

Amendments to subsidiary legislation under Buildings Ordinance gazetted

Amendments to the subsidiary legislations of the Buildings Ordinance (BO), viz. the Building (Minor Works) (Amendment) Regulation 2020 (Amendment Regulation) and the Building (Planning) (Amendment) Regulation 2020 (B(P)(A)R), were gazetted today (May 8).

The Amendment Regulation aims to respond to the increasing demand from the public to extend the scope of the Minor Works Control System (MWCS) to include more small-scale building works so as to bring greater convenience to the public and facilitation to the industry.

The MWCS, which has come into full operation since late 2010, provides a simple channel to members of the public in carrying out small-scale building works. Before its implementation, all building works, unless those exempted from the BO by virtue of section 41 of the BO, required prior approval and consent of the Buildings Department (BD) before commencement. With the MWCS, building owners may carry out specified minor works under simplified requirements without the need to obtain prior approval and consent from the BD.

Under the Amendment Regulation, the numbers of minor works (MW) items and designated exempted works items will increase from 126 to 187 and from 15 to 30 respectively. These items mainly include:

- * installation of greening features which promote a green and quality built environment such as planters, ponds, fountains, trellises and metal frames for growing of plants;
- * various amenity features which improve the standard and quality of a building such as retractable awnings, supporting structures and metal casings for building services installations and wind guards;
- * repair or replacement of curtain walls and installation of features facilitating building maintenance such as small-sized reinforced polyester water tanks and cat ladders for maintenance purposes; and
- * small-scale building works to expedite building repair and maintenance works and in turn facilitate business operations.

Furthermore, a new Type H of MW has been added in the Amendment Regulation for carrying out small-scale works relating to the ventilation system inside a building by Prescribed Registered Contractors.

The Amendment Regulation also provides for transitional arrangements to enable registered minor works contractors (RMWC) to continue the MW that have commenced before the commencement of the Amendment Regulation to avoid undue disruption. Suitable transitional arrangements are also put in place to avoid

bringing inconvenience to existing RMWCs.

The B(P)(A)R is consequential in nature and provides four new types of features, permitting them to project over the street subject to their meeting of certain dimensional and positional requirements.

Relevant stakeholders of the industry including various building professional institutions have been consulted and are generally supportive of the amendment.

The BD will launch public education and publicity programmes for practitioners, property management agencies and the public on the relevant amendments. The BD will also update the relevant guidelines and mobile application, and publish a series of pamphlets to enable the industry and the public to better understand the relevant requirements.

The amendment will be tabled at the Legislative Council for negative vetting on May 13 with a view to coming into operation on September 1, 2020, to allow sufficient time for stakeholders and the public to become familiarised with the changes.