

L.N. 125 of 2008**BUILDING (REFUSE STORAGE AND MATERIAL RECOVERY CHAMBERS AND REFUSE CHUTES) (AMENDMENT) REGULATION 2008**

(Made by the Secretary for Development under section 38 of the Buildings Ordinance (Cap. 123))

1. Commencement

This Regulation shall come into operation on 1 December 2008.

2. Interpretation

(1) Regulation 2 of the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap. 123 sub. leg. H) is amended, in the definition of “refuse storage and material recovery room”, by adding “, sorting of reusable or recyclable materials” after “separation of refuse”.

(2) Regulation 2 is amended, in the definition of “reusable or recyclable materials”, by repealing “wood and metal” and substituting “wood, metal and textile”.

3. Regulation added

The following is added—

“3A. Refuse storage and material recovery rooms to be provided for in plans relating to domestic buildings or domestic part of composite buildings

(1) Subject to the other provisions of this regulation, every plan relating to—

(a) a domestic building; or

(b) the domestic part of a composite building,

shall show provision for a refuse storage and material recovery room on every floor of the domestic building, or of the domestic part.

(2) Where any 2 or more consecutive floors of the domestic building, or of the domestic part, as shown on the plan, comprise only one or more multi-floor units, the plan, to the extent that it relates to those floors, shall comply with paragraph (3).

(3) In relation to the multi-floor unit or any of the multi-floor units, the plan shall show provision for a refuse storage and material recovery room on at least one of those floors on which that unit is located, unless the plan shows provision for a refuse storage and material recovery chamber or material recovery chamber on any of those floors under regulation 3.

(4) The plan is not required to show provision for a refuse storage and material recovery room on a floor of any of the following descriptions—

- (a) a floor which is not designed for habitation;
- (b) a floor on which there is provision for a refuse storage and material recovery chamber or material recovery chamber shown on the plan under regulation 3.

(5) Where a plan relates to any part of a domestic building, or the domestic part of a composite building, that is designed for use as a hotel, guest-house, boarding house, hostel or dormitory, this regulation does not apply to the plan to the extent that it relates to that part.

(6) Where a plan relates to a building of any of the following descriptions, this regulation does not apply to the plan to the extent that it relates to that building—

- (a) a domestic building or composite building with one staircase only;
- (b) a domestic building designed for occupation by one single family only and with not more than 3 floors designed for habitation;
- (c) a composite building the domestic part of which comprises not more than 3 floors and is designed for habitation by one single family only;
- (d) a domestic building or composite building on a site of an area of not more than 500 square metres.

(7) In this regulation, “multi-floor unit” (多層單位), in relation to a domestic building or the domestic part of a composite building, means a domestic unit which occupies space on 2 or more consecutive floors of the domestic building or of the domestic part.”.

Carrie LAM
Secretary for Development

8 May 2008

Explanatory Note

This Regulation amends the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap. 123 sub. leg. H). Its main purpose is to add a new regulation 3A to the Regulations. The new regulation 3A imposes a mandatory requirement that, where a plan relating to a domestic building or the domestic part of a composite building is submitted to the Building Authority for approval under section 14 of the Buildings Ordinance (Cap. 123), the plan must show provision for a refuse storage and material recovery room on every floor of the domestic building or of the domestic part of the composite building.

2. The new regulation 3A(2) and (3) provides for a modified version of the mandatory requirement in relation to floors which comprise only one or more multi-floor units within the meaning of the new regulation 3A.

3. The new regulation 3A(4), (5) and (6) provides for exceptions to the mandatory requirement.