

**BUILDING (PLANNING) (AMENDMENT)  
REGULATION 2008**

**Proposed Amendments by the Administration**

This paper sets out for Members' information the Administration's proposed amendments to the Building (Planning) (Amendment) Regulation 2008. The amendments are technical and textual in nature and seek mainly to improve the clarity of the requirements set out in the Amendment Regulation.

Section 4 in Part 2 of the new Third Schedule to the Building (Planning) Regulations

2. Section 4(1) and section 4(2) provide for the assessment of the number of wheelchair spaces required in an auditorium with fixed seats. While the proposed provisions reflect our policy intention, Members consider that the provisions should be refined for improved clarity. Having considered Members' views, we propose to amend the two subsections.

Section 7, Division 12 in Part 2 and Part 4 of the new Third Schedule

3. A hotel, hostel or guesthouse is used for habitation and hence is regarded as a domestic building or the domestic part of a composite building. While section 7 of the new Third Schedule provides for the provision of accessible guest rooms in hotels, hostels and guesthouses, Part 4 of the new Third Schedule has only included the common areas of a domestic building or the domestic part of a composite building to be subject to the provision of access and facilities for persons with a disability (PWDs).

4. In order to put it beyond doubt that the accessible guest rooms referred to in section 7 of the new Third Schedule have to be provided in a hotel, hostel or guesthouse, we propose to amend Part 4 of the new Third Schedule to specifically include the accessible guest rooms in hotels, hostels and guesthouses to be places that need to be designed in such a manner as to facilitate access and use by PWDs.

5. Similarly, Division 12 of Part 2 of the new Third Schedule is intended to provide for the design requirements of bathrooms and shower compartments in accessible guest rooms in hotels, hostels and guesthouses. To avoid ambiguity on the extent of application of this Division, we propose to make it clear that this Division is only applicable to accessible guest rooms which are required to be provided in hotels, hostels and guesthouses under section 7 of the new Third Schedule which is in line with the relevant requirements set out in the Design Manual on Barrier Free Access 2008.

#### Table to Section 86 of the new Third Schedule

6. Minor typos are noted in the Table in Section 86 of the new Third Schedule. We propose to rectify them.

#### Proposed Amendments

7. The Administration's proposed amendments to the relevant provisions in the new Third Schedule to the Building (Planning) Regulations are attached.

Development Bureau  
Labour and Welfare Bureau  
Buildings Department

June 2008

**4. Wheelchair spaces**

~~(1) Subject to subsection (2), 2 wheelchair spaces shall be provided in premises to which this Division applies for every 400 fixed seats or any part thereof.~~

(1) On any premises with an auditorium with not more than 800 fixed seats at spectator level, not less than 4 wheelchair spaces shall be provided at spectator level.

~~(2) Not less than 4 wheelchair spaces shall be provided at spectator level in an auditorium.~~

(2) On any premises with an auditorium with more than 800 fixed seats at spectator level, not less than 2 wheelchair spaces shall be provided at spectator level for every 400 fixed seats or any part thereof.

(3) A wheelchair space shall be adjacent to at least one other wheelchair space.

(4) Wheelchair spaces shall be adjacent to fixed seats.

(5) A wheelchair space shall have unobstructed view of the spot at which the relevant activity takes place.

(6) The side of a wheelchair space facing the spot at which the relevant activity takes place shall be not less than 800 mm and the other side shall be not less than 1 300 mm.

(7) A passage leading to a wheelchair space from an accessible entrance of an auditorium shall be not less than 1 500 mm in width.

(8) Nothing in this section prohibits the installation of readily removable seats in the wheelchair spaces when the spaces are not occupied by wheelchair users.

**Division 12 – Bathrooms and Shower Compartments in Accessible Guest Rooms**

**55A. Application: Division 12, Part 2**

This Division applies to bathrooms and shower compartments in accessible guest rooms required under section 7.

**TABLE**

Uses of buildings	Required additional assistive provisions				
	Braille and tactile floor plan [section 69(2)]	Tactile guide path [sections 13 and 69(3)]	Visual display board [section 69(4)]	Accessible public information or service counter [section 70]	Assistive listening system [section 77]
1. Department store and shopping complex	Applicable	Applicable	Not applicable	Applicable	Not applicable
2. Hotel, hostel, guesthouse and bank	Applicable	Not applicable	Not applicable	Applicable	Not applicable
3. Place for worship	Applicable	Not applicable	Not applicable	Applicable	Not applicable
4. Cinema, theatre, concert hall, stadium, museum, theme park and purpose-built family amusement centre	Applicable	Applicable	Applicable	Applicable	Applicable

Uses of buildings	Required additional assistive provisions				
5. School, college, university and public library	Applicable	Applicable	Not applicable	Applicable	Not applicable
6. Factory, <del>workshop</del> <u>workshop</u> and place for industrial use	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
7. Sports complex and public swimming pool complex	Applicable	Applicable	Not applicable	Applicable	Not applicable
8. Restaurant and food court	Applicable	Not applicable	Not applicable	Not applicable	Not applicable
9. Indoor market and supermarket	Applicable	Not applicable	Not applicable	Not applicable	Not applicable
10. Hospital and purpose-built clinic	Applicable	Applicable	Applicable	Applicable	Applicable

Uses of buildings	Required additional assistive provisions				
11. Residential home for the elderly and welfare centre	Applicable	Applicable	Not applicable	Applicable	Not applicable
12. Club house	Applicable	Not applicable	Not applicable	Applicable	Not applicable
13. Transport station, interchange and passenger terminal	Applicable	Applicable	Applicable	Applicable	Applicable
14. Carpark	Applicable	Not applicable	Not applicable	Not applicable	Not applicable

## PART 4

### BUILDING WHERE LIMITED FACILITIES FOR PERSONS WITH A DISABILITY ARE TO BE PROVIDED

Category of Buildings	Extent of application of regulation 72
1. Domestic buildings	<p>(a) All common areas of such buildings of more than 4 storeys.</p> <p>(b) Main entrance and common areas of the ground floor and means of access to buildings which do not exceed 4 storeys.</p> <p>(c) The areas mentioned in paragraphs (a) and (b) shall not include the parts of the building used for the following purposes –</p> <p>(i) areas only used for building services and maintenance (testing, inspections, verification, repair and overhaul) including –</p> <p>(A) a plant, cooling tower and power plant;</p> <p>(B) equipment and lift motor room, and electrical transformer room and switch room, a battery room, a machinery room, a plant room and a pump room;</p> <p>(C) a boiler room;</p>



- (D) non-tenantable spaces accessed only by ladders, catwalks or crawl spaces;
  - (E) an access route for maintenance, pits, lift shafts and ventilation shafts; and
  - (F) a sub-station, telecommunications equipment room, metering area or the like;
- (ii) mezzanine floor used only for storage, plant and equipment installations or the like;
  - (iii) raised platform used primarily for the purposes of security or safety management, including but not limited to, guard tower or fixed lifeguard stand;
  - (iv) swimming pool (the water-containing pool only); and
  - (v) any path providing access only to an area used for the purposes as stated in subparagraphs (i) to (iv) above.

(d) All guest rooms required under section 7.

2. Non-domestic buildings All parts of such buildings, excluding the parts used for the following purposes –
- (a) commercial kitchen, cold room and cinema projector room;
  - (b) areas only used for building services

and maintenance (testing, inspections, verification, repair and overhaul)

including –

- (i) a plant, cooling tower and power plant;
  - (ii) equipment and lift motor room, and electrical transformer room and switch room, a battery room, a machinery room, a plant room and a pump room;
  - (iii) a boiler room;
  - (iv) non-tenantable spaces accessed only by ladders, catwalks or crawl spaces;
  - (v) an access route for maintenance, pits, lift shafts and ventilation shafts; and
  - (vi) a sub-station, telecommunications equipment room, metering area or the like;
- (c) areas used for storage of raw materials or produce or for bulk storage where –
- (i) the stored materials are hazardous; or
  - (ii) the public is not permitted to enter, such as waste containment area, chemical store or the like;
- (d) mezzanine floor used only for storage, plant and equipment installations or the

like;

- (e) raised platform used primarily for the purposes of security or safety management, including but not limited to, guard tower or fixed lifeguard stand;
- (f) swimming pool (the water-containing pools only); and
- (g) any path providing access only to an area used for the purposes as stated in paragraphs (a) to (f) above.

- 3. Composite buildings
  - (a) All common areas of the domestic parts of such buildings if the domestic parts are more than 4 storeys.
  - (b) Main entrance and common areas of the ground floor and means of access to buildings if the domestic parts of which do not exceed 4 storeys.
  - (c) The areas mentioned in paragraphs (a) and (b) shall not include the parts of the building used for the following purposes –
    - (i) areas only used for building services and maintenance (testing, inspections, verification, repair and overhaul) including –
      - (A) a plant, cooling tower and power

- plant;
- (B) equipment and lift motor room, and electrical transformer room and switch room, a battery room, a machinery room, a plant room and a pump room;
- (C) a boiler room;
- (D) non-tenantable spaces accessed only by ladders, catwalks or crawl spaces;
- (E) an access route for maintenance, pits, lift shafts and ventilation shafts; and
- (F) a sub-station, telecommunications equipment room, metering area or the like;
- (ii) mezzanine floor used only for storage, plant and equipment installations or the like;
- (iii) raised platform used primarily for the purposes of security or safety management, including but not limited to, guard tower or fixed lifeguard stand;
- (iv) swimming pool (the water-containing pool only); and
- (v) any path providing access only to an area used for the purposes as stated in

subparagraphs (i) to (iv) above.

- (d) All non-domestic parts of such buildings, excluding the parts used for the following purposes –
- (i) commercial kitchen, cold room and cinema projector room;
  - (ii) areas only used for building services and maintenance (testing, inspections, verification, repair and overhaul) including –
    - (A) a plant, cooling tower and power plant;
    - (B) equipment and lift motor room, and electrical transformer room and switch room, a battery room, a machinery room, a plant room and a pump room;
    - (C) a boiler room;
    - (D) non-tenantable spaces accessed only by ladders, catwalks or crawl spaces;
    - (E) an access route for maintenance, pits, lift shafts and ventilation shafts; and
    - (F) a sub-station, telecommunications equipment room, metering area or the like;

- (iii) areas used for storage of raw materials or produce or for bulk storage where –
  - (A) the stored materials are hazardous;  
or
  - (B) the public is not permitted to enter, such as waste containment area, chemical store or the like;
- (iv) mezzanine floor used only for storage, plant and equipment installations or the like;
- (v) raised platform used primarily for the purposes of security or safety management, including but not limited to, guard tower or fixed lifeguard stand;
- (vi) swimming pool (the water-containing pools only); and
- (vii) any path providing access only to an area used for the purposes as stated in subparagraphs (i) to (vi) above.”

(e) All guest rooms required under section 7.”