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**Subcommittee on  
Building (Construction) (Amendment) Regulation 2011**

**Meeting on 8 February 2011**

**Background brief**

**Purpose**

This paper provides background information on the Building (Construction) (Amendment) Regulation 2011 (L.N.3 of 2011) (the Amendment Regulation) and a summary of previous discussions on the subject.

**Background**

2. Regulation 17 of the existing Building (Construction) Regulations (Chapter 123 sub. leg. B) ("the Regulations") stipulates the design requirements of minimum imposed loads (e.g. the weight of occupiers, furniture, equipment, etc.) and specifies that the total imposed load on any building shall be the greatest applied load likely to arise from the intended use of the building.

3. According to the Legislative Council Brief issued by the Administration on the Amendment Regulation (file reference: DEVB (PL-B) 30/30/16), the Buildings Department (BD) has commissioned a consultancy study on the loading requirements of buildings under the Regulations. The purpose of the study was to ensure that Hong Kong's statutory requirements are in line with those of other developed countries and to facilitate advancement of building structural designs in accordance with modern-day standards and needs. The study, overseen by a Steering Committee with members from relevant Government departments, academic institutions and professional bodies, has come up with

recommendations to revise the requirements of imposed loads on buildings under the Regulations.

### **Proposed amendments**

4. Based on the recommendations of the study, the Secretary for Development (SDEV) has made the Amendment Regulation under section 38 of the Buildings Ordinance (Cap. 123) (BO) to provide for the following changes --

- (a) Where the floor of a building is used to support any equipment, machinery or display item that will result in a greater imposed load than the minimum imposed load specified in the new Table 1 under regulation 17(1) of the Regulations (specified in section 3(8) of the Amendment Regulation), the load of any of those items has to be considered in determining the imposed load on the floor. Under the Regulations, only certain uses of buildings require the consideration of equipment, machinery or display items in determining the minimum imposed loads (section 3(7)).
- (b) The uses of buildings and their corresponding minimum imposed load requirements are re-categorized from the existing 12 classes into eight classes in the new Table 1 (section 3(8)).
- (c) The existing minimum imposed load requirements for certain uses (e.g. domestic use, restaurants, car-parking areas, etc) are reduced. The Amendment Regulation also specifies the minimum imposed load requirements for some new uses of buildings (e.g. residential care homes for elderly persons, nursing homes, dance practice rooms, karaoke establishments, museums, etc) and present-day building elements (e.g. utility platforms) (section 3(8)).
- (d) No reduction of the imposed loads shall be applied with respect to, in addition to certain existing categories, floors used for storage purposes and loads from partitions the positions of which are not indicated on the plan of the building (section 3(11)).
- (e) The allowable reduction of total distributed imposed loads is revised (specified in the new Table 2 under regulation 17(2) of

the Regulations) to allow less load reduction in structural design for high-rise buildings (section 3(12)).

- (f) The minimum horizontal imposed loads on protective barriers to restrict or control movement of persons (specified in the new Table 3 under regulation 17(3) of the Regulations) is revised to bring about more economical structural design of protective barriers (section 3(13)).
- (g) The existing formulae for calculating impact forces on vehicle barriers in different areas are substituted by one single formula applicable to all situations (section 3(14)).

5. The Amendment Regulation will take effect from 1 August 2011. It will apply to new buildings and alteration and addition works in existing buildings.

### **Views of members of the Panel on Development**

6. On 23 June 2009, the Administration briefed the Panel on Development (DEV Panel) on the Amendment Regulation, which was then proposed to be introduced in the 2009/10 session. Some members supported the Administration's proposal in principle because a detailed classification of the floor uses could save building materials and construction cost. However, there was concern about whether reducing the required minimum imposed loads of buildings and categorising the floor uses into eight detailed classes would limit the future uses of the buildings, such as limiting the conversion of floors for residential activities to residential care homes.

7. The Administration explained that while new buildings would be subjected to the new regulations, existing buildings would not be affected if there was no change of use. In the future, if floors for residential activities were converted to residential care homes, the new regulations would be applicable. When the Administration vetted applications for change of use, other factors such as lease conditions, fire safety, etc, would be considered in addition to loading. Loading would not be the major factor because the proposed reductions were not large and there were engineering solutions to overcome loading limitations. The existing categorisation was based on the required minimum imposed loads instead of floor uses. The Administration's proposal was to re-categorise the floor uses into eight classes for easier comprehension.

8. At the policy briefing for the DEV Panel on 21 October 2010, a member expressed grave concern about the safety hazards that might be caused by the increased weights following sub-division of units in a building. SDEV responded that the measures against unauthorised sub-division of flats and related problems would include making legislation and enforcement action. The Administration would amend the Buildings (Minor Works) Regulation (Cap. 123 sub. leg. N) to require that certain works for sub-division of flats be categorised as minor works and should only be carried out by qualified persons and registered contractors. As there was great difficulty in gaining entry into these flats for investigation, the Administration planned to amend BO to empower BD to apply for a court warrant to enter private premises for carrying out investigation, inspection and repair works.

### **Relevant papers**

9. A list of relevant papers is at the **Appendix**.

Council Business Division 1  
Legislative Council Secretariat  
7 February 2011

## Subcommittee on Building (Construction) (Amendment) Regulation 2011

## List of relevant papers

Date	Meeting/Event	References
23 June 2009	Panel on Development	Administration's paper -- Building (Construction) (Amendment) Regulation 2009 (LC Paper No. CB(1)1947/08-09(09)) <a href="http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0623cb1-1947-9-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0623cb1-1947-9-e.pdf</a>  Minutes of meeting <a href="http://www.legco.gov.hk/yr08-09/english/panels/dev/minutes/dev20090623.pdf">http://www.legco.gov.hk/yr08-09/english/panels/dev/minutes/dev20090623.pdf</a>
21 October 2010	Panel on Development	Administration's paper -- Initiatives of Development Bureau in the 2010-2011 Policy Address and Policy Agenda (LC Paper No. CB(1)40/10-11(01)) <a href="http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev1021cb1-40-1-e.pdf">http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev1021cb1-40-1-e.pdf</a>  Minutes of meeting <a href="http://www.legco.gov.hk/yr10-11/english/panels/dev/minutes/dev20101021.pdf">http://www.legco.gov.hk/yr10-11/english/panels/dev/minutes/dev20101021.pdf</a>
13 January 2011	-	Legislative Council Brief -- Building (Construction) (Amendment) Regulation 2011 (DEVB(PL-B)30/30/16) <a href="http://lcsfcbtlbs1.legco.gov.hk/sharedoc/r&amp;d/Bldg(Construction)(Amendment)Regulation2011-e.pdf">http://lcsfcbtlbs1.legco.gov.hk/sharedoc/r&amp;d/Bldg(Construction)(Amendment)Regulation2011-e.pdf</a>
21 January 2011	House Committee	Legal Service Division Report (LC Paper No. LS23/10-11) <a href="http://www.legco.gov.hk/yr10-11/english/hc/papers/hc0121ls-23-e.pdf">http://www.legco.gov.hk/yr10-11/english/hc/papers/hc0121ls-23-e.pdf</a>