

New regulation and amendments to subsidiary legislation under Buildings Ordinance gazetted

The New Building (Construction) Regulation (New Regulation) and the amendments to other subsidiary legislation under the Buildings Ordinance (BO) including the Building (Administration) (Amendment) Regulation 2020, the Building (Ventilating Systems) (Amendment) Regulation 2020 and the Building (Construction) Regulations (Repeal) Regulation were gazetted today (January 10).

The New Regulation and the amendments to the subsidiary legislation aim to implement a performance-based building control system and enhance the standards on the design and construction of buildings, streets, building works and street works under the BO.

Most of the provisions in the extant Building (Construction) Regulations (B(C)R) have been in use for some 30 years. With the advancements in building technology and developments in international building codes and standards, the Government has comprehensively reviewed the extant B(C)R. The current prescriptive provisions under the extant B(C)R are converted into performance-based ones as far as practicable. Instead of prescribing requirements, these performance-based provisions specify the expected performance of the design and construction of buildings to facilitate innovation in building technology and to provide design flexibility. The New Regulation also introduces new provisions mandating provision of adequate means of access for maintenance of facilities at the exterior of buildings (for example, air-conditioners) in order to provide better protection of workers' safety.

Following the current practice, the Building Authority (BA) will issue and update codes of practice and practice notes to provide guidelines, standards and technical specifications, the compliance with which would be regarded by the BA as satisfying the performance-based requirements set out in the New Regulation.

Relevant stakeholders of the industry including various building professional institutions have been consulted and they are generally supportive of the New Regulation.

Following the gazettal today, the New Regulation will be tabled at the Legislative Council for negative vetting on January 15 and will come into operation on February 1, 2021, to allow sufficient time for the stakeholders to become familiar with the changes.