

Amendments to subsidiary legislation under Buildings Ordinance gazetted

Amendments to the subsidiary legislation of the Buildings Ordinance (BO), viz. the Building (Minor Works) (Amendment) Regulation 2021 (Amendment Regulation) and the Commencement Notice for the amendment to Schedule 8 to the BO, were gazetted today (June 18).

Under the "risk-based" principle, the Buildings Department (BD) has a validation scheme for certain existing minor amenity features meeting the prescribed descriptions and requirements. These features, upon safety inspection, requisite strengthening and certification by a prescribed building professional or a prescribed registered contractor, may continue to be used. The validation scheme aims to allow the continued use of such lower risk features so as to meet the genuine needs of the building occupants and minimise the burden of owners or occupants.

Complementary to the proposed expansion of the validation scheme, the Legislative Council (LegCo) has passed a resolution on May 13, 2021, to amend Schedule 8 to the BO. The proposed Amendment Regulation is a corresponding exercise upon passage of the resolution. The Amendment Regulation seeks to prescribe the detailed descriptions of the additional 11 types of minor amenity features (involving 21 prescribed building or building works items) which are to be included in the validation scheme. These 11 types of amenity features are set out below, and they should be erected before September 1, 2020:

- supporting structure or metal casing for a building services installation;
- supporting structure for a radio base station;
- supporting frame for an air-conditioning unit or for a light fitting;
- solid fence wall;
- mesh fence or metal railing;
- pole;
- metal gate;
- canopy;
- retractable awning;
- trellis; and
- metal ventilation duct or any associated supporting frame.

The Amendment Regulation will be tabled at the LegCo for negative vetting on June 23, with a view to coming into operation on September 1, 2021. In other words, upon the taking effect of the Amendment Regulation and the amended Schedule 8 to the BO on September 1, 2021, the owners of these 11 types of minor amenity features, if the features meet the prescribed descriptions and requirements and are erected before September 1, 2020, once the features are validated, would not be served an order or a notice for

removal or alteration on these features merely on the ground that they were completed or carried out without prior approval. The legal status of these features would however remain to be unauthorised.

The BD will launch public education and publicity programmes for practitioners, property management agencies and the public to introduce the relevant amendments. The BD will also update the relevant guidelines for the reference of the industry.