

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— <ol style="list-style-type: none"><li data-bbox="389 370 969 432">(i) falls within the description of paragraph (c) of item 1.50; and<li data-bbox="389 448 969 511">(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— <ol style="list-style-type: none"><li data-bbox="322 769 969 871">(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<li data-bbox="322 887 969 950">(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>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">(a) the frame—<ul style="list-style-type: none">(i) is designed for an air-conditioning unit of more than 100 kg but not more than 150 kg in weight; and(ii) falls within the description of paragraphs (c) and (d) of item 2.49 of Part 3 of Schedule 1; or(b) the frame—<ul style="list-style-type: none">(i) is designed for an air-conditioning unit of not more than 100 kg in weight; and(ii) falls within the description of paragraphs (b) and (c) of item 3.27 of Part 3 of Schedule 1. |
| 5. | <p>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">(a) the frame—<ul style="list-style-type: none">(i) is designed for a light fitting of more than 100 kg but not more than 150 kg in weight; and(ii) falls within the description of paragraphs (c) and (d) of item 2.49 of Part 3 of Schedule 1; or |

Item	Description
	<ul style="list-style-type: none"><li data-bbox="322 323 539 351">(b) the frame—<ul style="list-style-type: none"><li data-bbox="391 370 965 429">(i) is designed for a light fitting of not more than 100 kg in weight; and<li data-bbox="384 448 965 545">(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— <ul style="list-style-type: none"><li data-bbox="322 664 965 724">(a) falls within the description of paragraph (a) of item 2.6 of Part 3 of Schedule 1; and<li data-bbox="322 743 965 840">(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— <ul style="list-style-type: none"><li data-bbox="322 962 965 1059">(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 965 1138">(b) the requirement in paragraph (d) of that item is complied with;<li data-bbox="322 1157 965 1216">(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 965 1332">(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="321 431 969 540">(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="321 548 969 619">(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="321 760 969 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="393 878 969 948">(i) the requirement in paragraph (d) of that item is complied with;<li data-bbox="393 956 969 1254">(ii) if the lower part of the structure is a solid fence wall—<ul style="list-style-type: none"><li data-bbox="445 1034 969 1144">(A) the wall falls within the description of paragraph (f)(i), (ii) and (iii) of that item; and<li data-bbox="445 1152 969 1254">(B) the total length of additional wall per m² of the roof area is not more than 0.3 m; and<li data-bbox="372 1270 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="391 435 969 503">(i) the requirement in paragraph (d) of that item is complied with;<li data-bbox="384 519 969 696">(ii) if the lower part of the structure is a solid fence wall—<ul style="list-style-type: none"><li data-bbox="443 597 969 696">(A) the wall falls within the description of paragraph (f)(i), (ii) and (iii) of that item; and<li data-bbox="443 711 969 810">(B) the total length of additional wall per m² of the roof area is not more than 0.3 m; and<li data-bbox="377 826 969 958">(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 1244">(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 1260 969 1357">(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"><li data-bbox="322 613 972 711">(a) falls within the description of paragraphs (a), (b) and (c) of item 2.57 of Part 3 of Schedule 1; and<li data-bbox="322 727 972 824">(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"><li data-bbox="322 911 972 1009">(a) the pole falls within the description of paragraphs (a) and (b) of item 2.53 of Part 3 of Schedule 1; and<li data-bbox="322 1025 972 1246">(b) either of the following—<ul style="list-style-type: none"><li data-bbox="387 1072 972 1135">(i) the height of the pole, including any feature at its top, is more than 3 m;<li data-bbox="387 1150 972 1246">(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="384 895 969 962">(ii) the requirements in paragraphs (e) and (f) of that item are complied with; and<li data-bbox="377 973 969 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="256 319 969 382">An unauthorized metal gate at a fence wall, but only if—</p> <ul style="list-style-type: none"><li data-bbox="322 398 969 498">(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="322 514 969 614">(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="322 630 969 890">(c) the gate—<ul style="list-style-type: none"><li data-bbox="387 677 969 777">(i) falls within the description of paragraphs (c) and (d) of item 3.13 of Part 3 of Schedule 1; and<li data-bbox="387 793 969 890">(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="256 928 969 1028">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 1044 969 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 969 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. | <p>An unauthorized canopy projecting from an external wall of a building, but only if—</p> <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. | <p>An unauthorized retractable awning for an opening on an external wall of a building, but only if—</p> <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. | <p>An unauthorized trellis in a garden on-grade, but only if—</p> <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="384 1260 778 1292">(i) not more than 20 m²; and<li data-bbox="384 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="256 760 972 893">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="319 901 972 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.