

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2209/07-08  
(These minutes have been seen  
by the Administration)

Ref: CB1/SS/11/07

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

**Minutes of second meeting on**  
**Monday, 16 June 2008, at 5:30 pm**  
**in Conference Room A of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk, JP (Chairman)  
Hon SIN Chung-kai, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon CHEUNG Hok-ming, SBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, SBS, JP
- Public Officers attending** : **Agenda item II**
- Dr CHAN Ying-lung, Ellen  
Assistant Director (Environmental Infrastructure)  
Environmental Protection Department
- Dr WONG Tung-kong, Lawrence  
Principal Environmental Protection Officer  
(Waste Reduction & EcoPark)  
Environmental Protection Department
- Mr LAI Chi-shing  
Senior Environmental Protection Officer  
Environmental Protection Department

Mr LAM Siu-tong  
Assistant Director/Support  
Buildings Department

Ms LAM See-man, Francoise  
Senior Government Counsel  
Department of Justice

**Attendance by  
invitation**

**: Agenda item II**

The Hong Kong Institute of Surveyors

Mr Raymond CHAN  
Chairman  
Public & Social Affairs Committee

Mr Vincent HO  
Council Member  
Building Surveying Division

The Hong Kong Institute of Housing

Mr CHAN S L Henry  
President

Mr IP C M Ellis  
Council Member

The Hong Kong Institute of Architects

Mr C M CHAN  
Chairman  
Buildings Committee

**Clerk in attendance** : Mr Andy LAU  
Chief Council Secretary (1)2

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4  
  
Ms Sarah YUEN  
Senior Council Secretary (1)6

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**I Confirmation of minutes and matters arising**

(LC Paper No. CB(1)1880/07-08 - Minutes of meeting held on 30 May 2008)

The minutes of the meeting held on 30 May 2008 were confirmed.

**II Meeting with deputations/the Administration**

(LC Paper No. CB(1)1882/07-08(01) - Submission from The Real Estate Developers Association of Hong Kong  
LC Paper No. CB(1)1892/07-08(01) - Administration's response to the submission from The Real Estate Developers Association of Hong Kong  
LC Paper No. CB(1)1882/07-08(02) - Administration's response to the issues raised at the meeting on 30 May 2008)

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

3. The Subcommittee noted the following submissions tabled at the meeting –

- (a) Submission from The Hong Kong Institution of Engineers; and
- (b) Submission from Mr YEUNG Wai-sing, a member of the Eastern District Council.

*(Post-meeting note: The above submissions were issued to members vide LC Papers Nos. CB(1) 1939/07-08 (01) and (02) by email on 17 June 2008.)*

Meeting with deputations/the Administration

4. The Chairman invited the deputations to take turns to present their views to the Subcommittee.

*(Post-meeting note: HKIA's submission was issued to members vide LC Paper No. CB(1) 1939/07-08 (03) by email on 17 June 2008.)*

5. The Subcommittee noted the views expressed by the Hong Kong Institute of Architects and called on the Administration to formulate an effective and comprehensive strategy combining both hardware and software provisions with a view to attaining more significant waste reduction result in Hong Kong. The Administration should also promulgate a policy on strengthening the local recycling industry and promoting less waste generation in the years ahead.

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6. The Administration replied that it would strive to achieve the waste recovery target through a host of initiatives, including the implementation of producer responsibility schemes, public education programme, and provision of support for the recycling industry, etc.

Design of refuse storage and material recovery room

7. The Subcommittee had examined the design drawing of refuse storage and material recovery room depicted in the Buildings Department's Practice Note 98. It noted the concern expressed by the Hong Kong Institute of Housing and Hong Kong Institute of Surveyors about the adverse impacts associated with the 24-hour continuous operation of the mechanical ventilation facilities inside refuse storage and material recovery room, particularly the resultant energy consumption, cost implications and maintenance problems, etc.

8. The Administration advised that there was no requirement for round-the-clock operation. Instead, a balance should be struck between minimizing the associated odour and hygiene problems and energy conservation. Where feasible, the Building Authority might consider accepting natural ventilation to replace mechanical ventilation facilities. The Administration would liaise with the relevant industries and provide guidelines on the compliance with the relevant provisions.

Minimum dimensions of a refuse storage and material recovery room

9. The Subcommittee had examined the minimum dimensions of a refuse storage and material recovery room provided for in the law and whether they were sufficient for the purpose of facilitating source separation of waste for material recovery.

Exempting refuse storage and material recovery rooms from site coverage calculation

10. The Subcommittee had expressed concern that as the Building Authority would not exempt the floor space for refuse storage and material recovery rooms from site coverage calculations under the Buildings Ordinance, this would have serious impacts on new developments undertaken by small developers. Considering the building height restrictions recently imposed under the Town Planning Ordinance (Cap. 131), Prof Patrick LAU Sau-shing was concerned that if the area taken up by the required refuse storage and material recovery rooms would not be offset by exemption from site coverage calculation, the requirement might significantly reduce the "efficiency ratio" of the units of small developments and cause hardship to small developers.

11. The Administration advised that having considered the practical difficulties encountered by the industry, the Amendment Regulation already provided that certain buildings would be exempted from the mandatory requirement for the provision of a refuse storage and material recovery room on every floor. Notwithstanding, the Administration agreed to review in conjunction with the relevant industries the problems which the requirement might pose to small developments presently not exempted in due course after the commencement of the Amendment Regulation. And if it was concluded in the review that without exemption from site coverage calculation, the required refuse storage and material recovery rooms would pose

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problems to the planning and design of certain types of development, the Building Authority might consider granting exemption through administrative measures as necessary. To ensure equity, the Subcommittee noted that it was already the Administration's practice to provide details on precedent successful applications for exemption under section 42 of the Buildings Ordinance for the industry's reference.

Exemption from the mandatory requirements

12. The Subcommittee noted that for buildings belonging to the Government and public housing produced by the Housing Authority, building plans were not required to be submitted to the Building Authority for approval. However, these buildings would be designed (by the relevant departments) to comply with the requirements of the Regulations under the Buildings Ordinance including any new Regulations once they had come into operation.

13. The Subcommittee had also examined the justifications for excluding any part of a building that was designed for use as a hotel, guest-house, boarding-house, hostel or dormitory from the mandatory requirement for the provision of a refuse storage and material recovery room on every floor and called on the Administration to review the matter.

*(Post meeting note : Having considered members' comments and the policy intention of introducing the mandatory requirement for the provision of refuse storage and material recovery room on every floor, the Administration subsequently proposed to remove "hostel or dormitory" from the new section 3A(5) of the Amendment Regulation. A resolution to this effect would be moved by the Administration at the Council meeting on 9 July 2008.*

**III Any other business**

14. There being no other business, the meeting ended at 7:00 pm.

Council Business Division 1  
Legislative Council Secretariat  
22 July 2008

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

**Proceedings of the second meeting  
on Monday, 16 June 2008, at 5:30 pm  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<b>Agenda Item I – Confirmation of minutes and matters arising</b>			
000000 - 000020	Chairman	- Confirmation of minutes of meeting held on 30 May 2008 (LC Paper No. CB(1)1880/07-08)	
000021 - 000308	Chairman	- Opening remarks	
<b>Agenda Item II – Meeting with deputations/the Administration</b>			
<i>Meeting with deputations</i>			
000309 - 000950	The Hong Kong Institute of Surveyors (HKIS)	- Presentation of views	
000951 - 001320	The Hong Kong Institute of Housing (HKIH)	- Presentation of views	
001321 - 001446	The Hong Kong Institute of Architects (HKIA)	- Presentation of views	
001447 - 003408	Chairman Administration	- Administration's response to the deputations' views	
003409 - 003856	Chairman Administration	- Discussion on how flexibility could be exercised to exempt relevant parties from complying with the requirements relating to the minimum dimensions of the refuse storage and material recovery room (RSMRR) required under the Amendment Regulation, and to the installation and operation of mechanical ventilation facilities therein (Regulations 8 and 12A of the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap. 123H), and section 42 of the Buildings Ordinance (Cap. 123))	
003857 - 005358	Chairman Prof Patrick LAU Administration Mr SIN Chung-kai	- Discussion on the impacts of the inclusion of the required RSMRR in site coverage (SC) calculation on small developments (Cases 13, 30 and 32 in the Annex to the Administration's response to the submission from The Real Estate Developers Association of Hong	

Time marker	Speaker	Subject(s)	Action required
		<p>Kong (LC Paper No. CB(1)1892/07-08(01)), especially with building height restrictions recently imposed</p> <ul style="list-style-type: none"> <li>- Discussion on how individual applications for exemption from the RSMRR requirement should be processed</li> <li>- Prof Patrick LAU's expression of support for HKIA's submission</li> <li>- Discussion on the waste collection arrangements and publicity efforts to be made in support of the RSMRR requirement, whether the requirement alone could suffice to incentivize residents and waste collection contractors to assist in waste separation and recycling, and whether waste separation and recycling should be mandated</li> </ul>	
005359 - 005830	<p>Chairman Prof Patrick LAU HKIS Administration</p>	<ul style="list-style-type: none"> <li>- Discussion on HKIS's proposal that, to encourage small developments presently exempted from the RSMRR requirement to voluntarily comply with the requirement, the floor space for the required RSMRR should be exempted from calculation of site coverage and space around the development</li> <li>- Discussion on HKIH's proposal on the provision of a RSMRR larger than required if it was exempted from site coverage calculation</li> </ul>	
<b><i>Meeting with the Administration</i></b>			
005831 - 012002	<p>Chairman Administration Mr SIN Chung-kai</p>	<ul style="list-style-type: none"> <li>- Discussion on the justification to exempt hostel/dormitory from the RSMRR requirement (section A of LC Paper No. CB(1)1882/07-08(02) and definition of "habitation" in section 2 of Cap. 123)</li> <li>- Discussion on the need to ensure that the Housing Authority would comply with the RSMRR requirement although it did not need to submit plans to the Building Authority for approval</li> </ul>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<b>Agenda Item III – Any other business</b>			
012003 - 012013	Chairman Mr SIN Chung-kai	- The way forward	

Council Business Division 1  
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22 July 2008