

**Panel on Development**

**Motion on  
"Technical amendments to two pieces of subsidiary legislation  
made under the Buildings Ordinance (Cap. 123)"  
passed at the meeting held on 26 February 2019**

Given that there were serious accidents in the past involving quite a number of workers who were installing, using and dismantling truss-out scaffolds (commonly known as "suspended scaffolds") or suspended working platforms required for related maintenance works to be carried out on external walls, this Panel requests the Government to amend the Building (Construction) Regulations, so as to require the provision of platforms as passageways at newly-completed buildings with air-conditioners installed on the external walls (except for window-type air-conditioners) for workers to carry out installation and maintenance works safely.

Moved by : Dr Hon Fernando CHEUNG Chiu-hung

**Response**

The Buildings Department ("BD") reviews the subsidiary regulations under the Buildings Ordinance ("BO") (Cap. 123) from time to time and proposes suitable amendments as necessary with a view to meeting societal needs, keeping abreast of the advancement in the latest building technologies and responding to the industry's feedback.

2. In this connection, BD proposes to revamp the Building (Construction) Regulations ("B(C)R") (Cap. 123B). The new B(C)R aims to facilitate the industry's operations, meet public expectations, align with international practices, promote innovation and advancements in building technologies, and enable more effective building control. BD also takes the opportunity to introduce new statutory performance-based provisions in the B(C)R to mandate the provision of adequate means of access for maintenance to external features (i.e. maintenance and repair access ("M&R access"))

under the new B(C)R. This represents an improvement from the perspective of workers' protection over the extant legislation, which does not empower BD to disapprove building plans which do not provide for adequate M&R access to external features<sup>1</sup>.

3. The new B(C)R will include a provision which requires authorized persons to submit M&R access plans to demonstrate the adequacy of their proposed M&R access for approval by BD. To provide further guidance to the authorized persons, BD will issue a new code of practice on design for safety for external maintenance ("Code") to promulgate relevant guidelines, including deemed-to-satisfy requirements for compliance with the performance-based requirements of this new provision.

4. As one of the objectives of the current legislative exercise is to transform the prevailing prescriptive provisions under the extant B(C)R into performance-based ones as far as practicable, it would not be appropriate to prescribe in the new B(C)R the provision of air-conditioners ("AC") platforms as passageways at newly-completed buildings for workers to carry out installation and maintenance works on the main part of AC installed on the external walls of buildings (except for window-type air-conditioners). To so prescribe would be tantamount to ruling that the provision of such AC platforms would be the only solution for new buildings across the board, hence hindering the flexibility of building design and the adoption of new technologies that may emerge. That said, having regard to the concerns of Members, BD stands ready to specify in the Code the types and standards of installations it would normally expect under prevailing circumstances.

5. Specifically, if the design of a building requires the main part of the AC to be placed external to a building, the Code will specify that the AC should normally be designed to be placed on an AC platform, a utility platform ("UP"), or a balcony having regard to the prevailing technology, regulations and practices relating to building design<sup>2</sup>. In this regard, the proposed Code will provide guidelines regarding the dimension and design requirements for such AC platform, UP and balcony with regard to M&R

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<sup>1</sup> To encourage building design to cater for the need to repair and maintain the external features, the BD has since early 2016 implemented that in considering applications for exemption of components of the exterior of buildings, such as AC platforms and curtain walls, from gross floor area and site coverage calculations, the provision of ancillary facilities for safe M&R access of such exterior components is one of the pre-requisites.

<sup>2</sup> Separately, a facilitation measure of allowing an AC platform to combine with a balcony and/or UP for direct M&R access subject to meeting certain conditions is proposed in the Code for consultation with the industry stakeholders. This facilitation will provide further design flexibility and encourage the provision of an AC platform having direct and safe M&R access.

access. Specifically, the Code will specify a minimum clear working space of 400mm and the provision of guard-rails or screens on an AC platform and cast-in anchors for M&R access through window as deemed-to-satisfy requirements. If the main part of the AC could not be placed on an AC platform, a UP or a balcony due to site constraints etc., the project proponent would be required to demonstrate to BD that the proposed M&R access is not inferior to the deemed-to-satisfy provisions specified in the Code. Besides, the Code will specify that authorized persons should ensure that the proposed M&R access complies with the relevant occupational safety requirements under the Occupational Safety and Health Ordinance (Cap. 509), the Factories and Industrial Undertakings Ordinance (Cap. 59) and their subsidiary regulations, as well as the building safety requirements under the BO. Otherwise, the M&R access plans and the related building plans of the proposed new building will be refused by BD under the BO.

6. After the issue of the Code, BD will set up a technical committee to collect views and feedback on the use of the Code from the building industry and practitioners so as to keep the Code abreast with the advancements in design, technologies and construction practices.

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Buildings Department  
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