

LEGISLATIVE COUNCIL BRIEF

Buildings Ordinance (Cap.123)

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

INTRODUCTION

A The Secretary for Development has made under section 38(1) of the Buildings Ordinance (Cap. 123) the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008 (“the Amendment Regulation”) at Annex A. The main purpose of the Amendment Regulation is to add a new regulation 3A to the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap. 123H) (“the 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. Such requirement will, however, be modified or excepted in certain specified circumstances.

BACKGROUND AND JUSTIFICATIONS

2. Hong Kong is faced with an imminent waste problem as our 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.

4. The Regulations amended under the Buildings (Amendment) Ordinance 2000 require certain new building developments to be provided with refuse storage and material recovery chamber and specify the minimum floor space of such chamber based on the total usable floor space of the building. The Regulations also set out the design requirements of refuse storage and material recovery room to be provided on every floor of a building, and the provision of such room is optional instead of mandatory. Regulation 23(3)(b) of the Building (Planning) Regulations (Cap. 123F) was also amended to allow refuse storage and material recovery chambers and refuse storage and material recovery rooms to be disregarded in the gross floor area calculation. However, since the Buildings (Amendment) Ordinance 2000 came into force in November 2000, it is noted that few new building developments have been provided with refuse storage and material recovery room on every floor.

THE AMENDMENT REGULATION

5. In view of the necessity of providing sufficient space on every floor to facilitate source separation of waste for material recovery, it is proposed to amend the Regulations 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 provision of a refuse storage and material recovery room on every floor of buildings can also help to prevent potential fire hazards and hygiene problems.

6. It is proposed that every new domestic building and the domestic part of every new composite building shall be provided with a refuse storage and material recovery room on every floor. Multiple-floor units (domestic units which occupy space on two or more consecutive floors) shall be provided with refuse storage and material recovery room in common area on at least one of the floors concerned. Refuse storage and material recovery room is not required on any floor that is not designed for habitation (for example, a floor used for ancillary club house, recreation facilities, carpark or refuge), or on any floor where a refuse storage and material recovery chamber or material recovery

chamber is provided.

7. Any part of a building that is designed for use as a hotel, guest-house, boarding-house, hostel or dormitory will not be included in this proposal for the mandatory requirement for the provision of refuse storage and material recovery room on every floor.

8. To address the concerns of some developers that 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, it is proposed that a building of any of the following descriptions be exempted from such mandatory requirement:

- (i) a domestic building or composite building with one staircase only;
- (ii) a domestic building designed for occupation by one single family only and with not more than 3 floors designed for habitation;
- (iii) 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
- (iv) a domestic building or composite building on a site of an area of not more than 500 square metres.

ENFORCEMENT MECHANISM

9. It is proposed that the amended Regulations will operate following the existing arrangement relating to the requirement for the provision of refuse storage and material recovery chamber or material recovery chamber in new buildings, whereby building plans showing the provision of the required refuse storage and material recovery room on every floor are required to be submitted to the Building Authority for approval before building works can commence.

LEGISLATIVE TIMETABLE

10. The legislative timetable is as follows:

Publication in the Gazette	16 May 2008
Tabling in the Legislative Council	21 May 2008
Commencement	1 December 2008

IMPLICATIONS OF THE PROPOSAL

11. The proposal is in conformity with the Basic Law, including the provisions of the human rights, and will not affect the current binding effect of the Buildings Ordinance. It has no financial and civil service implications. On economic implications, the mandatory requirement will increase the cost of construction for some property developers. Yet the proposed measures will effectively enhance source recovery of waste, thereby relieving the mounting pressure of landfills and reducing the overall cost of waste management in the society.

PUBLIC CONSULTATION

12. We have consulted the Building Sub-Committee of the Lands and Building Advisory Committee and the Advisory Council on the Environment. Members of these two bodies supported the proposal.

13. We have also consulted the Legislative Council Panel on Environmental Affairs in Feb 2008 (members of the Panel on Development were also invited to attend). Members of the Panel supported the proposal and have not raised the need for further discussion, or objections to the proposal.

PUBLICITY

14. A press release will be issued on 16 May 2008 when the amendment regulation is published in the Gazette.

ENQUIRIES

15. Enquiries about this brief may be directed to Dr. CHAN Ying-lung, Ellen, Assistant Director (Environmental Infrastructure) of the Environmental Protection Department at telephone number 2594 6034.

Environmental Protection Department
14 May 2008

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

(Made by the Secretary for Development under section 38 of
the Buildings Ordinance (Cap. 123))

1. Commencement

This Regulation shall come into operation on 1 December 2008.

2. Interpretation

(1) Regulation 2 of the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap. 123 sub. leg. H) is amended, in the definition of "refuse storage and material recovery room", by adding ", sorting of reusable or recyclable materials" after "separation of refuse".

(2) Regulation 2 is amended, in the definition of "reusable or recyclable materials", by repealing "wood and metal" and substituting "wood, metal and textile".

3. Regulation added

The following is added -

**"3A. Refuse storage and material recovery rooms
to be provided for in plans relating to
domestic buildings or domestic part of
composite buildings**

(1) Subject to the other provisions of this regulation,
every plan relating to -

(a) a domestic building; or

(b) the domestic part of a composite building,

shall show provision for a refuse storage and material recovery room on every floor of the domestic building, or of the domestic part.

(2) Where any 2 or more consecutive floors of the domestic building, or of the domestic part, as shown on the plan, comprise only one or more multi-floor units, the plan, to the extent that it relates to those floors, shall comply with paragraph (3).

(3) In relation to the multi-floor unit or any of the multi-floor units, the plan shall show provision for a refuse storage and material recovery room on at least one of those floors on which that unit is located, unless the plan shows provision for a refuse storage and material recovery chamber or material recovery chamber on any of those floors under regulation 3.

(4) The plan is not required to show provision for a refuse storage and material recovery room on a floor of any of the following descriptions -

- (a) a floor which is not designed for habitation;
- (b) a floor on which there is provision for a refuse storage and material recovery chamber or material recovery chamber shown on the plan under regulation 3.

(5) Where a plan relates to any part of a domestic building, or the domestic part of a composite building, that is designed for use as a hotel, guest-house, boarding house,

hostel, or dormitory, this regulation does not apply to the plan to the extent that it relates to that part.

(6) Where a plan relates to a building of any of the following descriptions, this regulation does not apply to the plan to the extent that it relates to that building -

- (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;
- (d) a domestic building or composite building on a site of an area of not more than 500 square metres.

(7) In this regulation, "multi-floor unit" (多層單位), in relation to a domestic building or the domestic part of a composite building, means a domestic unit which occupies space on 2 or more consecutive floors of the domestic building or of the domestic part."

Secretary for Development

2008

Explanatory Note

This Regulation amends the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap. 123 sub. leg. H). Its main purpose is to add a new regulation 3A to the 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.

2. The new regulation 3A(2) and (3) provides for a modified version of the mandatory requirement in relation to floors which comprise only one or more multi-floor units within the meaning of the new regulation 3A.

3. The new regulation 3A(4), (5) and (6) provides for exceptions to the mandatory requirement.