (c), (d) and (e) of item 1.45 of Part 3 of Schedule 1 and—
	(i) if the trellis is located in a common part of the building—the requirements in paragraph (f)(i) and (ii) of that item are complied with;
	(ii) if the trellis is located in a part that is not a common part of the building (<i>non-common part</i>)—the aggregate of the area covered by each trellis located in the non-common part is—
	(A) not more than 20 m ² ; and
	(B) not more than 5% of the total area of that part; and
	(iii) the trellis does not fall within the description of paragraph (b); or

Item	Description
<ul style="list-style-type: none"><li data-bbox="319 321 972 423">(b) the trellis falls within the description of paragraphs (c) and (d)(i) and (ii) of item 2.45 of Part 3 of Schedule 1 and—<ul style="list-style-type: none"><li data-bbox="391 431 972 572">(i) if the trellis is located in a common part of the building—the requirements in paragraph (d)(iii)(A) and (B) of that item are complied with; and<li data-bbox="391 580 972 721">(ii) if the trellis is located in a part that is not a common part of the building—the requirements in paragraph (d)(iv)(A) and (B) of that item are complied with.	
20.	<p data-bbox="256 760 972 901">An unauthorized external metal ventilation duct, or an unauthorized supporting frame associated with an external metal ventilation duct, on-grade or on a roof of a building, but only if—</p> <ul style="list-style-type: none"><li data-bbox="319 909 972 1168">(a) the duct or frame—<ul style="list-style-type: none"><li data-bbox="391 948 972 1050">(i) falls within the description of paragraph (b) of item 2.47 of Part 3 of Schedule 1; and<li data-bbox="391 1058 972 1168">(ii) does not fall within the description of paragraph (b) of item 3.47 of Part 3 of Schedule 1 (<i>item 3.47</i>); or<li data-bbox="319 1176 972 1403">(b) the duct or frame—<ul style="list-style-type: none"><li data-bbox="391 1223 972 1293">(i) falls within the description of paragraph (b) of item 3.47; and<li data-bbox="391 1301 972 1403">(ii) is not a duct or frame falling within the description of paragraphs (b) and (c) of item 22 of Part 2 of Schedule 2.

Item	Description
21.	An unauthorized external metal ventilation duct, or an unauthorized supporting frame associated with an external metal ventilation duct, but only if the duct or frame falls within the description of paragraph (a), (b) or (c) of item 3.48 of Part 3 of Schedule 1.”

Michael WONG Wai-lun
Secretary for Development

8 June 2021

Explanatory Note

Part 9 of and Schedule 3 to the Building (Minor Works) Regulation (Cap. 123 sub. leg. N) (*principal Regulation*) deal with matters relating to the Minor Works Validation Scheme.

2. The main purpose of this Regulation is to amend the principal Regulation to specify more building or building works to be covered by the Scheme.