

The Government of the Hong Kong Special Administrative Region

房屋及規劃地政局

香港花園道美利大廈



Housing, Planning and Lands
Bureau

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本局檔號 Our Ref. HPLB(B) 30/30/102 Pt.23

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Clerk to Bills Committee
(Attn : Ms Odelia LEUNG)
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms Leung,

**Bills Committee on
Buildings (Amendment) Bill 2003**

At the Bills Committee meeting on 12 December 2003, some Members requested clarification of the circumstances which would fulfill the condition stipulated in the new Regulation 41D(3)(a) of the Building (Planning) Regulations (B(P)R) (Clause 79 of the Bill) concerning exemption from the provision of emergency vehicular access (EVA). An example quoted by a Member was inability of a person to purchase the land surrounding the building in question or to obtain approval of the relevant landowner for the provision of EVA which would encroach on the landowner's land.

The condition stipulated in B(P)R 41D(3)(a) under which the Building Authority may exempt a building from any or all of the requirements on design and construction of EVA is that the Building Authority has to be satisfied that compliance with the requirements is impractical having regard to the topographical features of the area on which the building is situated. The example cited by the Member mentioned in paragraph 1 above would be considered as fulfilling this condition and, therefore, the subject building may be exempt from the provision of EVA. Other examples of such circumstances include hill

slopes where pylon supporting electrical cables are erected and a site abutting a stepped street.

At the same Bills Committee meeting, some Members also enquired about the types of foundation works which would require the appointment of a registered geotechnical engineer (RGE). A Member asked whether the carrying out of foundation works for the construction of high-rise superstructures would require the appointment of an RGE.

The amended regulation 12 of the Building (Administration) Regulations (Clause 52) specifies the division of responsibilities among the Authorized Persons (AP), Registered Structural Engineers (RSE) and RGE with reference to the different types of prescribed plans and documents required under regulation 8 to be prepared and signed by them respectively for submission to the Building Authority for approval. Regulation 12(5) provides for the types of plans and documents that require the preparation and signature of the RGE. The Buildings Department will elaborate on the technical details of the arrangement in a practice note upon enactment of the Bill.

The appointment of an RGE is required for all foundation works including works for the construction of high-rise superstructures. In general, a site investigation report prepared by an RGE is required to support the foundation design. In addition, where the foundation works are carried out in area number 2 or 4 of the Scheduled Areas as specified in the Fifth Schedule to the Buildings Ordinance (see Annex) or carried out on slopes or adjoining retaining walls, an RGE is required for preparing and signing the geotechnical assessment report containing geotechnical requirements for the design and construction of the foundation works. He is also required to supervise the geotechnical aspects of the works.

I would be grateful if you could convey the above information to Bills Committee Members.

Yours sincerely



(Rick Chan)
for Secretary for Housing, Planning and Lands

c.c. DB (Attn : Mr C K Au) [Fax : 2840 0451]

D of J (Attn : Mr K F Cheng/
Ms Selina Lau) [Fax : 2845 2215]

Annex

雙語法例資料系統
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Section of Enactment

[section 2(1)]

Chapter: 123 Title: BUILDINGS ORDINANCE Gazette Number: L.N. 177 of 2003
 Schedule: 5 Heading: SCHEDULED AREAS Version Date: 04/07/2003

Area Number

Description

1. Mid-levels area being the area delineated and shown edged black on a plan numbered GCB1, dated 28 April 1982, signed by the Secretary for Lands and Works and deposited in the Land Registry.
2. North-western part of the New Territories being the area delineated and shown edged black on a plan numbered GS-SP/714-1, dated 8 June 1990, signed by the Secretary for Planning, Environment and Lands and deposited in the Land Registry.
3. (1) The railway protection areas along the Mass Transit Railway lines being- (Amended L.N. 177 of 2003)
 - (a) the areas delineated and shown edged black on the plans numbered MTR/G/1 to 3, MTR/RP/1 to 22, MTR/RP/25 to 27, MTR/RP/30 to 46, MTR/RP/50 to 55, MTR/RP/60 to 66 and MTR/RP/101 to 170, dated 29 June 1998, signed by the Secretary for Planning, Environment and Lands and deposited in the Land Registry; and
 - (b) the areas delineated and shown edged black on the plans numbered MTR/G/4, MTR/RP/23 Rev. A, MTR/RP/24 Rev. A, MTR/RP/28 Rev. A, MTR/RP/29 Rev. A, MTR/RP/56 Rev. A, MTR/RP/57 Rev. A, MTR/RP/58 Rev. A, MTR/RP/59 Rev. A and MTR/RP/202 to 223, dated 29 May 2002, signed by the Secretary for Planning and Lands and deposited in the Land Registry. (Replaced L.N. 116 of 2002)
- (2) The railway protection areas along the railway lines of the Kowloon-Canton Railway Corporation, being the areas delineated and shown edged black on the plans numbered KCR/WR/RP/100 Rev. 1, KCR/WR/RP/101 Rev. 1, KCR/WR/RP/102 Rev. 1, KCR/WR/RP/103 Rev. 1, KCR/WR/RP/104 Rev. 1, KCR/WR/RP/105 Rev. 1, KCR/WR/RP/106 Rev. 1, KCR/WR/RP/107 Rev. 1, KCR/WR/RP/108 Rev. 1, KCR/WR/RP/109 Rev. 1, KCR/WR/RP/110 Rev. 1, KCR/WR/RP/111 Rev. 1, KCR/WR/RP/112 Rev. 1, KCR/WR/RP/113 Rev. 1, KCR/WR/RP/114 Rev. 1, KCR/WR/RP/115 Rev. 1, KCR/WR/RP/116 Rev. 1, KCR/WR/RP/117 Rev. 1, KCR/WR/RP/118 Rev. 1, KCR/WR/RP/119 Rev. 1, KCR/WR/RP/120 Rev. 1, KCR/WR/RP/121 Rev. 2, KCR/WR/RP/122 Rev. 1, KCR/WR/RP/123 Rev. 1, KCR/WR/RP/124 Rev. 1, KCR/WR/RP/125 Rev. 1, KCR/WR/RP/126 Rev. 1, KCR/WR/RP/127 Rev. 1, KCR/WR/RP/128 Rev. 1, KCR/WR/RP/129 Rev. 1, KCR/WR/RP/130 Rev. 1, KCR/WR/RP/131 Rev. 1, KCR/WR/RP/132 Rev. 1, KCR/WR/RP/133 Rev. 1, KCR/WR/RP/134 Rev. 1, KCR/WR/RP/135 Rev. 1, KCR/WR/RP/136 Rev. 1, KCR/WR/RP/137 Rev. 1, KCR/WR/RP/138 Rev. 1, KCR/WR/RP/139 Rev. 1, KCR/WR/RP/140 Rev. 1,

- KCR/WR/RP/141 Rev. 1, KCR/WR/RP/142 Rev. 1, KCR/WR/RP/143 Rev. 1, KCR/WR/RP/144 Rev. 1 and KCR/WR/RP/145 Rev. 1, dated 6 June 2003, signed by the Secretary for Housing, Planning and Lands and deposited in the Land Registry. (Added L.N. 177 of 2003)
4. Ma On Shan area being the area delineated and shown edged black on a plan numbered GS-SP/717-3, dated 25 March 1993, signed by the Secretary for Planning, Environment and Lands and deposited in the Land Registry. (Added 68 of 1993 s. 21)
5. The sewage tunnel protection areas being the areas delineated and shown edged black on the seven plans numbered KCE/S/G/765A to 771A, dated 11 November 1994, signed by the Secretary for Planning, Environment and Lands and deposited in the Land Registry. (Added 6 of 1995 s. 6)
(Replaced 52 of 1990 s. 9. Amended 8 of 1993 s. 2)
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