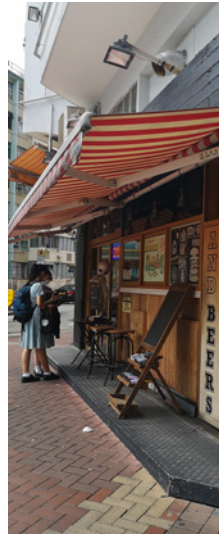
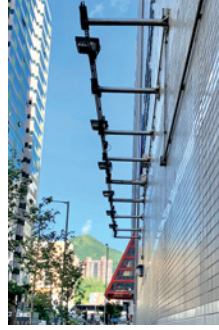




Minor Amenity Feature Validation Scheme



Full implementation on 1 September 2021



Minor Amenity Feature Validation Scheme

Full implementation on 1 September 2021

Unauthorised minor amenity features, in existence before 1 September 2020 and complying with the technical specifications for prescribed building or building works (PBW) under the Building (Minor Works) Regulation (B(MW)R) (Cap. 123N), may be retained for continued use after inspection, strengthening (if required) and submission of certification on their structural safety by prescribed building professionals and/or prescribed registered contractors to the Buildings Department (BD).

The extant Minor Works Control System (MWCS) provides for a “Household Minor Works Validation Scheme” covering certain existing unauthorised minor amenity features, namely supporting frames or structures for air-conditioning units, water cooling towers and any associated air ducts, drying racks and canopies. When such features, that were erected before the commencement of the MWCS on 31 December 2010, meet the descriptions and requirements prescribed under Schedule 3 to the B(MW)R, they may be validated. In 2013, the Signboard Validation Scheme was launched to cover existing unauthorised signboards erected before 2 September 2013 and meeting the prescribed descriptions and requirements.

In 2020, the B(MW)R was amended to extend the coverage of the MWCS by designating more types of minor amenity features as minor works. The amendments came into operation on 1 September 2020. Subsequently, Schedule 8 of the Buildings Ordinance (BO) (Cap. 123) and Schedule 3 of the B(MW)R were amended in 2021 for the introduction of another validation scheme, namely the “Minor Amenity Feature Validation Scheme” (the Validation Scheme), to cover the validation of 21 items of unauthorised minor amenity features erected or carried out before 1 September 2020, corresponding to the minor works items in the B(MW)R. The Validation Scheme came into operation on 1 September 2021.



Enforcement action by the issue of a removal order or a warning notice under the BO will not be taken by BD against the validated building or building works on the ground that they have been completed or carried out without prior approval and consent from BD. Notwithstanding, the status of the validated building or building works is still unauthorised building works.

Minor amenity features eligible for joining the Validation Scheme

Unauthorised minor amenity features that can be validated should meet the technical specifications in Part 4 of Schedule 3 of the B(MW)R as follows:

1. Supporting structure or metal casing for a building services installation¹

PBW items in Part 4 of Schedule 3 of the B(MW)R:	
1	2
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:	
1.50	3.50
On-grade, on a canopy (other than a cantilevered slab) or on a roof (other than a cantilevered slab) of a building	On-grade or on a roof (other than a cantilevered slab and an inaccessible roof) of a building

Notes:

1. Building services installation (BSI) includes (i) any solar water heating system, photovoltaic system, antenna, transceiver, air-conditioning unit, water cooling tower, light fitting and pump set (*installations*); and (ii) any duct associated with any of the installations; and excludes any water tank, lift, stairlift, lifting platform, ventilation duct and radio base station.

Not involving alteration to any other structural elements	
for a supporting structure:	
Height ≤ 2.5 m (for an antenna or transceiver) or ≤ 1.5 m (for any other BSI)	
--	Weight of BSI ≤ 200 kg
--	Average weight of BSI ≤ 100 kg per m^2 of the ground area (if located on-grade) or slab area (if located on a roof)
for a casing:	
Weight of the casing $\leq 10\%$ of the weight of the BSI	
The inner surface of the casing and the BSI ≤ 200 mm apart in all directions	



2. Supporting structure for a radio base station

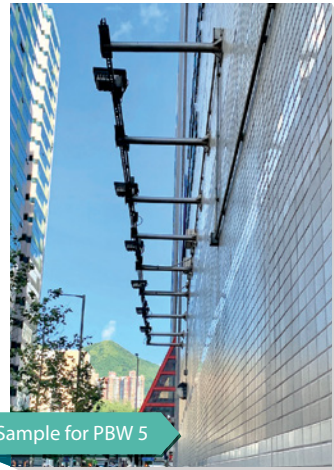
PBW item in Part 4 of Schedule 3 of the B(MW)R:
3
Corresponding minor works item in Part 3 of Schedule 1 of the B(MW)R:
1.14
Solely for telecommunications services in the form of an equipment cabinet
On a roof of a building
No additional load to any cantilevered slab
Height of the cabinet ≤ 2.3 m
Length of the cabinet ≤ 1.5 m
Width of the cabinet ≤ 1 m



Sample for PBW 3

3. Metal supporting frame for an air-conditioning unit / a light fitting projecting from an external wall

PBW items in Part 4 of Schedule 3 of the B(MW)R:			
4		5	
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:			
2.49	3.27	2.49	3.27
For an air-conditioning unit		For a light fitting	
Projecting from an external wall of a building ≤ 600 mm			
No additional load to any cantilevered slab			
Weight > 100 kg but ≤ 150 kg	Weight ≤ 100 kg	Weight > 100 kg but ≤ 150 kg	Weight ≤ 100 kg
Distance between the highest point of the frame and the adjoining ground or roof > 3 m			



4. Solid fence wall

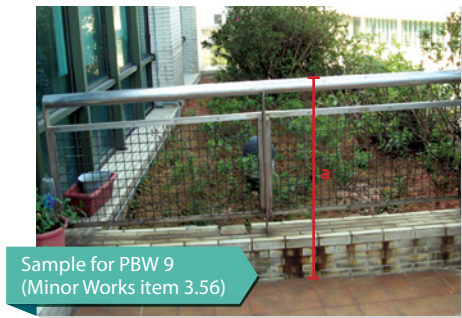
PBW items in Part 4 of Schedule 3 of the B(MW)R:	
6	7
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:	
2.6	3.55
On-grade	On a roof of a building
Height ≤ 3 m	Height ≤ 1.1 m
--	Thickness ≤ 100 mm
--	Density ≤ 650 kg per m ³
--	Thickness of the roof slab supporting the wall ≥ 150 mm
--	Total length of additional wall per m ² of the roof area ≤ 0.3 m



5. External mesh fence or metal railing (structure)

PBW items in Part 4 of Schedule 3 of the B(MW)R:		
8	9	
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:		
2.7	2.56	3.56
The lower part of which may be a solid fence wall		
On-grade	On a roof of a building	
--	No additional load to any cantilevered slab	
--	Not involving alteration to any other structural elements	
Height (including any feature at its top) ≤ 5 m	Height (including any feature at its top) ≤ 2.5 m	Height (including any feature at its top) ≤ 1.5 m
--	Thickness of the roof slab supporting the structure ≥ 150 mm	
Not used as a protective barrier		
If the lower part of the structure is a solid fence wall:		
Height of the wall alone ≤ 2.5 m	Height of the wall alone ≤ 1.1 m	Height of the wall alone ≤ 300 mm
--	Thickness of the wall ≤ 100 mm	
--	Density of the wall ≤ 650 kg per m ³	
--	Total length of additional wall per m ² of the roof area ≤ 0.3 m	





Notes: a = mesh fence or metal railing to be validated

PBW items in Part 4 of Schedule 3 of the B(MW)R:	
10	11
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:	
1.59	2.57
On top of a solid fence wall (other than an unauthorised solid fence wall) that is on-grade	On top of a solid fence wall (other than an unauthorised solid fence wall and a solid fence wall falling within the description of Designated Exempted Works item 5) that is on-grade
Height of the solid fence wall ≤ 2.5 m	
--	Not used as a protective barrier
Aggregate height of the wall and the fence or railing (including any feature at its top) ≤ 10 m	Aggregate height of the wall and the fence or railing (including any feature at its top) ≤ 5 m



Sample for PBW 10



Sample for PBW 11

Notes: b = mesh fence or metal railing to be validated



6. Pole

PBW items in Part 4 of Schedule 3 of the B(MW)R:		
12	13	
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:		
2.53	2.54	3.54
On-grade	On a roof of a building	
--	No additional load to any cantilevered slab	
--	Not involving alteration to any other structural elements	
Height (including any feature at its top) ≤ 5 m	Height (including any feature at its top) > 1.5 m but ≤ 2.5 m	Height (including any feature at its top) ≤ 1.5 m
Weight (including any feature at its top but excluding any pedestal) ≤ 150 kg	Weight (including any feature at its top but excluding any pedestal) ≤ 100 kg	
Not falling within the description of Designated Exempted Works item 17	--	
--	If there is more than one pole on the roof:	
--	The poles are at least 2.5 m away from each other	
--	Thickness of the roof slab supporting the pole ≥ 150 mm	



Sample for PBW 12



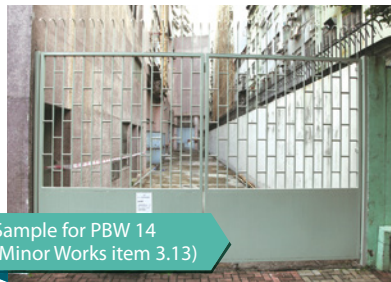
Sample for PBW 13
(Minor Works item 2.54)



Sample for PBW 13
(Minor Works item 3.54)

7. Metal gate at a fence wall

PBW item in Part 4 of Schedule 3 of the B(MW)R:		
14		
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:		
1.16	2.16	3.13
No additional load to any cantilevered slab		
Not involving alteration to any other structural elements		
Weight of at least one leaf of the gate > 300 kg	Weight of at least one leaf of the gate > 200 kg	--
--	Weight of each leaf of the gate ≤ 300 kg	Weight of each leaf of the gate ≤ 200 kg
Height ≤ 3.2 m		



8. Canopy

PBW items in Part 4 of Schedule 3 of the B(MW)R:	
15	16
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:	
1.27	3.25
Projecting from an external wall of a building over an entrance to the building	Projecting from an external wall of a building
No additional load to any cantilevered slab	
Projects ≤ 2 m from the wall	Projects ≤ 500 mm from the wall
Not constructed of concrete	
--	Distance between the highest point of the canopy and the roof (if the canopy is above a roof) or the ground (in any other case) > 3 m



Sample for PBW 15



Sample for PBW 16

9. Retractable awning

PBW item in Part 4 of Schedule 3 of the B(MW)R:
17
Corresponding minor works item in Part 3 of Schedule 1 of the B(MW)R:
2.43
For an opening on an external wall of a building and the opening is:
A door opening (other than a door opening that serves as an exit for an escape staircase or that leads to a balcony or verandah); or
A window opening (other than a window opening for a plant room, lavatory, bathroom or kitchen)
When retracted, the awning projects ≤ 500 mm from the external wall
When fully extended, the awning projects from the external wall ≤ 2 m (if the awning projects over a roof) or ≤ 2.5 m (in any other case)
Distance between the highest point of the awning and the roof (if the awning is above a roof) or the ground (in any other case) ≤ 5.5 m
Not fixed to any cantilevered slab
No part is above the ceiling of the storey on which the opening is located
The awning is at most 500 mm wider than the opening on both the left-hand side and the right-hand side of the opening



Sample for PBW 17

10. Trellis

PBW items in Part 4 of Schedule 3 of the B(MW):		
18	19	
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:		
2.44	1.45	2.45
In a garden on-grade	On a roof of a building	
--	No additional load to any cantilevered slab	
--	No alteration to any other structural elements	
Height ≤ 2.5 m		
Length and width of every opening of the overhead frame of the trellis are respectively ≥ 200 mm		
Horizontal clearance of the trellis from any other structure ≥ 500 mm		
If the trellis is located in a non-private garden:	If the trellis is located in a common part of the building:	
Each trellis covers an area ≤ 20 m ²	Each trellis located in that common part covers an area ≤ 20 m ²	Each trellis located in that common part covers an area ≤ 5 m ²
Aggregate of the area covered by each trellis $\leq 10\%$ of the total area of the garden	Aggregate of the area covered by each trellis $\leq 5\%$ of the total area of that part	
If the trellis is located in a private garden:	If the trellis is located in a part that is not a common part of the building (non-common part):	
Aggregate of the area covered by each trellis located in the garden ≤ 20 m ² and $\leq 5\%$ of the total area of the garden	--	Each trellis located in that non-common part covers an area ≤ 5 m ²
	Aggregate of the area covered by each trellis ≤ 20 m ² and $\leq 5\%$ of the total area of that part	



Sample for PBW 18



Sample for PBW 19

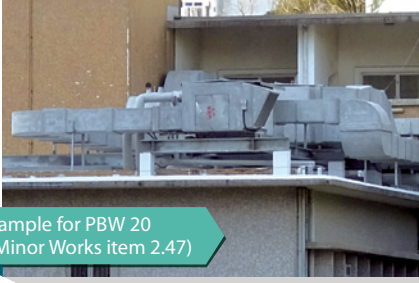


11. External metal ventilation duct or associated supporting frame

PBW items in Part 4 of Schedule 3 of the B(MW)R:		
20		21
Corresponding minor works items in Part 3 of Schedule 1 of the B(MW)R:		
2.47	3.47	3.48
No additional load to any cantilevered slab		
On-grade or on a roof of a building		If projects from an external wall of a building:
Distance between the highest point of the duct or frame and the adjoining ground or adjoining roof (as the case requires) > 1.5 m but ≤ 2.5 m	Distance between the highest point of the duct or frame and the adjoining ground or adjoining roof (as the case requires) ≤ 1.5 m	Distance between the highest point of the duct or frame and the roof (if the duct or frame is above a roof) or the ground > 3 m
--		Projects ≤ 600 mm from the wall
--		If located on or hung underneath the soffit of a balcony, verandah or canopy (other than a cantilevered slab) of a building:
--		Largest cross-sectional dimension of the duct, or the duct with which the frame is associated ≤ 600 mm
--		Distance between the highest point of the duct or frame and the roof (if the duct or frame is above a roof) or the ground > 3 m

--

If located on a balcony, verandah or canopy of a building, distance between the highest point of the duct or frame and the balcony, verandah or canopy ≤ 1.5 m



Sample for PBW 20
(Minor Works item 2.47)



Sample for PBW 20
(Minor Works item 3.47)



Sample for PBW 21



In addition, these unauthorised minor amenity features should also meet the requirements under the BO and its subsidiary regulations, in particular the following technical requirements under the respective subsidiary regulations:

- the construction requirements;
- the positional and dimensional requirements;
- the fire safety and drainage requirements; and
- the natural lighting and ventilation requirements.

The works may also need to meet the relevant requirements of the departments concerned such as the Lands Department, Planning Department and Antiquities and Monuments Office.

Building professionals and/or registered contractors qualified to carry out validation

Prescribed building professionals and/or prescribed registered contractors, i.e. the appointed persons, qualified to carry out validation for various types of unauthorised minor amenity features are summarised as follows:

Appointed Person	Corresponding class of minor works of the unauthorised amenity feature		
	Class I	Class II	Class III
Prescribed building professionals (PBP)			
Authorized person (AP)	✓ ⁽¹⁾	✓	✓
Registered structural engineer (RSE)	✓ ⁽¹⁾	✓	✓

Notes:

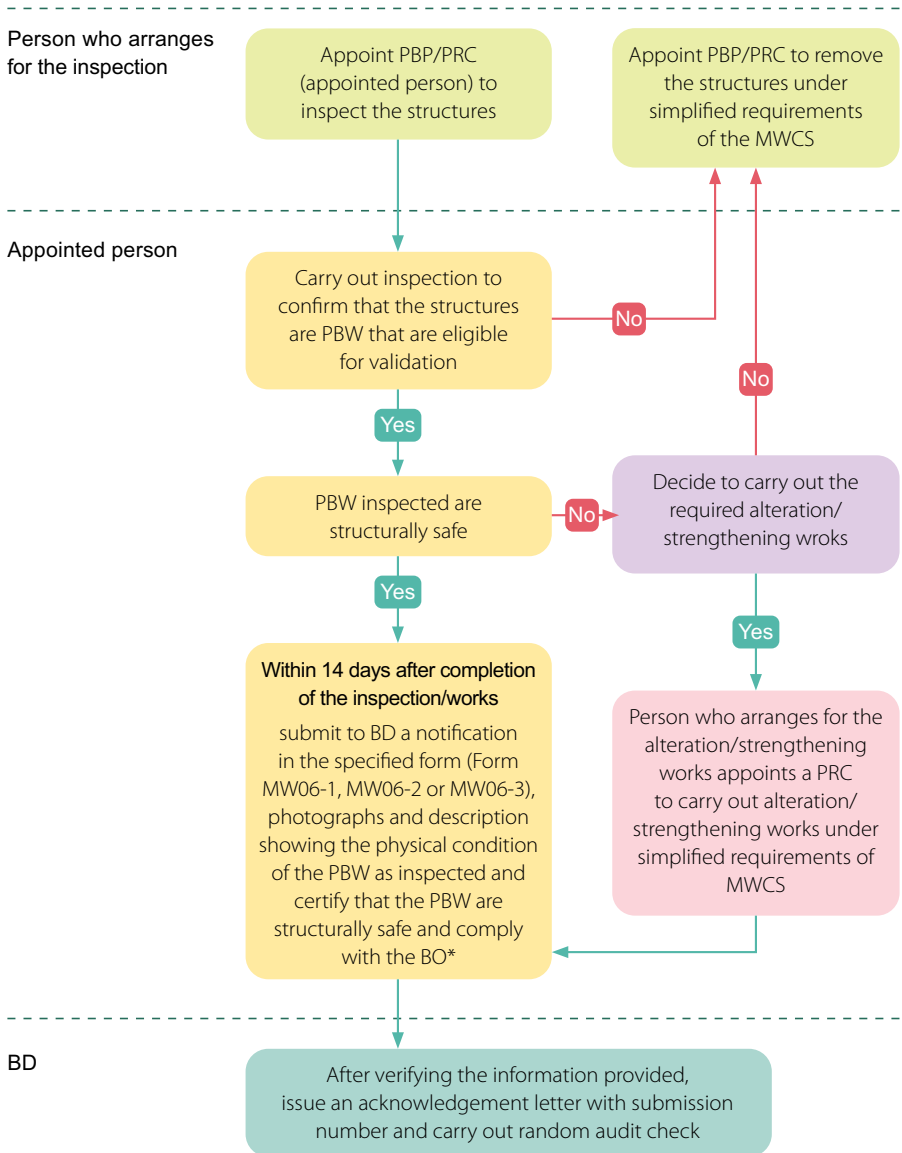
1. An AP is required to be appointed for validation of unauthorised structures corresponding to Class I minor works. However, if the unauthorised structures are not a specified construction (specified construction means a construction that satisfies all the criteria under section 37(4) of the B(MW)R), both AP and RSE are required to be appointed.

Registered inspector (RI) ⁽²⁾	--	✓	✓
Prescribed registered contractors (PRC) ⁽³⁾			
Registered general building contractor (RGBC)	--	✓	✓
Registered minor works contractor (RMWC) (Company) ⁽⁴⁾	--	✓ ⁽⁵⁾	✓
RMWC (Individual) ⁽⁶⁾	--	--	✓

Notes:

2. RI may be appointed to validate unauthorised minor amenity features falling within the description of the corresponding Class II or III minor works regardless of whether the parent building to which minor amenity features are attached is a building served with statutory notices under the Mandatory Building Inspection Scheme.
3. RGBC or RMWC registered for corresponding type and class of minor works must be appointed if alteration/strengthening works are involved.
4. The RMWC (Company) appointed for validation must be registered for the corresponding type and class of minor works. For details, please refer to the Technical Guidelines on Minor Works Control System or the General Guidelines on Minor Works Control System.
5. A RMWC (Company) registered for Class I or Class II of corresponding type of minor works may be appointed to validate unauthorised structures falling within the description of the corresponding Class II minor works items.
6. A RMWC (Individual) registered for minor works items 3.13、3.25、3.27、3.47、3.48、3.50、3.54、3.55 or 3.56 may be appointed to validate unauthorised structures falling within the description of the corresponding minor works items.

Submission Procedures



* Except section 14(1) of the BO and regulation 25 of the Building (Administration) Regulation.

Legal status of minor amenity features validated

Notwithstanding the successful joining of the Validation Scheme, the legal status of the unauthorised minor amenity features thus validated remains unchanged and they are still unauthorised building works since no approval has been obtained from BD prior to their erection. However, BD will not take enforcement action against such validated amenity features unless they become dangerous.

Non-compliant validation

The Validation Scheme is a self-regulatory system in which PBP and PRC are vested with their legal responsibilities to inspect, strengthen and certify the safety of the existing unauthorised minor amenity features. Audit check will be carried out by BD upon receipt of the validation submissions to ascertain compliance with the relevant statutory requirements as well as the standard of such validation and strengthening works if any involved. The appointed person will be informed of any irregularity found. BD may also consider taking appropriate enforcement action against the non-compliant validation, and instigating prosecution and/or disciplinary action against the persons contravening the statutory requirements.



Agreement from the owner(s) of the unauthorised structure or the owner(s) of the premises concerned

The person who will arrange for inspection, alteration or strengthening works (if any) to be carried out is advised to seek necessary agreement from the owner(s) of the unauthorised structure or the owner(s) of the premises concerned before the inspection or works to be carried out.

Validation of minor amenity features in the common parts of a building

If the unauthorised minor amenity features are erected at the exterior or other common parts of the building, the person who arranges for the validation should liaise with the co-owners of the building/owners' corporation or the management company regarding the right of use of such exterior or common parts, especially before the commencement of strengthening works (if any), and to observe all obligations as stipulated in the deed of mutual covenant of the building.

The obligations include but not limited to the arrangement of third party liability insurance.

Failing to obtain such consent may lead to a breach of the deed of mutual covenant of the building and the person who arranges for the validation may be liable to civil proceedings and bearing of civil liabilities.

Supportive measures

BD has put in place the following measures to facilitate implementation of the Validation Scheme and to assist the public in understanding and using the new scheme effectively:

- Provide details of the Validation Scheme, including sample checklist, in the Technical Guidelines on the Minor Works Control System for reference of the construction industry.
- Introduce the framework of the Validation Scheme to members of the public, building owners and owners' corporations in the General Guidelines on Minor Works Control System to assist their understanding of the types of unauthorised minor amenity features eligible for validation and the appointment of PBP and PRC for carrying out validation.
- Upload detailed information of the Validation Scheme onto BD's website (www.bd.gov.hk) for reference of the general public.
- Establish a telephone hotline to answer public enquiries.



Enquiry

For enquiries about the Validation Scheme, you may visit BD's website (www.bd.gov.hk) or contact BD by the following means:

Postal address/enquiry counter:

G/F, Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon

Email address:

enquiry@bd.gov.hk

Telephone hotline:

2626 1616 (Handled by "1823")

You may download the mobile application MWCS-Quick Guide for Minor Works on App Store/ Google Play/ AppGallery to know more about the MWCS.



This pamphlet is not a legal document. It aims to introduce the main features of the Validation Scheme to enhance people associated with the trade and the public of their understanding of the scheme.