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Paper for the House Committee meeting on 27 June 2008

**Subcommittee on Building (Refuse Storage and
Material Recovery Chambers and Refuse Chutes)
(Amendment) Regulation 2008**

Purpose

This paper reports on the deliberations of the Subcommittee on Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008 (the Subcommittee).

Background

2. Hong Kong is faced with an imminent waste problem as landfills, which are currently the only means for waste disposal, will be running out of space in the early to mid 2010's. To reverse the rising trend of waste requiring disposal, the Government has been taking various measures to promote waste reduction and enhance source recovery of waste for recycling. One of the key measures being implemented, as initiated in the 2004 and 2005 Policy Agenda, is a territory-wide programme of source separation of waste which was rolled out in January 2005. This programme aims to make it more convenient for residents to separate domestic waste at source by encouraging and assisting property managers and residents to set up waste separation facilities on every floor of their buildings, and to include the collection of more recyclable materials other than waste paper, aluminium cans and plastic bottles such as other metal containers, mixed metal items, plastic bags and packaging, mixed plastic items, used clothing, electrical and electronic appliances, and computers. Through source separation and other measures contained in the "Policy Framework for the Management of Municipal Solid Waste in Hong Kong (2005-2014)", the domestic waste recovery rate has increased from 14% in 2004 to 23% in 2007.

3. A major problem encountered in implementing the source separation of domestic waste programme is that the majority of domestic buildings and the domestic part of composite buildings in Hong Kong do not have a refuse storage and material recovery room on every floor and there is often a lack of space for placing waste separation facilities. Improper placing of waste separation facilities in the lift lobbies,

corridors and staircases of these buildings may pose a fire hazard to occupants.

The Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008

4. This Amendment Regulation amends the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap. 123 sub. leg. H) (the Principal Regulations). The main purpose of the Amendment Regulation is to add a new regulation 3A to the Principal Regulations. The new regulation 3A imposes a mandatory requirement that, where a plan relating to a domestic building or the domestic part of a composite building is submitted to the Building Authority for approval under section 14 of the Buildings Ordinance (Cap. 123), the plan must show provision for a refuse storage and material recovery room on every floor of the domestic building or of the domestic part of the composite building.

5. The scrutiny period of the Amendment Regulation has been extended from 18 June 2008 to 9 July 2008 by a resolution of the Council.

The Subcommittee

6. The House Committee agreed at its meeting on 23 May 2008 to form a subcommittee to study the Amendment Regulation. Chaired by Hon CHOY So-yuk, the Subcommittee held two meetings with the Administration to discuss the related matters. The membership list of the Subcommittee is in **Appendix I**. The Subcommittee has also received views from representatives of various groups. A list of the groups which have made representations to the Subcommittee is in **Appendix II**.

Deliberations of the Subcommittee

7. The Subcommittee notes that under the existing law, there is no mandatory requirement for the provision of a refuse storage and material recovery room on every floor of a building. As an incentive to encourage the provision of such facility, the space necessary to meet the requirement for the provision of refuse storage and material recovery rooms has been allowed to be excluded from measurement in gross floor area calculations for the purpose of the Building (Planning) Regulations (Cap. 123 sub. leg. F). However, since the commencement of the relevant legislation in November 2000, there was only a limited number of new building developments which were equipped with a refuse storage and material recovery room on every floor.

8. In view of the necessity of providing sufficient space on every floor to facilitate source separation of waste for material recovery, the Subcommittee is in support of the Administration's proposal to make the provision of a refuse storage and material recovery room on every floor a mandatory requirement for new domestic buildings

and the domestic part of new composite buildings. Apart from facilitating the recovery of recyclable materials, the Subcommittee agrees that provision of such facility can also help prevent potential fire hazards and hygiene problems.

9. Taking into account the views expressed by the Hong Kong Institute of Architects, the Subcommittee calls on the Administration to formulate an effective and comprehensive strategy combining both hardware and software provisions with a view to attaining more significant waste reduction result in Hong Kong. The Administration should also promulgate a policy on strengthening the local recycling industry and promoting less waste generation in the years ahead.

10. The Administration advises that it would strive to achieve the waste recovery target through a host of initiatives, including the implementation of producer responsibility schemes, public education programme, and provision of support for the recycling industry, etc.

Preparatory work before commencement of the Amendment Regulation

11. Regarding the arrangement in relation to building plans submitted prior to the commencement of the Amendment Regulation, the Administration advises that the Building Authority will issue a Practice Note for Authorized Persons and Registered Structural Engineers to provide guidelines on the compliance with the relevant provisions of the Amendment Regulation. To allow adequate time to enable the industry players to prepare themselves to comply with the new requirement, the Administration plans to commence the new requirement on 1 December 2008. Building plans submitted to the Building Authority prior to 1 December 2008 will be exempted from the mandatory requirement of the Amendment Regulation.

Minimum dimensions of a refuse storage and material recovery room

12. The Subcommittee has examined the minimum dimensions of a refuse storage and material recovery room provided for in the law and whether they are sufficient for the purpose of facilitating source separation of waste for material recovery.

13. The Administration advises that the minimum dimensions of a refuse storage and material recovery room are 1.5 metres x 1.5 metres, and the height, measured to the ceiling, of every refuse storage and material recovery room shall, throughout the room, be not less than 2 metres. In enforcing the requirement on the minimum dimensions, the Administration advises that it would take into account the site constraint, and where justified, accept a variation to the said dimensions so long as they are sufficient for the purpose of facilitating source separation of waste for material recovery.

14. As to whether the minimum dimensions need to be increased to accommodate waste separation facilities, the Administration advises that it would monitor the situation, and, where necessary, introduce necessary amendments to revise the minimum dimensions of a refuse storage and material recovery room to cater for the demand.

Design of refuse storage and material recovery room

15. The Subcommittee has examined the design drawing of refuse storage and material recovery room depicted in the Building Department's Practice Note 98. The Administration advises that every refuse storage and material recovery room should be separated from the remainder of the building by walls, and the access door thereto should have a fire resistance period of one hour. Suitable mechanical ventilation and air purifying facilities for refuse storage and material recovery rooms should be installed.

16. The Subcommittee notes the concern expressed by the Hong Kong Institute of Housing and Hong Kong Institute of Surveyors about the adverse impacts associated with the 24-hour continuous operation of the mechanical ventilation facilities inside refuse storage and material recovery room, particularly the resultant energy consumption, cost implications and maintenance problems, etc.

17. The Administration advises that there is no requirement for round-the-clock operation. Instead, a balance should be struck between minimizing the associated odour and hygiene problems and energy conservation. Where feasible, the Building Authority may consider accepting natural ventilation to replace mechanical ventilation facilities. The Administration would liaise with the relevant industries and provide guidelines on the compliance with the relevant provisions.

Exempting refuse storage and material recovery rooms from site coverage calculation

18. The Subcommittee has expressed concern that as the Building Authority would not exempt the floor space for refuse storage and material recovery rooms from site coverage calculations under the Buildings Ordinance, this would have serious impacts on new developments undertaken by small developers. Considering the building height restrictions recently imposed under the Town Planning Ordinance (Cap. 131), some members of the Subcommittee are concerned that if the area taken up by the required refuse storage and material recovery rooms would not be offset by exemption from site coverage calculation, the requirement may significantly reduce the "efficiency ratio" of the units of small developments and cause hardship to small developers.

19. The Administration advises that the inclusion of a small refuse storage and material recovery room on the typical floors of domestic developments should not have much implication on site coverage calculation. For smaller scale domestic developments, this may be a constraint in the design of typical floor layout when a substantial proportion of the floor areas have already been utilized to accommodate common facilities like staircases, lifts and lobbies etc. The provision of refuse storage and material recovery rooms albeit small in size may pose some problems to the building designers.

20. Having considered the practical difficulties encountered by the industry, the

Amendment Regulation already provides that a building of any of the following descriptions be exempted from the mandatory requirement for the provision of a refuse storage and material recovery room on every floor:

- (a) a domestic building or composite building with one staircase only;
- (b) a domestic building designed for occupation by one single family only and with not more than 3 floors designed for habitation;
- (c) a composite building the domestic part of which comprises not more than 3 floors and is designed for habitation by one single family only; and
- (d) a domestic building or composite building on a site of an area of not more than 500 square metres.

21. The Administration advises that the above exemptions serve to make the planning and design of small scale domestic developments more viable. Having consulted the Building Sub-committee under the Land and Building Advisory Committee, the Administration considers that it is not necessary to exempt refuse storage and material recovery rooms from site coverage calculation under the Building (Planning) Regulations.

22. Notwithstanding, the Administration agrees to review in conjunction with the relevant industries the problems which the requirement might pose to small developments presently not exempted in due course after the commencement of the Amendment Regulation. And if it is concluded in the review that without exemption from site coverage calculation, the required refuse storage and material recovery rooms would pose problems to the planning and design of certain types of development, the Building Authority may consider granting exemption through administrative measures as necessary. To ensure equity, the Subcommittee notes that it is already the Administration's practice to provide details on precedent successful applications for exemption under section 42 of the Buildings Ordinance for the industry's reference.

Exemption from the mandatory requirements

23. The Subcommittee notes that for buildings belonging to the Government and public housing produced by the Housing Authority, building plans are not required to be submitted to the Building Authority for approval. However, these buildings would be designed (by the relevant departments) to comply with the requirements of the Regulations under the Buildings Ordinance including any new Regulations once they have come into operation.

24. The Subcommittee has also examined the justifications for excluding any part of a building that is designed for use as a hotel, guest-house, boarding-house, hostel or dormitory from the mandatory requirement for the provision of a refuse storage and material recovery room on every floor.

25. The Administration advises that in Hong Kong, hostel and dormitory are buildings which provide lodging predominately for university students, nurses and elderly people. Virtually all existing hostels and dormitories for university students and nurses have a communal pantry or kitchen on every floor, which is a suitable and convenient place to accommodate refuse bins and waste recycling facilities. For new hostels and dormitories, it is anticipated that similar communal pantry or kitchen would be provided on each floor, in line with the existing design pattern. As such, waste recycling facilities could be conveniently accommodated in these common areas. Hence, the Administration originally proposes under the new section 3A(5) of the Amendment Regulation that a building which is designed for use as hostel or dormitory be exempted from the mandatory requirement to provide refuse storage and material recovery rooms.

26. The Subcommittee has expressed different views on the exemption of hostel and dormitory from the mandatory requirement. Some members hold a strong view that hostel and dormitory should not be exempt from the mandatory requirement as having a separate refuse storage and material recovery room on every floor of these types of building would encourage waste recovery.

27. Having considered members' comments and the policy intention of introducing the mandatory requirement for the provision of refuse storage and material recovery room on every floor, the Administration agrees to remove "hostel or dormitory" from the new section 3A(5) of the Amendment Regulation. A resolution to this effect will be moved by the Administration at the Council meeting on 9 July 2008 (**Appendix III**).

Advice sought

28. The House Committee is invited to note the deliberations of the Subcommittee and the amendment to be made by the Administration.

**Subcommittee on Building
(Refuse Storage and Material Recovery Chambers and Refuse Chutes)
(Amendment) Regulation 2008**

Membership list

Chairman	Hon CHOY So-yuk, JP
Members	Hon SIN Chung-kai, SBS, JP Hon Emily LAU Wai-hing, JP Hon Abraham SHEK Lai-him, SBS, JP Hon Audrey EU Yuet-mee, SC, JP Hon CHEUNG Hok-ming, SBS, JP Prof Hon Patrick LAU Sau-shing, SBS, JP
	(Total: 7 Members)
Clerk	Mr Andy LAU
Legal Adviser	Mr Stephen LAM
Date	30 May 2008

**Subcommittee on Building (Refuse Storage and
Material Recovery Chambers and Refuse Chutes)
(Amendment) Regulation 2008**

List of parties which have submitted views to the Subcommittee

1. Eastern District Council Member Mr YEUNG Wai-sing
2. The Hong Kong Institute of Architects
3. The Hong Kong Institution of Engineers
4. The Hong Kong Institute of Housing
5. The Hong Kong Institute of Surveyors
6. The Real Estate Developers Association of Hong Kong

Council Business Division 1
Legislative Council Secretariat
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《釋義及通則條例》

立法會決議

《2008 年建築物(垃圾及物料回收房及垃圾槽)
(修訂)規例》

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION OF THE LEGISLATIVE COUNCIL

**BUILDING (REFUSE STORAGE AND MATERIAL RECOVERY CHAMBERS AND
REFUSE CHUTES) (AMENDMENT) REGULATION 2008**

INTERPRETATION AND GENERAL CLAUSES
ORDINANCE

RESOLUTION OF THE LEGISLATIVE COUNCIL

BUILDING (REFUSE STORAGE AND MATERIAL RECOVERY
CHAMBERS AND REFUSE CHUTES)(AMENDMENT)
REGULATION 2008

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on July 2008.

RESOLVED that the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 125 of 2008 and laid on the table of the Legislative Council on 21 May 2008, be amended, in section 3, in the new section 3A(5), by repealing “, boarding house, hostel or dormitory” and substituting “or boarding house”.

Clerk to the Legislative Council

July 2008

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and
General Clauses Ordinance (Cap. 1))

BUILDING (REFUSE STORAGE AND MATERIAL RECOVERY CHAMBERS AND REFUSE CHUTES)(AMENDMENT) REGULATION 2008

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