

Candidate Number:
Seat No.:

Section II

Essay Questions

The HKIA/ARB Professional Assessment 2023

Paper 1

Statutory Controls in Building Works

13 November 2023

10:00 am – 1:00 pm (3 hours, whole paper)

Venue

Rotunda 2, 3/F

Kowloonbay International Trade & Exhibition Centre (KITEC)

Kowloon Bay

Section II (60 marks):

Essay Questions (pages 1 – 10)

A total of **THREE** questions are to be answered.

Question 1 is compulsory (30 marks).

Answer any **TWO** of Questions 2, 3 and 4 (15 marks each).

Question 1 - Annex 1, Question 2 – Annex 2, 2-1 and 2-2, Question 4 – Annex 4 are provided on loose sheets.

Time recommended for this section: 1 hour 50 minutes

Notes :

1. The answer scripts will only be collected at the end of the whole paper. Please place them in the **top right-hand corner** of your desk for collection.
2. ONE answer book is provided for Section II – Essay Questions. You should use a **blue/black** ink pen, a felt pen or a ball pen to write your answers.
3. Please answer all essay questions in the same answer book (i.e. there is no need to separate your answers to different questions into separate answer books).
If necessary, you can request for additional answer books.
4. Please start the answer to each question on a new page with clear marking on the corresponding question number at the top of the page.
5. Remember to write your **candidate number and room/seat number** on the answer book(s), including all the appendices forming parts of your answers and also on the question paper.
DO NOT write your name on the question paper and answer books.

Paper 1 Section II – Essay Questions

Question 1 (COMPULSORY QUESTION – 30 marks)

A client owns a number of adjacent lots in Mongkok. He wishes to redevelop the existing old buildings on these lots into a high-rise multi-use complex.

SITE INFORMATION

Lease:	Old lease <ul style="list-style-type: none">• Use – unrestricted• Plot ratio and site coverage – unrestricted• No provisions for vehicular run-in
Zoning in Outline Zoning Plan (OZP):	Other Specified Uses “Mixed Use” (See extract of NOTES of OZP in Annex 1)
Site Classification under Buildings Ordinance:	Class C
Site Area:	2,000m ²

CLIENT’S BRIEF

- Development potential should be optimized.
- Around two-third (67%) of the available floor areas of the development complex shall be reserved for retail, commercial and cinema facilities. These facilities shall be located at the lower floors of the development.
- The remaining available floor areas to be reserved for residential flats. These flats shall be located at the upper floors of the development complex.

- (a) Explain why the client’s idea of the redevelopment is feasible on this site from the following perspectives:
- (i) Lease (2 marks)
 - (ii) Buildings Ordinance (3 marks)
 - (iii) Planning (5 marks)
- (b) What are the domestic and non-domestic gross floor areas that can be achieved on this site? Please demonstrate how your answers comply with the Outline Zoning Plan and the Buildings Ordinance. (8 marks)
- (c) Is it possible to provide car parking spaces at the basement of this complex from statutory control and lease control perspectives? Explain your answers and list out the necessary approvals that need to be obtained where applicable. (6 marks)
- (d) List out and elaborate THREE requirements under the Building (Planning) Regulations that must be followed for the design of residential buildings. (6 marks)

Answer any TWO questions from Question 2, Question 3 and Question 4.

Question 2 (15 marks)

Your client owns three lots under three separate unrestricted old leases. Two of the lots are adjacent to each other. The third lot is separated from the other two lots by a public service lane. He wishes to combine the three lots together for a new residential development. Please refer to **Annex 2-1** showing the existing lot boundaries and the public service lane (**Figure 1**), and the proposed site boundary for the intended redevelopment (**Figure 2**).

According to the Outline Zoning Plan (OZP), the three lots lie within a Comprehensive Development Area (CDA) which covers the entire street blocks. "Flat" is one of the uses listed under Column 2 of the Notes of the OZP. Please see **Annex 2-2** which is extracted from the OZP.

- (a) Since the lots are located within a CDA zone, Master Layout Plan (MLP) submission needs to be made to the Town Planning Board.
- (i) Should your MLP show the design of the three lots only or should it show the design of the entire CDA in which the three lots are located? Why? (2 marks)
- (ii) Please identify THREE technical studies that need to be submitted for the planning application, and list out (9 marks)
- the purposes of these technical studies,
 - the designs, surveys or studies that will be required to prepare these technical studies,
 - the parties responsible for their preparations; and
 - the government departments which are responsible for vetting these technical studies.
- (b) As shown in **Annex 2-1**, the client wants to combine the three lots into a single new Lot for the redevelopment.
- (i) Please discuss briefly how your client can obtain a new lease for the new Lot. (2 marks)
- (ii) The new Lot includes a section of an existing public lane, meaning that section of the lane will need to be extinguished. (2 marks)

What are the conditions that must be satisfied before the Government will consider to approve a proposal to extinguish an existing public lane?

Question 3 (15 marks)

You are the project architect for a high-rise office tower development. Exemption of gross floor area for non-mandatory features including air conditioning plant rooms was approved by the Building Authority (BA).

- (a) The foundation works have been completed on site.
- (i) Briefly describe the steps to notify the BA on the completion of the foundation works. In your answer, please include the documents, test reports and certificates that are required to be submitted. (5 marks)
- (ii) Briefly describe the roles and duties of the following parties in the notification process: (5 marks)
- Registered Specialist Contractor (Foundation Works)
 - Registered Structural Engineer
 - Authorized Person
- (b) Apart from notifying the BA about the completion of foundation works, what other statutory procedures and submissions are required before your Registered General Building Contractor can commence the superstructure construction on site? (5 marks)

Question 4 (15 marks)

A friend of yours recently bought a flat in a high-rise residential building. The typical floor plan of the building is extracted in **Annex 4**. The flat in question is Flat A.

- (a) Your friend wishes to make some changes to the flat, but he is not sure whether those changes as listed in (i) to (iv) below are allowed under the Buildings Ordinance.

For each of these proposed changes, please provide your professional advice on

- Whether the proposed change is allowed, and why?
- If the proposed change is allowed, can it be implemented without any statutory procedures? If not, what procedures must be followed to ensure that the change is acceptable under the Buildings Ordinance?
- What are the consequences if these procedures are not followed before implementing the change?

- (i) enlarge the dining room by combining it with the kitchen and removing the existing wall in between (3 marks)
- (ii) change the store room into a bedroom (2 marks)
- (iii) replace the original water basins and water closets in the bathrooms with new ones without changing their locations (2 marks)
- (iv) combine bedroom 1 and bedroom 2 by removing the existing wall in between (4 marks)

- (b) Your friend is now considering to buy the flat immediately above his original flat to create a duplex unit, and construct an internal staircase to link up the living rooms at the 2 levels. (4 marks)

Please elaborate the feasibility and procedures under the simplified requirements of the Buildings Ordinance.

END OF PAPER

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For "Mixed Use" only

Ambulance Depot	Commercial Bathhouse/Massage Establishment
Flat	Eating Place
Government Use (not elsewhere specified)	Educational Institution
House	Exhibition or Convention Hall
Library	Government Refuse Collection Point
Market	Hospital
Place of Recreation, Sports or Culture	Hotel
Public Clinic	Information Technology and Telecommunication Industries
Public Transport Terminus or Station (excluding open-air terminus or station)	Institutional Use (not elsewhere specified)
Residential Institution	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
School (in free-standing purpose-designed building only)	Office
Social Welfare Facility	Petrol Filling Station
Utility Installation for Private Project	Place of Entertainment
	Private Club
	Public Convenience
	Public Transport Terminus or Station (not elsewhere specified)
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Religious Institution
	School (not elsewhere specified)
	Shop and Services (not elsewhere specified)
	Training Centre
	Wholesale Trade

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For "Mixed Use" Only (Cont'd)

In addition, the following uses are always permitted (a) on the lowest three floors of an existing building, taken to include basements; or (b) in the purpose-designed non-residential portion of a building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room:

Eating Place
Educational Institution
Institutional Use (not elsewhere specified)
Off-course Betting Centre
Office
Place of Entertainment
Private Club
Public Convenience
Public Vehicle Park (excluding container vehicle)
Recyclable Collection Centre
School
Shop and Services
Training Centre

Planning Intention

This zone is intended primarily for high-density residential developments. Flexibility for the development/redevelopment/conversion to residential uses, or a combination of various types of compatible uses including residential/commercial, educational, cultural, recreational and entertainment uses, vertically within a building, is allowed to meet changing market needs. Physical segregation has to be provided between the residential and non-residential portions within a new/converted building to prevent nuisance causing by non-residential uses to the residents.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For "Mixed Use" Only (Cont'd)

Remarks

- (1) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in the plot ratio for the building upon development and/or redevelopment in excess of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic, or the plot ratio of the existing building, whichever is the greater.
- (2) In determining the maximum plot ratio for the purposes of paragraph (1) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (3) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building heights in terms of metres above Principal Datum as stipulated on the Plan, or the height of
Not used
- (4) abutting Sai Yeung Choi Street South shall be provided. level
- (5) In determining the relevant maximum plot ratio for the purposes of paragraph (1) above, area of any part of the site that is occupied or intended to be occupied by free-standing purpose-designed buildings (including both developed on ground and on podium level) solely for accommodating GIC facilities including school(s) as may be required by Government shall be deducted in calculating the relevant site area.
- (6) Where the permitted plot ratio as defined in Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio for the building on land to which paragraph (1) applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio specified in paragraph (1) above may thereby be exceeded.
- (7) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio and building height restrictions stated in paragraphs (1) and (3) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (8) Under exceptional circumstances, for a development or redevelopment proposal, minor relaxation of the setback requirements stated in paragraph (4) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

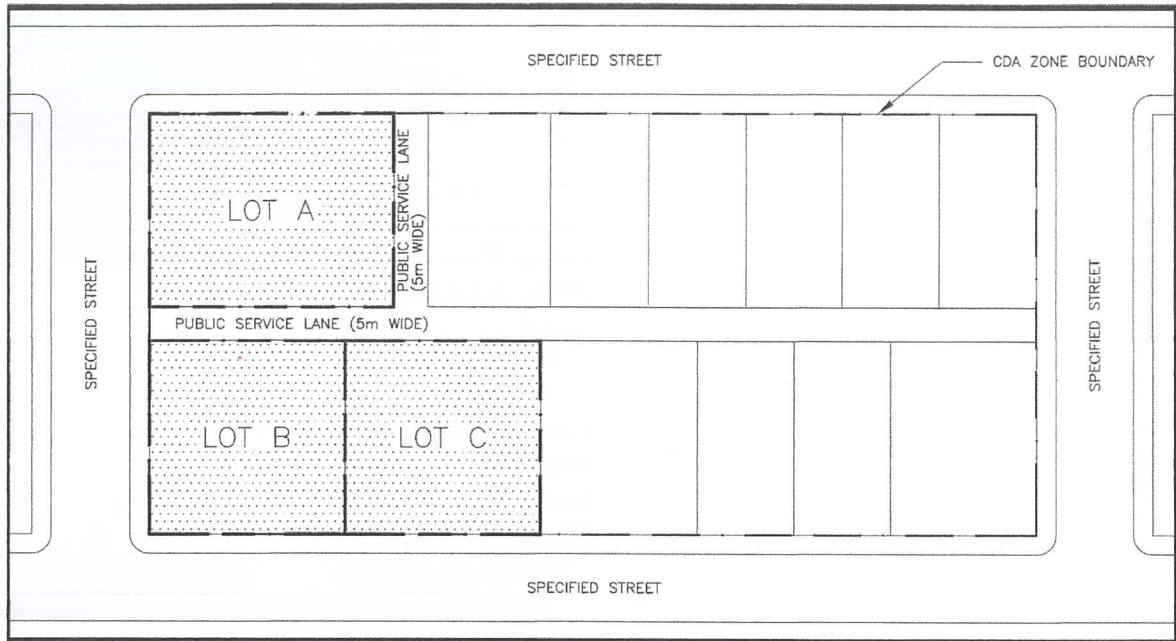


FIGURE 1: ORIGINAL LOTS BOUNDARY PLAN

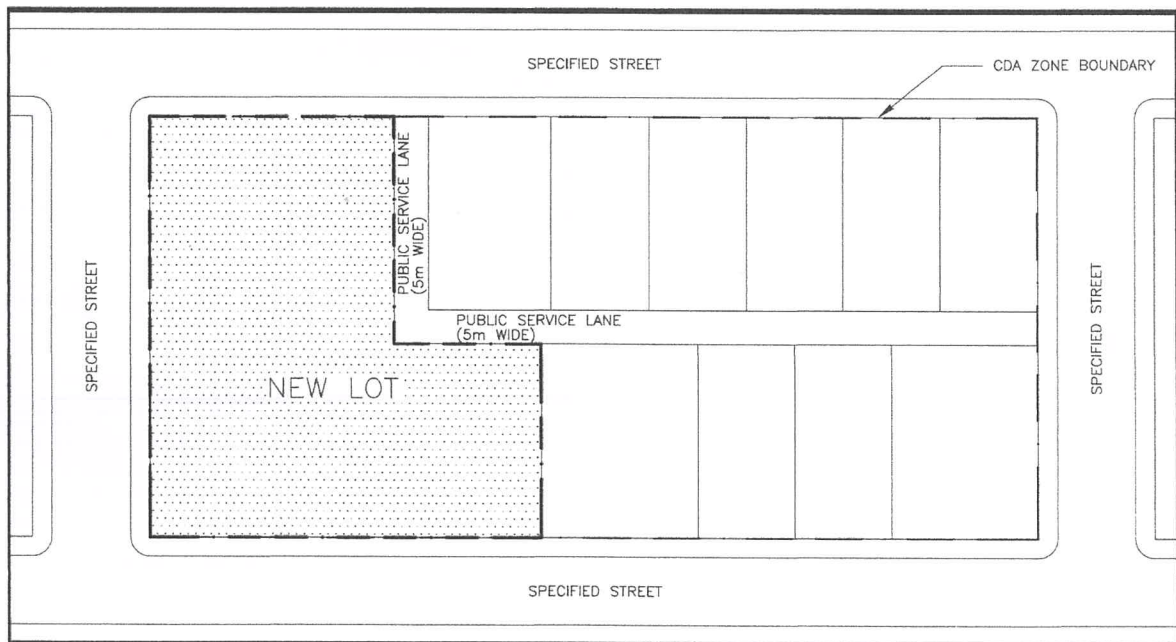
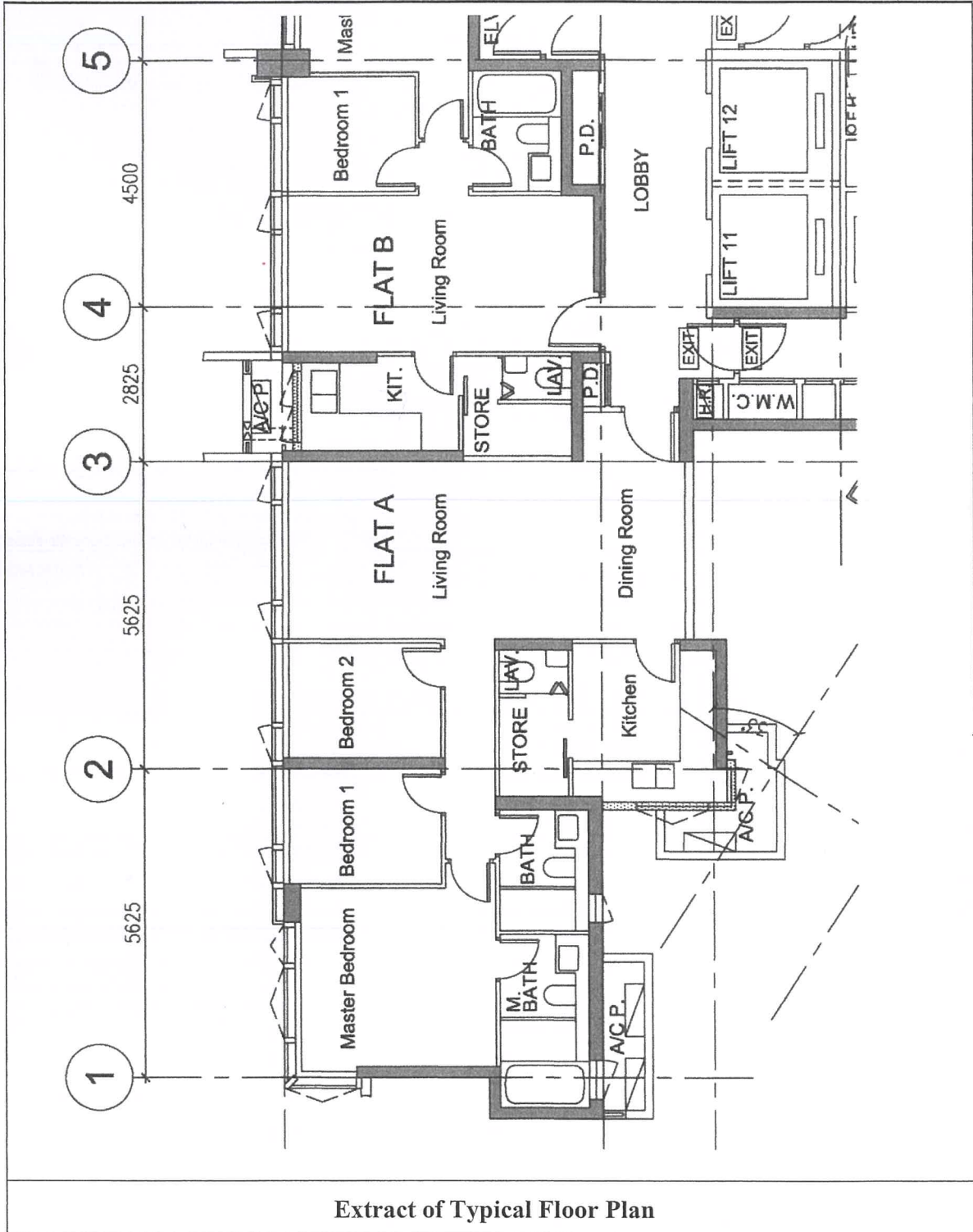


FIGURE 2: AMALGAMATED LOT BOUNDARY PLAN

COMPREHENSIVE DEVELOPMENT AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
	Ambulance Depot
	Commercial Bathhouse/Massage Establishment
	Eating Place
	Educational Institution
	Exhibition or Convention Hall
	Flat
	Government Refuse Collection Point
	Government Use (not elsewhere specified)
	Hospital
	Hotel
	House
	Information Technology and Telecommunications Industries
	Institutional Use (not elsewhere specified)
	Library
	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
	Off-course Betting Centre
	Office
	Petrol Filling Station
	Place of Entertainment
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Recyclable Collection Centre
	Religious Institution
	Residential Institution
	Research, Design and Development Centre
	School
	Shop and Services
	Social Welfare Facility
	Training Centre
	Utility Installation for Private Project



Extract of Typical Floor Plan