

立法會
Legislative Council

LC Paper No. CB(1)1982/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/SS/6/10/1

Subcommittee on Building (Construction) (Amendment) Regulation 2011

**Minutes of meeting held on
Tuesday, 8 February 2011, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Chairman)
Hon James TO Kun-sun
Hon Miriam LAU Kin-yee, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Cyd HO Sau-lan
Hon Tanya CHAN
- Members absent** : Hon CHEUNG Hok-ming, GBS, JP
Hon Alan LEONG Kah-kit, SC
- Public officers attending** : Mr Tommy YUEN Man-chung, JP
Deputy Secretary for Development (Planning and Lands) 2
- Mr HO Chun-hung
Acting Principal Assistant Secretary for Development
(Planning and Lands) 3
- Mr LAM Siu-tong
Deputy Director of Buildings
- Mr KOON Chi-ming
Assistant Director/New Buildings 2
Buildings Department

Mr Ken NG Kin-shing
Chief Structural Engineer/New Territories
Buildings Department

Ms Rayne CHAI Chih-hui
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Sharon CHUNG
Senior Council Secretary (1)4

Staff in attendance : Mrs Constance LI
Assistant Secretary General 1

Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Christina SHIU
Legislative Assistant (1)4

Action

I Election of Chairman

Ir Dr Raymond HO, the member with highest precedence in the Council among members of the Subcommittee, presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship.

2. Ir Dr Raymond HO was nominated by Miss Tanya CHAN and the nomination was seconded by Ms Cyd HO. Dr HO accepted the nomination. There being no other nomination, Dr HO was elected the Chairman of the Subcommittee.

II Meeting with the Administration

(L.N. 3 of 2011

-- The Building
(Construction)
(Amendment) Regulation

	2011
LC Paper No. LS23/10-11	-- Legal Service Division Report
DEVB(PI-B)30/30/16	-- Legislative Council Brief
LC Paper No. CB(1)1234/10-11(01)	-- Marked-up copy of the Building (Construction) (Amendment) Regulation 2011
LC Paper No. CB(1)1234/10-11(02)	-- Paper on Building (Construction) (Amendment) Regulation 2011 prepared by the Legislative Council Secretariat (Background brief)
LC Paper No. CB(1)1234/10-11(03)	-- Letter from Assistant Legal Adviser to the Administration dated 19 January 2011
LC Paper No. CB(1)1234/10-11(04)	-- Administration's letter dated 21 January 2011 in response to letter from Assistant Legal Adviser (LC Paper No. CB(1)1234/10-11(03))

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

4. The Subcommittee agreed that the Chairman would move a motion at the Council meeting of 16 February 2011 to extend the scrutiny period of the Amendment Regulation to 9 March 2011.

5. In response to the request of the Subcommittee, the Administration would provide a paper covering the following points for discussion at the next meeting:

- (a) a comparison of the minimum imposed load requirements for buildings for various uses among major cities in the world, to illustrate how Hong Kong is compared with other cities (especially those with high-rise buildings and are densely populated, such as Tokyo) in such requirements;

- (b) how the proposed changes to the minimum imposed load requirements would impact on the construction costs and property prices;
- (c) whether the Administration would consider including in the Occupation Permit and other relevant public documents of relevant buildings information on the authorised uses and maximum loading of such buildings; and
- (d) what measures the Administration would adopt to ensure that the owners or users of the buildings would be aware of the maximum loading of their buildings, and the risks of overloading the buildings should there be a change of uses (especially when the change of uses did not require separate approval or licensing).

III Any other business

Date of next meeting

6. It was agreed that the Chairman would work out the date of the next meeting with the Clerk and members would be informed accordingly.

(Post-meeting note: The next meeting was held on Tuesday, 15 February 2011, at 8:30 am. The notice and agenda of the meeting was issued on 9 February 2010.)

7. There being no other business, the meeting ended at 4:05 pm.

Subcommittee on Building (Construction) (Amendment) Regulation 2011

Proceedings of meeting on Tuesday, 8 February 2011, at 2:30 pm in Conference Room A of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
000051 – 000303	Ir Dr Raymond HO Miss Tanya CHAN Ms Cyd HO	Election of Chairman	
000304 – 000353	Chairman	Members' agreement that the Chairman would move a motion at the Council meeting of 16 February 2011 to extend the scrutiny period of the Building (Construction) (Amendment) Regulation 2011 ("the Amendment Regulation") to 9 March 2011	
000354 – 000643	Administration	Briefing by the Administration on the background and purposes of the Amendment Regulation	
000644 – 001404	Chairman Ms Cyd HO Mr James TO Administration	<p>Ms Cyd HO's enquiry on the meaning of "distributed load in kPa to be applied uniformly on plan" and "line load in kN per metre length" in the new Table 1</p> <p>Mr James TO's enquiry on when the existing Building (Construction) Regulations ("the Regulations") was enacted, and the application of the new requirements to changes of floor use in buildings and redevelopment of buildings</p> <p>The Chairman's remarks that the existing requirements on imposed load on buildings in Hong Kong followed the London Bylaw which was made in</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>1955</p> <p>The Administration's response that:</p> <ul style="list-style-type: none">(a) the requirements of imposed load on buildings were first introduced in the 1950s and the current imposed load requirements in the Regulations were made in 1990;(b) the Amendment Regulation aimed to modernize and update the minimum imposed loading requirements for buildings to meet the modern-day needs of the society and to bring the requirements in line with the standards of other developed countries;(c) the Building Department ("BD") had conducted a consultancy study on loading requirements for buildings including the actual loading situations of buildings in Hong Kong and a comparison of the local requirements with those of other countries, such as Australia, Singapore and the United Kingdom;(d) the consultancy study came up with recommendations to re-categorize the uses of buildings, to reduce the minimum imposed load requirements on certain floor uses of buildings, to specify imposed load requirements for some new floor uses and present-day building elements; and	

Time marker	Speaker	Subject(s)	Action required
		(e) the professional bodies had been consulted and were supportive of the proposed amendments	
001405 – 002254	Administration Chairman Ms Audrey EU	<p>Briefing by the Administration on the purposes of sections 3(7), 3(8), 3(11), and 3(12) of the Amendment Regulation</p> <p>The Administration's explanation that the minimum imposed load requirements were re-categorized from the existing 12 classes to eight new classes in the new Table 1 according to floor uses to facilitate building practitioners to ascertain the minimum imposed load requirements for different uses of buildings; it would be easier for building practitioners to identify, for example, the imposed loads for floors used for childcare centres and kindergartens, or for leisure and recreational activities, as they all come under Class 3, where people may congregate</p>	
002255 – 002719	Miss Tanya CHAN Administration Chairman	<p>Miss Tanya CHAN's enquiry about the reasons for reducing the minimum imposed load requirements on some floor uses and the allowable reduction of the total distributed imposed loads for high-rise buildings, and how these amendments would ensure and enhance structural safety of buildings</p> <p>The Chairman's views that there were a lot of high-rise buildings in Hong Kong and that many floors in such buildings were used for activities with a high density of people, e.g. high-rise commercial complexes with a number</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>of large restaurants</p> <p>The Administration's explanation that:</p> <ul style="list-style-type: none"> (a) reduction in the minimum imposed load requirements for some floor uses was proposed as a result of a load survey conducted under the consultancy study commissioned by BD; (b) the reduction would be in line with the international standards; (c) it was estimated that a minimum imposed load requirement of 2 kPa for a domestic floor of 600 square feet amounted to supporting the weight of 180 adults (each of 170 pounds), and the minimum requirement for many public places was as high as 4 kPa or 5 kPa; and (d) reducing the allowable reduction of the total distributed imposed loads for buildings would enhance the structural safety of high-rise buildings as under section 3(12) of the Amendment Regulation the allowable percentage reduction of total distributed impose load would be tightened 	
002720 – 003229	Ms Cyd HO Administration	<p>In response to Ms Cyd HO's enquiries, the Administration's explanation that:</p> <ul style="list-style-type: none"> (a) "distributed load in kPa to be applied uniformly on plan" referred to the weight imposed evenly on an area, e.g. the weight 	

Time marker	Speaker	Subject(s)	Action required
		<p>per square metre; whereas "concentrated load in kN to be applied on plan over any square/line load in kN per metre length" referred to the weight imposed on the specified square area/along a line;</p> <p>(b) distributed load and line load were applicable on different designs, i.e. for the floor of a residential unit, distributed load applied, for a partition wall, which was erected on a line, line load applied; and</p> <p>as a rough illustration, an area of one square metre with a minimum imposed load of 2 kPa amounted to supporting the weight of three male adults; by multiplication, the same requirement for a domestic floor of 600 square feet amounted to supporting 180 male adults; the chance for a domestic floor of 600 square feet to be occupied by 180 male adults at the same time was low, hence, the requirement had allowed a sufficient safety margin</p>	
003230 – 003819	Mr James TO Ms Audrey EU Administration Chairman	<p>Mr James TO's views that the new requirements should ensure safety of buildings</p> <p>Ms Audrey EU's enquiry on:</p> <p>(a) the comparison of the new requirements with the existing requirements, the rationale for the changes, especially on the reduction in the requirements for certain uses such as restaurants and car-parking areas; and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) the impact of the Amendment Regulation, including whether the use of construction materials would be reduced and whether property prices would be lowered</p> <p>The Administration's explanation that:</p> <p>(a) the Amendment Regulation was an exercise to rationalize the existing imposed load requirements for buildings with a view to achieving more economical design and construction of building structures in line with local situations and international standards; and</p> <p>(b) improvement in construction materials and computation methods of structural analysis and designs had enabled more precise calculation and accommodation for loading requirements thus allowing reduction in loading requirements without compromising building safety</p> <p>The Chairman's remarks that the safety margin under the existing requirements was large; the new requirements would lead to saving of construction materials</p>	
003820 – 004625	Ms Miriam LAU Mr Abraham SHEK Administration Chairman	Ms Miriam LAU's views that there were criticisms from the building industry that the existing requirements were excessive and had led to wastage of construction materials, and savings in construction costs should be reflected in the property prices to benefit property buyers	

Time marker	Speaker	Subject(s)	Action required
		<p>Request from Ms LAU and Mr Abraham SHEK for information on:</p> <p>(a) a comparison of the minimum imposed load requirements for buildings for various uses among major cities in the world, to illustrate how Hong Kong was compared with other cities (especially those with high-rise buildings and were densely populated, such as Tokyo) in such requirements; and</p> <p>(b) how the proposed changes to the minimum imposed load requirements would impact on the construction costs and property prices</p> <p>The Administration's response that:</p> <p>(a) the new minimum imposed load requirements were worked out with reference to the international standards as well as the consultancy study conducted by BD which had surveyed a large number of buildings in Hong Kong to take into account the loading situations of different uses in the buildings; and</p> <p>(b) The new minimum imposed load requirement for domestic use in Hong Kong was 2 kPa, the requirement was 1.5 kPa in Singapore, 1.9 kPa in Canada and the United States of America, and 2 kPa in Mainland China, the international average was about</p>	<p>Administration to take action as required in paragraphs 5(a) and 5(b) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>1.7 kPa</p> <p>Mr Abraham SHEK's views that:</p> <ul style="list-style-type: none">(a) reduction in the use of construction materials would have a positive impact on the environment; and as compared with land premium, construction cost only constituted a small portion of the sale price of a property; and(b) the saving in costs resulting from reduction in use of construction materials could be re-invested in the project by the property developer through using construction materials of enhanced quality	
004626 – 004958	Miss Tanya CHAN Administration	<p>In response to Miss Tanya CHAN's enquiry, the Administration explained that:</p> <ul style="list-style-type: none">(a) the fifth column in the existing Table 1 served to cater for the local effect of imposed loads on beams of building structures, this column could be deleted as the loading requirements specified in columns 3 and 4 of the new Table 1 as well as section 3(7) of the Amendment Regulation (which stipulated that where the floor of a building was used to support any equipment, machinery or display item that would result in a greater imposed load than the minimum imposed load specified in Table 1, the load of any those items had to be considered in determining the	

Time marker	Speaker	Subject(s)	Action required
		<p>imposed load on the floor) would already impose control over the possible local effect on beams of building structures; and</p> <p>(b) the Administration would closely monitor international development and would undertake regular reviews of the loading requirements to ensure they were in line with international standards and would meet the changing local situations in Hong Kong</p>	
004959 – 005744	Ms Cyd HO Mr Abraham SHEK Administration	<p>Ms Cyd HO's views that building safety was of utmost importance and must not be compromised</p> <p>In response to enquiries by Ms Cyd HO and Mr Abraham SHEK, the Administration explained that:</p> <p>(a) the Amendment Regulation included a package of measures to rationalize the existing requirements, covering reduction in minimum imposed load requirements on some uses (e.g. domestic use, restaurants, car-parking areas, etc.) and strengthening requirements on others (e.g. inaccessible roofs with a slope of or less than 5 degree);</p> <p>(b) the new minimum imposed load requirement for domestic use would be 2 kPa vis-à-vis that of 1.5 kPa in Singapore which had taken into account the higher density of occupiers and heavier weight of furniture items used in</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Hong Kong;</p> <p>(c) the allowable reduction of the total imposed loads for buildings would be reduced thus allowing less load reduction for high-rise buildings in order to cater for the general increase in the number of floors in buildings in Hong Kong and to enhance structural safety of multi-storey buildings;</p> <p>(d) load reduction would be disallowed for partitions the positions of which were not indicated on the building plans in order to enhance safety of buildings; and</p> <p>(e) there were separate requirements on wind loads for buildings and the Amendment Regulation did not cover wind loads</p>	
005745 – 010829	Ms Audrey EU Administration	<p>Ms Audrey EU's concern about:</p> <p>(a) how the general public could have access to information about the designed floor uses of a building, the minimum imposed load requirements for different uses, and the maximum loading capacity of a building; and</p> <p>(b) how the Administration would monitor changes in floor use which would lead to increase in loading and pose risks to structural safety of a building</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) details of different floor uses and their corresponding designed imposed loads were specified in approved building plans, which were available for inspection on-line through "BRAVO" system at BD's website and the department's Building Information Centre (b) the Building Authority ("BA")'s prior approval was required if property owners or users were to make substantial changes to the floor use of a building; and (c) licensing systems for certain uses or activities, such as requirement for licences for the operation of restaurants, would help to ensure compliance with the minimum imposed load requirements by property owners or users 	
010830 – 011641	Mr James TO Administration	<p>Mr James TO's concern about changes in floor uses where permit or authorization was not required (e.g. using the balcony of a residential unit to store heavy load of books), and the Administration's enforcement against unauthorized changes in floor uses which would pose risks to loading of buildings</p> <p>Mr James TO's view that the Administration should inform the public about the loading requirements of different floor uses in a building</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration's response that:</p> <p>(a) there were cases where residential units had been used for storage; BD was empowered to demand the owner concerned to restore the original use; and</p> <p>(b) the Administration would act on complaints to ensure the public's compliance with the new requirements</p>	
011642 – 012010	Ms Cyd HO Administration	Ms Cyd HO's enquiry about measures to ensure owners or users of buildings were aware of the maximum loading capacity of their buildings, and the risks of overloading the buildings should there be a change of uses (especially when the change of uses did not require separate approval or licensing)	Administration to take action as required in paragraph 5(d) of the minutes
012011 – 012828	Ms Miriam LAU Chairman Administration	<p>Ms Miriam LAU's views that:</p> <p>(a) while property owners or users were generally aware that a premise was designed for "domestic" or "non-domestic" use, it would be difficult for them to obtain information about the minimum imposed load requirements for different floor uses; and</p> <p>(b) for changes in floor uses, e.g. from an office to a dance practice room or a gymnasium, which did not require approval by the relevant authorities, it would be difficult</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>for the Administration to enforce the new requirements</p> <p>The Chairman's enquiry on whether the Administration would consider including in the Occupation Permit ("OP") and other relevant public documents of relevant buildings information on the authorized uses and maximum loading of such buildings</p> <p>The Administration's response that:</p> <p>(a) an OP was only issued once to a new building to signify that it could be occupied for uses as specified in the approved plans;</p> <p>(b) OP contained brief description on the uses of a building and did not include details of the load requirements for different floor uses;</p> <p>(c) BD would follow up on changes in the use of a building and had powers to approve revised building plans and demand property owners or users to rectify building works which had contravened the provisions of the Buildings Ordinance</p>	<p>Administration to take action as required in paragraph 5(c) of the minutes</p>
012829 – 013212	Ms Cyd HO Chairman	<p>Ms Cyd HO's views that the Administration should provide adequate information on the maximum loading capacity of buildings to property owners or users</p> <p>The Chairman's request for the Administration to provide the</p>	

Time marker	Speaker	Subject(s)	Action required
		information required in paragraph 5 of the minutes for discussion at the next meeting	
013213 – 013258	Chairman	The Chairman's advice that he would work out the date of the next meeting with the Clerk and members would be informed accordingly	

Council Business Division 1
Legislative Council Secretariat
19 April 2011