

立法會
Legislative Council

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

Minutes of first meeting on
Friday, 30 May 2008, at 5:00 pm
in Conference Room B of the Legislative Council Building

- Members present** : Hon CHOY So-yuk, JP (Chairman)
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon SIN Chung-kai, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP
- Public Officers attending** : **Agenda item II**

Dr Ellen CHAN
Assistant Director (Environmental Infrastructure)
Environmental Protection Department

Mr LAI Chi-shing,
Senior Environmental Protection Officer
Environmental Protection Department

Mr LAM Siu-tong
Assistant Director/Support
Buildings Department

Ms LAM See-man, Francoise
Senior Government Counsel
Department of Justice

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Sarah YUEN
Senior Council Secretary (1)6

Action

I Election of Chairman

Miss CHOY So-yuk was elected Chairman of the Subcommittee.

II Meeting with the Administration

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- LC Paper No. LS 86/07-08
 - The Legislative Council Brief
 - Legal Service Division Report on Subsidiary Legislation tabled in the Legislative Council on 21 May 2008
 - LC Paper No. CB(1)1695/07-08(01)
 - LN 125 of 2008 — Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008
 - LC Paper No. CB(1)1695/07-08(02)
 - Marked-up copy of the Regulation prepared by the Legal Service Division
 - LC Paper No. CB(1)1695/07-08(03)
 - Administration's paper on the consultation list
 - LC Paper No. CB(1)1696/07-08
 - Paper on Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008 prepared by the Legislative Council Secretariat (Background

brief))

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Subcommittee noted that under the existing law, there was no mandatory requirement for the provision of 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 requirements for refuse storage and material recovery rooms would be 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 were only a limited number of new building developments which were equipped with refuse storage and material recovery room on every floor.
4. In view of the necessity of providing sufficient space on every floor to facilitate source separation of waste for material recovery, the Subcommittee indicated support for the Administration's proposal to make the provision of 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 agreed that provision of a refuse storage and material recovery room on every floor of buildings could also help prevent potential fire hazards and hygiene problems.
5. As regards the arrangement in relation to building plans submitted prior to and after the commencement of the Amendment Regulation, the Administration advised that the Building Authority would 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 to prepare themselves to comply with the new requirements, the Administration planned to commence the new requirements on 1 December 2008. Building plans submitted to the Building Authority prior to 1 December 2008 would be exempted from the mandatory requirement of the Amendment Regulation.

Minimum dimensions of refuse storage and material recovery rooms

6. The Subcommittee had examined the minimum dimensions of a refuse storage and material recovery room provided for in the law and whether they were sufficient for the purpose of facilitating source separation of waste for material recovery. The Administration advised that the minimum dimensions of refuse storage and material recovery room were 1.5 metres x 1.5 metres and the height, measured to the ceiling, of every refuse storage and material recovery room should, throughout the room, be not less than 2 metres. Such provision should be sufficient to accommodate waste separation facilities. The Subcommittee urged the Administration to monitor the situation, and, where necessary, introduce necessary amendments to revise the minimum dimensions of refuse storage and material recovery room to cater for the demand.

Action

Design of refuse storage and material recovery rooms

7. The Subcommittee had also examined the design drawing of refuse storage and material recovery rooms depicted in Buildings Department's Practice Note 98. The Administration advised 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 chambers should be installed.

Exemptions

8. The Subcommittee had examined the justifications for excluding any part of a building that was designed for use as a hotel, guest-house, boarding-house, hostel or dormitory from the mandatory requirement for the provision of refuse storage and material recovery room on every floor. The Administration advised that as hotels, guest-houses and boarding-houses were intended to accommodate visitors for a short duration during their stay in Hong Kong, it might not be effective and practicable to request them to participate in the programme of source separation of waste, and hence, it was proposed that buildings intended for such purposes be exempted.

9. As for the proposed exemption in respect of buildings used for hostel and dormitory, the Subcommittee had expressed divergent views as to whether such buildings should be exempted from the Amendment Regulation. Miss CHOY So-yuk and Ms Emily LAU were of the view that as a matter of principle, exemption should not be granted. However, Prof Patrick LAU Sau-shing and Mr Abraham SHEK agreed with the Administration that since refuse storage and material recovery facilities were already provided within these buildings in one way or another (e.g. inside communal pantries and kitchens of these premises), there was no need to impose a mandatory requirement in the legislation.

10. To address the concerns of some developers that the mandatory requirement for provision of refuse storage and material recovery room on every floor of new domestic buildings and the domestic part of new composite buildings might cause hardship to some small developments (e.g. villa type developments) and having regard to the prevailing provisions under the Buildings (Amendment) Ordinance 2000, the Administration proposed that a building of any of the following descriptions be exempted from such mandatory requirement:

- (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.

Action

11. Prof Patrick LAU Sau-shing expressed concern that as the Building Authority would not exempt the floor space for refuse storage and material recovery rooms from site coverage calculation under the Buildings Ordinance (Cap. 123), this would have serious impacts on new developments undertaken by small developers. Highlighting building height restrictions recently imposed, he expressed concern 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 might significantly reduce the "efficiency ratio" of the units of small developments and cause hardship to small developers.

Follow-up

12. The Administration was requested –
- (a) to provide justifications for exempting any part of a building that was designed for use as hostel or dormitory from the proposed mandatory requirement for the provision of refuse storage and material recovery room on every floor, together with an analysis of the types and target residents of such buildings and whether the plans for such buildings had to be submitted to the Building Authority for approval; and
 - (b) to consider exempting the required refuse storage and material recovery room from site coverage calculation.

Public consultation

13. To ascertain small developers' views on the requirement, members agreed that a general invitation for submissions should be posted on the website of the Legislative Council. Letters would also be issued to the relevant trades and the 18 District Councils inviting views on the Amendment Regulation. Members also agreed that if any interested parties indicated wish to attend a meeting of the Subcommittee to give oral presentations, the Subcommittee would meet with them at a meeting scheduled for 16 June 2008, from 5:30 pm to 7:30 pm.

Legislative timetable

14. In consideration of the above issues and concerns, members agreed that the Chairman should move a motion at a Council meeting to extend the scrutiny period of the Amendment Regulation to 9 July 2008.

III Any other business

15. There being no other business, the meeting ended at 6:15 pm.

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

**Proceedings of the first meeting
on Friday, 30 May 2008, at 5:00 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Election of Chairman			
000000 - 000142	Ms Emily LAU Ms Audrey EU Chairman	- Opening remarks and election of Chairman	
Agenda Item II – Meeting with the Administration			
<i>Discussion on matters related to the Amendment Regulation</i>			
000143 - 000706	Administration	- Briefing by the Administration on the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008 (the Amendment Regulation)	
000707 - 001357	Chairman Ms Emily LAU Administration	- Discussion on the need to invite public views - Discussion on the consequences of non-compliance with the mandatory requirement to be imposed by the Amendment Regulation (the requirement) for the provision of refuse storage and material recovery room (the required room) on every floor - Discussion on extension of the requirement to existing buildings - Discussion on the need to add the word "etc." at the end of the amended definition of "reusable or recyclable materials" in Regulation 2 of the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap. 123H)	
001358 - 001618	Chairman Mr Abraham SHEK Ms Emily LAU Administration Prof Patrick LAU	- Discussion on the Administration's paper on the consultation list (LC Paper No. CB(1)1695/07-08(03)), and the need for the Subcommittee to invite public views	
<i>Section-by-section examination of the Regulation</i>			
001619 - 002052	Chairman	- Examination of section 1 of the	

Time marker	Speaker	Subject(s)	Action required
	Ms Emily LAU Administration Mr Abraham SHEK Prof Patrick LAU	Amendment Regulation - Discussion on the reasons why the Amendment Regulation would not commence until 1 December 2008 - Discussion on whether building plans submitted but awaiting approval on the commencement date had to comply with the requirement	
002053 - 002306	Chairman Administration Assistant Legal Advisor 4	- Examination of section 2 of the Amendment Regulation - Discussion on the need to add the word "etc." at the end of the amended definition of "reusable or recyclable materials" in Regulation 2 of Cap. 123H	
002307 - 003935	Chairman Prof Patrick LAU Administration	- Discussion on the size (Regulation (8)(1) of Cap. 123H), design and location of the required room, and the facilities that could be provided there - Discussion on the waste collection arrangements to tie in with the requirement, and whether residents and waste collection contractors could be incentivized by the requirement to assist in waste separation - Discussion on the existing waste separation arrangements in the housing estates of the Housing Authority	
003936 - 004236	Administration Chairman Prof Patrick LAU Ms Emily LAU Mr Abraham SHEK	- Continued examination of section 2 of the Amendment Regulation - Discussion on the fire prevention and security facilities that could be provided in the required room	
004237 - 004740	Chairman Administration Ms Emily LAU Mr Abraham SHEK	- Examination of section 3 of the Amendment Regulation - Discussion on the need for the requirement to cover a commercial building and the commercial part of a composite building	

Time marker	Speaker	Subject(s)	Action required
004741 - 010319	Chairman Administration Mr Abraham SHEK Ms Emily LAU Prof Patrick LAU	<ul style="list-style-type: none"> - Continued examination of section 3 of the Amendment Regulation - Administration's explanation in response to the Chairman of what was meant by "a floor which is not designed for habitation" - Discussion on the rationale and reasons for the proposed exemption from the requirement of any part of a building that was designed for use as a hotel, guest-house, boarding-house, hostel or dormitory, and the premises they covered - Discussion on the need and appropriateness of lifting the exemption of hostels and dormitories from the requirement 	Administration to take necessary follow-up action
010320 - 010641	Chairman Administration	<ul style="list-style-type: none"> - Continued examination of section 3 of the Amendment Regulation - Discussion on the need to exempt a domestic building or composite building with one staircase from the requirement 	
010642 - 011209	Chairman Administration Mr Abraham SHEK Prof Patrick LAU Ms Emily LAU	<ul style="list-style-type: none"> - Discussion on the need to exempt the required room from site coverage (SC) calculation - Discussion on the need to invite the relevant trades' views on the exemption of the required room from SC calculation 	Administration to take necessary follow-up action
Agenda Item III – Any other business			
011210 - 011310	Chairman Clerk Ms Emily LAU Mr Abraham SHEK Prof Patrick LAU	<ul style="list-style-type: none"> - Discussion on the meeting schedule and the legislative timetable 	