

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

**Emergency Vehicular Access**

**Purpose**

This paper describes the proposal for the provision of emergency vehicular access (EVA) to new buildings in the Buildings (Amendment) Bill 2003.

**Background**

2. The provision of EVA is critical in case of fire or other emergencies requiring the use of emergency vehicles of the Fire Services Department (FSD). At present, however, there is no statutory requirement for the provision of EVA to buildings.

3. Since 1980, we have administratively required the provision of EVA if the building development involves a new land grant or a lease modification. However, this administrative requirement cannot be extended to redevelopments where there is no change to the conditions under pre-1980 land leases.

4. Since 1980, FSD has also issued a set of administrative guidelines on the provision of EVA to Authorised Persons. However, the Building Authority (BA) has no power to refuse the approval of plans under the existing Buildings Ordinance if no EVA is provided or the EVA does not comply with these administrative guidelines.

**Proposal**

5. The new Regulation 41D of the Building (Planning) Regulations (B(P)R) under Clause 79 of the Bill requires the provision of EVA to all new buildings. The BA may however grant exemption from this requirement under the following circumstances -

- (a) where EVA cannot be provided due to topographical constraints;  
or
- (b) in case of buildings with low fire risk.

Where an exemption from the provision of EVA is granted, the BA may impose conditions as necessary to require the provision of enhanced fire safety measures for the building. These measures may include enhanced means of escape, means of access, fire resisting construction and fire service installations.

6. Clause 79 also provides that the BA may from time to time specify the design and construction standards of EVA, having regard to the intended use of the building. In practice, the BA will include these standards in a Code of Practice and will amend them from time to time as necessary in consultation with the industry.

7. Clause 32 (the new section 29A) also empowers the BA to serve an order on the owners of the EVA requiring them to carry out remedial works if the EVA is not maintained in good order. Failure to comply with the order will constitute an offence under Clause 39(c) (the new section 40(1B)(b)).

### **Submission to Bills Committee**

8. In its submission of 22 August 2003 to the Bills Committee, the Hong Kong Institute of Surveyors supports making the provision of EVA a statutory requirement. However, it has suggested that if an existing EVA is available or if a building fronts an existing street, an application for exemption should not be required. As explained in item 45 of LC paper No. CB(1) 59/03-04(03) ("Response to Submissions"), our intention is that a building fronting an existing street which conforms to the standards of EVA as mentioned in paragraph 6 above will be considered as complying with the new regulation 41D(1) of B(P)R. Under these circumstances, the developer only has to indicate on the building plans the location of the relevant EVA which satisfies the standards and no application for exemption is required.

## **Conclusion**

9. The proposed requirement for the provision and maintenance of EVA should facilitate access for fire-fighting and rescue purposes and therefore enhance public safety. At the same time, sufficient flexibility is provided through the exemption powers in specified cases.

Housing, Planning and Lands Bureau  
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