

立法會
Legislative Council

LC Paper No. CB(1)1983/10-11
(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, 15 February 2011, at 8:30 am
in Conference Room B 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 Alan LEONG Kah-kit, SC
Hon Tanya CHAN
- Members absent** : Hon CHEUNG Hok-ming, GBS, JP
Hon Cyd HO Sau-lan
- Public officers attending** : Mr Edward TO Wing-hang
Principal Assistant Secretary for Development
(Planning and Lands) 3
- Mr HO Chun-hung
Assistant Secretary for Development (Buildings) 4
- 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 Connie SZETO
Chief Council Secretary (1)4

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Sharon CHUNG
Senior Council Secretary (1)4

Action

I Meeting with the Administration

- (LC Paper No. CB(1)1286/10-11(01) -- Further information from the Administration in response to members' requests made at the meeting on 8 February 2011
- L.N. 3 of 2011 -- The Building (Construction) (Amendment) Regulation 2011
- DEVB(PL-B)30/30/16 -- Legislative Council Brief
- LC Paper No. LS23/10-11 -- Legal Service Division Report
- 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))

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

2. The Administration was requested to provide information on the velocity of vehicle used in the calculation of impact forces on vehicle barriers under regulation 17(4) of the existing Building (Construction) Regulations (Cap. 123 sub. leg. B) after the meeting.

(Post-meeting note: The Administration's reply was circulated to members on 18 February 2011 vide LC Paper No. CB(1)1342/10-11.)

3. The Chairman said that the Subcommittee had completed the scrutiny of the Building (Construction) (Amendment) Regulation 2011 ("Amendment Regulation") and the Administration and the Subcommittee would not move amendments to the Amendment Regulation. He would report the deliberations of the Subcommittee to the House Committee on 25 February 2011. He advised that should individual members wished to move amendments to the Amendment Regulation, the deadline for giving notice would be 2 March 2011.

II Any other business

4. There being no other business, the meeting ended at 9:58 am.

Council Business Division 1
Legislative Council Secretariat
19 April 2011

Subcommittee on Building (Construction) (Amendment) Regulation 2011

**Proceedings of meeting
on Tuesday, 15 February 2011, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000437 – 000605	Chairman	Opening remarks	
000606 – 000909	Administration	Briefing by the Administration on further information provided in response to members' requests made at the meeting on 8 February 2011 (LC Paper No. CB(1)1286/10-11(01))	
000910 – 001145	Chairman Administration	<p>The Chairman's enquiry on:</p> <p>(a) whether the proposed minimum imposed load requirements were in general conservative in comparison with the international standards as the requirements in Hong Kong were generally higher than the average value of international standards except for uses like library rooms with book storage (excluding library stack rooms) in Class 5 under which the requirement in Hong Kong would be 5 kPa while the average value of international standards was 5.6 kPa; and</p> <p>(b) whether there were different minimum imposed load requirements for library rooms with different ceiling heights in the Amendment Regulation</p>	

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		<p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) the requirement for library rooms with book storage (excluding library stack rooms) had been adopted for decades in Hong Kong and proved to be a safe standard; (b) the USA adopted a higher standard of 7.18 kPa for library rooms because the ceiling height of and the height of book stacks used in libraries in the USA were generally much higher than those in Hong Kong; and (c) the minimum imposed load requirements for stack rooms in book stores and libraries was 10 kPa and the requirement would increase with increase in the storage height 	
001146 – 002054	Ms Audrey EU Administration	<p>Ms Audrey EU's enquiry on how the public could know about the maximum loading capacity of a building, in particular where there had been changes in floor uses</p> <p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) the details of uses of different floors of a building and the corresponding design imposed loads were shown on the approved building plan (an example was given in Annex II to LC Paper No. CB(1)1286/10-11(01)); (b) the public could view the approved building plans at the Buildings 	

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		<p>Department's Building Information Centre (BIC) or via the "BRAVO" on-line system at http://www.bravo.bd.gov.hk;</p> <p>(c) services of the BRAVO system and BIC had been widely used by the public and building professionals, for example, in 2010, there were over 70 000 cases using BIC and BRAVO for viewing approved plans, and 35 000 cases using the services to purchase copies of approved plans and related information;</p> <p>(d) there would be practical difficulty to indicate in detail the various floor uses of a building and their designed imposed loads in the Occupation Permit, the issuance of which only implied that the new building could be occupied for uses as specified in the approved plans;</p> <p>(e) the actual locations of areas of different uses in a building and their corresponding designed imposed loads could only be accurately specified through indication on a building plan;</p> <p>(f) if property owners or users had doubts about the approved use and loading capacity of their buildings, they should consult building professionals for advice;</p> <p>(g) occupiers carrying out activities in the building corresponding to the specified use would be safe, for</p>	

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		<p>instance, the imposed load specified in the Amendment Regulation for a residential building had already considered the general loads arising from daily domestic activities including the weights of furniture, bookshelves, washing machines, etc.;</p> <p>(h) under the Buildings Ordinance ("BO"), prior notice shall be given to the Buildings Authority ("BA") of any intended material change in the use of a building, such as to change a residential unit into a warehouse. Where in the opinion of BA any building was not suitable for its present or intended use by reason of its construction, he might take enforcement action to prohibit or discontinue such use of the building; and</p> <p>(i) the Administration would strengthen efforts in publicity and public education on building safety covering topics on change of use of buildings, alteration and addition works in collaboration with professional bodies such as the Hong Kong Institution of Engineers which had produced pamphlets about structural safety of buildings providing useful information to the public</p>	
002055 – 002913	Ms Audrey EU Chairman Administration	<p>Ms Audrey EU's enquiries on:</p> <p>(a) whether the figures in the "loading schedule" in Annex II to LC Paper No. CB(1)1286/10-11(01) showed</p>	

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		<p>the loading requirements of the uses in the floors; and</p> <p>(b) how the changes in the use of floors in a building would affect the loading capacity of the building and whether this would have impact on the loading requirement on uses of other floors, for instance, whether the area marked G20 in Annex II for hotel room (loading requirement of 2 kPa) could be changed to a restaurant (loading requirement of 5 kPa)</p> <p>The Administration's response that:</p> <p>(a) the imposed loading requirements varied with the intended use of an area of the floor, i.e., the loading capacity of one floor was independent of other floors in the building, and a building structure must be so designed and constructed to be capable to bear the combined dead loads, imposed loads and wind loads;</p> <p>(b) the figures in the "loading schedule" in Annex II to LC Paper No. CB(1)1286/10-11(01) showed the design imposed loads on the floors; and</p> <p>(c) if an area which was designed for hotel room (the minimum imposed load requirement was 2 kPa) was to be changed to a restaurant (the minimum imposed load requirement was 5 kPa), the change in use would not be permitted unless it met all the</p>	

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		requirements specified under BO and its subsidiary regulations	
002914 – 003046	Chairman Administration	In response to the Chairman's enquiry, the Administration explained that under the Amendment Regulation there would be approximately a saving of 5% of the total imposed load plus dead load, hence roughly a corresponding saving of about 5% in the cost of building structural materials, while the Amendment Regulation would have no impact on other cost factors, such as labour and construction technique, etc.	
003047 – 003910	Ms Miriam LAU Administration Chairman	<p>Ms Miriam LAU's enquiry on how the Administration would monitor and regulate changes in floor use, in particular when the change was not subject to prior approval or licensing requirement, and her view that property owners or users should be informed of the imposed load requirements for various floor uses and the maximum loading capacity of their buildings</p> <p>The Administration's response that:</p> <p>(a) under BO, prior notice shall be given to BA of any intended material change in the use of a building, such as to change a residential unit into a warehouse, where in the opinion of BA any building was not suitable for its present or intended use by reason of its construction, he might take enforcement action to prohibit or discontinue such use of the building;</p>	

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		<p>(b) minimum imposed loading requirements for different areas of a building were indicated in the approved building plans, and the public could view the plans at BIC or via the "BRAVO" on-line system;</p> <p>(c) property owners or users who had doubts on the loading capacity of their buildings should consult building professionals for advice; and</p> <p>(d) the Administration would collaborate with the professional bodies and seek their assistance in enhancing publicity on building safety including measures to promote public awareness of limits in loading capacity of buildings and the need to seek professional advice when in doubts</p>	
003911 – 004344	Mr Alan LEONG Administration	<p>Mr Alan LEONG's concern that with reduction in minimum imposed load requirements for some uses, the risks arising from unauthorized building works (UBWs) might increase</p> <p>The Administration's response that:</p> <p>(a) the Amendment Regulation aimed to rationalize the existing minimum imposed load requirements for some uses to bring them in line with international standards and to meet the modern-day needs of the society, there were both reduction and enhancement in requirements for uses;</p>	

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		<p>(b) the Administration had adopted a multi-pronged approach to tackle UBWs including introducing the Minor Works Control System as well as strengthening enforcement actions; and</p> <p>(c) the new requirements under the Amendment Regulation would not increase the risks that might arise from UBWs in existing buildings</p>	
004345 – 005428	Administration	<p>Clause-by-clause examination of the Amendment Regulation (Chinese version)</p> <p><u>Sections 1 and 2</u></p> <p><u>Sections 3(1) to 3(11)</u> Administration's briefing on the sections</p> <p>Members raised no question on the sections</p>	
005249 – 005527	Ms Miriam LAU Administration	<p><u>Section 3(12) – the new Table 2 (Reduction of Total Distributed Imposed Loads)</u></p> <p>Mrs Miriam LAU's enquiry on how the reduction rates as set out in the new Table 2 were compared to the standards in overseas countries</p> <p>The Administration's response that the discount rates in load reduction would be tightened up which were in line with the international standards</p>	

Time marker	Speaker	Subject(s)	Action required
005528 – 010400	Mr James TO Administration Chairman	<p data-bbox="587 264 1209 427"><u>Section 3(13) – the new Table 3 (Minimum Horizontal Imposed Loads on Protective Barriers to Restrict or Control Movement of Persons)</u></p> <p data-bbox="587 479 1209 562">In response to Mr James TO's enquiry, the Administration's response that:</p> <p data-bbox="587 613 1209 1077">(a) the purpose of section 3(13) of the Amendment Regulation was to revise the minimum horizontal imposed load on protective barriers for restricting or controlling movement of persons by specifying a new category for "areas where people may congregate but overcrowding is not expected" which was found in overseas countries;</p> <p data-bbox="587 1128 1209 1211">(b) examples of the three categories specified in the new Table 3 were --</p> <p data-bbox="651 1263 1209 1384">(i) "areas where congregation of people is not expected" -- areas for domestic use;</p> <p data-bbox="651 1435 1209 1599">(ii) "areas where people may congregate but overcrowding is not expected" -- areas for restaurants ;</p> <p data-bbox="651 1650 1209 1771">(iii) "areas susceptible to overcrowding" -- areas for exhibition halls; and</p> <p data-bbox="587 1823 1209 1989">(c) BD would issue practice notes and a code of practice to assist building practitioners in understanding the requirements</p>	

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010401 – 010506	Mr James TO Administration	<p><u>Section 3(14) – minimum design impact force on vehicle barriers (the new regulation 17(4))</u></p> <p>Mr James TO's enquiry on the changes introduced by the new regulation 17(4)</p> <p>The Administration's response that:</p> <p>(a) there was no significant change in the requirements;</p> <p>(b) the amendment aimed to combine the two existing mathematical formulae for calculating impact forces on vehicle barriers into one singular formula applicable to all situations; and</p> <p>(c) under the existing regulation 17(4), the calculation of impact forces on vehicle barriers was modeled on a condition that the vehicle was travelling at a fixed velocity, whereas the new single formula would incorporate velocity of vehicle as one of the variables for calculating impact force on vehicle barriers and hence could be used in circumstances of different velocities of vehicle</p>	
010507 – 011118	Mr James TO Administration Chairman	<p>Mr James TO's enquiry on the assumed velocity under the existing regulation 17(4)</p> <p>The Chairman's request for the Administration to provide information on the velocity of vehicle used in the calculation of impact forces on vehicle barrier under the existing regulation</p>	Administration to take action as required in paragraph 2 of the minutes

Time marker	Speaker	Subject(s)	Action required
		17(4)	
011119 – 011940	Mr James TO Administration Chairman	<p>Mr James TO's enquiry on whether the new formula for calculating the impact forces of vehicles on vehicle barriers was applicable to barriers installed along highways</p> <p>The Administration's response that the formula stipulated in the new regulation 17(4) applied to calculating impact forces on vehicle barriers in all situations, and similar principles were used for calculating the impact forces of vehicles on vehicle barriers installed along highways</p> <p>Mr TO's suggestion that to facilitate management of car parks, property management companies should be provided with information on the maximum impact forces vehicle barriers could withstand, so that "over-weighed" vehicles would not be admitted to the car parks in order to ensure the safety of car park users</p> <p>The Administration took note of the suggestion.</p>	
011941 – 012458	Administration Chairman	<p>Clause-by-clause examination of the Amendment Regulation (English version)</p> <p>Members raised no questions on the sections.</p>	
012459 – 012608	Chairman	The Chairman said that the Subcommittee had completed the scrutiny of the Amendment Regulation and he would report the deliberations to	

Time marker	Speaker	Subject(s)	Action required
		the House Committee on 25 February 2011. He also reminded members that the Amendment Regulation would come into operation on 1 August 2011.	

Council Business Division 1
Legislative Council Secretariat
19 April 2011